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Y



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : UNION COUNTY
DOCKET NO. UNN-L-3547-2011

RICHMOND LAPOLLA,

Plaintiff,

vs.

UNION COUNTY and GEORGE

DEVANNEY,
Defendants.

TRANSCRIPT of testimony as taken by and

before DEBORAH GIFFIN, a certified shorthand

Reporter and Notary Public of the State of New

Jersey at the law offices of PALUMBO & RENAUD, 190

North Avenue East, Cranford, New Jersey on Monday,

July 8, 2013, commencing at 10:00 a.m.

A P P E A R A N C E S :

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Scotch Plains, New Jersey 07076
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George W. Devanney.

ALSO PRESENT:

Richmond Lapolla

I N D E X

2 WITNESS

3 GEORGE W. DEVANNEY

4 By Ms. Fellman

4

DIRECT

E X H I B I T S

9 IDENT.

DESCRIPTION

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11 with Defendant Devanney's

Answers to Interrogatories

12 Devanney-2 Plaintiff's First Set of 36

Interrogatories to Defendant

George Devanney

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25 A. Yes.

24 employment?

23 Q. Was that in connection with your

22 A. One that I recall.

21 Q. On how many occasions?

20 A. Yes.

19 taken before?

18 Q. Have you ever had your deposition

17 A. Yes.

16 you aware of that?

15 have been named as a defendant in this case. Are

14 represents M. Lapolla in this lawsuit and you

13 Q. My name is Susan Fellman and my firm

12 A. Good morning.

11 Q. Good morning, sir.

10 DIRECT EXAMINATION BY MS. FELLMAN:

9 having been duly sworn, testified as follows:

8 07922,

7 59 Cornell Avenue, Berkeley Heights, New Jersey,

6 G E O R G E W . D E V A N N E Y ,

4 Exhibit Devanney-1 for identification.)

3 Set of Interrogatories received and marked as

2 Defendant Devanney's Answers to Plaintiff's First

1 (Cover letter dated 1/23/13 with

1 Q. Do you recall when that was?

2 A. Approximately three, three to four years ago.

3 Q. What was your position at the time of that deposition?

4 A. I was the County Manager.

5 Q. And that was with the County of Union, correct?

6 A. Correct.

7 Q. You've had an opportunity to meet with Mr. Renaud today, correct?

8 A. Correct.

9 Q. Let me just review some of the ground rules for you. As you see, the court reporter is taking down everything I say and all of your responses, so all your responses have to be verbal. All right?

10 A. Okay.

11 Q. Mr. Renaud may have an objection. If he does, or Counsel, Mr. Brockway, may also have an objection, so you have to wait a moment before answering the question to allow counsel

1 the opportunity to object if they care to. All right?

2 A. All right.

3 Q. And then Mr. Renaud will instruct you what to do. Okay?

4 A. Okay.

5 Q. The most important instruction that I can give you is when we're done here today the court reporter is going to transcribe, that means type up everything that's said here. And you know you're under oath. Even though you're in your attorney's office, what you say here today has exactly the same effect as any testimony you would give if this case were to be before a jury. Do you understand that?

6 A. Yes.

7 Q. So because of the significance of your testimony, we have to be sure that you understand the question when you give an answer to it. All right?

8 A. Okay.

9 Q. So if there's anything that I ask you that's not completely clear, that you're not comfortable with in any way, that you need to have repeated or restated, please let us know

1 that. Because if you don't, we will assume you understood the question when you answered it.

2 All right, sir?

3 A. Yes.

4 Q. We don't want you to guess, but if you can approximate, please tell us that's what you're doing, you're approximating or estimating, and that is appropriate.

5 A. Okay.

6 Q. If you don't recall something, that's fine, tell us. If you don't know something, tell us. That's fine as well.

7 A. All right.

8 Q. And, certainly, if you need to take a break at any time, just let us know that. All right, sir?

9 A. Yes.

10 Q. What is your present employment position?

11 A. I'm a partner in Keyword Strategies.

12 Q. Can you spell that?

13 A. K-E-Y-W-O-O-D Strategies.

14 Q. And what kind of a business is that?

15 A. It's a government relations firm.

16 Q. What does that firm do?

1 A. Government relations. We do some press for and public relations for different companies. We advocate on behalf of different clients attempting to secure work. We help manage some development projects through public processes.

2 Q. How many employees does Keyword Strategies employ?

3 A. Two.

4 Q. And who is the other person?

5 A. My wife.

6 Q. Where is it located?

7 A. We work out of our home.

8 Q. How long have you held this position?

9 A. Soon to be two years.

10 Q. And what is your wife's position in this firm?

11 A. She's the managing partner.

12 Q. And what is your title?

13 A. Partner.

14 Q. And what is the difference in the duties the two of you perform?

15 A. Very similar.

16 Q. Is there some reason why she's designated the managing partner?

1 A. She started it.
 2 Q. Keyword Strategies was in existence before you joined the firm?
 3 A. Yes.
 4 Q. So you said you advocate for clients to secure work?
 5 A. Yes.
 6 Q. What does that mean? What kind of clients and what kind of work are we talking about?
 7 A. It does a range. It's an architect, an engineer, a developer, insurance. There's a spectrum.
 8 Q. And this kind of work that you're advocating for is work for public entities?
 9 A. No, not solely.
 10 Q. Do you advocate for clients to secure work in private companies as well?
 11 A. Yes.
 12 Q. Is one of the entities that you secure work for clients at, is that the County of Union?
 13 A. Yes.
 14 Q. How many of your clients percentage-wise work or perform work for the

1 County of Union?
 2 A. I don't know off the top of my head.
 3 Q. Can you give us an estimate?
 4 A. Two-thirds.
 5 Q. What is your wife's name?
 6 A. Angela.
 7 Q. Devanney?
 8 A. Yes.
 9 Q. Before you joined the firm, what was your employment position?
 10 A. County Manager.
 11 Q. And that was for the County of Union, correct?
 12 A. Correct.
 13 Q. Why did you leave that position as County Manager?
 14 A. Because I had, I guess I had always thought about retiring when I hit 25 years of service. I had 26 years of service in, and I had a couple of friends who had encouraged me, thought that it would be a good idea and that the timing would be right for me to retire.
 15 Q. Who are the friends who encouraged you to retire?
 16 A. Mayor Jim Kennedy was one.

1 Q. Mayor of Rahway?
 2 A. Yes, the former mayor.
 3 A dear high school friend of mine, Rich Gannon.
 4 Q. Has Rich held an office with a public entity?
 5 A. No.
 6 Q. Anybody else?
 7 A. I'm sure there are others. None that come to mind right at the moment.
 8 Q. Was anybody encouraging you to retire due to your work performance?
 9 Q. No.
 10 Q. So do you have an actual date of your last day of work as County Manager for the County of Union?
 11 A. I believe it was August 1 of 2011.
 12 Q. When did you begin your employment as County Manager for the County of Union?
 13 A. I believe it was in March of 2002.
 14 Q. How did you get that position, if you know?
 15 MR. RENAUD: I'll object to the form of the question.

1 Lapolla --
 2 (Whereupon, there was an interruption in the proceedings for a cell phone call.)
 3 MS. FELLMAN: Sorry. What was the question?
 4 (Whereupon, the following question and answer were read back:
 5 "Question: How did you get that position, if you know?
 6 Answer: The previous County Manager, Michael Lapolla --")
 7 Q. Okay. Go ahead, sir. I'm sorry.
 8 A. The previous County Manager had accepted a position with the Turnpike Authority and was moving on, and I was the Deputy County Manager at the time and I expressed my wishes to assume the County Manager's position at that time.
 9 Q. Who did you express that to?
 10 A. To members of the Freeholder Board.
 11 Q. Do you recall who the members of the Freeholder Board were at the time?
 12 A. I couldn't say definitively.
 13 Q. Give me your best recollection.
 14 A. Al Mirabella. Dan Sullivan. Deborah

1 Scanlon, Nick Scutari, Lew Mingo. Q. Was Mr. Estrada on the board at that time? A. I believe so.

2 Chester Holmes, Possibly Mary Rutolo. Q. Christopher Hudak? A. No.

3 Bette Jane Kowalski? Q. I don't think so.

4 Linda Stender? Linda Stender was. Q. You think Linda Stender was on the board at the time?

5 A. A long time ago. Q. You do think Mary Rutolo may have been, correct?

6 A. Possibly. Q. You said Al Mirabella? A. Correct.

7 Was Linda Carter on the board at the time? Q. A. No.

8 Was Mohamed Jalloh on the board at the time? Q. A. No.

1 Q. Let's see, how many are there? A. Nine. Q. We've got eight. Okay. Maybe we'll come up with it later.

2 A. Rick Proctor. Q. Mr. Proctor? A. Yes.

3 What's his first name? Q. Rick. Q. Thank you.

4 Who did you express your interest in becoming the County Manager to? A. All nine.

5 Q. How did you do that? What was the mechanism? A. I don't recall specifically. Phone calls and meetings.

6 Q. Did you have any discussion with Charlotte Defillippo about your wanting to become the Manager of the County of Union? A. Yes.

7 Tell me about any conversation you had with Ms. Defillippo. A. I don't recall specifics.

8 Q. Well, in general, what was the

1 discussion? A. In general, it was "I would like to seek the County Manager's appointment" and asked for her support. Q. Why did you do that? Why did you ask Ms. Defillippo?

2 A. Because she's the County Chairwoman. Q. Do you remember how many discussions you had with Ms. Defillippo about that?

3 A. No. Q. Was it more than one? A. I don't recall.

4 Who appoints the County Manager in the County of Union? A. The Board of Chosen Freeholders.

5 Q. Do they do it by way of a vote? A. Yes.

6 Do you know what the vote was when you were appointed? A. I believe 9-0.

7 Q. Why is it that you needed Ms. Defillippo's support if the Board of Chosen Freeholders votes the person to become County Manager? MR. RENAUD: Object to the form of

1 the question. Q. You can answer. A. I asked for many people's support outside of the Freeholders. Q. Well, you said that you do not recall speaking to anybody else other than the Board of Chosen Freeholders and Ms. Defillippo, is that correct?

2 MR. RENAUD: I'll object to the form of the question. He did not say that. A. I did not say that. Q. Who else did you speak to expressing a desire to become the County Manager?

3 A. I imagine, and I don't recall specifically, but many elected officials throughout the County. Q. You don't recall specifically anyone in particular?

4 A. I could make guesses. Q. Well, I don't want you to guess. A. No, I don't recall specifically.

5 Q. Okay. So you talked to many elected officials, but you don't recall specifically who they were, is that correct? A. Correct.

1 Q. But you do recall speaking to Ms. DeFilippo and asking for her support?

2 A. Yes.

3 Q. And why do you believe you needed her support in order for you to become the County Manager?

4 MR. RENAUD: I object to the form of the question. That wasn't what he said.

5 Q. Did you believe you needed her support in order to become the manager?

6 A. No, I needed the Board of Chosen Freeholders' support.

7 Q. So why did you ask her for her support?

8 A. Out of respect for her and her position.

9 Q. Okay. Can you explain to me what you mean by that?

10 A. She's the County Chairwoman who heads the political party. Policies that the County adopts often have political ramifications and I just felt it was important for her to be part of the process.

11 Q. Do you believe that you would have been appointed as the County Manager had Ms. DeFilippo not supported you?

1 Q. Were you Deputy County Manager throughout the time that Michael Lapolla was County Manager?

2 A. Not the entire time, but the majority of the time, yes.

3 Q. How did you get the position of Deputy County Manager?

4 MR. RENAUD: Yeah, read the question again if you would.

5 (Whereupon, the following question was read back:

6 "Question: How did you get the position of Deputy County Manager?")

7 MR. RENAUD: There's only one answer to that question, which is that he's appointed by the County Manager, so.

8 MS. FELLMAN: Okay.

9 Q. That's what I just was asking.

1 Manager?

2 A. I don't recall.

3 Q. Did you speak with anybody else that you can recall?

4 A. Not that I specifically can recall.

5 Q. Did you speak to Mr. Lesniak, Ray Lesniak?

6 A. Not that I specifically recall.

7 Q. Did you speak with Mr. Scutari, Senator Scutari?

8 A. Again, not that I specifically recall.

9 Q. Did you have to fill out any application or obtain any letters of recommendation in order to become the County Manager?

10 A. Not that I recall.

11 A. Now, your job before that was Deputy County Manager, is that correct?

12 A. That's correct.

13 Q. And how long were you in that position?

14 A. I'm trying to remember. I'm guessing four --

15 MR. RENAUD: Don't guess.

16 A. I don't recall exact time frame.

1 A. Yes. Is that what you understood?
 2 Q. I was appointed by Michael Lapolla, yes.
 3 Q. What was your job at the time you were hired by Michael Lapolla to be Deputy County Manager?
 4 A. I was the Director of Policy and Planning for the City of Elizabeth.
 5 Q. So that was not a County job?
 6 A. No. Is that correct?
 7 Q. That's correct.
 8 Q. And that position of Director of Policy and Planning for the City of Elizabeth, is that an appointed position?
 9 A. Yes. And who appointed you to that position?
 10 A. Mayor Bollwage.
 11 Q. And when did you get that position?
 12 A. When he was first elected, which I believe was 1992.
 13 Q. When he was first elected as Mayor.
 14 Q. As Mayor of Elizabeth?

1 A. Yes. Did you oppose him in running for Mayor at that time?
 2 Q. Let me restate it. Did you also run for the position of Mayor of the City of Elizabeth?
 3 A. No.
 4 Q. Had you ever run for the position of Mayor of the City of Elizabeth?
 5 A. No, I don't know how he -- no. Did you just get a phone call from him saying, "Are you interested in the job?"
 6 MR. RENAUD: I object to the form of the question.
 7 Q. Well, how did it come about?
 8 A. I had expressed an interest in being the County Manager along with Michael Lapolla.
 9 Q. And who had you expressed that interest to?
 10 A. Many of the current Freeholders, our County Chairwoman, and I know Senator Lesniak and

1 Senator Suliga and Mayor Bollwage.
 2 MS. FELLMAN: Could you just read the answer back, Debbie?
 3 (Whereupon, the following answer was read back:
 4 "Answer: Many of the current Freeholders, our County Chairwoman, and I know Senator Lesniak and Senator Suliga and Mayor Bollwage.")
 5 Q. What is your relationship to Mr. Lesniak?
 6 A. He's my uncle.
 7 Q. And how is he your uncle? Is he your sister's brother or --
 8 A. My sister's brother.
 9 Q. I mean your mother's brother?
 10 A. I'm sorry. Yes.
 11 Q. Your mother's brother --
 12 A. Oh, I'm sorry, yes.
 13 Q. -- or your father's brother?
 14 A. His sister is my mother.
 15 Q. Are there any other siblings besides your mother and Mr. Lesniak?
 16 A. No.
 17 Q. Do you have any brothers or sisters?

1 A. Yes. How many?
 2 A. Two brothers, one sister.
 3 Q. Do either of your brothers hold any public position?
 4 A. My one brother, I don't know if it's considered -- it's not. It's a private non-profit, so no.
 5 Q. Have any of your three siblings ever held a public position?
 6 A. My brothers, no. My sister, on occasion.
 7 Q. Okay. When you say "on occasion," what do you mean?
 8 A. Her last, one of her more recent jobs I recall she worked for the Sheriff in Mercer County.
 9 Q. And your brother you say works for a non-profit?
 10 A. Yes.
 11 Q. And what non-profit is that?
 12 A. Elizabeth Development Corporation.
 13 Q. Is that an appointed position?
 14 A. Yes.
 15 Q. And who is that appointed by?
 16 A. The Elizabeth Developing Company board.

1 Q. And what is your mother's name?
 2 A. Mary Margaret Devaney.
 3 Q. Does your mother hold any public
 4 position?
 5 A. My mother has passed recently.
 6 Q. I'm sorry. Before she passed away,
 7 did she?
 8 A. Before she passed, she worked at Kean
 9 University.
 10 Q. Kean University?
 11 A. Yes.
 12 Q. And what was her job?
 13 A. I know she was in charge of Senior
 14 Outreach. I don't specifically know the details
 15 of her job.
 16 Q. Do you know whether or not your
 17 uncle, Mr. Lesniak, had any involvement in your
 18 becoming the Director of Policy and Planning for
 19 the City of Elizabeth?
 20 A. No.
 21 Q. You don't know or he did not?
 22 A. I'm not aware if he did.
 23 Q. All right. Now, you said that you
 24 had expressed an interest in becoming the County
 25 Manager at the same time that Michael Lapolla

1 became the County Manager, is that correct?
 2 A. That's correct.
 3 Q. And you told us who you expressed
 4 that interest to. Do you have any knowledge as
 5 to how it came to be that Mr. Lapolla,
 6 Mr. Michael Lapolla, was appointed the County
 7 Manager and you were not?
 8 A. Ultimately, it had been suggested to me
 9 that it would make a good partnership if Michael
 10 was the County Manager and I would be the Deputy
 11 County Manager.
 12 Q. And who made that suggestion to you?
 13 A. I believe the first time I heard it was
 14 from Senator Suliga.
 15 Q. And you heard it from someone else
 16 after that?
 17 A. I may have, but I believe the first time
 18 was from the Senator. I don't recall how it came
 19 about after.
 20 Q. Now, you mentioned one of the people
 21 that you expressed an interest to become the
 22 County Manager was the County Chairwoman. Did
 23 you mean Charlotte DeFillippo?
 24 A. Yes.
 25 Q. How did Charlotte DeFillippo feel

1 about Michael Lapolla becoming the County
 2 Manager, if you know?
 3 MR. RENAUD: I object to the form of
 4 the question.
 5 A. I don't know.
 6 Q. Do you know whether she supported
 7 him to become the County Manager?
 8 A. I don't know.
 9 Q. Do you know if she supported you to
 10 become the County Manager?
 11 A. I don't know.
 12 Q. You don't know if she supported you?
 13 A. She encouraged me to pursue it. She also
 14 supported me as the Deputy County Manager, so it
 15 was something that was I guess of discussion
 16 within the party.
 17 Q. Okay. Do you know whether Mayor
 18 Bollwage supported you to become County Manager
 19 when you expressed the interest at the same time
 20 that Michael Lapolla did?
 21 A. I don't know specifically.
 22 Q. Do you know whether Mayor Bollwage
 23 supported Michael Lapolla for the position of
 24 County Manager?
 25 A. I don't know.

1 Do you know if Mayor Bollwage
 2 supported Michael Lapolla for the position of
 3 Deputy County Manager?
 4 A. I don't recall.
 5 Q. Do you know whether or not the
 6 position of Deputy County Manager existed before
 7 you became the Deputy County Manager?
 8 A. At that time it didn't exist, but there
 9 had been previous County Managers.
 10 Q. There had been previous Deputy
 11 County Managers?
 12 A. Yes. I'm sorry, previous Deputy County
 13 Managers, yes.
 14 Q. Do you know when was the last time
 15 there was a position of Deputy County Manager in
 16 the County of Union?
 17 A. No, I don't know what that time frame
 18 between was.
 19 Q. All right. Was there ever a
 20 position of Assistant County Manager?
 21 A. I don't know.
 22 Q. So based on your knowledge, there
 23 was at one point in time a Deputy County Manager
 24 and then there was no longer that position of
 25 Deputy County Manager, correct?

