

MEMORANDUM

July 25, 2026

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. On April 15, 2026, our office attended a meeting at the Authority's offices with the Executive Director and Authority staff, CME Associates and National Water Main to discuss the progress of the project. 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. On December 11, 2025, our office participated in a meeting with the private systems licensed operators. On January 15, 2026, our office met with the Authority and CME Associates to discuss issues pertaining private systems maintenance requirements as a follow up to a previous meeting with private systems operators. Nothing new to report.
10. **Authority Personnel Policy Manual:** Our office will be working with the Authority's Administrative Manager/Chief Human Resources Officer Apryl Roach regarding revisions to the Authority's Employee Handbook and Personnel Policies and Procedures Manual. Our office has also performed legal research and counseled

the Executive Director and the Authority's Administrative Manager/Chief Human Resources Officer regarding issues with respect to banked sick and vacation time. Nothing new 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:** Our office reviewed the executed Conservation Easement Agreement w/ Delaware and Raritan Canal Commission and sent same for filing with the Somerset County Clerk's office. We have received a recorded copy of the Conservation Easement Agreement w/ Delaware and Raritan Canal Commission back from the Somerset County Clerk's office and sent same to the Delaware and Raritan Canal Commission for its records. Nothing new to report.
13. **Developer's Agreements:** Reviewed proposed Developer's Agreements with RPM Development and RDG at Franklin, and prepared resolutions authorizing the execution of same for the Board's consideration at the August 4, 2026 Board meeting.
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. On November 19, 2025, our office sent a proposed revised draft of the Easement Agreement to PSE&G for its review and consideration. On December 1, 2025, our office sent the revised appraisal report for the easement to PSE&G for its review and consideration. Our office participated in a meeting with PSE&G and CME Associates on January 8, 2026, via Zoom, to discuss status and outstanding issues relative to bringing the transaction with PSE&G to a conclusion. We are still awaiting a response from PSE&G to the Authority's proposed changes to the Easement Agreement. Our office also reviewed the draft NJDEP Land Use Permit Plans and a draft Permit Application prepared by CME Associates. Our office participated in a meeting with PSE&G and CME Associates on March 6, 2026, via Zoom, to discuss status and outstanding issues related to bringing the transaction with PSE&G to a conclusion. We have reviewed PSE&G's response to the Authority's proposed changes to the Easement Agreement and on March 10, 2026, our office provided additional comments to PSE&G. We

are awaiting a response to the same. We have finalized the Easement Agreement with PSE&G and a resolution authorizing the execution was adopted by the Board at the May 5, 2026 Board meeting. Title insurance has been purchased with respect to the easement area. The partially executed Grant of Easement, which has been executed by the Board Chairman, has been sent to PSE&G for its execution. Once the Grant of Easement has been fully executed by both parties, the Authority will pay PSE&G the purchase price for the easement area and the parties will close title on same. The Authority has paid PSE&G the purchase price for the easement area and our office has sent the fully executed Grant of Easement to the County Clerk for recording. Our office is also currently reviewing a draft Preservation Easement with New Jersey Historic Trust regarding an adjacent parcel of property that is being conveyed by NJDEP to PSE&G, and we will be providing PSE&G with our comments to same. Our office also participated in a meeting with PSE&G and CME Associates on July 15, 2026, via Zoom regarding remaining miscellaneous items.

15. **Personnel Issues:** Our office reviewed a draft and provided comments to the offer letter to Christopher Gianotto for the Operations Manager position.
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.** Nothing new to report.
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. On December 13, 2025, our office sent an email to the developer and its counsel demanding that the developer pay for the cost of the repair to the Authority's system. The developer has requested a meeting with the Authority in early January to discuss resolving the matter. On December 18, 2025, our office met with the Executive Director, Scott Nocero and William Korosec to discuss next steps regarding this matter. On January 16, 2026, our office sent the developer a revised demand for the cost of the repair to the Authority's system based on a revised quote for the work. Negotiations with the developer have been ongoing. Per the discussion with the Board in Executive Session at the April Board meeting, our office has prepared a lawsuit, which will be filed with the Court after final review by the Executive Director. The lawsuit was filed with the Court on July 24, 2026. Our office will arrange to have the defendants served with the lawsuit within the next week.

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 has sent same for recording with the County Clerk. Nothing new to report.
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. Nothing new to report.
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.
25. **101 Mettlers Road.** The Authority and 101 Mettlers Road, LLC ("Developer") entered into a Capacity Allocation and Developer's On-Tract And Off-Tract Agreement ("Agreement"), dated October 3, 2017. Article IV, Section 3 of the Agreement provides that the Authority shall authorize the execution of a release in satisfaction of the Agreement upon the Developer's compliance with all obligations set forth therein. The Developer's successor in interest to the property has made a written request to the Authority for a release in satisfaction of the Agreement. The Authority has confirmed that Developer has complied with their obligations as provided in the Agreement. Accordingly, our office has worked with counsel for the new owner in drafting a Release that will be recorded with the County. A resolution authorizing the execution of the Release will be on the agenda for the Board's consideration at the December 2, 2025 meeting. On December 4, 2025, our office sent the executed Release to the new owner. Nothing new to report.
26. **Miscellaneous.**
- Our office counseled the Executive Director on the procedure with respect to an emergency purchase for the replacement of the failed Weston Canal Pump Station VFD units.
23. **Preparation of Various Miscellaneous Resolutions for Board Meeting.** Our office prepared the following resolutions for the August 4th Board meeting:
- Resolution authorizing refund for double payment-242 Amethyst Way.
 - Resolution authorizing execution of sewer easement encroachment agreement w/ Wash King.
 - Resolution approving open credit card accounts for use by certain personnel.
 - Resolution authorizing execution of developer's agreement w/ RPM Development.
 - Resolution authorizing execution of developer's agreement w/ RDG at Franklin.