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HUDSON COUNTY
BOARD OF CHOSEN FREEHOLDERS

RE:

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

- - - - -

O P E N S E S S I O N

Hudson County
Administration Building,
Freeholders Chambers
567 Pavonia Avenue
Jersey City, New Jersey
Thursday, October 24, 2013
6:00 p.m.

B E F O R E:

- ANTHONY ROMANO, CHAIRMAN
- ALBERT CIFELLI, Freeholder
- DOREEN DiDOMENICO, Freeholder
- JEFFREY DUBLIN, Freeholder
- THOMAS LIGGIO, Freeholder
- E. JUNIOR MALDONADO, Freeholder
- JOSE C. MUNOZ, Freeholder
- WILLIAM O'DEA, Freeholder
- TILO RIVAS, Freeholder

A L S O P R E S E N T:

- EDWARD J. FLORIO, ESQ., Board Counsel
- DONATO J. BATTISTA, Hudson County Counsel
- ABRAHAM ANTUN, County Administrator
- ALBERTO G. SANTOS, County Clerk

Job No. NJ1588863

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1 THE CLERK: Freeholder Cifelli.
 2 FREEHOLDER O'DEA: Absent.
 3 THE CLERK: DiDomenico.
 4 FREEHOLDER DiDOMENICO: Here.
 5 THE CLERK: Dublin.
 6 FREEHOLDER O'DEA: Absent.
 7 THE CLERK: Liggio.
 8 FREEHOLDER LIGGIO: Here.
 9 THE CLERK: Maldonado. Munoz.
 10 FREEHOLDER MUNOZ: Here.
 11 THE CLERK: O'Dea.
 12 FREEHOLDER O'DEA: Here.
 13 THE CLERK: Rivas.
 14 FREEHOLDER RIVAS: Here.
 15 THE CLERK: Chairman Romano.
 16 CHAIRMAN ROMANO: Here.
 17 THE CLERK: We have a quorum. Please
 18 stand for the Pledge of Allegiance.
 19 (Flag Salute.)
 20 THE CLERK: Adequate notice of this
 21 meeting has been provided as follows:
 22 1. Posting notice of Resolution No.
 23 8-1-2013 on the Freeholder's Bulletin Board, Third
 24 Floor, Administration Building Annex, Jersey City,
 25 New Jersey.

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1 2. Copies of the above mentioned
 2 resolution have been sent to the County Clerk and
 3 the editors of the Jersey Journal and the Star
 4 Ledger.
 5 Mr. Chairman, may I have a motion to
 6 approve the minutes of the regular meeting of
 7 September 12th, 2013, and the regular meeting of
 8 September 26th, 2013.
 9 CHAIRMAN ROMANO: Motion by
 10 Freeholder DiDomenico. Second by Freeholder Liggio.
 11 THE CLERK: Freeholder DiDomenico.
 12 FREEHOLDER DiDOMENICO: Yes.
 13 THE CLERK: Liggio.
 14 FREEHOLDER LIGGIO: Yes.
 15 THE CLERK: On the minutes,
 16 Freeholder Maldonado.
 17 FREEHOLDER MALDONADO: Yes.
 18 THE CLERK: Munoz.
 19 FREEHOLDER MUNOZ: Yes.
 20 THE CLERK: O'Dea.
 21 FREEHOLDER O'DEA: I have a
 22 correction on 78. Do I have to move change it?
 23 I'll just vote yes. My vote is yes. It's a
 24 spelling error. That's all.
 25 THE CLERK: Freeholder Rivas.

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1 FREEHOLDER RIVAS: Yes.
 2 THE CLERK: Chairman Romano.
 3 CHAIRMAN ROMANO: Yes.
 4 THE CLERK: The next order of
 5 business is additional discussion on today's agenda.
 6 FREEHOLDER O'DEA: Mr. Chairman, I
 7 want to speak on Item 19, which is the Project Labor
 8 Agreement. I have my colleagues from the Public
 9 Resources Committee. I have requested it through
 10 the committee. They unanimously supported it,
 11 including phase one which is OEM, and I see that the
 12 Administration has concurred with it, and phase one
 13 is now part of the PLA, which is the renovations to
 14 the Office of Emergency Management.
 15 I wanted to thank the Administration for
 16 including that in the PLA, so we can make sure the
 17 laborers know that's possible down there with the
 18 union rep. I just have a question to, I guess,
 19 Mr. Barry. In this agreement now, this is ready to
 20 go out on the street, or is there going to be
 21 additional time?
 22 MR. BARRY: We're about two weeks
 23 away from ready to advertise for 830 Bergen.
 24 FREEHOLDER O'DEA: So the PLA, this
 25 incorporated when we had met one of the issues

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1 Freeholder Liggio and DiDomenico could bear this
 2 out, one of the issues we discussed was that the OEM
 3 portion was included in the PLA. We didn't want to
 4 have to delay. We wanted to get the work started on
 5 that. Now with this being done, there is no more
 6 delay.
 7 MR. BATTISTA: The scope of the work,
 8 unless we have to incorporate the different
 9 tradesman, the PLA has been worked out.
 10 FREEHOLDER O'DEA: So there is no --
 11 Buddy had raised an issue. He thought it would take
 12 six weeks to get the PLA done. It couldn't go out
 13 to bid until you have the PLA done, so that's okay.
 14 CHAIRMAN ROMANO: Continue,
 15 Mr. Clerk.
 16 THE CLERK: We are on additional
 17 business, Mr. Chairman.
 18 CHAIRMAN ROMANO: Mr. Administrator.
 19 MR. ANTUN: Mr. Chairman, I do not
 20 have any additional items. However, there are a
 21 couple of items on Tuesday that I need to present
 22 some clarification. Item No. 6, there is a new
 23 resolution.
 24 FREEHOLDER O'DEA: Freeholder Dublin
 25 is now in attendance.

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1 THE CLERK: For the record,
 2 Freeholder Dublin is present. Do you wish to vote
 3 on the minutes, Freeholder?
 4 FREEHOLDER DUBLIN: I vote yes.
 5 THE CLERK: On both of them?
 6 FREEHOLDER DUBLIN: Yes.
 7 MR. ANTUN: Item No. 6, is a new
 8 resolution being provided to you to clarify that
 9 what is being done, if the Board approves this, is
 10 accepting the allocation of the \$1,162,287, and that
 11 the funding will be used for Community
 12 Partnership/Family Court Services and Juvenile
 13 Accountability. So this does not award money to
 14 anyone. It just establishes the acceptance of the
 15 funds and the categories upon which the funds will
 16 be used? That's a replacement. That is correct.
 17 THE CLERK: A motion is in order,
 18 Mr. Chair.
 19 CHAIRMAN ROMANO: Sponsored by
 20 Freeholder Dublin. Seconded by Freeholder
 21 DiDomenico.
 22 THE CLERK: Freeholder DiDomenico.
 23 FREEHOLDER DiDOMENICO: Yes.
 24 THE CLERK: Dublin.
 25 FREEHOLDER DUBLIN: Yes.

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1 THE CLERK: Liggio.
 2 FREEHOLDER LIGGIO: Yes.
 3 THE CLERK: Maldonado.
 4 FREEHOLDER MALDONADO: Yes.
 5 THE CLERK: Munoz.
 6 FREEHOLDER MUNOZ: Yes.
 7 THE CLERK: O'Dea.
 8 FREEHOLDER O'DEA: Yes.
 9 THE CLERK: Rivas.
 10 FREEHOLDER RIVAS: Yes.
 11 THE CLERK: Chairman Romano.
 12 CHAIRMAN ROMANO: Yes.
 13 MR. ANTUN: Mr. Chairman, the next
 14 one is Item No. 7. It is a replacement item, again,
 15 to clarify that we are accepting the funds awarded
 16 to the County in the amount of \$240,541, and this is
 17 for the Ambulatory Tuberculosis Care Program for
 18 2014.
 19 CHAIRMAN ROMANO: Sponsored by
 20 Freeholder DiDomenico. Second by Freeholder Dublin.
 21 THE CLERK: And moved by Freeholder
 22 DiDomenico.
 23 On replacing No. 7, Freeholder DiDomenico.
 24 FREEHOLDER DiDOMENICO: Yes.
 25 THE CLERK: Dublin.