1 **A. Correct.**
 2 **Q.** Can you estimate if it was 10 years
 3 in between that position being part of the County
 4 structure?
 5 **A. I don't know.**
 6 **Q.** Can you estimate five years, two
 7 years, twenty years?
 8 **A. I have no idea.**
 9 **Q.** Do you know whether the Board of
 10 Chosen Freeholders unanimously appointed Michael
 11 Lapolla to be County Manager at the time that you
 12 had expressed an interest in becoming County
 13 Manager?
 14 **A. I believe they did, unanimous.**
 15 **Q.** Unanimous?
 16 **A. I believe so.**
 17 **Q.** Did you have an understanding at the
 18 time that you had expressed an interest to be
 19 County Manager and Michael Lapolla had also
 20 expressed an interest in being County Manager
 21 that the decision was made that he would be the
 22 County Manager and you would be the Deputy County
 23 Manager?
 24 **A. Would you repeat that, please?**
 25 MS. FELLMAN: Could you read it

1 the question.
 2 **A. Let me give you the answer that I know.**
 3 **Michael had asked me prior to the vote if I would**
 4 **consider being his Deputy of which I told him I**
 5 **would.**
 6 **Q.** Okay. And you don't know what
 7 caused Michael Lapolla to ask you that, is that
 8 correct?
 9 **A. Specifically, no.**
 10 **Q.** So this wasn't something that went
 11 to the Board of Chosen Freeholders. You made
 12 your pitch, he made his pitch, and they voted and
 13 selected him, is that correct?
 14 **A. That's correct.**
 15 **Q.** So what happened, it was a pre-made
 16 decision between you and Michael Lapolla because
 17 you had agreed you would be the Deputy and he
 18 would be the County Manager and that is what went
 19 to the Board of Chosen Freeholders?
 20 MR. RENAUD: I object to the form of
 21 the question.
 22 MS. FELLMAN: Well, let me restate
 23 it.
 24 **Q.** When the Board of Chosen Freeholders
 25 elected unanimously Michael Lapolla to be the

1 back?
 2 (Whereupon, the following question
 3 was read back:
 4 "Question: Did you have an
 5 understanding at the time that you had expressed
 6 an interest to be County Manager and Michael
 7 Lapolla had also expressed an interest in being
 8 County Manager that the decision was made that he
 9 would be the County Manager and you would be the
 10 Deputy County Manager?"
 11 MR. RENAUD: I object to the form of
 12 the question. Why don't you try that one again,
 13 Susan?
 14 MS. FELLMAN: Okay.
 15 **Q.** Did you have an understanding that
 16 the decision was made that you would be the
 17 Deputy County Manager and Michael Lapolla would
 18 be the County Manager?
 19 MR. RENAUD: I object to the form of
 20 the question.
 21 You can answer it.
 22 **A. A decision had been made by whom? I don't**
 23 **understand the question.**
 24 **Q.** Within the political arena.
 25 MR. RENAUD: I object to the form of

1 County Manager, it was known at that point that
 2 you had agreed to accept the position of Deputy
 3 County Manager, is that correct?
 4 **A. Between Michael and myself, yes.**
 5 **Q.** Do you know whether the Board of
 6 Chosen Freeholders ever voted whether or not you
 7 should be County Manager?
 8 **A. Not that I know.**
 9 **Q.** So, to the best of your knowledge,
 10 there was never a vote by the Board of Chosen
 11 Freeholders for you to be County Manager, is that
 12 correct?
 13 **A. At that time, correct.**
 14 **Q.** So was there any discussion with
 15 Michael Lapolla or with anybody else when you
 16 agreed to accept the position of Deputy County
 17 Manager that you would be made the County Manager
 18 when he left the position?
 19 **A. No.**
 20 **Q.** As Deputy County Manager, what was
 21 your job?
 22 **A. As Deputy County Manager, I was also the**
 23 **head of the Department of Economic Development.**
 24 **Q.** Was that a new department?
 25 **A. Yes.**

1 Q. What were your job duties as the
 2 Director did you say or the head of the
 3 Department of Economic Development?
 4 A. It was the Director of Economic
 5 Development. It was Deputy County
 6 Manager/Director of Economic Development.
 7 Q. Okay. And the Department of
 8 Economic Development you said was a new
 9 department at that point when you became the
 10 Director of it, correct?
 11 A. Correct.
 12 Q. What were your job duties as the
 13 Director of the Department of Economic
 14 Development?
 15 A. To help and encourage business investment.
 16 We also had the Division of Community Affairs,
 17 the Division of CDBG, Community Development Block
 18 Grants was there which also had housing funds and
 19 economic development funds that could be used in
 20 different ways. There was a, I think it was
 21 called a SEDS or SIDS Committee that produced an
 22 economic development study that would allow
 23 projects to be applied for Federal development
 24 dollars and liaison with the Union County
 25 Economic Development Corporation, and I guess I

1 when you performed that type of function where
 2 you bridged between the County Manager and the
 3 department or the division?
 4 A. I believe, I just don't recall the timing,
 5 I believe some of the public relations aspects.
 6 We had a Union County Alliance which also got
 7 involved in economic development and helped to
 8 promote the County. I believe that was as the
 9 Deputy. We implemented a signage program with
 10 our parks around the county to help bring
 11 awareness to what county parks were. I'm sure
 12 there are others. The list, it's not
 13 all-inclusive. It's more of a general statement
 14 of what.
 15 Q. Now, in connection with this
 16 lawsuit, have you spoken to anyone, other than
 17 Counsel, about anything that went on when you
 18 were employed by the County of Union?
 19 A. No.
 20 Q. Have you spoken to Ms. DeFillippo
 21 since this lawsuit was filed?
 22 A. Other than that the lawsuit had been
 23 filed, not with any specificity, though.
 24 Q. You didn't discuss any details of
 25 your interactions with her throughout the years?

1 would work on any other assignments that the
 2 County Manager would deem appropriate.
 3 Q. Okay. Other than those jobs that
 4 you performed in your capacity as Director of
 5 Department of Economic Development, did you
 6 perform any other duties in your job as the
 7 Deputy County Manager?
 8 A. I don't understand the question.
 9 Q. Well, you told me that your job
 10 title was Deputy County Manager/Director of the
 11 Department of Economic Development, correct?
 12 A. Correct.
 13 Q. And you've told me what the job
 14 duties were in relation to your job as Director
 15 of the Department of Economic Development,
 16 correct?
 17 A. Right.
 18 Q. Did you have any other duties in
 19 addition to those?
 20 A. I mentioned anything that the County
 21 Manager would ask me to do which might cross
 22 along other department lines as the Deputy, I
 23 guess I was the one that could help bridge other
 24 departments on occasion.
 25 Q. Do you recall any specific instance

1 A. I'm sorry?
 2 Q. Did you discuss with Ms. DeFillippo
 3 after this lawsuit was filed any of your
 4 interactions with her?
 5 A. No.
 6 Q. Have you had any discussions with
 7 your uncle, Mr. Lesniak, since this lawsuit has
 8 been filed?
 9 A. No.
 10 Q. Have you reviewed any documents
 11 related to your employment or this lawsuit?
 12 A. Very few.
 13 Q. Did you review the deposition of
 14 Mr. Lapolla?
 15 A. No.
 16 Q. Let me show you what has been marked
 17 as your Answers to Interrogatories, they've been
 18 marked Devaney-1, and ask you to just look at
 19 that, sir, as you can see, the cover letter that
 20 was sent by your counsel. I would just ask if
 21 you could review that and see if those appear to
 22 be your answers and then we'll look at your
 23 signature.
 24 (Plaintiff's First Set of
 25 Interrogatories to Defendant George Devaney

1 received and marked as Exhibit Devaney-2 for
 2 Identification.)
 3 Q. Sir, have you had a chance to review
 4 those Answers to Interrogatories?
 5 A. Yes.
 6 Q. And can you identify your signature
 7 on the last page?
 8 A. Yes.
 9 Q. And do you recall reviewing these
 10 Answers to Interrogatories?
 11 A. Yes.
 12 Q. And to the best of your
 13 recollection, are they accurate?
 14 A. Yes.
 15 Q. And when you answered these
 16 Interrogatories, did you answer them as
 17 accurately and fully as you were able?
 18 A. Yes.
 19 Q. I'm going to show you what has been
 20 marked Devaney-2 and these are the questions
 21 that you provided the answers to. Let me just
 22 show it to you so Counsel can see that and we'll
 23 just go over them. You don't need to study the
 24 questions.
 25 A. Okay.

1 people.
 2 Michael Brennan, what knowledge do
 3 you believe he has that's relevant to this
 4 lawsuit?
 5 A. Michael was assigned by Director Graziano
 6 to supervise and oversee Mr. Lapolla's assignment
 7 to the juvenile detention facility and its
 8 maintenance.
 9 Q. Hold on just a second.
 10 MS. FELLMAN: Could you read back?
 11 "Assigned by Director Graziano" to what?
 12 (Whereupon, the following answer was
 13 read back:
 14 "Answer: Michael was assigned by
 15 Director Graziano to supervise and oversee
 16 Mr. Lapolla's assignment to the juvenile
 17 detention facility and its maintenance.")
 18 Q. All right. Have you spoken to
 19 Mr. Michael Brennan at all about anything related
 20 to this lawsuit?
 21 A. No.
 22 Q. Okay. What does Mr. Neil Palmieri
 23 know? What is his knowledge?
 24 A. Neil has just been a long-time employee of
 25 the department that Ricky was the Director of and

1 Q. I'm sure Mr. Renaud will verify that
 2 those were the questions.
 3 MS. FELLMAN: Is that correct,
 4 Mr. Renaud?
 5 MR. RENAUD: They appear to be the
 6 questions that we answered.
 7 A. Yeah.
 8 Q. Thank you, sir.
 9 Let me just tell you that
 10 Interrogatory Number 2 asks you to identify every
 11 person who you believe has knowledge of
 12 applicable facts whether raised by plaintiff or
 13 defendant, and then Number 3 asks for you to set
 14 forth separately and in detail the knowledge each
 15 person has. You can check that out yourself, and
 16 I'd like to go over these answers with you.
 17 Do you see Question Number 2 and
 18 Question Number 3?
 19 A. Yes.
 20 Q. Okay. Let's start with Question
 21 Number 2. You have identified persons with
 22 knowledge of facts relevant to this lawsuit,
 23 correct?
 24 A. Yes.
 25 Q. All right. Let's go over the

1 continues to work currently with Director
 2 Graziano.
 3 Q. When you say "Ricky," who do you
 4 mean?
 5 A. I'm sorry. Mr. Lapolla, Ricky.
 6 Q. What knowledge do you believe he has
 7 that's relevant to this lawsuit?
 8 A. I don't know specifically.
 9 Q. Do you know whether he has any
 10 knowledge of Mr. Lapolla, the plaintiff, whether
 11 he has any knowledge of his performance?
 12 A. Yes.
 13 Q. Okay. What knowledge does he have
 14 of Mr. Lapolla's performance?
 15 A. Neil worked with Mr. Lapolla for quite
 16 some time.
 17 Q. Okay. Do you know any specific
 18 knowledge that he has with regard to
 19 Mr. Lapolla's performance?
 20 A. As I said, he was involved with
 21 Mr. Lapolla on a day-to-day basis. So,
 22 specifically, no, I don't know what you're
 23 referring to, but.
 24 Q. And what job was Mr. Lapolla holding
 25 at that time that Mr. Palmieri and he worked

1 together?

2 **A. He was the Director.**

3 **Q.** Mr. Lapolla was the Director?

4 **A. Yes.**

5 **Q.** Of which department?

6 **A. I don't recall what the department was called at the time. Facilities and Operations I believe.**

7 **Q.** The Department of Operations & Facilities, is that correct?

8 **A. Close, yeah.**

9 **Q.** Have you spoken to Mr. Palmeiri about any of the facts of this case?

10 **A. No.**

11 **Q.** Were you aware at the time that Mr. Lapolla was the Director of the Department of Operations & Facilities, were you aware of any complaints by Mr. Palmeiri about Mr. Lapolla's performance?

12 **MR. RENAUD:** I'm sorry. Can you read that question back?

13 (Whereupon, the following question was read back:

14 "Question: Were you aware at the time that Mr. Lapolla was the Director of the

15 together?

16 **A. He was the Director.**

17 **Q.** Mr. Lapolla was the Director?

18 **A. Yes.**

19 **Q.** Of which department?

20 **A. I don't recall what the department was called at the time. Facilities and Operations I believe.**

21 **Q.** The Department of Operations & Facilities, is that correct?

22 **A. Close, yeah.**

23 **Q.** Have you spoken to Mr. Palmeiri about any of the facts of this case?

24 **A. No.**

25 **Q.** Were you aware at the time that Mr. Lapolla was the Director of the

1 Department of Operations & Facilities, were you aware of any complaints by Mr. Palmeiri about Mr. Lapolla's performance?)

2 **MR. RENAUD:** That's fine. You can answer that.

3 **A. No.**

4 **Q.** Did he ever complain to you about or communicate to you that in his opinion Mr. Lapolla was not performing his job appropriately?

5 **A. No.**

6 **Q.** What is your relationship with Mr. Palmeiri?

7 **MR. RENAUD:** I'll object to the form of the question.

8 **Q.** Do you have a personal, a social relationship with him?

9 **A. No. Today, no.**

10 **Q.** When did you last have a social relationship with Mr. Palmeiri?

11 **A. Maybe five years ago.**

12 **Q.** Okay. Have you seen him in the last five years?

13 **A. I've seen him.**

14 **Q.** But you no longer have a social

1 relationship with him?

2 **A. No.**

3 **Q.** And what is the reason for that?

4 **A. There's no reason.**

5 **Q.** But up until approximately five years ago were the two of you friendly?

6 **A. Yes.**

7 **Q.** And were you friends?

8 **A. Yes.**

9 **Q.** And did you go out together socializing?

10 **A. On occasion. It was not anything that was on a consistent basis.**

11 **Q.** And how many years did that go on?

12 **A. I don't know.**

13 **Q.** Okay. The next person on your list is Gregg Lyons. What knowledge do you believe Mr. Lyons has that's relevant to this lawsuit?

14 **A. He was the head of the juvenile detention facility when Mr. Lapolla was assigned there.**

15 **Q.** What was his title at that time?

16 **A. I believe he was the Director of the facility.**

17 **Q.** Okay. Director of the juvenile detention facility?

18 **A. Yes.**

19 **Q.** And did you go out together socializing?

20 **A. On occasion. It was not anything that was on a consistent basis.**

21 **Q.** And how many years did that go on?

22 **A. I don't know.**

23 **Q.** Okay. The next person on your list is Gregg Lyons. What knowledge do you believe Mr. Lyons has that's relevant to this lawsuit?

24 **A. He was the head of the juvenile detention facility when Mr. Lapolla was assigned there.**

25 **Q.** What was his title at that time?

1 **A. Yes.**

2 **Q.** Was that facility a County of Union facility?

3 **A. Yes.**

4 **Q.** Was Mr. Lyons an employee of the County of Union?

5 **A. Yes.**

6 **Q.** Did Mr. Lyons work out of the facility, the juvenile detention facility, or was his office somewhere else?

7 **A. I don't know.**

8 **Q.** Who did he report to, Mr. Lyons, in his position as head of the juvenile detention facility?

9 **A. Frank Guzzo.**

10 **Q.** Frank Guzzo?

11 **A. Correct.**

12 **Q.** And what was Mr. Guzzo's position?

13 **A. Department head for the Department of Human Services.**

14 **Q.** Have you spoken to Mr. Lyons about any of the facts related to this lawsuit?

15 **A. No.**

16 **Q.** What knowledge do you believe that Mr. Lyons has that's relevant to this lawsuit?

1 You've told me what his job was, but what do you believe he would know about that's relevant to this lawsuit?

2 **A. I don't specifically know.**

3 Did you ever speak with Mr. Lyons when Mr. Lapolla was assigned to the juvenile detention facility, did you ever speak to Mr. Lyons about the performance of Mr. Lapolla?

4 **A. No.**

5 Did you ever speak to Frank Guzzo about Mr. Lapolla's performance while he was assigned to the juvenile detention facility?

6 **A. No.**

7 Who was Mr. Lapolla's supervisor when he was assigned to the juvenile detention facility?

8 **A. He, Gregg Lyons, ran the facility, however, the maintenance of the facility fell within the Department of Engineering & Public Works, so the maintenance was a report to Michael Brennan."**

9 Mr. Lapolla was assigned to the juvenile detention facility about Mr. Lapolla's performance?

10 **A. No.**

11 Did you ever speak to Frank Guzzo about Mr. Lapolla's performance while he was assigned to the juvenile detention facility?

12 **A. No.**

13 Did you ever speak to Frank Guzzo about Mr. Lapolla's performance while he was assigned to the juvenile detention facility?

14 **A. No.**

15 Did you ever speak to Frank Guzzo about Mr. Lapolla's performance while he was assigned to the juvenile detention facility?

16 **A. No.**

17 Is it your understanding that Mr. Lapolla's direct supervisor when he was assigned to the juvenile detention facility was Michael Brennan?

18 **A. Yes.**

19 And that's because Michael Brennan was the head of the Department of Engineering & Public Works?

20 **A. Yes.**

21 So if we were to look at an

22 **Q.**

23 **A. Yes.**

24 **Q.**

25 **A. Yes.**

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1 organizational chart at the time that Mr. Lapolla was assigned to the juvenile detention facility,

2 we would see that the most head of that type of facility would be the Department of Engineering & Public Works?

3 **A. No.**

4 No, that's not correct?

5 **A. Correct.**

6 And what was their role, Department of Engineering & Public Works?

7 **A. They were in charge of the maintenance and operations of the facility.**

8 Of which kind of facility?

9 **A. Juvenile detention, the police building, Runnells Hospital. County facilities as a whole. The courts.**

10 What kind of people were employed in the Department of Engineering & Public Works?

11 **Q.**

12 MR. RENAUD: I object to the form of the question.

13 **Q.**

14 They were in charge of the

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1 **Brennan.**

2 **Q.** Okay.

3 MS. FELLMAN: I need to get that straight. Would you read that back?

4 (Whereupon, the following answer was read back:

5 "Answer: He, Gregg Lyons, ran the facility, however, the maintenance of the facility fell within the Department of Engineering & Public Works, so the maintenance was a report to Michael Brennan.")

6 So did you ever speak to Mr. Michael Brennan about Mr. Lapolla's performance while he was assigned to the juvenile detention facility?

7 **A. No.**

8 Is it your understanding that Mr. Lapolla's direct supervisor when he was assigned to the juvenile detention facility was Michael Brennan?

