



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

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March 28, 2025

Joseph Danielsens, 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: **March 2025 Status Memo**  
**Our File No. 3151-1000**

Dear Mr. Danielsens:

As per your request, please find enclosed the Firm's March 2025 status report for the upcoming April 1<sup>st</sup> 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: *Brian M. Hak*  
Brian M. Hak, Esq.

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

March 28, 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:** At the request of the Executive Director, we have drafted a leave policy for Authority employees on duty who are members of a volunteer fire company serving the Township of Franklin when such employees are called to respond to Qualified Calls which occur during the normal hours of employment. The draft policy has been provided to the Executive Director for his review and comment.
4. **General:** Assistance as to day to day operational and policy issues that require legal advice, guidance and/or assistance. Our office performed legal research and provided legal advice to the Authority regarding a proposed agreement with a vendor and the limitations regarding the duration of certain contracts under the Local Public Contracts Law.
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:** Nothing further to report.
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:** Nothing new to report.

13. **Developer's Agreements:** Our office provided advice to the Authority's Engineer regarding requested revisions to the draft Developer's Agreements for 400 & 600 Atrium Drive.
14. **Weston Canal Pump Station Relocation (Agreement w/ PSE&G):** Nothing new to report.
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 (not set forth herein) 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. We are working with the Authority to coordinate a meeting with the developer within the next several weeks to attempt to resolve the matter.

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 prepared a proposed Deed of Easement agreement with the property owner that has been sent to the Executive Director for his review and comment. We have recently received the title policy for the easement area and are in the process of preparing additional documents necessary for the easement acquisition.
  
22. **School Avenue Pump Station.** Our office prepared a resolution that was adopted at the Board's March 4<sup>th</sup> Board meeting rejecting the sole bid that was received on February 6, 2025 for this Project and authorizing revisions to the specifications and a rebid based on technical concerns related to the proposed alternate pumps and their conformance with the Project specifications that have been raised by the Authority and CME Associates.
  
23. **Various Miscellaneous Resolutions for April 2025 Board Meeting.** Our office prepared various miscellaneous resolutions for consideration by the Board at the April 1<sup>st</sup> Board meeting, as follows:
  - A. Resolution authorizing contract renewal with Privatizer for 2025; and,
  
  - B. Resolution authorizing lease renewal with Ricoh.