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1 FREEHOLDER DUBLIN: Yes.
 2 THE CLERK: Liggio.
 3 FREEHOLDER LIGGIO: Yes.
 4 THE CLERK: Maldonado.
 5 FREEHOLDER MALDONADO: Yes.
 6 THE CLERK: Munoz.
 7 FREEHOLDER MUNOZ: Yes.
 8 THE CLERK: O'Dea.
 9 FREEHOLDER O'DEA: Yes.
 10 THE CLERK: Rivas.
 11 FREEHOLDER RIVAS: Yes.
 12 THE CLERK: Chairman Romano.
 13 CHAIRMAN ROMANO: Yes.
 14 MR. ANTUN: Mr. Chairman, the last
 15 one is Item No. 21. That resolution is also being
 16 amended to reflect the fact that we need to insert
 17 in the resolution for a six-month extension, which
 18 comes to an end on June 14, 2012, in order to get
 19 this project done.
 20 CHAIRMAN ROMANO: Sponsored by
 21 Freeholder Rivas. Seconded by Freeholder Maldonado.
 22 THE CLERK: Roll call, Mr. Chairman?
 23 CHAIRMAN ROMANO: Yes.
 24 THE CLERK: Freeholder DiDomenico.
 25 FREEHOLDER DiDOMENICO: Yes.

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1 THE CLERK: Dublin.
 2 FREEHOLDER DUBLIN: Yes.
 3 THE CLERK: Liggio.
 4 FREEHOLDER LIGGIO: Yes.
 5 THE CLERK: Maldonado.
 6 FREEHOLDER MALDONADO: Yes.
 7 THE CLERK: Munoz.
 8 FREEHOLDER MUNOZ: Yes.
 9 THE CLERK: O'Dea.
 10 FREEHOLDER O'DEA: Yes.
 11 THE CLERK: Rivas.
 12 FREEHOLDER RIVAS: Yes.
 13 THE CLERK: Chairman Romano.
 14 CHAIRMAN ROMANO: Yes.
 15 MR. ANTUN: Mr. Chairman, that's all
 16 the items that I have. I'm sorry. Those are all
 17 the items that I have in terms of the agenda.
 18 FREEHOLDER O'DEA: So we can put our
 19 items on. So we can talk about it. I have a couple
 20 of late items.
 21 THE CLERK: Next item for the Board
 22 of Freeholders is a resolution entitled Responsible
 23 Bidder Requirement for Public Works Projects with
 24 engineering estimates that exceed -- that equal or
 25 exceed \$500,000.

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1 FREEHOLDER O'DEA: Sponsor.
 2 CHAIRMAN ROMANO: Second.
 3 THE CLERK: This will be No. 30 on
 4 the agenda. Sponsored by Freeholder O'Dea and
 5 seconded by?
 6 FREEHOLDER O'DEA: Freeholder
 7 Chairman Romano.
 8 MR. ANTUN: Mr. Chairman, can I make
 9 a request that this one be referred to committee so
 10 that we can discuss this in committee with the
 11 Freeholders?
 12 FREEHOLDER O'DEA: Mr. Chairman, I
 13 would respectfully request we act on it. Bergen
 14 County recently enacted it. We in the past went to
 15 a million and a half, and we received several
 16 complaints about projects that have been done about
 17 the work and the quality of work and safety issues.
 18 So I would ask that we act on this, and that if this
 19 becomes an issue, that we would revisit six months
 20 from now. I know Mr. Florio has without confirming
 21 the date, he has confirmed that Bergen County
 22 enacted this resolution?
 23 MR. FLORIO: Yes, Freeholder.
 24 FREEHOLDER O'DEA: I'm going to ask
 25 that we act on it tonight.

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1 FREEHOLDER DiDOMENICO: Mr.
 2 Administrator, I would ask, do we have between now
 3 and the next meeting any Public Works projects of an
 4 engineering aspect going out to bid?
 5 MR. ANTUN: There is -- there may be.
 6 I think there's one that's the demolition of 624
 7 Newark Avenue. I would ask that the Board consider
 8 our request. We have an executive order now that
 9 establishes the amount at 1,500,000. I think we
 10 should discuss what our thoughts are on this before
 11 the Board makes any further issue.
 12 FREEHOLDER O'DEA: I mean, I don't
 13 see a need to. I mean we've had other counties that
 14 have done it. Bergen County is a county that
 15 operates under a County Executive and Freeholder
 16 Board, so obviously, their board had the authority
 17 to adopt the resolution that concerns many of the
 18 projects and contractors on projects, health,
 19 safety, quality of work issues, and delaying doesn't
 20 serve anybody.
 21 Like I said part of the reason that I
 22 think a higher threshold was originally set was
 23 because some argued it would be onerous to deal with
 24 it and enforce it. Now we found out that not having
 25 any threshold, there have been cases issues here.

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1 So if it's a little more work, it's a little more
 2 onerous, so be it. I think we're ensuring the best
 3 quality of work, ensuring all the standards and
 4 safety and quality issues should be our utmost
 5 concern. I would ask that it stay on the agenda.
 6 THE CLERK: Next item being
 7 distributed at the request --
 8 MR. BATTISTA: I would respectfully
 9 disagree with Freeholder O'Dea as to whether or not
 10 this resolution is properly within the prerogatives
 11 of this Board. In the spirit as in the past, this
 12 Administration met with the committee, has tried to
 13 deal with issues that are brought before us. Our
 14 current executive orders arose from that spirit of
 15 cooperation.
 16 There is currently an executive order in
 17 place which deals with the 1.5, as Freeholder O'Dea
 18 points out. That executive order grew out of
 19 discussions with this Board's committee. The County
 20 Executive has done an executive order, and I'll be
 21 glad to share with of you at this point if copies be
 22 made, which talks about the apprenticeship program
 23 and the rationale why the apprenticeship program is
 24 in place. I don't know if the Administration has an
 25 objection to the \$500,000. However, we believe

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1 rather than there be a clash confrontation between
 2 the executive branch and the legislative branch --
 3 FREEHOLDER O'DEA: I would
 4 respectfully say we're not asking for a clash. This
 5 is in full agreement with what exists, it's just
 6 lowering the amount, and Bergen County, that
 7 operates under the exact same form of government
 8 that we do, adopted this exact resolution.
 9 I would hope that once its adopted, that the
 10 Executive would, you know, amend their executive
 11 order so that our resolution and the executive order
 12 are in full coordination.
 13 MR. ANTUN: Mr. Chairman, we're just
 14 asking for the Board to wait until the next
 15 Freeholder meeting. If you want to take a vote,
 16 take a vote. You've extended those courtesies in
 17 the past. I don't see what the hardship is waiting
 18 until the meeting.
 19 FREEHOLDER DiDOMENICO: Mr. Chairman,
 20 I would like more time to think about this, and I
 21 appreciate what the change is for. I would like to
 22 give the same respect to the executive order, and I
 23 would like to learn more about it.
 24 FREEHOLDER O'DEA: It doesn't change
 25 the executive order with all due respect, Freeholder

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1 DiDomenico. We don't have the authority to change
 2 anything. This is simply a resolution of this Board
 3 as it relates to the issue of establishing threshold
 4 for responsibility. It's about quality. It's about
 5 safety. You're a member of the committee. We've
 6 talked about this on other projects.
 7 We're simply changing the amount from a
 8 million and a half to a half a million dollars, and
 9 all that means is there will be additional work
 10 required for people within the Administration for
 11 projects that are now between 500,000 and a
 12 million-five to comply with it. That's all. That's
 13 all it is, and I would say that I don't think there
 14 is any reason to delay it and wait two weeks and you
 15 know.
 16 MR. BATTISTA: Will all due respect,
 17 Freeholder, the reason for the 1.5 has nothing to do
 18 with the enforcement aspect. There are other
 19 considerations taken into at the time as to why we
 20 arrived at 1.5. That was discussed in committee,
 21 and again, refer it to committee, discuss it. I
 22 don't believe the County Executive has any objection
 23 to the \$500,000. I think we need to discuss it as
 24 to the ramification of what the change of 1.5 to
 25 \$500,000 means.

