

P U B L I C     H E A R I N G

before

LEGISLATIVE WATCH DOG COMMITTEE  
(SCR 102 OCR of 1976)

on

PURCHASE OF HILLSIDE FACILITIES  
OF THE PINGRY SCHOOL

Held:  
November 19, 1976  
Assembly Lounge  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Carmen A. Orechio (Chairman)  
Senator Bernard J. Dwyer  
Assemblyman Charles B. Yates  
Assemblyman H. Donald Stewart

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SENATOR CARMEN A. ORECHIO (Chairman): Good morning everybody. My name is Carmen Orechio and the members of the Watch Dog Committee on my left are Assemblyman Donald Stewart and Assemblyman Charles Yates. Senator Bernard Dwyer and a staff member of this Committee, John Davis, are on my right.

The procedure we will use this morning is to have all speakers, who have registered their names with John Davis, speak from this desk where the microphone is. We would like you to give your name, address, and the organization you represent also.

Our first witness will be Rosalyn Copleman.

R O S A L Y N C O P L E M A N: My name is Rosalyn Copleman, 299 North 5th Avenue, Edison, New Jersey. I am here to oppose the purchase of Pingry for many reasons. I am sure you all read the New York Times this morning and you have been reading all the papers for the past year. I would like, with your permission, to direct some questions to various people in this room, so that we can determine evaluations and facts and truthfulness for all of you and for all of us. May I direct a question, Senator?

SENATOR ORECHIO: Do you want to state the question and then we will-- Tell us what your questions are and then we will ask them.

MS. COPLEMAN: Okay. I would like to ask the attorney from Pingry, directly, how could you morally have signed a contract in January of 1976 to deliver Pingry to the State in March of 1978 when you knew then that Pingry did not have sewer connection rights and that your request for sewer connection rights was turned down as recently as September 28th, and, indeed, as of this morning Pingry does not have sewer connection rights? That would be my first question.

ASSEMBLYMAN YATES: Can I get those dates from you again, please?

MS. COPLEMAN: Yes, the contract was signed January, 1976 to deliver Pingry to the State in March of 1978, which means that without sewer connection rights they can't build their new school and without the new school, how can it be delivered on time? If so, and it cannot be delivered on time - there is no question about it - what has the Department of Special Education planned to do with these children?

My second question would be to the Department of Education to ask them, or Commissioner Burke, if they know that the school could not be delivered to them in March of 1978 and, therefore, what backup have they made for these children that are to enter the school for handicapped children in 1978? My daddy used to say, "Never buy on promises."

SENATOR ORECHIO: Who is the attorney for Pingry School?

MR. DAVIS: Mr. Kenyon.

SENATOR ORECHIO: Mr. Kenyon? Okay, what else do you have to say, Ms. Copleman? Do you want to finish your presentation and then we will ask those questions?

MS. COPLEMAN: Well, I wasn't aware it was supposed to be a presentation but all right.

SENATOR ORECHIO: We are eliciting testimony today, basically, and I think the Committee feels that they have questions they want to ask. We do have volumes of material from the Public Advocate's Office covering the many questions you just asked.

We want to be fair to everyone in the room. I just want to preface my remarks here. You know, moral consideration - I don't know whether or not that is the duty of this Committee, to evaluate a moral commitment that anybody made. I think we are basically here to decide whether or not this acquisition that the State has contemplated to, in their opinion, provide a need that is sorely lacking in the

area of coping with problems of our handicapped and our deaf and our blind, and whether or not the facilities in the State are adequate and, additionally, whether or not the State, in negotiating a contract with Pingry School, negotiated one that was fair and equitable and one that, in good conscience, ought to be consummated, basically.

We have some input from the Department of the Public Advocate. We have material from the Department of Education. And, of course, all of us-- I am new to this Committee and this project but the members sitting here have had some time to evaluate the reports that we have and, basically, I think that is what we ought to do. We ought to make some decisions today. At least we ought to elicit some testimony that has to do with the need, as evidenced by the position the State takes, and their representatives. Additionally, we ought to hear whether or not the property that is the subject of discussion today is worth the money the State is paying for it. And, thirdly, we have to hear what the realistic occupancy would be at that facility and whether or not that would be timely with the needs the State has envisioned for this facility.

I think the moral consideration that you want to elicit from the attorney - I don't know whether or not that is fair ground, basically, but why don't you continue with any other questions you have, or statement you want to make.

MS. COPLEMAN: All right, Senator. I spent an hour and one-half with Mr. Porado on the telephone one month and one-half ago and elicited the following facts: There are 170 handicapped children in Union. There are 111 handicapped children in Hudson County. There are 276 handicapped children in Essex. For those three counties, that totals 557. I am concerned about Middlesex County. There are 135 handicapped children, of which 100 would be going to the school. There are 103 children from Monmouth County. There are 75 children from Hudson County. And, if you total that you have 835 handicapped children that are included in the counties that this contract covers.

Now, according to State mandate, there may be 7 handicapped children per room and there are 60 classrooms at Pingry and that comes out to 420 students. What happens to the 415 additional students? How can anyone contemplate buying the school where the Department of Special Education is going to put blind children in one wing, deaf children in another wing, and multiple-handicapped children in a third wing?

I know it is very easy for people to come here and present two sides of a story to Senators who certainly mean well and have a tremendous job, but I think if you are going to look at something constructively, perhaps a Commission should be formed, which has been emphasized in a report by the Public Advocate's Office, to do this in a more credible fashion, such as examining the way Bergen County has done this - which is a model example in the United States of how to care for handicapped children. They have done it by clustering their schools, not taking one school for six counties. From where I sit, I cannot see how you can possibly buy a school - allow a school to be purchased - and have children travel one hour and one-half to two hours one way, per day. We are not dealing with retarded children. We are dealing with healthy children with intelligent brains, but whose bodies are handicapped. This system is wrong.

If you talk about the finances of it, I am not an economist but I know one thing: It is the first time in history you are going to pay a school in advance, who will make 7% on their money and pay the State 3% rent. I think we would all like to do that if we could on our own homes. That doesn't make any sense. To pay 60,000 an acre for 25 acres that are in a Federally-designated flood area - 25 acres in a Federally-designated flood area - makes no sense. The appraisal for 4 1/2 million dollars



includes 7 faculty homes and tennis courts that are not in the contract, but the contract is the same amount of money as the appraisal.

So, if you look at the whole scale, none of this makes any sense. The whole scale, economically, doesn't make any sense and the whole scale for taking care of handicapped children makes no sense, whatsoever.

SENATOR ORECHIO: Mr. Porado?

MR. PORADO: Yes?

SENATOR ORECHIO: Would you want to come forward?

SENATOR DWYER: I think what you ought to do is to let the witness finish.

MS. COPLEMAN: I think I am finished.

SENATOR DWYER: Oh, you are?

SENATOR ORECHIO: Mr. Porado, please come forward.

Incidentally, before you begin, would you just straighten out one fact? It was my impression that the statute provides that handicapped children would be limited to a number of 8 in a class, rather than 7.

MR. PORADO: It is 8.

MS. COPLEMAN: It is 6 to 8, averaging 7.

MR. PORADO: The statute specifically references 8 of these types. There are programatic considerations that must be made in terms of the nature of specific children and it could be under 8; it is not a specific requirement that it be a maximum of 8. That is the maximum in the room.

SENATOR ORECHIO: Can you go into the genesis of the need for this facility?

P A U L P O R A D O: I am Paul Porado. Presently I am Director in charge of Special Education and Pupil Personnel Services for the State Department of Education. I am here this morning at the request of Dr. Carl Swanson, who is the Department of Education liaison officer with the Legislature. Dr. Swanson has asked me to prepare a statement giving some of the background and rationale that led to the recommendation for the purchase of the Pingry School.

I would like to make my presentation in that fashion and then take some opportunity to resolve the questions raised by the previous speaker.

First of all, the needs of the severe handicapped, defined as the deaf, blind, the severe emotionally disturbed - further described as autistic children, children with severe communication problems who, oftentimes, do not develop the ability to speak, not because of organic deficiencies but because of emotional problems - and the problems of the multiple-handicapped - children with physical disabilities, as the previous speaker noted, who have normal intelligence but need special provisions allowing for their limited mobility and oftentimes other disabilities - has long been a concern to the State.

In the area of the deaf and the deaf/blind, there were studies undertaken by Dr. Boyd Nelson, the first Director of Special Education for the Department of Education, and Dr. Charles Jochem, the recently deceased superintendent of the Katzenbach School for the Deaf, that indicated the need to have regional facilities to serve this population for many reasons, one of which was the preference of parents to have their children attend day programs so that they would not have to be put into residential settings or schools that would remove them from the opportunity of growing up at home with their brothers and sisters.

Subsequently, in the mid '60's we were hit with a rubella epidemic - German measles - that had serious effect upon many of the children born, causing a number of physical disabilities. The branch of Special Education and Pupil Personnel Services

immediately began to look ahead as to programs that would be required to serve these children as they reached school age. This internal study also substantiated the fact that the programs for the deaf and the deaf/blind were widespread and the only central facility was the Marie H. Katzenbach School. So, efforts were made, in cooperation with local districts and counties, such as Bergen County, to begin to plan and develop a system to accept these children until there was a more formal delivery system available for them.

In the late '60's, the New Jersey School Boards Association - or Federation, I believe it was referred to in those years - was also conducting a study through a committee to determine what were the most pressing needs of local boards of education with respect to their providing equal educational opportunities and adequate services for the handicapped. They projected also that there was a need for major facilities on a regional basis to serve these low-incident handicapped who were spread out among all the districts in the State and for whom few districts had adequate facilities and who had to bear in mind the cost factor required to establish a classroom for deaf or physically-limited children.

The study recommended that there be serious consideration given to the requirement that facilities be provided by the State. We saw, in 1973, that the voters of the State concurred with some of these previous studies when they, at referendum, approved a \$25 million bond issue that stated that there shall be 5 regional day schools with additions to the Katzenbach School promulgated through these bond funds, and that these schools will be utilized for the education of the severe handicapped. To be candid, the item on the ballot came quickly. The Department wasn't thoroughly informed that it was going to be a major referendum, to this extent. But, we immediately, upon first information, formed an ad hoc group within the Department, representing other agencies and other educational delivery systems, to examine where we should go should the referendum pass. The referendum passed and you can look at the voting record. The citizens of New Jersey indicated their interest and support and, therefore, their concurrence with the fact that this was a major State need.

The ad hoc committee of the Department felt that since the voters had made this decision, there should be some effort to gather additional grass roots input. Therefore, we saw the development of what is termed "Project Search", that invited citizen participation at regional meetings to make suggestions and recommendations as to where we needed facilities and to suggest the kinds of programs that should be conducted for these children in these facilities.

The population was described to the search groups. Some of the constraints were described to the search groups, one of which was that the Department of Education, in answer to the rubella epidemic of the '60's, had established an interim program in a leased facility from the Millburn Board of Education and was seeking the acquisition of the Pingry School in order to accommodate all of the deaf and the deaf/blind children in some of the Northeast Counties.

Along the line, the Search Committee, in its efforts, gathered information on other kinds of what we describe as "severe handicapped children." This specifically referred to the profound retarded, who are now being provided education under Chapter 212, Laws of 1975, in concert with the newly created Department of Human Services in State-operated, State-constructed day training centers. That is why, in some instances over the last year, the numbers game sometimes becomes confusing because as requests are fulfilled and numbers provided to various requestors, these figures include the profound retarded in specific catchment areas.



One of the Search Committee's recommendations to the State Board of Education consisted of the development, or the construction, of a facility in Bergen County that would answer the Bergen County delivery system's most vital need for a facility, based upon their historic and very fine program. They did not have a facility to continue to provide the program and so one of the Search Committee's recommendations was that there be a facility in Bergen County.

One of the Search recommendations, with the constraints provided, indicated that the Department should proceed with its efforts to purchase Pingry to answer the very vital problem of having a major facility to serve the heavily populated areas of Essex, Union, and parts of Hudson County and to relieve the band aid situation that we are now in, in terms of utilizing a leased facility that serves less than the number of children who are in need of this service.

We are also examining plant sites in Hunterdon County, as per recommendation of the Search Committee, and hope that a facility can be constructed there.

Through the Committee's recommendations there is very vital need in South Jersey, where there is another facility being assessed for possible purchase.

In trying to serve the Eastern part of the State, land sites are being examined in Ocean and Monmouth Counties.

The Search Committee went much further than the statute provided in terms of 5 facilities and additions to the Katzenbach School, which are underway and, hopefully, might be available to children in September '77. That gives you an idea of how fast things could move. It is a shame that some of these other recommendations didn't move as fast so other children could be served in September '77.

But, the Search Committee suggested that there may be a need for as many as 13 such facilities. Realistically, within the constraints of the bond referendum, we are now considering 5. But, again, consider that the Search Committee was including another population that is now being provided for, in terms of the severe retarded.

Once these recommendations were made, we immediately asked that there be legislative action to allow the purchase of Pingry. For almost a year now, we have been answering and responding to questions from individual citizens, from interested groups - formal or informal - from the Legislature, from other Departments of the State, and anyone who makes an inquiry. The amount of man hours and effort that has been taken, and the papers that have been issued must be taken into consideration in terms of the total obligation that we have as Department of Education employees, to carry out our required functions. But, as State employees, we have made ourselves available weekends and evenings to prepare responses to the Office of Fiscal Affairs, the Department of Public Advocacy, and other concerned legislative groups.

I think we have been tried and tempered in the furnace and the steel is hardened. We are here today to say that without the Pingry School, we are going to be doing a great disservice to a number of children in the Northeastern Counties. We are going to be doing a great disservice to the many voters who, over 3 years ago, told us they wanted these facilities. And we are going to be doing a great disservice to the parents of these children who are very upset with us and everyone involved in the State who are saying that "We agree that your leased facility in Millburn was a temporary measure" and "We heartily support the referendum, anticipating that a facility would be available to our children before they became of high school age." We are not going to be able to meet that timeline unless there is an immediate decision made by this Committee and the Legislature.

The previous speaker asked the question, "What plans does the Department of

Education have if we don't acquire Pingry?" The Search Committee took that into consideration and said, "You may need two or three facilities if Pingry were not available." The cost of two or three facilities in this area is impossible.

We are seeking out alternatives. That is our job. Should we lose the lease on the facility in Millburn, we will have kids on the street next September. I don't mean to make it so dramatic. I am sure will have a facility but, again, the band aid, paper clip, scotch tape method is not what the voters, at referendum, called for.

There were some other specifics that the previous speaker raised questions about. One was in reference to our knowledge that the school could not be delivered. We entered into the agreement and the agreement is historic. Had action been taken, possibly the commitment to the agreement could have been fulfilled. It was predicated on the immediate sale. Other counties were mentioned in terms of service areas for Pingry. The immediate availability of this fine facility would allow for some interim enrollment of children from reasonably close geographic areas of other counties until additional facilities were acquired.

We are aware, as various reports and inquiries of other Departments and individual citizens are brought to our attention, of questions as to the flood plain problem. I understand there hasn't been a flood there for about 100 years. I understand the Army Corps of Engineers, and the Union County Board of Freeholders have undertaken a system to relieve any water problems for that area, not just the Pingry area but the whole area. Those kinds of things we would be glad to specifically answer again. However, I would like to conclude with the fact that maybe this hearing, as the previous speaker indicated, must go to a wider forum. Maybe we should start over again. That is up to you who have been elected to guide us in many things because, as Departments, we respect the responsibility and the authority of the Legislature. But, at the same time, as professionals, we have a responsibility to children and to parents of children.

I would hope that there would be a rapid decision. I personally would like to say that I hope it is a favorable one. The Commissioner of Education realizes very much that he has a responsibility to these children and also he would like a favorable decision. That is entirely in your hands. Let us know, so that one way or the other, if we have to go back and recreate the will, we shall do that. But, in the meantime, as you make your decision, and if Pingry is not to be made available, we would appreciate very much your guidance as to what alternatives we should seek out.

Thank you for your attention and we will stay for the remainder of the meeting and be available to any individual who has a specific question.

SENATOR ORECHIO: Some of the members of the panel would like to ask questions.

MR. PORADO: Yes, sir.

SENATOR ORECHIO: Assemblyman Yates.

ASSEMBLYMAN YATES: You touched on the question of whether or not the facility would be available in March of '78. Do I understand you to say that you think it would be partially available by that time?

