GAP believes there are viable alternatives, including but not limited to High Tech High School and 64th Street sites...our only concern is to relocate trailers off of the park." - Green Acres memo of its 05-26-16 phone meeting with Hudson County.

NORTH BERGEN'S 25 YEAR FAILURE TO BUILD A FACILITY FOR PRESCHOOLERS

North Bergen knew in 1996, upon acceptance of ECPA (Early Childhood Program Aid), that it would need to have a preschool program up and running in time for the opening of the 2001-2002 school year. But construction didn't begin on a Lincoln Elementary School early childhood annex until around the beginning of 2001.

In what he called an emergency measure, North Bergen Mayor/Assistant Superintendent of Schools/State Senator Nicholas Sacco moved 16-17 trailers (TCUs) into Braddock Park in 2001, telling the public this preschool would be a temporary situation for one-year, until the Lincoln Annex was completed.

The Lincoln Annex was not completed until during the 2005-2006 school year, and it was never used for preschool.

https://archive.hudsonreporter.com/2000/04/14/make-way-for-new-school-nine-homes-to-be-torn-down-for-new-lincoln-school-additions/

https://archive.hudsonreporter.com/2005/09/27/open-for-business-lincoln-school-extension-finally-welcomes-kindergarteners-work-continues/

ECPA (Early Childhood Program Aid) To North Bergen: (Source: NJ DOE)

1996-97 \$ 3,265,312 1997-98 5,475,470 1998-99 5,475,470 1999-00 5,881,172 2000-01 6,010,669 2001-2007 5,933,180 (yearly)

ALTERNATIVE PRESCHOOL SITE-NORTH BERGEN BOE OWNED LAND ON 64th ST.

North Bergen erroneously placed the Board of Education ("BOE") owned 64th Street land on its ROSI, thereby removing it from consideration as an alternative site for the preschool, during Green Acre's consideration of Hudson County/North Bergen's first diversion application; a process that was initiated at a scoping hearing dated November 5, 2014, and was abruptly ended during the pre-application process on August 11, 2020 (at which time a second scoping hearing was held.)

After the error was acknowledged, North Bergen sold some of the previously available land and claimed there was not enough room on the 64th Street parcel for the preschool.

Currently, there are 4.76 acres of BOE owned land on 64th St., and .57 acre of land is for sale adjacent to it. Eminent Domain could be utilized to acquire that adjacent additional land to enable the preschool to be located at the 64th Street site.

A school parking garage could be built on the 64th St. BOE land, or across the street on land currently owned by the Township. That parking garage could incorporate the Parks Dept. garage currently situated on the BOE's 64th St. land.

Alternatively, the Parks Dept. garage, etc. could be moved to the Township's property on Tonnelle Avenue, where in 2016, the Township bought 1.5 acres of land next to its DPW land (Green Acres was notified of this land purchase several years ago.)

https://www.northjersey.com/story/news/2016/01/28/north-bergen-introduces-5m-bond-ordinance-to-fund-upcoming-projects/94439428/

The playground area on the BOE's 64th Street land could be utilized by both the preschool and the public, as North Bergen claimed (though inaccurately), that the preschool tot lot next to the TCUs in Braddock Park has been used. That tot lot was not open to the public.

The ballfield currently on 64th St. could perhaps be reconfigured to make more room for the preschool. Or, the ballfield could be removed entirely, enabling the preschool to be only steps away from the Lincoln Elementary School (which administers the preschool), and the Lincoln School Early Childhood Annex. The ballfield that North Bergen illegally removed in Braddock Park could be rebuilt and used for the games that are currently held on 64th Street.

North Bergen has previously stated that the Braddock Park ballfield was not full-sized; it could be made full-sized if a <u>few</u> trees were removed from behind where the preschool TCUs are currently situated.

Over the past few years, several homeless people have died while camping in this wooded area, just a few feet behind the TCUs.