9 **A. Yes.**

10 And that's because Michael Brennan was the head of the Department of Engineering & Public Works?

11 **A. Yes.**

12 So if we were to look at an

13 **Q.**

14 **A. Yes.**

15 Anybody who did construction or was

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1 maintenance and operations, correct?

2 **A. Correct.**

3 MR. RENAUD: I object to the form of the question. Do you want to ask him what jobs they held? I mean, "What kind of people" is an odd question.

4 MS. FELLMAN: That's why I'm restating it.

5 What kind of job titles, maintenance men? Which kind of job titles reported to the Department of Engineering & Public Works?

6 **A. I don't specifically have the job titles. It was everything. There were maintenance and there were supervisory positions.**

7 What was Mr. Lapolla's job title when he was assigned to the juvenile detention facility?

8 **A. I don't recall.**

9 What type of trades worked in the Department of Engineering & Public Works?

10 Plumbers?

11 **A. Yes.**

12 **Q.** Electricians?

13 **A. Yes.**

14 Anybody who did construction or was

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1 that a different department?
 2 **A. At that time that was within that**
 3 **department, yes.**
 4 **Q.** The custodians?
 5 **A. Yes.**
 6 **Q.** Carpenters?
 7 **A. Yes.**
 8 **Q.** Okay. And other trades, is that
 9 correct?
 10 **A. Yes.**
 11 **Q.** And those trades reported to
 12 supervisors, direct supervisors?
 13 **A. Yes.**
 14 **Q.** And there was a supervisor of the
 15 plumbers?
 16 **A. I don't recall. You're getting into a**
 17 **level of detail I just don't know.**
 18 **Q.** Okay. But Mr. Michael Brennan was
 19 the head of that department?
 20 **A. Yes.**
 21 **Q.** And he reported directly to you?
 22 **A. No.**
 23 **Q.** No. Who did he report to?
 24 **A. Director Graziano.**
 25 **Q.** Oh, that's right.

1 So we've got Michael Brennan. What
 2 was his title, Director of the Department of
 3 Engineering & Public Works?
 4 **A. I don't know.**
 5 **Q.** And he reported to Mr. Graziano who
 6 was the department head for the Department of
 7 Human Services?
 8 **A. No.**
 9 **Q.** No?
 10 **A. Frank Guzzo was department head of Human**
 11 **Services.**
 12 **Q.** I'm sorry. You said he reported to
 13 Mr. Graziano?
 14 **A. Correct.**
 15 **Q.** And what was Mr. Graziano's title?
 16 **A. He was the Department Director.**
 17 **Q.** For Engineering & Public Works?
 18 **A. Yes. I'm not sure if that was the total**
 19 **name. I think it may have been Engineering,**
 20 **Public Works & Facilities at that time.**
 21 **Q.** Okay. And what was Mr. Graziano's
 22 first name?
 23 **A. Joe. Joseph.**
 24 **Q.** And Mr. Graziano reported to you?
 25 **A. Yes.**

1 **Q.** The plumbers, the electricians,
 2 construction workers, other trades reported to
 3 supervisors who reported to Mr. Brennan, is that
 4 correct?
 5 **A. I believe that's the case.**
 6 **Q.** Okay. And who did Mr. Lapolla
 7 report to?
 8 **A. Michael Brennan.**
 9 **Q.** Did Mr. Lapolla have anyone
 10 reporting to him when he was in the juvenile
 11 detention facility?
 12 **A. Yes, the people that were in charge of the**
 13 **maintenance of the facility or who performed the**
 14 **maintenance.**
 15 **Q.** So when Mr. Lapolla was assigned to
 16 the juvenile detention facility he was a
 17 supervisor?
 18 **A. Yes.**
 19 **Q.** And the maintenance workers at the
 20 facility reported to him?
 21 **A. Yes.**
 22 **Q.** Do you know who those people were?
 23 **A. No.**
 24 **Q.** Do you know how many there were?
 25 **A. No.**

1 **Q.** Do you know what trades they were?
 2 **A. No.**
 3 **Q.** Before Mr. Lapolla became the
 4 supervisor of the maintenance people working at
 5 the juvenile detention facility who was their
 6 supervisor?
 7 **A. I don't know. I don't believe they had**
 8 **one.**
 9 **Q.** Did they report directly to
 10 Mr. Brennan?
 11 **A. I don't know.**
 12 **Q.** Is it possible that the trades were
 13 split and some of the trades reported directly to
 14 Mr. Palmieri and some of the trades reported to
 15 Mr. Brennan?
 16 **A. It's possible.**
 17 **Q.** And the supervisors of these trades
 18 and maintenance people would have reported to
 19 Mr. Brennan and/or Mr. Palmieri, correct?
 20 **A. Correct.**
 21 **Q.** And Mr. Brennan and Mr. Palmieri
 22 reported to Mr. Graziano?
 23 **A. Correct.**
 24 **Q.** How did it come to be that
 25 Mr. Lapolla was assigned to the juvenile

1 detention facility?
 2 MR. RENAUD: Object to the form of
 3 the question.
 4 **A. He had previously been assigned to the**
 5 **County Vo-Tech and I had been informed by the**
 6 **superintendent that the need for that position**
 7 **was reaching an end and that we had to then**
 8 **reassign him.**
 9 **Q.** Who informed you that that position
 10 that Mr. Lapolla was assigned to at the vo-tech
 11 was reaching an end?
 12 **A. Tom Bistocchi.**
 13 **Q.** We'll get into that in a little bit.
 14 It was your decision where to assign
 15 Mr. Lapolla next, correct?
 16 **A. Correct.**
 17 **Q.** So you're the one who assigned
 18 Mr. Lapolla to the juvenile detention facility,
 19 correct?
 20 **A. Correct.**
 21 **Q.** And when you made that decision,
 22 what did you base that decision on? What did you
 23 base the decision on to assign Mr. Lapolla to the
 24 juvenile detention facility?
 25 **A. That there was a general need for someone**

1 **Q.** When is the first time any of these
 2 people you've just mentioned identified to you
 3 that there was a need for this type of work?
 4 **A. After I had been notified by Dr. Bistocchi**
 5 **that Mr. Lapolla's assignment was coming to an**
 6 **end.**
 7 **Q.** So tell me about what happened after
 8 that. So you became aware from Mr. Bistocchi
 9 that the vo-tech project was coming to an end?
 10 **A. Correct.**
 11 **Q.** So what happened next that led to
 12 your decision to assigning Mr. Lapolla to the
 13 juvenile detention facility?
 14 **A. I had conversations with Mr. Graziano,**
 15 **Mr. Guzzo, Ms. Genievich, to come up with some**
 16 **ideas on what would be an appropriate position**
 17 **for Mr. Lapolla to be assigned to.**
 18 **Q.** Were there any job openings for
 19 director heads or department heads at that point?
 20 **A. I don't know.**
 21 **Q.** Did you look into that?
 22 **A. No.**
 23 **Q.** Can you relate the content of any of
 24 the conversations you had with any of these
 25 people that you've mentioned after you found out

1 **to be doing that type of work and that was a fit**
 2 **with his qualifications and skill.**
 3 **Q.** When you say there was a need for
 4 someone to do that type of work, what type of
 5 work are you speaking of?
 6 **A. To oversee the maintenance of the juvenile**
 7 **detention facility and the operation.**
 8 **Q.** How long had that need existed, as
 9 far as you recall?
 10 **A. I don't know. It's a relatively new**
 11 **building, so I don't believe -- as I said, there**
 12 **was nobody, nobody held that position previously.**
 13 **Q.** Do you know whether or not the
 14 personnel at the juvenile detention facility
 15 actually reported to Mr. Palmieri?
 16 **A. I don't know.**
 17 **Q.** Is it that you don't recall or you
 18 don't know?
 19 **A. I don't know.**
 20 **Q.** Well, you would have known at the
 21 time whether or not the personnel at the juvenile
 22 detention facility would have reported to
 23 Mr. Palmieri, correct?
 24 MR. RENAUD: Objection to the form
 25 of the question.

1 **A. No.**
 2 **Q.** You would not have known that?
 3 **A. No.**
 4 **Q.** Well, if you knew that there was a
 5 need for someone to do that type of work at the
 6 juvenile detention facility, wouldn't you need to
 7 know what was in place at the time?
 8 **A. In my conversations with Director Guzzo,**
 9 **Deputy County Manager Genievich, Director**
 10 **Graziano, this was a need that they identified to**
 11 **me, and, therefore, I made a decision to assign**
 12 **Mr. Lapolla there.**
 13 **MS. FELLMAN:** Could you read that
 14 back, please?
 15 (Whereupon, the following answer was
 16 read back:
 17 "Answer: In my conversations with
 18 Director Guzzo, Deputy County Manager Genievich,
 19 Director Graziano, this was a need that they
 20 identified to me, and, therefore, I made a
 21 decision to assign Mr. Lapolla there."
 22 **Q.** Did any of these people that you
 23 just mentioned identify this need to you in any
 24 sort of a written communication?
 25 **A. Not that I recall.**

1 that the vo-tech position was ending?
 2 **A. I don't recall specific content.**
 3 **Q.** Do you recall anything about it?
 4 **A. No.**
 5 **Q.** Over what period of time did these
 6 discussions go, a week, two weeks, a month,
 7 couple of days, one day?
 8 **A. I don't know with any certainty. It was**
 9 **not a day or two days. Maybe a couple weeks,**
 10 **maybe a month.**
 11 **Q.** Were any of these discussions at any
 12 formal meetings?
 13 **A. No.**
 14 **Q.** Did you have any formal meetings
 15 with the Deputy County Manager during this point
 16 in time?
 17 **A. I talked to the Deputy County Manager**
 18 **every day. I don't understand what you mean by**
 19 **formal meetings.**
 20 **Q.** Obviously, you would have talked to
 21 her, so I'm saying were there any scheduled
 22 formal meetings where you had all your directors
 23 like once a week or once a month where you got
 24 all your department heads or your directors
 25 together with your County Manager?

1 **Freeholders' schedule. So if the Freeholders had**
 2 **two formal meetings a month, there would be two**
 3 **department head meetings.**
 4 **Q.** Were there any notes taken or
 5 minutes taken of your department head meetings?
 6 **A. I don't believe so.**
 7 **Q.** And when you say that your
 8 department head meetings corresponded to the
 9 Freeholders' meetings, what was the reason for
 10 that?
 11 **A. To go over items that were going to be on**
 12 **the Freeholders' agenda for public vote.**
 13 **Q.** For you to make the decision to move
 14 Mr. Lapolla into the juvenile detention facility,
 15 did that require a Freeholder vote?
 16 **A. No.**
 17 **Q.** Did you ever speak to Ms. DeFilippo
 18 about where Mr. Lapolla should go after his
 19 vo-tech position ended?
 20 **A. No.**
 21 **Q.** So you had informal meetings with
 22 these various people, conversations with Director
 23 Guzzo, County Manager Genievich, Director
 24 Graziano about what they thought would be an
 25 appropriate place for Mr. Lapolla to be placed,

1 **A. I did have regular department head**
 2 **meetings.**
 3 **Q.** Okay. So at any of those regular
 4 department head meetings was this ever discussed
 5 about where Mr. Lapolla should be assigned when
 6 the vo-tech position ended?
 7 **A. Not that I recall.**
 8 **Q.** Was Ms. Genievich at any of those
 9 meetings?
 10 **A. I just said I don't recall any meetings at**
 11 **which this was discussed.**
 12 **Q.** Okay. But would she normally be at
 13 any of these meetings?
 14 **A. At the department head meetings?**
 15 **Q.** Yes.
 16 **A. Yes.**
 17 **Q.** And would Director Guzzo be at those
 18 department head meetings?
 19 **A. Yes.**
 20 **Q.** And would Deputy Graziano be at
 21 those department head meetings?
 22 **A. Yes.**
 23 **Q.** And how often did you have those
 24 department head meetings?
 25 **A. They were generally ran with the**

1 is that correct?
 2 **A. Correct.**
 3 **Q.** But you never discussed that with
 4 them in any of your formal meetings that you had
 5 at least twice a month with these department
 6 heads and these same people, correct?
 7 **A. Not that I recall, no.**
 8 **Q.** And you indicated that you said
 9 there was a need for someone to do this type of
 10 work. Is the work overseeing the maintenance of
 11 the juvenile detention facility? Was that the
 12 work?
 13 **A. Yes.**
 14 **Q.** How long had that juvenile detention
 15 facility been in operation at that point?
 16 **A. I don't know.**
 17 **Q.** Was it a year, two years, three
 18 years? You don't recall?
 19 **A. I don't recall.**
 20 **Q.** If we wanted to find out when the
 21 juvenile detention facility opened, how would we
 22 do that?
 23 **A. I'm sure the County has records as to when**
 24 **it formally opened.**
 25 **Q.** And as you sit here today, you don't

1 recall who the maintenance people reported to
 2 prior to Mr. Lapolla being assigned to the
 3 facility, is that correct?
 4 **A. That's correct.**
 5 **Q.** But you would have known that at the
 6 time that you made the decision for Mr. Lapolla
 7 to be assigned to the juvenile detention
 8 facility, is that correct?
 9 MR. RENAUD: I object to the form of
 10 the question.
 11 **A. I think I answered no on that question**
 12 **previously.**
 13 **Q.** Let me ask you this, if you decided
 14 as the County Manager that there was a need, what
 15 did you base that on if you didn't know who these
 16 people were reporting to?
 17 **A. I already said I based it upon my**
 18 **conversations with Director Guzzo, Ms. Genievich,**
 19 **Director Graziano. And Director Guzzo conveyed**
 20 **to me that he had spoken to Gregg Lyons about**
 21 **this. I relied on my department heads.**
 22 **Q.** Mr. Guzzo told you he had spoken to
 23 Gregg Lyons about this?
 24 **A. Correct.**
 25 **Q.** Did any of them, other than just

1 had existed due to the fact that there was not
 2 someone on site at the facility to oversee the
 3 maintenance on a day-to-day basis at the juvenile
 4 detention facility?
 5 **A. No.**
 6 **Q.** So the department heads and people
 7 you spoke to told you that this was a position
 8 that Mr. Lapolla could be assigned to because it
 9 fit his job description?
 10 **A. Yes.**
 11 **Q.** And that there was no one to oversee
 12 the maintenance on a day-to-day basis at the
 13 juvenile detention facility, is that correct?
 14 **A. Correct.**
 15 **Q.** But no one ever told you that that
 16 created any problem, is that correct?
 17 **A. That's correct.**
 18 **Q.** How much was Mr. Lapolla being paid
 19 at that time?
 20 **A. I don't know.**
 21 **Q.** Does 120 some thousand dollars sound
 22 about right?
 23 **A. Yes.**
 24 **Q.** Was anyone else considered for this
 25 position that Mr. Lapolla was assigned to in the

1 giving you their bottom line opinion that this
 2 was a need that Mr. Lapolla could fill if he were
 3 assigned to the juvenile detention facility, did
 4 any of these department heads or people you spoke
 5 to ever give you any reason why they believed
 6 that this was a need that Mr. Lapolla could fill?
 7 **A. Again, it was conveyed to me that this was**
 8 **a position that would fit his qualifications and**
 9 **skills and job title.**
 10 **Q.** But what I'm asking you is did any
 11 of these people that you spoke to and relied on
 12 ever express to you what the need was for
 13 Mr. Lapolla to be moved into this position of the
 14 juvenile detention facility?
 15 **A. Other than it was a major County facility**
 16 **and there was nobody to oversee its maintenance**
 17 **on a day-to-day basis, to me, that was all the**
 18 **need I needed.**
 19 **Q.** So you understood that no one was
 20 overseeing the maintenance of the juvenile
 21 detention facility on a day-to-day basis at the
 22 time that this decision was made to assign
 23 Mr. Lapolla to this position?
 24 **A. Correct.**
 25 **Q.** Were you aware of any problems that

1 juvenile detention facility?
 2 **A. No.**
 3 **Q.** Before you were advised by
 4 Mr. Bistocchi that the vo-tech position was
 5 reaching its end had you considered putting
 6 anyone in the position at the juvenile detention
 7 facility to oversee the maintenance on a
 8 day-to-day basis?
 9 **A. No.**
 10 **Q.** Had any of your department heads or
 11 people you relied on ever advised you, prior to
 12 your being told that the vo-tech position was
 13 coming to an end, that there was no one on the
 14 facility on a day-to-day basis overseeing the
 15 maintenance?
 16 **A. No.**
 17 **Q.** And I assume that no one had ever
 18 told you about any problem with an absence of
 19 someone on site to oversee the maintenance of the
 20 Juvenile Detention Center, is that correct?
 21 **A. Correct.**
 22 **Q.** Did you consider any other position
 23 for Mr. Lapolla when the vo-tech job came to an
 24 end?
 25 **A. I don't recall.**

1 Q. So if we go back to the list of persons that you have identified, you've listed Ronald Zuber, is that correct?

2 A. Yes.

3 Q. And what is Mr. Zuber's knowledge, that you're aware of, that's relevant to this lawsuit?

4 A. Mr. Zuber was an employee I had assigned to Mr. Lapolla's department to help facilitate the operations and liaison with the County Manager's office. And Mr. Zuber also made many, was participatory in recommendations on changes that were made in that department.

5 MS. FELLMAN: Debbie, you have to read that back.

6 (Whereupon, the following answer was read back:

7 "Answer: Mr. Zuber was an employee I had assigned to Mr. Lapolla's department to help facilitate the operations and liaison with the County Manager's office. And Mr. Zuber also made many, was participatory in recommendations on changes that were made in that department.")

8 Q. You assigned Mr. Zuber to Mr. Lapolla's department, correct?

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1 A. Correct.

2 Q. What department are you speaking of?

3 A. When Mr. Lapolla was department head for Operations & Facilities.

4 Q. Okay. And Mr. Zuber's job when you assigned him to Mr. Lapolla's department when Mr. Lapolla was Director of Operations & Facilities, Mr. Zuber's job was to facilitate the operations?

5 A. Yes.

6 Q. In what way?

7 A. I had sent him there to try to help improve the communications between that department and the County Manager's office and the policies that we were implementing.

8 Q. What had Mr. Zuber's position been before that?

9 A. He was the head of Labor Compliance.

10 Q. Was Mr. Zuber a personal friend of yours?

11 A. Yes.

12 Q. Was Mr. Lapolla, the plaintiff in this case, a personal friend of yours?

13 A. Yes.

14 Q. Why was it that you wanted to assign

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1 Mr. Zuber to Mr. Lapolla's department?

2 A. Because I felt Mr. Zuber had an understanding of the goals that I was seeking to accomplish and would be helpful to Mr. Lapolla.

3 Q. What were the goals you were seeking to accomplish?

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7 A. When I became County Manager I instituted regular department head meetings, which we previously talked about. My style of management was one of being involved in policies and day-to-day operations of departments. And Lapolla's department was a department which had a number of areas where there had been some troubles.

