

Resolution of the Demarest Governing Body

Resolution No. 165-26

August 24, 2026

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

**TITLE: A RESOLUTION AUTHORIZING ENGINEERING SERVICES TO SITE
 REMEDIATION AT THE BOROUGH COMPOST FACILITY**

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WHEREAS the Borough of Demarest has a need for LSRP services related to the site remediation at the Borough Compost Facility; and

WHEREAS, the Borough received a proposal dated August 19, 2026 from Colliers Engineering & Design to provide those services, attached, for the sum of \$78,500.00; and

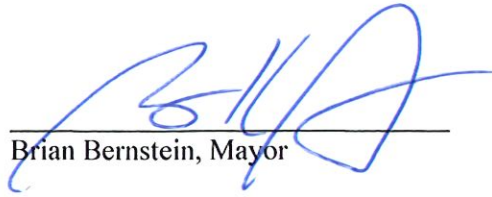
WHEREAS, the appointment and the contract are exempted from the competitive bidding requirements of the Local Public Contracts Law, (NJSA 40A:11-1 et. Seq.) as "Professional Services", pursuant to NJSA 40A:11-5(1)(a); and

WHEREAS, the vendor is the currently appointed 2026 Borough Engineer for the Borough of Demarest and the Mayor and Council awarded said 2026 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-04-2150-55-210-0001;

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 \$78,500.00, a copy of which is annexed to this Resolution.

APPROVED:



Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Borough 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 August 24, 2026.



Julie Falkenstern, RMC
Borough Clerk

400 Valley Road, Suite 304
Mt. Arlington, New Jersey 07856
Main: 877 627 3772
Colliersengineering.com



August 19, 2026

Julie Falkenstern, Borough Administrator
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

Proposal for Licensed Site Remediation Professional Services
DPW Compost Facility
Lot 1, Block 99
Borough of Demarest, Bergen County, NJ
Colliers Engineering & Design Project No. DEB041

Dear Mayor and Council,

Colliers Engineering & Design, Inc. (DBA Maser Consulting) (CED) is pleased to submit this proposal for providing NJ Licensed Site Remediation Professional (LSRP) services to the Borough of Demarest in connection with the investigation and remediation associated with the ongoing solid waste corrective action activities addressing the materials previously deposited on the property and extending beyond the permitted limits of the Borough's Compost Facility located on Lot 1 of Block 99.

Following completion of the excavation activities performed by Green Valley Group, Inc., the contractor retained by the Borough for removing the solid waste materials (fill) that were subject to the NJDEP Solid Waste Annual Notice of Compliance and Permit Application (ANOCAPA) and addressed in the conditionally approved Corrective Action Plan (CAP), the analysis of post-removal soil samples detected concentrations of pesticides, polycyclic aromatic hydrocarbons (PAHs), and metals exceeding the applicable New Jersey Department of Environmental Protection (NJDEP) Soil Remediation Standards (SRS). As a result, a Case Creation Request form was submitted to the NJDEP as notification that contaminated "historic fill" is present at the subject property.

Based on the sampling and analytical results available to date, the identified historic fill has exhibited concentrations exceeding the Migration-to-Groundwater and Residential SRS but has not been identified as exceeding the applicable Non-Residential SRS. These results are subject to further evaluation as part of the proposed investigation.

Consistent with the CAP conditional approval and the Site Remediation requirements, retention of an LSRP is required to address soil contaminant concentrations exceeding the SRS. Accordingly, CED proposes to provide the following services, which will include LSRP retention filing, public notification, delineation and further characterization of the historic fill, and reporting the historic fill investigation and associated remedial activities to the NJDEP. Construction observations and related oversight activities are authorized under the approved scope of construction administration services for the project. This phase does not include addressing conditions or contamination from sources other than

historic fill and assumes that a groundwater quality investigation is not required but a virtual Classification Exception Area (CEA) will be established by the NJDEP.

This proposal outlines the scope of services anticipated to be required for issuing a Response Action Outcome (RAO) addressing the historic fill at the property (Lot 1 of Block 99). We note that NJ-GeoWeb mapping depicts a likelihood of historic fill extending to the northern adjoining property identified as Lot 2 of Block 98. The *Boundary and Topographic Survey* previously completed by CED with the latest revision issue dated October 23, 2024 indicates the adjoining parcel is owned by the Borough of Demarest. Pursuant to New Jersey Administrative Code (N.J.A.C. 7:26E-4.7), determining the extent of historic fill is limited to the boundary of the property being investigated. The proposal assumes that no active investigation or remediation beyond the property boundary will be required.