It would also make sense to replace the BOE 64th St. ballfield with one in the North Bergen Recreation Complex, because the Township and BOE already have other ballfields, spectator stands and recreational facilities situated there. The Township has another ballfield on 64th St., across from the BOE owned land, for neighborhood residents.

Another alternative would be for North Bergen to lease an existing ballfield in Braddock Park for its games.

ALTERNATIVE PRESCHOOL SITES-NORTH BERGEN ELEM. SCHOOLS OR HI TECH

NB's Long Range Facility Plan ("LRFP") application documents directly link its LRFP realignment plan to the special 12-11-2018 North Bergen bond referendum in which voters approved \$65 million to purchase and renovate the former Hudson County Hi Tech High School and improve the current North Bergen High School.

North Bergen's LRFP realignment plan for the following 7 North Bergen schools was approved by NJ DOE on 10-05-2018:

Current High School: Grades 10-12

Franklin Elementary School: Pre-K to 6 grade Mann Elementary School: 1 to 6 grade

Kennedy Elementary School: Pre-K to 6 grade (a) Lincoln Elementary School: Pre-K to 6 grade (b)

McKinley Elementary School: Pre-K to 6 grade Fulton Elementary School: Pre-K to 6 grade

https://www.nj.gov/education/facilities/lrfp/fdl/hudson/amend1/3610.pdf

The LRFP also states:

- (a) "Kennedy School early childhood rooms may serve both the Kennedy School neighborhood zone, as well as the early childhood population from other North Bergen School zones".
- (b) "Lincoln School early childhood rooms may serve both the Lincoln School neighborhood zone, as well as the early childhood population from other North Bergen School zones".

At the 08-11-20 Diversion Scoping Hearing, North Bergen officials contradicted the LRFP, saying Fulton School will not house Pre-K students.

The NJ DOE LRFP approval letter states that "the LRFP needs to be further amended to address a projected school facilities project that is inconsistent with the approved Plan."

North Bergen BOE's decision to not remove all the preschoolers from Braddock Park is inconsistent with its state approved LRFP, and it disregards the mandate voters gave North Bergen in a special 2018 referendum, and the directives NJDEP gave North Bergen to remove the school from Braddock Park no later than 09-01-2021.

NORTH BERGEN'S DECREASING SCHOOL ENROLLMENTS

- **1-** Pages 4-5 of NJ DOE's 10-15-18 LRFP amendment approval letter state "*The District is planning for decreasing enrollments.*"
- 2- North Bergen's declining total school enrollment:

10/14/2012 actual. 8095 10/15/2013 actual 7777 10/15/2014 actual. 8068 10/15/2015 actual. 7874 10/14/2016 actual 7735 10/13/2017 actual. 7664 10/15/2018 actual 7528 10/15/2019 actual 7528 10/15/2020 estimate 7484

https://www.nj.gov/education/finance/fp/ufb/2020/reports/17/3610/UFB21 3610.pdf https://www.nj.gov/education/finance/fp/ufb/2018/reports/17/3610/UFB19 3610.pdf https://www.nj.gov/education/finance/fp/ufb/2017/reports/17/3610/UFB18 3610.pdf https://www.nj.gov/education/finance/fp/ufb/2016/reports/17/3610/UFB17 3610.pdf https://www.nj.gov/education/finance/fp/ufb/2015/reports/17/3610/UFB16 3610.pdf https://www.nj.gov/education/finance/fp/ufb/2014/reports/17/3610/UFB15 3610.pdf

3- On page 31 of the preschool Alternatives Analysis that North Bergen sent to NJDEP on 08-19-16, it stated there were 2900 high school students.

https://www.nj.gov/dep/greenacres/pdf/N Bergen Alternatives Analysis.pdf

North Bergen reported that for the 2018-2019 school year, there were 2376 high school students, **an 18% drop in enrollment**:

https://nces.ed.gov/ccd/schoolsearch/school_detail.asp?Search=1&DistrictID=3411460&ID=341146002882