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1 FREEHOLDER LIGGIO: Who sponsored and
 2 brought this resolution?
 3 MR. BATTISTA: Freeholder O'Dea, that
 4 is correct.
 5 FREEHOLDER LIGGIO: You never
 6 mentioned anything to us. I don't know anything
 7 about this. This is the first time I'm hearing
 8 about it. I would like to give it more time for
 9 discussion too. I mean I remember a few year ago we
 10 had the discussion about setting this threshold at
 11 one and a half million, and I would prefer we didn't
 12 do it in Hudson County because Bergen County did it.
 13 I think we should -- I think the Administration is
 14 not settled. We can still review it, then do it.
 15 CHAIRMAN ROMANO: Freeholder Munoz.
 16 FREEHOLDER MUNOZ: I think with all
 17 due respect to Freeholder O'Dea, he has to put a
 18 decision for us on the table, and since he offered,
 19 Freeholder O'Dea could withdraw it. If he doesn't
 20 want to, then we could make a motion to withdraw it
 21 or we vote.
 22 CHAIRMAN ROMANO: Is there any chance
 23 Freeholder O'Dea, withdraw it, and after the
 24 meeting, discuss it in the committee meeting?
 25 FREEHOLDER O'DEA: I think that a lot

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1 is being made out of simply changing a threshold
 2 amount. I was in on the discussions when the prior
 3 amount was done, and time has proven since then that
 4 there have been issues with contracts in the amount
 5 between \$500,000 and million-five, and I don't -- I
 6 am comfortable with it. I don't see there is any
 7 problems or issues with it. I'm not going to
 8 withdraw it. If the majority of the Board doesn't
 9 want to vote on it, but I don't have a problem.
 10 FREEHOLDER MUNOZ: Mr. Chairman, if
 11 you approve tonight, if the Administration should
 12 have an issue with it, you could amend it later?
 13 MR. ANTUN: We can't amend your
 14 resolution. This resolution isn't binding on us.
 15 CHAIRMAN ROMANO: It's not binding?
 16 FREEHOLDER MUNOZ: So what is the
 17 issue then?
 18 MR. ANTUN: Because we would like to
 19 have a discussion, you know, in committee form so we
 20 can present what our concerns are. I would like to
 21 have a committee meeting. We're not -- all we're
 22 asking you is to delay the vote until the next
 23 meeting. That's the only thing we're asking for.
 24 FREEHOLDER LIGGIO: Delay it for
 25 discussion, I motion a motion to table --

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1 MR. ANTUN: Or carry it to the next
 2 meeting.
 3 CHAIRMAN ROMANO: Motion by
 4 Freeholder Liggio. Second by Freeholder DiDomenico.
 5 THE CLERK: Take a roll on that
 6 motion to carry it to the next meeting.
 7 Freeholder DiDomenico.
 8 FREEHOLDER DiDOMENICO: Yes.
 9 THE CLERK: Dublin.
 10 FREEHOLDER DUBLIN: No.
 11 THE CLERK: Liggio.
 12 FREEHOLDER LIGGIO: Yes.
 13 THE CLERK: Maldonado.
 14 FREEHOLDER MALDONADO: No.
 15 THE CLERK: Munoz.
 16 FREEHOLDER MUNOZ: Abstain.
 17 THE CLERK: O'Dea.
 18 FREEHOLDER O'DEA: No.
 19 THE CLERK: Rivas.
 20 FREEHOLDER RIVAS: No.
 21 THE CLERK: Chairman Romano.
 22 CHAIRMAN ROMANO: No.
 23 THE CLERK: The item remains on the
 24 consent agenda. The next item for the Board's
 25 consideration at the request of the Board is an

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1 ordinance entitled An ordinance creating a new
2 section on the revised general ordinances of the
3 County of Hudson as amended and supplemented
4 providing for a 90-day transition period in which
5 service workers are able to retain their jobs in the
6 event of a change in contractors.
7 CHAIRMAN ROMANO: Sponsored by
8 Freeholder O'Dea. Second by Freeholder Dublin.
9 THE CLERK: This will be ordinance
10 No. 1.
11 FREEHOLDER O'DEA: What was the last
12 resolution, what number?
13 THE CLERK: No. 30. Mr. Chairman, I
14 have no additional items. Call for public
15 participation?
16 FREEHOLDER O'DEA: Can we agree to
17 discuss the issues with the college at the end about
18 the security guard wages? I defer at least until
19 after the public portion. You know what? It could
20 take 20 or 25 minutes. I'll do it at the end.
21 THE CLERK: According to the policy
22 set by the Board of Freeholders, members of the
23 public are asked to limit their comments to 15
24 minutes when discussing agenda items and five
25 minutes at the conclusion of the meeting when

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1 discussing matters of public interest.
2 At this time the public may address the
3 Board on any item on the agenda only. Please keep
4 your comments limited to 15 minutes. Are there any
5 speakers on agenda items only?
6 There appear to be none, Mr. Chairman.
7 May I have a motion to approve all of the items
8 listed on the consent agenda, including No. 30 which
9 was added.
10 CHAIRMAN ROMANO: Motion by
11 Freeholder Munoz. Second by Freeholder Maldonado.
12 THE CLERK: On the consent agenda,
13 Freeholder DiDomenico.
14 FREEHOLDER DiDOMENICO: Abstain on
15 No. 30. Aye on the rest.
16 THE CLERK: Dublin.
17 FREEHOLDER DUBLIN: Aye.
18 THE CLERK: Liggio.
19 FREEHOLDER LIGGIO: I vote aye.
20 THE CLERK: Aye on all, Freeholder?
21 FREEHOLDER LIGGIO: Aye on all.
22 THE CLERK: Maldonado.
23 FREEHOLDER MALDONADO: Aye.
24 THE CLERK: Munoz.
25 FREEHOLDER MUNOZ: Yes.

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1 THE CLERK: O'Dea.
2 FREEHOLDER O'DEA: Abstain on 15 and
3 16. Aye on the rest.
4 THE CLERK: Rivas.
5 FREEHOLDER RIVAS: Aye.
6 THE CLERK: Chairman Romano.
7 CHAIRMAN ROMANO: Aye.
8 THE CLERK: And we have one ordinance
9 for introduction entitled An ordinance creating a
10 new section --
11 FREEHOLDER O'DEA: Hold on, I thought
12 it was something else. I'm only going to abstain on
13 16.
14 THE CLERK: And aye on all other
15 items?
16 FREEHOLDER O'DEA: Yeah.
17 THE CLERK: The ordinance for
18 introduction is entitled An ordinance creating a new
19 section of the revised general ordinances of the
20 County of the Hudson as amended and supplemented,
21 providing for a 90-day transition period in which
22 service workers are able to retain their jobs in the
23 event of a change of contractors.
24 On introduction, Freeholder DiDomenico.
25 FREEHOLDER DiDOMENICO: Yes.

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1 THE CLERK: Dublin.
2 FREEHOLDER DUBLIN: Yes.
3 THE CLERK: Liggio.
4 FREEHOLDER LIGGIO: Yes.
5 THE CLERK: Maldonado.
6 FREEHOLDER MALDONADO: Yes.
7 THE CLERK: Munoz.
8 FREEHOLDER MUNOZ: Yes.
9 THE CLERK: O'Dea.
10 FREEHOLDER O'DEA: Yes.
11 THE CLERK: Rivas.
12 FREEHOLDER RIVAS: Yes.
13 THE CLERK: Chairman Romano.
14 CHAIRMAN ROMANO: Yes.
15 THE CLERK: That concludes the items
16 of business on today's agenda. Are there any
17 comments from the Freeholders on the business of the
18 Board?
19 FREEHOLDER MALDONADO: In reference
20 to the last item which the Administrator indicated
21 that the Administration would like to discuss, I
22 voted in favor of it, and I'm willing to entertain
23 discussion relative to it. If there's any data that
24 you want to present, I recommend you do that.
25 CHAIRMAN ROMANO: We have to have a

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1 discussion in committee also. We will have a
2 committee meeting.
3 FREEHOLDER O'DEA: I think it's best
4 to discuss it with the Contracts Committee. Do you
5 concur, Mr. Administrator, the Contracts Committee
6 or the Public Resources Committee?
7 MR. ANTUN: I'm sorry?
8 FREEHOLDER O'DEA: This resolution
9 that was passed.
10 MR. ANTUN: That was the Contracts
11 Committee.
12 CHAIRMAN ROMANO: I recommend that we
13 have a Contract Committee meeting.
14 FREEHOLDER O'DEA: Obviously, I'm on
15 the committee and Freeholder Cifelli.
16 CHAIRMAN ROMANO: We need to advise
17 Freeholder Cifelli. Also, on behalf of the Board to
18 Director Aviles, that was a fine program this
19 morning with the promotions. Congratulations to all
20 on behalf of the whole entire Board.
21 Mr. Administrator, you said that you will
22 let us know on the Prosecutor's office?
23 MR. ANTUN: I sent that information
24 to you. I send it yesterday.
25 CHAIRMAN ROMANO: Thank you.

