HUDSON COUNTY
BOARD OF CHOSEN FREEHOLDERS

RE:

REGULAR MEETING : TRANSCRIPT OF
OF THE :
HUDSON COUNTY BOARD OF : PROCEEDINGS
CHOSEN FREEHOLDERS :

OPEN SESSION
Hudson County
Administration Building,
Freeholders Chambers
567 Pavonia Avenue
Jersey City, New Jersey
Thursday, July 11, 2013
1:00 p.m.

BEFORE:
ANTHONY ROMANO, CHAIRMAN
ALBERT CIFELLI, Freeholder
DOREEN DiDOMENICO, Freeholder
JEFFREY DUBLIN, Freeholder
THOMAS LIGGIO, Freeholder
JOSE C. MUNOZ, Freeholder
WILLIAM O'DEA, Freeholder
TILO RIVAS, Freeholder

ALSO PRESENT:
CARMEN E. MENDIOLA, ESQ., Board Counsel
DONATO J. BATTISTA, Hudson County Counsel
ABRAHAM ANTUN, County Administrator
ALBERTO G. SANTOS, County Clerk

Job No. NJ1588836
THE CLERK: Freeholder Cifelli.
FREEHOLDER CIFELLI: Here.
THE CLERK: DiDomenico.
FREEHOLDER DiDOMENICO: Here.
THE CLERK: Dublin.
FREEHOLDER O'DEA: Absent.
THE CLERK: Liggio.
FREEHOLDER LIGGIO: Here.
THE CLERK: Munoz.
FREEHOLDER O'DEA: Absent.
THE CLERK: O'Dea.
FREEHOLDER O'DEA: Here.
THE CLERK: Rivas.
FREEHOLDER RIVAS: Here.
THE CLERK: Chairman Romano.
CHAIRMAN ROMANO: Here.
THE CLERK: Please stand for the
Pledge of Allegiance.
(Flag Salute.)
THE CLERK: Adequate notice of this
meeting has been provided as follows:
1. Posting notice of Resolution No.
8-1-2013 on the Freeholder's Bulletin Board, Third
Floor, Administration Building Annex, Jersey City,
New Jersey.
2. Copies of the above mentioned
resolution have been sent to the County Clerk and
the editors of the Jersey Journal and the Star
Ledger.
3. The first order of business today is
additional discussion on today's agenda.
4. CHAIRMAN ROMANO: Mr. Administrator.
5. MR. ANTUN: Mr. Chairman, if I may,
there was some additional information that was
requested from the Clerk and also an opinion
requested from County Counsel regarding the
elections that are being distributed.
6. CHAIRMAN ROMANO: Freeholder Dublin
is on the scene. Mr. Administrator, are you going
to have the Board of Elections?
7. MR. ANTUN: They're here to answer
any questions, but I wasn't going to ask them to
come to the podium unless there is a question. Then
they can come to the podium.
8. CHAIRMAN ROMANO: Any Freeholders
have any questions?
9. THE CLERK: For the record Freeholder
Munoz is present.
10. CHAIRMAN ROMANO: Freeholder O'Dea.
11. FREEHOLDER O'DEA: Yeah, all I would
say is I don't know, maybe it's too late to do this.
12. I guess it's certainly too late for the special
primary. I don't know why it's too late for the
special general election. I know we talked about us
filing a lawsuit for payment, but what would occur
if we simply said that we don't have the money to
pay for the other election and told the State, Look,
based on that we can't conduct it, if they want to
come in and take over running the election and/or
provide us the money to do it, the October election.
Obviously, it's too late to do it for August.
13. MR. ANTUN: Right, right. When I
come to the Board probably at the September meeting
we'll have to enact an emergency. If there weren't
enough votes for the emergency, you need six votes
for the emergency, that pretty much would indicate
what the Board's position is, which would compel
that perhaps because we will not have -- we will not
be able to authorize the clerk, the board or the
superintendent to expend any money and/or engage any
of their vendors to conduct the election.
14. FREEHOLDER O'DEA: Does it make sense
to do that in August as opposed to September?
15. MR. ANTUN: You can, certainly.
16. FREEHOLDER O'DEA: If we do that in
August to start the process and raise the issue
sooner rather than later.
17. MR. ANTUN: Sure.
18. FREEHOLDER O'DEA: You come to us in August. We reject it. You then would have no
choice but to notify the State of New Jersey of the
fact that there is no -- the Board refused to do
that and ask the State to give you the money or
allow the State themselves to take over the
operation and pay for it from their own pocket,
unless they take us to court, the State at this
point, and say they could compel us.
19. FREEHOLDER CIFELLI: That could be an
option to us. I agree with Freeholder O'Dea, and
they would have to if there was a refusal by this
Board to fund it.
20. MR. ANTUN: That's correct.
21. FREEHOLDER CIFELLI: There's no
controversy allowed.
22. FREEHOLDER O'DEA: That's why I'm
suggesting.
23. MR. ANTUN: Freeholder Cifelli,
you're absolutely correct. We would come in August
for the emergency funds. If the Board rejects it,
then that triggers what Freeholder O'Dea just said.
MR. BATTISTA: I would just ask that maybe we should go into closed session if we want to discuss that today. We need to discuss all of the ramifications and implications.

FREEHOLDER DUBLIN: We can do that at the end. I just want to say that I spoke with NJAC, and they said that we're going to have a conference call on 18th at ten o'clock. NJAC is ready to do a class action suit against the State, all 21 counties. Regardless of that, we're going to take some action also making sure.

FREEHOLDER O'DEA: And I would say, Look, I think we should go into closed session at the end of the meeting, Mr. Battista. We want to go to closed session with you or without you because at the end of the day, you have a position you have to take, and we'll have the position that we have to take. I'm not sure if we have you in our meeting to discuss that, someone will not question us or call -- potentially call our motives into question. It may not be the worst thing in the world for this Board to go into closed session and to discuss it and ask our counsel to go and conduct that research because you have a different obligation, which we are not asking you not to comply with. We as elected representatives have our own obligations. In this case we are different branches of government which you may take different positions. I'm trying to make sure I'm not looking like I'm being a bad guy.

MR. ANTUN: I don't think it will come to that. Like Freeholder O'Dea said, it will probably be a court order.

