



Mayor and Council

400 Witherspoon Street
Princeton, NJ 08540

Meeting: 12/09/19 06:00 PM

Department: Clerk

RESOLUTION 19-364

Resolution Authorizing a Professional Services Agreement to Gerald Muller, Esq. of Miller Porter & Muller, P.C. to Defend the Planning Board in the Land Use Litigation Not to Exceed in the Amount of \$27,500.00

WHEREAS, on or about September 3, 2019, the Old Orchard Village Homeowners Association, Inc. filed a lawsuit against the Princeton Planning Board and 900 Herrontown Princeton, LLC challenging the Planning Board's decision in connection with 900 Herrontown Princeton, LLC's application for development; and

WHEREAS, the municipality of Princeton seeks to hire legal counsel for purposes of representing Princeton's interests, and specifically defending the Planning Board, in connection with said litigation; and

WHEREAS, Gerald Muller, Esq. of the law firm of Miller Porter & Muller, P.C. has submitted a proposal to render the sought-after services to Princeton at a rate of \$210.00 per hour, and the Planning Board has formally requested the Council's award of a professional services contract to Miller Porter & Muller, P.C. for these purposes; and

WHEREAS, Princeton has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Miller Porter & Muller, P.C. has completed and filed with Princeton the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and affidavit pursuant section 2-87 of the Princeton Code (collectively, the "Pay-to-Play Forms"); and

WHEREAS, the professional legal services shall not exceed a total of \$27,500.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services from 01-201-20-155-450 Legal Services & Costs - Other Expenses - Litigation; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), authorizes Princeton to award this agreement as a professional services agreement, without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Gerald Muller, Esq. of the law firm of Miller Porter & Muller, P.C., to represent Princeton and specifically the Planning Board in the lawsuit filed on or about September 3, 2019 against the Planning Board and 900 Herrontown Princeton, LLC in connection with the Planning Board's approval of 900 Herrontown Princeton, LLC's application for development.
2. The agreement is awarded without competitive bidding as a professional services agreement as authorized under N.J.S.A. 40A:11-5(1)(a)(i).
3. Miller Porter & Muller, P.C. shall be paid a fee not to exceed \$27,500, and the agreement shall terminate at the conclusion of the litigation or December 3, 2020, whichever first occurs.
4. A copy of this Resolution, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Clerk.

5. A notice of this action shall be published in the official newspaper as required by law.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X			X			
Ms. Crumiller		X		X	X			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Mr. Quinn		X			X			
Mr. Williamson		X	X		X			
Mayor Lempert		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held December 9, 2019.


 Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- MPM PSA Planning Board Litigation (DOCX)
- Exhibits A and B Aff Action and Bus Registration(DOCX)
- 900 herrontown (003) (PDF)
- GM PSA 900 Herrontown (003) (PDF)