



Municipality of Princeton

Municipal Building
400 Witherspoon Street
Princeton, NJ 08540-3496

Department of Community Development
Office of the Engineer
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ROBERT V. KISER, P.E.
Director of Engineering

MEMORANDUM

TO: Robert Bruschi, Administrator

FROM: Robert V. Kiser, P.E., Director of Engineering

DATE: May 8, 2013

SUBJECT: **Execution of Hold Harmless Document relating to entrance improvements to Mountain Lakes funded by an anonymous donor**

Attached herewith please find a resolution prepared by Edmond Konin, Assistant Municipal Attorney, providing for the preparation and issuance of an appropriate hold harmless document in the favor of the anonymous donor.

The donor has agreed to fund up to a total of \$37,500 for the entrance improvements at this time. The improvements and estimated costs are broken down as follows:

Signage improvements	\$26,000
Removal of certain trees and clean-up of entrance	\$2,150
Removal of stumps, topsoil, grade and seed entrance area	\$9,100
Total	\$37,500

The legal authorization to have these improvements completed by the vendor's specified by the donor is detailed in the attached memorandum dated May 6, 2013, from Edmond Konin, Assistant Municipal Attorney.

Council's consideration in adopting the attached resolution at this time so that the improvement work may proceed will be appreciated.

Please contact either myself or Deanna L. Stockton, P.E., Assistant Engineer, if you have any questions.

Robert V. Kiser, P.E., Director of Engineering

RVK/cc

c: Linda McDermott, Municipal Clerk
Edwin W. Schmierer, Municipal Attorney
Edmond Konin, Assistant Municipal Attorney
Kathy Monzo, Deputy Administrator/Director of Finance
Sandy Webb, CFO
Deanna Stockton, P.E., Assistant Engineer
Christine Lewandoski, DDEO/Historic Preservation Officer/Assistant Zoning Officer

**MUNICIPALITY OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY**

RESOLUTION

WHEREAS, an anonymous donor has provided significant funding to the Municipality in order to facilitate New Signage and Landscaping Improvements at the Mountain Lakes Entrance; and

WHEREAS, the donor has requested that Princeton indemnify and hold the donor harmless in the unlikely event a claim is made or legal proceeding is commenced in connection with the work of the project funded by the donor, and the donor is named as a party to any such claim or proceeding; and

WHEREAS, the Princeton Council has no objection to providing this extra level of protection to the donor:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton that the Municipal Attorney prepare an appropriate indemnification and hold harmless document in favor of the donor.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the aforesaid document for submission to the donor.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Ms. Butler								
Mrs. Crumiller								
Ms. Howard								
Mr. Liverman								
Mr. Miller								
Mr. Simon								
Mayor Lempert								

I, Linda S. McDermott, Clerk of the Municipality of Princeton, do hereby certify that the above is a true and complete copy of a resolution adopted by the Mayor and Council of said Municipality at a meeting held May 13, 2013.

IN WITNESS WHEREOF, I hereunto set my hand and affix the corporate seal of said Municipality, this 14th day of May, 2013.

Linda S. McDermott
Municipal Clerk

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

CONFIDENTIAL COMMUNICATION OF COUNSEL

MEMORANDUM

To: Robert V. Kiser, Municipal Engineer

From: Edmond M. Konin, Assistant Princeton Attorney

Date: May 6, 2013

Re: Anonymous Donation for Mountain Lakes and Parking Lot Entrances

This will confirm our recent telephone discussion concerning the various procedural and documentation requirements in connection with the anticipated donation of funds for the New Signage and Landscaping Improvements at the Mountain Lakes and Parking Lot Entrances. The topics that we discussed are as follows:

1. As you know, under the New Jersey local public contracts law (LPCL), if a donation to a municipality contains restrictions or conditions, such as use for a specific project, and/or engagement of a certain vendor or vendors, the municipality is free to follow the donor's wishes, without regard to the bidding or quoting provisions of the LCPL. In this particular case, however, the services and amounts involved would not have required the solicitation of bids or quotes, since the largest part of the donation is specified for professional architectural services, and costs of the other two segments are well below Princeton's bid threshold.
2. Similarly, minimum wage requirements do not apply, since the architect is self-employed and the costs of the other two vendors are below the prevailing wage threshold of \$14,187.00.
3. Resolutions engaging the architect and the other two vendors will be necessary, as will the usual insurance requirements and indemnifications. Also, the usual affirmative action forms will be required. As we discussed, I will prepare the appropriate resolutions, and the professional services agreement for the architect. Please let me know when they will be needed. We have agreed that the two landscape/tree service vendors can be engaged through a purchase order, as long as the above documents are also required.
4. I have already provided you with a hold harmless agreement in favor of the donor, along with a resolution approving that agreement. Other than the change from Township two Municipality, those documents are identical to those used with the previous donation by the same donor.

Please let me know if you have any further questions or comments concerning this process.

c: Edwin W. Schmierer, Princeton Attorney