



RESOLUTION 22-35

Resolution Awarding Professional Services Agreement to Law Offices of Gerald Muller, P.C. in Connection with Litigation Against the Princeton Planning Board Not to Exceed Amount of \$20,000.00

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 litigation at the trial level entitled Nissenbaum v. Trustees of Princeton University and the Princeton Planning Board; and

WHEREAS, Gerald Muller, Esq. of the Law Offices of Gerald 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 the Law Offices of Gerald 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, the Law Offices of Gerald 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 \$20,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services from 01-201-20-155-279; and

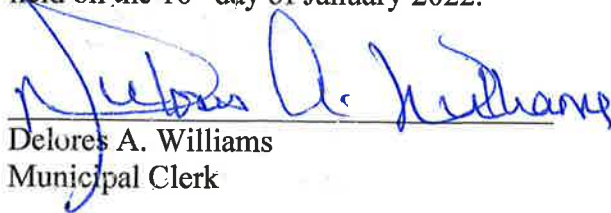
WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), authorizes Princeton to award this agreement as a professional services agreement, without public bidding.

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 Offices of Gerald Muller, P.C., to represent Princeton and specifically the Planning Board in the lawsuit entitled Nissenbaum v. Trustees of Princeton University and the Princeton Planning Board.
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. The Law Offices of Gerald Muller, P.C. shall be paid a fee not to exceed \$20,000, and the agreement shall terminate at the conclusion of the trial court level of the litigation or December 31, 2022, 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		X			
Ms. Fraga		X			X			
Ms. Pirone Lambros		X			X			
Ms. Niedergang		X			X			
Ms. Sacks		X		X	X			
Mr. Newlin		X			X			
Mayor Freda		X						

I, Delores A. Williams, Clerk of the Municipality of Princeton, do hereby certify that the above Resolution was adopted by the Municipality of Princeton Council at its regular meeting held on the 10th day of January 2022.



Delores A. Williams
Municipal Clerk

ATTACHMENTS:

- PSA Planning Board Litigation - Gerald Muller (DOCX)