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1 Continue, Mr. Clerk.
2 THE CLERK: Are there any comments
3 from the Chief of Staff to the County Executive?
4 MR. GAUGHAN: No, thank you.
5 THE CLERK: This is the time for
6 anyone present to address the Board on any matter of
7 public interest. Please remember to limit your
8 comments to five minutes.
9 Ms. Nancy Perry.
10 MS. PERRY: Good evening. I'm here
11 again this evening. I was here at the last meeting
12 to find out whether the Board intends to conduct any
13 type of probe of the Department of Personnel, the
14 County Department of Personnel, based on the
15 complaints not for only myself, but for other
16 individuals with respect to the handling of records
17 and the claims that I have made so far to the Board
18 with respect to my Personnel file.
19 To reiterate, I was given a promotion as
20 an employee with the County Hudson Surrogate back in
21 2008, and up until recently, I performed my duties
22 under that promotional title. In May of this year,
23 I was advised that I was being demoted, and it was
24 based upon false information that was recorded from
25 the Personnel Department.

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1 When we were here at the last meeting, Ms.
2 Gibney indicated that she had no knowledge as to any
3 alteration to my Personnel file. I have here a copy
4 of the document that I obtained from my Personnel
5 file within the Department of Personnel, where there
6 were obvious changes to my status. I was given a
7 promotion in 2008, and in 2009, the status was
8 changed from a permanent appointment to a
9 provisional appointment without my knowledge.
10 If you look at the document, there is no
11 notation. My initials are not there. I was not
12 aware of this change. There are also some errors
13 made when recording my status with the CAMPS records
14 as well, just a lot of discrepancies and a lot of
15 misinformation. I, again, want to find out if you
16 intend to conduct a probe or investigation as to
17 these allegations, not just for me but for parties
18 that I have heard come before you with a similar
19 compliant.
20 MR. BATTISTA: On behalf of the
21 Administration, while I understand the issue
22 regarding change and the mistake that was made on
23 Ms. Perry's paper, based upon the information that I
24 gathered, information received from civil service, I
25 don't believe the Administration is going on

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1 undertake any investigation as to -- beyond what has
2 been done. I don't expect my department. I don't
3 know if the Administrator has a different position.
4 MR. ANTUN: I agree with the County
5 Counsel. We provided the information to the
6 Personnel Committee. We met, and in fact, we
7 provided the information that was requested about
8 whether the job title or whether the qualifications
9 of that job title are changed. That was provided.
10 I believe -- I believe the responsibilities was not
11 changed.
12 FREEHOLDER O'DEA: I didn't see that
13 last time. Do you see it, Junior?
14 MR. ANTUN: I only sent it out late
15 this afternoon.
16 MS. PERRY: Well, regardless of my
17 status, the question that I have is, I'm coming to
18 you and I'm stating that there was some fraudulent
19 activities going on here. I have here a copy of a
20 document that I obtained in the Personnel Department
21 from my Personnel folder. There was some changes,
22 modifications that were made, okay?
23 Obviously, there was a change made in
24 2009. Whoever made these changes initialed it. I
25 was never notified of this. If you look on the same

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1 document, my initials are not in here. I'm not
 2 acknowledging this change, so my question is how can
 3 someone just make a change like that to my status,
 4 to my Personnel file, and not inform me, the
 5 employee? How do I find out five years later that
 6 my status was changed from a permanent title to a
 7 provisional title, from a permanent promotion to
 8 provisional promotion?

9 MR. BATTISTA: I think that the
 10 facts, at least the facts that the Administration
 11 was able to gather, we shared them with the
 12 committee, was that based upon the information that
 13 we received, there was a notation on Ms. Perry's
 14 position that was permanent. That was done in
 15 error.

16 If anything was going to be done in the
 17 future, Ms. Perry is correct, if we are going to
 18 change something, I can't say whether or not she was
 19 told or not, I'll give her the benefit of the doubt
 20 that she not told. In the future Personnel will do
 21 that. However, what we did discover was sometime, I
 22 believe it was 2010, if my memory serves me
 23 correctly, Ms. Perry, according to civil service
 24 records, was sent a letter about her need to take a
 25 test because she's not in a permanent position.

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1 Civil service records reflect that
 2 Ms. Perry asked to take the test. Eventually, she
 3 was deemed not qualified to sit for the test. I
 4 know Ms. Perry has denied that that occurred. Civil
 5 service reflects what I just stated.

6 MS. PERRY: So then this is
 7 acceptable that people can make changes and
 8 modifications to other people's personnel file
 9 without informing the employees? I'm not accepting,
 10 Oh, I'm sorry, I made a mistake. This is not a
 11 boo-boo, okay? This affecting my salary because as
 12 a result of this demotion, which is they're --

13 THE CLERK: Mr. Chairman, five
 14 minutes.

15 MS. PERRY: Okay, you're saying that.
 16 However, I have a document here that states from the
 17 Personnel file, it clearly indicates here demotion.
 18 I'm not making this up, okay? Someone needs to be
 19 held accountable for these types of mistakes. I'm
 20 not accepting just an apology, Oh, I'm sorry.

21 CHAIRMAN ROMANO: I believe the
 22 counsel stated that there is a revision of policy,
 23 and there's a correction procedure in place that
 24 that won't happen again.

25 FREEHOLDER O'DEA: So Mr. Chairman, I

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1 would say that we met in the Personnel Committee the
 2 other day. We reviewed the whole situation. The
 3 chronology was they recorded it as an RAT as opposed
 4 to a provisional. It went to civil service. Civil
 5 service after a period of time sent it back, said it
 6 was a provisional, then ordered a test.

7 The County provided a document that said
 8 that Ms. Perry then put an application in or signed
 9 it. She felt when she signed it that she was
 10 qualified, she read the document, applied for the
 11 test. Civil service then determined that she didn't
 12 meet the qualification, the educational
 13 qualifications. Then eventually a period of time
 14 after that, they canceled the test because there was
 15 no one I believe qualified to take the test, and
 16 then they directed the County that they had to --
 17 they have to put Ms. Perry back to her old title.

18 If Ms. Perry has any document to refute
 19 that, I think she should present them to us. The
 20 one point that I think she has validity on is, when
 21 they made a change to her document, they didn't sit
 22 down with her, and in any other world, those
 23 individuals would, like other individuals, get
 24 disciplined for not doing that. I think the issue,
 25 Mr. Administrator, you know someone should be

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1 disciplined for not doing what they were supposed
 2 to. Simply changing someone's document, sending it
 3 back to the State or whatever, and then months and
 4 months later, then going to the person, and then
 5 saying, Hey, look it was not --

6 It appears in everything we've seen that
 7 this was driven by civil service. It appears by
 8 everything that we've seen that someone in the chain
 9 of Personnel erroneously entered it to begin with,
 10 and that's not Ms. Perry's fault. The individual
 11 that did that should be disciplined, and it's hard
 12 for me to understand why that person would not be
 13 disciplined.

14 We discipline people all the time. We
 15 have people all the time telling us about minor
 16 action that they deal with, and they get suspended
 17 and it happens to them. In this case it's kind of
 18 line, Oops, sorry, they changed it, they sent it
 19 back, and then eventually, months and months later,
 20 they sat down and showed it to Ms. Perry. That's
 21 not appropriate. That individual should have been
 22 disciplined for that. That individual should still
 23 be disciplined.

24 Beyond that, I don't know what we could
 25 recommend because everything that's been provided to

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1 us demonstrates that this ultimately became a State
 2 Civil Service driven decision. I haven't seen the
 3 last document as to whether there was a change in
 4 qualification, and what we had was, if you were
 5 given the title in '08 or '09, educational
 6 requirements were different than when they posted
 7 the test, then we would have felt maybe more --
 8 there was additional damages or things that may have
 9 occurred to you had they done it properly in the
 10 beginning, and the test was done, and you would have
 11 met those qualifications then, and you would have
 12 put the application in.
 13 I haven't reviewed what the Administrator
 14 said yet. I have to defer on that until I see that,
 15 but that was really the last issue that we were
 16 looking to. With that being said, I mean, we have
 17 people coming here all the time that get disciplined
 18 for things. This is a clear record that civil
 19 service said, Hey, you said it was RAT, you then --
 20 it was wrong. It was PAP. They said they made the
 21 change, put their initials on it, and they didn't
 22 notify the employee.
 23 Several months later that person should be
 24 disciplined because that individual signed the
 25 original document with RAT. Before they changed it,

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1 it should have been brought in immediately, and she
 2 should have signed it. They may have disagreed.
 3 They may have argued. They may have said, No, I'm
 4 not going to sign it. Then the final procedure
 5 would have been followed. The individuals didn't do
 6 their job properly and they should be disciplined.
 7 MS. PERRY: One last thing before I
 8 leave. I shouldn't come to these Board meetings.
 9 This is my third time coming here to find out what
 10 the status of my claims are because apparently the
 11 issues that I brought before this Board have been
 12 discussed, they had some decisions or determinations
 13 or investigation, whatever you want to call it. I
 14 only learned it every time I come here to inquire
 15 about it. I didn't know that the Administrator
 16 corresponded with any of you Members on this Board.
 17 I am finding what is the status every time I come
 18 here.
 19 CHAIRMAN ROMANO: You should make an
 20 appointment with Personnel.
 21 MS. PERRY: Personnel, really?
 22 FREEHOLDER O'DEA: Just so you know,
 23 we literally met Tuesday afternoon. It's not like
 24 we met a week ago. When we met then, there was
 25 still one issue that we requested information on.