NORTH BERGEN PRESCHOOL ENROLLMENTS (2010-2019 data is from

https://www.nj.gov/education/data/enr/ and 2019-2021 data was supplied by NB BOE)

```
2010-11:
262 1/2 day students
  1 full day student
263
2011-12:
231 1/2 day students
12 full day students
----
243
2012-13:
235 1/2 day students
  1 full day student
236
2013-14:
235 1/2 day students
none listed - full day students
----
235
2014-15:
276 1/2 day students
  3 full day students
279
2015-16:
255 1/2 day students
31 full day students
```

286

```
2016-17:
203 1/2 day students
none listed - full day students
203
2017-18:
234 1/2 day students
none listed - full day students
234
2018-19: No DATA
2019-20:
271 1/2 day students
 22 full day students
293
2020-21:
229 1/2 day students
 19 full day students
248
```

SUMMARY: North Bergen Pre-K enrollment has fluctuated up and down since 2010, but it has not exceeded 293.

NORTH BERGEN ELEM. SCHOOLS' REALIGNMENT PLAN ACCORDING TO THE 2018 LONG RANGE FACILITY PLAN ARCHITECTURAL DRAWINGS APPROVED BY NJ DOE

	PRE-K	K	1	2	3	4	5	6	TOTAL SE	ATS
Mann	0	0	126	147	147	138	105	138	801	
SCSE	(R	oom 308	- grades	K-5 – 7 r	nore stu	ıdents)		12	19	
SGI: Rooms B10, B14, B16, - B17 - doesn't say grades or # students									?	
SCI/STEM: Room B6 - doesn't say grades or # students									?	
McKinley	30	42	42	42	42	40	40	40	318	
SCSE	12 (1	2 more -	doesn't s	ay for wh	nat grad	le - Rooi	m B1 b	smt.)	24	
SCI/STEM: Room B9 - doesn't say grades or # students										
Lincoln	120	231	105	84	84	80	80	80	864	
SCSE	24	12	12		12	12		12	84	
SGI: Room B5 - doesn't say grades or # students										
SGI: Room 158 - doesn't say grades or # students										

SGI: Room 235 - doesn't say grades or # students SGI: Room 258 - doesn't say grades or # students SCI/STEM Room 230 - doesn't say grades or # students									? ? ?	
Kennedy SCSE SGI: Room PEAK: Room	ms 320 an	d 321 - d	oesn't sa	y grades	or # stud	dents	40 12 ents	60 12	473 108 ? ?	
Fulton SCSE: SGI: 8 stur SCI/STEM:	30 (24 st dents in ro	63 udents, g oom B9 (I	120 grades 1 -	126 - 5 room doesn't s	105 204 & b	115 smt roc hat grad	de	116 12 n what g	775 36 8	
Franklin SCSE SCI/STEM SGI: Room	30 s B7 and E	63 39 - does	84 n't say gr	84 ades or	63 5 # student	60 9 ts	60 12	40 12 20	484 38 20 ?	
Pre-K: 270 Pre-K SCSE: 84 (possibly 96) 354 – 366+ Pre-K Seats				Grades Pre-K thru 6: 3715 Grades Pre-K thru 6 SCSE: 309 SGI: 8+? SCI/STEM: 20+?						

SUMMARY: The LRFP shows sufficient room for <u>ALL</u> the Pre-K students in the elementary schools. The highest Pre-K enrollment since 2010 was 293 (2019-2020), and currently (2020-2021), it is 248.

The LRFP architectural drawings show 354-366+ seats in the classrooms for Pre-K students. This number may be even higher; the drawings do not list the numbers of seats in numerous SCI/STEM/SGI classrooms (see above.)

SCHOOL ENROLLMENTS & VIABILITY OF HI TECH AS AN ALTERNATIVE SITE

North Bergen school enrollments have declined every year (but one), since 2012, and even though its schools are reported to be overcrowded, North Bergen did not make any public attempt to acquire the soon-to-be vacated, 10 acre Hi Tech HS campus until after Robert Walden notified Green Acres on 11-17-2015, about its impending availability and its usefulness in solving both the illegal preschool diversion and school overcrowding.

