



ERIC M. BERNSTEIN & ASSOCIATES, L.L.C.

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January 27, 2025

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: January 2025 Status Memo
Our File No. 3151-1000**

Dear Mr. Danielsen:

As per your request, please find enclosed the Firm's January 2025 status report for the upcoming February 4th Board meeting. Please review same and advise if there are any additions, corrections, deletions, etc. 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

January 27, 2025

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:** Nothing new to report.
2. **Commerce Drive Pump Station:** Nothing new to report.
3. **Contracts and Policies:** Nothing new to report.
4. **General:** Assistance as to day to day operational and policy issues that require legal advice, guidance and/or assistance. Ongoing.
5. **City of New Brunswick:** Nothing new to report.
6. **Board meeting minutes:** Continue to review and revise draft open and closed session minutes on an ongoing basis, where necessary. Ongoing.
7. **Board Meeting Documents and Preparation:** Continue to draft Resolutions and other documents for Board's consideration.
8. **Brookline Watershed Rehabilitation:** Nothing new to report.
9. **Private Collection Systems:** Nothing further to report.
10. **Authority Personnel Policy Manual:** Our office has been requested to assist the Authority in updating its Personnel Policy Manual. 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 (to be removed shortly):** Nothing new to report.
13. **Developer's Agreements:** Our office prepared resolutions authorizing release of the performance bonds for Milon Builders and DPIF3 NJ 12 Belmont for the Board's consideration at the January 7th Board meeting, where the Board approved.

14. **Weston Canal Pump Station Relocation (Agreement w/ PSE&G):**
We are 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. On January 30, 2025, our office will participate in a pre-application meeting with NJDEP. On February 10, 2025, our office will participate in the monthly 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.
15. **Personnel Issues:** Nothing new to report.
16. **Private Force Mains in Right-of-Way:** Nothing further to report.
17. **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.
18. **Rates, Rules and Regulations.** Our office has been assisting the Authority and the Authority Engineer in reviewing and revising the Authority's standard form Developer's Agreement, as well as the Authority's Rates, Rules and Regulations. We have also developed a new Appendix G regarding penalties and violations. These items were presented to the Board at the November meeting. Our office has also prepared a Public Notice and a resolution authorizing the amended and revised Rates, Rules and Regulations for the Board's consideration and hopeful approval at the December Board meeting. Nothing further to report
21. **Birch Glen Developer's Agreement.** Our office reviewed and commented on the draft letter to Birch Glen prepared by CME Associates regarding the proposed pump station and force main modifications.
19. **Various Bankruptcy Matters.** Our office has prepared a spreadsheet for the Authority to monitor various 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.
20. **Green Hill Manor Developers.** Our office assisted the Authority in preparing a letter to the developer regarding the Authority's concerns relative to the operation of the private pump station located on Block 20.11, Lot 16.04. Our office assisted the Authority in preparing a follow up letter to the developer regarding the Authority's concerns relative to the operation of the private pump station.
21. **Shirley Avenue Pump Station.** Our office provided legal guidance to the Executive Director regarding the acquisition of an easement from a private property owner for

this project. We are working with the Authority and CME Associates to prepare an easement agreement with the property owner.

22. **School Avenue Pump Station.** Our office recommended that the Authority withdraw the Notice to Bidders for two (2) Cornell Model 10NHTA-VC18DB, vertical coupled, solids handling pumps that was scheduled to be opened on Wednesday, January 22, 2025, due to revisions to the bid specifications. Thereafter, our office prepared a revised Notice to Bidders and bid documents based on the revised specifications for the bid, which is now scheduled to be opened on February 6, 2025.

23. **Various Miscellaneous Resolutions for February 2025 Board Meeting.** Our office prepared various miscellaneous resolutions that will be considered for adoption by the Board at the February 4th Board meeting, as follows:
 - A. Resolution authorizing the release of Bid Bond to Franklin Miller, Inc. in the amount of \$6,586.00;

 - B. Resolution authorizing the release of Bid Bond to Franklin Miller, Inc. in the amount of \$7,354.00; and,

 - C. Resolution authorizing the release of Performance Bond and any added remaining escrows to Cedar Grove Lane Townhomes at Franklin, LLC.