

**RESOLUTION  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 4/17/17**

**RESOLUTION# 17-133**

| Council            | Motion | Second | Yes | No | Abstain | Absent |
|--------------------|--------|--------|-----|----|---------|--------|
| <b>Bernstein</b>   |        |        |     |    |         | ✓      |
| <b>Homan</b>       |        |        |     |    |         | ✓      |
| <b>McSwiggan</b>   |        | ✓      | ✓   |    |         |        |
| <b>Sasso</b>       |        |        | ✓   |    |         |        |
| <b>Strauch</b>     |        |        | ✓   |    |         |        |
| <b>Wilczynski</b>  | ✓      |        | ✓   |    |         |        |
| <b>Mayor White</b> |        |        |     |    |         |        |

**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.

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**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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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on April 17, 2017.



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Anne Dodd, RMC  
Municipal Clerk