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

RICHMOND LAPOLLA, :
Plaintiff, :
vs. : DEPOSITION OF
UNION COUNTY and GEORGE : GEORGE W. DEVANNEY
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.

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George W. Devanney.

ALSO PRESENT:

Richmond Lapolla

I N D E X

1		
2	<u>WITNESS</u>	<u>DIRECT</u>
3	GEORGE W. DEVANNEY	
4	By Ms. Fellman	4

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(Cover letter dated 1/23/13 with
 Defendant Devanney's Answers to Plaintiff's First
 Set of Interrogatories received and marked as
 Exhibit Devanney-1 for Identification.)

GEORGE W. DEVANNEY,
 59 Cornell Avenue, Berkeley Heights, New Jersey,
 07922,
 having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MS. FELLMAN:

Q. Good morning, sir.

A. Good morning.

Q. My name is Susan Fellman and my firm represents Mr. Lapolla in this lawsuit and you have been named as a defendant in this case. Are you aware of that?

A. Yes.

Q. Have you ever had your deposition taken before?

A. Yes.

Q. On how many occasions?

A. One that I recall.

Q. Was that in connection with your employment?

A. Yes.

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1 Q. Do you recall when that was?
 2 A. **Approximately three, three to four years**
 3 **ago.**
 4 Q. What was your position at the time
 5 of that deposition?
 6 A. **I was the County Manager.**
 7 Q. And that was with the County of
 8 Union, correct?
 9 A. **Correct.**
 10 Q. You've had an opportunity to meet
 11 with Mr. Renaud today, correct?
 12 A. **Correct.**
 13 Q. And you are familiar with the
 14 deposition process, correct?
 15 A. **Correct.**
 16 Q. Let me just review some of the
 17 ground rules for you. As you see, the court
 18 reporter is taking down everything I say and all
 19 of your responses, so all your responses have to
 20 be verbal. All right?
 21 A. **Okay.**
 22 Q. Mr. Renaud may have an objection.
 23 If he does, or Counsel, Mr. Brockway, may also
 24 have an objection, so you have to wait a moment
 25 before answering the question to allow counsel

6

1 the opportunity to object if they care to. All
 2 right?
 3 A. **All right.**
 4 Q. And then Mr. Renaud will instruct
 5 you what to do. Okay?
 6 A. **Okay.**
 7 Q. The most important instruction that
 8 I can give you is when we're done here today the
 9 court reporter is going to transcribe, that means
 10 type up everything that's said here. And you
 11 know you're under oath. Even though you're in
 12 your attorney's office, what you say here today
 13 has exactly the same effect as any testimony you
 14 would give if this case were to be before a jury.
 15 Do you understand that?
 16 A. **Yes.**
 17 Q. So because of the significance of
 18 your testimony, we have to be sure that you
 19 understand the question when you give an answer
 20 to it. All right?
 21 A. **Okay.**
 22 Q. So if there's anything that I ask
 23 you that's not completely clear, that you're not
 24 comfortable with in any way, that you need to
 25 have repeated or restated, please let us know

7

1 that. Because if you don't, we will assume you
 2 understood the question when you answered it.
 3 All right, sir?
 4 A. **Yes.**
 5 Q. We don't want you to guess, but if
 6 you can approximate, please tell us that's what
 7 you're doing, you're approximating or estimating,
 8 and that is appropriate.
 9 A. **Okay.**
 10 Q. If you don't recall something,
 11 that's fine, tell us. If you don't know
 12 something, tell us. That's fine as well.
 13 A. **All right.**
 14 Q. And, certainly, if you need to take
 15 a break at any time, just let us know that. All
 16 right, sir?
 17 A. **Yes.**
 18 Q. What is your present employment
 19 position?
 20 A. **I'm a partner in Keyword Strategies.**
 21 Q. Can you spell that?
 22 A. **K-E-Y-W-O-O-D Strategies.**
 23 Q. And what kind of a business is that?
 24 A. **It's a government relations firm.**
 25 Q. What does that firm do?

