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August 28, 2024

Joseph Danielsen, Executive Director
and Special Project Manager
Franklin Township Sewerage Authority
70 Commerce Drive
Somerset, New Jersey 08873

Via Email Only
Personal and Confidential
For Client's Eyes Only
Attorney-Client Privilege

**Re: August 2024 Status Memo
Our File No. 3151-1000**

Dear Mr. Danielsen:

As per your request, please find enclosed the Firm's August 2024 status report for the upcoming September 3rd Board meeting. Please review same and advise if there are any additions, corrections, deletions, etc. Otherwise, we look forward to attending the prep meeting on Thursday, August 29, 2024, at 2:00 p.m. Your prompt attention and response in this matter is greatly appreciated.

Very truly yours,
ERIC M. BERNSTEIN & ASSOCIATES, L.L.C.

By: *Eric M. Bernstein*
Eric M. Bernstein, Esq.

EMB/BMH

Enclosure

cc *(With Enclosure) (Via Email Only) (Personal & Confidential)*:
Dr. Apryl Roach, MBA, MSHRM, Q.P.A., R.P.P.S., Administrative Manager/ Chief Human
Resources Officer

MEMORANDUM

August 28, 2024

To: Franklin Township Sewerage Authority Chairman and Commissioners

From: Eric M. Bernstein, Esquire

Below is a status report of pending matters for the Franklin Township Sewerage Authority:

1. **Somerset Street Pump Station:** The Authority seeks to rehabilitate the Pump Station; we are involved in the legal aspects of all issues as to same. Our office reviewed the sole bid and bid documents received from Pumping Services, Inc. for the self-priming centrifugal pump contract and approved same. We have drafted a resolution awarding a contract to Pumping Services, Inc. as the sole responsive and responsible bidder for the contract for consideration at the September 5, 2023 Board meeting. Our office was asked to draft and send a letter to the owner of property adjacent to the Somerset Street Pump Station regarding their trespassing on the Authority's property. Said letter has been sent and we are awaiting a response. Our office reviewed the three (3) bids that were received by the Authority and prepared a resolution awarding a contract to the lowest responsive and responsible bidder for the Board's consideration at the Board meeting scheduled for March 5, 2024. The Board adopted the resolution awarding the contract at the March 5th Board meeting. Nothing new to report.
2. **Commerce Drive Pump Station:** Reviewed draft proposal by CME for upgrades to pump station and drafted affirming resolution. Our office has prepared a resolution authorizing the advertisement of the receipt of bids for this Project for the Board's consideration at the May 7, 2024 meeting. Our office was requested to review a draft agreement regarding the purchase of riparian zone mitigation credits relative to this project. We have provided the Executive Director with our comments as to same. Our office completed review of a draft addendum to the bid specifications that were prepared by the Authority's Engineer. Our office has completed its review of a second (2nd) draft addendum to the bid specifications that was prepared by the Authority's Engineer. Our office reviewed the six (6) bids that were received for this Project and has made a recommendation as to an award of the contract to Sovereign Consulting, Inc. ("Sovereign"), the lowest responsive and responsible bidder in the total amount of \$1,519,000.00. We have also reviewed a bid challenge that was submitted the second (2nd) lowest bidder, DeMaio Electrical Company, Inc. ("DeMaio") in which DeMaio raises purported deficiencies in the bid that has been submitted by Sovereign. We have reviewed the bid challenge and have determined that the issues that have been raised by DeMaio do NOT render the bid submitted by Sovereign as nonresponsive and that the contract may be awarded to Sovereign. In this regard, we have further prepared a resolution for the Board's consideration at the August 6, 2024, Board Meeting. On August 12, 2024, our office

consulted with counsel for DeMaio regarding the issues raised in DeMaio's bid protest. Nothing else has been received subsequent.

