



**Mayor and Council**

400 Witherspoon Street  
Princeton, NJ 08540

Meeting: 03/09/20 05:30 PM

Department: Clerk

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**RESOLUTION 20-120**

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**Resolution Authorizing a Professional Services Agreement with Scarinci & Hollenbeck, LLC and John M. Scagnelli, Esq. in an amount not to exceed \$50,000.00 for Professional Legal Services (Defense of NJDEP Solid Waste Enforcement Action, 290-298 River Road)**

WHEREAS, PRINCETON requires specialized environmental legal services in connection with various environmental issues at its facility located at 298 River Road, including but not limited to such services as may be required to defend Princeton in the enforcement action brought by the New Jersey Department of Environmental Protection (“NJDEP”) Bureau of Solid Waste in connection with said facility; and

WHEREAS, by letter dated October 10, 2019 as supplemented by letter dated January 21, 2020 (collectively, the “Proposal”), CONSULTANT submitted a proposal for purposes of performing the sought-after professional services at the rates set forth in the October 10, 2019 letter, for an estimated not-to-exceed cost of \$50,000.00; 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, Scarinci & Hollenbeck, LLC and John M. Scagnelli, Esq. 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 term of the agreement shall be for one year, retroactive to January 1, 2020, and the professional legal services shall not exceed a total cost of \$50,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services from Account No. 01-201-20-111-283; 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 John M. Scagnelli, Esq. of the law firm of Scarinci & Hollenbeck, LLC (CONSULTANT), to provide special counsel environmental legal services to Princeton in connection with its facility located at 298 River Road, including but not limited to such services as may be required to defend Princeton in the enforcement action brought by the New Jersey Department of Environmental Protection (“NJDEP”) Bureau of Solid Waste in connection with said facility, as set forth in more detail in CONSULTANT’s letters dated October 10, 2019 and January 21, 2020 (collectively, the “Proposal”).
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. CONSULTANT shall be compensated for its services at the rates set forth on page 2 of its October 10, 2019 letter, for a not-to-exceed cost of \$50,000.00, and the agreement shall terminate on December 31, 2020 or when the services described in the Proposal are concluded, whichever shall first occur.

- 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.
- 6. This resolution shall take effect immediately.

Councilperson	Absent	Present	1 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X		X	X			
Ms. Fraga		X			X			
Ms. Niedergang		X	X		X			
Ms. Pirone Lambros		X			X			
Ms. Sacks		X			X			
Mr. Williamson		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 March 9, 2020.

  
 Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- Scagnelli PSA + exhibits (legal services--River Road environmental issues) (DOCX)
- Memo re Scagnelli PSA (PDF)