8

1 A. **Government relations. We do some press**
 2 **for and public relations for different companies.**
 3 **We advocate on behalf of different clients**
 4 **attempting to secure work. We help manage some**
 5 **development projects through public processes.**
 6 Q. How many employees does Keyword
 7 Strategies employ?
 8 A. **Two.**
 9 Q. And who is the other person?
 10 A. **My wife.**
 11 Q. Where is it located?
 12 A. **We work out of our home.**
 13 Q. How long have you held this
 14 position?
 15 A. **Soon to be two years.**
 16 Q. And what is your wife's position in
 17 this firm?
 18 A. **She's the managing partner.**
 19 Q. And what is your title?
 20 A. **Partner.**
 21 Q. And what is the difference in the
 22 duties the two of you perform?
 23 A. **Very similar.**
 24 Q. Is there some reason why she's
 25 designated the managing partner?

9

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

10

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
 10 your employment position?
 11 **A. County Manager.**
 12 **Q.** And that was for the County of
 13 Union, correct?
 14 **A. Correct.**
 15 **Q.** Why did you leave that position as
 16 County Manager?
 17 **A. Because I had, I guess I had always**
 18 **thought about retiring when I hit 25 years of**
 19 **service. I had 26 years of service in, and I had**
 20 **a couple of friends who had encouraged me,**
 21 **thought that it would be a good idea and that the**
 22 **timing would be right for me to retire.**
 23 **Q.** Who are the friends who encouraged
 24 you to retire?
 25 **A. Mayor Jim Kennedy was one.**

11

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

12

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

13

1 **Scanlon. Nick Scutari. Lew Mingo.**
 2 **Q.** Was Mr. Estrada on the board at that
 3 time?
 4 **A. I believe so.**
 5 **Chester Holmes. Possibly Mary**
 6 **Rutolo.**
 7 **Q.** Christopher Hudak?
 8 **A. No.**
 9 **Q.** Bette Jane Kowalski?
 10 **A. I don't think so.**
 11 **Linda Stender? Linda Stender was.**
 12 **Q.** You think Linda Stender was on the
 13 board at the time?
 14 **A. A long time ago.**
 15 **Q.** You do think Mary Rutolo may have
 16 been, correct?
 17 **A. Possibly.**
 18 **Q.** You said Al Mirabella?
 19 **A. Correct.**
 20 **Q.** Was Linda Carter on the board at the
 21 time?
 22 **A. No.**
 23 **Q.** Was Mohamed Jalloh on the board at
 24 the time?
 25 **A. No.**

15

1 discussion?
 2 **A. In general, it was "I would like to seek**
 3 **the County Manager's appointment" and asked for**
 4 **her support.**
 5 **Q.** Why did you do that? Why did you
 6 ask Ms. DeFilippo?
 7 **A. Because she's the County Chairwoman.**
 8 **Q.** Do you remember how many discussions
 9 you had with Ms. DeFilippo about that?
 10 **A. No.**
 11 **Q.** Was it more than one?
 12 **A. I don't recall.**
 13 **Q.** Who appoints the County Manager in
 14 the County of Union?
 15 **A. The Board of Chosen Freeholders.**
 16 **Q.** Do they do it by way of a vote?
 17 **A. Yes.**
 18 **Q.** Do you know what the vote was when
 19 you were appointed?
 20 **A. I believe 9-0.**
 21 **Q.** Why is it that you needed Ms.
 22 DeFilippo's support if the Board of Chosen
 23 Freeholders votes the person to become County
 24 Manager?
 25 **MR. RENAUD: Object to the form of**

14

1 **Q.** Let's see, how many are there?
 2 **A. Nine.**
 3 **Q.** We've got eight. Okay. Maybe we'll
 4 come up with it later.
 5 **A. Rick Proctor.**
 6 **Q.** Mr. Proctor?
 7 **A. Yes.**
 8 **Q.** What's his first name?
 9 **A. Rick.**
 10 **Q.** Thank you.
 11 Who did you express your interest in
 12 becoming the County Manager to?
 13 **A. All nine.**
 14 **Q.** How did you do that? What was the
 15 mechanism?
 16 **A. I don't recall specifically. Phone calls**
 17 **and meetings.**
 18 **Q.** Did you have any discussion with
 19 Charlotte DeFilippo about your wanting to become
 20 the Manager of the County of Union?
 21 **A. Yes.**
 22 **Q.** Tell me about any conversation you
 23 had with Ms. DeFilippo.
 24 **A. I don't recall specifics.**
 25 **Q.** Well, in general, what was the