3. **North Crossing – Marcy Street Area:** An award to build the project was approved by the Board at its January 5, 2021 meeting. Pursuant to the request of the Executive Director, our office drafted a Memorandum of Agreement between the Authority and New Jersey American Water (“NJAW”) for the payment by NJAW to the Authority of certain costs to repair damage that was previously caused by NJAW to various concrete curbs and sidewalks in the vicinity of Marcy Street. The repair work will be performed by the Authority’s contractor pursuant to a change order in conjunction with the Marcy Street Sewer Rehabilitation Project. The parties are very close to an approved agreement ready to be executed. Our office reviewed proposed changes that were made by NJAW to the draft Memorandum of Agreement and found them to be acceptable. NJAW has executed the Memorandum of Agreement and our office has prepared a resolution for the August 2, 2022 Board meeting authorizing the execution of same by the Authority. Our office provided comments on the draft letter to Jo-Med Contracting Corp. that was prepared by CME Associates.

Our office also prepared a resolution authorizing the execution of an amendment to the Engineering Services Agreement with CME Associates for construction phase services for the Sanitary Sewer Rehabilitation Project – Marcy Street Area for the October 4, 2022 Board meeting. Nothing further to report. Our office has attended several meetings with Authority staff and CME Associates to discuss the deficiencies in the sewer laterals that were installed by Jo-Med Contracting Corp. (“Jo-Med”) as well as Jo-Med’s dispute with its subcontractor, National Water Main. A letter has been sent to Jo-Med requesting a meeting to discuss same that our office will also attend. We have also been provided with and have reviewed the contract documents to evaluate potential claims that may be made against Jo-Med by the Authority. We have also been provided with and have reviewed a delay claim due to inaccurate water utility mark-outs that has been submitted by Jo-Med and have consulted with CME Associates and Authority staff regarding same.

Our office sent a letter to Jo-Med, dated February 3, 2023, relative to the deficiencies in the sewer laterals and advising Jo-Med of the Authority’s potential claims relative to same. Our office also attended a meeting on February 13, 2023, with Authority staff, CME Associates and Jo-Med at the Authority’s offices to discuss the lateral deficiencies and Jo-Med’s plan to rectify same and to complete the Project. We provided comments to the meeting minutes that were prepared by CME Associates regarding the meeting with Jo-Med. Jo-Med is also proposing a new subcontractor to do the lateral lining work and our office provided comments to Authority staff and CME regarding Jo-Med’s submittals relative to the proposed subcontractor. Our office has been conferring with CME Associates and Authority staff on an ongoing basis relative to the issues concerning Jo-Med and the completion of the Project. We have also reviewed and provided comments on Jo-Med’s proposed change order and proposed subcontractor documents regarding the lateral lining work. On March

23, 2023, our office participated in a telephone conference call with John Medeiros of Jo-Med and Willam Korosec of CME to discuss the Authority's concerns relative to Jo-Med's proposed subcontractor for the lateral lining work. Our office continues to confer with CME Associates and Authority staff on a weekly basis relative to the issues concerning Jo-Med and the completion of the Project. Our office also reviewed the qualifications of Jo-Med's proposed subcontractor for the lateral lining work, Trenchless Today, and performed legal research regarding the Public Works Contractor Registration Act with respect to same. Trenchless Today has since walked off the project and has refused to work with Jo-Med. We have been given direction by the Executive Director to move forward as expeditiously as possible to insure compliance and completion of this project. Accordingly, on April 28, 2023, our office issued to Jo-Med a Notice of Intent to Terminate the Contract due to Jo-Med's persistent failure to perform the Work in accordance with the Contract Documents. Within seven (7) calendar days of the date of the Notice, Jo-Med must begin to correct all of Jo-Med's failure to perform and must proceed diligently to cure such failure within no more than thirty (30) calendar days of the date of the Notice. Otherwise, Jo-Med has been advised that if the Authority proceeds to terminate the services of Jo-Med, Jo-Med shall be responsible to the Authority for any claims, losses and damages that exceed the unpaid balance on the Contract, including, but not limited to, paying the Authority for the difference in the cost of completing the Work if the Authority is forced to have another contractor complete the Work. The Authority shall also submit a claim under Jo-Med's Performance Bond.

