

Mayor and Council of the Borough of Allendale
Special Session Meeting Minutes
April 17, 2017

PRESENT: Mayor Elizabeth White and Councilmembers Jackie McSwiggan, Steve Sasso, Jim Strauch and Amy Wilczynski

ABSENT: Councilmembers Ari Bernstein and Liz Homan

ALSO PRESENT: Borough Attorney Ray Wiss
Municipal Clerk Anne Dodd

A Special Session Meeting of the Mayor and Council of the Borough of Allendale was held in the Municipal Building at 500 West Crescent Avenue, Allendale, NJ on April 17, 2017. The meeting was called to order at 9:04 a.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger. Notice of this meeting by the April 12, 2017 Sunshine Notice has been sent to the Record, the Ridgewood News, and Star Ledger and has been posted on the public bulletin board in the Municipal Building and Borough website."

The Mayor led those present in a salute to the flag.

Public Comment

No one came forward.

Resolutions

17-133/Authorize the Execution of a Tolling Agreement in the matter of Walters et al v. Northern Highlands Regional High School Board of Education et al

Mayor White explained that the Borough has been asked by the parties involved in the lighting litigation matter to consider passing a tolling agreement. Although a settlement agreement has been reached by all parties regarding the athletic field lighting ordinance, she noted that a resolution to authorize said agreement has not been adopted at this point in time. As the timeframe with the courts is expiring today, she indicated that the resolution being considered this morning would allow Borough Attorney, Ray Wiss, to sign an agreement with the attorneys from both sides to hold off on any litigation involving the lights. She highlighted the last whereas clause, noting that this agreement tolls any time-based limitations or defenses which would bar the assertion of any claims and defenses in the litigation to allow the Stipulation of Settlement and Consent Order to be fully executed by the parties and the Court prior to the termination of the tolling agreement. She expressed her belief that the Planning Board, Zoning Board of Adjustment, Mayor and Council, and Board of Education will all authorize the settlement agreement by the end of the month.

Motion by Councilwoman Wilczynski, second by Councilwoman McSwiggan, that the Resolution #17-133 be approved.

On a roll call, the vote was recorded as follows:

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Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	absent	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

Resolution 17-133

WHEREAS, on October 13, 2015 a Verified Complaint was filed by Plaintiffs Michael Walters, Michael J. Simendinger and Tom McDermott (collectively the “Plaintiffs”) in the Superior Court of New Jersey, Law Division, naming as Defendants, the Northern Highlands Regional High School Board of Education, the Northern Highlands Regional High School Sports Association, Inc., the Planning Board of the Borough of Allendale, the Board of Adjustment of the Borough of Allendale, and the Borough of Allendale (collectively the “Defendants”) (the “Litigation”); and

WHEREAS, various defenses and Counterclaims were asserted by the named Defendants in the Litigation; and

WHEREAS, following the filing of the Verified Complaint certain proceedings took place in both the Law Division and the Appellate Division regarding the claims and defenses asserted in the Litigation; and

WHEREAS, the Plaintiffs and Defendants (collectively the “Parties”) to the Litigation have engaged in extended settlement negotiations in an attempt to resolve the matters in dispute in the Litigation; and

WHEREAS, as a part of such settlement discussions, and in an attempt to address the issues raised in the Litigation and to provide in, the interests of the public, for the appropriate regulation of field lighting on school athletic fields, the Borough of Allendale, on March 2, 2017, adopted Ordinance 17-03; and

WHEREAS, the Parties have now resolved the matters in dispute in the Litigation and have memorialized their agreement in a certain Stipulation of Settlement and Consent Order, the terms of which are incorporated by reference herein; and

WHEREAS, as a result of the fact the Parties and the Court have not yet all executed the Stipulation of Settlement and Consent Order, the Parties have agreed to execute a Tolling Agreement tolling any time-based limitations or defenses which would bar the assertion of any claims and defenses in the Litigation, so as to permit the Stipulation of Settlement and Consent Order to be fully executed by the Parties and the Court prior to the termination of the Tolling Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Allendale does hereby agree, ratify and approve the terms of the Tolling Agreement, a copy of which is attached hereto, and does authorize Mayor Elizabeth White or the Borough Attorney Raymond R. Wiss to execute the same on behalf of the Borough of Allendale; and

BE IT FURTHER RESOLVED, that the Mayor, the Borough Attorney and the Borough Clerk are authorized to take such additional actions as may be appropriate to implement the terms of this Resolution.

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Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilman Sasso, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:09 a.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk