

## **RESOLUTION NO. 1 OF 2020**

### **A RESOLUTION OF THE BOROUGH OF PLYMOUTH, LUZERNE COUNTY, PENNSYLVANIA, FILLING THE VACANCY IN COUNCIL OCCURRING DUE TO THE UNINTENTIONAL OVERSIGHT TO LIST A SEAT FOR THE MUNICIPAL ELECTION**

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**WHEREAS**, Gary Kochinski in November of 2017 was elected to a council term to commence on January 2, 2018 and end on January 3, 2022;

**WHEREAS**, Councilman Gary Kochinski resigned his position effective in August of 2018;

**WHEREAS**, Alexis Eroh was appointed to fill the vacancy resulting from the aforementioned resignation in accordance with 8 Pa.C.S. § 901(a) of the Borough Code;

**WHEREAS**, Alexis term ran from the date of her appointment in September of 2018 until January 6, 2020 as provided for in the aforementioned section of the Borough Code;

**WHEREAS**, the remainder of Gary Kochinski, which is from January 6, 2020 until January 3, 2022, should have been filed at the municipal elections occurring in 2019;

**WHEREAS**, the remainder of Gary Kochinski's term was unintentionally omitted from the Borough's request to the Luzerne County Election Bureau to be placed on the 2019 election ballot;

**WHEREAS**, when the oversight to place this term was discovered by Councilwomen Alexis Eroh, it was too late to place it on the ballot for the November 2019 election;

**WHEREAS**, in an effort to fill the remainder of former councilman's term by virtue of the election process, the Borough petition the Luzerne County Court of Common Pleas to issue a Writ for Special Election order an election to fill the remainder of the term;

**WHEREAS**, by Court order dated November 22, 2019, the request for a special election was denied and in said Order the Court referred to 8 Pa.C.S. § 901(a) of the Borough Code as the method for filling vacancies in elected borough offices;

**WHEREAS**, Plymouth Borough was incorporated and has been functioning with seven council positions and therefore, as a result of the oversight to list the remainder of the term for election as well as obtain a special election to fill such term, there now exists a vacancy in Borough Council which must be filled in order to continue to operate with a full compliment of council;

**WHEREAS**, under the circumstances set forth above, the only recourse to fill the vacancy is to utilize Section 901 of the Borough Code;

**WHEREAS**, Section 901 of the Borough Code, 8 Pa.C.S. § 901(a) authorizes the Borough Council to fill such a vacancy within thirty (30) days thereof, by appointing by Resolution, a registered elector of the Borough to hold such office, until former Councilman, Gary Kochinski's term expires on January 3, 2022;

**WHEREAS**, Section 901 of the Borough Code requires that the person appointed to fill such a vacancy be a registered elector of the Borough and have resided continuously in the Borough for at least one (1) year immediately prior to being appointed to fill the vacancy;

**WHEREAS**, Councilwomen, Alexis Eroh has been actively involved in the operation of the Borough and has demonstrated her commitment and dedication to her duties as a Council person by participating in the operation of the Borough far and above just merely attending the monthly meetings;

**WHEREAS**, Alexis Eroh based on her actions clearly has demonstrated that she deserves to fill out the remainder of the term in the aforementioned vacant council position;

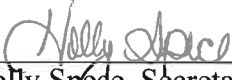
**NOW, THEREFORE, BE IT RESOLVED** by the Plymouth Borough Council that due to the expiration of the Council term that expired at the reorganization of Council immediately prior to this special meeting on January 6, 2019, Council hereby declares that the seat is vacant for the term commencing this date and expiring on January 3, 2022. In conformity with the authority, dictates and requirements of Section 901 of the Borough Code, Council does hereby appoint Alexis Eroh a registered elector of Plymouth Borough, who has resided within the Borough for at least one (1) year immediately prior to this appointment to fill the vacancy caused by the unintentional oversight to list the aforementioned seat for 2019 municipal elections, and to serve as a member of Plymouth Borough Council effective immediately until the first Monday in January 2022, which is January 3, 2022.

The person appointed above shall give bond if required by law or any Ordinance of the Borough.

This Resolution shall be effective immediately upon adoption by Council.

Resolved and adopted at a special meeting of the Plymouth Borough Council held on this 6<sup>th</sup> day of January, 2020.

ATTEST:

  
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Holly Spece, Secretary

(Municipal Seal)

**BOROUGH OF PLYMOUTH:**

By:   
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Ron Kobusky, Council President