MR. PROADO: Sir, my reference was made to the original agreement. Mr. Murray - Mr. Murray was one of our consultants - could you indicate when the original agreement was developed, please?

ASSEMBLYMAN YATES: Yes, I have the agreement in front of me with a date of January 21, 1976. I am really asking a different question which amounts to this: As I understand it, the question of whether or not the facility will be available in



March of '78 has more to do with whether or not the relocation plans of the present occupants of the school, to their new location, will work out or not.

MR. PORADO: Our presumption at the time of agreement was that these were all in order and in line. What has occurred since then, in terms of Pingry's problems with sewerage plants, and so on, is something that we have no awareness of and I can't answer for Pingry, but possibly they did not know either.

ASSEMBLYMAN YATES: When the contract was put together, what was the feeling of the people participating for the State as to what resolution would be arrived at if it turned out that by that date by which the Pingry people had to vacate the school it simply couldn't be done? Did we have some idea as to how that would be handled? Would there be some latitude?

MR. PORADO: I would anticipate that in this type of structured development there would be an alert that elements of agreement could not be met and that some request for renegotiation of agreement would be made. We had considered some kinds of emergency situations. We do foresee problems that can arise under any circumstance, in terms of a contingency plan that might allow for partial takeover of certain sections of the school.

ASSEMBLYMAN YATES: In effect, it isn't the sort of arrangement where one goes right into court and starts eviction notices and that sort of thing; it is the kind of a thing that is worked out on some sort of sensible basis?

MR. PORADO: That would be my perception of it, sir. I am not an astute legal student.

ASSEMBLYMAN YATES: I realize that you are not the one who, in fact, brings the hammer down on this kind of a lease - that is Purchase and Property, or whatever. Let me ask you this: We have had 10 months go by since this was worked out and a couple of things have come up since that time. The first thing is that this contract, signed in good faith at that time proposing delivery in March of '78, looks as though, probably - whether by virtue of the Legislature getting involved and this thing getting tangled up in this Committee, or by virtue of the sewer problems - the March date is unattainable, am I right? Is there any consensus on that maybe between you people and the Pingry people?

MR. PORADO: I would have to ask that the Committee address that question to the Pingry representatives, as they are more aware of their timetable and of the ensuing problems.

ASSEMBLYMAN YATES: I will hold the question then.

I have one question, if I may, Mr. Chairman, which I think would perhaps help our staff. The whole arrangement here involves the use of bond monies. I have gone through this a couple of times and I don't see where there is a bill that actually proposes that allocation. That is something that would be--

SENATOR ORECHIO: There is a bill.

SENATOR DWYER: There is a bill pending.

SENATOR ORECHIO: I think it is the Beadleston bill.

MR. PORADO: Dr. Swanson can give you the specifics on that, Assemblyman Yates.

DR. SWANSON: Are you inquiring about S-1340?

ASSEMBLYMAN YATES: That may be the number I am looking for, yes.

SENATOR ORECHIO: Are there any other questions?

SENATOR DWYER: Yes. I would like to ask one question. I was trying to listen carefully, but somewhere along the line my mind started to drift, I don't

know for what reason. Did the Search Committee recommend the purchase of Pingry to the Department of Education or did the Department of Education recommend Pingry to the Search Committee? I would like to get that framed in my mind.

MR. PORADO: The Department of Education, in discussing the role of the Search Committee, indicated the very pressing need for the immediate availability of a facility in the Northeastern Counties and indicated, in written form, as to what constraints the Committee - the Search Committee - had to work within, one of which was the possible acquisition of Pingry School.

SENATOR DWYER: So, the Department of Education advised the Search Committee that Pingry School might be for sale?

MR. PORADO: That is correct.

SENATOR DWYER: And that it might be available for purchase?

MR. PORADO: That's correct. Mr. Murray, do you want to--

SENATOR DWYER: Without going to Mr. Murray, how did the Department of Education come upon this information?

MR. PORADO: As I mentioned in my discussion, we have been looking at the situation in the Northeastern Counties for a number of years, in terms of meeting the program needs of the severe handicapped children. As a result of that rubella epidemic in the mid '60's, in order to provide an immediate alternative to what was presumed at that time to be a short-term program, we developed a lease arrangement with the Millburn Board of Education to use one of their vacant buildings to house at that time about 40 children.

It was at this time then, realizing we were in a leased facility, realizing the population would grow, that we began to explore other sites for acquisition and that is how the Department of Education became aware that Pingry was available and for sale.

SENATOR DWYER: Would you have a recollection of what other sites you explored? Did you contact the Wardlaw School, for example, in Plainfield to see if they wanted to sell?

MR. PORADO: I don't have the list with me, Senator, but we have an entire list of every facility, as well as examination of State-owned land with the proper State office or bureau. We have the examination of county-owned land. We have the examination of private facilities, commercial facilities, public schools, and so on. I believe - I know - that we looked at 26 such situations and Mr. Murray could probably give you more specifics as to the total number that were looked at within probably a two and one-half to three year period, prior to this recommendation.

SENATOR DWYER: Continuing with Assemblyman Yates' question, if the Bernardsvill location for the new Pingry School was not going to become available for another three or four years because of the apparently severe sewerage problem, what would your position be on the present Pingry School?

MR. PORADO: That goes back to the first person who asked some question here. We would have to come up with alternatives, consistent with the Search Committee's recommendations and seek out possibly two other kinds of facilities, or two other facilities, or three, but that would put us in the same situation as lack of endorsement by this Committee.

If Pingry were to notify us that it would not be available for three years, it would force us to seek out other alternatives. But that will have to occur soon on the part of the Pingry Board of Trustees.

SENATOR DWYER: Might not you want to take the initiative to see if Pingry



was going to be available in three, four, or five years?

MR. PORADO: Yes, sir.

SENATOR DWYER: If it was, indeed, not going to be available for three or four years, would you then move away from the Pingry purchase? Would you recommend that we move away from the Pingry purchase? Your previous statement was about how critical the need is in taking care of this type of a child.

MR. PORADO: Whether we could develop a long-term alternative remains to be seen. We feel that by some benevolent act the purchase of Pingry might follow through because in order for us to duplicate that facility, it would cost approximately twice as much as their purchase price. In order for us to develop two new facilities - to merely construct them - would probably be in excess of, or be twice as much as, the purchase price.

But, your question is one which we are very deeply involved with because it does bring us to a decision that is daily in our minds.

SENATOR DWYER: Have you ever seen any figures on what it would cost to renovate those particular buildings?

MR. PORADO: Yes, sir. Dr. Nixon? Mr. Murray?

DR. NIXON: We were told it would cost a million and one-half dollars. That would be in order to bring it up to the New Jersey State school code. We don't cost it out.

SENATOR DWYER: You don't cost it out and you were told this. By whom were you told this? Were you told this by a committee of architects?

DR. NIXON: We were told this by the Bureau of Building Construction, it is a State Department.

SENATOR DWYER: Have they put that in the form of a report?

DR. NIXON: Yes. It didn't come to our Bureau, but it did go to Special Education.

SENATOR DWYER: Thank you.

SENATOR ORECHIO: Are there any further questions?

(no questions)

Mr. Porado, before you leave, you talked about the facility in Millburn, what about the Bruce Street School? Isn't that a facility that--

MR. PORADO: I did not want to consume time, since you have many other agencies represented here. The only other major facility serving the deaf and some of the severe handicapped in this geographic area is the Bruce Street School in Newark. It is in a section of Newark that has undergone dramatic changes in the last four years, part of which resulted from the development of the medical center there. The building is totally inadequate. There were earlier efforts that consisted of asking Newark what they proposed to do. They don't have the ability to float a capital referendum. I feel that they are anxious as we are to see some resolution of their more than inadequate facility. I believe it is at least 59 years old - maybe older.

Mr. Murray, or Dr. Nixon, do you have any specifics on that?

DR. NIXON: No.

MR. PORADO: The Newark facility is hard pressed now to meet the needs of Newark children.

SENATOR ORECHIO: Thank you.

MS. COLEMAN: May I ask a question?

SENATOR ORECHIO: Yes, you may ask a question.

MS. COLEMAN: Thank you. There are 46 safety violations at Pingry right now.

Now, the million and one-half dollars that you are discussing for renovating Pingry for the handicapped would just about cover the 46 safety violations. Now, that is before one renovates the school for handicapped children. So, we are no longer talking about a four and one-half million dollar school; we are now talking about fixing the safety violations, which brings it up to six million, plus what it would cost to renovate the school for handicapped children, which would then bring Pingry somewhere in the ballpark figure of seven to eight million dollars. I did want to correct that in order to make it perfectly clear.

SENATOR ORECHIO: Well, in your opinion. Are you an architect?

MR. PORADO: Mr. Chairman, --

SENATOR ORECHIO: One minute, please. What is your profession?

MS. COPLEMAN: I am a psychologist by education.

MR. PORADO: Mr. Chairman, Dr. Joseph Nixon, from the Department of Education, Office of Facility Planning and Construction is here and I would like to have him make a statement to the effect, and along the lines of the facility as it is and the acreage as they are.

SENATOR ORECHIO: As a matter of fact, he is supposed to speak so we will hear from him now.

DR. JOSEPH NIXON: I am Joseph Nixon, Department of Education, Bureau of Facility Planning Services.

SENATOR ORECHIO: Do you want to start off by responding to that question?

DR. NIXON: Could you give me the question again. I want to make sure I have it right.

SENATOR ORECHIO: It was about the 46 safety violations and also the fact that the cost of renovation in the acquisition would be between \$7 and \$8 million.

DR. NIXON: Okay. We were requested - when I say we, I mean the Bureau of Facility Planning Services - on May 6th to make an evaluation - and educational and safety evaluation - of the Pingry School and we also enlisted the services of Mr. John Puglisi, who was a Deputy Fire Marshal within the State. Mr. Chiarello, who is also a member of our Department, made a visit on May 13th and May 21st. We spent two full days going through that building. At that time, we were escorted by school officials and we looked at every facility within the building and at that time I think the reception was extremely good, because none of the personnel from the Pingry School tried to hide anything from us. We saw every crook and nanny within the building.

ASSEMBLYMAN YATES: Excuse me, that is nook and cranny.

DR. NIXON: What did I say?

ASSEMBLYMAN YATES: Crook and nanny.

(laughter)

DR. NIXON: Oh, I'm sorry - strike that from the record.

Okay, I will go back now. The purpose of the visit was to do both an education and a safety evaluation of the building. Mr. Chiarello handled the safety and I handled the educational part of it.

I don't recall exactly how many violations there were. I think perhaps it might be accurate to say around 50. I have the information here. The report, then, was made into two sections, one for the educational, giving a student capacity of the building, indicating the size of the rooms and the kind of equipment which was located in the various areas of the building.

Mr. Chiarello, in turn, made a separate report with Mr. Puglisi with regard

to the safety violations. Those violations were those that would conform to the Guide for Schoolhouse Planning Construction, which we use for our schools within the State. That report was made.

Later, we had a meeting with personnel from the Bureau of Building Construction and these violations were priced out, which came to approximately one million and one-half dollars.

So, that is as it stands now. The number of violations, with regard to safety - I will give them to you - are listed in 46 items. There are 46 items in the safety code. That involved everything from the elevators, corridors, the construction of the building, fire hazards, and so forth.

SENATOR ORECHIO: Do you want to continue with your presentation?

DR. NIXON: What kind of recommendation, or what else do you want me to say?

SENATOR ORECHIO: You indicated that you wanted to speak and I presume that you had a presentation.

DR. NIXON: Oh, I don't have a presentation. I was just here to be called upon in case I was needed.

SENATOR ORECHIO: Are there any questions? Assemblyman Yates.

ASSEMBLYMAN YATES: The question has been raised about the amount it will cost to take it from the condition that the State has found it in and bring it up to the standards that the State imposes on everybody else. What kind of number do you think is reasonable?

DR. NIXON: In the way of dollars and cents?

ASSEMBLYMAN YATES: Yes. I realize it is an estimate.

DR. NIXON: I would assume somewhere around a million and one-half dollars would be a fair estimate. We found a building. The buildings are very fine structures, there is no doubt about it. They have all kinds of facilities. If these facilities are brought up to par, you would have a very fine school; there is no doubt about it. You also have to remember that our code is different from the local code. So, this again is a change in a school which, I assume - I never investigated this - was constructed as a private school facility.

However, it already has an elevator. It has a swimming pool. It has two gyms in it - two single-station gyms. And, all of these facilities could be converted to use for special need students.

There are 29 acres of ground out there. We saw a football field, tennis courts, etc. It has a rural setting. The swimming pool, for instance, might be something that would come into question. For instance, "Why a swimming pool for special need boys and girls?" From the Bureau's point of view, we think it would be an extremely fine thing, especially if a moveable bulkhead was installed there for use by the handicapped and the retarded children. I think any of these associations would indicate the same thing, or would agree with me wholeheartedly. I think it is one of the best facilities you could get.

The fact that you have two gyms there - these gyms could be converted for special need students, undoubtedly. The rooms major on an average of about 400 square feet. So, therefore, we rated the rooms to hold from 4 to about 16 students. You have science facilities. There is an outstanding cafeteria. I think the dining hall is somewhere around 34 or 35 hundred square feet. You have two serving lines in the kitchen. The corridors are wide enough to handle the children. There is no problem at all. And, the outside facilities - as I mentioned - give you a rural setting. I think that is a very, very important part of a school. I realize that we have

schools within the city that have smaller sites. But, when you are dealing with special need students, I think it will give them a complete physical education and outdoor program, which was very much needed by them, and I don't think special need students should be closed in nor have facilities where we are saying, "We don't want you to participate in this or that." I think it is imperative that you have these kinds of facilities.

The building itself makes a very attractive appearance. The grounds are well kept and I think generally the building is well kept. There are areas that need repair. I think that vandalism has occurred. But, these are minor things that can be taken care of.

But, there are some situations that violate the safety code and which have to be rectified. There is an area under the ground - more than four feet under the ground, for instance - which is now, currently, being used for classrooms and which can be, perhaps, by local standards. But, by our standards they cannot be used for classrooms. However, they could be used for office or storage space.

ASSEMBLYMAN YATES: We have some standards that say a classroom that is below ground level is--

DR. NIXON: Four feet below ground level, or more.

ASSEMBLYMAN YATES: You can't teach people below ground level, is that the idea?

DR. NIXON: No. I didn't say that. I said it is not to be used for assembly purposes.

ASSEMBLYMAN YATES: Why? I realize this is off the subject, but why should that be something the State imposes on itself?

DR. NIXON: Well, I didn't make the law on that, I'm sorry. I am quoting it.

SENATOR ORECHIO: We are violating the code right now.

DR. NIXON: Yes, that's right. All you have to do is have an accident here and this stairway is cut off, how do you get out the windows? That is a very interesting situation.

But, generally, our recommendation was that the school could be brought up to code; it could be used for special need students; it has very important facilities which could be used for special need students; and the grounds would accommodate a special education program.

ASSEMBLYMAN YATES: The bill was drawn up and apparently just made one million and one-half dollars available for this purpose. I was wondering, does that million and one-half dollars contemplate the changes that are necessary to bring it up to the kinds of standards that you are talking about, or also some of the adjustments that are not necessary to meet standards but which are desirable in terms of the new use the building will have?

DR. NIXON: To the best of my knowledge, it is to bring it up to code. It would meet the requirements of the Schoolhouse Planning Guide, which would include such things as painting, heating, lighting, and so forth.

ASSEMBLYMAN YATES: Yes, but we are also talking about using this for orthopedically handicapped, etc., which also requires something, right?

DR. NIXON: That would also be included, right.

ASSEMBLYMAN YATES: That is also in there?

DR. NIXON: Yes. Yes, it is.

ASSEMBLYMAN YATES: Can you guess - and I realize you are talking here in rough estimates - as to what the cost would be to the State to start from scratch and



build an equivalent - I don't mean to build equivalent buildings, but to build something which would serve the same purpose for the State, using whatever approaches the State uses these days in building that kind of a building? Could we do the same job for less money than this, or for the same money as this?

DR. NIXON: I didn't do a comparison study but I might be able to give you some figures which would help. As you say, I don't know what the cost of property is in that particular area. I had no reason to go up and find out. We have not been asked to and, of course, we therefore did not investigate that.

