

Resolution of the Demarest Governing Body

Resolution No. 172-25

September 26, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Slowikowski			✓			
Collins	✓		✓			
Fox						✓
Jiang			✓			
Marks		✓	✓			
Reiss			✓			

TITLE: RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR COMPOST SITE MITIGATION – TREE REQUIREMENT

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WHEREAS, the Borough of Demarest has a need for engineering services related to tree evaluation of property to satisfy Compost Site Tree Mitigation; and

WHEREAS, the Borough received a proposal dated September 19, 2025 from Colliers Engineering & Design to provide those services, attached, for the sum of \$31,500.00; and

WHEREAS, the appointment and the contract are exempted from the competitive bidding requirements of the Local Public Contracts Law, (NJSA 40A:11-1 et. Seq.) as "Professional Services", pursuant to NJSA 40A:11-5(1)(a); and

WHEREAS, the vendor is the currently appointed 2025 Borough Engineer for the Borough of Demarest and the Mayor and Council awarded said 2025 contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-04-2150-25-116-1001;

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Borough Administrator is authorized to execute the agreement to authorize Colliers Engineering & Design to perform the work described herein not to exceed \$89,500.00 a copy of which is annexed to this Resolution.

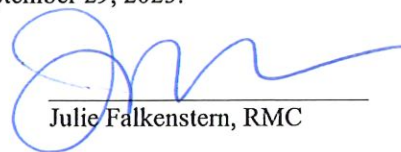
APPROVED:



Brian Bernstein, Mayor

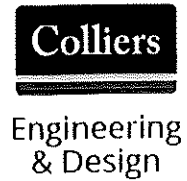
CERTIFICATION

I, Julie Falkenstern, Registered Municipal Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on September 29, 2025.



Julie Falkenstern, RMC

400 Valley Road
Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



September 19, 2025

Julie Falkenstern, Borough Administrator
Mayor and Council
Borough of Demarest
118 Serpentine Road
Demarest, New Jersey 07627

Professional Engineering Services
Westwood Mitigation Property - Block 1104, Lot 1
Borough of Demarest, Bergen County
Colliers Engineering & Design Proposal No.: DEB0082P

Dear Ms. Falkenstern,

Colliers Engineering & Design Inc. (CED) is pleased to present this agreement to provide Engineering Services for a mitigation property the Borough has purchased in Westwood, NJ. Specifically, this agreement includes Survey services as well as Tree Analysis and Determination of Subdivision Lines within the mitigation property. It is our understanding that the Borough intends to purchase the subject property to satisfy NJDEP tree requirements associated with the ongoing Compost Facility actions. The survey will determine the location and diameter of trees within the property. Once the survey is prepared, an evaluation will be performed to determine how many existing trees are necessary to satisfy the NJDEP requirements. A proposed subdivision line will be located within the property to create two (2) resultant lots: 1) the subject lot to satisfy the tree replacement requirements of NJDEP; and 2) a lot with the remainder of the original property that the Borough can retain for future use. The subdivision plan, as well as metes and bounds descriptions, are included in this effort.

CED will provide the following services:

SCOPE OF SERVICES

TASK 1.0 SURVEY SERVICES

Task 1.1 Boundary & Topographic Survey

CED will prepare a Boundary Survey of Block 1104, Lot 1 in the Borough of Westwood, Bergen County, State of New Jersey in accordance with the standards set forth in the Laws of the State of New Jersey Statutory Reference NJSA 45:8-28(e) and more specifically, the administrative rules and regulations promulgated by the State Board of Professional Engineers and Land Surveyors and contained in N.J.A.C. 13:40-5.1.



Engineering
& Design

Included in this task of service are the following tasks:

- Public records research and pre-field records review;
- Field traverse, location survey and data collection;
- Field survey data reduction and computation;
- Boundary analysis and survey calculations.

Unless provided by the Borough, the boundary survey will be subject to such facts that a current and accurate title report would disclose.

The fee for this survey does not include the installation of property corner markers. If requested, we will set a state-approved property corner marker at each property corner where no marker currently exists in accordance with New Jersey administrative code, for an additional fee. **The fee for this service is \$350.00 per corner marker, or a minimum of \$1,400.00,** for mobilization and services. If you elect not to have property corner markers installed, please sign and return the attached corner marker waiver form which is being provided in accordance with the NJ administrative code.

The Borough should furnish the surveyor with the following information/documents before we initiate services on the project:

- A copy of the property deed(s) of record;
- A copy of the property title binder (if available);
- A corner marker waiver form (unless corner markers are desired to be set) (form enclosed).

