

Mayor Nolan offered the following Resolution and moved on its adoption:

COUNCIL OF THE BOROUGH OF HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

RESOLUTION NO R-11-103

TITLE: RESOLUTION URGING THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION AND ITS CONTRACTORS TO FULLY AND FAIRLY COMPENSATE HIGHLANDS RESIDENTS AND BUSINESSES FOR ANY AND ALL PROPERTY DAMAGE RESULTING FROM THE RECONSTRUCTION OF THE STATE HIGHWAY ROUTE 36 HIGHLANDS BRIDGE PROJECT

WHEREAS, the Mayor and Council of the Borough of Highlands have become aware that the State of New Jersey, Department of Transportation, by and through its hired contractor, J.H. Reid, has instituted a “claims process” for property owners, residents and businesses who have been damaged as a result of the State Highway Route 36 Highlands Bridge project; and

WHEREAS, the Mayor and Council have become further aware that the claims being filed by property owners, residents and businesses are being summarily denied by J.H. Reid and/or its insurance company or private adjustor, and

WHEREAS, the denial of such claims on a wholesale basis is patently unfair, arbitrary and capricious, and otherwise unreasonable, and

WHEREAS, the Mayor and Council of the Borough of Highlands believes that it is the obligation and duty of the State of New Jersey, Department of Transportation, and its hired contractor J.H. Reid to fairly and individually assess the claims of the property owners, residents and businesses of the Borough of Highlands, and not summarily deny all such claims; and

WHEREAS, it is altogether fitting and proper for Mayor and Council of the Borough of Highlands to express its opposition to the summary denial of the claims, and to urge the State of New Jersey, Department of Transportation and its contractor, J.H. Reid to address theses claims as aforesaid; and

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. The State of New Jersey, Department of Transportation must become involved in the claims process and insure that all claims are fairly evaluated on behalf of the claimant, with all issues of doubt resolved in favor of the claimant; and
2. J.H. Reid must re-evaluate all previously denied claims and individually assess each claim in order to fairly evaluate the claim, resolving all issues of doubt in favor of the claimant; and
3. J.H. Reid must evaluate all pending claims by individually assessing each claim in order to fairly evaluate the claim, while resolving all issues of doubt in favor of the claimant; and
4. A copy of this Resolution shall be forwarded to Governor Chris Christie; the Commissioner of the New Jersey Department of Transportation and Senators Joseph Kyrillos and Sean Kean, Assemblymen David Rible and Declan O'Scanlon and Assemblywomen Amy Handlin and Mary Pat Angelini.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: Mr. O'Neil

ASBTAIN: None

DATE: April 20, 2011

Carolyn Cummins, Borough Clerk

Debby Dailey, Deputy Clerk

I hereby certify this to be a true copy of Resolution R-11-103 adopted by the Governing Body of the Borough of Highlands on April 20, 2011.

Borough Clerk/Deputy Clerk