As of June 22, 2023, Jo-Med through its subcontractor, BLD Services, LLC has completed the Lateral Deficiency work, which work also consisted of the installation of the remaining seven (7) Contract Lateral Connection Repairs (LCRs) that were not completed by National Water Main. Accordingly, Jo-Med has completed all Lateral Deficiencies and Contract LCRs to date. Jo-Med proposes to perform the paving work in August. The Authority has withheld Pay Application No. 11 from Jo-Med pending the completion of the Lateral Deficiency corrective work. Now that the Lateral Deficiency corrective work has been completed, we recommend that the Authority release the money to Jo-Med for Payment Application No. 11.

On July 19, 2023, our office participated in a meeting with the Executive Director, Scott Nocero and CME Associates regarding various contract close-out issues. Jo-Med has asserted various claims that the Authority is responding to. We will assist in these issues as necessary. We continue to work with the Authority and its other professionals to address all outstanding close-out issues. Our office has consulted with CME Associates regarding Jo-Med's water utility mark-out/delay claim. On October 23, 2023, our office also participated in a meeting with the Executive Director, Scott Nocero and CME Associates, via Teams, regarding Jo-Med's water utility mark-out/delay claim. Our office also reviewed draft correspondence to Jo-Med prepared by CME Associates and commented as to same. Our office further performed legal research as to Jo-Med's water utility mark-out/delay claim. On November 13, 2023, our office participated in a meeting with the Authority and CME Associates regarding Jo-Med's water utility mark-out/delay

claim. We have also been requested to attend a meeting with Jo-Med and CME Associates on November 30, 2023, as to same. On November 30, 2023, our office participated in a meeting with the Authority, CME Associates and Jo-Med regarding Jo-Med's water utility mark-out/delay claim. We have also had on-going discussions with and meetings with CME and the Authority with respect to same. On March 8, 2024, we reviewed the final invoice/change orders that were received from Jo-Med Contracting for the Project close-out and advised the Authority on same. Our office prepared a Settlement Agreement and General Release, which has been executed by Jo-Med as part of the close-out of the contract. Nothing new to report.

4. **Contracts and Policies:** Handling advice and assistance issues with Executive Director and staff on contracts and policies, as well as applicability on new State laws/ regulations. Continuing issues as to COVID policies as well, including the issue of vaccine policies. Reviewing new law regarding Utility Bills Extension Payment Plans. Provided opinion letter to Executive Director as to the impact of the extension payment law. This office has provided an updated opinion letter and additional guidance, as well as meeting with the Executive Director as to such. Nothing new to report.
5. **General:** Assistance as to day to day operational and policy issues that require legal advice, guidance and/or assistance. Ongoing.
6. **City of New Brunswick:** Ongoing negotiations as to longstanding agreement regarding hookups for certain properties on the border between the two (2) municipalities including questions of billing. Several additional drafts have been circulated internally amongst the Authority's senior staff and outside professionals to create a document to send to New Brunswick. Multiple conversation with the City's attorney has also ensued during the period. The City responded to the Authority's edits; a hopeful final draft was sent to New Brunswick on December 30, 2021. The City responded with further revisions involving ICI calculations as of January 14, 2022, our office sought input from the Authority's senior staff and CME as to the City's proposal. On January 18, 2022, the office was advised that after a discussion between CME and the Executive Director, the Executive Director and Michael McClelland of CME would speak directly to Mayor James Cahill, without our involvement. Executive Director and CME met with Mayor Cahill. CME and City Engineers have met as to I&I calculations. Authority is in process of providing a revised contract to City including latest input from this office, CME and PKF O'Connor Davies. We will forward same to City attorney once authorized and await response. Met with CME and the Authority regarding the I&I issues. We are currently drafting revisions to the proposed agreement to reflect CME's recommendations and provided same to the Executive Director for distribution to the New Brunswick Mayor.

The Executive Director has advised this office this week that the City will be making additional changes to the proposed agreement and submitting same to the Authority for its review soon; time frame for such response is unknown at this time and, as of

this date, no new proposed agreement has been received. Our office received a revised draft of the proposed agreement from counsel for the City. We have provided our comments on same to the Executive Director. The City's attorney followed up with our office as to the status of the draft agreement. Said communication was forwarded by us to the Executive Director and CME. CME has been working with the City's Engineer as to a revised sample calculation that will become an exhibit to the agreement. We are awaiting further direction from the Executive Director with respect to this matter. Our office sent the final Agreement to the City's attorney for execution of same by the City. The final Agreement has been executed by both parties. Reviewed documents regarding the account reconciliation and provided comments to same. Our office has reviewed the proposed responses prepared by CME Associates to the City's comments on the quarterly sewer charges. An issue has also arisen between the Authority and the City regarding the "True-Up" process provided for in the Agreement. The City has taken the position that "[a]ccurate true-ups will not be complete however until the Harrison Towers water meters are addressed". The Authority will be communicating with the City to resolve this issue. The Executive Director is to speak with City officials regarding the true-up issues. We are awaiting further direction from the Executive Director on these issues, based on his conversations with the City. We have also received and reviewed various documents from CME Associates regarding billing information. The Executive Director has spoken to the City and the City has requested a revision to the Agreement. On May 15, 2024, our office met with the Executive Director, Scott Nocero and William Korosec of CME Associates, via Go-to-Meeting, regarding the parameters of a revised Agreement. We are currently preparing a revised Agreement per such discussions. The Authority is scheduling a two (2) month flow monitoring study at the Harrison Towers for comparison purposes as to the water meter readings. The Authority will keep New Brunswick posted as the study progresses and a revised Agreement will be potentially prepared based on the findings.

7. **Board meeting minutes:** Continue to review and revise draft open and closed session minutes on an ongoing basis, where necessary. Ongoing.
8. **Brookline Watershed Rehabilitation:** Will continue to work with Executive Director on a multitude of legal issues devolving from this Project; most recently, the review and approval of the proposed bid specifications. We reviewed and commented on the draft Addendum and letter to the NJDEP, as well as the letter to Somerset County Counsel summarizing recent changes to the scope of the Brookline Project that were prepared by CME Associates. Our office recently participated in a teleconference meeting with the County and Authority representation to discuss the County's procurement concerns relative to the use of the grant monies for a contract that is proposed to be procured through a purchasing cooperative rather than a bid. We further performed legal research and have consulted with the Executive Director with respect to the same. We will continue to assist the Authority on all of these issues. Considering the County's concerns relative to the use of the grant monies, the Authority has determined to bid a portion of the project. We have received and reviewed the bid documents that were prepared by CME Associates and found them

acceptable. Our office was asked to review an Engineering Agreement with CME Associates to perform professional engineering services for the Bid and Construction Phase of the Brookline Watershed Project and draft a resolution authorizing the Agreement, which was adopted at the October 2023 Board meeting. On November 9, 2023, the Authority held a bid opening in accordance with the Notice to Bidders that was issued relative to this project.