The second thing is, if we take the average cost of school construction around the State of New Jersey, especially on the secondary school level, the square foot cost would be approximately \$50 per square foot. You know, there are many variations in this figure. For instance, the type of construction. Some schools will go all out and use the finest; others will be very economical in construction. The kinds of equipment installed is part of that cost. Again, that would have a definite impact on us.

But, I would say somewhere in the ballpark of \$50 per square foot.

ASSEMBLYMAN YATES: How about a rough ballpark number on the number of square feet, relative to the number of children? It seems to me that we are talking here about, what? - 450 or 500?

DR. NIXON: The building has been rated at 450.

ASSEMBLYMAN YATES: Yes, but if we were going to build a school, we wouldn't build it based on what that building is rated at; we would build it based on what we estimate our needs are going to be.

DR. NIXON: Okay. What you normally would do is take, perhaps -- I will take the secondary figure, instead of going into round figures. One hundred and twenty-five square feet per pupil, times the number of pupils you expect to put in that building would give you a ballpark figure.

ASSEMBLYMAN YATES: That is the kind of number I am looking for. Now, does that contemplate the ordinary kind of school?

DR. NIXON: That would be a comprehensive high school. I have no special figures on special need schools.

ASSEMBLYMAN YATES: Well, let me ask you this: Is it reasonable to say that a special need school might require more space per child, as a rough average number, or less?

DR. NIXON: In my opinion, it would require more because of the special kinds of equipment and facilities needed.

ASSEMBLYMAN YATES: Yes. If we take this number, then, we can be reasonably assured we are certainly being a little conservative.

DR. NIXON: That would be on the conservative side, absolutely.

ASSEMBLYMAN YATES: And did we get a number before as to the estimated number of children that we think the facility is going to need to handle? What was that number - 500?

SENATOR ORECHIO: Four hundred and fifty.

MS. COLEMAN: Four hundred and twenty.

ASSEMBLYMAN YATES: Shall we put it up for a vote- 420, 450?

SENATOR DWYER: Four hundred twenty was the number Ms. Coleman mentioned in her formula.

MR. MURRAY: We have the number in our report to the Public Advocate. We have done the head-counting at 476.

ASSEMBLYMAN YATES: Now we need someone who can quickly multiply 476 pupils, 125 square feet, and \$50.

SENATOR ORECHIO: While he is handling the mathematics, let me ask a question.

DR. NIXON: Sure, go ahead.

SENATOR ORECHIO: What is our present method of handling the needs of the deaf, who require the continuing secondary school educational programs?

DR. NIXON: Do you mean beyond high school - after they are out of the secondary school? I don't know. I am not involved in that.

SENATOR ORECHIO: Can anyone respond to that?

MR. PORADO: Sir?

SENATOR ORECHIO: One of the reasons for the acquisition is the on-going education required on the secondary level.

MR. PORADO: Yes, sir - K through 12th grade are requirements for all handicapped children.

SENATOR ORECHIO: Right.

MR. PORADO: Although with some types of disability we have what you would call grade arrangement. For the deaf, it is K through 12th grade.

SENATOR ORECHIO: As I understand it, within a couple of years the existing facilities will not accommodate the demand, or the necessity for the number of students who will exceed the present limited facilities we now have, is that correct?

MR. PORADO: You are suggesting that in a few years, the population demands for enrollment at Pingry would exceed its capacity?

SENATOR ORECHIO: No, exclusive of the Pingry acquisition, as I understand it, the demand is greater than the facilities we have to full the needs of the students that will be available for secondary school education, or will be in the next couple of years.

MR. PORADO: Yes.

ASSEMBLYMAN YATES: Your number doesn't in any way include the cost of the land, nor any improvements, does it?

DR. NIXON: No, it does not.

ASSEMBLYMAN YATES: Let me try this out - it looks as though it comes out to, roughly, 60,000 square feet, if we were to just ignore the fact that there is an existing facility and simply start out from scratch. At \$50, it is about \$3 million, then you have to add the cost of a suitable amount of land. What kind of land would you want for a school of this kind. Is the 20 or 30 acres you are talking about sufficient?

DR. NIXON: We are talking about 30 acres, one acre for each 100 students, or a fraction thereof - thirty acres, minimum.

ASSEMBLYMAN YATES: What is a "fraction thereof" of a student?

DR. NIXON: Well, 65 students, or 40 students - let's take the next highest number. To make it easy, one acre for each 100 students.

ASSEMBLYMAN YATES: That is easier.

DR. NIXON: Okay.

ASSEMBLYMAN YATES: But, anyway, we are talking about 30 acres?

DR. NIXON: Yes.

ASSEMBLYMAN YATES: If we are starting out from scratch, those 30 acres -- Presumably, you would look in a fairly large area to find them. You might contemplate costs that might be in the order of as high as \$20 to \$30 thousand, and maybe as low as \$10 or \$15 thousand?

DR. NIXON: Could be, yes. It probably would not be as high as \$60 thousand. It depends, again, on the location. I guess property, per acre, goes up much higher than that in the metropolitan areas. Again, I wouldn't want to quote, or say, since I have not investigated up there.

Our acreage around the State, from our own site evaluations, runs in the neighborhood of \$2 or \$3 thousand an acre - even a little less - to \$30 an acre, or \$40 an acre, and up.

SENATOR ORECHIO: While we are talking about acreage, I would like to ask Mr. Porado a question. Does the proximity to the Kean College Campus, for example, lend a greater value to the Pingry School facility?

MR. PORADO: Yes. There are a number of circumstances that I did not mention in my presentation because I felt that it was taking too much time. But, there are extended facility uses projected for Pingry, such as, we are moving - educationwise in New Jersey - to total use of school facilities - evenings, weekends, summer. We are looking to greater involvement of all schools, even State operated. They would become part of the training program for students in college. Kean College is in reasonable proximity. I believe it is less than 10 or 12 miles away. Oh, it is one block away -- I knew it was close.

So, here again, we have the training grounds for young people. We have the opportunity of the other services that Kean College can provide to staff and children and parents. We project that there is the opportunity for responsible use of the facility with its very adequate athletic area for the special olympics, which is held annually in New Jersey for handicapped children.

As I suggested, the community at large would have access to facilities. The swimming pool was mentioned. Why can't people use the swimming pool on weekends and evenings, and things of this nature?

Going back to some of the questions you addressed to Dr. Nixon. If you took those calculations, Mr. Chairman, you come to a figure of cost of \$50 per square foot; that is approximately \$3 million. You have taken into consideration 30 acres of land. We have looked at land. I don't know, maybe the Pingry representatives have some acreage figure. But, this could be as high as \$50 or \$60 thousand, per acre, which brings that back to the figure recommended in the legislation for the purchase.

Dr. Nixon has substantiated the supplemental request for approximately 1.5 million, to meet those special requirements of health and safety and adaptability to the needs of the handicapped. So, it is the bond amount of 4.650 and the 1.5 for renovation and not an additional 1.5 for other renovations.

ASSEMBLYMAN YATES: Mr. Chairman, can I pursue that?

SENATOR ORECHIO: Yes.

ASSEMBLYMAN YATES: I think it is fair for us to conclude though that when Dr. Nixon gave his figures, he wasn't contemplating we were going to spend one million and one-half dollars after we built a new facility in order to renovate it to make it suitable for the handicapped. Presumably, in the number he gave us, that gives us a school of 60 thousand square feet that is designed to be suitable for the handicapped. So, in other words, if you are going to compare here, I don't think it is fair to add that million and one-half dollars on afterwards.

The other thing is, while I agree that it is possible to find land that would be in the \$50 or \$60 thousand-an-acre category to build a school on if you are starting from scratch, I think it would be normal to look for land that is perhaps a little less expensive. I wonder -- I just imagine that it is possible to find land for less than half that price that would be suitable.

MR. PORADO: Well, you are addressing concerns that we examined, sir. The availability of 30 acres of land in that geographic area is almost impossible. Outside of that geographic area, this lends itself to other problems related to these children - transportation, the proximity to Newark and the other heavily populated communities. But, of prime importance is the availability of that large of a section of land.

SENATOR ORECHIO: Dr. Nixon, according to this report, the search by the Department led you to about 45 sites. What were the parameters and the guidelines that you used? For example, Senator Dwyer mentioned the Wardlaw School in Plainfield and that fact that it was not checked out and inspected. I just wondered, did you have some minimums and maximums - acreage, and so forth? Paul Porado alluded to the proximity to transportation, etc. Can you give me some of the guidelines that the Committee used in selecting, for example, a site, namely Pingry?

DR. NIXON: Do you mean what our Bureau does in the way of a site?

SENATOR ORECHIO: Yes -- Well, in this particular instance.

DR. NIXON: With the Pingry School?

SENATOR ORECHIO: Yes.

DR. NIXON: We looked at the site development. We looked at the field itself. We looked to see if it had aesthetic value. We looked to see if it was flat - level - and things like this for playground purposes. We looked to see the accessibility the students would have from the school itself and the parking situation. These are the kinds of things that we looked at with this. But, when we go out to look at a brand new site-- That is something you haven't discussed, site development - for instance, the cost of putting in a football field or tennis courts, and so forth, which runs into quite a bit of money. I have no actual figures to give you but, again, there is a variation.

But, when we go out to look at a site, we do many things. We need percolation tests. We need an engineering report. We have to have reports from the Environmental Protection Agency, from the Health Department, from the County Superintendent -- I could go on and on. These are the things that are required. Generally, we found that the site met all of these prerequisites.

SENATOR ORECHIO: Are there any other questions?

ASSEMBLYMAN YATES: I am a little interested in one question. As I understand it, you mentioned that the elevator was in good shape at this facility. It is a multi-story facility?

DR. NIXON: Yes, it is. It is a three-story building and each floor has access to the elevator.

ASSEMBLYMAN YATES: I had the impression that one of the characteristics of most schools being built these days in the State - in fact, for a quite a number of years now - is that they have gotten completely away from the multi-story approach. I would have thought that in the instance of a school for the handicapped, that preference would be even more urgent. Isn't that more or less the case? The response seems to be coming from the rear of the room.

DR. NIXON: Okay, go ahead.

MR. PORADO: Mr. Chairman, I would like to present to you - they are our only available copies - some photographs of the Pingry facility. Assemblyman Yates is correct, as far as facilities for the handicapped are concerned. Educational facilities are primarily ground floor facilities, although in many of our high schools we require elevators. We also recognize that Pingry has additional square feet. We



also recognize that an educational program for children with limited mobility can take place on the ground floor of the Pingry School. So, those kinds of considerations have been thoroughly considered.

I would like to present these photographs to the Committee for your review.

ASSEMBLYMAN YATES: Number one, I am frankly pleased to have a chance to look at some of those pictures.

Would I be correct in saying that your answer, basically, would be this: That while it is true that if we were building from scratch we probably wouldn't do it this way, but, on the other hand, you have looked at the facility and concluded that you actually could make thoroughly good use of it, even in this character.

MR. PORADO: That is right, sir. I would like to further discuss what Dr. Nixon mentioned, in terms of the ancillary subject, the science lab, the library, the cafeteria, the gymnasium, the swimming pool, and all of these what we would call special subject areas, or special feature facilities. When you talk about square footage, you have the required square footage for education classrooms, and you then have all these other things to consider.

ASSEMBLYMAN YATES: In that connection, when we talk about \$50 per square foot, what about cafeteria equipment? What about science desks?

DR. NIXON: That is not taken into account.

ASSEMBLYMAN YATES: That is additional to that?

DR. NIXON: Yes, that is additional.

MR. PORADO: Dr. Nixon, would you please state that again?

DR. NIXON: I would say that your cost probably would be somewhere around \$50 per square foot. Now, I have to say this - it is going to vary according to communities and the kind of construction. I would assume that the type of construction you have in the Pingry - this is an opinion, now, it is not fact because I am not an engineer - is very expensive construction.

The other thing that I would like to say, in answer to your question is, you have asked if all schools today are mostly the ranch style, or one-story type and the answer is no. I think we are putting up just as many multi-story type buildings, especially in the metropolitan areas - as well as some of the rural areas - as we are single-story buildings. The question, I don't think, has ever been resolved - whether it costs more to go out or to go up.

ASSEMBLYMAN YATES: I just wanted to ask that question because I was always in the school of thought that figured that when they all started building schools that were sprawling all over the place, that it was a bit of a fad. There is nothing wrong with a multi-story school, but the order of the day seemed to be how to get out of those high buildings and get into ranch buildings.

DR. NIXON: Okay. The second thing which I am sure you are familiar with is the barrier free code that all schools must provide for the handicapped today, regardless of what type of building it is. And, if it is multi-story building, it must contain an elevator, ramps, etc. If you are building a football field, you still must have a 46 inch wide walkway for the handicapped to go from the football field to a parking area or to a toilet facility.

So, regardless of what you are doing today, you are going to provide for the handicapped child in any kind of a comprehensive building.

ASSEMBLYMAN YATES: Are fire safety considerations different in the instance of multi-story buildings for the handicapped?

DR. NIXON: Absolutely. All multi-story buildings, being built today, must

be fire resistant, although a single-story building can be built from wood.

ASSEMBLYMAN YATES: If the handicapped children are on an upper floor an elevator is important, in terms of evacuation. But, I don't know how many times I have stood in lobbies and kept pressing buttons waiting for elevators to come that weren't coming. It seems to me that is a consideration. Again, in this instance, multi-story buildings would be just that much less desirable.

DR. NIXON: If this was not a fire-resistant building, constructed from fire resistant material, we would not have made the recommendation to buy it.

ASSEMBLYMAN YATES: Yes, but isn't it the combustible material in the building that burns, more so than the structure? In other words, it is not the walls that are going to burn, it is the desks and curtains.

DR. NIXON: That is why we asked for wire glazing in the doors and the glass, no plastic divisions of any kind, etc., because it is the smoke that does the killing more than anything. This has been our experience. Yes, you are right but, again, this is a recommendation which is being made to bring it up to date - the fire doors, the type of materials, the type of glass, the type of carpeting, and so forth.

ASSEMBLYMAN YATES: Those are all things to prevent the spread of fire. What about concerns with evacuation in the event a fire occurs anyway?

DR. NIXON: That has also been put in here, plus the number of exits which are needed for each unit. That is also in the report.

ASSEMBLYMAN YATES: Would there be any handicapped children on upper stories in the contemplated use of this facility?

DR. NIXON: I am not part of the program. Paul, maybe you should answer that. Would you have programs on the second and third floors for the students? I am assuming you would in this building. This is what we have been told.

MR. PORADO: I mentioned earlier, and perhaps it was not understood in the proper framework, that the educational programing of the children within this proposed facility would take into consideration if there are specific disabilities. I would hope that we would be able to arrange a program for children with limited mobility, or who are physically handicapped, in such a manner that they would not necessarily need access to any second floor or sub-floor situation.

ASSEMBLYMAN YATES: That is not exactly the same as saying that it won't happen.

MR. PORADO: No, you have me at some disadvantage because of all the people involved - I must state I just recently received this assignment - I am probably the only one in this room from the Department of Education who hasn't seen the facility.

I would like to introduce Mr. Murray to the Committee. Perhaps Mr. Murray and Dr. Nixon can give you more intelligent responses to the specifics of the multi-level building.

SENATOR ORECHIO: Mr. Murray, would you come forward, please?

Do you have any further questions to ask of Dr. Nixon, Assemblyman Yates?

ASSEMBLYMAN YATES: You can never tell, the way these questions go around.

DR. NIXON: I will be here.

MR. MURRAY: In the area of fire, I think it would be much more appropriate for Dr. Nixon to answer the question.

I am not in facility planning, but just as a side comment with reference to the elevators, I would like to point out that you should never get into an elevator in the event there is a fire anyway - no way.

As far as I know, there are adequate stairway provisions for the second floor.

SENATOR ORECHIO: Is there anyone here who is qualified to answer the question Assemblyman Yates asked about the occupancy - whether or not the severely handicapped children would be accommodated in rooms on the first floor or the second floor. Wasn't that basically your question?

ASSEMBLYMAN YATES: That's right.

MR. PORADO: I thought I had answered that question.

ASSEMBLYMAN YATES: I just want to suggest something. I would like to admit it is not really all that clear in my mind - the range of the physical handicaps you are talking about. Now, is there a certain percentage of the 400 some odd students that would have no difficulty in evacuation if they had to, say, descend a couple of stairways?

MR. MURRAY: That is correct.

ASSEMBLYMAN YATES: What sort of disabilities do they have that, in effect, does not make going up and down stairs a problem?