On 04-12-2016, NJDEP ordered North Bergen to "analyze the alternative of relocation of the Pre-K school to a portion of the current properties associated with the Hudson County High Tech High School in N. Bergen (or alternatively, relocating other school children there and moving the Pre-K school into newly available space at one or more of the existing school facilities)."

Page 5: https://www.nj.gov/dep/greenacres/pdf/NBergen DEP Completeness Review.pdf

On 12-20-2016, Green Acres/NJDEP gave North Bergen almost 5 years, a firm deadline of September 1, 2021, to remove the preschool from Braddock Park, even "should the High Tech High School alternative not come to fruition."

Page 4: https://www.nj.gov/dep/greenacres/pdf/N Bergen Pre-app Completeness Review Pt 2.pdf

On 08-25-17, North Bergen assured Green Acres/NJDEP that it would acquire Hi Tech HS and remove the preschool from Braddock Park, placing the preschoolers into "existing facilities" by "the start of the 2019 school year."

Page 7: https://www.nj.gov/dep/greenacres/pdf/NBergen Diversion-PreApp-Response-2-Aug25 2017.pdf

In 2018, North Bergen amended its 2010 LRFP with its realignment plan, telling NJ DOE that the plan proposed "will result in District wide realignment for Pre-Kindergarten through 6th grade students at existing Elementary Schools"; and North Bergen proposed a public bond referendum, seeking approval for monies needed to enable the realignment. On 10-11-2018, NJ DOE approved this amended LRFP.

The LRFP reorganization was designed to free up classroom space in elementary schools for the preschoolers by moving their 7th and 8th graders into Hi-Tech, which would become North Bergen's middle school (NB didn't previously have a middle school.) The elementary schools currently serve K-8.

The LRFP shows classroom space to accommodate 354 (possibly 366 or more), preschoolers in the elementary schools, well exceeding North Bergen's 2019 actual preschool enrollment of 293, and large enough to accommodate its then predicted enrollment of 347 for 2020-2021 (an 18.4% increase.) However, only 248 pre-schoolers are actually enrolled this 2020-2021 school year (a 15% decrease.),

North Bergen held a referendum on December 11, 2018 in which voters approved the expenditure of \$65 million to put the LRFP into effect.

North Bergen then acquired Hi Tech; the Notice of Settlement is dated 03-04-2020.

Hi Tech HS accommodated 2468 students.

At this time, the public does not know what North Bergen's justification is for not moving ALL of the preschoolers out of their temporary classrooms and into permanent classrooms, now that the Hi Tech acquisition added new permanent classroom space for 2468 students and 10 acres of land to the BOE's inventory.

https://en.wikipedia.org/wiki/Hudson County Schools of Technology

In a 03-02-2016 memo, a NJDEP Green Acres official stated that the approximately 2.5 acre parking lot next to the building "could accommodate trailers or a school if need be."

On 08-11-2020, at the Diversion Public Scoping Hearing, North Bergen reneged on all its previous commitments made to NJDEP, North Bergen referendum voters and NJ DOE, to remove the preschool from Braddock Park. It announced its intention to submit a new, second diversion application to Green Acres/NJDEP, for permission to keep the preschool in Braddock Park permanently.

Between the acquisition of Hi Tech and the 2 acres of land currently for sale adjacent to it,** the 4.7 acres of land the BOE owns on 64th Street, as well as the .57 acres of land currently for

sale adjacent to it,*** and the decreasing school enrollments, a school realignment should should be devised to remove the preschool from Braddock Park, where it has been sitting "temporarily" and unsafely for now 20 years, in violation of NJDEP regulations.

** https://www.loopnet.com/Listing/2100-2126-83rd-St-North-Bergen-NJ/21686575/
(Robert Walden notified NJDEP about this on 08-12-20 – the day after the public scoping hearing.)