16

1 the question.
 2 **Q.** You can answer.
 3 **A. I asked for many people's support outside**
 4 **of the Freeholders.**
 5 **Q.** Well, you said that you do not
 6 recall speaking to anybody else other than the
 7 Board of Chosen Freeholders and Ms. DeFilippo, is
 8 that correct?
 9 **MR. RENAUD: I'll object to the form**
 10 **of the question. He did not say that.**
 11 **A. I did not say that.**
 12 **Q.** Who else did you speak to expressing
 13 a desire to become the County Manager?
 14 **A. I imagine, and I don't recall**
 15 **specifically, but many elected officials**
 16 **throughout the County.**
 17 **Q.** You don't recall specifically anyone
 18 in particular?
 19 **A. I could make guesses.**
 20 **Q.** Well, I don't want you to guess.
 21 **A. No, I don't recall specifically.**
 22 **Q.** Okay. So you talked to many elected
 23 officials, but you don't recall specifically who
 24 they were, is that correct?
 25 **A. Correct.**

1 Q. But you do recall speaking to
 2 Ms. DeFilippo and asking for her support?
 3 A. Yes.
 4 Q. And why do you believe you needed
 5 her support in order for you to become the County
 6 Manager?

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

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

11 A. **No, I needed the Board of Chosen
 12 Freeholders' support.**

13 Q. So why did you ask her for her
 14 support?

15 A. **Out of respect for her and her position.**

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

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

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

1 Manager?

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

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

5 A. **Not that I specifically can recall.**

6 Q. Did you speak to Mr. Lesniak, Ray
 7 Lesniak?

8 A. **Not that I specifically recall.**

9 Q. Did you speak with Mr. Scutari,
 10 Senator Scutari?

11 A. **Again, not that I specifically recall.**

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

16 A. **Not that I recall.**

17 Q. Now, your job before that was Deputy
 18 County Manager, is that correct?

19 A. **That's correct.**

20 Q. And how long were you in that
 21 position?

22 A. **I'm trying to remember. I'm guessing
 23 four --**

24 MR. RENAUD: Don't guess.

25 A. **I don't recall exact time frame.**

1 MR. RENAUD: I object to the form of
 2 the question.

3 Q. If you know.

4 A. **You asked if I believe?**

5 Q. Yes.

6 A. **I believe, yes.**

7 Q. You believe that you what?

8 A. **I would have been.**

9 Q. You do?

10 A. Yes.

11 Q. And that's based on what?

12 A. **Based on my personal relationship and
 13 working relationship with the Freeholder Board.**

14 Q. Did you speak to Mr. Chris Bollwage
 15 when you wanted to become County Manager for his
 16 support?

17 A. **I believe so. Again, it's one of those I
 18 just can't say with any certainty.**

19 Q. You believe you did speak with him?

20 A. Yes.

21 Q. Okay. Do you recall the
 22 conversation with Mr. Bollwage?

23 A. No.

24 Q. Did you speak with Michael Lapolla
 25 seeking his support for your position as County

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

4 A. **Not the entire time, but the majority of
 5 the time, yes.**

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

8 A. **It was the recommendation --**

9 MR. RENAUD: Hang on a second. I
 10 object to the form of the question.

11 You can answer it.

12 MS. FELLMAN: What's the basis of
 13 that objection? Would you like the question
 14 back?

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

17 (Whereupon, the following question
 18 was read back:

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

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

24 MS. FELLMAN: Okay.

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

21

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

22

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

23

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

24

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

25

1 Q. And what is your mother's name?
 2 A. **Mary Margaret Devanney.**
 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

26

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 to become the
 22 County Manager was the County Chairwoman. Did
 23 you mean Charlotte DeFilippo?
 24 A. **Yes.**
 25 Q. How did Charlotte DeFilippo feel