At the time of the bid opening, it appeared that only one (1) bid had been received by the Authority from National Water Main Cleaning Company (“NWMCC”). NWMCC’s bid was opened and read. However, after the bid opening, the Authority determined that another bid proposal had been timely received via Federal Express from BLD Services LLC (“BLD”) at the Authority’s offices on November 8, 2023, and was located in the Authority’s Reception area after the time of the initial bid opening. Our office performed legal research and provided guidance to the Authority as to how to proceed and recommended that BLD’s bid remain sealed until it could be opened and read by the Authority on November 21, 2023, at which time both bidders were invited to attend the opening of BLD’s bid. Our office is currently reviewing both bids and will provide the Authority with a recommendation as to the award of same. Our office has had numerous consultations and meetings with CME Associates and the Authority relative to the bids that were received from BLD and NWMCC regarding a potential contract award. We have also performed legal research as to various issues regarding the bids. Our office also prepared a resolution rejecting both bids and authorizing the readvertisement of the contract, which was adopted at the meeting held on January 2, 2024. In addition, since the rejection of the bids and the readvertisement of the contract requires NJDEP approval, our office was requested to provide an opinion as to the basis for same for NJDEP’s consideration, which we did on Thursday, January 25, 2024. Our office reviewed the draft Addendum to the Bid documents prepared by the Authority’s Engineer. On April 22, 2024, our office reviewed the bid submissions that were received from National Water Main Cleaning Company & BLD Services, LLC with respect to the rebid of the Project. We have prepared a resolution authorizing an agreement with National Water Main Cleaning Company as the lowest responsible bidder for the Board’s consideration at the May 7, 2024 meeting. Nothing new to report.

9. **Private Collection Systems:** Nothing further to report.

10. **Authority Personnel Policy Manual:** On December 24th, 2021, the Authority forwarded on to this office a proposal to revise the existing Authority personnel and policy manual. This office reviewed same and provided an expedited response. We will also be reviewing the MEL and Employment Practices Checklist and responding before the calendar year is out. The Manual has been updated. Subsequent, this office has worked with Ms. Roach as to further updates/revisions to the Manual. The revisions were then placed on the March 1, 2022 Board meeting agenda and same were adopted via resolution. Our office has been requested to assist the Authority in updating its Personnel Policy Manual for 2024. We are awaiting

guidance from the Administrative Manager/Chief Human Resources Officer as to same.

11. **Design Build Construction Procurement Act:** This office was asked to provide a review/opinion letter as to the Design Build Construction Services Procurement Act, which was provided. Still awaiting feedback from Authority.

12. **High Bay Garage:** This office has been requested by the Executive Director to review and provide comments on a proposed design-build agreement with BlueScope Construction, Inc. (“BlueScope”). CDM Smith performed a technical review of the same. On May 12, 2022, we provided our comments and proposed revisions to the draft agreement to Howard Matteson of CDM Smith. Our comments/proposed revisions have been consolidated with CDM Smith’s comments/proposed revisions into a single document and has been sent by Mr. Matteson to BlueScope for its review. We have been requested to participate in a meeting(s) with BlueScope and CDM Smith to finalize this matter. Such meeting(s) has not yet been scheduled. Our office participated in a meeting with BlueScope and CDM Smith and responded to various inquiries from BlueScope in an effort to finalize this matter. Based on BlueScope’s last communication to the Authority, it appears that BlueScope no longer wishes to pursue the contract with the Authority. We await further direction from the Executive Director with respect to this matter. Our office reviewed the final draft of the agreement with BlueScope and approved same. We also reviewed BlueScope’s proposed Certificate of Insurance and requested a correction as to same, which has been implemented. Our office reviewed performance and payment bonds that have been submitted by BlueScope and have approved same. Our office consulted with CDM Smith regarding issues raised by BlueScope regarding a classification error-partially enclosed structure. We have consulted with Howard Matteson of CDM Smith regarding the proposed change order for Phase 2 of the project and performed legal research as to same. We prepared a resolution authorizing the change order for the Board’s consideration at the June 2nd Board meeting, which the Board adopted. On July 26, 2024, our office met with Howard Matteson of CDM Smith via Teams to review various issues and documentation regarding the proposed warranty provided by BlueScope for the building. We are awaiting further information from BlueScope before making a recommendation to the Authority as to how to proceed. Our office has continued to consult with Howard Matteson of CDM Smith regarding the proposed warranty provided by BlueScope for the building. We will be making a recommendation to the Authority as to how to proceed in the near future.