FREEHOLDER O'DEA: You better approve this within 48 hours or else you go to jail. I had one of those once in my political career. Six other people blinked.

MR. ANTUN: Something that County Counsel just mentioned to me, again, that's for you to talk internally, but if you fail to do that, there may be multiple suits, not just from the State, but the County Clerk as a constitution officer. She may have to join in that action against the Board.

FREEHOLDER O'DEA: Which is why I believe we have to go to closed session with our Board.

MR. ANTUN: Exactly, exactly.

CHAIRMAN ROMANO: Okay. Any other questions for the Board of Elections? Thank you. Continue, Mr. Administrator.

MR. ANTUN: Mr. Chairman, the other additional information that I have, we have revised the resolution regarding the Medical Center to reflect a one-month contract. That would be replacing --

THE CLERK: Mr. Chair, I'm going to add this as 29 at the end of the agenda.

MR. ANTUN: Oh, 29, yeah. In other words the other one --

CHAIRMAN ROMANO: Right, never made it.

MR. ANTUN: Correct.

THE CLERK: This is entitled authorizing a one-month contract for professional services contract with the Jersey City Medical Center, a New Jersey not-for-profit corporation, $52,000.


MR. ANTUN: Mr. Chairman, the only other thing that I have is a request was made for a copy of the letter that the County Executive sent to the regional administrator of the United States Environmental Protection Agency regarding the cleanup of the Passaic River.

FREEHOLDER O'DEA: It's a revised letter based on the discussion that we had.

MR. ANTUN: This is basically the letter that was sent, the letter dated January 25th, the Executive sent.

CHAIRMAN ROMANO: Okay. Continue, Mr. Clerk.

MR. ANTUN: County Counsel wants to say something.

MR. BATTISTA: Yes. At Tuesday's caucus, Director Aviles, unfortunately, took responsibility for an error that was made on my part and my office's part regarding the cable contract. I have been reviewing some of the e-mails. It appears that we were made aware of the nature of the contract only by way of explanation about the events. Me and other people in my office, we focused in on what the yearly amount was, recognizing we knew at the time it was an error.

The Pay to Play requires a resolution for whatever the total amount of the contract or whatever it's into. This should have been a resolution, not for public contract law purposes but for the Board to go into closed session and to discuss it and ask our counsel to go and conduct that research because you have a different obligation, which we are not asking you not to comply with. We as elected representatives have our own obligations. In this case we are different branches of government which you may take different positions. I'm trying to make sure I'm not looking like I'm being a bad guy.
for Pay to Play purposes. It was not brought before you. That was an error on my part, not Director Aviles' part because we advised him.

FREEHOLDER O'DEA: That was raised in the committee. That wasn't raised in the meeting.

MR. BATTISTA: Anyway, that's what it is.

CHAIRMAN ROMANO: Director Aviles will get an apology from Freeholder O'Dea.

FREEHOLDER O'DEA: An apology from me?

CHAIRMAN ROMANO: That would be a joke.

FREEHOLDER O'DEA: I raised an issue.

MR. ANTUN: He's joking.

FREEHOLDER O'DEA: Oh, man. I know. I'm just messing around. Come on, how many meetings? For the record, Director Aviles, how many meetings has it been? Please come to the podium.

DIRECTOR AVILES: Oscar Aviles, Department of Corrections. Freeholder, I want to apologize to you for not returning your call yesterday.

FREEHOLDER O'DEA: This is a simple question. How many meetings has it been since I've taken you to task, since I've taken you to task?

DIRECTOR AVILES: I would say at least three.

FREEHOLDER O'DEA: Thank you. That's all I have. Three.

MR. ANTUN: Mr. Chairman, I have nothing further.

CHAIRMAN ROMANO: Mr. Clerk.

THE CLERK: According to the policy set by the Board of Freeholders, members of the public are asked to limit their comments to 15 minutes when discussing agenda items and five minutes at the conclusion of the meeting when discussing matters of public interest.

At this time the public may address the Board on any item on the agenda only. Please keep your comments limited to 15 minutes. Are there any speakers on agenda items only?

MR. ANTUN: Excuse me, Mr. Chairman. I'm sorry. I forgot about this. I shouldn't have forgotten. We have Les Paschall from CFG here. We have a resolution that we have on the agenda because CFG has gotten us the accreditation. We have asked them to come. I would ask if the Board entertain that matter first. It's No. 2 on the agenda.

FREEHOLDER O'DEA: I make a motion that we defer from the regular agenda to consider Item No. 2.

THE CLERK: All in favor.

(The Board votes unanimously to consider Item No. 2.)

THE CLERK: There was motion made to defer from the regular portion of the meeting.

They've adopted that motion. They can have a presentation now. That's the presentation they wanted, right?

FREEHOLDER DUBLIN: We just had a motion to close the public portion.

THE CLERK: We'll get back to the public speakers.

FREEHOLDER O'DEA: Do you need a presentation on this.

MR. ANTUN: Maybe I could ask Director Aviles to come up for a few minutes so that he can explain the significance of this accreditation and the efforts CFG have made.

FREEHOLDER O'DEA: Let him spend a few minutes. I have no objection to spend a few minutes.

MR. ANTUN: I think this is a significant achievement for the correctional center.

DIRECTOR AVILES: Oscar Aviles, Department of Corrections. Freeholders, the County Administrator and the Chair, I think if resolution is read on the record, it pretty much would indicate exactly we're what trying to do here.

MR. ANTUN: If you read the resolution, the resolution will state.

THE CLERK: Resolution recognizing the efforts of CFG Health System in assisting the Hudson County Department of Corrections Adult Facility in receiving accreditation from the National Commission of Correctional Health Care. Whereas, the National Commission of Correctional Health Care is recognized throughout the country for setting standards relative to sustaining and improving the quality of health care in correctional and detention facilities; and whereas, NCCHC developed nationally recognized and accepted standards for services in such facilities established by leaders in the fields of health, law and corrections, and those standards cover areas of care and treatment, health records, administration, personnel and medical legal issues and are an essential resource for correctional
detention facilities in their efforts to improve the health of inmates, and in so doing, the communities to which they return; and

Whereas, NCCHC's standard also increases the efficiency of health service delivery and strengthen organizational effectiveness.