8 Q. Okay. So let's talk about the goals first. What were your goals? You said that Mr. Zuber understood the goals you were trying to achieve, trying to accomplish, and then I asked you what the goals were and you said, well, you had instituted department head meetings and that you wanted to be involved in the policies of the departments?

9 A. Well, yes. Part of my department head meetings was to go over items that were on the Freeholder agenda. The Freeholders vote on

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1 policies which are in essence the resolutions that come from departments. So I was involved in initiatives that were coming from the departments.

2 Q. Is a department head the same as department director?

3 A. Yes.

4 Q. So before you became County Manager, is it your understanding that the department heads could, on their own, put initiatives to the Board of Freeholders for a vote?

5 A. No, that's not the case. It all has to go through the County Manager's office.

6 Q. So what was it that you wanted to do that was different than what had been done before?

7 A. I held meetings and identified and talked to departments prior to the Freeholder meetings to review those initiatives.

8 Q. Well, the initiatives that you said before you became County Manager had to be reviewed by the County Manager and approved, correct?

9 A. Correct.

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1 Q. So the only difference is that you did it at a meeting before the Freeholders met?

2 A. Yes.

3 Q. But the County Manager having to give his or her approval to any initiative by a department head, that had gone on before you?

4 A. Correct. It was just a change in style.

5 Q. The style was you wanted to do it in a meeting before?

6 A. With some give and take and discussion between departments, yes.

7 Q. So that was one of your goals when you became County Manager that you felt Mr. Zuber understood?

8 A. Yes.

9 Q. Well, what was it about that goal? The goal was to have a meeting for give and take? What was the goal?

10 A. The goal was to have that open communication and transparency about what was going on in government.

11 Q. Okay. So how did your meetings further that goal?

12 A. Well, while I was County Manager there were instances that were brought to my attention

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1 in the manner in which contracts were procured, items were purchased, awarding of on-call services distributed that were contrary to what we felt -- that often cases were contrary to what was permitted by law.

2 Q. Okay.

3 A. There was often times where there was no accountability on outside vendors and the work they were performing at our facilities.

4 Q. Anything else?

5 A. I believe there are other things that have been documented that I'm just not thinking of.

6 Q. Okay. So the goals didn't have anything to do with your department head meetings, the goal had to do with what you perceived were some deficiencies or illegalities going on?

7 A. One of my goals was for us to work together as a team, and it was my feeling that the Department of Operations & Facilities continued to operate on its own.

8 Q. Okay. And what caused you to come to that conclusion?

9 A. There were numerous, I had numerous memos and discussions with Mr. Lapolla that just things

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1 were not adhered to and we made policy changes as a result.

2 Q. Okay. Did you find out about the lack of accountability or the problem with awarding of services contrary to what was permitted, etcetera, did you find that out first or did you determine that the Department of Operations & Facilities was working on its own? Which came first or how did this all come up?

3 A. I don't recall. It all happened over a lengthy period of time, so it was just something that finally rolled out and was problematic.

4 Q. Well, what's the first instance you recall that you believe was a problem?

5 A. I don't --

6 Q. Well, give me some examples, then, of any of the problems that you determined were in the Department of Operations & Facilities.

7 A. Allowing vendors who performed services to purchase goods and mark them up by 15 percent. Can you explain that to me in layman's terms?

8 A. If an electrician or a carpenter was doing work at our facility and you needed an air conditioner, that that vendor would be permitted

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1 to purchase an air conditioner and then mark that price up by 15 percent to the County.

2 Q. Okay. Did the contractor get paid for buying the part and installing it?

3 A. They got paid for then installing it and buying it plus the 15 percent.

4 Q. Do you know how long that had been going on where vendors who performed services and goods received a 15 percent markup?

5 A. I don't know how long it had been going on.

6 Q. Do you know whether it had been going on throughout the time that Mr. Michael Lapolla was the County Manager?

7 A. I believe it to be the case.

8 Q. Was Ann Baran the County Manager before Michael Lapolla?

9 A. Yes.

10 Q. Do you know whether or not that was going on when Ann Baran was County Manager?

11 A. I don't know.

12 Q. Do you know whether or not that is layman's terms?

13 A. If an electrician or a carpenter was doing work at our facility and you needed an air conditioner, that that vendor would be permitted

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1 **A. No.** Was this something that was being hidden or was it just something that was done?
 2 **Q.** MR. RENAUD: I object to the form of the question.
 3 **Q.** Let me back up a minute. When a vendor performs services or goods, who was in charge of approving hiring them or accepting that vendor as the provider?
 4 **A. No.** MR. RENAUD: I object to the form of the installation of an air conditioner?
 5 **A. The department head, whatever department head procured this.**
 6 **Q.** Did vendors have to bid on that being the purchaser and installer of an air conditioner?
 7 **A. No.** MR. RENAUD: I object to the form of MR. RENAUD: I object to the form of

1 **A. Correct.** So if there's bidding involved and you get the lowest bid, who was the one to make that decision?
 2 **Q.** Okay. So if there's bidding involved and you get the lowest bid, who was the one to make that decision?
 3 **A. The Board of Freeholders would award the contract.** But we're talking about an air conditioner. You already said the Board of Freeholders would not award the contract for an air conditioner?
 4 **A. Generally, in the day-to-day operations, there was a problem with accountability on number of hours that the vendor would have employees working on site and the amount of materials that were purchased being large sums of money that could have and should have gone to bid as opposed to being time and materials on their contracts.** I apologize that I don't have a clue what you just said.
 5 **A. I might not be the person to answer the question in the detail that you're looking for.** I just need to understand what it is you're talking about here. You're the one who said there was a problem, so you must have understood what the problem was at the time,

1 **A. No.** Was this something that was being hidden or was it just something that was done?
 2 **Q.** Let's say there was an air conditioner like you mentioned.
 3 **A. Right.** There had to be an air conditioner put in someplace, would that have to be approved by the Board of Freeholders?
 4 **A. No.** Well, who approved the purchase of the installation of an air conditioner?
 5 **A. The department head, whatever department head procured this.** Did vendors have to bid on that being the purchaser and installer of an air conditioner?
 6 **Q.** MR. RENAUD: I object to the form of MR. RENAUD: I object to the form of
 7 **A. No.** MR. RENAUD: I object to the form of the installation of an air conditioner?
 8 **A. The department head, whatever department head procured this.** Did vendors have to bid on that being the purchaser and installer of an air conditioner?
 9 **Q.** MR. RENAUD: I object to the form of the installation of an air conditioner?
 10 **A. The Board of Freeholders.** Let's say there was an air conditioner like you mentioned.
 11 **Q.** Let's say there was an air conditioner like you mentioned.
 12 **A. Right.** There had to be an air conditioner put in someplace, would that have to be approved by the Board of Freeholders?
 13 **A. No.** Well, who approved the purchase of the installation of an air conditioner?
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 24 **A. The department head, whatever department head procured this.** Did vendors have to bid on that being the purchaser and installer of an air conditioner?
 25 **Q.** MR. RENAUD: I object to the form of MR. RENAUD: I object to the form of

1 correct?
 2 A. Yes.
 3 Q. So is there bidding or isn't there bidding? And let's just get through that first.
 4 A. Yes, there's bidding, and then there's a great amount of discretion within the implementation of the bid.
 5 Q. What do you mean implementation of the bid?
 6 the bid?
 7 A. How often people report to the County to perform work, what services or products are needed, those things are not specified when the bid is awarded for the general need for that service on a day-to-day basis or not.
 8 Q. Who made the decision as to which bid to accept?
 9 MR. RENAUD: Which bid as to what?
 10 MS. FELLMAN: For the air conditioner as the example.
 11 MR. RENAUD: Okay. The objection is that that's what the problem was, as I understand it, that there was no bid for the air conditioner.
 12 MS. FELLMAN: Okay. That's not what I understood.

1 allowed for the labor. There was also a provision in that contract that allowed for materials which would then be marked up.
 2 Q. Okay.
 3 A. So that technically the air conditioner was never bid.
 4 MS. FELLMAN: Can you go back and read what he just said?
 5 (Whereupon, the following testimony was read back:
 6 "Question: Then for the installation of the air conditioner was there a bid?
 7 Answer: Yes.
 8 Question: Okay. Who made that decision as to which bid to accept?
 9 Answer: The purchasing agent would make the recommendation. It would go to the Freeholders for their final approval.
 10 Question: For the air conditioner? Answer: For the labor. For the contract that allowed for the labor.")
 11 Q. You said that there was a bid for the labor for the installation of the air conditioner, that the decision as to which bid to

1 THE WITNESS: Yes.
 2 MS. FELLMAN: I understood that he said there was a bid for all of these things.
 3 Q. Was there a bid or not?
 4 MR. RENAUD: No, I think he said there was a bid for the labor.
 5 MS. FELLMAN: All right, well, let's find out.
 6 Q. What bidding went on for the purchase and installation of the air conditioner?
 7 A. For the purchase of the air conditioner there was no bid.
 8 Q. Correct.
 9 Q. Then for the installation of the air conditioner was there a bid?
 10 A. Yes.
 11 Q. Okay. Who made that decision as to which bid to accept?
 12 A. The purchasing agent would make the recommendation. It would go to the Freeholders for their final approval.
 13 Q. For the air conditioner?
 14 A. For the labor. For the contract that

1 select would be the purchasing agent's decision, correct?
 2 A. They would -- not their decision. They would review the bids, make sure that it was the lowest responsible bidder, and then the Freeholders for a vote.
 3 Q. Okay. So where does the department head come into this?
 4 A. In the implementation of the contract.
 5 Q. Okay. Now explain that to me. So you've got a contract for installation, correct?
 6 A. Say we have a contract for --
 7 Q. Stick with me. We have a contract for the installation of the air conditioner, correct?
 8 MR. RENAUD: Objection.
 9 MS. FELLMAN: No?
 10 MR. RENAUD: No.
 11 MS. FELLMAN: That's what he said.
 12 MR. RENAUD: No.
 13 Q. There would be a bid for the installation of the air conditioner, that the lowest responsible bid would be selected by the purchasing agent who would make a recommendation

1 to go to the board, correct?
 2 MR. RENAUD: No. You need to let
 3 him explain that, which he was just going to do.
 4 MS. FELLMAN: Okay, go ahead.
 5 MR. RENAUD: You stopped him from
 6 explaining.
 7 MS. FELLMAN: I'm sorry. Go ahead.
 8 A. There would be a general bid for
 9 electrical work in very broad terms.
 10 Q. Okay. All right.
 11 A. How and when and what electrical work was
 12 done was a decision made by the department head.
 13 So you may award a contract for up to half a
 14 million dollars or \$250,000 for electrical work
 15 which was based on a bid. That contractor then,
 16 how much work he did, whether it was zero or
 17 \$250,000 worth of work was generally, the
 18 approval and the assignment and the purchase of
 19 materials needed was all run through the
 20 department head.
 21 Q. All right. So the air conditioner
 22 itself would not go to the purchasing agent. The
 23 bid for installation of the air conditioner would
 24 not. It would be a bigger bid. It would be a
 25 bid for the installation of a lot of air

1 conditioners or something like that, right?
 2 A. It would be more generic than that. It
 3 would be for electrical work, and if we need an
 4 air conditioner or you need outlets or lighting,
 5 whatever it might be, if it fell within the
 6 definition of electrical work, a decision would
 7 be made whether or not it was done in-house, it
 8 would be done by a vendor, and the materials
 9 needed would be purchased by the vendor and then
 10 marked up and submitted.
 11 Q. Okay. So the purchasing agent did
 12 or did not get involved in the specific
 13 individual purchase of any specific individual
 14 piece of equipment?
 15 A. Did not.
 16 Q. Did not. So the only thing the
 17 purchasing agent got involved in was the bid for
 18 the electrical in general?
 19 A. Correct.
 20 Q. Okay. So the contractor who got the
 21 bid would then be called upon as needed by the
 22 department head to do certain work, is that
 23 correct?
 24 A. Correct.
 25 Q. So you became aware of this, is that

1 correct?
 2 A. Correct.
 3 Q. And what did you do when you became
 4 aware of this? You thought this was not right
 5 even though it had been going on for a long time,
 6 is that correct?
 7 A. That's correct, because I felt there was a
 8 lack of general accountability on hours of work
 9 performed and oversight on purchases made.
 10 Q. And what kind of accountability did
 11 you want to have?
 12 A. We were looking for justification of the
 13 work. It's an area that in these trades we were
 14 spending hundreds of thousands, if not millions
 15 of dollars of County dollars in this area, and we
 16 were looking to get control and see if we could
 17 save money.
 18 Q. And what policy did you want to
 19 implement or did you implement in order to get
 20 accountability in order to save money?
 21 A. We implemented a system of contractors
 22 signing in when they reported for work so that we
 23 could keep track of their hours. There was, and
 24 I don't recall what the dollar threshold was,
 25 there was a dollar threshold on any purchases

1 made had to be approved by the County Manager's
 2 office as opposed to just being approved by the
 3 department head.
 4 Q. Okay.
 5 A. I believe there was a whole series of
 6 things along this vein and I just don't recall
 7 them at this time, but they were documented, so.
 8 Q. Okay. So did you convey what you
 9 wanted to do, these changes, did you convey that
 10 to Mr. Lapolla when he was the department head of
 11 the Operations & Facilities?
 12 A. Yes.
 13 Q. And do you recall any of your
 14 interactions with him regarding this?
 15 A. I would explain it to him and then no
 16 action was taken on his behalf.
 17 Q. What kind of action did you want him
 18 to do?
 19 A. I was looking for a transparency and an
 20 involvement if these decisions were being made on
 21 making those decisions, and I hit a stone wall.
 22 Q. Well, did he implement the policies
 23 that you wanted implemented?
 24 A. Ultimately, yes.
 25 Q. When you say "ultimately," what do

1 you mean?
 2 A. Ultimately. Because what I had asked for verbally was not being conformed with, so we implemented written policies that applied across the board to all departments, and that was when I began an assignment of certain personnel to the department to make sure that they were being implemented.
 9 Q. Who actually instituted the policies that you wanted, such as the policy of signing in by the contractors, the policy of a threshold money amount having to be approved by the County Manager's office?
 13 A. Who implemented each of those?
 15 Q. Who prepared the policy?
 16 A. Ultimately, it was my policy. Depending on the policy, there was input from a number of people, whether it was the Law Department, Purchasing, Administrative Services, it was a variety of people that had input into the policy that I would then implement.
 22 Q. Were there other departments that dealt with contractors besides Operations & Facilities?
 24 A. I don't specifically recall.

1 Parks & Recreation, did they also deal with vendors?
 2 A. Yes. Let me clarify. However, as you see often times when it came to Maintenance & Facilities, the duties and responsibilities between departments often cross lines. It's not as straightforward and clearcut as, you know, Parks did its own thing and Public Works did its own thing and Maintenance & Facilities did its own thing. When it came to the Maintenance & Facilities, per its name, they often cross departmental lines. So the areas where we had instances of trouble were primarily within the Department of Maintenance & Facilities.
 15 Q. Okay. Now, these instances of trouble, this is what you observed before you instituted your new policies?
 18 A. Correct.
 19 Q. And can you give me an estimate of the amount of time that expired between the time you first became aware of these instances and problems, the instances of trouble that you made mention of, and the institution of the new policies?
 24 A. Off the top of my head I couldn't -- if we

1 Q. What about the Department of Parks & Public Works?
 3 A. Yes.
 4 Q. So the Department of Parks & Public Works also dealt with vendors and time and materials and so forth, correct?
 7 MR. RENAUD: Objection.
 8 A. Yes.
 9 MR. RENAUD: Compound question.
 10 Q. Who was the head of that department?
 11 A. At that time it was Director Frank Dann.
 12 Q. Are you sure the department head at that time was not Mr. Sigmund?
 14 A. Mr. Sigmund was department head of the Department of Parks at the time.
 16 Q. Okay. And then there's also Public Works. I see.
 17 So Mr. Sigmund was the department head for Parks & Recreation?
 20 A. Correct.
 21 Q. And Mr. Dann was the department head for the Department of Public Works?
 23 A. Correct.
 24 Q. And did both of those departments, Department of Public Works and Department of

1 could put the overall context of time into some perspective I might be able to, but off the top of my head, I cannot.
 4 Q. Well, we'll get into more detail later, but are you thinking it was months or weeks or years?
 7 A. Years.
 8 Q. So it was years before you instituted your new policies?
 10 A. No. Oh, no, no, no. It was months before we instituted the new policies.
 12 Q. So you first became aware of instances of trouble and you said they were primarily in the Department of Operations & Facilities, correct?
 16 A. Correct.
 17 Q. And then within months you instituted your new policies that you've told us about, to correct, to make for more transparency, is that correct?
 21 A. Correct.
 22 Q. So after you instituted your new policies, was there any further problems that you were aware of in the Department of Operations & Facilities?
 25

1 A. Yes, because these policies were not all implemented at one time. They were implemented over a period of time.

2 Well, after you instituted a specific policy, were there any further instances of trouble related to what that policy was designed to correct?

3 A. Can you say this one again?

4 Well, you said that the policies were instituted over a period of time?

5 A. Correct.

6 You also said that you became aware of instances of trouble within the Department of Operations & Facilities primarily, correct?

7 A. Correct.

8 And my question was that then you would institute a policy within months of becoming aware of that problem, correct?

9 A. Correct.

10 And then you'd become aware of another problem and then you'd institute another policy?

11 A. Correct.

12 Was there ever any recurrence of problems within the Department of Operations &

1 A. The prime example, which I've said a couple of times, that we'd have outside vendors coming in to perform work, but we had no accountability when they were there, what work they were performing or how many hours they had put in.

2 Q. But once you implemented the policy that you wanted them to sign in and that became a policy, wasn't that carried out by Mr. Lapolla?

3 A. My office made sure it was carried out.

4 Q. So you believe that Mr. Lapolla, without your sending somebody in from your office, was not going to carry out your policy?

5 A. Yes, that's correct.

6 Q. And what did you base that on?

7 A. Because we had had conversations and there was just no change, and, in fact, there was a report and an assessment prepared by his own department that gave a directive that people within his department were not to talk to people on the sixth floor.

8 MS. FELLMAN: Could you read back just that last thing that he said about "report?"

9 (Whereupon, the following portion of the answer was read back:

1 understanding and being transparent, and, generally, it was a long period of time where things continued to roll out, roll out, and it ultimately became similar to a State takeover of a school system, and it had reached a critical mass where department heads report to the County Manager. And I had a conversation with Director Lapolla and just said, "We don't have a meeting of the minds and I think we should part."

2 And that's the general overview here, and, you know, we can get into specifics, and a lot of specifics which I am not going to have recollection of on a day-to-day basis going back this number of years, but that was the umbrella under which this all falls.

3 Q. Okay. When you say, "Things continued to roll out, roll out," what do you mean by that?

4 A. You find one thing that's bad and you go in and you fix that and as a result you find that there's two more things that just don't make sense or aren't being implemented with any accountability.

5 Q. Can you give me any examples?

1 "Answer: There was a report and an assessment prepared by his own department that gave a directive that people within his department were not to talk to people on the sixth floor.")

