

MEMORANDUM

April 26, 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. Nothing new to report.
4. **General:** Assistance as to day to day operational and policy issues that require legal advice, guidance and/or assistance. Nothing new to report.
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 the requirements for an Irrevocable Letter of Credit for the Developer's

Agreements for 400 & 600 Atrium Drive. Our office also drafted a resolution authorizing Development Agreement EWA Somerset for consideration at the May 6th Board meeting.

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. Birch Glen has requested a meeting with the Authority and our office regarding issues as to private hook up to Birch Glen's proposed privately-owned pump station.
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 have scheduled a meeting with the Authority, CME Associates and the developer for May 2, 2025, 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 revised the proposed Deed of Easement based on the title policy for the easement area and sent it to the Authority's Executive Director along with a draft letter from the Authority to the property owner for the easement acquisition for review and execution.

22. **School Avenue Pump Station.** Our office prepared a resolution that was adopted at the Board's March 4th 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. We will be working with the Authority and CME Associates as to the rebid of the Project.

23. **Various Miscellaneous Resolutions for April 2025 Board Meeting.** Our office prepared various miscellaneous resolutions for consideration by the Board at the May 6th Board meeting, as follows:
 - A. Resolution authorizing Development Agreement EWA Somerset;
 - B. Resolution authorizing lease renewal with Ricoh;
 - C. Resolution authorizing agreement with Industrial Scientific; and,
 - D. Resolution authorizing Utility Billing Agreement with Edmunds GovTech.