Whereas, NCCHC maintains rigorous Accreditation and Certification Programs for institutions and individual professionals in fields related to the operation of health systems in correctional and detention environments, which programs include on-site inspections and surveys as well as individual examinations; and

Whereas, the Hudson County Department of Corrections Adult Division, comprised of CFG Health Systems, LLC, staff, and the Department's own Nursing staff were audited and subjected to the scrutiny of the NCCHC Accreditation Committee and passed all measures, having achieved one hundred percent compliance with all standards; and

Whereas, in February 2013, CFG Health Systems passed the administration of NCCHC's Certified Correctional Health Profession (CCHP) Examination for the County staff, and the Hudson County Department of Corrections is now the first such department in the State of New Jersey to have nursing and custody members awarded CCHP certificates; and

Now, therefore, be it resolved by the Board of Freeholder of the County of Hudson, that:

1. The above recitals are hereby incorporated herein as though fully set forth at length herein.

2. This Board joins County Executive Thomas A. DeGise in congratulating CFG Health Systems, LLC, and the Hudson County Department of Corrections Adult Division as well as the County's professional staff in successfully being awarded National Commission of Correctional Health Care Accreditation, and individually becoming Certified Correctional Health Professionals.

3. It is recognized that these accomplishments were met during the devastation caused by Superstorm Sandy and its aftermath, and it is further noted that during the height of the storm's catastrophic flooding, CFG staff and the County personnel remained on site provide much needed health care to inmates and to detainees at their own peril, in one instance to a person experiencing severe chest pain.

4. The Clerk shall transmit certified copies of this resolution to the offices of CFG Health Systems, LLC, the National Commission on Correctional Health Care and the Commissioner of the New Jersey Department of Corrections.

5. This resolution shall take effect immediately.

Roll call on this item now, Mr. Chair?

THE CLERK: Freeholder Cifelli.

FREEHOLDER CIFELLI: Yes.

THE CLERK: DiDomenico.

FREEHOLDER DiDOMENICO: Yes.

THE CLERK: Dublin.

FREEHOLDER DUBLIN: Yes.

THE CLERK: Liggio.

FREEHOLDER LIGGIO: Yes.

THE CLERK: Munoz.

FREEHOLDER MUNOZ: Yes.

THE CLERK: O'Dea.

FREEHOLDER O'DEA: Yes.

THE CLERK: Rivas.

FREEHOLDER RIVAS: Yes.

THE CLERK: Chairman Romano.

CHAIRMAN ROMANO: Yes.

The item is approved.

FREEHOLDER O'DEA: Do we send copies to like all the administrators at the jail, the former administrators?

MR. PASCHALL: I'm Les Paschall. I want to personally thank you for this award and acknowledgment and resolution. It will definitely go up on our offices and our web site, but it's -- I would be remiss if I didn't say what this represents.

This represents an incredible team effort. It begins with the Freeholder Board, continues with the Administrator, continues with Director Aviles, who by the way, is the first director or slash warden in the state to receive the Certified Correctional Health Care Professional Award. That actually was in part a collaboration between another person who should be recognized, Denise Rahman, who is an instructor and helped bring the nursing staff of the County to receive that certification.

But back to the four-letter word "team," this is a significant, a significant team effort. When the surveyor did the exit interview, she was very surprised that we were collectively able to pull this certification off with no deficiencies.
## Freeholder O'Dea's Comments

This is the first time out. Almost everyone has deficiencies. She was shocked when she saw the video of how this was done during Sandy, when we had no electricity and four feet of water in the medical unit and records were destroyed as a result of that. Yet, everyone persevered and they could have said let's postpone this and wait because we may have difficulties, but everybody pulled together and continued and received the award. I also want to acknowledge Dr. Neals, Dr. Park and some people that could not attend today, Sandra Barbas, Al Campana and Lisa Jarvis, the administrator. So on behalf of all of us, I want to thank you very much for acknowledging this and passing this resolution. Thank you very, very much.

**Freeholder O'Dea:** The issue of the health care provider at the correctional center has remained ever vigilant as it relates to ensuring that money has been for the most part spent. I think grant applications, that would be certainly may have difficulties, but everybody pulled together and continued and received the award. I also want to acknowledge Dr. Neals, Dr. Park and some people that could not attend today, Sandra Barbas, Al Campana and Lisa Jarvis, the administrator. So on behalf of all of us, I want to thank you very much for acknowledging this and passing this resolution. Thank you very, very much.

**Chairman Romano:** On behalf of the Board, congratulations. Also, Director Aviles, you see what happens when Bill O'Dea leaves you alone? Mr. Clerk.

**The Clerk:** Mr. Chairman, at this point, we will resume the portion of the meeting where members of the public may address the Board on any item on the agenda only. Please keep your comments limited to 15 minutes. Are there any speakers on agenda items only?

**Mr. Hallanan:** John Hallanan. I'm here to speak on Agenda Item 5, referencing the resolution authorizing extension of time for the programming of Hudson Open Space Recreation and Historic Preservation Trust Fund in the City of Jersey City in the amount of $25,000.

**Freeholder O'Dea:** John, have you had involved in this, I probably would have invested in granite as opposed to anything else in the stock market. It is going up in price so the bids that we had before are going to be coming up as outdated by the time the letters of intent are given. If there is any way, I don't know that there is, but if there is any way to expedite the process of viewing the proposals to provide services. I think that from that perspective, we're happy now to see all the progress that has taken place and congratulate CFG, Director Aviles and everyone involved.

We appreciate that, but we will always remain ever vigilant as it relates to ensuring that those that are housed in that facility, we always make sure they get the type of quality health care that they should be provided.

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penalizing the shovel-ready. I think we need to find a way to deal with those instances. There is another example that because of that delay, they're is an applicant who will probably have to increase the amount of their request simply because we delayed the process. It's very frustrating.

FREEHOLDER MUNOZ: Let me ask you a question. Is anything done to protect something like that?

MR. HALLANAN: Well, what I did, this is only in reference to Jersey City, I'm on the Historic Preservation Commission in Jersey City, and we compiled a list of all the statuary and monuments and plaques and things like that are within the confines of Jersey City, to place them on the Municipal Register of Landmarks so that sort of thing doesn't happen again.

