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RESOLUTION 19-194

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**Resolution Approving Professional Services Agreement with Miller  
Porter & Muller, P.C. for Conflict Counsel Services Not to Exceed  
\$4,500.00**

WHEREAS, the municipality of Princeton requires the services of an attorney to serve as conflict counsel in litigation captioned Agnes Sung v. Princeton, bearing docket number MER-SC-332-19; and

WHEREAS, Miller Porter & Muller, P.C. (“MPM”), a law firm located at One Palmer Square, Suite 540, Princeton, New Jersey 08542, has offered to provide the sought-after legal services to Princeton for a not-to-exceed cost of four thousand five hundred dollars (\$4500.00); 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

WHEREAS, MPM currently serves as the Princeton Planning Board Attorney and in connection therewith 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 agreement shall be for an amount not to exceed \$4,500.00 and a term of one year or when the litigation is concluded (whichever first occurs), as more specifically described in the Agreement for Professional 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;

and

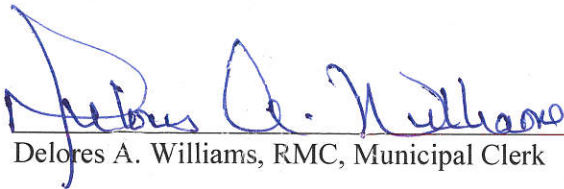
WHEREAS, there are sufficient available funds for this purchase, as set forth in the Certification of Available Funds completed by the Chief Financial Officer and submitted herewith.

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 a Professional Services Agreement with Miller Porter & Muller, P.C., One Palmer Square, Suite 540, Princeton, New Jersey 08542, to represent and defend Princeton in Agnes Sung v. Princeton, Docket No. MER-SC-332-19, and as described more fully in the above “Whereas” clauses.
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. MPM shall be paid a fee not to exceed \$4,500.00. The term of the agreement shall be one year or when the litigation is concluded, 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 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X			X			
Ms. Crumiller		X			X			
Ms. Fraga		X			X			
Ms. Niedergang		X		X	X			
Mr. Quinn		X	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 on June 24, 2019.



Delores A. Williams, RMC, Municipal Clerk

**ATTACHMENTS:**

- MPM conflict counsel PSA Sung v Princeton (PDF)
- Memo re MPM conflict counsel PSA (PDF)