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Attorneys for Plaintiffs

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NEW JERSEY CONSERVATION	:	SUPERIOR COURT OF NEW JERSEY
FOUNDATION and SAVE BRADDOCK PARK-	:	CHANCERY DIVISION: HUDSON
SAFE SCHOOLS,	:	Docket No. HUD-C-174 -21
	:	
	:	
Plaintiffs,	:	Civil Action
	:	
-vs.-	:	RENÉE STEINHAGEN
	:	CERTIFICATION IN SUPPORT
TOWNSHIP OF NORTH BERGEN, NICHOLAS	:	SUMMARY JUDGMENT ON
SACCO, in his official capacity as Mayor,	:	COUNTS I AND II AND IN
HUDSON COUNTY, THOMAS DeGISE, in his	:	OPPOSITION TO DEFENDANTS'
official capacity as County Executive, and NEW	:	MOTION. TO DISMISS
JERSEY DEP, GREEN ACRES PROGRAM,	:	
	:	
	:	
Defendants.	:	
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I, RENÉE STEINHAGEN, hereby certify as follows:

1. I am an attorney with New Jersey Appleseed Public Interest Law Center, who represents, with co-counsel Daniel Greenhouse of Eastern Environmental Law Center, the two organizational plaintiffs in this matter. This case involves a twenty-year plus, unlawful diversion of dedicated parkland, in violation of the Garden State Preservation Trust Act and several Green Acres regulations, which has resulted in the continuing impairment of a significant area of James

J. Braddock Park (“Braddock Park) for non-recreational purposes in violation of the Environmental Rights Act. I make this certification in support of Plaintiffs’ motion for summary judgment with respect to Counts I and II of their Complaint against the Township of North Bergen and Hudson County. I also make this certification in support of Plaintiffs’ opposition to all defendants’, including the Department of Environmental Protection’s (“DEP”), motions to dismiss.

2. On its website, the Green Acres program posts the North Bergen-Hudson County diversion applications, related documents and correspondence to and from the agency. On such website, I secured the many of the following documents; others were obtained from official government websites as well.

3. I am attaching, as Ex. C, a letter addressed to DEP from the Township of North Bergen dated April 4, 2011, downloaded from DEP’s website.

4. I am attaching, as Ex. H, one page of a comprehensive letter addressed to North Bergen, dated, April 12, 2016, which was sent as part of DEP’s pre-application completeness review (Page 5 of Pre-K School Trailers Diversion of Green Acres-Encumbered Parkland State House Commission (SHC) #s 0900005, 0908003 Pre-Application Completeness Review, Part 1).

5. I am attaching, as Ex. I, an internal DEP memo, dated May 26, 2016, which memorialized a phone meeting DEP staff had with Hudson County staff.

6. I am attaching, as Ex. J, page 9 of North Bergen’s August 19, 2016 response to Green Acres’ completeness review

7. I am attaching, as Ex. K, an e-mail letter dated June 8, 2017, in which the director of DEP’s Green Acres program, Martha Sapp, wrote to “Bernadette,” a paid consultant working for an employee of North Bergen.

8. I am attaching, as Ex. L, page 7 of North Bergen's Response to DEP's completeness questions, dated August 25, 2017.

9. I am attaching, as Ex. N, the special, official public bond referendum question that was voted on by Township voters in December 2018.

10. I am attaching, as Ex. O, a copy of the School Facilities Project Application for East High School Media Renovation, 3610-050-18-1000.

11. I am attaching, as Ex. P, a copy of the October 5, 2018 letter from the NJ DOE approving North Bergen's amendment to its Long Range Facilities Plan ("LRFP").

12. I am attaching, as Ex. R, a letter I wrote with co-counsel dated June 2, 2020, on behalf of Plaintiffs, the League of Women Voters of NJ and the Sierra Club-NJ, giving notice to Attorney General Grewal, Mayor Sacco, County Executive DeGise and DEP Section Chief, Martha Sapp re: "N.J.S.A. 2A:35A-11 Notice of 19-year Continuing Impairment and Illegal Diversion of Block 437.02, Lot 1 of Braddock Park for non-recreational use."

13. Soon thereafter, rather than submitting the additional information and documents DEP required in order to move the diversion process to its final application, I was told by a staff person at DEP that North Bergen had asked DEP to now allow it to apply for a permanent diversion. That is, that North Bergen no longer desired to comply with DEP's previous decision to treat its application as a request for a temporary diversion, with a directive to completely remove the trailers by August 31, 2021; rather, it wanted to permanently divert the public parkland property to a non-recreational, pre-school use. DEP staff said to me that they had no authority to prohibit North Bergen from reapplying for a permanent after-the-fact diversion.