27

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.**

28

1 Q. 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 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 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 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. DeFilippo
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. DeFilippo
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 Devanney-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 Devanney

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1 received and marked as Exhibit Devanney-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 Devanney-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.**

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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 Palmeiri
 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**

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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

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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. Palmeiri and he worked

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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**
 7 **called at the time. Facilities and Operations I**
 8 **believe.**
 9 **Q.** The Department of Operations &
 10 Facilities, is that correct?
 11 **A. Close, yeah.**
 12 **Q.** Have you spoken to Mr. Palmeiri
 13 about any of the facts of this case?
 14 **A. No.**
 15 **Q.** Were you aware at the time that
 16 Mr. Lapolla was the Director of the Department of
 17 Operations & Facilities, were you aware of any
 18 complaints by Mr. Palmeiri about Mr. Lapolla's
 19 performance?
 20 MR. RENAUD: I'm sorry. Can you
 21 read that question back?
 22 (Whereupon, the following question
 23 was read back:
 24 "Question: Were you aware at the
 25 time that Mr. Lapolla was the Director of the

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1 Department of Operations & Facilities, were you
 2 aware of any complaints by Mr. Palmeiri about
 3 Mr. Lapolla's performance?")
 4 MR. RENAUD: That's fine.
 5 You can answer that.
 6 **A. No.**
 7 **Q.** Did he ever complain to you about or
 8 communicate to you that in his opinion
 9 Mr. Lapolla was not performing his job
 10 appropriately?
 11 **A. No.**
 12 **Q.** What is your relationship with
 13 Mr. Palmeiri?
 14 MR. RENAUD: I'll object to the form
 15 of the question.
 16 **Q.** Do you have a personal, a social
 17 relationship with him?
 18 **A. No. Today, no.**
 19 **Q.** When did you last have a social
 20 relationship with Mr. Palmeiri?
 21 **A. Maybe five years ago.**
 22 **Q.** Okay. Have you seen him in the last
 23 five years?
 24 **A. I've seen him.**
 25 **Q.** But you no longer have a social

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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
 6 years ago were the two of you friendly?
 7 **A. Yes.**
 8 **Q.** And were you friends?
 9 **A. Yes.**
 10 **Q.** And did you go out together
 11 socializing?
 12 **A. On occasion. It was not anything that was**
 13 **on a consistent basis.**
 14 **Q.** And how many years did that go on?
 15 **A. I don't know.**
 16 **Q.** Okay. The next person on your list
 17 is Gregg Lyons. What knowledge do you believe
 18 Mr. Lyons has that's relevant to this lawsuit?
 19 **A. He was the head of the juvenile detention**
 20 **facility when Mr. Lapolla was assigned there.**
 21 **Q.** What was his title at that time?
 22 **A. I believe he was the Director of the**
 23 **facility.**
 24 **Q.** Okay. Director of the juvenile
 25 detention facility?

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1 **A. Yes.**
 2 **Q.** Was that facility a County of Union
 3 facility?
 4 **A. Yes.**
 5 **Q.** Was Mr. Lyons an employee of the
 6 County of Union?
 7 **A. Yes.**
 8 **Q.** Did Mr. Lyons work out of the
 9 facility, the juvenile detention facility, or was
 10 his office somewhere else?
 11 **A. I don't know.**
 12 **Q.** Who did he report to, Mr. Lyons, in
 13 his position as head of the juvenile detention
 14 facility?
 15 **A. Frank Guzzo.**
 16 **Q.** Frank Guzzo?
 17 **A. Correct.**
 18 **Q.** And what was Mr. Guzzo's position?
 19 **A. Department head for the Department of**
 20 **Human Services.**
 21 **Q.** Have you spoken to Mr. Lyons about
 22 any of the facts related to this lawsuit?
 23 **A. No.**
 24 **Q.** What knowledge do you believe that
 25 Mr. Lyons has that's relevant to this lawsuit?