As noted above, CED will use existing information provided by the Borough and the contractor(s) in assessing the extent of the fill / soil removed from the subject property. The extent of any historic fill remaining on the property will need to be defined in a deed notice (as the "institutional control"), and the property will be subject to a soil RAP that is issued by the NJDEP. CED on behalf of the PRCR will file the RAP application with NJDEP following execution and recording of a deed notice by the property owner, which may incorporate the proposed backfill materials as engineering controls. A virtual CEA will be established, presuming groundwater quality is impacted by the historic fill, and not by historic operations or discharges.

All backfill material should be "certified clean fill" originating from a quarry or other verified clean source, and adequate documentation must be provided by the contractor to the LSRP. The designed and proposed backfill materials (e.g., topsoil, clean fill, and road aggregate) may act as "engineering controls" that prevent contaminant migration and direct contact with the impacted historic fill and may constitute a component of the remedial action that is protective of public health, safety and the environment.

We understand that the proposed future use of the site will include leaf composting operations. Should the Borough propose to modify the current or future site use, the proposed capping system may no longer be adequate to serve as an effective engineering control and may require reevaluation and/or modification to ensure continued protectiveness.

The proposal assumes that the corrective action activities will adequately address the historic fill within the upland areas subject to those activities. However, historic fill may be present in other portions of the property that were not disturbed as part of the corrective action activities. Any historic fill identified in other portions of the property will need to be evaluated and addressed as part of the proposed remedial action.

This scope assumes that no physical remedial activities will be required within Environmentally Sensitive Natural Resources (ESNRs). The adequacy of the proposed surface cover materials as engineering controls to address potential direct contact exposure and overland-flow migration of impacted material from the upland portions of the property to adjacent ESNRs will be evaluated as part of the ecological evaluation.

This proposal also assumes that no other areas of concern (AOCs) requiring investigation or remediation are identified other than the historic fill material. In addition, it assumes that no excavation, removal, treatment, or other active remedial measures beyond the proposed institutional and engineering controls will be required.

Task ENVR1 Case Creation Filing and LSRP Oversight Services

A Case Creation Request form was recently prepared and submitted to the NJDEP on behalf of the Borough to obtain a Program Interest (PI) number and case for the site. Upon receiving authorization or resolution from the Borough designating an LSRP from CED as the LSRP for the site and a contract or purchase order, the LSRP (Nicholas DiVincent) of CED will prepare and electronically submit the "LSRP Notification of Retention or Dismissal" to NJDEP for the assigned "historic fill only" case. Following retention, the NJDEP Annual Remediation Fee form will be completed and certified by the LSRP.

This task includes LSRP services associated with the evaluation of previous and new site data and determination of additional actions required to investigate/remediate the environmental area of concern (AOC) for historic fill only in accordance with the Site Remediation Reform Act (SRRA). Should additional LSRP involvement and fees for services beyond what is provided in this proposal arise, CED will provide a supplemental proposal. NJDEP fees, such as the RAP application and annual fees, are not included in the proposal and are the responsibility of the Borough. The current 2026 fiscal year annual remediation fee for addressing one (1) Contaminated Area of Concern (CAOC) is \$950.

Task ENVR2 Initial Receptor Evaluation and Public Notification

Under SRRA regulations, an initial Receptor Evaluation (RE) is required within one year after the earliest applicable requirement to remediate and an update is required with each "major report", such as a remedial investigation, or remedial action report. CED will prepare the initial RE, and minor updates to each RE submitted along with the RI and RA reports.

Public notification of the remediation is also required under the regulations. Pursuant to N.J.A.C. 7:26C, public notification must occur at least 14 days prior to commencing field activities associated with the Remedial Investigation (RI). There are two options for public notification: (1) posting a notification sign at the site, or (2) sending periodic notification letters to owners and tenants within 200 feet of the site boundary.

If a public notification sign is preferred, it must be clearly visible to the public, describe activities specific to the site, include contact information for the PRCR and LSRP, and be maintained until the remediation is complete. Alternatively, property owners and tenants may be notified of the site conditions and the planned remediation activities via letters.

Under either option, CED will complete the Public Notification and Outreach form and submit the signed form along with supporting documentation via NJDEP Online and to the government officials identified in the regulations.

Task ENVR3 Historic Fill Extent Evaluation

Even though the fill material has been found to contain contaminant levels exceeding NJDEP standards, the historic fill requires investigation under the NJDEP Site Remediation requirements particularly to verify the extent, characteristics, and depth to ground water.