13. **Window and Door Replacement Project:** We have prepared a resolution for the June Board meeting authorizing a contract with Murray Paving and Concrete for the replacement of the exterior windows and doors at the Authority’s administration building and garage offices. Such contract is being procured through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System. We have also been requested by the Executive Director and the Authority’s Engineer to render an opinion regarding the applicability of bonding and insurance requirements, since

this Project is being procured using the Cooperative Pricing System (“COOP”). We have requested that the Board Engineer obtain further documentation from the COOP regarding its Request for Bid and Standard Terms and Conditions and will render an opinion once we are in receipt of such and have had an opportunity to review such materials. We had several discussions with the Authority’s Engineer, as well as a representative of the COOP. Based on the information that was obtained pursuant to such discussions and on legal research that was performed by our office, we have rendered an opinion to the Executive Director and the Authority’s Engineer regarding the applicability of bonding and insurance requirements with respect to the contract.

Our office reviewed the performance bond that has been submitted by the contractor and approved the same as to form. Our office drafted a resolution authorizing agreement with CME for Construction Administration Phase engineering services that is scheduled to be adopted by the Board at the July 5th Board meeting. Our office reviewed the draft close-out documents that were prepared by CME Associates and have provided them with our comments as to same. Our office reviewed and advised the Authority on the Final Payment Application and Closeout Documents that were submitted by Murray Paving & Concrete.

14. **Developer’s Agreements:** Our office was asked to review a Developer’s Agreement for Orion IV Elizabeth Logistics Center, LLC and have approved same as to form. We also drafted a resolution authorizing the execution of same. We were also asked to review revisions to the draft Developer’s Agreement regarding houses of worship that was prepared by CME Associates. Our office reviewed a draft Developer's Agreement with Muslim Foundation Inc. and drafted a resolution authorizing the execution of same. Our office also reviewed various proposed revisions to the Authority’s form Developer’s Agreement that were drafted by CME Associates. Our office reviewed a draft Developer's Agreement with Somerset Atrium LLC and drafted a resolution authorizing the execution of same. Our office reviewed a draft Developer's Agreement with B9 Cottontail Owner, LLC and prepared a resolution authorizing the execution of same for consideration at the September 5, 2023 Board meeting. Our office reviewed a draft Developer's Agreement with Somerset Atrium LLC and drafted a resolution authorizing the execution of same. Our office reviewed a draft Developer's Agreement with BSREP III Logistics Acquisition, LLC and prepared a resolution authorizing the execution of same for consideration at the November 8, 2023 Board meeting. Our office reviewed a draft Developer's Agreement with Cedar Grove Lane Townhomes at Franklin, LLC and prepared a resolution authorizing the execution of same for consideration at the December 5, 2023 Board meeting. Our office reviewed a draft Developer's Agreement with 3 Ronson, LLC and prepared a resolution authorizing the execution of same for consideration at the February 6, 2024 Board meeting. Our office worked with the Authority’s Engineer in revising the standard form Developer’s Agreement. Our office also reviewed a draft Developer’s Agreement with the Royal Somerset Inn, LLC and prepared a resolution authorizing the execution of same for consideration at the March 5, 2024 Board meeting. On March 15, 2024, our office reviewed a

proposed Developer's Agreement w/ Milon Builders, LLC and prepared a resolution authorizing execution of same for consideration at the April 2, 2024 Board meeting. Nothing additional to report.

15. **Weston Canal Pump Station Relocation (Agreement w/ PSE&G):** Our office reviewed and provided comments and proposed revisions on the draft Memorandum of Understanding ("MOU") that was received from PSE&G. Our office has been in communication with PSE&G and advised that the Authority is not in a position to without a commitment from PSE&G as to the transfer of the property. We have obtained a quote from a real estate appraisal for the preparation of an appraisal of the property, which has been forwarded to the Executive Director for review. The Executive Director has authorized the appraisal of the property to proceed, and we have advised the appraiser of same and are awaiting the appraisal report. We have also followed up on discussions with PSE&G regarding its commitment to transfer the property to the Authority. We have been advised that PSE&G will be submitting a Letter of Intent ("LOI") to the Authority for review in the near future. We have received and reviewed PSE&G's proposed LOI and have discussed same with the Executive Director. We have also requested and received from PSE&G a breakdown of the costs associated with the escrow payment to be made by the Authority pursuant to the proposed MOU.