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1 You've told me what his job was, but what do you
 2 believe he would know about that's relevant to
 3 this lawsuit?
 4 **A. I don't specifically know.**
 5 **Q.** Did you ever speak with Mr. Lyons
 6 when Mr. Lapolla was assigned to the juvenile
 7 detention facility, did you ever speak to
 8 Mr. Lyons about the performance of Mr. Lapolla?
 9 **A. No.**
 10 **Q.** Did you ever speak to anybody while
 11 Mr. Lapolla was assigned to the juvenile
 12 detention facility about Mr. Lapolla's
 13 performance?
 14 **A. No.**
 15 **Q.** Did you ever speak to Frank Guzzo
 16 about Mr. Lapolla's performance while he was
 17 assigned to the juvenile detention facility?
 18 **A. No.**
 19 **Q.** Who was Mr. Lapolla's supervisor
 20 when he was assigned to the juvenile detention
 21 facility?
 22 **A. He, Gregg Lyons, ran the facility,**
 23 **however, the maintenance of the facility fell**
 24 **within the Department of Engineering & Public**
 25 **Works, so the maintenance was a report to Michael**

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1 organizational chart at the time that Mr. Lapolla
 2 was assigned to the juvenile detention facility,
 3 we would see that the most head of that type of
 4 facility would be the Department of Engineering &
 5 Public Works?
 6 **A. No.**
 7 **Q.** No, that's not correct?
 8 **A. Department of Human Services.**
 9 **Q.** The Department of Human Services.
 10 But then there was another department which was
 11 Engineering & Public Works?
 12 **A. Correct.**
 13 **Q.** And what was their role, Department
 14 of Engineering & Public Works?
 15 **A. They were in charge of the maintenance and**
 16 **operations of the facility.**
 17 **Q.** Of which kind of facility?
 18 **A. Juvenile detention, the police building,**
 19 **Runnells Hospital. County facilities as a whole.**
 20 **The courts.**
 21 **Q.** What kind of people were employed in
 22 the Department of Engineering & Public Works?
 23 **MR. RENAUD:** I object to the form of
 24 the question.
 25 **Q.** They were in charge of the

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1 **Brennan.**
 2 **Q.** Okay.
 3 **MS. FELLMAN:** I need to get that
 4 straight. Would you read that back?
 5 (Whereupon, the following answer was
 6 read back:
 7 "Answer: He, Gregg Lyons, ran the
 8 facility, however, the maintenance of the
 9 facility fell within the Department of
 10 Engineering & Public Works, so the maintenance
 11 was a report to Michael Brennan.")
 12 **Q.** So did you ever speak to Mr. Michael
 13 Brennan about Mr. Lapolla's performance while he
 14 was assigned to the juvenile detention facility?
 15 **A. No.**
 16 **Q.** Is it your understanding that
 17 Mr. Lapolla's direct supervisor when he was
 18 assigned to the juvenile detention facility was
 19 Michael Brennan?
 20 **A. Yes.**
 21 **Q.** And that's because Michael Brennan
 22 was the head of the Department of Engineering &
 23 Public Works?
 24 **A. Yes.**
 25 **Q.** So if we were to look at an

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1 maintenance and operations, correct?
 2 **A. Correct.**
 3 **MR. RENAUD:** I object to the form of
 4 the question. Do you want to ask him what jobs
 5 they held? I mean, "What kind of people" is an
 6 odd question.
 7 **MS. FELLMAN:** That's why I'm
 8 restating it.
 9 **Q.** What kind of job titles, maintenance
 10 men? Which kind of job titles reported to the
 11 Department of Engineering & Public Works?
 12 **A. I don't specifically have the job titles.**
 13 **It was everything. There were maintenance and**
 14 **there were supervisory positions.**
 15 **Q.** What was Mr. Lapolla's job title
 16 when he was assigned to the juvenile detention
 17 facility?
 18 **A. I don't recall.**
 19 **Q.** What type of trades worked in the
 20 Department of Engineering & Public Works?
 21 Plumbers?
 22 **A. Yes.**
 23 **Q.** Electricians?
 24 **A. Yes.**
 25 **Q.** Anybody who did construction or was

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. Palmeiri 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. Palmeiri, correct?
 20 **A. Correct.**
 21 **Q.** And Mr. Brennan and Mr. Palmeiri
 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 **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 **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. Palmeiri?
 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. Palmeiri, correct?
 24 MR. RENAUD: Objection to the form
 25 of the question.