In accordance with the NJDEP Contaminated Site Remediation & Redevelopment (CSRR / Site Program's "Historic Fill Material Technical Guidance" (Version 2.0 – April 29, 2013), test pits at a frequency of four (4) test pits per acre of historic fill material and additional test pits around the material in native soils are proposed to evaluate the extent. NJ-GeoWeb mapping suggests the historic fill covers approximately 5 acres including the upland portion of the property. CED proposes performing up to 30 test pits. A reduced frequency may be used depending on the applicability of prior test pit investigation performed pursuant to the CAP. This scope assumes the Borough or the contractor (Green Valley Group) will clear areas of vegetation and provide the equipment and personnel necessary to perform test pits under CED's direction and oversight.

Although fill material was determined to be impacted based on previous sampling results, as the historic fill is co-located to ENSRs (i.e., wetlands, ponds and forests), additional sampling and analysis may be necessary to further evaluate impacts. CED proposes collecting up to twelve (12) soil samples for analysis of PAHs, pesticides, and lead and up to four (4) soil samples for analysis of Extractable Petroleum Hydrocarbons and contingent PAH and pesticide analysis under the Synthetic Precipitation Leaching Procedure (SPLP) under standard laboratory turnaround. CED will submit a proposal for providing supplementary services should results indicate additional investigation is required.

Test pits will be field screened by visual and olfactory means, and by using a photoionization detector (PID). Should conditions during test pit exploration identify suspect impacted materials inconsistent of historic fill, CED will submit a proposal for providing such supplementary services. Test locations will be recorded with GPS instrumentation. Fee includes two (2) days on-site to conduct the evaluation.

Task ENVR4 Site Investigation / Remedial Investigation / Remedial Action Report

CED will review documentation provided or to be provided by the contractor(s) regarding clean fill importation and emplacement. CED will then prepare a report or reports summarizing the site investigation (SI), remedial investigation (RI) and remedial action (RA) conducted. The information and data related to the fill and soil characterization efforts will be included, and the documentation that was (or will be) provided by contractor(s) regarding soil management and disposal, and clean fill importation and emplacement will be presented.

The laboratory data related to soil and fill sampling / characterization will be prepared and submitted to the NJDEP in the Electronic Data Deliverable (EDD) format.

CED will prepare the required NJDEP forms, including the Case Inventory Document (CID), Receptor Evaluation form, Classification Exception Area/Well Restriction Area (CEA/WRA) Fact Sheet Form, and the Authorization To Submit a Report / Form through NJDEP Online form which will need to be signed by the Borough. The LSRP will make three separate uploads to NJDEP Online service for the single report summarizing the SI, the RI, and RA phases. Should the circumstances require separate reports, CED will submit a proposal for providing such supplementary services.

Task ENVR5 Deed Notice and Remedial Action Permit (Soil) Application

Under NJDEP Site Remediation requirements, the historic fill will be subject to institutional and, as required, engineering controls. The institutional controls will include a Deed Notice and CEA. Engineering controls may also be required, and the proposed backfill materials (e.g., certified clean fill) may serve as the capping materials, presuming the current construction plans will satisfy regulatory requirements. The inclusion of a demarcation barrier to the construction plans (i.e., orange snow fencing or similar) may be warranted to provide a visual indication of the interface between the clean cover materials and the underlying impacted historic fill material.

The details regarding the institutional and engineering controls will be submitted as part of the application for a Remedial Action Permit (RAP) - Soil. As-built drawings and details, provided by others, will be included in the deed notice and the RA Report / RAP application, and the details sent to the NJDEP as GIS-compatible files. The PRCR (the Borough) and the LSRP are responsible for determining / certifying that the institutional and engineering controls are appropriate and protective of human health and the environment.

CED will draft the deed notice and exhibits using the NJDEP "model", and using information provided in the aforementioned *Boundary and Topographic Survey* of the property providing state plane coordinates for the limits of the property. The base map will be used in preparing the deed notice exhibits. CED assumes that a metes and bounds description, as required for the Deed Notice, will be provided by the Borough. After the property owner executes the deed notice and it is recorded with Bergen County, the Borough and the LSRP will apply for the Soil RAP.

A financial assurance mechanism, typically established for monitoring and maintaining the engineering controls, must be in place prior to filing the permit application. However, certain PRCRs and property owners, such as government entities, schools, and small businesses, are exempt from the financial assurance requirements. For the purpose of this proposal, it is assumed Borough is exempt from establishing financial assurance.

Should financial assurance be required, it must be established and remain in place for the duration of engineering controls. When engineering controls are in place as a remediation requirement, any financial assurance needs to cover a 30-year period.