2 Q. What is the sixth floor?

3 A. The sixth floor was the County Manager/the Deputy County Manager's offices.

4 Q. And you say there was a report and assessment by his department?

5 A. Correct.

6 Q. What are you speaking of, a written report?

7 A. Yes.

8 Q. Did you actually see a written report?

9 A. Yes.

10 Q. And what did that written report say?

11 A. It had assessments of his own personnel and guidelines and procedures that were to be implemented within his department.

12 Q. Do you have a copy of that assessment?

13 A. I don't personally. I don't have a copy,

1 no.

2 Q. Do you know whether a copy of that exists?

3 A. Yes, one does.

4 Q. And what was this one more time, please? It was a report. Was it by Mr. Lapolla?

5 A. No, it was a report by Mr. Travisano given to Mr. Lapolla.

6 Q. Travisano gave a report to Mr. Lapolla?

7 A. Correct.

8 Q. And why did Travisano do this report?

9 A. I don't know.

10 Q. I mean, what was the purpose of the report?

11 A. I don't know. It wasn't my report. I didn't ask for it.

12 Q. And what did this report say?

13 A. As I recall, it was assessments of employees within the department and guidelines.

14 Q. What do you mean "assessments of employees?"

15 A. Strengths and weaknesses of different employees.

1 Q. Okay.

2 A. Guidelines and procedures relating to what?

3 A. Employees and their conduct within the department.

4 Q. What were the guidelines and procedures?

5 A. For the general operations of the department.

6 Q. Okay. And then there was a directive within that?

7 A. Yes, there was.

8 Q. That people within his department were not to talk to anybody on the sixth floor?

9 A. Correct.

10 Q. Okay. And who is Mr. Travisano? He was an assistant to Mr. Lapolla.

11 MS. FELLMAN: Okay. Let's take our break.

12 (Whereupon, a short recess was taken.)

13 Q. That report that you saw that Mr. Travisano prepared, how did you come to be in possession of that?

1 to?

2 A. Just the general feeling that the department would continue to operate on its own and implement, carry out, and just carry out its functions in a way that would leave people that I felt should be aware of what was happening in the dark.

7 Q. Say that again.

8 A. They were just not transparent. The more information we would ask for, the more resistance and reluctance we would get. And I tried to explain to Mr. Lapolla on a number of occasions that my style as a County Manager is very hands-on. I want to understand what's going on, where we can make changes, how can we make changes, how can we save County dollars, and there was a resistance and reluctance to provide and to assist in that endeavor.

19 Q. Okay. As far as this time goes, the time sequence --

21 A. Yes.

22 Q. -- at this point in time when you say the things had "reached a critical mass," had you implemented any of your new policies?

25 A. Oh, many, yes.

1 new policies you implemented?

2 A. Many of them, yes. Most of them, yes.

3 Probably all of them.

4 Q. When was it that you placed Mr. Zuber into his position of liaison?

5 A. I don't recall the timing of it.

7 Q. Did Mr. Zuber ever indicate to you that he had any problems communicating or learning what was going on in the Department of Operations & Facilities?

11 A. Yes, consistently.

12 Q. Okay. What did he tell you?

13 A. Pretty much, I don't remember with specificity, but when he was there, he was one of the people that would tell me other things he was finding as he spent time there.

17 Q. Okay. Did he put any of this in writing?

19 A. Yes.

20 Q. In memos?

21 A. Yes.

22 Q. Now, you've talked about bone of contention. I'm trying to get an understanding as to what the "problems" were. One was, which you've indicated about, that you believed that

1 the contractors' time was not being accounted for accurately or that you couldn't count on it being accurate, is that correct?

4 A. Correct.

5 Q. And did you have any actual reason to believe that that was the case? I mean, I understand you implemented a policy for the contractors to sign in and sign out, correct?

9 A. Correct.

10 Q. Before that happened, did you have any basis to believe that the contractors were padding their time?

13 A. There was one instance which a door contractor, former employee, contacted my office and spoke of no accountability and how the company would send one employee out to work on a door, but the company would bill for two.

18 Q. Okay. That was just one instance?

19 A. This is just one that comes to mind, yes.

20 Q. And do you recall the name of that door contractor?

22 A. Door Works, Door Guy.

23 Q. Was this in writing or was this a --

24 A. It was a phone conversation and it was referred to the prosecutor's office.

1 Q. Pardon?

2 A. Many of them, yes.

3 Q. Had Mr. Zuber become a liaison?

4 A. Yes.

5 Q. Can you give me any examples of anything that continued to occur after you implemented many of your policies and Mr. Zuber had become the liaison, can you give me any instances that occurred that gave you cause to believe that you and Mr. Lapolla couldn't work together as County Manager and Director?

12 A. Again, it was just more accountability and wanting to know what was happening, how things were happening, and who was making those decisions outside of the County Manager's office. And vehicles and vehicle assignments were a bone of contention, and pool cars and their assignments, and gas and who had access to gas keys. And I don't recall the actual timing of each of the instances, but as I said, you know, they just continued to roll out over a period of time, and they were as a result of my office finding out information, not the department being forthcoming about the information.

24 Q. Were your policies in writing, the

1 Q. Do you know whether or not that was before or after Mr. Lapolla left his position as Director of Department of Operations & Facilities?
 2 A. I don't recall.
 3 Q. Well, do you recall any instance before Mr. Lapolla left his position of Director of the Department of Operations & Facilities that caused you to believe that at any time while Mr. Lapolla was in that position that any contractors were padding their time, adding hours or adding people that weren't actually doing the work?
 4 A. No. Other than hearsay, and, you know, that's not worth anything, but.
 5 Q. Okay. So you have no evidence --
 6 A. Correct.
 7 Q. -- of there being any actual padding of time by contractors, is that correct?
 8 A. Correct.
 9 Q. But you still wanted to implement this policy of having the contractors sign in and sign out, correct?
 10 A. Yes.
 11 Q. And then we get to the other part of

1 this problem which is the adding on the percentage for the materials that they purchased, correct?
 2 A. Correct.
 3 Q. You believe it was 15 percent?
 4 A. Correct.
 5 Q. Could it have been 10 percent?
 6 A. Could have been.
 7 Q. Okay. And do you know whether or not that the reason that that was added on was for their handling of the product, going to get it, picking it up, handling it?
 8 A. I'm sure that was the legal description of what was occurring, yes.
 9 Q. Okay. And you've already testified that you don't know how long that had gone on before you became County Manager, correct?
 10 A. Correct.
 11 Q. It could have been all the way back to Ann Baran or before her, correct?
 12 A. Correct.
 13 Q. And then you wanted that stopped, is that correct?
 14 A. Correct.
 15 Q. And you generated a policy to not

1 allow contractors to add on 10 percent or 15 percent or whatever it may be?
 2 A. I don't recall the specific policy. I know we put a policy in place that any purchases in excess of a certain dollar threshold needed approval from the County Manager's office. And our goal was to, in the instances where there were large equipment or supply purchases being made, to bid that work out where it made sense and there was time.
 3 Q. So you didn't actually prohibit adding on 10 percent or 15 --
 4 A. We may have. I just don't recall.
 5 Q. Wait. Did you prohibit adding on a percentage to the cost of the equipment?
 6 A. I don't recall.
 7 Q. Well, that was your concern, was it not, that purchases were being made by contractors and that they were adding on a percentage to that, correct?
 8 A. Yes.
 9 Q. All right. But you're not sure if you entered a policy against that?
 10 A. Our concern was that the purchases being made were extraordinarily large in comparison to

1 the dollar amount of labor, and I don't recall the actual percentages, but if someone was awarded a contract for labor, there was a percentage of that contract that was being used for either equipment and supplies was out of whack, percentage-wise was a greater percentage than our Purchasing Department felt that it should be.
 2 Q. Well, the purchasing is for materials, correct?
 3 A. Correct.
 4 Q. So you have labor and you have materials?
 5 A. Correct.
 6 Q. And you're saying that the amount attributable to materials outweighed by some large amount the amount attributable to the labor?
 7 A. Correct.
 8 Q. Okay. What's wrong with that?
 9 MR. RENAUD: Objection. Did you want to ask him a legal question?
 10 MS. FELLMAN: Yeah, in his mind what he was concerned about.
 11 Q. Why was that a concern to you?

1 **A.** My concern was that we could be purchasing or acquiring these materials and equipment for far less money if we procured it through a bid process or State contracts. There are other means by which to do it.

2 **Q.** So the policy that you implemented was at a certain amount of money on a contract for labor and materials had to go get approval by the County Manager?

3 **A.** Not labor. Materials.

4 **Q.** Oh, for materials?

5 **A.** There was a threshold, yes.

6 **Q.** And you decided whether or not that should be bid out after that because you think you could maybe save money?

7 **A.** Correct.

8 **Q.** And you did that?

9 **A.** Yes.

10 **Q.** Did you have any reason to believe that after you instituted that policy that Mr. Lapolla wasn't following that policy?

11 **A.** No.

12 **Q.** So besides us getting into these other issues about vehicles and pool cars and gas, which we'll get into in a minute, was there

1 **Q.** So vehicle assignments, did you have some concern as to what was going on in the Department of Operations & Facilities while Mr. Lapolla was the Director with regard to assignment of vehicles?

2 **A.** Yes.

3 **Q.** For their use when they're performing their duties for the County?

4 **A.** Yes.

5 **Q.** Do you know whether or not at any time before you left the position of County Manager was the assignment of vehicles reduced in the Department of Operations & Facilities?

6 **A.** Yes.

7 **Q.** Okay. How was it reduced?

8 **A.** We took cars away from many employees.

9 **Q.** Did these employees continue working in their position?

1 anything else that you believed was a problem with what was going on in the Department of Operations & Facilities?

2 You've already told us about the labor and materials problem that you've described in full, have you not?

3 **A.** To the best of my recollection.

4 MR. RENAUD: I object to that.

5 **Q.** Well, is there anything else that you were concerned about with regard to the labor and materials that were being purchased or obtained through the Department of Operations & Facilities while Mr. Lapolla was the Director?

6 **A.** I can't say that I've been comprehensive in my concerns. I know there were memos that would outline it.

7 **Q.** Okay. But as far as you sitting here today, you don't recall anything else?

8 **A.** Correct.

9 **Q.** All right. Then there was the issue of a dispute over vehicles or pool cars. Is that the same thing?

10 **A.** There were vehicle assignments and there were pool cars which would be assigned on an as-needed basis.

1 **A.** Yes.

2 **Q.** So how did they perform their function if they didn't have a car or vehicle?

3 **A.** Well, many of them, there were some that were outright completely taken away. There were others that were just assigned a vehicle on a day-to-day basis if they needed it. There was a wide range of corrective action that was taken.

4 **Q.** And is it your testimony that while Mr. Lapolla was the Director of the department, that there was no reduction in assignments of vehicles?

5 **A.** I don't know that to be a fact.

6 **Q.** So there may have been?

7 **A.** There may have been.

8 **Q.** Then you talk about pool cars as needed. Was there a problem in the Department of Operations & Facilities with regard to pool cars?

9 **A.** Yes.

10 **Q.** And what was that problem?

11 **A.** Cars were assigned, again, without proper notice or justification.

12 **Q.** Can you explain what you mean by that?

13 **A.** There was no accountability on who was

1 assigned a car and why.
 2 Q. Who was the one who would assign the
 3 vehicles within the Department of Operations &
 4 Facilities?
 5 A. I held the Department Directors
 6 responsible, so I don't know specifically.
 7 Q. Did you have this same problem with
 8 vehicle assignment and pool car assignment with
 9 any of your other departments?
 10 A. At that time that rested solely within the
 11 Department of Operations & Facilities.
 12 Q. And when you say, "At that time,"
 13 what does that mean?
 14 A. Well, subsequently, one of the things that
 15 we implemented was that that responsibility was
 16 transferred to Administrative Services and the
 17 Deputy County Manager.
 18 Q. Okay. So before the assignment of
 19 the vehicles and the pool car vehicles was
 20 assigned to the Deputy County Manager, did the
 21 Department of Operations & Facilities make any
 22 changes with regard to assignment of pool cars?
 23 A. I don't recall.
 24 Q. So they may have?
 25 A. There was no change that they made, no.

1 of accountability as a whole.
 2 Q. Well, I want to talk about the
 3 Galloping Hill specifically.
 4 A. Okay.
 5 Q. Who was in charge of the key that
 6 was left at the Galloping Hill maintenance yard
 7 and gas?
 8 A. I don't know.
 9 Q. Was it the Department of Operations
 10 & Facilities?
 11 A. The issuance of the keys and the gas that
 12 was used, yes, was Maintenance & Facilities.
 13 Q. Who was responsible for overseeing
 14 who was actually using the key at the Galloping
 15 Hill location?
 16 A. I'm not sure. I don't know the answer to
 17 that question because I don't know whose key it
 18 was.
 19 Q. Could it have been Parks &
 20 Recreation's key?
 21 A. It could have been, but, again, from my
 22 perspective it was a lack of supervision from
 23 Maintenance & Facilities.
 24 Q. Well, if it was a Parks & Recreation
 25 key, wouldn't that be the responsibility of the

1 A. They could, yes.
 2 Q. Well, how did it work? What was
 3 your understanding of what was going on that you
 4 didn't like?
 5 A. There were different levels of gas keys
 6 which had different levels of accountability to
 7 them, such as there were supervisory gas keys,
 8 there were individual gas keys, and different
 9 levels had different -- the higher the level, the
 10 less accountability.
 11 Q. This was a gas key --
 12 A. For instance, I can tell you we found at
 13 one facility that a gas key was just left at the
 14 pumps, so if an employee wanted to pull up and
 15 get gas, they could.
 16 Q. Okay. And what facility was that?
 17 A. That one was Galloping Hill.
 18 Q. What is the facility at Galloping
 19 Hill?
 20 A. It's part of the maintenance yard.
 21 Q. Maintenance yard?
 22 A. Yeah, maintenance yard and gas.
 23 Q. And what did you understand was
 24 going on at that maintenance yard and gas?
 25 A. Just generally speaking, there was a lack

1 Department of Parks & Recreation?
 2 A. I maintain that it was Maintenance &
 3 Facilities which is why we took it over, so.
 4 Q. Okay, explain. What do you mean you
 5 took it over?
 6 A. As I said, we transferred it to the Deputy
 7 County Manager's office so that we had an
 8 understanding who had what keys and with some
 9 accountability and could work together to reduce
 10 gas usage. It was that type of cooperation that
 11 I just didn't get from Maintenance & Facilities
 12 and Director Lapolla.
 13 Q. What about from Parks & Recreation
 14 and Director Sigmund?
 15 A. After we instituted the policies we didn't
 16 have any problems.
 17 Q. After you instituted the policies
 18 you didn't have any problem with Mr. Lapolla's
 19 department either, did you?
 20 A. No.
 21 Q. So before you instituted the policy,
 22 had you had a problem with this gas key problem
 23 with Parks & Recreation as well?
 24 A. Again, I held Maintenance & Facilities
 25 responsible.

1 this more transparent and accountable.
 2 Q. So there was no willingness to give
 3 you lists or tell you who had the keys?
 4 A. Right, or participate in any corrective
 5 actions on how we might be able to reduce the
 6 usage and have more accountability.
 7 Q. Did you bring up the gas key issue
 8 at any of your department head meetings?
 9 A. I don't recall.
 10 Q. Well, did you ever ask in general
 11 that the department heads keep track of who's
 12 using the gas keys and to keep track of that and
 13 let you know?
 14 A. I don't recall.
 15 Q. That could have been a solution,
 16 right?
 17 A. That could have been.
 18 Q. And then you said that there were
 19 higher level department keys given out, correct?
 20 A. Correct.
 21 Q. That would be to people like
 22 yourself, correct?
 23 A. I did not have one, no.
 24 Q. What level? What was the highest
 25 level of people, supervisory status, that had gas

1 Q. So you didn't think that Parks &
 2 Recreation had any responsibility for the gas key
 3 situation?
 4 A. They did not have the reports. Again,
 5 they were issued from Maintenance & Facilities,
 6 so.
 7 Q. What do you mean issued from?
 8 Maintenance & Facilities would issue them to
 9 Parks & Recreation?
 10 A. Yes.
 11 Q. And the Parks & Recreation employees
 12 would use them?
 13 A. Yes.
 14 Q. So other than this one instance
 15 where you said that there was a gas key left at
 16 the pumps in Galloping Hill, were you aware of
 17 any other actual problem that was occurring with
 18 regard to the gas keys?
 19 A. As I said, a general lack of
 20 accountability.
 21 Q. But were you aware of any actual
 22 problem?
 23 A. No.
 24 Q. Were you aware of anybody having a
 25 key who shouldn't have a key?

1 A. Specifically at that time I'm going to say
 2 no, but, again, once we had an understanding of
 3 who had keys and for what purposes, we revamped
 4 the issuance of those keys.
 5 Q. Isn't it correct that the Department
 6 of Operations & Facilities would give the keys to
 7 the department heads, such as the department head
 8 for Parks & Recreation, and it would be the
 9 department head for Parks & Recreation, for
 10 example, who would assign the keys to his or her
 11 employees? Isn't that correct?
 12 A. I don't know.
 13 Q. You don't know?
 14 A. No, I don't.
 15 Q. Did Mr. Lapolla or anybody in his
 16 department issue the gas keys to everyone in the
 17 County or did they issue the gas keys to the
 18 department heads in the County?
 19 A. I don't know what that process was.
 20 Q. So at the time that you thought this
 21 was a problem you didn't know what the process
 22 was?
 23 A. The keys were issued by Mr. Lapolla's
 24 department. There was no effort from him or his
 25 department to work with us to identify, to make

1 keys? Did department heads have them?
 2 A. I don't know.
 3 Q. Okay. What's your knowledge as to
 4 the highest level of personnel that had a gas
 5 key?
 6 A. Field supervisor where there were numerous
 7 County vehicles.
 8 Q. So it would be below the department
 9 head level when you say a field supervisor?
 10 A. Yes, and it could have been at the
 11 department head level. I just don't know or
 12 don't recall.
 13 Q. Is that something you knew at the
 14 time that you made this change in policy?
 15 A. I'm sorry. Can you repeat that one?
 16 Q. Sure.
 17 MS. FELLMAN: Deb, do you mind?
 18 (Whereupon, the following question
 19 was read back:
 20 "Question: Is that something you
 21 knew at the time that you made this change in
 22 policy?")
 23 A. I guess I lost track of time perspective.
 24 Q. At the time that you made the change
 25 and you moved the gas key supervision to the

1 Q. Okay. So you've told me about the
 2 time and materials, equipment problems that you
 3 were concerned about. You told me about the
 4 vehicles and you've told me about the gas key
 5 issue. Was there any other area that you had a
 6 dispute or that you believed that you and
 7 Mr. Lapolla didn't see eye to eye on?
 8 A. As I said, in general, it was a different
 9 style and philosophy, a different belief in our
 10 management styles.
 11 Q. Now, you did say that the number of
 12 vehicles had been reduced, correct?
 13 A. Yes.
 14 Q. Was it as a result of the reduction
 15 in vehicles that the gas, amount of gas use was
 16 reduced?
 17 A. I don't know.
 18 Q. Could have been, right?
 19 A. Could have been.
 20 Q. Can you be any more specific than
 21 what you've already testified to as to what the
 22 supposed difference in style and philosophy in
 23 management was between you and Mr. Lapolla up to
 24 the point that you believed that you couldn't
 25 work with him as County Manager and him as a

1 Deputy Director --
 2 A. Correct.
 3 Q. -- did you know at the time who the
 4 people were that were given the gas keys, what
 5 titles of people were given the gas keys, what
 6 level?
 7 A. Yes, yes.
 8 Q. And did you ever have any reason to
 9 believe that anyone at any level who had a gas
 10 key, other than the Galloping Hill situation, was
 11 actually using gas that they shouldn't have been
 12 using as a County employee?
 13 A. No. But as a result of our changes,
 14 again, we were able to reduce to amount of gas
 15 that had been consumed.
 16 Q. Okay. What was the level of
 17 reduction?
 18 A. I don't recall.
 19 Q. Percentage-wise, can you give me any
 20 estimates?
 21 A. I remember it was enough for us to report
 22 it to the Freeholders, so it was enough.
 23 Q. When was it that you first reported
 24 to the Freeholders this reduction in use of gas?
 25 A. I don't recall.