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

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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?

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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**

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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,

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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

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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

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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

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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

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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
 2 persons that you have identified, you've listed
 3 Ronald Zuber, is that correct?
 4 A. Yes.
 5 Q. And what is Mr. Zuber's knowledge,
 6 that you're aware of, that's relevant to this
 7 lawsuit?
 8 A. **Mr. Zuber was an employee I had assigned**
 9 **to Mr. Lapolla's department to help facilitate**
 10 **the operations and liaison with the County**
 11 **Manager's office. And Mr. Zuber also made many,**
 12 **was participatory in recommendations on changes**
 13 **that were made in that department.**
 14 MS. FELLMAN: Debbie, you have to
 15 read that back.
 16 (Whereupon, the following answer was
 17 read back:
 18 "Answer: Mr. Zuber was an employee
 19 I had assigned to Mr. Lapolla's department to
 20 help facilitate the operations and liaison with
 21 the County Manager's office. And Mr. Zuber also
 22 made many, was participatory in recommendations
 23 on changes that were made in that department.")
 24 Q. You assigned Mr. Zuber to
 25 Mr. Lapolla's department, correct?

1 Mr. Zuber to Mr. Lapolla's department?
 2 A. **Because I felt Mr. Zuber had an**
 3 **understanding of the goals that I was seeking to**
 4 **accomplish and would be helpful to Mr. Lapolla.**
 5 Q. What were the goals you were seeking
 6 to accomplish?
 7 A. **When I became County Manager I instituted**
 8 **regular department head meetings, which we**
 9 **previously talked about. My style of management**
 10 **was one of being involved in policies and**
 11 **day-to-day operations of departments. And**
 12 **Lapolla's department was a department which had a**
 13 **number of areas where there had been some**
 14 **troubles.**
 15 Q. Okay. So let's talk about the goals
 16 first. What were your goals? You said that
 17 Mr. Zuber understood the goals you were trying to
 18 achieve, trying to accomplish, and then I asked
 19 you what the goals were and you said, well, you
 20 had instituted department head meetings and that
 21 you wanted to be involved in the policies of the
 22 departments?
 23 A. **Well, yes. Part of my department head**
 24 **meetings was to go over items that were on the**
 25 **Freeholder agenda. The Freeholders vote on**

1 A. **Correct.**
 2 Q. What department are you speaking of?
 3 A. **When Mr. Lapolla was department head for**
 4 **Operations & Facilities.**
 5 Q. Okay. And Mr. Zuber's job when you
 6 assigned him to Mr. Lapolla's department when
 7 Mr. Lapolla was Director of Operations &
 8 Facilities, Mr. Zuber's job was to facilitate the
 9 operations?
 10 A. Yes.
 11 Q. In what way?
 12 A. **I had sent him there to try to help**
 13 **improve the communications between that**
 14 **department and the County Manager's office and**
 15 **the policies that we were implementing.**
 16 Q. What had Mr. Zuber's position been
 17 before that?
 18 A. **He was the head of Labor Compliance.**
 19 Q. Was Mr. Zuber a personal friend of
 20 yours?
 21 A. Yes.
 22 Q. Was Mr. Lapolla, the plaintiff in
 23 this case, a personal friend of yours?
 24 A. Yes.
 25 Q. Why was it that you wanted to assign

1 **policies which are in essence the resolutions**
 2 **that come from departments. So I was involved in**
 3 **making sure that I would agree and supported the**
 4 **initiatives that were coming from the**
 5 **departments.**
 6 Q. Is a department head the same as
 7 department director?
 8 A. Yes.
 9 Q. So before you became County Manager,
 10 is it your understanding that the department
 11 heads could, on their own, put initiatives to the
 12 Board of Freeholders for a vote?
 13 A. **No, that's not the case. It all has to go**
 14 **through the County Manager's office.**
 15 Q. So what was it that you wanted to do
 16 that was different than what had been done
 17 before?
 18 A. **I held meetings and identified and talked**
 19 **to departments prior to the Freeholder meetings**
 20 **to review those initiatives.**
 21 Q. Well, the initiatives that you said
 22 before you became County Manager had to be
 23 reviewed by the County Manager and approved,
 24 correct?
 25 A. **Correct.**