However, we are awaiting additional information that we have requested from PSE&G in order to finalize this matter. We have finalized the MOU and LOI documents with PSE&G and we are preparing a resolution authorizing the execution of both documents for the February 7, 2023 Board meeting. We also participated in a meeting with Authority staff, CME Associates, and the Authority's appraisal consultant to discuss the draft appraisal for the acquisition of the easement from PSE&G before it is finalized and sent to PSE&G for its consideration. On January 30, 2023, our office attended a meeting with the Delaware and Raritan Canal Commission to discuss issues relative to the relocation of the pump station. The Board adopted a resolution at the February 7, 2023 meeting authorizing the execution of the MOU and LOI by the Authority. The executed documents have been forwarded to PSE&G for its execution and the establishment of an escrow. A revised draft of the appraisal for the acquisition of the easement from PSE&G has been received from the Authority's appraiser and has been forwarded to the Executive Director for his review. The fully executed MOU and LOI have been received back from PSE&G and we await further direction from the Executive Director regarding next steps and the finalization of the Authority's appraisal report. We have also reviewed and commented on the draft Application to the NJ Office of Transactions and Public Land Administration (OTPLA) for proposed use of State-owned Property in the vicinity of the proposed pump station that was prepared by CME Associates. We continue to await further direction from the Executive Director regarding the next steps and the finalization of the Authority's appraisal report. We have also been invited by PSE&G to participate in a Zoom meeting on August 29, 2023 to discuss the status of the matter and next steps.

Our office participated in another Zoom meeting with PSE&G, CME Associates, the Executive Director and Scott Nocero, Operations Manager / Licensed Operator to discuss anticipated permitting issues and next steps. The Executive Director has advised that he has retained the services of another real estate appraiser to appraise the proposed easement area. The appraisal will be provided to PSE&G for review once it is completed. The Executive Director also requested our office to review the price quote from the appraiser, which we have done and have reported back to the Executive Director as to same. Our office reviewed a draft Right of Entry Agreement that was prepared by PSE&G for CME Associates to perform site testing on PSE&G's property and provided revisions as to same. Our office also reviewed the associated Certificate of Insurance received from CME Associates to ensure compliance with PSE&G's insurance requirements. On October 25, 2023, our office participated in a meeting with PSE&G, the Authority & CME Associates, via Zoom, to discuss the status and next steps with respect to the possible acquisition of the easement from PSE&G by the Authority. Our office prepared the resolution that was adopted at the November 8, 2023 Board meeting authorizing the second (2nd) appraisal on the property that is owned by PSE&G. CME Associates has also been authorized to perform a survey of the property, and we have reviewed and approved a proposed Right of Entry Agreement as to same. On January 17, 2024, our office participated in a meeting with PSE&G, the Authority & CME Associates, via Zoom, to discuss the status and next steps with respect to the possible acquisition of the easement from PSE&G by the Authority. The Executive Director has advised that he has received a final second (2nd) appraisal on the property and will present same for our review in the near future. On February 28, 2024, our office participated in a meeting with PSE&G, the Authority & CME Associates, via Zoom, to discuss the status and next steps with respect to the possible acquisition of the easement from PSE&G by the Authority. On April 4, 2024, our office participated in a meeting with PSE&G, the Authority & CME Associates, via Zoom, to discuss the status and next steps with respect to the possible acquisition of the easement from PSE&G by the Authority. On July 22, 2024, our office participated in a meeting with the Executive Director and CME Associates via Teams to discuss a proposed access easement over property presently owned by NJDEP. We have also reviewed and provided comments on a draft letter to NJDEP regarding the easement that was prepared by CME Associates. We will continue to work closely with the Authority and CME Associates regarding this proposed transaction. We have also responded to an inquiry from the Executive Director regarding the requirements for entering an emergency contract for the replacement of a failed pump at the pump station. On August 7, 2024, our office participated in a meeting with PSE&G, the Authority & CME Associates, via Zoom, to discuss the status and next steps with respect to the possible acquisition of the easement from PSE&G by the Authority. We will be working with counsel for PSE&G regarding the preparation of the proposed easement documents as well as working with the Authority on the proposed access easement over property presently owned by NJDEP.