MR. PORADO: The majority of the children considered for enrollment would not have mobility problems, which means physical limitations. There would be a percentage there who are multiple handicapped, which means that they may be confined to wheelchairs and some who may have braces, crutches, and other types of devices. That is the kind of child I was describing, in terms of having the option, in educational planning, to keep them on the ground floor.

But, unless I would know of more specifics regarding the facility -- For example, is the science laboratory on the second floor? There are special features that are required for the deaf and the deaf/blind that Dr. Nixon is aware of in terms of the fire code and other safety codes. A bell or a buzzer is not the minimum fire requirement in a building of this type. There must be flashing red lights to signal the auditory-defective child so that they would know when there are emergencies. So, these are the kinds of special features that he was addressing in terms of meeting the fire codes and safety regulations.

ASSEMBLYMAN YATES: Right. I just wanted to get the picture. In your view, it may be possible to keep on the ground floor those students that, in the event of an emergency, ought not to be on an upper floor. Are the deaf/blind in that category? I presume they are.

MR. PORADO: Oh, definitely.

ASSEMBLYMAN YATES: How about the severely emotionally disturbed? Is evacuation not perhaps a problem in that instance?

MR. PORADO: Not necessarily.

ASSEMBLYMAN YATES: The multiple handicapped, I presume, would then be kept on the bottom floor.

MR. PORADO: That would have to be considered.

ASSEMBLYMAN YATES: How about just deaf by itself?

MR. PROADO: If you go out to the Katzenbach School for the Deaf, you will see multi-level construction.

MR. NIXON: May I speak to that too?

SENATOR ORECHIO: Yes.

MR. NIXON: Okay. We have - I don't know if you have seen the report. What they had to do was comply with this. This building would meet this. We said, "Since this school is a three-story building, the alteration shall comply with fire resistant construction" - which is already there. "All floors, walls and ceilings in corridors, stair towers and boiler rooms shall have a one-hour fire rating" - which gives a student

plenty of time to get out of the building. "To improve the safety of the corridors, all glazing in all corridors shall be 1/4 inch wire glass" - which I mentioned to you previously - "and shall not exceed 1,296 square inches and no dimension exceeding 54 inches, and no window. All fans and side lights and bar light fixtures between the corridors and any other interior space shall be sealed with non-combustible materials to afford a one-hour fire rating in all the corridors." That gives the students that amount of time to evacuate the building.

We carry on fire drills when we go through educational and safety evaluations in a comprehensive high school and generally the time is anywhere between 9 seconds to 2 minutes for a group of students to get out of an up to 1,000-pupil building. I would assume that students like this could get out in almost the same time, or maybe just a little longer, with the proper type of training.

ASSEMBLYMAN YATES: Am I right? Every characteristic that you have read is a characteristic that you have asked for anyway, whatever purpose the school is being built for.

DR. NIXON: In any school in the State of New Jersey.

ASSEMBLYMAN YATES: So, in effect, the consideration that these are handicapped children doesn't really figure into any of those requirements. Those are just standard fire safety regulations.

DR. NIXON: Well, I guess they have special light systems and things of this nature. We don't measure the quality of light but we do measure the footcandle of light, for instance, in a building. These are the types of things we do. Under the new Barrier Free Code, every brand new building going up must comply to the standards for the handicapped, both inside and outside. If it is a building that is being renovated or repaired, then there is a percentage which the Board of Education must comply with in order to bring the facility up to code. In other words, if it is less than 30% of the assessed valuation of the building, it is at the option of the Board of Education whether they want to bring it up to code. If it is more than 30%, then they have to bring up just the area that has been repaired or renovated. And, if it is more than 60% of the assessed valuation, they have to bring the entire building up to code for the handicapped.

ASSEMBLYMAN YATES: I am not sure of what is more than 30%, or more than 60%.

DR. NIXON: If the price of renovation or repair in a school building is less than 30%, the local Board of Education does not have to bring it up to meet the Barrier Free Code. If it is more than 30%, but less than 60%, then they have to bring up the new area, or the renovated area, to meet the Barrier Free Code. If it is over 60% of the assessed valuation, they have to bring every facility in that building up to the Barrier Free Code.

ASSEMBLYMAN YATES: Right. From what I understand, in this instance, the entire facility would be brought up to sufficient standards to meet the Barrier Free Code.

DR. NIXON: Yes. 100%.

ASSEMBLYMAN YATES: Let me ask you this: The Barrier Free Code is something to be used for buildings that are intended for use by the general public. What the Code amounts to is that it should be convenient as well for the handicapped. That is not exactly the same thing as a facility which is intended for use to the greatest extent by the handicapped, is it? In other words, that doesn't really say that that makes that building really suitable for use by the handicapped; all it says is that in a



SENATOR ORECHIO: Is there anyone here who is qualified to answer the question Assemblyman Yates asked about the occupancy - whether or not the severely handicapped children would be accommodated in rooms on the first floor or the second floor. Wasn't that basically your question?

ASSEMBLYMAN YATES: That's right.

MR. PORADO: I thought I had answered that question.

ASSEMBLYMAN YATES: I just want to suggest something. I would like to admit it is not really all that clear in my mind - the range of the physical handicaps you are talking about. Now, is there a certain percentage of the 400 some odd students that would have no difficulty in evacuation if they had to, say, descend a couple of stairways?

MR. MURRAY: That is correct.

ASSEMBLYMAN YATES: What sort of disabilities do they have that, in effect, does not make going up and down stairs a problem?

MR. PORADO: The majority of the children considered for enrollment would not have mobility problems, which means physical limitations. There would be a percentage there who are multiple handicapped, which means that they may be confined to wheelchairs and some who may have braces, crutches, and other types of devices. That is the kind of child I was describing, in terms of having the option, in educational planning, to keep them on the ground floor.

But, unless I would know of more specifics regarding the facility -- For example, is the science laboratory on the second floor? There are special features that are required for the deaf and the deaf/blind that Dr. Nixon is aware of in terms of the fire code and other safety codes. A bell or a buzzer is not the minimum fire requirement in a building of this type. There must be flashing red lights to signal the auditory-defective child so that they would know when there are emergencies. So, these are the kinds of special features that he was addressing in terms of meeting the fire codes and safety regulations.

ASSEMBLYMAN YATES: Right. I just wanted to get the picture. In your view, it may be possible to keep on the ground floor those students that, in the event of an emergency, ought not to be on an upper floor. Are the deaf/blind in that category? I presume they are.

MR. PORADO: Oh, definitely.

ASSEMBLYMAN YATES: How about the severely emotionally disturbed? Is evacuation not perhaps a problem in that instance?

MR. PORADO: Not necessarily.

ASSEMBLYMAN YATES: The multiple handicapped, I presume, would then be kept on the bottom floor.

MR. PORADO: That would have to be considered.

ASSEMBLYMAN YATES: How about just deaf by itself?

MR. PROADO: If you go out to the Katzenbach School for the Deaf, you will see multi-level construction.

MR. NIXON: May I speak to that too?

SENATOR ORECHIO: Yes.

MR. NIXON: Okay. We have - I don't know if you have seen the report. What they had to do was comply with this. This building would meet this. We said, "Since this school is a three-story building, the alteration shall comply with fire resistant construction" - which is already there. "All floors, walls and ceilings in corridors, stair towers and boiler rooms shall have a one-hour fire rating" - which gives a student

plenty of time to get out of the building. "To improve the safety of the corridors, all glazing in all corridors shall be 1/4 inch wire glass" - which I mentioned to you previously - "and shall not exceed 1,296 square inches and no dimension exceeding 54 inches, and no window. All fans and side lights and bar light fixtures between the corridors and any other interior space shall be sealed with non-combustible materials to afford a one-hour fire rating in all the corridors." That gives the students that amount of time to evacuate the building.

We carry on fire drills when we go through educational and safety evaluations in a comprehensive high school and generally the time is anywhere between 9 seconds to 2 minutes for a group of students to get out of an up to 1,000-pupil building. I would assume that students like this could get out in almost the same time, or maybe just a little longer, with the proper type of training.

ASSEMBLYMAN YATES: Am I right? Every characteristic that you have read is a characteristic that you have asked for anyway, whatever purpose the school is being built for.

DR. NIXON: In any school in the State of New Jersey.

ASSEMBLYMAN YATES: So, in effect, the consideration that these are handicapped children doesn't really figure into any of those requirements. Those are just standard fire safety regulations.

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normal day-to-day use the handicapped person wouldn't be unduly inconvenienced in a building like that.

DR. NIXON: It gives them access to every facility. It is not a school law; it is a public law. It is for all public institutions in the State.

ASSEMBLYMAN YATES: Yes. I was just thinking, if I was an architect and I was just building an office building or some public thing, I would know I had to meet the Barrier Free Code, so you do whatever that requires of you. If you are told, instead, "Look, you are going to design a building here that is going to handle several hundred children with various physical disabilities," it strikes me that the degree of concern and adjustment you might make to what your normal architectural plans are would be quite different.

SENATOR ORECHIO: I think the record ought to show what the student body at Pingry would be comprised of. The figures show 90 secondary school level deaf; 56 elementary level deaf; 19 deaf/blind; 137 emotionally disturbed; 25 with multiple handicaps; and, of course, transfers of 75 from the non-public program.

The problem of the severe multiple handicapped is really minimal compared to the number of handicapped children being in the school.

ASSEMBLYMAN YATES: There is one number I would like to get for comparison purposes. We figured out the 60,000 square foot number. I realize it is not really fair to compare that with a building that already exists. What kind of rough number of square feet are we talking about - and I don't want every "crook and nanny", as you put it. I do not want the basement and the broom closet, but I would like to ascertain the amount of useful space - office space and things of that sort. What kind of square footage are we talking about here?

DR. NIXON: You are going into well over 100,000 square feet. It is about 140,000 or 145,000 square feet.

ASSEMBLYMAN YATES: Do we use some of that space to put the tax rebate bureaucrats in, do you think?

DR. NIXON: No.

ASSEMBLYMAN YATES: Anyway, it is in excess of 100,000 square feet.

DR. NIXON: Yes. I would say the average high school runs somewhere around 140,000, 145,000, or 150,000 square feet. That will give you some idea.

SENATOR ORECHIO: Mr. William Watson.

W I L L I A M W A T S O N: Mr. Chairman, my name is William B. Watson. I am the Union County Director of Catholic Community Services of the Archdiocese of Newark. I am here today representing the views of Catholic Community Services, which is the social service and special education arm of the Roman Catholic Church, Archdiocese of Newark. The Archdiocese serves the populace of Bergen, Hudson, Essex, and Union Counties.

The Catholic Community Services administers an \$8 million budget, with over 500 staff members and 2,000 volunteers. Among the agencies administered by CCS is the Mount Carmel Guild, established 46 years ago. The Guild administers a wide variety of educational, social, rehabilitative, and mental health services to children with severe sensory, orthopedic, and/or emotional handicaps. Special education, day care, psychotherapy, vocational rehab, specialized diagnosis and treatment of the hard of hearing and the visually handicapped are all programs that were established for and focus on children with these handicaps.

Having operated these programs for so many years, our experience with and commitment to the handicapped is well known throughout the State. Therefore, we are

eager to speak in support of the establishment of the Pingry School as a State-operated facility, inasmuch as we recognize such a move as solid evidence of a meaningful commitment toward helping the handicapped on the part of the State and to do it as soon as possible.

The establishment of a school in the Union, Essex County area to care for almost 500 children with severe handicaps is a commitment that has been sorely delayed. We are delighted that our legislators are considering it and also because it will be established in the Northern New Jersey area where the need is so great.

We offer not only our support but our commitment to work closely with that facility, lending help especially in the areas of diagnostic and treatment services.

One handicapping condition that we have had considerable experience with is that of auditory deficit, or hearing loss. We were one of the agencies that was called upon for help by the State Department of Education when the rubella epidemic of 1964 created severe hearing loss as a congenital factor in so many lives. The services we offered were not only clinical but consultative in trying to find a way for the State to deal, educationally, with the huge future influx of rubella babies in special educational settings.

Now, 12 years after the height of the rubella epidemic, we are concerned with the lack of facilities, particularly on the secondary level. The establishment of the Pingry School is a long awaited event and would certainly give the most immediate relief.

We are eager to impress this Committee with the urgency for a facility in the Union/Essex area and we are eager to impress the Committee with the particular need of the secondary school handicapped child. We urge this Committee to move positively on the Pingry School. The children are waiting. I thank you for your interest in my testimony.

ASSEMBLYMAN YATES: I just want to say I think most of what you had to say would apply equally well to a plan to put this in a different facility, had they decided to do that. In other words, you would still offer your cooperation and still support the effort if that were decided upon?

MR. WATSON: Yes, Assemblyman, except my interest is in Union County, where the service would be particularly welcome.

ASSEMBLYMAN YATES: Thank you.

SENATOR ORECHIO: Mr. John Gleason from the Department of the Public Advocate.

MR. GLEASON: I think it would be more useful to this Committee if we had a chance to react to the full scope of comments from both the Department of Education and the Pingry School representatives.



SENATOR ORECHIO: Mr. Kenyon.

EDWARD T. KENYON: Mr. Chairman and Assemblyman Yates, my name is Edward T. Kenyon and I appear here as representative and spokesman for the Pingry School. With me in the room are Robert Parsons who is Chairman of our Board of Trustees and David Baldwin, Vice-President of the Board of Trustees and Mr. Cunningham, the Headmaster of the school. If there are questions that you wish to address to us, I would like to be able to respond to them with all four of us, in the event that I don't have the information myself.

We welcome this opportunity to appear and be heard by this Committee again in support of affirmative action on the bill which will appropriate the funds necessary to complete the purchase of the Pingry campus located in Hillside, New Jersey, by the State Department of Education. At the conclusion of my remarks, which I had prepared before this hearing, I would like to try to respond to some of the questions which I have heard from the Committee and from various interested parties. This is our second appearance before your Committee, the first having taken place on August 12, subsequent to that time and the latter part of September a vote of the Committee was concluded and the appropriation of the bill, we were informed, was favorably reported out to the Legislature. Subsequent to the vote of the Committee, however, the Office of the Public Advocate issued a report dated October 5, 1976, supplementing its first report of March 10, 1976, on the proposed state purchase of the Pingry School.

In our opinion, the general tone of the supplemental report is inflammatory, hardly objective, and in a number of instances clearly indicates prejudices and preconceived ideas of its authors. While the report raises questions which are the legitimate concern of this Committee, it fails to give anything other than biased answers consisting of half truths and in some cases openly erroneous statements. The supplemental report also ignores a number of statements and conclusions contained in the original report. Now, since the supplemental report appears to be the reason for this Committee continuing its consideration of the bill, we feel we should make some comments on it.

The report poses the question, stated simply, "Is the State getting a good deal"? We can only respond to that with a resounding affirmative, and we believe that the facts and the numbers support us. We recognize that honest men may differ in their opinions of value of any piece of real estate, and they are, after all, only opinions. But first let us look at some of the opinions which have been expressed.

In 1971, before a decision had been made by the Pingry School to sell its campus in Hillside, and independent appraisal was obtained from the firm of Van Horn and Dolan of Elizabeth. That appraisal, which included all the buildings and athletic facilities at the Hillside campus, came to \$5,294,000. In the better than five years that have elapsed since the making of that appraisal, we are advised that the property values in the area have appreciated, as they have in other areas of the state.

ASSEMBLYMAN YATES: Excuse me, what was the date?

MR. KENYON: That was in 1971. It was in the summer of 1971.

ASSEMBLYMAN YATES: That was a private appraisal?

MR. KENYON: Yes, the Pingry School sought to have that appraisal made. Accordingly, an updating of that 1971 appraisal would no doubt come in at a higher

number. Second, in 1974 Pingry obtained from its architects an estimate of the replacement value of the school building in Hillside at today's costs, or the costs in 1974. After a careful study it was determined that it would cost \$14,419,000 to replace the building at that time. This figure excludes property acquisition and improvements at master square and the tennis courts, both improvements which are not included in the contract with the State.

Third, in 1974, the Township of Hillside retained an independent firm known as Realty Appraisal Company to reappraise all properties in the township for tax assessment purposes. The property owned by Pingry excluding master square and the tennis courts was appraised by this independent firm working on behalf of the township of Hillside at \$4,953,891.

ASSEMBLYMAN YATES: You said that did or did not include the tennis courts?