How it happened in the first place, I'm still not entirely clear about, but having an additional set of eyes that are specifically cast for the purpose of making sure that these things are viewed, and if there is any effort to restore, for example, that's happened elsewhere that DPW has decided to quote-unquote restore a monument, and that restoration consisted of gold spray paint on a plaque, which is not really what should be done. It seems like right now it's scattershot how people go about restoring these things or going about fixing them or in this case even just maintaining them.

So if there had been steps taken to prevent that, as you know, it's one thing to put a law in place, and making sure it gets enforced according is another thing entirely. So I can tell you that we have taken steps to do that, and once the monument gets rebuilt, it will be really just a world class piece of art for Jersey City, Hudson County and the entire state of New Jersey because what it commemorates is the founding of the first permanent settlement in New Jersey, and New Jersey is celebrating its 350th anniversary this coming year. I hope that answers your question.

CHAIRMAN ROMANO: Thank you. Good luck.

FREEHOLDER O'DEA: Mr. Chairman, here is a concern. John, the original was dedicated in what year?

MR. HALLANAN: It was October 18th, 1913. So we're coming up on the one hundredth anniversary.

FREEHOLDER O'DEA: Mr. Administrator, we, what I mean "we," obviously this "we" is the County College not this Board. The County and the Board of Ed's mistake that needs to be corrected should have been able to be corrected in a manner to at least coincide with the hundredth anniversary of the statue. Now it looks like unless we can figure another quick solution -- let me ask you a question. If funds were found, how quickly is the turnaround?

MR. HALLANAN: Well, you know, this type of granite would have to come from either Georgia or Vermont, so however long it takes to quarry. It is large to transfer. I would think it probably takes about four or five months if we sign contracts. You quarry it and transport it down here, and then it has to be shaped and sculpted.

FREEHOLDER O'DEA: So we couldn't have an architect. We have pictures of the original. We have a lot of pictures of the original base and pedestal. We are basing it off of the black and white photographs we have. We can get very close approximations of its size. We have the original program from when the statue was dedicated in 1913. It's just a matter of recreating what we've lost, but a lot of people forget how big the statue was. The statue of Peter Stuyvesant himself is nine and a half feet tall and weighs 2,000 pounds. So people seem to recall it being almost life size. It's a large sculpture. So getting enough granite to support something that large and be in a scale with the statue itself, you figure a tombstone might cost a few thousand dollars on its own, something this big will be a costly endeavor.

And I had gotten different bids trying to find out how much it would cost with a granite veneer, but then we have issues of maintenance with veneers. Obviously, you have to repoint them and things like that. We looked at the possibility of cast stone, but cast stone has maintenance issues as well that seem to be not the ideal material to use.

So we still have to recreate the base and pedestal from scratch.
solve it if we wanted to. If we gave you a check today, we couldn't get that.

FREEHOLDER MUNOZ: You said the statue is at the college, right?

MR. HALLANAN: It's actually in the DPW garage.

FREEHOLDER O'DEA: It's going back where it was.

MR. HALLANAN: It's on the sidewalk.

If you go to Bergen Square right now in front of PS11, you'll see where they just completed a reinforced concrete pad. So it's on the corner of Bergen Academy, up against the -- there is a fence line that's delineating the school board property.

It's up against there.

Obviously, in 1913, there was a different school there. That burned down in the 1960s. The Plaza has been somewhat reconfigured since the 1960s. So the exact location where it stood in 1913, that's no longer feasible, but it's about five feet back from there.

CHAIRMAN ROMANO: Thank you.

Mr. Clerk.

THE CLERK: Are there any additional speakers on any matter of public interest? There appear to be none.

Mr. Chairman, we'll proceed with the consent agenda; 29 has been added. No. 2 has already been acted upon. May I have a motion to approve all items on the consent agenda?

CHAIRMAN ROMANO: Motion by Freeholder Munoz. Second by Freeholder Liggio.

THE CLERK: Freeholder Cifelli.

FREEHOLDER CIFELLI: Yes.

THE CLERK: DiDomenico.

FREEHOLDER DiDOMENICO: Yes.

THE CLERK: Dublin.

FREEHOLDER DUBLIN: Yes.

THE CLERK: Liggio.

FREEHOLDER LIGGIO: Yes.

THE CLERK: Munoz.

FREEHOLDER MUNOZ: Yes.

THE CLERK: O'Dea.

FREEHOLDER O'DEA: Abstain on 10A.

Aye on the rest.

THE CLERK: Freeholder Rivas.

FREEHOLDER RIVAS: Yes.

THE CLERK: Chairman Romano.

CHAIRMAN ROMANO: Yes.
1 placed up to 260?
2 DIRECTOR LOPEZ: Yes.
3 FREEHOLDER O'DEA: I'm just curious
4 why they didn't all do it. I thought you had an
5 operation or something.
6 THE CLERK: I think the Chief of
7 Staff has completed his comment, Mr. Chairman, do
8 you want to go to public participation?
9 CHAIRMAN ROMANO: Go ahead.
10 THE CLERK: This is the time for
11 anyone present to address the Board on any matter of
12 public interest. Please remember to limit your
13 comments to five minutes.
14 Ms. Patricia Waiters.
15 Are there any speakers on any matter of
16 public interest? Please state your name.
17 MS. MAGILVAY: My name is Kay
18 Magilvay. I'm the president of Temple Beth El,
19 which is located in Jersey City on Kennedy
20 Boulevard. Members of the Board, Mr. Chair, I would
21 like to give a little background to a situation
22 that's before the congregation about the building
23 because we have a request for the Board to make,
24 probably not until a future date, but I would like
25 to give some background.

1 The congregation was formed in Jersey City
2 in 1864, so we're about to observe our 150th
3 anniversary. The building that it's in, which is a
4 beautiful moorish structure brick building, was
5 congreigated in 1926. The congregation has
6 maintained it 33 years through its own efforts.
7 In July of 2011, all of the copper from
8 the roof was stolen from the congregation, and we
9 have had some insurance help to fix that, but the
10 patching of it is not sufficient to continue to keep
11 the rain out. We've had a number of efforts to
12 make, other ways to repair the roof, but the
13 situation with the roof now, with every additional
14 rainstorm, we're starting to see more and more
15 damage to the internal structure of the building.
16 The congregation has been in place as a
17 public building for, as I say, more than 80 years.
18 We have members of the congregation who live in
19 every district of the County. We have had -- we
20 have tried many ways to accomplish and repair the
21 roof, and we finally reached the point where we felt
22 we had to sell off the rest of our property to
23 develop a senior residence in order to gain funds to
24 repair the roof and keep damage from taking this
25 beautiful building out of operation.