The Borough will be responsible for NJDEP permit application fees. The current Soil RAP fee (effective July 1, 2026) is \$1,100.00. An invoice will be provided by the Bureau of Case Assignment and Initial Notice which includes payment options for the appropriate fee upon receipt of the initial RAP application. The initial RAP will not be reviewed prior to the invoice being paid. Once the permit is issued, annual NJDEP fees apply. Periodic inspection by the LSRP and biennial certification requirements also will be required. The costs associated with preparing cost estimates, conducting periodic inspections and or completing biennial certifications are not included in this proposal.

Task ENVR6 Response Action Outcome (RAO)

Once the site investigation / remedial investigation / remedial action report is submitted to the NJDEP, the RA Permit is issued by the NJDEP, and any outstanding NJDEP fees are paid by the Borough, a Response Action Outcome (RAO) prepared by the LSRP will be issued to the Borough. The RAO will be

a Limited Restricted Use or Restricted Use RAO, depending on whether institutional controls alone or both institutional and engineering controls are required, and will address historic fill only. The final CID and the RAO form will be prepared for review and signature by the Borough. Copies of the RAO will be distributed as required under the regulations. A full electronic copy of the site remediation file will be prepared and submitted to the NJDEP along with a copy of the RAO.

Task ENVR7 Meetings and Consultations

This task covers additional environmental consultation beyond the scope of the tasks outlined in this proposal. Services may include report revisions, additional engineering input, brainstorming, and discussions with the property owner, including participation in meetings and teleconferences. This task also includes providing environmental consulting services specifically related to solid waste corrective actions.

Because the amount of time necessary for these services cannot be anticipated, all work under this task will be billed on a time-and-materials basis in accordance with the Schedule of Hourly Rates in effect at the time the service is performed. CED will provide cost estimates for any additional services if necessary. Client communications and meetings are also included under this task. For the purpose of this proposal, a budget of \$5,000.00 is included.

Schedule of Fees

The following is our general cost estimate for providing the abovementioned services. The Client will be charged on time and expenses that are actually incurred in accordance with the approved fee schedule depending on the task.

Task Name	Fee
Task ENVR1 Initial Case Filings and LSRP Oversight Services	\$ 8,000.00
Task ENVR2 Initial Receptor Evaluation and Public Notification	\$ 9,500.00
Task ENVR3 Historic Fill Extent Evaluation	\$15,000.00
Task ENVR4 SI / RI / RA Report(s)	\$23,500.00
Task ENVR5 Deed Notice and Remedial Action Permit (Soil) Application	\$12,500.00
Task ENVR6 Response Action Outcome (RAO)	\$ 5,000.00
Task ENVR7 Meetings and Consultations	\$ 5,000.00
Total Lump Sum Fee	\$ 78,500.00

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

SCHEDULE:

Please refer to **Attachment A** for the proposed project schedule.

The schedule assumes timely execution of required Borough approvals and documentation, availability of personnel and equipment to complete the test pits, no additional investigation or off-

site investigation is required, acceptance by the NJDEP of the proposed Deed Notice and Soil RAP, and remaining planned corrective actions are conducted under the contractual project duration and sufficient to satisfy remedial action objectives. The schedule also assumes timely recording of the Deed Notice by the County, NJDEP review and approval of the soil RAP and payment of all applicable NJDEP fees paid by the Borough.

The Regulatory and Mandatory Timeframes established by the NJDEP by the case creation filing (NJDEP PI No. 1148268, Activity LSR260001) based on online information available through NJDEP DataMiner are provided below:

Task	Regulatory Timeframe	Mandatory Timeframe
Initial Receptor Evaluation	7/15/2027	7/15/2028
Remedial Investigation	7/15/2029	7/15/2031
Remedial Action	7/15/2032	7/15/2034

The following list of required submissions related to the case are provided below:

Task	Due Date
LSRP Retention Form Due	8/29/2026
NJDEP Annual Remediation Fee Form Due	10/13/2026
Initial Receptor Evaluation Due	7/15/2027
Remedial Investigation Report Due / Remedial Investigation to be Completed	7/15/2029
Remedial Action Report Due / Remedial Action to be Completed for All CAOCs	7/15/2032

Exclusions and Understandings

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 in Section I, such as not including;
- We understand the proposed use of the site will include Leaf Composting operations. Should the Borough propose changes to site use either now or in the future, the proposed capping system may be insufficient.
- Professional survey services;
- This scope assumes the Borough or the contractor (Green Valley Group) will clear areas of vegetation and provide the equipment and personnel necessary to perform test pits. Costs for these services are excluded from the fee above.
- Performing a boundary survey, conducting a title search, or preparing meets-and-bounds description;
- No active investigation or remediation beyond the property boundary will be performed.
- Performing ecological risk assessments.
- Preparation or implementation of a Perimeter Air Monitoring (PAM) Plan;
- Application fees and other fees to any governmental or regulatory agency (including the NJDEP);
- Plan revisions occasioned by the Client or other project representative's decision.