The fee for this task is based upon the assumption that the deed mathematically closes, that there are no title problems, that there are no overlaps or gores with adjoining properties, and that extraordinary research or analysis is not required. If any of the items cited in this paragraph do become issues during our survey efforts, we will discuss the necessary additional services and related costs with you prior to proceeding with the additional services.

CED will perform a partial topographic survey of the subject property. The limits of the topography are outlined in **blue** (3.9± acres) as depicted in the Survey Limits image below:



Our office will prepare a topographic survey map that is a graphic pictorial representation of existing site features observed at the time of the field survey such as buildings, curbs, sidewalks, roadways, driveways, retaining walls, fences, and utility hardware. The topographic map will depict existing spot elevations and contours at a one-foot (1') contour interval. GPS surveying techniques will be used to control the survey with the resulting horizontal datum being New Jersey State Plane Coordinate System NAD83 and the vertical datum being North American Vertical Datum NAVD88.

Visible and accessible utilities and/or utility structures within the survey limits, as described above, will be surveyed and shown on the plan to include rim, grate and invert elevations, and pipe sizes entering and/or exiting the structures. For the purposes of this contract, accessible utilities shall be defined as those utilities that are visible to the naked eye at ground level and are safely accessible by foot by CED field survey personnel without the need for additional safety measures and/or assistance with making pipes visible, open and clear for inspection and measuring.

We will survey visible evidence of existing utilities within the survey limits, but may not be able to confirm the existence, or actual position of, all underground utilities which may be running through or servicing the subject property. The NJ One Call System prohibits the use of its service for surveying and mapping of subsurface utilities for engineering design purposes. If requested, we can enlist the services of our in-house subsurface utility engineers to investigate and mark the approximate location of subsurface utilities that may exist on the site. The fee for this additional service can be provided upon request.

Included in this task of service are the following tasks:

- Establish on-site survey control;
- Field traverse, topographic survey and data collection;
- Field measure inverts of accessible gravity structures;
- Field survey data reduction and computation;
- Preparation of topographic survey map in AutoCAD Civil 3D 2025 format.

Traffic safety protection for field survey crew and cleaning of clogged or obstructed drain and sewer structures is **not** included in the fee for this survey. If it is determined that safety protection is required for any of the survey services performed under this contract, we will advise you of the approximate cost prior to moving forward. Such additional costs would be invoiced as a reimbursable expense pursuant to prior authorization.

Task 1.2 Tree Survey

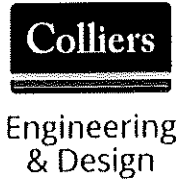
Field survey and map individual trees on the subject property having a diameter breast height (DBH) of **four inches (4") and greater**. The approximate diameter will be shown on our survey map as individual label, or in tabular form. Tree species, and other information that may be provided by an arborist is not included in this task. This fee is based on 1) performing in conjunction with Task 1.1 and 2) the location of every 100 trees.

Task 1.3 Minor Subdivision Plat

CED will prepare a Minor Subdivision Plat of the subject property for the purposes of creating two (2) new lots. The plat will be prepared in accordance with the current "Title Recordation Law" and the requirements for the applicable Land Subdivision Ordinance. The plat will be based on the boundary survey as prepared by CED under a separate task of this contract.

Metes and bounds descriptions of the two (2) new lots will be prepared and provided to your office for inclusion in the subdivision deed. It is presumed that the Borough will retain the responsibility of recording the subdivision deed with the county once Final Approval has been obtained.

Setting of monuments or corner markers, as may be required by review agencies, will be an additional service if requested.



TASK 2.0 TREE ANALYSIS AND DETERMINATION OF SUBDIVISION LINES

Utilizing the tree survey prepared in Tasks 1.1 and 1.2 above, an evaluation will be performed to calculate the number of existing trees required to satisfy the necessary tree volume for NJDEP comments associated with the Compost Facility. Once the target number of trees (tree volume based on diameter measurements) is determined, proposed lot lines will be drafted to create a "new" parcel. The lot lines will be chosen and configured to limit the number of property line courses and also ensure that a nominal amount of surplus trees is encompassed. The proposed lot lines and resultant lots will be the basis for the preparation of the subdivision described under Task 1.3, above. Accordingly, the subdivision plan, as well as metes and bounds descriptions of the resultant lots, are included in Task 1.3 above.

FEE AGREEMENT

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the Scope of Services.