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1 **Q.** So the only difference is that you
 2 did it at a meeting before the Freeholders met?
 3 **A. Yes.**
 4 **Q.** But the County Manager having to
 5 give his or her approval to any initiative by a
 6 department head, that had gone on before you?
 7 **A. Correct. It was just a change in style.**
 8 **Q.** The style was you wanted to do it in
 9 a meeting before?
 10 **A. With some give and take and discussion**
 11 **between departments, yes.**
 12 **Q.** So that was one of your goals when
 13 you became County Manager that you felt Mr. Zuber
 14 understood?
 15 **A. Yes.**
 16 **Q.** Okay. Well, what was it about that
 17 goal? The goal was to have a meeting for give
 18 and take? What was the goal?
 19 **A. The goal was to have that open**
 20 **communication and transparency about what was**
 21 **going on in government.**
 22 **Q.** Okay. So how did your meetings
 23 further that goal?
 24 **A. Well, while I was County Manager there**
 25 **were instances that were brought to my attention**

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1 **were not adhered to and we made policy changes as**
 2 **a result.**
 3 **Q.** Okay. Did you find out about the
 4 lack of accountability or the problem with
 5 awarding of services contrary to what was
 6 permitted, etcetera, did you find that out first
 7 or did you determine that the Department of
 8 Operations & Facilities was working on its own?
 9 Which came first or how did this all come up?
 10 **A. I don't recall. It all happened over a**
 11 **lengthy period of time, so it was just something**
 12 **that finally rolled out and was problematic.**
 13 **Q.** Well, what's the first instance you
 14 recall that you believe was a problem?
 15 **A. I don't --**
 16 **Q.** Well, give me some examples, then,
 17 of any of the problems that you determined were
 18 in the Department of Operations & Facilities.
 19 **A. Allowing vendors who performed services to**
 20 **purchase goods and mark them up by 15 percent.**
 21 **Q.** Can you explain that to me in
 22 layman's terms?
 23 **A. If an electrician or a carpenter was doing**
 24 **work at our facility and you needed an air**
 25 **conditioner, that that vendor would be permitted**

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1 **in the manner in which contracts were procured,**
 2 **items were purchased, awarding of on-call**
 3 **services distributed that were contrary to what**
 4 **we felt -- that often cases were contrary to what**
 5 **was permitted by law.**
 6 **Q.** Okay.
 7 **A. There was often times where there was no**
 8 **accountability on outside vendors and the work**
 9 **they were performing at our facilities.**
 10 **Q.** Anything else?
 11 **A. I believe there are other things that have**
 12 **been documented that I'm just not thinking of.**
 13 **Q.** Okay. So the goals didn't have
 14 anything to do with your department head
 15 meetings, the goal had to do with what you
 16 perceived were some deficiencies or illegalities
 17 going on?
 18 **A. One of my goals was for us to work**
 19 **together as a team, and it was my feeling that**
 20 **the Department of Operations & Facilities**
 21 **continued to operate on its own.**
 22 **Q.** Okay. And what caused you to come
 23 to that conclusion?
 24 **A. There were numerous, I had numerous memos**
 25 **and discussions with Mr. Lapolla that just things**

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1 **to purchase an air conditioner and then mark that**
 2 **price up by 15 percent to the County.**
 3 **Q.** Okay. Did the contractor get paid
 4 for buying the part and installing it?
 5 **A. They got paid for then installing it and**
 6 **buying it plus the 15 percent.**
 7 **Q.** Do you know how long that had been
 8 going on where vendors who performed services and
 9 goods received a 15 percent markup?
 10 **A. I don't know how long it had been going**
 11 **on.**
 12 **Q.** Do you know whether it had been
 13 going on throughout the time that Mr. Michael
 14 Lapolla was the County Manager?
 15 **A. I believe it to be the case.**
 16 **Q.** Was Ann Baran the County Manager
 17 before Michael Lapolla?
 18 **A. Yes.**
 19 **Q.** Do you know whether or not that was
 20 going on when Ann Baran was County Manager?
 21 **A. I don't know.**
 22 **Q.** Do you know whether or not that is
 23 going on at the present time?
 24 **A. It is not.**
 25 **Q.** It is not?