*** https://www.zillow.com/homedetails/6217-Meadowview-Ave-North-Bergen-NJ-7047/38928657_zpid/
(I notified NJDEP about this on 11-26-20.)

"Upon review of the resubmitted alternatives analysis, the Green Acres Program reserves the right to engage an expert to evaluate the alternatives analysis, if deemed necessary, in accordance with N.J.A.C.7:36-26.9(f)."

https://www.nj.gov/dep/greenacres/pdf/N-Bergen Response to Diversion PreApplication Review.pdf

An expert should be requested to evaluate the Hi Tech and 64th Street alternative locations and to understand the education facilities planning aspect of this proposal.

PREVIOUS VIABLE ALTERNATIVE SITES AND NORTH BERGEN POOR EXCUSES

1305, 1407, and 1717 Paterson Plank Road (Block 27, Lots 1, 2, 16.01, 16.02, 21, 22, and 23.01)

"Hudson News" The old "Hudson News" property, now under development by Hudson Mews is not reasonable as per NJAC 7:36-26.9(e)2v as it would create unique problems, specifically the retroactive cancellation of an approved multifamily residential development."

Page 11: https://www.nj.gov/dep/greenacres/pdf/N Bergen Alternatives Analysis.pdf

It is our position that cancellation of this project should have occurred.

The property was never seriously considered as an alternative site, likely because the Freeholder's brother-in-law had a stake in the ownership/development of the Hudson News properties, which had more than enough room for the preschool. The Freeholder also worked for the North Bergen Mayor. The Hudson Mews Apartments were built on the Hudson News 10.76 acres of land: https://nipropertyrecords.com/property/0908 27 1

Aerial photo showing the apartments:

https://www.google.com/maps/place/Hudson+Mews/@40.765664,-74.0449696,302m/data=!3m1!1e3!4m5!3m4!1s0x89c25761f20243cf:0xabbb32fd0962853e!8m2!3d40.7 658143!4d-74.0448355?hl=en

Braddock Park and much of North Bergen/Hudson County also have contaminated soil.

2819 Kennedy Blvd. (4.8 acres)

"The property is not available as per NJAC 7:36-26.9(e)3i as the owner is unwilling to allow the Board to lease or utilize the land for the purposes of operating a preschool.

The site is also not reasonable as per NJAC 7:36-26.9(e)2ii as it would result in the incurring of additional construction costs of an extraordinary magnitude.

Occupancy of the retail building currently used as a grocery store would require extensive interior and exterior renovations and creation of safe play space."

Page 17: https://www.nj.gov/dep/greenacres/pdf/N Bergen Alternatives Analysis.pdf

Eminent Domain could have been used to acquire the land; cost alone is not justification for dismissal.

5711 Kennedy Boulevard (Block 195, Lot 68, 68B)

"The "North of Avalon Cove" site is 2.26 acres of cleared open land.

The property is not reasonable as per NJAC 7:36-26.9(e)2v as it would create unique problems as the site was approved by the North Bergen Zoning Board of Adjustment for residential development in October 2015.

It is not reasonable for the Township to consider retroactively canceling the approved housing development in the specially designated zone."

Page 19: https://www.nj.gov/dep/greenacres/pdf/N_Bergen_Alternatives_Analysis.pdf

It is our position that it was reasonable for the Township to consider canceling development plans. For example, 7903-7909 River Road was approved by the North Bergen Planning Board for a commercial building**, then Hudson County bought it, using Eminent Domain, to use it as Diversion replacement land.

** NBPB Resolution No. 2015-11, Case No. 4-15.

4828 Tonnelle Avenue – formerly the "Manhattan Mobile Home Park."

This 5+ acre parcel was never considered as a Preschool alternative site, most likely because the Freeholder's brother-in-law's business associates wanted to/and did develop it for residences.