MR. KENYON: That did not include master square and the tennis courts off Surrey Road, which are not included in the contract. In other words, that figure, Assemblyman Yates, covers the property that is included in the contract, \$4,953,891. Obviously, we had nothing to do with that appraisal. That was done by the Township of Hillside.

ASSEMBLYMAN YATES: Why did they do that?

MR. KENYON: Well, consistent with the requirement that municipalities throughout the State from time to time update their assessments for their appraisals for tax assessment purposes. This is done periodically in every municipality throughout the State, including mine.

SENATOR ORECHIO: Was this a revaluation?

MR. KENYON: A revaluation of the entire community. An independent firm was retained ---

SENATOR ORECHIO: Not a reassessment now, a revaluation.

MR. KENYON: Revaluation, that is correct.

ASSEMBLYMAN YATES: As part of the general revaluation in the town?

MR. KENYON: In the entire town, and the Pingry property came out at \$4,953,891.

ASSEMBLYMAN YATES: You people are ratable in the town?

MR. KENYON: We certainly are. We pay taxes.

ASSEMBLYMAN YATES: Do you make a profit?

MR. KENYON: That is not the point. Under the existing tax exemption statutes we are entitled to exempt certain of our facilities and certain of our land, but the rest is taxed, and for the purpose of determining the amount of the exemption, and so on, the whole thing has to be appraised.

ASSEMBLYMAN YATES: This is an appraisal that is of the whole property minus those properties you mentioned.

MR. KENYON: That's correct.

ASSEMBLYMAN YATES: That appraisal excludes parts that are tax exempt, or something of that sort?

SENATOR ORECHIO: The same properties are being contracted, right?

MR. KENYON: Correct, that is exactly right, Senator.

SENATOR DWYER: And that figure is based on 100% market value, in theory.

MR. KENYON: That is their opinion in 1974 of the fair market value of that property.

ASSEMBLYMAN YATES: Did you appeal?

MR. KENYON: We did not. Lastly, after long negotiations and thorough study by the Department of Education and the Department of Transportation, agreement was reached in July of 1975, over a year ago, for the purchase of the campus, excluding master square and the tennis courts on Surrey Road for a price of \$5 million. Although this figure exceeded some of the values given to the State by its own appraisers, it was consistent with others, and was right in line with the Van Horn and Dolan, and Realty Appraisal Company appraisals.

Following the publication of the Public Advocate's first report, Governor Byrne instructed his aides to attempt to renegotiate the purchase price. Although we were satisfied that the original price was fair to all parties, we agreed to renegotiate and accepted a price in the amount of \$4,650,000, based upon the representation to us by the Governor's office and others that there would be no further delay in consummating the agreement. The new purchase price is substantially below Pingry's appraisals and the assessed valuation on the property as established by the Township of Hillside. In fact, in our opinion, it is a bargain price for the State.

The important point is this, in terms of value, after lengthy negotiations a willing buyer and a willing seller agreed upon a mutually satisfactory price. We believe that is the best evidence available as to fair market value. The supplemental report of the Public Advocate takes issue with the amount of the rental to be paid by Pingry to the State during the lease-back period. But it neglects to take into account all of the factors which went into the negotiation of the rental. As we have heard here this morning, the State must make renovations to the Pingry Building in order to accommodate its future students. For this purpose, it has been agreed, and it appears in the contract, that the state will have access to and be entitled to do renovation and construction work at the site during the three summer months. Thus Pingry will pay rent for 12 months of the year, while actually having possession and use of the building for only 9 months of the year. The fact that virtually all of the building will be occupied by the State during the months of June, July and August, denies Pingry the full operation of its summer school, meaning a probable economic loss of something in the range of \$100,000 a year to the Pingry School.

A side effect, of course, is the denial of summer employment for a number of Pingry's faculty, maintenance people, kitchen personnel and so on who would normally work at the school in the summertime. The fact that the school building will also be left in a partially renovated condition at the end of the first summer can only mean that the following academic year will be disruptive and adversely affected in terms of normal school operation.

Now, all of these factors were taken into full consideration both by the State and by Pingry in arriving at a fair rental value. The agreement between Pingry and the State is characterized by the Public Advocate as a "bail out" of a private preparatory school with public funds. Nothing could be further from the truth. Pingry did not seek out the State nor did it seek the State's assistance in any manner whatsoever. As a seller of a piece of real estate, facing an interested purchaser, it negotiated in good faith a contract which includes numerous considerations on both sides, not limited to purchase price and rental. Other factors which the parties sought to resolve included the problems confronted by the State in terms of meeting its time requirements and

those of the handicapped children it seeks to serve, and the practical problems which will be confronted by Pingry in building a new campus and moving an entire student body of some 1750 students. The Public Advocate gives his opinion that the State has agreed to pay at least \$500,000 more than the school is probably worth. Of course, as I say, this is not an exact science. He is entitled to that opinion, but we are not certain where his background or his expertise comes from in developing that figure.

Suffice it to say that as trustees of a non-profit corporation, which depends for its very existence upon the support and charitable contributions of others, we have no right to dispose of the corporation's principle asset at what we consider to be less than its fair market value.

On July 29, 1976, we addressed a letter to the former Chairman of this Committee, Senator Horn, in which we outlined the frustrations endured by the Pingry School during almost two years of negotiations, culminating in not one but two firm written contracts and many reviews by the Department of Education and the Department of Transportation, Office of the Attorney General, Office of the State Treasurer, Office of the Governor, Department of the Public Advocate, Office of Fiscal Affairs, and finally, this Committee. In reliance upon the contract and the good faith of the State of New Jersey, and in response to the urgings of the Department of Education for haste, Pingry went forward with its building plans and in fact incurred some \$600,000 in architectural fees.

The cost to Pingry in terms of increased construction costs in Bernards Township resulting from the delay is monumental. At the same time, the State's renovation costs have increased, and the time when the Pingry campus may be put to use for handicapped children of this State has been unnecessarily delayed. There is no question but that the Public Advocate has fired a shotgun blast with the objective of creating enough disturbance and smoke to conceal what is in fact a fairly negotiated agreement, the consummation of which is in the best interest of all the parties. Acting in the name of the taxpayers, the Public Advocate is actually representing, in our view, a small group of citizens who for private reasons of their own - whatever they may be - wish to see the Pingry contract killed. If that were not the case, then we wonder where these complainants are in other cases of State purchase and acquisition.

The interests of the handicapped children and their families, as well as the interest in having the State deal in good faith with Pingry - itself a taxpayer, as are citizens who support its very existence - all seem to be overlooked by the Public Advocate. The fact is that Pingry wants to sell its Hillside campus and the State needs and wants to purchase it. The agreement between the parties attempts to meet all of the problems of both parties in accomplishing their goals. And the purchase price and lease-back rental are reflections of concessions made by both parties in that regard. To term this a "bail out" by the State is intended to be inflammatory, and to prejudice anybody who reads it, against the entire transaction.

If it is the function of the Department of the Public Advocate to represent the public and to protect the public interests, then one wonders where one turns when it becomes clear that the public Advocate is no longer acting in the public interest, but is using the office to indulge the private prejudices and beliefs of some of its staff members.

Exactly who is the public represented by the Public Advocate? We hope the Committee will ask itself this question when it considers the supplemental report. Now, I would like to address myself to some of the questions and comments that have come up during the discussion this morning. First of all, in an effort to respond to Mrs. Copleman and her inquiry regarding the sewage problems in Bernards Township, I think I can shed some light on that. First of all, it should be pointed out that the agreement between the State and Pingry was finally agreed upon as to terms in July of 1975. A lot of details had to be worked out in terms of the provisions of the contract, as to what personal property, what fixtures remained, et cetera. That took place during the months of September and October. A form of contract was prepared by the Attorney General's Office, and was reviewed and in some ways modified by myself and by other people at Pingry, and was executed in final form by Pingry on December 7, 1975.

At that time we had every reason to believe that we could deliver in March of 1978 without any problem. Our architects had indicated to us that construction would take no more than two years from the time we began. We were approaching the point where we were ready to begin. We were ready to begin. We had had preliminary discussions with the authorities in Bernards Township regarding sewage disposal. We recognized the fact that we were many miles away from the existing sewer lines in Bernards Township, plus the fact we were on the opposite side of Route 78, which would make it virtually impossible to tie into the Bernards Township sewage system. We discussed with Bernards Township the installation of an on-site package treatment plant on our own property, which I think you all can recognize would cost Pingry a considerable amount of money, not only to construct, but to operate, but we were prepared to do that, and we had discussions with Bernards Township about it. We were not discouraged in those discussions; in fact, we were encouraged in those discussions, and we went ahead with the plans for that treatment plant.

Immediately after the execution of the contract by the State, which, as you all know from looking at the contract, did not take place until the latter part of January, 1976, we applied to the planning board in Bernards Township for site plan approval, including our proposed plan for sewage disposal. That application is still pending. We had public hearings on it in March and April, and at that time the plan was approved with the exception that Bernards Township requested us to explore with Warren Township - which immediately adjoins our property - the possibility of tying into their sewer system, across municipal lines. This was attractive to Pingry because it was going to cost us less money in terms of operation, and it seemed to be a more satisfactory solution as far as Bernards Township was concerned.

We, therefore, opened negotiations and discussions with Warren Township and we were advised by Warren Township that they were then in the process of applying to the State Department of Environmental Protection for an expansion of their disposal facilities. At that time, and at the present time, they have a capacity of something around 300,000 gallons a day. I believe that is the figure. Pingry projected its use in a short term at about 20,000 gallons a day and the longterm when additional facilities are built in Bernards Township, at perhaps 30,000. The town was applying for an expansion of its facilities by 100,000 gallons a day. We were told at that time that all of that 100,000 gallons,



if approved by the DEP had already been subscribed but that frequently things changed over the months as to developers' intentions within a municipality, and we therefore in effect put ourselves on the waiting list. Because there is no assurance that we would ever make it on that 100,000 gallons, we proceeded with an application to the DEP ourselves for an exemption from their ban against any further connections to the then existing facilities in Warren Township. In September we received a preliminary denial of that application, but we are appearing before the Commissioner in December and we have reason to believe that our case is good and that we can be successful.

Now, to bring you completely up to date, just yesterday we were notified by Warren Township that they are proceeding, and they have received approval for the expansion of their facility and we have been advised that one of the developers who had applied for a 30,000 gallon per day usage has withdrawn. Accordingly, they have indicated to us that Pingry's application will probably be approved, and we are very hopeful that Pingry will be able to avail itself of that facility. That is not finalized yet, however, the word we got yesterday was very encouraging.

I would just like to point out in terms, Assemblyman Yates, of your concern about the use of the school by the handicapped and the multi-story facilities that there are a number of kids at Pingry today who are physically handicapped, and whether they are on crutches or whatever it might be, they have problems in getting around, but they don't have any problems in getting around. The school is quite suitable for their use and has been for the 23 years we have been there.

The question has also been raised on a number of occasions regarding the location of the property adjacent to the Elizabeth River, and possible flooding problems. I can only report to you that we have been there for 23 years, and when the State was experiencing the devastating floods that occurred several years ago, and hit towns like North Plainfield and so on, Pingry was not flooded. With the very heavy rainfalls we have had in recent years, there has been no problem either in the building or on the fields. There is one corner of the fields which is adjacent to the river - which is, as a matter of fact, more decorative than used - which occasionally gets moisture, but I would not want to call it flooding.

I think that you have also seen from the reports by the Department of Transportation and from the Office of Fiscal Affairs, and I think it has been mentioned here this morning, that the City of Elizabeth, as well as the Army Corps of Engineers, is presently in the process of structural work, which I would not dare to describe - because I don't understand it - but which we understand and are told will resolve any problems for property owners in that area, if problems do indeed exist, and I can only tell you, as far as the Pingry property is concerned, they don't exist.

The question has come up, Assemblyman, about when would Pingry be able to deliver. Our architects advise us, as I have told you before, that from the time that we award the contract, it will take not more than 24 months to construct the new facility. They hope for 20 months, but they say you better figure on 24 with unforeseen delays, such as steel and so on. As soon as our problem with the sewage disposal is worked out - and I am not suggesting to you that if we don't

work it out with Warren Township that we are not going to be able to work it out with Bernards Township, because we certainly have not been told that - we are in a position to put our contracts out for bids. We obviously have not been able to do that up to this point, because we didn't know when we were going to be able to build, until this contract was resolved. But as soon as we put that contract out for bids, our architects tell us it will be a period of 24 months or less before we are ready to go.

The addendum to the contract, which was completed when the purchase price was reduced, specifically covers this, and also specifically covers the use of the school during the summer months and the availability of the school to the State for the purposes of making renovations. I am here, and I am here with others from the school, prepared to answer your questions. I can only say that we are grateful for the opportunity to be here once again, and we hope that the Committee will recognize that a lot of time has gone by. It has been a very difficult situation for us to have been in a sort of never-never land for over a year, and we are hopeful that the answers can finally be forthcoming and that you will take affirmative action and that the legislature will join you in that conclusion. Thank you.

ASSEMBLYMAN YATES: In your opening remarks, at one point you used the word "monumental" to describe the cost of the delay. As I understand it, you are talking about the delay that you felt the State had caused you. From the latter discussion of the problems of the different sewer plants, really, the State's problems with this arrangement haven't really caused you any delay that you wouldn't have had any way; am I not right?

MR. KENYON: No, I don't think that is quite right, because I think we probably would have approached that situation differently if we had known that we were home in terms of selling the Hillside campus. We were quite content to, if you will, adjourn or recess our application to the planning board in Bernards Township and explore these other alternatives, because we felt we had the time to do it. Nothing was happening in Trenton, and with that time available to us, since we couldn't start construction any way until we knew whether we had the school sold, we took that opportunity to explore these other alternatives. It definitely would be to Pingry's advantage - I am sure you can appreciate that - just like any homeowner, to be hooked up to an existing sewer system, rather than to be running your own package plan.

ASSEMBLYMAN YATES: If things move smoothly from here on out, I would say that it is fair to estimate that you wouldn't be able to put that actual contract in place to go with construction - well, let me just guess - until March of the coming year?

MR. KENYON: No, I think, if I understand the bidding procedure correctly, we will put the plans out for bids, and we would expect to get bids back within 30 days. It would take 30 days to review them and make determinations on various alternates and award the contract. So I think if everything went well, and I am hopeful that it will, and we are certainly encouraged from yesterday's news that it will, I would say that we could probably start construction by the middle of February.

ASSEMBLYMAN YATES: You understand, of course, that the release of the bill by this Committee does not guarantee its passage. It has a journey through both houses yet in front of it.

MR. KENYON: I understand that. I am well aware of that.

SENATOR DWYER: And other legislative committees.

SENATOR OPECHIO: The presumption is if you get all the approvals, you will be ready by the middle of February?

MR. KENYON: When I say "if all goes well" I don't just mean the Department of Environmental Protection, I mean here as well.

SENATOR DWYER: Do you have working drawings at the present time?

MR. KENYON: Yes, we do. We are ready to go.

SENATOR DWYER: On these working drawings, what sewer connection do they anticipate?

MR. KENYON: They are drawn with two alternates, one with a package treatment plant, and one with a connection to the Warren Township sewer system, so that we can go either way.

SENATOR DWYER: You said that if you didn't suffer the delay on the part of the State you probably would have cured your sewerage problems earlier. Do you think a developer would have withdrawn a year ago?

MR. KENYON: No, I think that we would have pursued, rather than just let the application before the Bernards Township Board lie there all these months, we would have pursued that, perhaps, at the same time as this, but we felt that for as long as this time was here, for economic reasons, it was to our advantage as well as the environmental aspects of it to pursue the Warren Township alternative.

ASSEMBLYMAN YATES: Have you seen the summary in the first Public Advocate report of the four appraisals that were done, as I understand it, by outside appraisers at the request of the Department of Transportation?

MR. KENYON: I have seen those figures, yes.

ASSEMBLYMAN YATES: They show a range, as I understand it, of appraisals for the property that we are actually talking about acquiring here that ranges from \$3,564,000 up to \$4,600,000 with an average of \$3,900,000. One of the problems we face in explaining this to our voters, so to speak, is why the state is paying \$4,650,000 for a property that in some instances is assessed as low as \$3,400,000 and at the highest assessment that was done here comes out to \$4,600,000, which is still not quite what we are paying, and as an average is something in the order of \$700,000 less than the price that was negotiated. You see, this committee has to be able to explain that to the public.