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1 So had we had that information Tuesday, I think we
 2 would have asked that someone inform you. Again, I
 3 still haven't seen it. I do see it on my e-mail. I
 4 can't open it now, but you know, I'll review it.
 5 MS. PERRY: I would like to receive
 6 some update and information.
 7 FREEHOLDER O'DEA: You know, I think,
 8 Mr. Administrator, it's also fair and reasonable
 9 that, you know, that we did have a Personnel
 10 Committee, this was what was discussed. I don't
 11 know what the downside is of providing that
 12 information to the person, you know, and it's not
 13 secret. They have a right to know.
 14 MR. BATTISTA: The e-mail that Ms.
 15 Gibney forwarded which came from civil service
 16 articulates that the job description that Ms. Perry
 17 alludes to has not changed from August 2005 through
 18 August of 2012. That's what Ms. Gibney received
 19 from civil service, which was sent to you. It's
 20 public record. I'm sure if Ms. Perry stops by the
 21 office tomorrow --
 22 MS. PERRY: Again, you're still not
 23 addressing.
 24 CHAIRMAN ROMANO: That's the issue.
 25 Your time's up.

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1 THE CLERK: Joe Perry.
 2 MR. PERRY: Joe Perry is my name. I
 3 was here before the Board of Freeholders. At the
 4 last meeting you had asked me about the
 5 black-balling from Personnel. I presented that.
 6 You guys said you were going to have a meeting.
 7 What was the outcome of that meeting?
 8 CHAIRMAN ROMANO: County Counsel.
 9 MR. BATTISTA: We had a committee
 10 meeting the other day. Whatever County Personnel
 11 records, based upon Mrs. Gibney's file, we have
 12 never received any inquiry regarding Mr. Perry.
 13 Apparently, somewhere in I think Mr. Perry -- I
 14 really don't want to engage dialogue with Mr. Perry
 15 because he's represented by counsel. I think
 16 Mr. Perry's complaints should first be directed to
 17 civil service because they have the -- they have a
 18 notation in their records that don't match up with
 19 us, and I believe Ms. Gibney.
 20 CHAIRMAN ROMANO: Let County Counsel
 21 speak.
 22 MR. PERRY: He's saying the same
 23 thing.
 24 CHAIRMAN ROMANO: When he's done
 25 speaking, then you'll have your turn.

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1 MR. BATTISTA: I believe Ms. Gibney
2 has made a request of civil service for their file.
3 Mr. Perry, I don't think we received it. When we
4 receive the file, if someone from the County said
5 something, civil service will say it. At that time
6 I will address it. At this point I have nothing
7 that I can respond to relevant to that.
8 MR. PERRY: We were here before. He
9 said the same thing before, and I said that I had
10 proof. I have a card from civil service that came
11 from Trenton that my name was going to be taken off
12 the civil service list because of the information
13 received from the County, which is Personnel. He
14 said the same thing before. We're still here. You
15 had a meeting. I'm here to find out what happened
16 in the meeting.
17 FREEHOLDER O'DEA: We will tell you
18 that Personnel never provided any information to the
19 State that was said like that. I can't -- it's like
20 I can't disprove a negative. That's what they said
21 at the meeting. The only thing that they provided
22 to us at the meeting was, and they don't even
23 understand what the 2011, was related to, what
24 decision or anything.
25 What they did provide to us was the 2009

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1 maintenance repairer list, where they showed what
2 individuals were made off the list, and these
3 reasons why -- the reasons why other individuals
4 were not made off of the list, which I have a copy
5 of here, and in that, they proffered to us that they
6 are allowed under the law, I'm telling you what they
7 said, that there is a rule of three, and that they
8 abided by the rule of three with the three
9 individuals that they made off. That's all the
10 information that they provided.
11 MR. PERRY: I hear what you're
12 saying, Mr. O'Dea. What I'm saying is that I
13 received something from the civil service.
14 FREEHOLDER O'DEA: We saw it.
15 MR. PERRY: Civil service wouldn't
16 have given me or sent me that if they didn't get
17 this information from Personnel.
18 FREEHOLDER O'DEA: I don't understand
19 it, and we're asking for somebody to clarify it. We
20 don't understand how civil service would send that
21 from nothing, and we have not have gotten it, and
22 I'll defer to the Chairman of the Committee, the
23 final answer or information on that. We asked
24 someone to ask civil service what precipitated that
25 because we don't know. No one had provided

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1 information that will explain that.
2 FREEHOLDER MALDONADO: Based on your
3 assertion and based on the information they gave us,
4 we asked the Director of Personnel to contact civil
5 service to get a copy of all the documents so that
6 we trace it to its roots. At this juncture until we
7 get it back from civil service, our hands are tied.
8 MR. PERRY: Also, when I received
9 that card from civil service, it stated that I had a
10 right to write to Personnel to find out the reason
11 why I wasn't hired. I wrote this to Personnel. I
12 didn't receive anything, and I have that also.
13 FREEHOLDER O'DEA: That I didn't
14 know.
15 MR. PERRY: I'll give you a copy.
16 There was a lot of things on that paper. Nobody has
17 any question what was on that paper?
18 FREEHOLDER O'DEA: We had a meeting
19 and discussed the situation at a meeting the other
20 day. We asked what, civil service sent this to you,
21 what is this, and Personnel said they don't have no
22 idea what it is. We said, We need you to contact
23 civil service and explain to us why civil service
24 ever sent this to you, and they have yet to give us
25 an answer. The meeting was only two days ago, and

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1 what they did provide us after the meeting was a
2 maintenance repairer list that you were on in 2009,
3 where they made one, two, three individuals on the
4 list.
5 They made the first individual on the
6 list. I believe this D reference means the
7 individual did not show up for the interview, that's
8 why they did not pick the second person on the list.
9 They made the third person on the list. They then
10 have the fourth person on the list. They did not
11 make. The fifth on the list, they sent did not show
12 up. You were the sixth person on the list. They
13 didn't pick you. The seventh person on the list did
14 not show up, and they made the eighth person on the
15 list.
16 They claim that since these two people
17 didn't show up, they had the right to make this
18 person which was ahead of you, this person that was
19 here and this person that was here, and they opted
20 to make this person. That's the information that
21 they will provide you.
22 MR. PERRY: Isn't it funny that every
23 time Personnel screws up, they blame civil service.
24 They're leaving a paper trail showing Personnel
25 messed up, and they blame civil service every time.

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1 FREEHOLDER O'DEA: I would tell you
 2 that this one, they don't claim they screwed up.
 3 They claim that they have the legal authority to
 4 follow a rule of three, and they followed the rule
 5 of three.
 6 MR. PERRY: I'm not talking about
 7 that piece of paper. I'm talking about this
 8 information that's from civil service. They're
 9 going to blame civil service. Civil service is
 10 going to say it wasn't them. I've been here at
 11 meetings when people come and say, Personnel did
 12 this, Personnel did that, and they're giving an
 13 excuse or a reason behind what they did, never once
 14 do you give them any punishment or anything on
 15 suspicion.
 16 THE CLERK: Mr. Chair, time elapsed.
 17 FREEHOLDER O'DEA: I would tell you
 18 that if they don't get it, if they can't in a
 19 reasonable time get for us a written reason from
 20 civil service as to why that was sent to you, then
 21 we will make our own inquiry to civil service. If
 22 the answer that civil service comes back with is
 23 that someone in the County sent something concerning
 24 you, then those individuals need to be held
 25 accountable. That refuted what they've told us.

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1 FREEHOLDER MALDONADO: We just have
 2 to wait for civil service. We just requested it on
 3 Tuesday.
 4 FREEHOLDER O'DEA: Mr. Perry, I would
 5 give you this as personal advice, okay, you know, I
 6 know represented by counsel. I think you should
 7 talk to your counsel because as I tried to explain
 8 with this, the County has this thing that's called a
 9 rule of three, and you know, you may find yourself
 10 in another situation on a list where they're going
 11 to hang their hat on the rule of three to skip you
 12 whenever a position is made. Barring some action
 13 that clarifies that can't happen.
 14 I'm just offering that as advise to you
 15 because when it come to this, that's the only thing.
 16 That's what they said. At the end of the day, this
 17 is what rule is. We're allowed to make, you know,
 18 four, five or six. If five isn't interested and
 19 seven isn't interested, we make four, six and eight,
 20 then that's what we did.
 21 MR. PERRY: Mr. O'Dea, I have nothing
 22 but time. Like I said before, I've been out of work
 23 seven and a half years. The County has given me
 24 nothing but time.
 25 CHAIRMAN ROMANO: Okay.