1 Director of a department?
 2 A. No.
 3 Q. What was his style and philosophy
 4 that you felt was different than yours?
 5 A. He was noncollaborative, he was an island
 6 unto himself is the best way that I can describe
 7 it, and operated on their own accord.
 8 Q. On their?
 9 A. On their own accord, unless we implemented
 10 or went in and made changes from my office.
 11 Q. And you've told me all of the ways
 12 that that occurred, correct?
 13 A. Yes. I don't profess to say that's all,
 14 but that's what comes to my mind today.
 15 Q. Now, Elizabeth Genievich is also a
 16 person you've identified as a person with
 17 knowledge of facts relevant to this lawsuit?
 18 A. Yes.
 19 Q. You mentioned her a couple of times,
 20 but do you have any knowledge of anything
 21 specific that she knows that's relevant to this
 22 lawsuit?
 23 MR. RENAUD: Other than what he's
 24 testified or he mentioned already?
 25 Q. Well, you've mentioned her in

1 certain context, but other than that? I mean, did she have any interactions with Mr. Lapolla that you're aware of?

3 that you're aware of?

4 **A. Often, yes.**

5 **Q.** Did she ever make any comments to you about Mr. Lapolla's performance?

6 **A. Beyond what's already been said, no.** Did she have any criticisms of any of his work as a Director in the Department of Operations & Facilities?

10 **A. Very similar to everything I've said, yes.** Did she have any specific examples that she told you about?

13 **A. I'm sure. I can't recall other than what I've already said.**

15 **Q.** You appointed her to be the Deputy Director?

17 **A. Deputy County Manager.** I mean Deputy County Manager, correct?

20 **A. Correct.** Did you know her from before she became Deputy County Manager?

23 **A. Yes.** And what was your relationship with

25

1 Board of Freeholders?

2 **A. She became the clerk during Michael Lapolla's tenure as County Manager, so I don't know the exact.**

4 **Q.** Was that an appointed position or was that a Civil Service position?

6 **A. It's appointed by the Freeholders.** What was her job immediately prior to becoming the clerk for the Board of Freeholders?

10 **A. I believe she had worked for Senator Suliga prior.**

12 **Q.** Do you remember the capacity?

14 **A. No.** Now, Joseph Graziano, you've mentioned him also.

16 **A. Yes.** Is there anything else that you haven't told us about that he has knowledge of that you believe is relevant to this lawsuit?

20 **A. No.** And Frank Guzzo, anything else that you believe he has knowledge of that you haven't already told us about?

24 **A. No.**

25

1 her before that?

2 **A. She was the clerk to the Board of Freeholders previously.** So she went from being the clerk of the Board of Freeholders to Deputy County Manager?

6 **A. Yes.** Did you believe that she was qualified for that position?

9 **A. Yes.** Based on what?

11 **A. Based on her resume, her previous work experience, and based upon her knowledge of the County and her work with the Board of Freeholders.** What was her previous work experience that you believed qualified her for that position?

18 **A. She had worked for Governor Cuomo in New York, she had worked for State Senator Suliga, and as I said, she had been the clerk to the Board of Freeholders and had good relations and an understanding of the County, which I felt complemented my style.** How long had she been a clerk to the

25

1 **Q.** Sebastian D'Elia, who is that?

2 **A. He is the County press officer.** And what knowledge do you believe he has?

4 **A. He has knowledge I guess of the policies that had been implemented and the resulting savings or effectiveness of those policies, because we'd either report to the Freeholder or put out a press release as to the accomplishments that had come about as a result of the change in policies.** And your change in policies was countywide, correct?

13 **A. Correct.** It didn't just affect the Department of Operations & Facilities, correct?

16 **A. Correct, some of them did, but yes.** How many different departments were there?

19 **A. It changed.** Well, approximately. Are we talking eight to ten?

22 **A. Yeah, eight to ten.** So there are eight to ten department heads?

25

1 A. Yes. Who is Victoria Durbin-Drake?

2 Q. Who is Victoria Durbin-Drake?

3 A. She had previously been Special Assistant to County Manager Lapolla, headed up the Open Space Trust Fund while I was County Manager, and she was a report to the Freeholders. She was just somebody who had general knowledge of things going on, that we would occasionally talk. I would characterize her sometimes as maybe a go-between between myself and Rick.

11 Q. Do you remember anything that was specific where Ms. Durbin-Drake was involved?

13 A. No.

14 Q. Denise Laspata, who's that?

15 A. She was County Manager Lapolla's Administrative Assistant. Subsequently, she became the head of personnel underneath Deputy County Manager Liz Genievich.

18 Q. What knowledge does she have?

20 A. Again, a lot -- she was just -- general hearsay, and she was just involved. She was just someone that knew, that you would talk to on occasion. She would come and just talk to.

24 Q. Did she ever tell you anything specific that was related to Mr. Lapolla's

1 specifically about Mr. Lapolla or the department that he headed?

3 A. No, not that I recall.

4 Q. And Manny Barone, you mentioned him already?

5 already?

6 A. Yes.

7 Q. Same thing with Mr. Barone?

8 A. Same thing.

9 Q. And who is Michael Yuska?

10 A. He was the County Director of Purchasing.

11 Q. And what do you believe that he has knowledge of that is relevant to the case?

12 A. He has a lot of knowledge as it relates to the contracts and purchasing procedures where we implemented new policies.

15 Q. So he has knowledge of the policies you implemented?

17 A. Yes.

18 Q. Does he have knowledge of the old policies?

20 A. Yes.

21 A. Yes.

22 Q. Does he have any knowledge of any improprieties with regard to the old policies?

24 A. Yes.

25 Q. What's his knowledge?

1 performance or what was going on in the Department of Operations & Facilities?

2 A. There were occasions where she did, but I can't recall specifically at this time.

5 Q. Same thing with Ms. Durbin-Drake, correct?

7 A. Correct.

8 Q. And have you spoken to either of these people or Sebastian D'Elia about this case?

10 A. No.

11 Q. Donna Albin?

12 A. Yes.

13 Q. And who is that?

14 A. Donna is one of the people that we put in place in Mr. Lapolla's department to help facilitate and I believe assist with purchasing and purchasing changes as an office manager. We put her in there as a -- Manny Barone -- just to skip ahead here -- Donna Albin was more basically an office manager and Manny Barone was more in charge of purchasing for the departments.

22 Q. And do you know any specific information that she has relevant to this case?

24 A. No.

25 Q. Did she ever tell you anything

1 A. I don't recall.

2 Q. And how do you know that he has knowledge of improprieties with regard to the old policies?

5 A. We had discussions.

6 Q. Okay. What did you discuss?

7 A. I don't recall the specifics.

8 Q. Did it have anything to do with Mr. Lapolla or his department?

10 A. Yes.

11 Q. Can you recall what it was?

12 A. No, other than things that I've already mentioned.

14 Q. Well, did he tell you that he was aware of any contractor padding their bill?

16 A. No.

17 Q. Did he ever tell you that he was aware of any purchase that was not appropriate?

19 A. Yes.

20 Q. Like what?

21 A. I don't specifically recall.

22 Q. And did he say it wasn't appropriate because what reason?

24 A. He believed that the dollar amount was of such a sum that it should be bid.

1 Q. So he thought that the policy that
2 was in place, which didn't provide for bidding,
3 was something that he thought should be done?
4 MR. RENAUD: Object to the form of
5 the question.
6 A. Correct.
7 Q. So Mr. Lapolla's department wasn't
8 doing anything wrong, would you agree with that?
9 MR. RENAUD: I object to the form of
10 the question.
11 MS. FELLMAN: Well, let me restate
12 it.
13 Q. Mr. Lapolla, in his department, when
14 Mr. Lapolla hired a contractor or recommended a
15 contractor or recommended the purchase of any
16 item, he was following the policy that was in
17 place at the time, isn't that correct?
18 MR. RENAUD: I object to the form of
19 the question. That wasn't the testimony.
20 Q. Well, is that correct? I'm asking.
21 A. Can you ask me it again?
22 (Whereupon, the following question
23 was read back:
24 "Question: Mr. Lapolla, in his
25 department, when Mr. Lapolla hired a contractor

1 or recommended a contractor or recommended the
2 purchase of any item, he was following the policy
3 that was in place at the time, isn't that
4 correct?"
5 MR. RENAUD: I object to the form of
6 the question.
7 A. Or the lack of policy, yes.
8 Q. Well, the lack of policy was what
9 was in existence in the County, correct?
10 A. Yes. Mr. Yuska was the one who pointed
11 out some of the problems with the way some of the
12 things were being procured, yes.
13 Q. Okay. But the policy or lack of
14 policy was what was in place in the County of
15 Union, is that correct?
16 A. Yes.
17 Q. Mr. Yuska, did he have to approve
18 any of the purchase orders or any of the
19 contracts?
20 MR. RENAUD: I object to the form of
21 the question.
22 A. I believe, yes, he approved purchase
23 orders. Not contracts. He would recommend.
24 Contracts would go through Law.
25 Q. So he approved purchase orders?

1 A. Correct.
2 Q. So if Mr. Lapolla's department or
3 Mr. Lapolla wanted to purchase something, they
4 would send the purchase order to Mr. Yuska for
5 his approval?
6 A. Often times it was already a fait
7 accompli.
8 Q. Well, what does that mean?
9 A. The purchase had been made and he had to
10 process the paperwork.
11 Q. So he could have stopped it?
12 A. I don't know how you stop it after
13 something's already been procured.
14 Q. Well, what do you mean, the item's
15 already been delivered?
16 A. Yeah.
17 Q. So that's what was going on in the
18 County?
19 A. Some of it, yes. Some of it. Again,
20 you're being specific, I'm being general, but
21 that's an instance, yes.
22 Q. How long had this procedure been
23 going on --
24 A. I don't know.
25 Q. -- of the way things were purchased,

1 the way things were approved, the way things were
2 recommended as far as purchasing and contracting
3 with vendors?
4 A. I don't know.
5 Q. Years? 20 years, 30 years? Do you
6 have any idea?
7 A. I have no idea.
8 Q. But Mr. Yuska pointed out to you
9 that he thought it could be done a better way?
10 A. Correct.
11 Q. And you implemented that policy?
12 A. Correct.
13 Q. And you've already told us that once
14 you implemented the policy, you have no evidence
15 that Mr. Lapolla did not follow your policy, is
16 that correct?
17 A. Correct.
18 MS. FELLMAN: Okay. Should we take
19 a break?
20 (Whereupon, at 1:14 p.m., a luncheon
21 recess was taken.)
22 Q. Mr. Zuber, I forgot what you said
23 was his position before you assigned him to be
24 the liaison. What was his position?
25 A. I believe it was Director of Labor

1 **Compliance.** Q. That's right. And what was that
 2 job?
 3 **A.** Just to make sure that contractors hired
 4 by the County were following prevailing wage laws
 5 and of the sort on public jobs.
 6 Q. Do you know how long he was in that
 7 position?
 8 **A.** No.
 9 Q. Did he do some job dealing with
 10 video recordings and/or television or something
 11 of that sort?
 12 **A.** Yeah, he went to work in the clerk's
 13 office at one point, and that may have been
 14 something that he did, taping Freeholder
 15 meetings, because he had come from a background
 16 of that, so he had some knowledge of it.
 17 Q. You gave him the position of making
 18 Recreation and the Department of Public Works at
 19 the same time that he was a liaison to the
 20 Department of Operations & Facilities?
 21 **A.** No.
 22 Q. So all three of these liaison
 23 positions were different times?
 24 **A.** Yes.
 25 Q. Who was the head of the Department
 26 of Parks & Recreation at that time?
 27 **A.** Chuck Sigmund.
 28 Q. Did you ever remove Mr. Sigmund from
 29 his position as Director or head of the
 30 Department of Parks & Recreation?
 31 **A.** Yes.
 32 Q. And what did you move him into?
 33 **A.** I moved him into Green Acres. It was a
 34 Green Acres compliance job.
 35 Q. And he had been the department head
 36 of Parks & Recreation before you did that,
 37 correct?
 38 **A.** Correct.
 39 Q. And who was the head of the
 40 Department of Public Works?
 41 **A.** Frank Dann.
 42 Q. Did you remove Mr. Dann from his

1 position?
 2 **A.** Mr. Dann opted to take an early
 3 retirement.
 4 Q. Were you critical of Mr. Dann's
 5 performance in his job?
 6 **A.** Yes.
 7 Q. One other person mentioned in your
 8 Answers to Interrogatories was Mr. Frank Capece
 9 who's a lawyer?
 10 **A.** Yes.
 11 Q. Do you know what knowledge it is
 12 that Mr. Capece has?
 13 **A.** I mean, quite a bit. At the time he was a
 14 personnel counsel to the County. So through this
 15 period of time he was often confided in.
 16 Q. So you engaged in attorney/client
 17 discussions with him?
 18 **A.** Yes.
 19 Q. Does he have any knowledge, that
 20 you're aware of, that he derived from any source
 21 other than confidential communications with you?
 22 **A.** I don't know.
 23 Q. I want to go back to the vehicle
 24 issue, that you wanted to rein in the number of
 25 vehicles that were assigned, is that correct,

1 him liaison to the Department of Operations &
 2 Facilities, correct?
 3 **A.** Correct.
 4 Q. Did you ever send him into any other
 5 department?
 6 **A.** Yes.
 7 Q. Okay. What other departments did
 8 you send him into?
 9 **A.** And I don't remember if it was before or
 10 after. I believe both Public Works and Parks.
 11 Q. Department of Public Works and the
 12 Department of Parks & Recreation?
 13 **A.** Right.
 14 Q. And what was the reason why you sent
 15 him into those departments? Was he a liaison to
 16 your office in those departments as well?
 17 **A.** Yes.
 18 Q. So you believed that there was some
 19 lack of communication or --
 20 **A.** It was one thing or another. I believe on
 21 Parks it was in relation to projects that were
 22 ongoing that seemed to be stalled, to try to get
 23 them prioritized and moving. Public Works, I
 24 don't recall what it was.
 25 Q. Was he a liaison to Parks &

1 sir?
 2 **A. Yes.** Isn't it true that at the time that
 3 you became County Manager it was the County
 4 Manager who was the one who would approve the
 5 assignment of vehicles for portal to portal?
 6 **A. Correct.** And that was what was in place at
 7 the time?
 8 **A. Yes.** So Mr. Lapolla had nothing to do
 9 with assigning vehicles?
 10 **A. No, that's not true.** What was his involvement in
 11 assigning vehicles?
 12 **A. Vehicles would still be, in particular,**
 13 **there were pool car assignments that were often**
 14 **made and sometimes they'd be a day, a week, a**
 15 **month. I can tell you one direct instance in**
 16 **which one employee of Mr. Lapolla had a car, I**
 17 **asked him to remove the car, he did not do it,**
 18 **and I had to direct him to do that again via**
 19 **memo, an act which I considered insubordination.**
 20 **Q.** Let me just back up a minute. When
 21 I use the word "portal to portal," what does that
 22 mean?

1 **A. A decision had been made to revoke the**
 2 **usage of his portal to portal. I had instructed**
 3 **Director Lapolla to please do that.**
 4 **Q.** Hold on a second. I don't mean to
 5 interrupt you, but I thought we were talking
 6 about pool cars.
 7 **A. No, this is a portal to portal.**
 8 **Q.** So this one instance that has to do
 9 with vehicles has to do with a portal to portal
 10 assignment?
 11 **A. Correct.**
 12 **Q.** It had been approved by the County
 13 Manager and you wanted to revoke that?
 14 **A. Correct.**
 15 **Q.** Was there any pool car assignment
 16 that you believe should not have been done or
 17 that in some way Mr. Lapolla was responsible for,
 18 an assignment of a pool car that you believed was
 19 inappropriate?
 20 **A. I had heard instances of abuse of**
 21 **assignment of pool cars. I don't recall any**
 22 **specific instances.**
 23 **Q.** Okay. So you heard some hearsay
 24 about it?
 25 **A. Correct.**

1 mean to you?
 2 **A. You take the car home.** So there's two different ways of
 3 employees using County vehicles. One is portal
 4 to portal, they can actually have it in their
 5 possession and drive it home?
 6 **A. Correct.** And then they keep it in their
 7 possession and drive it back to work and then
 8 drive it home, correct?
 9 **A. (Witness nodded his head up and down.)**
 10 **Q.** And you agree with me that the
 11 County Manager is the one who's responsible for
 12 approving who receives those vehicles?
 13 **A. Correct.**
 14 **Q.** And just sticking with the portal to
 15 portal, so isn't it correct that Mr. Lapolla, in
 16 his job as Director of the Department of
 17 Operations & Facilities, did not assign vehicles
 18 portal to portal?
 19 **A. That's correct. Again, I --**
 20 **Q.** Okay, that's all I wanted to know.
 21 Now let's talk about the pool cars.
 22 You say that there was a problem with pool car
 23 assignments that you attribute in some respect to
 24 Mr. Lapolla?

1 Mr. Lapolla, correct?
 2 **A. Correct.**
 3 **Q.** And you've mentioned one employee
 4 had a car that you asked him to return?
 5 **A. Correct.**
 6 **Q.** Was there any other instance, other
 7 than this one employee that you held Mr. Lapolla
 8 responsible for assigning the vehicle to?
 9 **A. There were instances of pool cars being**
 10 **assigned that were not assigned by the County**
 11 **Manager. I don't remember any particulars, but**
 12 **there were times where they were assigned.**
 13 **Q.** But did you have a problem, other
 14 than this one employee that had the car which
 15 we're going to talk about in a minute, was there
 16 any specific instance of a car being assigned out
 17 of the pool that you believe should not have been
 18 assigned that you attribute to Mr. Lapolla?
 19 **A. I gave you the one instance in which I had**
 20 **a problem.** And that one instance involved which
 21 employee?
 22 **A. Bob Travisano.**
 23 **Q.** Tell us the situation that happened
 24 with Mr. Travisano and the vehicle.
 25

1 Q. Did you ever check into it and find out if it was true or not?

2 A. I don't recall.

3 Q. Okay. So let's talk about the one vehicle that you are criticizing Mr. Lapolla for, which was the revocation of Mr. Trivisano's vehicle. Why was the decision made to revoke his vehicle?