MR. KENYON: Well, I have tried to answer that with some other numbers, and I have also said that honest men may differ as to the value of any piece of real estate. I have pointed out that we have an appraisal that is considerably more than that, and it is five years old. The Township of Hillside has appraised it at substantially more than the state is paying for it. Now, I am an attorney who does a fair amount of real estate work, and I think I know something about how appraisers operate. And frequently, Assemblyman, an appraiser says to you, "Do you want it on the high side, or on the low side; how do you want me to come?" Now, if you are working for the buyer, I think it is fair to assume that you are going to come in on the low side. I think that is fair to assume. You are going to come in with a very conservative appraisal on the price, so that it strengthens the negotiating position, perhaps, of the people who are negotiating for the State. I think it is fair to say, too, that you should observe the fact that all the appraisers point out that this is an unusual piece of property, an unusual building.

It, therefore, is difficult. It doesn't lend itself to comparables, to going around the block and seeing what the most recent house sale was. They also point out that in their opinion the figures that they report could vary in either direction. It could be up; it could be down.

I think all of this comes back to what I said at the beginning. We can all differ on this. What I think is important is that Pingry obviously has its view of what this property is worth. We have used it. We know it. We think it is worth a lot of money, and everybody who sells a house, thinks it is worth a lot of money, and everybody who sells his house thinks his house is worth more than what the buyer offers him, and you negotiate and come down to a middle ground somewhere. We asked for this property, originally, \$8.75 million. We threw into that the appraiser's report, the replacement value and so on. When the negotiations got serious with the State, we came down to I think \$6.5 million based upon certain considerations with respect to the master square property and so forth. The State came back with a counter offer. We came back with a counter offer, and finally agreed upon \$5 million.

Now, I think that is the way things are normally negotiated. This is not a condemnation proceeding. This is a negotiated price.

ASSEMBLYMAN YATES: You might well do better under condemnation.

MR. KENYON: We might well do better under condemnation.

ASSEMBLYMAN YATES: How was the new price of \$4,650,000 handled in terms of the three numbers that are in the contract? Originally it was \$4,400,000 to be paid on closing of title. Which of those numbers changed? Maybe the staff knows.

MR. KENYON: Mr. Baldwin would like to answer that.

MR. BALDWIN: Assemblyman, I am with the Pingry School. My name is David Baldwin. I believe the Public Advocate's first report also states in it some place that their valuation is \$6,200,000.

ASSEMBLYMAN YATES: Whose value?

MR. BALDWIN: The public Advocate's first report, along with those appraisals, if you read on, has a figure of \$6,200,000.

ASSEMBLYMAN YATES: They are not appraisers. Do you understand? We don't ask the Public Advocate to appraise properties for us.

MR. KENYON: Assemblyman Yates, the answer to your question is, the numbers were just adjusted proportionately, but here is how they come out. Within 15 days after execution of the contract, which is a long time ago, \$465,000 - no part of which has been paid, I might say - upon closing of title, \$4,085,000 and upon delivery of the property, \$100,000.

ASSEMBLYMAN YATES: Do we have, I suppose, a sort of understanding among all the different sides here that right now, if all goes well, the chances are you would not be able to turn the school over to a full use by the State until Spring of '79, February or March?

MR. KENYON: That's correct. And our original estimate of March '78 was based upon the fact that we reached this agreement a year ago.

ASSEMBLYMAN YATES: I assume that was all in perfectly good faith. I have no quarrel with that. I am a little curious now, if we can go to some of the people in the Department of Ed., without quarreling about how we got into the peculiar predicament we are in, we are looking at a situation where, using just common judgement, this building is not going to be available to you until sometime in the Spring of '79. What is the Department planning to do in the

Interim? How are you going to handle the problem, assuming this thing goes ahead? This was all put together in anticipation of needing that building a year before that.

MR. PORADO: As you are indicating, the time line had to be readjusted to the point of monthly acquisition or monthly enrollments in the Spring of '79 versus September of '78. We would have to continue with our contingency plan or design, whereby we are utilizing the leased facility until Pingry was available. As I mentioned in my formal comments, I don't know because we have not entered into any renegotiation with Pingry, but pending the outcome there would be the option that partial space might be available.

SENATOR ORECHIO: Shouldn't we also be concerned with another alternative in the event the Pingry acquisition doesn't go through and we have to build a new building? Let's address ourselves to the two situations. Number one, what is the cost, and what would the occupancy of a new building be to accommodate this same need? Can you answer that?

MR. PORADO: We would anticipate the cost would be closer to \$8 million for a building that had comparable resources and facilities. Again, as many of the people in this room are aware, there are formal procedures that the Department of Education would have to follow that require the cooperation of other Departments and Bureaus in the State in terms of purchase of land, clearance of useability of land with the Department of Environmental Protection, the establishment of bids for architectural contracts and so on.

SENATOR ORECHIO: Would it be fair to say it would take some three to four years?

MR. PORADO: Yes, sir.

ASSEMBLYMAN YATES: The choice of \$8 million as a number for a comparable resource is an odd approach it seems to me. We earlier established that your approach at that point would not be to say, "Let's build a building like Pingry." It would be to say, "Let's see what our needs are supposed to be, and what sort of an investment would be necessary to meet those needs." And we tried to put together an estimate, anyway, that came up considerably less than that, it seems to me. You are talking about ---

MR. PORADO: It didn't allow for the property that would have to be purchased, the architectural fees and considerations of that nature.

ASSEMBLYMAN YATES: I must say I find myself ready to throw in quite a lot of money for that. We are talking about 60,000 square feet, \$50, that's \$3 million; 30 acres and let's take \$30,000 an acre, you have another \$900,000. There is equipment to be bought, special desks and furnishings and so forth at \$600,000; improvement to the real estate, roads, parking, lighting and so forth, which I guess could be even another million. Still, if you throw all that in there, you are coming up not even quite up to the \$6 million that we are talking about in this bill. We are not talking about \$8 million. It seems to me it leaves a serious question as to whether the State couldn't in fact build itself a facility completely suited to its needs for less than what we are talking about here or at any rate about the same amount.

MR. PORADO: Our own experience in looking at such is that construction versus purchase of a readily available facility would be more expensive.

ASSEMBLYMAN YATES: We certainly agree it would take a lot more time.



MR. PORADO: Yes, and in addition we would have the prolonged time constraint.

SENATOR ORECHIO: I just have one question. In the original contract, before it was revised, on page three there is reference made to the delivery of the premises by March 1 under the old terms, and with the condition that unless it was prevented from doing so by things beyond its control, are you referring there to strikes or steel shortages or the like?

MR. KENYON: That's right, Senator.

SENATOR ORECHIO: I imagine the things didn't turn out as well as you anticipated as far as the sewage combination is concerned, would that be part of the same consideration or understanding?

MR. KENYON: I would say so. That certainly is beyond our control, at least in keeping it moving along.

SENATOR ORECHIO: Thank you very much. The Department of the Public Advocate, Mr. Gleeson.

J O H N        W.        G L E E S O N: My name is John Gleeson. I am the Director of the Division of Citizen Complaints and Dispute Settlement in the Department of the Public Advocate. We in the Division of Citizen Complaints have been looking into and reviewing the proposed State purchase of the Pingry School as a day school for the education of severely handicapped children since last January 20th, which coincidentally was the day after or the day before the contract for the purchase of the school was signed.

It is difficult for me to add anything substantive to what is contained in the original report of my Division, which is dated March 10, and the supplemental report which is dated October 5, and an OFA report in late June, early July, and a supplemental report by Director Hyde of the Division of Right-of-Way in the Department of Transportation.

Our investigation covered a very, very broad scope. It was a classic situation of peeling the onion. Every time we attempted to find rather definitive answers to one question, five other questions appeared. Some of those we did not pursue actively, and others we felt we were obligated to pursue. It involved a fairly substantial number of state agencies which have been involved in this project.

I would say that our involvement in the Pingry School matter has led me to conclude that it is marked by two outstanding characteristics. One is sloppiness. Without exception every State Agency, and I would exclude only the Office of Fiscal Affairs from this ---

ASSEMBLYMAN YATES: That is an agency of the legislature.

MR. GLEESON: I understand that. But every other agency that has been involved in this at some point has dropped the ball or failed to carry out adequately their assigned functions, and as a result, the Pingry affair becomes a symphony of dropped balls and mistaken assumptions and inaccurate statements.

It is very difficult, and I am not going to attempt it, to retrace all of the movements of that symphony. I would strongly urge both the members of the committee present, and urge them to urge their fellow committee members, to read those basic documents. They are the result of a great deal of work. I would urge them to read whatever documents the Department of Education has

prepared in response to that or generally with regard to this matter. I would urge them to read whatever the representatives of the Pingry School have prepared in this matter.

I think that what I might do first, since the questions are fresh in our minds, is react to some of the comments made by the representatives of the Department of Education and the attorney for the Pingry School. I regret that in several instances they are just inaccurate. I think the first thing I ought to do is try to, as much as I can, assuage any feelings that the representatives of the Pingry School have that they in some way are the target of a special effort or witch hunt by the Department of the Public Advocate. Nothing could be farther from my mind or the minds of anyone else who has been involved in this matter. It just isn't so. The only motivation on the part of the Department of the Public Advocate was to make sure that two very important interests were taken into account in this particular matter. One is, all the people of the State who pay taxes, and who are going to pay for this facility; the other is those children and their parents who are going to benefit from this facility.

No one can even attempt to balance the equities there. They are both very important interests, and that has been our only interest, to make sure they are both adequately represented and that all of the pertinent facts with regard to this are considered from those two points of view.

As a general statement, I think I could say that we find that both of those special groups have not been well served by the process that led to this decision, which is something different slightly than saying that Pingry School is an inadequate facility for the education of severely handicapped children. We have raised in these reports very simple questions. One is, is the Pingry School an adequate facility for the education of severely handicapped children in Region II? The Department of Education has the chief responsibility for making that kind of a decision, and they have the chief responsibility for coming up with a plan to provide facilities and programs to meet the needs of those children.

I think it is fair to state that up until now they have no comprehensive plan for the education of severely handicapped children in New Jersey. The Search Report, I suppose, comes closest to purporting to be that kind of a plan, but we can see that in certain key instances - and it is all laid out in the first of our reports - there are grave inconsistencies contained in that report, and as this particular matter, the purchase of the Pingry School is concerned, the recommendations of the Department of Education run directly counter to the recommendations of that committee.

As a matter of fact, the whole process leading up to this particular proposal to purchase the Pingry School is a good example of doing things backwards. The Legislature appropriated \$25 million. The Legislature approved a referendum by which the people approved the expenditure of \$25 million for the education of severely handicapped children, with no basis whatsoever in terms of analysis of need or projection of costs or development of program. We now hear representatives of the Department of Education telling legislators that that was the statement of public policy by which they should be bound as far as the education of severely handicapped children was concerned. We are talking about a bond issue that was the result of legislation that was passed by emergency procedures in the legislature with no public hearings by any committee and no floor debate, and as Mr. Porado

stated to the complete surprise of the Department of Education, and I might add, of the Governor at that time.

I would raise the question of whether that is the way major decisions ought to be made by the legislature or the state government in any agency, and whether that is the best way to prepare to meet the needs of a very needy segment of the population.

The representatives of the Department of Education also point out that the main thrust of the initial discussions about facilities for education of handicapped children came from the knowledge that the so-called rubella bulge would be passing through New Jersey society as a result of the German measles epidemic in the mid '60's, and that special educational facilities and programs would be needed to meet the need of that very unusual and single phenomenon. The discussion of the Pingry School purchase, as Mr. Porado pointed out, relates directly to the presence of the rubella bulge among the children of the State of New Jersey - a phenomenon that will begin to bring those children into secondary education status within the next couple of years, and a phenomenon that will also pass through and reduce the need for facilities and programs for secondary education of that magnitude around 1982. Then if we relate that to the purchase of the Pingry School, everybody agrees, including the representative of the Pingry School, that the school probably will not be available for use as a facility for educating the severely handicapped until probably the school year of 1979-80. If you just add up those numbers, that means that you will be lucky to get one class through that facility, one full class through that facility.

The comment was also made by the representatives of the Department of Education that the many man hours and major effort that has been devoted to responding to our inquiries from citizens, inquiries from legislators, about this purchase, it might have been better advised if all those man hours and all that effort had been devoted to developing some kind of a comprehensive program for severely handicapped in New Jersey, making this kind of an exercise unnecessary, and in fact that is one of our recommendations, and hopefully it is something that can be done before the State makes a decision about an investment of what probably will be \$7 million in one facility.

There has been some high-flown rhetoric this morning, which I hope I won't add to, that the Pingry School is essentially what is needed in meeting the educational needs of handicapped children. What is needed are adequate facilities and programs, basically. There is a great debate going on right now, as I think everyone is aware, that was only just beginning when this bond issue was passed, about the concept of mainstreaming children with various educational learning handicaps. There is major new federal legislation now on the books which affects the ability of the State and of local school districts to get money for that purpose, education of the severely handicapped children, which strongly tends toward the mainstreaming of children in their local school district.

These kinds of questions, the long-term developments in the area of education of severely handicapped children, have not really been addressed seriously and in depth and in a comprehensive way by the Department of Education. We have also had the inflated costs of alternative facilities to the Pingry School. The fact is that Dr. Nixon who is their specialist, their consultant, in the area of special educational facilities points out the numbers and indicates that a brand

new tailor-made facility for the education of severely handicapped children could probably be built for about \$4.5 million - give or take a little bit. It would not mean the major and drastic renovation of a twenty-five year old school.

I regret to say that there were some incorrect statements made, and I am afraid representatives of the Department of Education don't recollect what is in some of their own documents. The fact is, there are major structural problems and facility problems at the Pingry School that would be extremely expensive to correct, and it is in Dr. Nixon's report, which is an appendix to our first report, and I would urge that you look at that report. It is very clear, and the Director of the Division of Building and Construction in Treasury confirms that the \$1.5 million figure that is included in this appropriations bill is clearly adequate only to bring the present Pingry School structure up to minimum health, fire and safety code requirements. It very definitely does not include outfitting and equipping and remodeling that school to provide the special educational equipment and facilities required for educating severely handicapped children.

There is a discussion of underground or basement level classrooms. There is a safety problem very serious to remedy. Those classrooms have no windows. They are windowless rooms, not only does that raise fire and safety questions, but it raises questions as to whether you want to teach children in windowless classrooms in the basement of a school.

The elevator in the Pingry School just does not accommodate wheelchairs adequately. There is an inadequate turning radius in those elevators, which, probably, if you are going to provide a first-class facility to educate severely handicapped children, dictates that a completely new elevator system must be installed and a larger shaft in the school.

There was some discussion and a great enthusiasm expressed for integration of the facility at the Pingry School with programs for students at Kean College or other educational institutions. The fact is that that kind of programming, that kind of integration of graduate or undergraduate training of technicians or teachers or psychologists, whatever, with this kind of an institution requires special facilities, all kinds of things, to enhance that ability - one-way mirrors for observation, not only by students but by parents, which would have to be done at the Pingry School and would dictate major expenses, not to bring it up to the health and safety code, but to make it adequate to carry out the purposes of educating handicapped children. That is not included in the \$1.5 million that is a part of this appropriation bill. There is not the slightest doubt that if the legislature appropriates \$6.5 - or whatever the amount in the current bill is - that there must be a supplemental appropriation which probably will take the total cost up to \$7 million. There is no question that that money will have to be appropriated to provide adequate educational equipment, educational facilities, beyond just bringing it up to minimum health, safety and fire code requirements.

The whole area of what is the Pingry School worth, to which we could probably devote the remainder of this day, at least--- The State of New Jersey, when it decided to consider the purchase of the Pingry School, assigned to the Division of Right-of-Way in the Department of Transportation a responsibility for securing appraisals. They secured three outside appraisals; they assigned one staff Right-of-Way analyst who also had skills as an appraiser, but in fact was not a licensed appraiser - I should not say that. He was not working on that staff as

an appraiser to conduct appraisals of the Pingry School. Two of the private consultants came in with appraisals of \$30,800 an acre and one at \$40,000 an acre. One of the outside consulting appraisers came in with a per/acre appraisal of \$80,000 an acre and the staff of the Department of Transportation analyst came up with an estimate of \$85,000, so I would try again to assuage any feelings that Mr. Kenyon might have that the State was in some way low-balling appraisal figures, because the State employee who went out to conduct the appraisal came in at \$85,000 an acre. Compared with Green Acres appraisals in a community like Princeton Township, those are very generous appraisals.