1 That effort went forward. We met
2 significant resistance from the neighborhood since
3 it included affordable housing, so we had to step
4 back from that plan. We're now facing a situation
5 where we're coming into another rainy season. We
6 are afraid of losing a significant portion of that
7 roof of that building. So we are applying, now that
8 we have received a letter of intent for Historic
9 Preservation funding to help us to complete the
10 repair and replacement of parts of the roof and
11 repointing of the building in time hopefully to beat
12 the most serious rain.
13 After the theft of the copper, which
14 occurred three weeks before Hurricane Irene, we had
15 substantial damage internally, and so we are hoping
16 that with this timing to be able to request some
17 assistance from the County to approach these
18 repairs. So my request for you is to have
19 background. I would be happy to take any questions
20 and leave you some information, but again, because
21 the letter of intent has become available to us just
22 recently, completed by the 30th and entering into a
23 bid process at that time may put us in a situation
24 we will not see an award until close to December or
25 January.

1 I request that when the application comes
2 before you, if there is an expedited process
3 available, we most definitely ask you to consider
4 it. Bill is our -- Mr. O'Dea is the Freeholder for
5 that district.
6 FREEHOLDER O'DEA: Mr. Chairman, I
7 mentioned this to the Administration on Tuesday.
8 This is an example of, I think, what we would
9 qualify as an exigent circumstance. We actually had
10 a meeting yesterday, and I believe as a result of
11 the meeting, someone from the synagogue was also
12 reaching out to the County Exec's office. Did that
13 occur?
14 MS. MAGILVAY: Yes.
15 FREEHOLDER O'DEA: So what I believe
16 the request, the request has the support not only of
17 the synagogue but all of the neighboring community
18 groups around it, is that they be allowed to submit
19 an application based on what I would call a health
20 and safety concern and exigency of the situation to
21 have their application considered for review now in
22 an expedited manner to be considered from either the
23 fall of 2012, or as I pointed out the other day,
24 there are dollars have been allocated for several
25 years that we could temporarily reallocate some
1 funding, assuming they went through the process and
2 met the approvals, and they reallocate those dollars
3 from the 2012 dollars to those particular projects
4 by allowing us to move forward.
5 My concern is, you know, for the record,
6 we have undertaken a process that has delayed the
7 application process for open space funding for this
8 year by anywhere from six to nine months. Had the
9 normal timing process been in place, the temple
10 would have been able to undergo through that normal
11 process an application that would have been done,
12 considered, approved or not approved, in a timely
13 manner as to afford them the opportunity to be able
14 to get the work done before what seemingly now is
15 the inevitable October surprise. We're not talking
16 about elections anymore.
17 Our failure at that to allow them to do
18 that, if that inevitable October surprise occurs,
19 could result in irreparable damage to that facility,
20 far in excess of a couple hundred thousand dollar
21 request that the roof and the repointing of the
22 building might take place, which would mean they may
23 have to come here for a million dollar request two
24 months later, which seemingly would defy logic.
25 So I don't know why we would penalize

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someone who is shovel-ready because we've delayed a
2 process because we want to make projects
3 shovel-ready be the priority for funding. What I
4 asked informally on Tuesday and I would ask formally
5 today is that the Administration, the County Exec,
6 appropriate individuals, look at the unique
7 circumstances here, look at the exigent situation
8 and the damage that could be caused by not allowing
9 them to proceed and put an application under the
10 prior rules for consideration.
11 So if they, in fact, met all of the
12 requirements, scored high enough on having the
13 application done under the former scoring. Any
14 changes, I have no idea what they are. Again, we
15 are basing on what we were told the other day three
16 months ago, they're either in the hands of the
17 Executive, or they're soon to be turned over to the
18 Executive. The Executive takes anywhere from two
19 weeks to four weeks to review them, decides if he
20 fully supports those recommendations or if he feels
21 there should be modifications to them.
22 Then they come to this Board. We then get
23 them. We have the same process. Do we adopt those
24 recommendations as originally proposed? If the
25 County Exec modifies them, do we adopt them as

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1 recommended in the modifications with the County
2 Exec, or do we further modify those recommendations,
3 and then not until all of that stuff occurs, and
4 there is a public hearing requirement, Director
5 Richardson, correct, as part of that process, that
6 that causes that time frame to run another 20 or 30
7 days, regardless of how quickly the County
8 Executive wants to act, and after we get it, how
9 quickly we may want to act?
10 That then creates a time frame where the
11 earliest I've understood we can even consider
12 applications would be sometime in November, more
13 likely in December, if not January. So for all
14 those reasons, I would ask if there is any reason
15 why it couldn't be, somebody explain to me the legal
16 reason why we couldn't consider the application.
17 CHAIRMAN ROMANO: Freeholder Cifelli.
18 FREEHOLDER CIFELLI: Yes. Freeholder
19 O'Dea said the procedure timing of it and process is
20 all based on the direct original question. How much
21 money are you looking for?
22 MS. MAGILVAY: The amount of the
23 request is approximately 300,000.
24 FREEHOLDER CIFELLI: And the other
25 question would be for the Administration. I guess

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1 this request may fall under historic preservation?
2 MR. ANTUN: No, no. The open space
3 has several categories. Under the Open Space Trust,
4 there is a category for the preservation of historic
5 structures.
6 FREEHOLDER CIFELLI: Without getting
7 into the words on the application, is there a --
8 does the application have to be designated historic,
9 or is it not necessary to show that the structure
10 has been designated by other another entity?
11 MR. ANTUN: I would ask Massiel
12 Ferrara to address that, but as long as the
13 structure is eligible for historic.
14 FREEHOLDER O'DEA: Well, they've
15 actually gone through the process to determine that
16 this structure meets that threshold. They have had
17 meetings with Massiel. There was actually a tour of
18 the building. So they meet the threshold
19 requirement.
20 MS. MAGILVAY: How it was explained
21 to me, we just need to demonstrate that we are on a
22 preservation track, that the intention of all of our
23 work is to preserve the integrity of the building
24 and the structure within. The designation of a
25 historical building is not required, but the intent
to preserve and maintain is what they're looking for.

