

Mr. Urbanski offered the following Resolution and moved its adoption:

**R-07-92**

**RESOLUTION**

**HOLD HARMLESS AGREEMENT BETWEEN THE BOROUGH OF  
HIGHLANDS AND THE GRAVELLY POINT CONDOMINIUM ASSOCIATION**

**WHEREAS**, the Borough of Highlands (hereinafter referred to as the “Borough”) and the Gravelly Point Condominium Association (hereinafter referred to as the “Association”) entered into a Municipal Services Agreement, which was approved by the Association and also by the Borough; and

**WHEREAS**, the aforementioned Municipal Services Agreement requires the Association to execute a Hold Harmless and Indemnification Agreement in favor of the Borough;

**NOW, THEREFORE (that via signatures attached)** it is hereby agreed between the Borough and the Association as follows:

1. The Association, its successors and assigns, hereby grant to the Borough, its successors and/or assigns, the right, privilege and permission to enter upon and use the Association’s premises for the purpose set forth in the Municipal Services Contract referred to herein.
2. The Borough agrees to use the subject premises for the ingress and egress of the Borough’s employees and equipment, and to perform the services set forth in the aforementioned Municipal Services Contract.
3. The Association, its successors and assigns, agree not to make any claim, cross claim, or counterclaim against the Borough for acts and omissions arising out of the performing of any acts under the Municipal Services Contract, and shall make no claim upon the Borough concerning the same.
4. The Association, its successors and assigns, agrees to hold harmless and indemnify the Borough, its agents and employees, against any claims concerning the premises within the Association of any damages or injuries caused to Association members or others on the premises.
5. Excepted from the terms of the hold harmless and indemnification language in the preceding paragraph are any acts of negligence by the Borough, its agents or employees, from which negligence person or property is directly injured or damaged. As example of direct injury or damage would be the careless driving of a garbage truck and striking person or property on the Association premises. An example of indirect injury or damage, which obligation is not assumed by the Borough, and which obligations the Association shall hold harmless and indemnify the Borough against, would be garbage truck traffic

on the interior roadway and the subsequent deterioration of the roadway, with a person or property being injured because of such deterioration.

Seconded by Mr. Caizza and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor

**O'Neil**

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Date:** May 16, 2007

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**NINA LIGHT FLANNERY**

**Borough Clerk**

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on May 16, 2007.

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**BOROUGH CLERK/DEPUTY CLERK**