4 A. Because I believe there was a report of him using the vehicle for personal instances, and it was just not necessary for his job in my view, so I asked that it be revoked.

5 Q. And was there a discussion with you and Mr. Lapolla as to that should not be revoked and that Mr. Trivisano should be allowed to keep the vehicle for a longer period of time?

6 A. I don't recall.

7 Q. Do you recall that Mr. Trivisano's daughter had cancer?

8 A. His daughter? I don't recall that.

9 Q. You don't recall being told that Mr. Trivisano's daughter had cancer?

10 A. No.

11 Q. You don't recall telling Mr. Lapolla that because of that Mr. Trivisano could keep the

1 vehicle longer?

2 A. No.

3 Q. In other words, your testimony is that you decided Mr. Trivisano didn't need the vehicle, you said you wanted it revoked, Mr. Lapolla didn't revoke it, and you considered that to be insubordination?

4 A. I never -- I know that --

5 Q. Just answer that.

6 A. To my recollection, yes. I'm going to tell you there are memos to this effect that back it up.

7 Q. Okay. Did Mr. Trivisano file a lawsuit?

8 A. Yes.

9 Q. And were you a defendant in the lawsuit?

10 MR. RENAUD: I can tell you that, yes, he was.

11 Q. Okay. And did you make the decision to revoke Mr. Trivisano's vehicle after he filed a lawsuit against the County?

12 A. No.

13 MR. RENAUD: No.

14 Q. No? It was before?

1 A. Yes.

2 Q. Let me talk to you again about the gas keys. You've already indicated that the one instance of a problem with the gas key that you can recall is the one that deals with the gas key located at the Galloping Hill facility, correct?

3 A. Yes.

4 Q. And that Galloping Hill facility was a Parks & Recreation facility, correct?

5 A. Yes.

6 Q. Did you know that Mr. Lapolla actually knew that this gas key was out ready to be used or available to be used by anybody?

7 A. I don't know.

8 Q. Did you know at the time that you believed that you were critical of Mr. Lapolla over this, do you know whether or not he knew that the gas key was available to be used by anybody?

9 A. I don't know.

10 Q. After you became aware of that, what did you do about that gas key at the Galloping Hill facility?

11 A. As I stated earlier, we conducted a study and ultimately moved the administration of gas

1 keys and vehicles to the Deputy County Manager's office.

2 Q. So Mr. Lapolla didn't interfere with your decision as to what to do about the gas keys and the vehicles, correct?

3 A. Correct.

4 Q. When you were the Deputy County Manager, did you ever deal with Mr. Lapolla?

5 A. Yes.

6 Q. Do you recall what his job title was at the time?

7 A. He was, I believe, a division head.

8 Q. If I told you that he was the division head of Buildings & Grounds, does that sound right?

9 A. Yes.

10 Q. And Buildings & Grounds was within the Department of what?

11 A. Public Works.

12 Q. Public Works.

13 Are you aware of the fact that after Mr. Lapolla became the division head of Buildings & Grounds, that he instituted a procedure for dealing with the gas keys?

14 A. He instituted a procedure which created

1 the system for the gas keys, yes. Q. Okay. And what do you mean by the system for dealing with the gas keys?

4 A. I don't recall how gas previously had been allocated, but there was not a gas key or -- the system he put in place, which was Gas Boy, required a gas key to get gas.

8 Q. So he put a system in place called Gas Boy?

10 A. Correct.

11 Q. And that was a system that accounted for who had the gas key or the use of the gas key?

13 A. Track the gas by use of the gas key.

15 Q. Okay. Track the gas by use of the gas key. Did you use that system?

17 A. Yes.

18 Q. Did you have some criticism of the Gas Boy system?

20 A. No. At that time, no.

21 Q. Do you recall going to a meeting where Mr. Lapolla explained to all of the supervisors and department heads about how to use the Gas Boy system?

24 the Gas Boy system?

25 A. Do I recall that meeting? No.

1 Richmond Lapolla.

2 A. As I said, he was a friend. I considered him a friend. There was good interactions.

4 Q. Did you consider him to be a conscientious worker?

6 A. Yes.

7 Q. Did you consider him to be open to discussing things?

9 A. Yes.

10 Q. Did you consider him to be a good manager?

12 A. I wouldn't have had that interaction, so I don't know.

14 Q. Now, when you became Deputy County Manager, was there anyone else who made known his or her desire to be Deputy County Manager?

17 A. Not that I'm aware.

18 Q. That was not appointed by the board, correct?

20 A. Correct.

21 Q. That was appointed by Mr. Lapolla, the County Manager at the time?

23 A. Correct.

24 Q. You're not aware of the fact that Ms. Genievich wanted to be Deputy County Manager?

1 Q. Do you know whether he had that meeting?

3 A. I don't know.

4 Q. So you didn't have a criticism of the Gas Boy system that Mr. Lapolla instituted, but your criticism after you became the County Manager was that you didn't like the system of Gas Boy anymore?

9 A. My criticism wasn't of the Gas Boy, it was of the abuses with the keys themselves and who had keys, who didn't. I felt that it was not that it was not being managed in a proper way. There was still a lot of unanswered questions as to who was using gas.

15 Q. Okay. But the only specific instance that you can tell us about is the Galloping Hill situation, is that correct?

18 A. Correct.

19 Q. What was the nature of your interactions with Mr. Lapolla when you were the Assistant County Manager?

22 A. Which one?

23 Q. I mean in general.

24 A. There are two Lapollas.

25 Q. I'm sorry. With the plaintiff here,

1 A. No.

2 Q. Are you aware of whether or not anyone was supporting Ms. Genievich to be Deputy County Manager?

5 A. I didn't know she wanted it.

6 Q. How did it come to be that Mr. Lapolla got the position of Director of Operations & Facilities?

9 A. I appointed him to the position.

10 Q. Before you made that decision, did you speak with Ms. DeFillippo?

12 A. I don't recall.

13 Q. You may have, but you don't recall?

14 A. I may have. I don't recall.

15 Q. Did you speak to Senator Suliga?

16 A. I don't recall.

17 Q. You may have, but you don't recall?

18 A. Correct.

19 Q. Was anybody else interested in the position of Director of Operations & Facilities?

21 A. Not that I'm aware.

22 Q. Who was the Director of Operations & Facilities before Mr. Lapolla?

24 A. It did not exist as a department prior.

25 Q. So at the time that you became the

1 County Manager, a new position was created of
 2 Director of Operations & Facilities that you
 3 could appoint Mr. Lapolla to, is that correct?
 4 **A. That's correct.**
 5 **Q.** And who performed the duties of the
 6 Director of Operations & Facilities before that
 7 position was created?
 8 **A. Mr. Lapolla.**
 9 **Q.** He performed those duties in his
 10 position as the division head of Buildings &
 11 Grounds?
 12 **A. Correct.**
 13 **Q.** Did any of his duties change after
 14 he became the Director of Operations & Facilities
 15 from what his duties were when he was the
 16 division head of Buildings & Grounds?
 17 **A. Not dramatically, but I don't remember
 18 specifically if there were changes.**
 19 **Q.** Who did Mr. Lapolla report to when
 20 he was the division head of Buildings & Grounds?
 21 **A. Director Frank Dann.**
 22 **Q.** And you told me already, but I
 23 apologize, Director Frank Dann was the Director
 24 of
 25 **A. Public Works.**

1 **Freeholder Board.**
 2 **Q.** The recommendations, you said you
 3 had a task force?
 4 **A. Yes.**
 5 **Q.** Okay. And did they create a written
 6 recommendation?
 7 **A. Yes.**
 8 **Q.** And what was the reason, if you
 9 recall, that moving the duties of the division
 10 head of Buildings & Grounds into a Director of
 11 Department of Operations & Facilities, what was
 12 the reason for that change, if you recall?
 13 **A. The reason, it was a large division unto
 14 itself, and felt that it would be better served
 15 and function better as its own department with a
 16 department head that would report directly to the
 17 County Manager as opposed to reporting to another
 18 department head.**
 19 **Q.** How long after you became County
 20 Manager did Mr. Lapolla become the Director of
 21 the Department of Operations & Facilities?
 22 **A. I'm going to estimate six months, if it
 23 was that.**
 24 **Q.** So your task force started their
 25 work when you first became the County Manager?

1 **Q.** Instead of a division?
 2 **A. Correct.**
 3 **Q.** Was there an increase in his salary
 4 when he became a department head from a division?
 5 **A. Yes.**
 6 **Q.** Do you know how much of a salary
 7 increase that was?
 8 **A. I don't know.**
 9 **Q.** Who created the position of Director
 10 of the Department of Operations & Facilities?
 11 **A. When I became County Manager I had
 12 established a task force to look at County
 13 government and the way it functioned and make
 14 some structural changes. The people who did that
 15 understood what I was looking for as County
 16 Manager and they made some recommendations on a
 17 restructuring that created that department, which
 18 also changed the Deputy County Manager to be one
 19 that also was the head of the Administrative
 20 Services versus the one that was head of Economic
 21 Development, which is what it was when I was
 22 there. So there were a number of changes
 23 brought, some sweeping changes on the structure
 24 overall in the County when I became County
 25 Manager that I recommended and presented to the**

1 A. Yes. And then they gave recommendations and that's when you made the decision?

2 Q. Did you consider anyone else for the position of Director of the Department of Operations & Facilities?

3 A. Correct.

4 Q. You've already indicated that you made a decision that a critical mass had been reached and you made a decision that you and Mr. Lapolla could no longer work together as Director and County Manager, is that correct?

5 A. Correct.

6 Q. And that was your decision, correct?

7 A. Correct.

8 Q. And it was your decision to move him out of his directorship position?

9 A. Correct.

10 Q. Did you make that decision before or after you decided where to move him?

11 A. Before.

12 Q. And who did you put in the position of Director of the Department of Operations & Facilities?

13 Facilities?

1 A. If I recall correctly, Ron Zuber was placed in that position on a temporary basis. We undertook a restructuring and that department was then eliminated.

2 Q. So the Department of Operations & Facilities was created when you became the County Manager and was dissolved when Mr. Lapolla was moved out of that position, correct?

3 A. Correct.

4 Q. How long was Mr. Zuber placed in the position of the Director of the Department of Operations & Facilities?

5 A. Correct.

6 Q. Did the Department of Operations & Facilities go back to being a division under the Department of Public Works?

7 A. Yes.

8 Q. And at that time who was the Director of the Department of Public Works?

9 A. I don't recall.

10 Q. Was it weeks, months, days?

11 A. Just based on the process that it would take to restructure, it had to be months.

12 Q. Did the Department of Operations & Facilities go back to being a division under the Department of Public Works?

13 A. Correct.

14 Q. Was it weeks, months, days?

15 A. Just based on the process that it would take to restructure, it had to be months.

16 Q. Did the Department of Operations & Facilities go back to being a division under the Department of Public Works?

17 A. Correct.

18 Q. Was it weeks, months, days?

19 A. I don't recall.

20 Q. Was it weeks, months, days?

21 A. Correct.

22 Q. How long was Mr. Zuber placed in the position of the Director of the Department of Operations & Facilities?

23 A. I don't recall.

24 Q. Was it your decision to dissolve the position of Director of the Department of

1 Operations & Facilities and to move those functions back into a division of the Department of Public Works?

2 A. Was it my decision?

3 Q. Yes.

4 A. Yes.

5 Q. And why did you make that decision at that time?

6 A. It was my decision to create it. I had felt that Ricky, I'm sorry, Mr. Lapolla, was somewhat uniquely qualified for the position. It did not work out the way I had anticipated to the point of insubordination. Therefore, based on what we had been going through with policy changes and restructuring, and not all of the departments went to Public Works, other pieces of it went to different spots, but the bulk of it went to Public Works, and I believe it was Frank Dann who was the Department Director at the time.

7 Q. Of the Department of Public Works?

8 A. Yes.

9 Q. And who became the division head of the Buildings & Grounds when you moved the functions of the Department of Operations & Facilities directorship back to the Department of

1 Public Works as a division?

2 A. I don't recall.

3 Q. Was it somebody who was already in that position?

4 A. I just don't know.

5 Q. Now, you say that Mr. Lapolla's time as the Director of the Operations & Facilities Department came to the point of insubordination?

6 A. Correct.

7 Q. In what way was he insubordinate?

8 A. As I mentioned, whether it was the car assignment on Mr. Travisano, whether it was the personnel report that had been prepared, I think I had mentioned about an Operations & Policy Guidelines, which if I'm not mistaken was a separate report, that his department had its own policy handbook separate and apart from the County which was in some instances contrary to the County policy handbook.

9 As I said, there was only a handful of department directors. They are confidential aides. They are an arm of the County Manager and your management style. And we just couldn't see eye to eye far too often for me to continue to keep him as a department head. So I made a

1 **decision to change the structure and remove him**
 2 **and place him in another position which I felt**
 3 **that he'd be able to continue to work.**
 4 **Q.** Okay. But I want to focus on this
 5 use of the word "insubordination."
 6 **A. Right.**
 7 MS. FELLMAN: Debbie, could you just
 8 read that back? Because we all need to hear that
 9 again.
 10 (Whereupon, the following portion of
 11 the answer was read back:
 12 "Answer: As I mentioned, whether it
 13 was the car assignment on Mr. Travisano, whether
 14 it was the personnel report that had been
 15 prepared, I think I had mentioned about an
 16 Operations & Policy Guidelines, which if I'm not
 17 mistaken was a separate report, that his
 18 department had its own policy handbook separate
 19 and apart from the County which was in some
 20 instances contrary to the County policy
 21 handbook.")
 22 **Q.** Okay. The car assignment on
 23 Mr. Travisano, you have indicated that that was
 24 insubordination because you told Mr. Lapolla to
 25 have Mr. Travisano's car revoked and he didn't do

1 **nobody should be permitted to talk to anybody on**
 2 **the sixth floor.**
 3 **Q.** Okay. Let's just talk about that
 4 letter that you say you saw --
 5 **A. Right.**
 6 **Q.** -- from Mr. Travisano to
 7 Mr. Lapolla, correct?
 8 **A. Correct.**
 9 **Q.** Were you cc'd on that letter?
 10 **A. No.**
 11 **Q.** And my question to you is did you
 12 consider something about that letter
 13 insubordination by Mr. Lapolla?
 14 **A. The fact that people from his department**
 15 **were not permitted to interact with the**
 16 **administration I considered to be insubordinate.**
 17 **Q.** Did you write him up for that?
 18 **A. I'm sure we had a conversation about it.**
 19 **I don't believe I wrote him up at that point.**
 20 **Q.** So it's your testimony that you
 21 brought that letter up to Mr. Lapolla and
 22 mentioned to him about the fact that the letter
 23 said that none of the people in his department
 24 were to talk to the sixth floor?
 25 **A. Correct.**

1 it immediately, is that correct?
 2 **A. Correct.**
 3 **Q.** And you considered that
 4 insubordination?
 5 **A. Yes.**
 6 **Q.** And did you write him up for that?
 7 **A. Yes.**
 8 **Q.** Did you discipline him in any way
 9 for that?
 10 **A. I don't recall.**
 11 **Q.** Now, you mention a personnel report
 12 had been prepared. What are you speaking of?
 13 **A. That was the report that I had mentioned**
 14 **that Bob Travisano had written doing an**
 15 **assessment of the department, strengths and**
 16 **weaknesses of employees.**
 17 **Q.** And in what way did you consider
 18 that insubordination by Mr. Lapolla?
 19 **A. It wasn't that. There was a separate**
 20 **policy manual that was developed for his**
 21 **department.**
 22 **Q.** Okay. We're going to get to that.
 23 I thought that was the third thing.
 24 **A. It was in that report where, I believe it**
 25 **was in that report where it was stated that**

1 **Q.** And do you recall what his response
 2 to you was?
 3 **A. No, I don't.**
 4 **Q.** Then the third thing you mentioned
 5 was that Mr. Lapolla had an Operations & Policy
 6 Guidelines that you didn't think he should have,
 7 correct?
 8 **A. Correct.**
 9 **Q.** Okay. Did any of the other
 10 department heads have their own policies and
 11 procedures for their departments?
 12 **A. No. Not that I'm aware of.**
 13 **Q.** So you're saying that the only
 14 policies and procedures you were aware of were
 15 countywide?
 16 **A. Any handbooks, yes.**
 17 **Q.** Well, handbooks, policy, whatever
 18 document they're in, did any of the other
 19 department heads --
 20 **A. I'm not aware of any other department that**
 21 **had a policy handbook. There is one policy**
 22 **handbook in the County and it's the County's. I**
 23 **don't know how much clearer --**
 24 **Q.** You're talking about a policy
 25 handbook. I'm not talking about a handbook.

1 A. Okay. I'm talking about a document that sets forth any other policies and procedures.

4 A. Listen, the people could have had their own internal policies and procedures. There's only one official policy handbook.

7 Q. Did any of the other department heads have their own policies and procedures that they used for their own employees within their department?

11 A. Not that I'm aware of.

12 Q. But Mr. Lapolla did?

13 A. Correct.

14 Q. And what did this look like? Was this a handbook or was it --

16 A. If I'm not mistaken, it was an eight-and-a-half by eleven printout.

18 Q. And when did you first become aware that he had prepared this?

20 A. I don't recall.

21 Q. Do you know whether or not he had a printout when he was the division head of Buildings & Grounds?

24 A. No idea.

1 Q. Do you know when Mr. Lapolla created this printout?

3 A. No, I don't.

4 Q. Do you know if he created it before or after he became the department head of Operations & Facilities?

7 A. Well, the cover of it had it for his current department which was not previously a department, so I assume it was done.

10 Q. So this actually had a cover on it, a cover sheet?

12 A. Yeah.

13 Q. And your criticism of this was what?

14 A. That there were instances where that policy handbook was contrary to County policies.

16 And I don't remember or recall any of the specifics where it differed, but I do know, again, there are memos to the effect that there's one County policy handbook.

20 Q. If his procedures were consistent with the policies in the County handbook, would you have been critical of it?

22 A. I don't think so. It's redundant.

24 Q. Okay. So your criticism is of portions of that policy handbook for the

1 Department of Operations & Facilities that were inconsistent with the County policy handbook?

3 A. It goes to my overriding message which is that they operated on their own separate and apart from direction from the County Manager's office and that we had a difference in management style, correct.

8 (Whereupon, there was a problem with the court reporter's computer and a discussion was held off the record.)