MS. FERRARA: Good afternoon.

Massiel Ferrara, Division Chief of Planning. We, according to our historic preservation guidelines and rules, we model those rules after the Secretary of Interior standards for rehabilitation of historic structures. Those rules say that structures that want to receive historic preservation designation or funding need to pursue a rehabilitation that is consistent with replacing the historic elements that were once there before.

I mentioned to the temple representative that we will endorse with them if they want to pursue the rehab of the building in the historic preservation manner. Currently, they're not in the historic district in Jersey City, and the building itself is not on the State historic list or national list.

FREEHOLDER CIFELLI: That does not prevent them from seeking historic designation?

MS. FERRARA: No, we encourage the temple to pursue historic designation and inclusion in the historic district in Jersey City.

FREEHOLDER CIFELLI: And getting into the sense of what the process is, and my concern is that we will endorse with them if they want to pursue the rehab of the building in the historic preservation manner. Currently, they're not in the historic district in Jersey City, and the building itself is not on the State historic list or national list.

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FREEHOLDER CIFELLI: And getting into the sense of what the process is, and my concern is that we will endorse with them if they want to pursue the rehab of the building in the historic preservation manner. Currently, they're not in the historic district in Jersey City, and the building itself is not on the State historic list or national list.

FREEHOLDER O'DEA: That's not true. I've done historic preservation. MS. FERRARA: What I'm saying we have to review. If they have an architect or historic preservation expert, we will look at alternative materials. We're not saying they have to use copper.

FREEHOLDER O'DEA: I've done projects that required as part of the funding that they received and age of the building not only SHPA approval, but actually talking about approval, approval by the Secretary of the Interior and on

FREEHOLDER O'DEA: So I guess the question still is does anything preclude them, if your application was open today, would anything preclude them from submitting an application?

FREEHOLDER O'DEA: And let me ask you what, if anything, within the law would preclude their submittal of an application review in an expedited manner outside of your normal time frame?

FREEHOLDER O'DEA: The State Statute has
regulations. The State does require a public hearing, and it does require once you do have a public hearing, only at that point can the governing body 45 days after can they review the funding recommendation and vote up or down. There are protocols within that State statute that governs our trust fund that we must adhere to. I don't -- I would defer to Mr. Battista, but I would say that we do have to follow the protocols as to the statute.

FREEHOLDER O'DEA: That's fine.

Within those protocols does anything preclude considering an application outside the normal once a year that you do?

MS. FERRARA: I can't answer that.

MR. ANTUN: She shouldn't be answering that.

FREEHOLDER O'DEA: I think that's the question.

MR. BATTISTA: I'm not prepared to answer the question. My concern is that the statute provides for a process which applications are solicited, the applications are reviewed, the process is followed. If what I'm hearing is that this will not follow the process, and this will only be an application that will be considered for only this applicant, then I question it. I will look at whether or not we're following the statute in making the award. The statute lays out how the awards are made, and that's not what we're doing because we're not accepting competing applications for other applicants. We're only reviewing this one to see whether they fall within the statute. It gives me pause.

FREEHOLDER O'DEA: That's a legitimate question. Then the next question I would have is, is there anything in the statute to preclude an entity proceeding at their own risk because of a health or safety issue and because of a timing which frankly was not their fault but caused by our own decision, allow them to proceed at their own risk to undertake work, put an application in, and then be -- if they meet, if they score, if they're approved, get funded.

MR. ANTUN: In essence you're asking for a reimbursement? I'm not versed. Massiel may be able to answer that.

CHAIRMAN ROMANO: I also have a question. Massiel said that none of this stuff was submitted yet, correct?

MS. FERRARA: We haven't received.
comment period, which will bring the application
period from October of 2012 to best-case scenario,
September of 2013, is that fair, for receipt of
applications?

MS. FERRARA: Yes, but I want to say
simply that the letter of intent, everything that is
required for the letter of intent is what is
required of the application. The reason we're
actually doing a letter of intent, the step, we
found it's actually very helpful particularly for
nonprofits or 501(c)(3)s to have that one-on-one
assistance rather than just have an application that
they fill out incorrectly. So we are working with
them, and everything that's due from the letter of
intent is what is due for the applications.

FREEHOLDER O'DEA: When are the
letters of intent supposed to be received?

MS. FERRARA: We have a deadline of
August 30th. We encourage people to actually get
your letter of intent to us earlier.

FREEHOLDER O'DEA: If they submit a
letter of intent to you two weeks from now?

MS. FERRARA: We actually encourage
them to submit it as soon as possible.

FREEHOLDER O'DEA: So next week they

MS. FERRARA: Correct. Right now we
ask you. All that takes us into November, best
scenario?

FREEHOLDER O'DEA: After that, the
normal course of action, applications reviewed by
your committee are then by your rules forwarded to
the County Exec, correct?

MS. FERRARA: Correct.

FREEHOLDER O'DEA: The County
Executive has the ability to sign off on them and
change them, as there have been change made in the
past, correct?

MS. FERRARA: Correct. Right now we
don't recommend what should be funded. We just say
under that time frame that you have that that could
occur under the normal process. Isn't that a fair
statement?

MS. FERRARA: Yes, because once we
make a recommendation for funding, even a funding
recommendation still requires a public comment
period, and then 45 days after that, you are
empowered to review by this Board.

FREEHOLDER O'DEA: So applications
best scenario, I think my scenario is probably an
aggressive time frame, applications received in
September, isn't that a fair assumption?

FREEHOLDER O'DEA: In November your
Board meets, they review it. They score it. It's
October. They give it to the County Executive. He
goes over it. He reviews them, 45 days before we
vote on it, now we're already into November. In
that case, in that normal scenario, there's no way a
situation like that could possibly occur.
FREEHOLDER CIFELLI: I believe it's up to the applicant, the potential applicant for review on an aggressive time line. If you really want to get this thing going, you're really making a huge assumption that this application is going to be complete in two weeks or two months even. Our experience with the projects across the street is you have to get a historic architect. That's an extremely expensive process. It's an extremely time consuming process before you even get to consider that application.