16. **Personnel Issues:** Our office was asked to update the Authority's form letter offer of employment for a full-time Foreman position. We have also provided guidance to the Executive Director on the promotion issue. Nothing new to report.
17. **Private Force Mains in Right-of-Way:** We attended a meeting with the Executive Director, Scott Nocero and CME Associates regarding an issue that has been raised by the Township of Franklin with respect to private force mains in the Township right-of-ways. We are awaiting further instruction from the Executive Director. Nothing further to report.
18. **Rite Aid bankruptcy.** Our office reviewed the paperwork that was received by the Authority relative to the motion that has been made by Rite Aid, which is in bankruptcy under Chap. 11 of the Bankruptcy Code (reorganization), seeking an interim Order for among other things: 1) approving Rite Aid's proposed plan to provide adequate assurance that it will continue to pay its future utility services (including sewer) when due and in the ordinary course; and, 2) prohibiting utility providers (such as the Authority) from altering, refusing or discontinuing service to Rite Aid while it is in bankruptcy and we have provided the Executive Director with an analysis as to same. Our office has reviewed the Notice to Confirm the Chapter 11 Plan that was filed with the Bankruptcy Court on April 1, 2024 and we have advised the Executive Director as to same. We will continue to monitor the case and advise the Executive Director accordingly. Rite Aid has sold the property in question and there is no longer a need to continue to monitor the case.
19. **300 Shilling Drive-Wallace and Ellis bankruptcy.** Our office was requested by the Authority to review various bankruptcy filings regarding the owners of 300 Shilling Drive and we have reported to the Authority on same. Our office has reviewed a proposed modification of the Chapter 13 bankruptcy plan and has advised the Executive Director accordingly. We will continue to monitor the bankruptcy case and advise the Executive Director as to the status of same.
20. **Rates, Rules and Regulations.** Our office shall be assisting the Authority and the Authority Engineer in revising the standard form Developer's Agreement, as well as the Authority's Rates, Rules and Regulations.
21. **Birch Glen Developer's Agreement.** On May 8, 2024, our office met with Scott Nocero & William Korosec of CME Associates via Go-to-Meeting to discuss revisions to the Developer's Agreement. On May 14, 2024, our office met with the Authority, CME Associates and the developer at the Sewerage Authority offices to discuss a revised agreement. A follow-up meeting was held with the developer on June 11, 2024. We have prepared a revised Developer Agreement based on those discussions for consideration by the developer and circulated same to Authority personnel. After negotiating with the developer and making various requested changes, the revised Developer Agreement has been finalized and has been executed by the developer and the Executive Director/Board Chairperson pursuant to the

resolution authorizing same that was adopted at the July Board meeting. Nothing further to report.

22. **Various Bankruptcy Matters.** Our office has prepared a spreadsheet for the Authority to monitor variance bankruptcies and foreclosure matters to ensure that liens are not being sold at tax sale in violation of the automatic stay that is afforded to debtors in bankruptcy proceedings.
23. **Various Miscellaneous Resolutions for July Meeting.** Our office prepared various miscellaneous resolutions that were adopted at the July Board meeting, as follows:
 - A. Resolution authorizing increase in the Authority's connection fee for 2024 fiscal year;
 - B. Resolution authorizing the execution of a utility agreement w/ NJDEP;
 - C. Resolution authorizing the execution of an emergency contract for repairs to Pump No.2 at the Weston Canal Road Pump Station; and,
 - D. Resolution authorizing adoption of 2024 Budget.