11 MS. FELLMAN: I'm going to ask the court reporter to read back the question I asked you, sir.

14 (Whereupon, the following question was read back:

15 "Question: Okay. So your criticism is of portions of that policy handbook for the Department of Operations & Facilities that were inconsistent with the County policy handbook?")

20 MS. FELLMAN: Let me restate it.

21 Q. So the criticism that you had about Mr. Lapolla's policy handbook was that there were portions of it that were inconsistent with the County policy handbook?

25 A. Correct.

1 Q. Okay. To the extent that he put down policies or procedures that were consistent with the County policy handbook, did you have any criticism of that?

5 A. No.

6 Q. Okay. Did you consider the fact that he had a policy or procedure document for his Department of Operations & Facilities, did you consider that insubordination?

10 A. Can you repeat that?

11 MS. FELLMAN: Would you mind, Debbie?

13 (Whereupon, the following question was read back:

15 "Question: Okay. Did you consider the fact that he had a policy or procedure document for his Department of Operations & Facilities, did you consider that insubordination?")

20 A. Yes, and based on the fact that there were inconsistencies with the County policies.

22 Q. Did you write him up for that?

23 A. I know there is memos to that extent. At that point I don't know that I specifically wrote him up or disciplined him. I don't recall.

1 Q. Do you recall disciplining him at any point in time for anything that went on when he was the Director, in the Director's position?

2 A. I can't tell you whether I did or didn't. Any other instances of insubordination other than what you've told us about, the policy and procedure manual, the Travisano car situation, or the letter that you saw Travisano wrote? Any other instances of insubordination?

3 A. No. But I go back to this, it was just a general reluctance to follow my style of management and involvement.

4 Q. But my question is was there any other instances of what you've called insubordination?

5 A. That I could recall right now, no.

6 Q. So when you made this decision that you had reached a critical mass and you did not want him to be in the Director position any longer, and you've given us the reason, which was, what you said was a general reluctance to do what again? Let's just get it out there one more time.

7 A. He was a Department Director by the County

1 A. No. Other than what you've told us already today?

2 A. No.

3 Q. Did you document all of the instances of resistance, stonewalling and insubordination?

4 A. Did I document? No.

5 Q. Did you ever tell Mr. Lapolla that you were going to move him if he didn't do things more the way you wanted him to?

6 A. I don't recall.

7 Q. So when you made this decision that you wanted to move Mr. Lapolla out of his position, what did you do next? Because you've already said you made that decision first and then you looked for a place to put him, correct?

8 A. Correct.

9 Q. And so what did you do next?

10 A. I'm sure -- I brought the other -- talked to people that I felt could help me identify a spot that would suit his abilities to move him to.

11 Q. And who did you speak to?

12 A. With certainty I can say Liz Genievich,

1 Frank Guzzo, Frank Capece.

2 Q. Okay. And what input did Ms. Genievich have into that?

3 A. I don't recall the specific conversations.

4 Q. What about Frank Guzzo?

5 A. Again, don't recall.

6 Q. And Frank Capece gave you legal advice, correct?

7 A. Correct.

8 Q. Did he give you any advice that wasn't legal?

9 MR. RENAUD: Illegal advice or --

10 MS. FELLMAN: Any advice that I can ask him about is what I want to know.

11 Q. Did he give you any advice other than legal counseling?

12 A. Not that I recall.

13 Q. And as a result of those communications, did you make a decision as to where to move Mr. Lapolla?

14 A. As a result of those communications I know I reached out, and actually you can add Tom Bistocchi to that list. I did reach out to Tom Bistocchi at the Union County Vo-Tech. The County had invested a substantial amount of money

1 Manager's appointment. He's supposed to reflect the wills and wishes and management style of the County Manager. There was continually resistance, stonewalling and insubordination on his behalf throughout the years which brought me to the decision that the duties and responsibilities of that department would be better served being placed elsewhere, so I reassigned Mr. Lapolla at that time.

2 Q. Now, you've told us about all the instances of insubordination, correct?

3 A. Correct.

4 Q. Have you told us about all the instances of continual resistance?

5 A. I'm sure not.

6 Q. Well, can you think of any that stand out in your mind?

7 A. Not right now, no. I didn't study before I came here, so I'm sorry.

8 Q. What about stonewalling, is that the same thing?

9 A. Yeah. It's just resistance and uncooperative.

10 Q. Can you recall any other instances of lack of cooperation by Mr. Lapolla?

1 in construction projects that were ongoing there
 2 and asked him if there was a need, if he thought
 3 there might be a need to have somebody help him
 4 oversee the expenditure of the County dollars on
 5 his site.
 6 Q. So you spoke to him after you spoke
 7 to these other three people? You spoke to
 8 Mr. Bistocchi after you spoke to Ms. Genievich,
 9 Mr. Guzzo and Mr. Capece?
 10 A. Yes.
 11 Q. As a result of your conversation
 12 with them you reached out to Mr. Bistocchi?
 13 A. Correct.
 14 Q. And asked him if there was a need
 15 for a County employee at the work site?
 16 A. Yes.
 17 Q. Okay. Now, what work site are we
 18 speaking of?
 19 A. There were a number of projects, but at
 20 that time, the original time, there was an
 21 expansion or a new building being built on
 22 campus.
 23 Q. And the campus was the --
 24 A. The vo-tech campus in Scotch Plains.
 25 Q. And that's the Vocational Technical

1 School?
 2 A. Correct.
 3 Q. And it's a County school?
 4 A. Yes.
 5 Q. Now, you said that there had been a
 6 number of projects at vo-tech?
 7 A. Yeah. It was that building and that was
 8 the initial, then there were some subsequent
 9 additional improvements as time went on.
 10 Q. So how does it come to be that the
 11 County invests in building and improvements? How
 12 does that come about?
 13 A. The vo-tech makes a presentation to the
 14 County Board of Chosen Freeholders on the project
 15 it wants to do and the Freeholders decide whether
 16 or not they would want to fund it.
 17 Q. Was there any other money that the
 18 County of Union invested into projects, building
 19 projects or expansion projects while you were the
 20 County Manager?
 21 A. Yeah. Similarly, we did for Union County
 22 College. Are you talking outside of Union
 23 County, like schools? Repeat the question.
 24 Q. So you said the Freeholders would
 25 decide, after a presentation would be made to

1 them by some entity within the County --
 2 A. Right.
 3 Q. -- they would decide whether or not
 4 to allocate money to that project, correct?
 5 A. Correct.
 6 Q. Were there any other projects such
 7 as that, like that before the vo-tech project
 8 that you sent Mr. Lapolla to?
 9 A. The County, over the years while I was
 10 County Manager, had a number of capital
 11 improvements in buildings: New building in
 12 Scotch Plains for Public Works; new Public Safety
 13 Building in Westfield; ongoing improvements with
 14 the courts; parking deck in the City of
 15 Elizabeth, just to name a few. The County
 16 College had a new building in Elizabeth.
 17 MS. FELLMAN: Can you read those
 18 back, please?
 19 (Whereupon, the following answer was
 20 read back:
 21 "Answer: The County, over the years
 22 while I was County Manager, had a number of
 23 capital improvements in buildings: New building
 24 in Scotch Plains for Public Works; new Public
 25 Safety Building in Westfield; ongoing

1 improvements with the courts; parking deck in the
 2 City of Elizabeth, just to name a few. The
 3 County College had a new building in Elizabeth."
 4 Q. What do we call this vo-tech
 5 project? Was that the first project at the
 6 vo-tech after you became the County Manager?
 7 A. Yes, I believe so.
 8 Q. And what was the project called?
 9 What was going on?
 10 A. If I'm not mistaken, it was the performing
 11 arts school.
 12 Q. So am I correct that before the
 13 start of the performing arts school project at
 14 vo-tech there had not been any other vo-tech
 15 project after you became County Manager?
 16 A. No, there were subsequent projects even
 17 after this.
 18 Q. As far as the vo-tech was concerned,
 19 the first project after you became County Manager
 20 was the performing arts school?
 21 A. I am not sure of that. There may have
 22 been -- it was a major project, that's why it
 23 stands out in my mind. There may have been other
 24 capital improvements or projects, but I just
 25 can't recall them.

1 Q. Do you consider this a major project?
 2 project?
 3 A. Correct.
 4 Q. What makes it a major project?
 5 A. It was an expansion of the school. It was a performing arts school. There was a collaboration to expand the number of students, a partnership with Kean University. It was a sizeable project.
 6 Q. Okay. What is the relationship between Vocational-Technical School and the County of Union?
 7 A. It's of the County, but not part of the County. It has its own board.
 8 Q. It's autonomous, is that correct?
 9 A. Correct.
 10 Q. So the Vocational-Technical School is an autonomous entity with its own board. What is its relationship to the County of Union?
 11 A. Budgetary and capital improvements. I mean, the County does fund the vo-tech in part.
 12 Q. Does vo-tech get money for funding elsewhere other than the County of Union?
 13 A. Yes.
 14 Q. Was this project that you believe

1 A. J-I-N-G-O-L-I.
 2 Q. And what is your understanding as to what Jingoli Construction Company's job was with regard to this performing arts school construction?
 3 A. I don't know. I didn't hire them, so I don't know.
 4 Q. Well, they were a management company, correct?
 5 A. Correct.
 6 Q. So vo-tech hired them to manage the project, correct?
 7 A. Correct.
 8 Q. Do you know if the State of New Jersey had anyone on site involved in the management of the project?
 9 A. Don't know.
 10 Q. You don't know?
 11 A. I don't know.
 12 Q. At the time that you made the decision for Mr. Lapolla to go to the vo-tech, did you know whether or not the State of New Jersey had anyone on site?
 13 A. No.
 14 Q. You didn't check into that?

1 was the building of the performing arts school, did you believe that that was solely funded by the County of Union?
 2 A. Together with the State of New Jersey.
 3 Q. And what was the proportion by the State of New Jersey and the proportion by the County of Union?
 4 A. I believe it's in the neighborhood of a 50/50 split.
 5 Q. Who hired the construction company to build this project?
 6 A. The vo-tech.
 7 Q. The vo-tech did?
 8 A. Right.
 9 Q. Do you recall the name of the construction company?
 10 A. No.
 11 Q. Did vo-tech hire a management company to run the project?
 12 A. Yes.
 13 Q. Do you remember the name of that management company that was hired by vo-tech to run the project?
 14 A. I believe it was Jingoli Construction.
 15 Q. Do you know how to spell that?

1 A. As I said, I called Mr. Bistocchi, asked him if he had a need and if it would be helpful, and he was enthusiastic in his response.
 2 Q. Okay. What did he express to you was the need for somebody from the County of Union to be on site at the building of this project?
 3 A. I don't recall the specifics.
 4 Q. Do you recall anything about it, that he said? Did he explain why there would be a need for anybody from the County when they had hired the management company, Jingoli, to run the project?
 5 A. No, we didn't get into that. He just said it would be a big help to have somebody out there to assist on this project.
 6 Q. You didn't ask any details?
 7 A. No.
 8 Q. And he didn't give you any details?
 9 A. No.
 10 Q. How long was this conversation that you had with Mr. Bistocchi before you made the decision to send Mr. Lapolla to the vo-tech?
 11 A. Ten minutes.
 12 Q. And how much was Mr. Lapolla being

1 paid by the County of Union to go and do this
 2 work at the vo-tech?
 3 **A. I don't know.**
 4 **Q.** Was it over \$120,000?
 5 **A. I imagine so.**
 6 **Q.** Did you have to get anybody's
 7 approval in order to reassign Mr. Lapolla to the
 8 vo-tech project?
 9 **A. No.**
 10 **Q.** Did you decide that was the best use
 11 of the County's money, to send Mr. Lapolla to the
 12 vo-tech?
 13 **A. Yes.**
 14 **Q.** And what did you base that on?
 15 **A. I based it on the fact that the County was
 16 making a substantial investment on the vo-tech.
 17 That vo-tech school was important to the County
 18 with a substantial taxpayer contribution to it
 19 and wanted to make sure it was being run
 20 efficiently and watch after our tax dollars being
 21 spent.**
 22 **Q.** Did you have any reason to believe
 23 that the management company hired by vo-tech was
 24 not doing its job?
 25 **A. No.**

1 he came to the vo-tech?
 2 **A. No.**
 3 **Q.** Did you ever determine at any time
 4 Mr. Lapolla was at vo-tech what his job duties
 5 were?
 6 **A. Yes. I would probably talk to
 7 Mr. Bistocchi on a yearly basis and they
 8 submitted a report to me, as the County Manager,
 9 on Mr. Lapolla's job performance. I would check
 10 in and ask if the need was still there and if
 11 they were satisfied, and they said that it was
 12 and they were.**
 13 **Q.** And they said the need was still
 14 there?
 15 **A. Yes.**
 16 **Q.** Did they express to you what the
 17 need was?
 18 **A. They did in their annual report that they
 19 sent me on his performance.**
 20 **Q.** Did Mr. Lapolla report to anyone in
 21 the County when he was at vo-tech?
 22 **A. I don't believe so.**
 23 **Q.** Was that an unusual circumstance or
 24 was that the kind of thing that could happen
 25 where a County employee would report to a

1 **Q.** Did you have any reason to believe
 2 that the management company hired by vo-tech was
 3 not running the project efficiently?
 4 **A. No.**
 5 **Q.** Who was Mr. Lapolla's supervisor
 6 once he went to the vo-tech project?
 7 **A. I believe it was Mr. Capodice.**
 8 **Q.** And who is Mr. Capodice?
 9 **A. He was the Assistant Superintendent.**
 10 **Q.** Mr. Bistocchi was the
 11 Superintendent?
 12 **A. Correct.**
 13 **Q.** And he worked for the autonomous
 14 entity vo-tech?
 15 **A. Correct.**
 16 **Q.** And Mr. Capodice was the Assistant
 17 Superintendent, also worked for the autonomous
 18 entity vo-tech?
 19 **A. Yes.**
 20 **Q.** Did you ever speak to Mr. Capodice
 21 about what jobs, what duties Mr. Lapolla would
 22 have when he came to the vo-tech?
 23 **A. No.**
 24 **Q.** Did you ever speak to Mr. Bistocchi
 25 about what job duties Mr. Lapolla would have when

1 non-County supervisor?
 2 **A. I believe it's happened before with our
 3 Improvement Authority and Utilities Authority.**
 4 **Q.** Okay. What are those? When you say
 5 Improvement Authority --
 6 **A. We have a Union County Improvement
 7 Authority, we have a Union County Utilities
 8 Authority.**
 9 **Q.** They are authorities, not
 10 departments?
 11 **A. Correct.**
 12 **Q.** And what's the difference between an
 13 authority and department?
 14 **A. They're autonomous boards that receive
 15 funding from the County in some instance.**
 16 **Q.** Okay. Did you ever throughout the
 17 time that Mr. Lapolla was located at the vo-tech,
 18 did you ever visit the site?
 19 **A. Not that I can recall.**
 20 **Q.** Do you know whether anybody who
 21 worked for the County actually ever visited the
 22 site?
 23 **A. I don't know.**
 24 **Q.** Did you have any conversations with
 25 anyone from the management company, Jingoli,

1 about whether there was a need for Mr. Lapolla?
 2 A. No.
 3 Q. Did you ever speak to anyone from
 4 the management company, Jingoil, as to the job
 5 Mr. Lapolla was performing?
 6 A. No.
 7 Q. So other than this yearly report
 8 that you got from Mr. Bistocchi or Mr. Capodice,
 9 did you have any knowledge as to what Mr. Lapolla
 10 was doing while he was at the vo-tech?
 11 A. No.
 12 Q. How did it come to be that an
 13 evaluation was written by Mr. Capodice or
 14 Mr. Bistocchi? You said you got a letter every
 15 year?
 16 A. Yes.
 17 Q. How did those come about?
 18 A. They came about with employee reviews
 19 which goes into determining someone's raise or
 20 cost of living increase, whatever it might be.
 21 So on an annual basis the County would go through
 22 that and Mr. Bistocchi and Mr. Capodice provided
 23 a review of Mr. Lapolla for that purpose.
 24 Q. How did that come to be? Did they
 25 do it voluntarily?

1 MR. RENAUD: You mean were they
 2 requested?
 3 MS. FELLMAN: Yes.
 4 Q. I mean, did they just feel like they
 5 wanted to do it or did somebody ask them to do
 6 it?
 7 A. If I'm not mistaken, I probably -- I
 8 recall getting a phone call asking, "Since he's a
 9 County employee, what's the process on a raise?"
 10 And I said, "They get evaluated by their
 11 supervisor. In this case, it would be you. So
 12 if that's the case, you guys should put together
 13 an evaluation, send it to us, and it will be
 14 considered with every other County employee."
 15 Q. So you believe that you got a phone
 16 call from Mr. Capodice or Mr. Bistocchi?
 17 A. I believe Mr. Bistocchi.
 18 Q. And he asked you about how a County
 19 employee gets a raise?
 20 A. Yes.
 21 Q. Do you know why he asked you that?
 22 A. No, I don't.
 23 Q. So you didn't solicit the evaluation
 24 from Mr. Bistocchi, he called you?
 25 A. I don't recall the actual conversation,

1 but I know that I thought it was a good idea to
 2 have something on file on a yearly basis, and he
 3 called me about the one-year mark, and this
 4 seemed to be a way to satisfy that Mr. Lapolla
 5 was doing a job, that it was acceptable what he
 6 was doing. It came at the time that all
 7 employees were being evaluated.
 8 Q. Was there an employee evaluation
 9 form that the County of Union used, that
 10 supervisors used to evaluate employees?
 11 A. Yes.
 12 Q. Is that the form that they used,
 13 that Mr. Bistocchi or Mr. Capodice used to
 14 evaluate Mr. Lapolla?
 15 A. I don't know whether or not that form was
 16 filled out in addition to this, to the letter
 17 that I would receive, I don't know.
 18 Q. Did you ask them to use that form?
 19 A. I don't recall.
 20 Q. Did you discuss the County form with
 21 them at all?
 22 A. I don't recall.
 23 Q. Did you ever speak to Mr. Lapolla
 24 about his job or his job performance at any time
 25 that he was at the vo-tech?

1 A. No.
 2 Q. Did you ever see him during all
 3 those years?
 4 A. Yeah, we'd see each other.
 5 Q. But you never asked about his work?
 6 A. No.
 7 Q. Do you know how much money actually
 8 the County of Union was providing to the vo-tech
 9 with regard to the performing arts school?
 10 A. I don't recall.
 11 Q. I mean, are we talking \$500,000,
 12 \$100,000? I mean generally speaking.
 13 A. I think we're talking millions.
 14 Q. Millions of dollars?
 15 A. Yeah.
 16 Q. That the County contributed or that
 17 was the total contribution between the County and
 18 the State?
 19 A. I've got to believe that both were in the
 20 millions, both the County and the State.
 21 Q. Was there any other project at the
 22 vo-tech after the performing arts school was
 23 completed?
 24 A. Yes, there were renovations. There were
 25 other renovations and projects. I just don't