- Cap inspections and biennial certifications, unless approved under a follow-up Borough resolution, contract, or purchase order.

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, Colliers Engineering & Design may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra services. Unanticipated additional services shall be in accordance with the Schedule of Hourly Rates for the number of hours of effort required. No extra services will be performed without authorization from the Borough.

If you find this agreement acceptable, please forward a copy of the Resolution of Approval to this office. This will constitute approval of the proposed engineering agreement.

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 Inc.

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

Nick Chelius, P.E., C.M.E.
Borough Engineer

A handwritten signature in black ink, appearing to read "Angelo C. Fatiga".

Angelo Fatiga
Discipline Leader- Environmental

Cc: Michael Greco, Deputy Borough Clerk (via email)
Deena Rosendahl, Esq., Borough Attorney (via email)
Andrea Johe, Borough CFO (via email)
Carl O'Brien, Colliers Engineering & Design (via email)

Attachment A

Proposed Project Schedule

Borough of Demarest Leaf Compost Facility - LSRP Services

Prepared 8/14/2026

Project start¹:

Mon, 8/24/2026

TASK	START	END	Duration (Days)	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21	Week 22	Week 23	Week 24	Week 25	Week 26	Week 27	Week 28	Week 29	Week 30	Week 31	Week 32			
Task ENVF1 Case Creation Filing and Initial LSRP Services																																						
LSRP Notification of Remedion ²	8/24/26	9/7/26	14																																			
LSRP Oversight	9/7/26	2/10/28																																				
Task ENVF2 Initial Receptor Evaluation and Public Notification																																						
Prepare Receptor Evaluation	9/7/26	1/3/27																																				
Prepare Public Notification	9/7/26	9/21/26	14																																			
Post Public Notification (14-day min. Notice Prior to Investigation)	9/21/26	10/5/26																																				
Task ENVF3 Historic Fill Extent Evaluation																																						
Prepare and Coordinate for Investigation	9/7/26	10/5/26	2																																			
Remedial Investigation ⁴	10/5/26	10/7/26	2																																			
Initial Laboratory Analysis	10/14/26	10/14/26	1																																			
Follow-up Analysis	10/14/26	10/21/26	7																																			
Correction Action Activity Evaluation ⁵	10/21/26	9/10/26	7																																			
Corrective Action / Remedial Action ⁶	10/28/26	11/26/26	29																																			
Task ENVF4 SI / RI / RA Report(s)																																						
Prepare Report and NIDEP Forms and Documents ⁷	11/26/26	1/13/27	48																																			
Submit Reports ⁸	1/13/27	1/20/27	7																																			
Task ENVF5 Deed Notice and Remedial Action Permit (SAP) Application																																						
Prepare and File Deed Notice ⁹	12/16/26	12/20/26	5																																			
Recording of Deed Notice ¹⁰	12/20/26	1/1/27	14																																			
Prepare & Submit SAP - SAP ¹¹	1/20/27	2/3/27	14																																			
Task ENVF6 Response Action Outcome (RAO)																																						
RAO ¹²	2/3/27	2/10/28	7																																			
Task ENVF7 Meetings and Consultations																																						
Meetings and Consultations	8/24/26	2/10/28																																				

Notes:

¹ Red - CED will evaluate investigation results pertaining to Solid Waste corrective action and remedial action objectives. Findings may alter proposed scope and project schedule.

² Assume Borough will provide signature page for Substantial with 1 week.

³ Assume Borough at the next Mayor's Council meeting scheduled for 8/24/26.

⁴ Assume Borough will provide PD 010 report and provide signature page for retention with 1 week of council meeting.

⁵ Assume 2 weeks for laboratory reports and posting, signs and other materials. Investigation extending outside the property boundary will not be required.

⁶ Assume Green Valley or other local business availability for permit in place under Deed Notice and SAP.

⁷ Subject to NIDEP Green Acres program accepting of leaving concrete and other materials in place under Deed Notice and SAP.

⁸ Assume no additional investigation necessary and use resolution activities (e.g., planning and landscaping) are completed by this time. Assume: times and bounds provided by Borough and as-built documentation will be available.

⁹ Assume County reports Deed Notice within 2 weeks.

¹⁰ Assume all NIDEP fees have been paid by Borough and NIDEP fee SAP approval is issued within 1 year (not shown for illustrative purposes).

¹¹ Assume corrective actions currently planned will satisfy remedial action objectives and contractor will complete within remaining project duration (25 calendar days).