

**BOROUGH OF PENNINGTON
RESOLUTION 2025 – 4.9**

**RESOLUTION AUTHORIZING ADDITIONAL FEES FOR
SPECIAL AFFORDABLE HOUSING COUNSEL**

WHEREAS, Edwin W. Schmierer, Esq. of the firm of Mason, Griffin and Pierson, PC (“Special Affordable Housing Counsel”) provides legal services to the Borough related to the Borough’s Affordable Housing Trust Fund, Spending Plan and other issues related to the Borough’s Affordable Housing Program including in particular the Borough’s Forth Round obligations; and

WHEREAS, these services and related professional services agreement were most recently authorized by Resolution 2025-1.31, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., for representation of the Borough in Declaratory Judgment litigation and related work on the Borough’s Fourth Round Housing Element/Fair Share Plan (HEFSP);

WHEREAS, Resolution 2025-1.31 authorizes expenditures for these services in an amount not to exceed \$3,000, payable from the Borough’s Affordable Housing Trust Fund; and

WHEREAS, Special Affordable Housing Counsel has now obtained a Court Order tentatively establishing the Borough’s Fourth Round Obligation and authorizing the next steps that must be accomplished by June 2025; and

WHEREAS, the Borough Planner will draft the HEFSP for the June deadline but legal issues will have to be addressed as the plans are prepared, with respect in particular to emergency Uniform Housing Affordability Controls (UHAC) adopted by the NJHMFA on December 19, 2024, revised administrative regulations at NJAC 5:99-1 released by the State on March 17, 2025, and questions raised by the Borough’s affordable housing consultant at Community Grants Housing and Planning concerning the extension of existing affordability controls; and

WHEREAS, in light of the above, more time than anticipated has been and will be required for the legal services of Special Affordable Housing Counsel; and

WHEREAS, Borough Council seeks to increase authorized expenditures by an additional \$3,000, for the additional services and to cover the overrun of \$1,051. on the earlier authorization, for a total authorized amount not to exceed \$6,000. without further authorization by Borough Council; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Affordable Housing Trust Fund for this additional amount;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that an additional amount not to exceed \$3,000. is hereby authorized for Special Affordable Housing Counsel to cover both the overrun of \$1,051. on the earlier authorization and additional services, to be paid from the Borough Affordable Housing Trust Fund.

Record of Council Vote on Passage

| COUNCILMAN | AYE | NAY | N.V. | A.B. | COUNCILMAN | AYE | NAY | N.V. | A.B. |
|-------------------|------------|------------|-------------|-------------|-------------------|------------|------------|-------------|-------------|
| Angarone | | | | | Rubenstein | | | | |
| Chandler | | | | | Stern | | | | |
| Marciante | | | | | Valenza | | | | |

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on April 7, 2025.

Elizabeth Sterling, Borough Clerk