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1 THE CLERK: Additional speakers on
 2 any matter of public interest? Please state your
 3 name for the record.
 4 MS. WAITERS: Good evening. Patricia
 5 Waiters, 1233 Park Avenue, Hoboken, New Jersey. I'm
 6 just going to try to make this as condensed as
 7 possible. I heard a little brief about Mr. Perry,
 8 when I walked in the door. I'm going to speak on a
 9 letter here from civil service, okay?
 10 Now, you made a statement last week that
 11 the County is not supposed to say nothing that we
 12 were terminated and wouldn't to go into details and
 13 into particulars. I did this purposely because I've
 14 been applying since I was wrongfully terminated in
 15 2005, and I received these certifications. This one
 16 here is telling me report to Bloomfield Middle
 17 School to take the examination again, but I refused
 18 to waste my time again. You keep playing the
 19 political game.
 20 When people get up at this microphone, the
 21 public wants to hear this. You've got to understand
 22 one thing. This a public forum because these people
 23 have been impacted to come to this microphone,
 24 seeing that you guys take no disregard. I'm not
 25 going to stand up here go through language and back

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1 and forth when we come. It's disgusting and it's
 2 got to stop.
 3 Mr. Maldonado, you are the newest Member
 4 coming on this Board, and we give every Member the
 5 same opportunity because the public voted for you
 6 and put you there. We stand at this microphone
 7 asking for your allegiance when you take an oath to
 8 just stand up and investigate some of these
 9 allegations, please. That's what we're asking for
 10 favors.
 11 We address you as a governing body. We're
 12 going nowhere, okay? That is simply because I'm
 13 not, like I told you, it wasn't for political
 14 purposes because I was a victim. Let me give you
 15 the perfect example. Tonight I went to see some of
 16 my colleagues that got promoted, and it was so -- it
 17 was normal because no disrespect to Mr. Romano and
 18 Mr. Chair, and no disrespect Mr. Maldonado, I walked
 19 up to them and shook their hand with no hard
 20 feelings, okay?
 21 I was a former corrections offices, and
 22 they talked about how proud those families were
 23 sitting in that audience, and it bought back my
 24 daddy, when I graduated and I was the oldest in my
 25 class and worked hard and earned it through civil

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1 service until political County got involved. I have
 2 quoted every speaker sitting here on the Jersey City
 3 payroll who gets a job picked up, and I just wanted
 4 to read this one quote. They said when they took
 5 the oath to act under the authority of the people
 6 with faith and allegiance to people and uphold the
 7 Constitution.

8 Do you understand how this made me feel,
 9 to see the County Executive, highest in command all
 10 the way down, to back at my face and what knowing
 11 happened to me, and no one still wanted to take a
 12 stand? They're like, Patricia, let it go. I let it
 13 go. I answer to a higher authority. I pray to God
 14 every night that one of you guys get enough guts,
 15 okay, I mean FBI, and say Patricia, we don't need to
 16 go that far, it was wrongfully done, and this is
 17 what's going to be done.

18 I don't want to rain on nobody's parade.
 19 I congratulated all of my colleagues. What hurts me
 20 the most is that some of them even trained. My
 21 career, my life, my family, exactly what you praised
 22 today, mine was impacted. That's something for your
 23 conscious to think about that.

24 CHAIRMAN ROMANO: Freeholder Cifelli
 25 is the Contracts Committee Chairman.

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1 THE CLERK: Freeholder Cifelli, the
 2 minutes of September 12th and September 26th, 2013.

3 FREEHOLDER CIFELLI: Aye.

4 THE CLERK: On the consent agenda
 5 which includes a distributed Item No. 30.

6 FREEHOLDER CIFELLI: What is the
 7 disposition of Item 30?

8 FREEHOLDER O'DEA: It was approved by
 9 the Board, and we are now going to discuss with the
 10 committee and the Administration over why they would
 11 have any concerns over them.

12 FREEHOLDER CIFELLI: Aye on all of
 13 them.

14 THE CLERK: An ordinance for
 15 introduction was also distributed.

16 FREEHOLDER CIFELLI: Aye on
 17 introduction.

18 THE CLERK: Thank you.

19 CHAIRMAN ROMANO: Continue.

20 THE CLERK: Additional speakers on
 21 any matter of public interest? Please state your
 22 name.

23 FREEHOLDER O'DEA: How many other
 24 speakers are?

25 THE CLERK: There are no other filled

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1 out cards.

2 CHAIRMAN ROMANO: Let one more
 3 speaker go, last one.

4 FREEHOLDER O'DEA: If you don't mind,
 5 we expect that the issue you bring up will probably
 6 involve a significant discussion.

7 MS. MEJIA: Okay.

8 MS. THOMAS: Good evening. My name
 9 is Charnee Thomas. I was here maybe at the last
 10 meeting, and I talked to you about me being
 11 wrongfully terminated. After I came to this
 12 meeting, Saturday I went to visit my mom, and I came
 13 home, and I had a letter waiting for me on my bed,
 14 and it said regarding terms of work, we had been
 15 trying to reach you via telephone. You are
 16 scheduled to return to work on October 21st, 2013 at
 17 11 p.m. Please call to confirm if you will be
 18 available.

19 I called and I confirmed. I went back to
 20 work that night. My colleagues were happy to me.
 21 The nurses were happy to see me. We had a good
 22 night. I did my job as far as I know, no problems,
 23 no nothing. But the next morning I was told to wait
 24 for Linda Ferguson, and so I waited. When I got
 25 there she asked me did I need a union

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1 representative. I said yes. She said Tony wasn't
 2 available. I said I don't want Tony, I want to the
 3 person that I want here representing me. She said
 4 fine. When the nurse that worked that night with me
 5 went in, I was told that I was brought back there
 6 because of due process. What is due process?

7 I said to her okay. She said that I'm
 8 going to be suspended for five days. I told her
 9 October 20th, November 1st, and they wrote in in
 10 handwriting on the 4th, November 4th, suspended. I
 11 just got back to work. I did eight hours, nothing
 12 happened on my shift, did my job. What did I get
 13 suspended for, coming back to work? What does due
 14 process mean? That means the process of them
 15 terminating me wrongfully was done wrong?

16 She said to me that, Chi-Chi, my union
 17 representative, should be able to explain the due
 18 process to me. It wasn't explained what is due
 19 process. What does that mean?

20 MR. BATTISTA: I really don't want to
 21 engage in discussion, when the representative, the
 22 representative, Freeholder, the speaker alluded to
 23 --

24 FREEHOLDER CIFELLI: Ms. Thomas was
 25 before us and the problem was that she was coming to

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1 us, the employer had her seasonal status extended,
2 and she was let go. That struck some of us here
3 with civil service, that's unusual and possibly a
4 problem. So at the meeting and Personnel Committee
5 meeting on Tuesday with Freeholder Maldonado,
6 Ms. Thomas's status had been adjusted, that it was
7 probably an error terminating her, since she was no
8 longer a seasonal employee, was a permanent
9 employee.

10 But now that she's a permanent employee,
11 she's subject to discipline. That discipline is
12 what you just referred to. At this point you have a
13 union representative. The due process you're
14 referring is due process, it's a system of
15 grievances, and for us here to interject ourselves
16 into that process is totally inappropriate. So I
17 think what happened was a good thing, and you got
18 reinserted into your job. Now, the rules of the
19 game are you're subject to discipline, whatever,
20 rightfully or wrongfully. That's not us.

21 That's the due process. I think what
22 County Counsel is saying is correct. For us to at
23 this point to interject as a Board would be
24 inappropriate under Fair Labor Practices. You have
25 a union now. That's the process that you have to go

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1 through.

2 FREEHOLDER O'DEA: The union
3 represents you. If there's a five-day suspension,
4 you take the suspension or you can appeal it or have
5 a hearing on it. Sometimes, sometimes you could
6 speak to them and say I'll accept it, but I can't
7 afford to lose five days in a row. They'll say,
8 Okay, what we'll do is we'll give you five days, one
9 a pay period. There are things you can do.