The Division of Right-of-Way and the Bureau of Appraisals came up with its own estimate of \$60,000 an acre, which really was just sort of, "Let's split the difference." The key to it is that the appraiser who came in at \$80,000 an acre applied no penalty for the fact that half of the land area that was under consideration for purchase was in a flood hazard area designated by the Department of Housing and Urban Development for flood insurance purposes, or to the fact that a flood plain encroachment permit would be required from the Department of Environmental Protection if construction was to take place on at least half of that property. Again, we have never made the point, and it is of little concern or really no concern to anyone whether --- There is no threat of the Pingry School building being flooded. That is not a concern of ours, and I don't think it should be a concern of the legislature's, frankly. The only significance of the flood plain designation and the flood hazard designation is as to the value of the land, and all we can do is raise the question, "If half of the property is so designated and has those limitations on it, is the half that has those limitations worth \$60,000 an acre or as much as that area that doesn't have those hazards and limitations?" That is the point of the flood plain problem, not flooding of the school or of the playing fields or anything else.

Even accepting the \$60,000 an acre appraisal, excluding the master square and tennis court areas which were not considered for purchase by the State, the fair market value of the Pingry School is about \$3,950,000 or roughly \$4 million. Director Hyde at the Division of Right-of-Way in his appraisal bureau said because of the nature of the school, and because it is so difficult for an appraiser to get a handle on this kind of a facility, there is no market for a private prep school around here, nobody is looking to buy one. It is a very difficult thing to appraise. Because of that he said, "Let's apply a 10% plus or minus contingency factor." It could be worth 10% less; it could be worth 10% more. That brings it roughly from \$3.5 million up to \$4.5 million.

I have grave questions about why the negotiators for the State of New Jersey went into the negotiations offering, let's say, more than they really were required to offer under a fair, honest, negotiating situation, and why so rapidly the offer from the State escalated to \$5 million, which was far above any of the appraisals for that portion of the property they were going to buy. It is hard to pinpoint why this all happened. I think there are several reasons, and some of the thoughts are contained in those reports. The Department of Education had roughly allocated, divvied up, the \$20 million that was left after some work on the Katzenbach School, and they roughly said they could spend \$6 or \$7 million on a facility in Region II. I have some question as to whether that is the sharpest way for the State to make decisions as to what they are willing to pay

for these facilities. One of the other things which I think something the Legislature might want to address itself to - and this is not up for a decision at this particular point - and certainly the Executive Branch ought to address itself to, and that is, generally the way this business is conducted, such as the lack of responsibility in terms of project control within the Executive Branch, which add up to very, very significant expenditures.

SENATOR ORECHIO: I would like to interrupt you now, if you will, and give the stenographer a break. I am going to recess now until 2:15.

(Whereupon a luncheon recess was taken.)



Afternoon Session

SENATOR ORECHIO: We will resume the hearing. I am sorry I am late. I guess my colleagues had other more important things to do, so we will start without them.

Mr. Gleeson, do you want to continue where you left off.

J O H N W. G L E E S O N: I will be very brief.

I want to make one thing clear in case I created a wrong impression earlier; and, that is, that the Department of Education is by no means being accused by me as being the only agency involved in this thing that has missed connections with regard to this proposal. Quite the contrary, I think that some of the worst offenders are not here today.

The other impression that I don't want to create is that the Department of the Public Advocate or the Division of Citizen Complaints purports to have expert opinions in either the area of appraisals or educational policies with regard to handicapped children. What we want to do is make sure that those who are experts in those areas respond in a meaningful way to reasonable questions about educational policy and about the way the appraisals for the Pingry School were arrived at.

One other point, which was made, I think, by Mr. Kenyon, was that the Pingry School never approached the State, but that the Pingry School was approached by the State. The record of the Department of Education shows that in 1972 State agencies were approached by the Pingry School on a confidential basis, and it is embodied in a confidential memorandum, and that on July 5th, 1973, about two months after the bond issue referendum bill was approved in the Legislature, Acting Commissioner Kilpatrick was approached by the Pingry School and the availability of that school was made known to him. Not that it is terrifically significant, but it is just a correction.

SENATOR ORECHIO: I think you will agree there is no impropriety on the part of the school.

MR. GLEESON: Not at all, no. But statements have been made this morning that are not accurate and, for whatever it is worth, we want to keep the record straight. It is certainly not improper by any means.

Our bottom-line position is that there are certain unresolved questions and there have been unresolved questions that we have devoted a great deal of time and attention to and that we feel the Watch Dog Committee and the Legislature as a whole should be satisfied as to the answers before they approve or disapprove this purchase. Let me just state them very briefly.

1. Can the school be economically renovated, equipped and operated to accommodate the special needs of severely handicapped children and provide them with a thorough and efficient education? That is one of the crucial interests of the State.
2. Was the fair market value of the Pingry School, based on its highest and best use, accurately appraised by private and State appraisors?
3. Is there adequate reason for the negotiated purchase price to exceed the appraised fair market value by up to \$750,000?
4. Is the State assured of the possession of the Pingry School when the rubella children are reaching high school age? And, if not, does the State, in fact, have a contingency plan for accommodating the needs of those children?
5. What is the State's plan for the use of this facility after 1981 or '82 when the rubella children pass out of high school?

Those we feel are questions that are pertinent to this particular matter.

In addition, we think that the Watch Dog Committee and the Legislature as a whole should address themselves to some of these questions, and I will read through them

quickly.

All bond issue proposals should be considered by the appropriate legislative committees. Estimates of financing and recurring operating costs should be submitted by the Executive Department involved as a precondition to approval by the committee and action by the Joint Legislative Watch Dog Committee. Such estimates of operating costs should be provided by the Executive Department even when the costs are to be covered by local governments through local property tax or federal funds. One of the statements during this investigation has been, "Oh, well, the operating costs are all going to be paid by the local school districts," which is just as important as it would be if it were paid out of State funds.

Second, whether or not the Pingry School purchase is approved, the Senate Education Committee might request, and the Governor should direct, the Commissioner of Education to prepare a comprehensive plan for the education of the severely handicapped children in New Jersey. The plan should include projected needs, programs, facilities and costs. The plan should be submitted to both Executive and Legislative Branches prior to any further major appropriations of funds from the education facilities for the handicapped bond issue.

Third, the Division of Purchase and Property, Department of the Treasury, should exercise more vigorously its over-all responsibility given to it by law for the negotiation for all proposals for the lease or purchase of property or other facilities. There should be created in that Division a staff of appraisers. Representatives of Executive departments seeking the purchase or lease of facilities should not become involved in the actual negotiations beyond providing technical information to the negotiators.

Prior to the approval of this appropriation, if that is the action the Committee wishes to take, the Department of Education should provide details on the programs it intends to implement at the Pingry School and estimates of the specialized program-related facilities and renovations required to carry out these programs. Costs should be estimated for these renovations and the equipment. This, of course, would address itself to that figure over and above the 1.5 for the minimum fire, safety and health requirements.

Last, if the purchase of the Pingry School is approved, lease-back agreement between the Pingry School and the State should be seriously reviewed. A specific delivery date should be included in the agreement, at which time the Pingry School would be compelled to vacate the Hillside campus, regardless of the availability of a new campus.

As I said at the outset, we could discuss this for many hours, and we already have. But I think those are the key points that we hope the Committee and the Legislature as a whole, if it goes to the floor of the Legislature, will give serious consideration to. Thank you.

SENATOR ORECHIO: Thank you, Mr. Gleeson.

We will now hear from Mr. Bragg, the Director of the Office of Fiscal Affairs.

K E N N E T H N. B R A G G: Mr. Chairman, I think what I should do, with your concurrence, is simply review the report and the findings that we presented some time ago to the Watch Dog Committee and bring you up to date on what information has or has not come to our attention since publication of that report on June 14th.

First of all, with respect to the question of the value of the property, I think you have heard testimony earlier to the effect that the Department of Transportation expert in attempting to weigh the various private appraisals which were all prepared by qualified people, has come up with quite a range in possibilities as to the value of the property, indicating that there is a matter of human judgment involved here and it is not a matter of precise measurement. It is not correct to say, I think as you earlier have heard, that the Department of Transportation simply took an average of the appraisals.

As I understand what happened from the documents we have, with respect to the flood plain issue, the Department of Transportation in weighing the various proposals concluded in its judgment that there was not a flood plain problem as far as any serious flood threat is concerned. And that was the basis for arriving at the \$60,000 an acre figure.

Now we have pointed out that regardless of the fact that the flooding has been very minor in the last 50 years - I think in 1942 and 1938 it flooded a few inches - the fact is it is in a flood plain, has been so designated, and the Department of Environmental Protection, as I understand it, has advised that there could not be issued a building permit. Therefore, with respect to the value of the property, about half of the acreage on which buildings are not sited now probably a permit could not be issued for. Then the question is whether or not that \$60,000 figure is accurate in view of the fact that the DOT appraisal has concluded that the flood plain issue should be ignored.

With respect to the rental fees, our conclusion was previously, and still is, based upon the facts that we have, that the rental figure is low and that it should be increased somewhere between \$123 thousand and \$160 thousand per year, depending upon the factors that you may want to weigh that are outlined in our report. I will say that at the hearing, after our report was issued, it was determined that an additional fact came to light of which we have not been able to assess the value, and that was that the State would use some of the property during this rental period necessarily in order to complete the renovations. We have no way of determining what the value of that might be, but that would certainly be an offsetting factor to justify some of the low rent involved.

As far as operating costs are concerned, for sometime now the requests have gone to the Department of Education for some more information about operating expenditures that would be necessary, and that would involve a complete operating plan. It is my understanding that the Department has taken the position that, until the property is acquired, it didn't want to undergo the expense of a detailed architectural cost in order to detail any remodeling that would be involved in any particular specialized programs that might result after more detailed planning was accomplished. So at this point, the Division of Building and Construction of the Treasury Department has estimated \$1.5 million and that is the basis for the inclusion of these costs - \$1.5 million for simply bringing the building up to the fire standards and safety standards, and to enlarge the elevators, etc. But it does not, as I understand it, include any modification to peculiarly suit the building for any specialized use which has not yet been specified.

Another point was the size of the site. If you use the standards that have been set forth for high schools, it would require about 35 acres. If it were a junior high school, it would be about 25 acres. The problem is that in actual practice there is very little correlation between the ideal standards of size and what is actually occurring. We found there are high schools of 1,000 to 1,200 population throughout the area, one having as few as 6.9 acres. That's a school three times the size of this. Some schools have 25 or 30 acres, but take care of three times as many kids. Actually the standards we have observed in the other high schools result in a lower use of land than would be met by this ideal standard.

I think in trying to put this in some perspective - I have been involved in this for several months as have many people in this room and I sat through the hearing today, of course - it would seem to me that there are matters of judgment involved. We certainly have not detected in our working with the various individuals any imprudent proposals that have been made. It is true that the appraisal arrived at by the Department of Transportation after looking at all the private estimates and making its own judgment on the flood plain

situation, came up with a figure of \$3,950,000, which is \$700,000 below the contract price. I would not say that, given the fact that all of these private appraisals have a wider range than that, that this is out of the ball park. It is simply a matter of judgment and I don't know what additional facts -- I doubt if getting additional appraisers would really help the situation.

As far as the questions that have been raised by the Public Advocate's Division of Consumer Protection, really the import here is the matter of due process. It has been pointed out that it may have appeared at times today that conclusions were being drawn and facts presented by that office that would show that there were other conclusions that were equally valid. I think that what was being attempted there under the law under which that Department operates is simply to point out that they were interested in showing that there needs to be a due process and a process by which recommendations are made and then, under the law, they ask the departments how they respond to the recommendations that they made after a period of time.

As far as the question, can the school be economically operated, is concerned, first of all, on the construction costs, the analysis that we have shows that the new construction cost is slightly higher than the over-all cost of going through with this purchase. This is based on estimates from the Division of Building and Construction. No one can say more than that without at least a schematic drawing from the architects, etc., which has not been prepared, and some kind of additional pricing.

As far as the actual operating costs of the school are concerned, I don't think there is any way to get that determination made unless additional facts are forthcoming from the Department of Education - for example, being informed as to what the age span of each one of these categories is - what is the range of ages - so you can get some forecast of what the population is going to be in the next five and ten years of this group. There have been statements made that all programs will be changed completely after this one group that was severely affected passes through the high school age. There have been no facts one way or another presented to support that. I would think it would be possible to get that kind of information and some additional planning. Without that, I think there has been a reasonable job done in presenting information and I think the Committee can ~~not~~ be assured that, within those limitations, all of the people involved here have presented information; and the facts, while at variance in some respects, are within some parameters of reasonability. Thank you.

SENATOR ORECHIO: Does anyone else wish to speak whom I haven't called upon?

L E O N A     K A U F M A N: I am Leona Kaufman, representing Assemblyman Bornheimer's Office.

I would like to point out a few matters that should be clarified or should be presented to the Committee so that clarification is sought on these matters. I am concerned about the testimony that has dealt with the fact that the rental is low because Pingry will allow the State to come in and do renovations during the summers. I know that Pingry has had during this past summer a very active summer school program, a very fine one from what I understand, and that it has already announced a more expanded summer school program for next year. I would like to read the Pingry Record for Friday, December 19th: "Pingry must leave the Hillside campus before March 1st, 1978, unless the construction of the new plant is delayed by events beyond Pingry's control. The phrase 'events beyond Pingry's control' is not further defined, but the school's counsel is confident that it would be sufficient legal basis to extend Pingry's stay should any delay occur. The school does not fear eviction." I think that should be offered to the Committee for consideration. (See page 1X for complete article.)

I also would like to deal with a few numbers that occur in the Search Report. These numbers deal with the student population that would be serviced at the facility should the Pingry purchase be effected. I am reading from the Branch Report which is, from what I understand, the Department's response to the original Search Report. "Region 2, Essex, Union and Hudson County: Hudson County, 350 students; Essex County, 300 students; Union County, 300 students. Site 3, Union County, Hillside, Pingry School, number of students - 600." The school is presently overcrowded with about 650 normal students. The student population of handicapped children would be probably at around 450.

On another page in the Branch Report, we have Region 2 - Essex --- You will have to bear with me, please, because these reports are such a mixture of things that it is hard to keep track of what we are after. Page 16, "Region 2, Essex, Union and Hudson Counties," is the caption. "Site 2, Union County, Hillside Pingry School: number of students, 600." Yet, on still another page, we have, "Essex, Union and Hudson Counties: Hudson County, 350 students; Essex County, 300 students." In this case, Union County has been eliminated or omitted or dropped or forgotten. I do not care to select any one of those words that the Committee might use in its judgment. But, in any event, it is not listed.

The site recommendation for Pingry School shows a capacity of 600. Adding up two of the numbers for two of the counties, we come up with 650, omitting the 300 coming out of Union County. If it were included, it would bring us to a total of 950 for the three counties alone.

Probably in the initial stages when Pingry was considered as a possibility that 600 figure was realistic because it dealt with almost - and even not almost - the capacity of the school because the handicapped population is significantly lower than that of the normal school population.

There is another factor that should be introduced at this point; and, that is, the purpose of going into those numbers is that there are about \$21.5 million remaining out of the bond issue from which this appropriation is being made. We have heard here testimony to the effect that you might be expending as much as \$7 million for this one facility out of a bond issue that was supposed to service six regions. I think it has now been reduced to five - I am not sure.

I would like to read again from a page in the Branch of Special Education and Pupil Personnel Services: "The priorities of construction and/or acquisition." The first priority is Pingry School. No counties are mentioned along with that designation, but it is followed by a list of seven counties that are also deemed priorities. They have Camden, Hunterdon, Ocean, Bergen, Morris, Burlington and Atlantic. It would take a great deal of consideration to show that we could spend one-third of the remaining moneys in this bond issue in one facility when seven other counties and regions still have to be serviced. It seems hardly likely that the remaining money could, in effect, take care of the students that still have to be taken care of with that amount of money.

I am sorry I arrived late today. I think most of the questions that Assemblyman Bornheimer had wanted to introduce as questions that he felt should be answered have already been asked, and possibly answered. That I do not know. But I would hope that the testimony would bear all that out for the Committee's consideration.

