



RESOLUTION 20-228

Resolution Approving Professional Services Agreement with Miller Porter & Muller, P.C. for Legal Services to the Planning Board Not to Exceed \$25,000.00

WHEREAS, on or about February 3, 2020, litigation captioned *375 Terhune LLC v. Municipality of Princeton, Mayor And Council Of Princeton, Princeton Planning Board, 100 & 101 Thanet Circle LLC, and AvalonBay Communities, Inc.* (Docket No. MER-L-245-20) was filed against the Princeton Planning Board and others challenging the designation of Block 5502, Lot 4 as a non-condemnation area in need of redevelopment; and

WHEREAS, the Princeton Planning Board requires legal services in connection with said litigation; and

WHEREAS, Gerald Muller, Esq. of the law firm of Miller Porter & Muller, P.C., who serves as the Princeton Planning Board Attorney, has submitted a proposal to render the sought-after services to the Planning Board in connection with the above-captioned lawsuit at a rate of \$210.00 per hour for an estimated total cost of \$25,0000.00, 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 \$25,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services; 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 the Princeton Planning Board in the lawsuit filed on or about February 3, 2020 against the Planning Board and others, captioned 375 Terhune, LLC v. Municipality of Princeton, Docket No. MER-L-245-20.
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 \$25,000, and the agreement shall terminate at the conclusion of the litigation or one year from the date of its execution, 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 Municipal 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. Fraga		X			X			
Ms. Pirone Lambros		X			X			
Ms. Niedergang		X		X	X			
Ms. Sacks		X			X			
Mr. Williamson		X	X		X			
Mayor Lempert		X						

I, Delores A. Williams, RMC, 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 on July 13, 2020.



Delores A. Williams, RMC, Municipal Clerk

ATTACHMENTS:

- MPM PSA 375 Terhune LLC v. Princeton et al (PDF)
- PB reso and MPM proposal for 375 Terhune litigation (PDF)