10 I would just suggest that if you want to
11 go to the hearing and see what the results of the
12 hearing is, you have the right to do that. I would
13 say if I went to a union rep and said, Look, you
14 know I don't really to want to accept it, but I'm
15 more amenable to accept it and not contest it if
16 it's spread so I don't have to lose a whole week's
17 pay, I think that the County tends to be very
18 reasonable and tries to work with people, especially
19 since you lost other days, right?

20 MS. THOMAS: Right.

21 FREEHOLDER O'DEA: There were a
22 number of days you were out just because they
23 terminated you, and then they realized, oops, we
24 couldn't just terminate her. I would suggest that
25 you talk to your union rep for clarification on

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1 that.

2 MR. BATTISTA: I believe that she was
3 paid for those days she was out.

4 FREEHOLDER O'DEA: So you were
5 compensated for the days that you were out.

6 MS. THOMAS: It hasn't come yet.

7 FREEHOLDER O'DEA: So the days you
8 were out when you were terminated in error, let's
9 say, the County Counsel is telling us you are going
10 to be paid for those days. I think that now they've
11 given a five-day suspension. You should talk to
12 your union rep. There's a hearing. The hearing
13 officer can uphold it or change it. That's way that
14 all works. If you don't want to contest it, and the
15 union goes into the County and says, you know, this
16 individual is willing to accept it, we're asking
17 instead of it being given five days in a row, it be
18 given you one day whatever a week or pay period.
19 They often try to accommodate the affects of the
20 economic hardship.

21 MS. THOMAS: Next, Hudson County
22 Community College.

23 MS. MEJIA: All right. My name is
24 Anna DeLeon Mejia, and I am representing NCIU 32BJ.
25 My union represents food service, janitorial and

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1 security guards in the state of New Jersey. So I
2 want to compliment the Freeholder Board, and again,
3 thank you for the time that you've put into looking
4 into this issue with the security service provision
5 RFP with the Hudson County Community College.

6 I know that the Freeholders, we've had
7 some conversations. Freeholders have expressed
8 looking into the RFP, and we made recommendations to
9 the County college to ensure that the County college
10 actually abides the ordinance that the Freeholder
11 Board had past in terms of living wage for County
12 workers and County college workers.

13 I want to just say on the record that as
14 you make these recommendations to the County
15 college, I know that as you're helping them draft
16 out that RFP, we think that the RFP that was put out
17 lowered some of the standards in regards to what
18 kind of contractor can actually get a contract
19 should still be abided by.

20 I think that the County college should be
21 commended for including the provision as far as, you
22 know, making sure that whatever contractor has a
23 history of working with County college. That was
24 smart in terms of the County College Business
25 Administrator. We recommended that they continue to

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1 include that provision. We think that it was also
 2 very smart to say that whatever contractor has to
 3 have a satisfactory record on whatever higher
 4 institutions. That's again, another provision we
 5 commend and hope that they keep in whatever new RFP.
 6 We also commend them for the inclusion of saying
 7 that there is a requirement for payment and
 8 performance bonds.

9 These are all pieces that just to make you
 10 aware, actually will ensure that a quality
 11 contractor ultimately gets a contract. It's
 12 something that's important to us because we know
 13 college contractors tend to treat their employees
 14 better. Thank you for hearing me out, and I also
 15 have one of the workers who wanted to address the
 16 Freeholder Board.

17 FREEHOLDER O'DEA: Mr. Chairman,
 18 maybe because after the --

19 MS. MEJIA: Long and detailed.

20 FREEHOLDER O'DEA: No, no, I think we
 21 may be able to address the issue, and we may not at
 22 that point need to speak. We bring can Mr. Sommer
 23 and Mr. Mercado, please, to the podium. Some of us
 24 have spent a lot of time reading bid.
 25 specifications. I would like to -- I would like to

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1 bring two individuals up to see if we can come to a
 2 consensus as to where we are today and maybe how
 3 we're moving forward with that. Is that okay,
 4 Mr. Administrator? Mr. Mercado and Mr. Sommer, come
 5 up.

6 I think where we're at today for the
 7 purpose of discussion today is we're going to put
 8 aside why a bid that was rejected a year ago has sat
 9 out in limbo for so long. We have some -- we've
 10 been assured of two things, and you can correct me
 11 at whatever point you disagree.

12 MR. MERCADO: I'm Frank Mercado, vice
 13 president for operations at Hudson County Community
 14 College.

15 MR. SOMMER: John Sommer, vice
 16 president of finance, Hudson County Community
 17 College.

18 FREEHOLDER O'DEA: So where we are
 19 now is that, one, you will begin a, within reason,
 20 an expedited process to rebid the contract; is that
 21 correct?

22 MR. MERCADO: That's correct.

23 FREEHOLDER O'DEA: Two, you will
 24 effective as soon as humanly possible, hopefully, in
 25 the next pay period, you will ensure that the

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1 interim vendor, I don't know what else to call him,
 2 I'm not going to at this meeting go into why they're
 3 at the status, that's a whole different discussion,
 4 and I know that you want to get home at a reasonable
 5 hour, that effective immediately or at the earliest
 6 possible pay period, that that vendor will begin to
 7 pay all employees at the minimum of the minimum
 8 wage, living wage that this Board has adopted, which
 9 means there is a living wage at 150 percent, and if
 10 they provide benefits and sick time that they're
 11 required for that, in this case they may not be
 12 provided benefits and sick time, they then have to
 13 pay at the hire rate which is approximately
 14 150 percent, add on 20, approximately 20.2 percent,
 15 which is brings it up to a rate of \$13.05 or 6 cents
 16 an hour, is that accurate?

17 MR. MERCADO: That's correct.

18 FREEHOLDER O'DEA: So beginning at
 19 the earliest. Possible pay period, individuals that
 20 work there, all individuals will be paid at a
 21 minimum at that rate, is that accurate?

22 MR. MERCADO: That's correct.

23 FREEHOLDER O'DEA: So those are the
 24 two I think if we could have, those I think are the
 25 two immediate, immediate issues. The third issue,

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1 this I found a little disconcerting today. It's not
 2 reflected on you, I want to confirm that we adopted
 3 a resolution asking the college, the Schools of
 4 Technology, the Improvement Authority, to adopt our
 5 living wage language, and it's my understanding that
 6 your board has yet to adopt that language, though it
 7 was explained to me that whether it was the language
 8 or the intent of what that language was, was
 9 incorporated for your bids for maintenance workers,
 10 is that accurate?

11 MR. SOMMER: That's correct.

12 FREEHOLDER O'DEA: The third thing is
 13 my understanding is that you will present at the
 14 next board meeting for the board's approval the
 15 adoption of the language that we've adopted, is that
 16 accurate, as a policy?

17 MR. SOMMER: I couldn't answer that.

18 FREEHOLDER O'DEA: I would tell you,
 19 Mr. Administrator, from the position of this Board,
 20 we would ask that that be presented to that board to
 21 adopt. We can't compel that board to adopt,
 22 obviously going forward. Do you have anything to
 23 add to that?

24 MR. BATTISTA: What I was saying,
 25 Freeholder, they were going to bring you back

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1 something to adopt?
2 FREEHOLDER O'DEA: No, no, they were
3 going to present to the board at their next meeting
4 a proposed resolution to adopt the language as a
5 policy for the same maintenance, security, other
6 category, that the Board has adopted by ordinance.
7 Is that accurate that it will be presented to your
8 board to consider or act on that?
9 MR. SOMMER: Well, what I was saying,
10 Freeholder, we will take it back to Dr. Gabert's
11 office and have him present it to the chairman as
12 such.
13 FREEHOLDER O'DEA: My understanding,
14 Mr. Administrator, is that they were going to
15 present it to their board. We don't -- we
16 understand that they cannot compel the board to
17 adopt it, but that was going to be presented to the
18 board to consider acting on?
19 MR. ANTUN: During my discussions
20 today, I stated to Dr. Gabert that he should present
21 the living wage ordinance to the college board of
22 trustees for their consideration and adoption at the
23 next meeting. I said that to Dr. Gabert. They were
24 in the room, but to be fair, they may not have heard
25 that discussion because that was a discussion that I

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1 had with Dr. Gabert.
2 FREEHOLDER O'DEA: So was it your
3 impression, Mr. Administrator, that the president of
4 the college will present that to his board for
5 consideration at his next meeting?
6 MR. ANTUN: He led me to believe that
7 he would do that then.
8 FREEHOLDER O'DEA: I would ask that
9 you confirm that, and if that is not his position,
10 that he -- that he attend the next caucus meeting.
11 I would ask, Mr. Clerk, we that provide that one, we
12 further certify that beyond the college, that the
13 Schools of Technology have, in fact, acted on it as
14 well as the Improvement Authority. No one has ever
15 provided us documentation for that.
16 If not, then we bring them in and find out
17 what the problem is. If we feel it's a policy not
18 only of the County, it should be a policy adopted by
19 all the agencies, and I think that we speak as one
20 voice, both the legislative branch of the government
21 and the executive branch of this government when it
22 comes to policy, that we are on the same page with
23 that, right?
24 MR. ANTUN: That's right.
25 FREEHOLDER O'DEA: I would defer to