TASK 1.0	SURVEY SERVICES	\$22,000.00
TASK 2.0	TREE ANALYSIS AND DETERMINATION OF SUBDIVISION LINES	\$ 9,500.00
TOTAL LUMP SUM FEE		\$31,500.00

The above engineering services will be provided on a lump sum basis not to exceed the listed amount. This contract and fee schedule are based upon the Borough Engineering Contract, authorized by the Borough.

PROJECT SCHEDULE

The following is the anticipated project schedule:

	Anticipated Duration
Mayor & Council Award of Professional Services	Anticipate Authorization September 2025
Survey Services	To be completed within 45 days of Authorization
Tree Analysis/Determination of Subdivision Lines	To be completed within 75 days of Authorization

PROJECT DELIVERABLES

The completed survey and subdivision plan with the proposed lot lines will be provided to the Borough.

PLAN REVISIONS AND EXTRA SERVICES

Any revision requested by the Borough or review agencies that is a major redesign or not an error or omission on the part of CED will be billed on an hourly basis in accordance with our current contract.

REIMBURSABLE EXPENSES

Reimbursable expenses including delivery, printing, copying, postage, and other reproducible costs for the above-mentioned deliverables are included within this agreement and are included in the project cost.

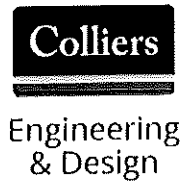
EXCLUSIONS

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement.

- Services not specifically outlined above;
- Stream Cross Sections;
- Utilities;
- Engineering services beyond what is described above;
- Construction stakeout services;
- Wetland delineation, reports, or surveys;
- Security clearance and/or site access protocol.

If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement, is deemed necessary, then CED may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees with regard to the extra work. Unanticipated additional services shall be in accordance with the Schedule of Hourly Rates for the number of hours that the Construction Administrator or Engineer is on-site. No extra engineering services will be performed without authorization from the Borough.

Please forward a copy of the Resolution of Approval or approved Purchase Order to this office. This will constitute approval of the proposed services, and we shall initiate the engineering design services as discussed within this correspondence.



We thank you very much for the opportunity to offer our services and look forward to working with you on this and future projects. In the meantime, should you have any questions regarding this agreement, please feel free to contact me.

Sincerely,
Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Nick Chelius".

Nick Chelius, P.E.
Borough Engineer Representative

A handwritten signature in black ink, appearing to read "Carl P. O'Brien".

Carl O'Brien, P.E.
Geographic Discipline Leader

cc: Michael Greco, Deputy Borough Clerk (via email)
Deena Rosendahl, Esq. Borough Attorney (via email)
Andrea Johe, Borough CFO (via email)
Patrick Jamieson, (CED via email)
James Priolo, PE (CED via email)



Engineering
& Design

Ultimate User's Waiver and Direction Not To Set Corner Markers

To: Jeffrey Bunce, P.L.S.
Colliers Engineering & Design
400 Valley Road Suite 304 Mt. Arlington New Jersey 07856
P: 877-627-3772 | F: 397-398-3199

From:

Block 1104, Lot 1, Borough of Westwood, Bergen County, New Jersey

This is to advise that I have been made aware of my right to have corner markers set as part of a survey to be performed on the aforementioned property. In addition, I have been made aware of the potential impact of signing the waiver including: (1) the possible need for a future survey as a result of physical improvements to the property, such as a fence, addition, deck, pool or shed, and (2) the potential inability of the ultimate user to identify the actual boundary of the property which could result in a boundary dispute with an adjoining property owner and /or property improvements not accurately situated on my property. The right to have corner markers set is hereby waived, and you are directed to perform the land survey without the setting of corner markers as provided by the regulation (N.J.A.C. 13:40 5.2) of the State Board of Professional Engineers and Land Surveyors.

Ultimate User's Signature

Date

Witness' Signature

Date

Name of Witness (typed or printed)

Address of Witness (Typed or Printed)

SURVEYOR'S NOTE: When this form is completed, signed and witnessed, the Surveyor will NOT set corner markers.

FOR SURVEYORS USE ONLY AFTER RECEIPT OF EXECUTED "WAIVER"

I hereby certify that I have:

1. Advised the ultimate user of the impact of signing the corner marker waiver, which shall include, but not be limited to, the possible need for a future survey as a result of physical improvements to the property and the potential inability of the ultimate user to identify the actual boundary of the property;
2. Reviewed the waiver to ensure that it was properly signed by the ultimate user and witnessed by a person other than a land surveyor; and
3. Performed a physical measurement of the property.

New Jersey Licensed Land Surveyor

Date