I don't know how the congregation could say that. This is an extraordinary project, and it's a terrible situation that that particular house of worship find itself. I've been past there. It is a beautiful building, but again, to be fair to the applicant, everything or a lot of it is in terms of the application, and unfortunately, you're not ready for an application.

FREEHOLDER O'DEA: What is your time frame to be able to provide the client what the Planning Office would request?

MS. FERRARA: We met with Ms. Maglivay's staff, and they were going to send us the letter of intent, which we haven't received yet.

FREEHOLDER O'DEA: Is the architect that you use one that has historic experience?

MS. MAGILVAY: As a matter of fact, the organization that we have hired already separate from this to give us an overall approval of the conditions of the roof as a historic repair, we may be able to meet them to do this letter of intent.

FREEHOLDER O'DEA: How quickly would you be able turn around and provide the letter?

MS. MAGILVAY: We've been preparing the letter of intent. I believe the letter of intent was sent last week. I apologize to the council that the Administrator did not receive it, but we gave them a letter of intent in addition to historic preservation resources and links I did mention.

FREEHOLDER O'DEA: Can we get a copy today? Can said you e-mail it?

MS. FERRARA: Yes. I also wanted to let the Board knew that in addition to that we are assisting them. There are other ideas. At yesterday's meeting we did do a lot of brainstorming. We did come up with alternative ideas that may be faster. We'll look into solar panels on the roof. There some programs, clean energy programs that do offer some roof stabilization in parts of the roof to so.

FREEHOLDER O'DEA: From historic preservation to solar panels, we're traveling from one galaxy to another galaxy. It's almost like a Star Trek episode.

MS. FERRARA: We're trying to think out of box because we know there's leaks, and we're thinking of things that can assist in a more quicker fashion.

CHAIRMAN ROMANO: May I also make a suggestion too? The United Synagogue in Hoboken had a similar experience that you have. The Rabbi may be a good resource. You can see what he learned from his experience.

MS. MAGILVAY: Thank you. We appreciate that. He's a good friend to us.

FREEHOLDER O'DEA: So can we -- can we set what would be enough time for you to get this information and ascertain from the time frame how quickly you can be willing to comply with what we need to comply with? Can a week be enough time, Mr. Battista, to research whatever legal opinion?

MR. BATTISTA: Sure.

FREEHOLDER O'DEA: We'll set a date at the end of the meeting to meet, myself, the County Exec or whoever from his office, someone from the Law Department, Director Richardson, yourself and whoever else to have a discussion as to what the options are?

MR. BATTISTA: We have a special meeting on the 18th.

FREEHOLDER O'DEA: Can we meet at twelve? What time is the meeting?

CHAIRMAN ROMANO: I think it's five. Is that five?

THE CLERK: It's at five o'clock. It's at five o'clock.

FREEHOLDER O'DEA: So could we meet at four, not the whole Board. Can we meet at four o'clock?

THE CLERK: Mr. Chairman, the speaker's time of five minutes has elapsed. Freeholder O'Dea has had the balance.

FREEHOLDER O'DEA: So could we agree to meet on July 18th at four p.m.? Would that give you substantive time? You can provide those documents? Obviously, you have my number if you need to speak to me earlier. Mr. Gaughan, can you meet with us? The County Exec's office is an
integral component in trying to especially address this on a short, expedited basis?

MR. GAUGHAN: We can received a call at 9:30 this morning that indicated the necessity of the County Executive being aware of the situation. So I took an hour this morning after speaking about 40 minutes or so to inform the County Executive all of the details of what their plight is, and he is well aware of it, and he is willing to do what we can do for them.

FREEHOLDER O’DEA: Director Richardson, are you available?

DIRECTOR RICHARDSON: No.

FREEHOLDER O’DEA: Are you on vacation? Your representative, Mr. DeLeo, would he be available?

DIRECTOR RICHARDSON: Yes.

CHAIRMAN ROMANO: Thank you. Next speaker.

FREEHOLDER O’DEA: Massiel, you're going to be at that meeting too?

MS. FERRARA: Yes.

THE CLERK: Mr. Chairman, I believe Ms. Waiters is in the chamber now.

MS. WAITERS: Good evening, Freeholders. Patricia Waiters, 1233 Park Avenue in Hoboken. Are we speaking on agenda items?

THE CLERK: On the public portion.

MS. WAITERS: All right. I have before me today a resolution, but a few things was just brought to my attention that I'm going to ask this Board of Freeholders to consider, but I want to put some more factual details about it, and I'll have it presented next August at the next August meeting for review. That's all I have to say. So I just want to amend this.

CHAIRMAN ROMANO: Submit it to the Clerk.

MS. WAITERS: It's kind of raggy.

FREEHOLDER O’DEA: When you make the changes, give it.

CHAIRMAN ROMANO: I hear what you said. I object to the phraseology that the Jersey City Police cannot handle it.

FREEHOLDER DUBLIN: Right now we're understaffed so I thought the Sheriff's Department, if a municipality asks for some help, we sit down and see what we can do to help them out. They're asking for some help.

FREEHOLDER O’DEA: Yeah, I would support doing that. I don't only want the Sheriff
there. I want the prosecutor here and somebody from the New Jersey State Police. Those areas need a multi-jurisdictional strategy, task force and strategy, to address the problems there. To echo one thing that the Chairman said, our Sheriff's Department is being inundated by the Assignment. Judge pulling Sheriff's officers out of patrol off the street and putting them in the courts. The Department is already under siege. I got a call today saying they may eliminate patrol all together. There may no longer be any patrol because of the demands within the court system. So we need to see, we need to have that as part of the conversation. Maybe we need to have the Assignment Judge invited to the meeting because the Assignment Judge at the end of the day is somewhere those who are not deterred from crimes ultimately will wind up, in our court system.

We need a multi-jurisdictional strategy to address hot spot areas within Jersey City and other places. We also besides multi-jurisdictional law enforcement, we need the other parts of law enforcement, which is prosecution and judicial as well. We can't just take an approach of putting a lot more police out on the street, Sheriff and State police, et cetera. We've got to address what else we do for the individuals in those areas so they don't want to pursue gang activities or a life of crime or drugs or whatever.