For whatever it is worth, I would like to say that my own figure, after speaking with somebody in the Department, was that Union, Essex and Hudson Counties combined would give us a total of 504 students. So we have to sit back and think. If this is supposed to service six counties and the three counties in the immediate area are already sending in more students than the school can safely handle, how are we to convince the Legislature that the other three counties will be taken care of in this

bond issue money appropriation, this one appropriation? Thank you.

SENATOR ORECHIO: Does someone from the Department of Education want to respond to that question?

MR. PORADO: Yes, sir. Ma'am, earlier I drew to the attention of those parties present the fact that - and you are correct - the Search Committee Report initially included larger numbers being projected because in the Search Committee's efforts, they looked at all severely handicapped children, a population of which are the profoundly retarded children. Therefore, those initial numbers include an additional group of disabled children, others than those proposed for the Pingry facility.

Just as a point of information, you may rest assured that the State is concerned about the profoundly retarded and Chapter 212, Laws of 1975, does require the Department of Education and the now titled Department of Human Services to provide educational programs for these children in State constructed and operated day training centers. So that reduces the numbers and, hopefully, clarifies why those large numbers result in Hudson, etc.

Number two, in the constraints of \$25 million, understanding that there was a need to follow the intent of the legislation, five facilities and the Katzenbach School, we have projected full use of the \$25 million. Again, as there was question earlier, how can the State front a figure for a facility for a region? To respond to the very questions she is asking, if you have \$25 million and you have legislatively-established priorities - you have population of the kids to consider and the geographic areas - you have to use the best of the sciences available to come up with an estimate of the expenditures that would allow for, first of all, five facilities. The Search Committee originally said there should be thirteen facilities. We projected the amount of the second agreement with Pingry when it was established at \$4.650 million in round figures - and a projection of \$1.8 for renovations that might be there. We anticipate that there is possible the purchase of a facility in South Jersey. And, again using round figures based on the estimated number of children that would be enrolled, that would be \$4.5 million. There would be some minor renovations there of about \$50,000.

There has been, as you have indicated, \$4 million expended at the Katzenbach School for the Deaf. We anticipate that there are some appraisal expenses and some bond expenses in terms of interest and that there may be some additional expenditures at the Katzenbach School, plus construction of a school in Bergen County, at an estimated \$2.5 million. These things are conjectures. But we come up with a total of \$24,515,000 that would be used to get the five facilities moving, and including provision for renovations to the Katzenbach School.

MS. KAUFMAN: Does that mean that the \$7 million is going to be taken off the \$21 million, leaving a total of \$14 million, and that you will service the other areas of the State with the remainder?

MR. PORADO: That is our goal. We have commitments to children throughout the State, not just those.

MS. KAUFMAN: That is our thought. May I ask to whom I am speaking?

MR. PORADO: I'm sorry. I am Paul Porado from the State Department of Education. I also want to mention we have considerations for Hunterdon County and Monmouth-Ocean Counties within that \$24,515,000 figure.

There were earlier questions raised about the fact that there is a bid for Pingry or a bill for \$4,650,000, with an additional factor of one point something for renovations there. There seems to be confusion in the minds of some as to whether the renovations projected for Pingry are all of the renovations or only part of them.



Again relying upon the statements of Dr. Nixon from our Office of Facility Planning and many other reports that have been prepared by others, with regard to the renovations intended, unless we are not fully aware of architectural defects in the current facility, the renovation amounts will suffice to bring the facility to health, fire and safety standards and for renovations needed for educational access by physically and other types of disabled children.

SENATOR ORECHIO: Mr. Porado, I have another question to ask you. The facilities that are being used now - the Millburn facility and the Bruce Street facility - would the furniture and fixtures in those schools, for example, be used in the Pingry facility?

MR. PORADO: I can only speak on behalf of that equipment at the school in Millburn, which is "operated" by the State. The equipment and other resources in the Bruce Street School are the property of the Newark Board of Education. But in answer to your question as to the access to the Millburn equipment, yes. In further response - and I am going beyond your question, sir - the Department has been engaged in programmatic studies. I mentioned that earlier. We have committees now working on what should be the educational program, K through 12, for a deaf child, for a blind and deaf child, for severe ED and the multiple-handicapped. We are not having these committees make decisions as to the actual purchase of this text book versus that text book. But we are talking about content, program structure, career and vocational education aspects and the recreational and social aspects of such an educational program. We have also, as you would understand, been involved for a number of months attempting to establish a firm operating cost. This is done by setting up a hypothetical school wherein you have a Director of Educational Services, as referred to in civil service, otherwise known in public schools as a principal. You have other supportive staff to the administration - teachers, aides, etc. We do have some figures that we have presented to the Department as to what it would take to operate this program at Pingry or any facility. These are initial figures, and I often have concern when I state a figure because people have a tendency to lean very heavily on that. But our initial figure for the annual operating cost per pupil at Pingry is \$3,999 per child. You understand that is a general figure for all the kids there. Those with a background in education and finance would know that it may cost more for a particular child with this disability than it does for another child.

I think I have gone beyond answering your question. But I did want to bring those two things to mind.

MS. KAUFMAN: In my conversation with Mr. Richardson in the Department, I was told that this facility would be servicing the severely-handicapped children. In fact, I can quote him as saying that these are the children you never see. He said some would be coming in ambulances and that they are the kind of kids that need very special attention and small classes.

SENATOR ORECHIO: There are 25 of those, I think.

MS. KAUFMAN: I don't know how the categories break down or how the description of severely-handicapped is worked out. I don't think that is for lay people to get into, nor do I intend to. I am not a mathematician. In fact, everybody in this room can probably add and subtract better than I can. But what we are hearing is that, of the remaining \$14 million, there will be seven areas or seven counties that will be serviced, which means about \$2 million, each, notwithstanding that there are amounts of money taken off for some of the expenses that were itemized by Mr. Porado. Yet it is going to be taking three times that amount to take over the building and renovate Pingry and service the children in that one area. I think that is a question that possibly the Committee should look into. I don't want to tell you, Mr. Chairman, how to run the Committee.

SENATOR ORECHIO: I just want to make one observation. It seems to me that this legislation that provided for the bonding did not state or stipulate that equal amounts would be expended on the areas to be served. I imagine if the need is for a smaller number of students in the southern end of the State who are handicapped to be accommodated and it would take a smaller facility, obviously you wouldn't be spending as much as \$6 or \$7 million. I think these figures would have to come from the Department of Education. I imagine that is the kind of input that probably went into the formula.

Do you want to expand upon that?

MR. PORADO: Only if there are specifics. When you take a look at the operating costs, there are geographical determinations that have impositions on the logistics involved. Paper generally costs the same anywhere - so do text books - so does specialized equipment that goes into a room for deaf children and other features that are required for physically-handicapped. However, it is apparent that our population concentration is heaviest in the northeastern counties. Therefore, we do have a larger deaf population there. In the southern or central part of the State, the population is not so heavy or dense and there are less deaf children. But we can generate the same number of other kinds of multiple-handicapped children, even though they are coming from a larger geographic area, because there are less programs to serve them.

In reference to your statement about your conversation with our staff member referring to the fact these children are not seen, when you talk about your deaf-blind or autistic or multiple-handicapped children, they are not often observed because their educational program is in a confined situation and oftentimes not in the best of facilities. I think that is one of the reasons we should consider having these children provided a very suitable State facility that will give them the same recognition as children who do not have disabilities.

SENATOR ORECHIO: You had one other question maybe I will ask. The young lady asked previously about what disruption would take place in your school during the summer if this acquisition is finally enacted and becomes law? Would you be able to accommodate your present summer programs that you have now implemented and plan to project?

MR. CUMMINGHAM: We would not be able to.

SENATOR ORECHIO: Would you identify yourself for the stenographer.

SCOTT CUNNINGHAM: I am Scott Cunningham, Headmaster of the Pingry School. When we talked with the State representatives who came, the Education Department people and an architect who was with them, we went over the plant pretty thoroughly, defining areas that could be closed off for the summer session, beginning June 1st and ending the last day of August.

Actually, we talked about the possibility of retaining the use of our gymnasium, pool and shower facilities, because we do run a fairly substantial summer camp for about 350 young people. Those are the facilities we would need.

If we had to present the whole building to the State for the summer - and we were talking initially about using it for two summers, closing off half of it one summer and half the second summer - we could very easily have made use of upstairs laboratories and downstairs laboratories. We are fortunate in that we have labs on both floors in different wings of the building and we could have accommodated part of the summer program.

Now, if because of the press of time - and we have agreed to cooperate in any way we could - if we were to make the entire building with the exception of these recreational and athletic spaces available, we might possibly be able to take some of the work to our lower school campus at Short Hills. Obviously, we couldn't take the sophistication of

advanced placement chemistry or physics or biology up there. But we could run some courses up there. But there would be a real disruption in the entire operation plus the fact that a number of our staff people who work on a twelve-month basis and do count on the summer employment at the institution would be denied that employment if we had to shut down our operation for the summer and have the State come in. But we have agreed that we are willing to do that if it is necessary.

I say this because, frankly, I have heard so much argument here today, and yet for the last 28 years I have been either a college dean, a college president, a teacher or a headmaster of a secondary school, and I think we deal in the welfare of children. I think if we can do anything to cooperate with the State in providing facilities, if this Committee so recommends and if the Legislature decides on the Pingry property, we will be glad to do so. Certainly there will be hardships. There are bound to be.

SENATOR ORECHIO: Anything else?

MS. KAUFMAN: Not at this moment, thank you.

MR. CUNNINGHAM: I might also say that that statement in the Pingry Record, which was quoted, which is a student newspaper and not the school's official organ, is a year old and was probably a 16-year-old student's interpretation of the fact that the contract with the State indicated reasons beyond our control.

SENATOR ORECHIO: Thank you.

To sum up, I want to make one statement. Number one, I think the Department of the Public Advocate mentioned several questions which probably have to be addressed and certainly will provide the greatest input in what the Committee decides; namely, whether the school can be economically renovated, equipped and operated to accommodate the special needs of the handicapped, and what the realistic availability date is. Secondly, if the Pingry deal falls through, what is the alternative in terms of meeting the time frame to cope with our requirements and the pressing need? I think also, most importantly, what will that cost be? How much money is going to be required to put up a facility in Region 2 to meet the needs of the densely populated area we have in Essex, Union and Hudson? Of course, the fair market value of the school again is a judgment that probably is arbitrary. Who is to say what the value of the Pingry School acquisition really is in terms of fairness and whether or not it is equitable? We have five appraisers who have made some appraisals and the figure that was eventually used was a median. I imagine if we got another five or six, we probably would have other figures.

I think one of the most attractive features of the Pingry School is the fact that the Kean College campus is adjacent to it. I don't think any of the appraisers, for example, attached any significance to that facility. It seems to me that would serve as a tremendous lab facility for students and staff involved in special education, the particular value of which would be difficult to assess. I doubt whether that factor was considered in the appraisal.

I would like to say, although I am new to this Committee, I have heard a lot today and I have done a lot of reading. I am sure the members who serve with me have made a comprehensive study. I don't know how many have visited the facility. I was out there the other day. I have been down to the Bruce Street facility and I have to agree that the environment down there for a hundred kids leaves a lot to be desired. I think the Pingry School facility is a very remarkable and valuable property. It is well constructed. If the facilities there - the pool, the athletic facilities and the laboratories - were to be reproduced in a new facility, I think we would be talking about some very astronomical figures.

I would like to say in conclusion that we hope to get the transcript of these

proceedings within the next week or ten days. When the Committee members receive it, especially the members who have abstained or not been recorded as voting, this Committee will then by a ballot vote make a decision whether to reject or approve the acquisition of this facility.

MS. COPLEMAN: Senator, I have been listing all day and I can't help but wonder what has taken the Department of Education three years, not to purchase a school, not to build a school, but only to talk about various schools, such as saying they may purchase a school in South Jersey for \$4 million - they may purchase a school for \$2.5 million in Bergen. There are a lot of "maybes" with everything dependent upon a single school.

As a resident of Middlesex County and listening to all this, I have heard nothing but money all day and not a single reference to the fact or the definition or the meaning of what it means to be a handicapped child.

I would like respectfully to submit to you, sir, and your Committee that we are talking about transporting deaf or blind or multiple-handicapped children from Middlesex and from other counties and there has got to be a better way.

SENATOR ORECHIO: Let me just make this comment to you. Some of us here choose to use statements made in reports to serve our advantage. The Department of the Public Advocate, for example, responded to the statement you made earlier at the outset of your presentation, wherein you said it would take an hour and a half to two hours to get to the facility. The Department of Public Advocate made an intensive investigation and determined in their own report that the transportation distance is not that great and it would not be any hardship to transport any of the handicapped children within this region to this facility. You made a statement an hour and a half to two hours. That really is not accurate.

MS. COPLEMAN: It takes 50 minutes from the middle of Edison at 11:00 o'clock in the morning, without any problems of traffic or bad weather. We are talking about kids.

SENATOR ORECHIO: I don't think we are here today, for example, to respond to your question why it has taken the Department of Education three or four years. I think the job of this Committee is to decide in terms of what has been presented to us whether or not it is feasible for the State to move forward and acquire this facility to serve the needs of the handicapped. I think all of us are pretty much aware from the facts and figures that have been presented the categories of handicapped that we are referring to. We are talking about the deaf. We are talking about the deaf-blind. We are talking about the severely handicapped that are multiply handicapped. And I have to defer to the Department of Education who outlined through Mr. Porado, I think, very succinctly and sometimes in a very expansive way what the problems are and how we can cope with their needs.

Mr. Porado, do you want to make a final statement? Then we can terminate this meeting.

MR. PORADO: I would like to make mention of something, but not specifically try to answer Ms. Copleman's question. But as Mr. Gleeson very able put it, there are State procedures that must be honored. I will use another illustration rather than Pingry. In considering a South Jersey facility, the initial requirement to get into the work and get permission of the State of New Jersey to have that assessed is not something that occurs overnight. And we respectfully submit to you and all the citizens of New Jersey that the role, not of the Public Advocacy's group, but the role of State employees is to scrutinize each responsibility they have, whether it is in a lock-step fashion or as a related responsibility. In my earlier comments, I may have implied that there is a

bureaucratic delay to many of these things. But I might say respectfully, we understand why they occur. We had our recommendation ready in May, 1975. We are asking ourselves the same question, ma'am, why it has taken so long. And we are, as you are, very interested in the children.

These other situations as to procedures, these other situations as to costs, bids, contracts, etc., are certainly steps that must be followed. But our interest is out there for the children. Thank you.

SENATOR ORECHIO: I would like to make one final statement. Mention was made earlier of Bruce Street School. Bruce Street School was built in 1890. It is a facility that is surrounded by buildings that have been demolished. The grass around it is 12 feet high. It is in a desolate area of Newark that certainly isn't conducive to educating any child, let alone trying to educate a handicapped child there.

At this point, we will terminate the hearing. I imagine by the middle of December we will have a tally on the direction in which we are going. I wish to thank all of you for attending and participating in this hearing.

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# Pingry Becomes Tenant as of January

by STEVE MUFSON

The State of New Jersey is in the process of signing a contract for the purchase of Pingry's Hillside campus. The sale will be closed on December 31 of this year for an undisclosed price. Pingry will lease the campus from the State on a monthly basis.

Pingry must leave the Hillside campus before March 1, 1978 unless the construction of the new plant is delayed by events beyond Pingry's control. The phrase 'events beyond Pingry's control' is not further defined but the school's counsel is confident that it would be sufficient legal basis to extend Pingry's stay should any delay occur. The school does not fear eviction.

The sale was approved by the Board of Trustees at a special meeting, Monday, December 1. At the meeting the school's lawyer, Mr. Edward T. Kenyon, presented the major terms of the contract.

There was little discussion of the price as the State is the only bidder. The property described in the contract includes the buildings and fields. It does not include the seven homes the school owns in Masters Square or the six varsity tennis courts. These will be

sold before the school moves to Bernards Township.

Classroom furniture, library materials, wall plaques and other movable objects which are not included in the sale are itemized in a list included in

the contract.

The State will not move into the buildings until the fall of 1978 but considerable renovation is necessary before it does so. To insure flexibility of the date of Pingry's departure,

Pingry will permit the State to commence renovations during the next two summers provided they will not interfere with the operations of the school or the summer camp.

The campus will be one of five future regional schools for the education of the severely handicapped. The other four will be in Bergen, Camden, Hunterdon and Monmouth Counties. A \$25 million bond issue approved by voters in 1973 will pay for all the centers.



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