12. I am attaching as Ex. S, the November 4, 2020, North Bergen Resolution to move forward with the restarted major diversion process, seeking to permanently divert the parkland it

had illegally occupied since 2001. The Resolution is entitled an Amended Resolution and focuses on inclusion of a second unlawfully diverted property in its title. However, the resolution also permits North Bergen to file a new pre-application regarding Braddock Park.

13. I am attaching, as Ex. T, a second Notice pursuant to the Environmental Rights Act, in light of North Bergen's and Hudson County's decision to pursue a permanent diversion of Block 437.02, Lot 1 in Braddock Park, dated November 10, 2020.

14. I am attaching, as Ex. U, a letter dated March 19, 2021, that I sent to DEP on behalf of Plaintiffs, the League of Women Voters of NJ and the Sierra Club-NJ, in a good faith attempt to participate in the administrative process. The letter also includes a Report that was prepared by Robert Walden based on documents he received from the NJ DOE.

16. Plaintiffs' efforts are futile. It is now over twenty-one years since North Bergen has unlawfully occupied Braddock Park for non-recreational purposes and NJDEP has yet to make a final agency determination, let alone enforce any of its previous demands to evacuate and restore the property and set reasonable time limits on its own process.

17. Plaintiff NEW JERSEY CONSERVATION FOUNDATION ("NJCF") is a New Jersey non-profit corporation, registered under Section 501(c)(4) of the Internal Revenue Code, with offices in Far Hills, Camden, and Stockton, New Jersey. Its primary place of business is located at 170 Longview Road, Far Hills, New Jersey, 07931. Its mission is to protect strategic lands, promote strong land-use policies, and forge partnerships through education and assistance programs to achieve conservation goals. Several of its members, including Eleanor Gruber, and employees, such as Emile DeVito, have been involved in the administrative process over the past ten years. NJCF and its members have gotten no relief, let alone a final agency determination.

18. Plaintiff SAVE BRADDOCK PARK-SAFE SCHOOLS is a local, grassroots unincorporated organization whose members include North Bergen residents and taxpayers. The group has over seven members. Its sole purpose is to advocate to preserve parkland in Braddock Park, remove the trailers from the park, and to ensure that North Bergen preschool children are housed in safe, secure and appropriate facilities.

19. Defendant TOWNSHIP OF NORTH BERGEN is, and has been at all times relevant to this Complaint, a municipal corporation formed under the laws of the State of New Jersey pursuant to N.J.S.A. 40:43-1, and is governed by the commission form of government known as the Walsh Act, N.J.S.A. 40:70-1 et seq. The Township is governed by five commissioners, one of whom is elected Mayor, and each of whom supervises a department of the Township. Its official address is 4233 Kennedy Blvd., North Bergen, New Jersey 07047.

20. Defendant NICHOLAS J. SACCO is, and has been at all times relevant to this Complaint, Mayor of the Township of North Bergen. He has been Mayor since 1991 and a member of the Township Commission since 1985. Defendant Sacco has also served as a New Jersey State Senator since 1993, and was North Bergen's Director of Primary and Secondary Education until June 2017, at which time he retired from such position. He is being sued in his official capacity as Mayor.

21. Defendant HUDSON COUNTY is, and has been at all times relevant to this Complaint, a county corporation formed under the laws of the State of New Jersey pursuant to N.J.S.A. 40:18-1, and is governed by the County Optional Charter Law, N.J.S.A. 40:41A-1 et seq. The County is governed by the Board of County Commissioners, and the County Executive is the chief executive officer. Hudson County owns James J. Braddock Park, located in the Township of North Bergen. Its official business address is 583 Newark Avenue, Jersey City, NJ 07306.

22. Defendant THOMAS DeGISE, is, and has been at all times relevant to this Complaint, the Chief Executive Officer of Hudson County. He has held such position since 2002, and was a former school teacher and administrator in the City of Jersey City. Mr. DeGise is being sued in his official capacity as Hudson County Executive.

23. All defendants are necessary parties in the **ongoing** violation of law: The unlawful diversion of at least a 1.915-acre portion of Braddock Park, which serves as a critical source of recreational space in one of the nation's most densely populated neighborhoods. Specifically, North Bergen (and its lessor, Hudson County) are engaged in a continuing effort to subvert the law, or at best, avoid their legal obligations, as recipients of Green Acres funding, for the adversely impacted area of Braddock Park pursuant to Green Acres Project, #0908-88-059; 0908-83-068; 0908-02-026; and 0908-91-059; while NJDEP actively allows North Bergen to abuse its Green Acres Program administrative procedures, providing Plaintiffs no remedy for over twenty years.

24. Plaintiffs are not appealing a final agency decision; and there is no official administrative record on which this Court can determine whether to compel DEP to place reasonable time limits on its administrative process that it will strictly enforce against the municipal and county defendants.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: May 3, 2022

By: /s/ Renée Steinhagen  
Renée Steinhagen