

**ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF DEMAREST**

**RESOLUTION NO. 2024-02**

**WHEREAS**, the Borough of Demarest Zoning Board of Adjustment (Board) is in need of professional engineering services; and

**WHEREAS, Nick Chelius, PE of** Colliers Engineering and Design, 331 Newman Springs Road, Red Bank, NJ 07701, has submitted a proposal to perform such services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Demarest Zoning Board of Adjustment to award a contract for such services to Nick Chelius, PE of Colliers Engineering and Design, 331 Newman Springs Road, Red Bank, NJ 07701 based on their experience pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2024 Temporary Budget and 2024 Budget of the Borough of Demarest;

**NOW, THEREFORE BE IT RESOLVED**, by the Board of the Borough of Demarest Zoning Board of Adjustment that Nick Chelius, PE Colliers Engineering and Design, 331 Newman Springs Road, Red Bank, NJ 07701 be retained to provide professional engineering services for the Borough of Demarest Zoning Board of Adjustment for a one year term commencing January 1, 2024, and terminating December 31, 2024, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Demarest; and

**BE IT FURTHER RESOLVED**, that Nick Chelius, PE of Colliers Engineering and Design, 331 Newman Springs Road, Red Bank, NJ 07701, be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 6

Introduced by: Nominating Committee

Nays: 0

Seconded by: Chair Hayden

Abstentions: 0

Dated: 1/16/2024

Dorothy Harper  
Chairperson

Dated: 1/16/2024

[Signature]  
Attest: Board Secretary