North Bergen's Problematic RFQ/RFP

North Bergen issued a RFQ/RFP calling for the construction/leasing of a preschool, a library and a community center, so it could remove the preschool from Braddock Park.

North Bergen abandoned the idea, stating "Costs submitted in response to the RFQ/RFP were far in excess of estimated construction costs" and "The responses received proposed leases at excessive rates."

Page 10: https://www.nj.gov/dep/greenacres/pdf/N-Bergen Response to Diversion PreApplication Review.pdf

Page 22: https://www.nj.gov/dep/greenacres/pdf/NBergen Diversion-PreApp-Response-2-Aug25 2017.pdf

Green Acres suggested North Bergen issue a revised RFQ, limiting the proposal to a Pre-K school.

Page 5: https://www.nj.gov/dep/greenacres/pdf/NBergen DEP Completeness Review.pdf

North Bergen didn't follow-up on Green Acres suggestion.

North Bergen has inappropriately eliminated alternative sites because of their costs.

"the incurring of increased costs alone shall not disqualify an alternative from consideration." N.J.A.C. 7:36-26.4(e)2ii and 26.9(e))2ii

North Bergen's responses regarding the above alternative properties indicates its unwillingness to relocate the preschool, and to find one excuse after another. It seems that Mayor-State Senator Sacco wants the preschool in Braddock Park and he is going to do everything to have his way.

NORTH BERGEN SHOULD PROVIDE REPLACEMENT LAND FOR ILLEGALLY DIVERTING THE DRIVEWAY TO THE PRESCHOOL

There is a driveway leading from JFK Boulevard East to the preschool parking lot.

The parking lot couldn't have been diverted without also diverting the driveway to the parking lot. Next to the entrance of the parking lot is a short, not well maintained gravel road (more like a path), which leads to the walkway around the lake; this road/path is not open to the public – it is only usable by emergency vehicles.

Part of this road/path can be seen here, between the trees: https://www.google.com/maps/@40.8042819,-73.999247,302m/data=!3m1!1e3?hl=en

NORTH BERGEN FINANCES

North Bergen, despite numerous documented cases of no-show jobs and exorbitant Township legal expenses (including a no-show attorney), had/has money available for education:

Pages 16-24: https://www.nj.gov/comptroller/news/docs/report_local_government_legal_fees.pdf

- 1- In 2000, North Bergen planned on spending \$60 million to build a new high school (approximately \$93 million in 2021 dollars.) https://www.saving.org/inflation/inflation.php?amount=60,000,000
- 2- In the latest year North Bergen posted its budget (2019), North Bergen had its biggest budget surplus in many years (approximately \$15 million.) https://www.northbergen.org/_Content/pdf/budgets/2019-Budget-Presentation.pdf
- 3- In its previous diversion application, North Bergen hoped to receive NJ SDA grants for its preschool.
- 4- Since 1996, North Bergen has received millions of dollars yearly in NJ ECPA (early childhood) funds.
- 5- For many years North Bergen did not consider feasible alternative preschool sites, because it instead preferred to approve these sites for developers (with close relationships to North Bergen-Hudson County officials), for residential and commercial development.

 These developers received PILOT incentives from North Bergen, which took away revenue from the
- 7- "Thanks to the leadership of Mayor Sacco and the commissioners, North Bergen has never been in better shape in terms of its finances, services, facilities and more." https://www.nj.com/hudson/2021/02/health-officer-castro-to-make-history-as-next-north-bergen-business-administrator.html

North Bergen BOE.

- 8- At the end of 2020, North Bergen announced it will reassess every property in the township. https://hudsonreporter.com/2020/12/22/north-bergen-moves-to-begin-property-tax-revaluation/
- 9- On 03-11-21 Governor Murphy announced North Bergen is getting \$17,755,220.29 from the \$1.9 trillion Covid relief law.

https://patch.com/new-jersey/montclair/see-how-much-each-nj-town-will-get-coronavirus-relief-plan

Robert Walden, Save Braddock Park-Safe Schools 03-19-21