

MEMORANDUM

September 29, 2025

To: Franklin Township Sewerage Authority Chairman and Commissioners

From: Brian M. Hak, Esq.

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. 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:** Our office reviewed Contract Modification #1 and drafted a resolution authorizing same that was adopted at the Board's August 5th Board meeting. Nothing new to report.
9. **Private Collection Systems:** Our office has reviewed and commented on draft letters prepared by CME Associates to be sent to owners of private collection systems. Nothing new 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:** The Authority recently received a Certificate of Approval from the Delaware and Raritan Canal Commission. Our office will be working with the Authority's engineering consultant, CDM Smith, in preparing a conservation easement agreement.

13. **Developer's Agreements:** Nothing new to report.
14. **Weston Canal Pump Station Relocation (Agreement w/ PSE&G):** Our office reviewed and commented on a draft license agreement that has been prepared by NJDEP. NJDEP has advised the Authority that the State Historic Preservation Office has determined that the project will not constitute an encroachment on the historic district. Accordingly, the transaction may move forward more expeditiously. Our office will be working with the Authority and CME Associates to bring this to a conclusion. Our office participated in a meeting with PSE&G and CME Associates on September 25, 2025, via Zoom, to discuss status and outstanding issues relative to bringing the transaction with PSE&G to a conclusion. Our office has also provided comments to the draft Easement Agreement between the Authority and PSE&G. Our office has also drafted a resolution authorizing the execution of a License Agreement with NJDEP for the proposed access driveway for the Board's consideration as the October 7th Board meeting.
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.**
21. **Birch Glen Developer's Agreement.** 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. On May 13, 2025, office met with the Authority and CME Associates to discuss this matter and will schedule a meeting with Birch Glen over the next several weeks. This matter may be discussed with the Board in Executive Session at the June 3rd Board meeting. Nothing new to report.
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. On May

2, 2025, our office met with the Authority, CME Associates and the developer and its counsel to attempt to resolve the matter. After the meeting, our office provided to the developer's counsel various documentation that had been requested by the developer. On June 5, 2025, the developer provided various documents to the Authority, which our office has commented on. We are seeking a meeting with the Executive Director and CME Associates to determine next steps.

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. The Executive Director has sent the documents to the property owner. Once we are in receipt of an executed Deed of Easement, our office will record same with the County Clerk. Our office drafted a resolution authorizing execution of Deed of Easement with 9 Shirley Ave. Real Estate LLC that was adopted at the Board's August 5th Board meeting. Our office has received the fully executed Deed of Easement and is preparing same for recording with the County Clerk.
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. Our office has been working with the Authority and CME Associates as to the rebid of the Project. Our office reviewed the sole bid submitted by Koester Associates, Inc. ("Koester") for this Project and by prepared a resolution that was adopted at the Board's August 5th Board meeting authorizing the award of a contract to Koester. We have also prepared a Notice of Award to reflect same for execution by the Executive Director. Nothing new to report.
23. **602 Franklin, LLC - 606 Franklin Boulevard.** Our office has consulted with the Executive Director regarding a tax sale certificate that was sold on this property. We have prepared a draft Agreement and General Release to resolve the matter, which has been sent to the property owner for execution. The Agreement and General Release has been finalized and has been executed by property and the Authority.
24. **295 Cedar Grove Lane.** On June 12, 2025, our office met with the Executive Director and CME Associates via Teams to discuss various issues relative to information received from the developer of this property relative to a proposed connection to the Authority's system. Nothing new to report.
23. **Various Miscellaneous Resolutions for Board Meeting.**

- a) Resolution authorizing fence easement agreement regarding 5 Shirley Avenue.
- b) Resolution authorizing increase in sewer connection fee.
- c) Resolution authorizing the execution of a License Agreement with NJDEP for the proposed access driveway.
- d) Resolution authorizing automatic renewal of service maintenance agreement with Teleco.
- e) Resolution authorizing rate increase.