We need to know what the criminal justice system is going to do when they get involved in the criminal justice system from youth, which is juvenile through the criminal court and the prosecutor. It's got to be a very, very holistic approach. I welcome the opportunity to be part of it, but I also hope to get the Assignment Judge here because right now we're losing people every day from patrolling Lincoln Park, which is only six blocks, five blocks or less, if you take one part of it from this exact location where this was last night because they're being pulled in to go to make sure there's extra people on each floor in the courthouse.

CHAIRMAN ROMANO: If I may make a recommendation, by statutory -- by statute, correct me, Captain Martinez, if you request, the Jersey State Police will bring you as many troopers as needed without losing any flexibility. The State Police will come in here with as many troopers as requested by committee or by the Jersey City Police Chief at no cost.

FREEHOLDER O'DEA: That's why I suggested we have someone from the New Jersey State Police at the meeting to be part of the subject of the solution.

FREEHOLDER DUBLIN: I know like July 23rd, Senator Cunningham requested all agencies, he requested the State Police, the Sheriff, Jersey City. He's reaching out to elected that represents Jersey City, Menendez, big meeting, nonprofit groups that deal with social behavior in the community, and so I would think it's getting out of hand. The other day when they were riding bicycles, pulling to the corner, expending 15 shells. Lexington, there was like ten reports of shootings this past month. So the community that turned out at the Lexington meeting, the community is crying out for some help.

The State Parole was there. I didn't see no parolees lining up. I don't know what was the thinking of the assembly person to say parole and not invite the Police State. I'm just saying these are things that need to be talked about. When a little girl, six years old, comes up to you and says she's afraid to walk to the corner store, she even can't come out and play; when a lady tells you she has a 13-year old teenager who's cooped up in the house because she's scared to let them come outside, there is need for us to sit down and try to do something.

FREEHOLDER O'DEA: There is also a need because the City of Jersey City has spent a lot of money on cameras. I don't believe there is a camera on Bergen and Lexington. We all know that Bergen and Lexington has been a problem corner from the 1980s, at least 30 years, probably 40 years, that corner has been problematic, yet they lay cameras out all over the City. That would be a no-brainer to have a camera. At least that way you could monitor and have a record when issues take place and shootings take place.

FREEHOLDER DUBLIN: The building that sits on the corner of Bergen and Lexington, the camera has been out for like ten years. What happens is you get these landlords who don't live in the city and come and collect the rent and doesn't do that much maintenance on the building to make sure the cameras are working. The other day we would have seen who shot two individuals on the corner. So yesterday, Sandy said that building
federally -- did get federal dollars, and they can come up with the State to make landlord take more responsibility with the safety of building. If you receive federal dollars, you have a big building, you should be made to have some type of security there.

FREEHOLDER O'DEA: There was an ordinance passed when I was a Councilman that required those buildings having more than a hundred units to have a camera security. For all we know, they're not in compliance with local ordinance.

CHAIRMAN ROMANO: We can have the meeting the same day on the 18th as Bill.

FREEHOLDER O'DEA: The meeting on the 18th is not going to be more than ten or fifteen minutes.

FREEHOLDER DUBLIN: Six o'clock. We can contact the State.

FREEHOLDER O'DEA: To save time do it at 5:30. The meeting, Mr. Clerk, the meeting on the 18th, how long should it take?

THE CLERK: It depends on the number of speakers.

FREEHOLDER O'DEA: How many speakers were there last time?

THE CLERK: There were none.

FREEHOLDER O'DEA: How long did it take?

THE CLERK: Five minutes.

CHAIRMAN ROMANO: Set this meeting for 5:30, with a representative of the Sheriff's Department, Prosecutor's Office, Corrections.

FREEHOLDER O'DEA: Director Aviles.

This here is one of the biggest issues that's been brought to my attention. We should bring it to the public's attention. Offenders get released. Police departments complain to me that we currently don't provide information when offenders get released, that we don't have in place the modern, best system to let the police know.

This is not only the County Correction, this is County and State corrections. When Bad Guy A gets released from Rahway or from your facility, we need to have a system in place. They tell me they do it by fax sometimes. It's an outdated, outmoded system. That's not the way it should be. It came up in discussion as Mayor Fulop's transition.

But the first thing you want to do is let Jersey City know that Bad Guy A, who lived and hung out in Neighborhood X, is being released because there is a 95-percent likelihood that Bad Guy A is going back to? Right where they came from, and at least if you know they're going back there, the officers that are patrolling in that area are going to be looking right away, looking out for the person. You know, in the movies, they're waiting for them.

When you're watching a movie, they'll be waiting right way. As soon as the bus came home, they would be waiting. They let them know. They don't. We don't know that because our communication system is archaic, and we're faxing and the faxing doesn't get to that corner. Those are the kinds of things that should all be part of how would we look at these different hot spot items.

FREEHOLDER DUBLIN: They found guns on the roof. They found four guns or five guns on a roof hiding on a roof. You know, they're able to do a tip. They were potentially planted for a potential shooting somewhere in the neighborhood.

CHAIRMAN ROMANO: Captain Martinez, we would like to see you at that meeting also.

CAPTAIN MARTINEZ: I think the chief and the deputy chief will answer all your questions about the Jersey City Police Department.

FREEHOLDER O'DEA: So should the west command, focused on the west.

CHAIRMAN ROMANO: I'll advise both the chief and his deputy chief.

FREEHOLDER O'DEA: Director Aviles, those who made the presentation, would they like to take a picture for the Board?

(At this point in the proceeding, a brief recess is taken.)

FREEHOLDER O'DEA: I make a motion to go into closed session to discuss potential litigation related to the elections, special elections funding for 2013.

THE CLERK: Is there a second?

DiDomenico. All in favor.

(Whereupon the Board moves to its Executive Session.)

THE CLERK: Motion to adjourn by Freeholder DiDomenico. Second by Liggio. All in favor. The meeting is adjourned.
(Whereupon the proceeding is then concluded at 2:56 p.m.)

CERTIFICATION

I, SHARI CATHEY, CCR, RPR, License No. 30X100234700, and Notary Public of the State of New Jersey, hereby certify that the proceedings herein are from the notes taken by me of a Caucus Meeting held on Tuesday, July 9, 2013; and that this is a correct transcript of the same.

___________________________
SHARI CATHEY, CCR, RPR
A NOTARY PUBLIC of the State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/17
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