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1 the Administrator or to Chief of Staff Gaughan. We
2 strongly support that all of these agencies in the
3 County need to adopt the policy.
4 MR. ANTUN: That is correct, and when
5 I had the discussion with Dr. Gabert, the County
6 Executive supported me.
7 FREEHOLDER O'DEA: And I would say
8 that upon adoption of the displaced worker
9 ordinance, hopefully, we would move a resolution
10 asking similarly those agencies also adopt that as a
11 policy so we have a level of consistency within all
12 the agencies.
13 MR. BATTISTA: Freeholder, can I ask
14 for a clarification? Is that intended to cover
15 County-wide that would cover private businesses?
16 FREEHOLDER O'DEA: No, no, we don't
17 have the ability to do that.
18 MR. ANTUN: I agree. I think it
19 needs to be amended because when, Freeholder --
20 FREEHOLDER O'DEA: Look, he's trying
21 to get away.
22 MR. SOMMER: I just want an
23 opportunity.
24 MR. ANTUN: Freeholder, that's one of
25 the things that County Counsel were talking about

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1 when Freeholder Maldonado was asking me something
2 before. Take a look at that.
3 FREEHOLDER O'DEA: I don't think we
4 have, obviously, the legal authority to impose it.
5 We do have a legal authority to impose on our own
6 agencies.
7 MR. ANTUN: I took that, I took it
8 that it was only for us. Then County Counsel
9 pointed out the language here. So you may want to
10 consider taking a look at it.
11 FREEHOLDER O'DEA: The expression of
12 our will. So I think that -- I think that there is
13 a discussion for another day, either in a committee
14 meeting or at a caucus meeting, some of the other
15 issues of what's occurred from last October until
16 today, which hopefully can be lessons learned, which
17 we don't have that much control over.
18 I would now defer back to the speaker, if
19 the speaker had any questions. The only last thing
20 I would put on the record is, obviously, we had a
21 speaker who is a security guard speak at the caucus
22 and bring this item to our agenda. Please be
23 cognizant of the fact that there's whistle-blower
24 statutes in the state of New Jersey. I think there
25 would be a problem if we suddenly found out the poor

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1 person that came and raised a concern found
 2 something happened to them, changing their shift,
 3 changing their location.
 4 I'm not alleging in any way, shape or form
 5 that that may happen. I'm just putting out that
 6 somebody should be conscious of the ramifications to
 7 someone or an entity to do something like that if
 8 that would occur. I would go back and ask did you
 9 have any additional questions.
 10 MS. MEJIA: No. I just thank you for
 11 taking the time to address this, and I also commend
 12 you for pointing out what our union had experienced
 13 when workers speak up sometimes, not always; there
 14 are unfair repercussions. So I'm glad that you
 15 addressed it because gives our security officers,
 16 the workers and those that Mr. Reeves represents,
 17 feel safer and more confident. So thank you.
 18 THE CLERK: Additional speakers on
 19 any matter of public interest?
 20 MS. OKEKE: Good evening.
 21 THE CLERK: Please state your name.
 22 MS. OKEKE: Good evening. My name is
 23 Chinwe Okeke. I work at Meadowview. There are a
 24 lot of promotions by employees that are happening
 25 there. It was not posted. The position was not

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1 posted. Someone was given the position after it
 2 previously was done and nobody interviewed, and
 3 according to Personnel, approved these titles and
 4 these positions, and we sent a letter as a union, I
 5 think as a group, and nothing took place, and we are
 6 really hoping you will be able to help resolve the
 7 issue. Now they're using, not only she's up there
 8 and she's beginning to have -- she knew who those
 9 people were who were filing grievances and now she
 10 is after everybody now involved in that grievance.
 11 MR. BATTISTA: I don't think we
 12 should be discussing the performance of the
 13 employee. If the employees feel that harassment is
 14 going on, she should go to her union representative
 15 and file the appropriate complaint with County
 16 Personnel.
 17 FREEHOLDER DUBLIN: You can file with
 18 Personnel, right?
 19 MR. BATTISTA: Either Personnel or
 20 the collective bargaining?
 21 MS. OKEKE: The issue is not a
 22 harassment, I'm sorry. The issue is a promotion.
 23 That's why we are all here.
 24 FREEHOLDER MALDONADO: Is this an
 25 issue that you discussed --

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1 MR. BATTISTA: I think if I'm not
 2 mistaken the facts, was that there was a job posted
 3 I believe that as of July, a person who was
 4 appointed to the position and then subsequent to the
 5 posting, another person was appointed to the
 6 position. I believe that the point of the speakers
 7 was, there should have been another posting if
 8 they're going to take another promotion. That's
 9 what I believe the complaint is.
 10 FREEHOLDER MALDONADO: My
 11 understanding from Personnel was that the original
 12 list was for a 90-day period?
 13 MS. OKEKE: No, there was another
 14 position came in the first shift. Nobody else was
 15 told. They took somebody who happened to be least
 16 qualified. She didn't have education, and she don't
 17 have the seniority.
 18 MR. BATTISTA: I was told that this
 19 was the subject of a recent grievance hearing, and
 20 the hearing officer's decision is pending. At this
 21 point it's all collective bargaining and civil
 22 service.
 23 FREEHOLDER DUBLIN: Don, when they
 24 come up with a decision, will you let the Chairman
 25 of the Personnel Committee know?

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1 MR. BATTISTA: We'll share it with
 2 you.
 3 FREEHOLDER MALDONADO: There is a
 4 decision pending, and we can't comment until that
 5 decision is rendered.
 6 THE CLERK: Ma'am, you have to state
 7 your name for the record.
 8 MS. NDU: My name is Maureen Ndu. My
 9 question is in terms of a time frame for this
 10 decision, what are we looking at?
 11 MR. BATTISTA: The hearing officer
 12 has so many --
 13 FREEHOLDER DUBLIN: Twenty days.
 14 MR. BATTISTA: This is an internal
 15 hearing. I think the initial grievance hearing was
 16 done internally, and whatever the decision was, I
 17 would have to review the collective bargaining.
 18 There may be appeal rights in terms of arbitration
 19 or it's the Office of Administrative. All I've been
 20 told is the issue that the speaker is addressing
 21 were the subject of a recent hearing.
 22 FREEHOLDER DUBLIN: If a hearing
 23 officer was there, the hearing officer has 20 days,
 24 I guess, I guess 20 day, to render a decision. I
 25 believe it was less than 20 days. Is the Personnel

1 Director here?
 2 MR. BATTISTA: I think the Personnel
 3 Director can better to speak to that.
 4 MS. GIBNEY: Elinore Gibney,
 5 Personnel Director. The hearing was held on Tuesday
 6 of this week. This issue was brought on Thursday.
 7 It was heard on Tuesday.
 8 FREEHOLDER MALDONADO: Is there a
 9 time frame that the grievance officer has to render
 10 that decision?
 11 MS. GIBNEY: I don't know
 12 specifically that I could speak to. There is a
 13 time. It's done in a timely fashion; but 48 hours
 14 is not the time. I assure you that we'll make sure
 15 it's done on time.
 16 FREEHOLDER MALDONADO: Hopefully, we
 17 will have a decision before the meeting in two
 18 weeks, then you can discuss.
 19 MS. OKEKE: Thank you.
 20 THE CLERK: Additional speakers on
 21 any matter of public interest? Motion to adjourn by
 22 Freeholder Maldonado. Seconded by Freeholder Munoz.
 23 All in favor. The meeting is adjourned.
 24 (Whereupon the proceeding is then
 25 concluded at 7:29 p.m.)

1 CERTIFICATION
 2
 3 I, SHARI CATHEY, CCR, RPR, License No.
 4 30XI00234700, and Notary Public of the State of New
 5 Jersey, hereby certify that the proceedings herein
 6 are from the notes taken by me of a Regular Meeting
 7 of the Hudson County Board of Chosen Freeholders,
 8 held on Thursday, October 24, 2013; and that this is
 9 a correct transcript of the same.
 10
 11
 12
 13 _____
 14 SHARI CATHEY, CCR, RPR
 15 A NOTARY PUBLIC of the
 16 State of New Jersey
 17 I.D. No. 2283786
 18 Commission Expires 2/4/17
 19
 20
 21
 22
 23
 24
 25

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