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1 **A. No.**
 2 **Q.** Was this something that was being
 3 hidden or was it just something that was done?
 4 **MR. RENAUD:** I object to the form of
 5 the question.
 6 **Q.** Let me back up a minute. When a
 7 vendor performs services or goods, who was in
 8 charge of approving hiring them or accepting that
 9 vendor as the provider?
 10 **A. The Board of Freeholders.**
 11 **Q.** Let's say there was an air
 12 conditioner like you mentioned.
 13 **A. Right.**
 14 **Q.** There had to be an air conditioner
 15 put in someplace, would that have to be approved
 16 by the Board of Freeholders?
 17 **A. No.**
 18 **Q.** Well, who approved the purchase of
 19 the installation of an air conditioner?
 20 **A. The department head, whatever department**
 21 **head procured this.**
 22 **Q.** Did vendors have to bid on that
 23 being the purchaser and installer of an air
 24 conditioner?
 25 **MR. RENAUD:** I object to the form of

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1 the question. I'm not sure what it is that
 2 you're asking here.
 3 **Q.** Well, if the County needed an air
 4 conditioner --
 5 **A. Correct.**
 6 **Q.** So they had to hire a vendor to buy
 7 it and install it, correct?
 8 **MR. RENAUD:** I guess my objection is
 9 are you asking him legally what was supposed to
 10 happen --
 11 **MS. FELLMAN:** No.
 12 **MR. RENAUD:** -- or what did happen?
 13 I'm just not sure that --
 14 **MS. FELLMAN:** Yeah, how did it work?
 15 **MR. RENAUD:** I'm not understanding
 16 what the question is.
 17 **MS. FELLMAN:** How did it work?
 18 **MR. RENAUD:** So practically. In
 19 other words, what was happening?
 20 **MS. FELLMAN:** Yes, what was
 21 happening?
 22 **MR. RENAUD:** What was happening?
 23 **A. What was happening was that the department**
 24 **was authorizing the work and the purchase and**
 25 **submitting it for payment to the County**

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1 **purchasing systems.**
 2 **Q.** So was there any bidding that went
 3 on with purchasing an air conditioner?
 4 **A. Often times not.**
 5 **Q.** Do you call that time and material,
 6 is that the right word for it?
 7 **A. I believe so.**
 8 **Q.** Was there any bidding by vendors?
 9 So, in other words, you need an air conditioner.
 10 That's the material and I guess the time is to
 11 install it, right?
 12 **A. Right.**
 13 **Q.** How did that get known to the public
 14 or did the department head just say, "Okay, Joe
 15 Blow contractor, you're it, whatever bill you
 16 give me I'll pay?"
 17 **A. No, there was bidding involved.**
 18 **Q.** That's all I asked. There was
 19 bidding involved?
 20 **A. Yes.**
 21 **Q.** So who assessed the bids?
 22 **A. I don't understand that.**
 23 **Q.** Well, there's bidding involved.
 24 Somebody has to pick which bid. I assume you
 25 take the lowest bid, right?

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

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

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

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

1 select would be the purchasing agent's decision,
 2 correct?
 3 **A. They would -- not their decision. They**
 4 **would review the bids, make sure that it was the**
 5 **lowest responsible bidder, and then the**
 6 **recommendation would move forward to the**
 7 **Freeholders for a vote.**
 8 **Q.** Okay. So where does the department
 9 head come into this?
 10 **A. In the implementation of the contract.**
 11 **Q.** Okay. Now explain that to me. So
 12 you've got a contract for installation, correct?
 13 **A. Say we have a contract for --**
 14 **Q.** Stick with me. We have a contract
 15 for the installation of the air conditioner,
 16 correct?
 17 MR. RENAUD: Objection.
 18 MS. FELLMAN: No?
 19 MR. RENAUD: No.
 20 MS. FELLMAN: That's what he said.
 21 MR. RENAUD: No.
 22 **Q.** There would be a bid for the
 23 installation of the air conditioner, that the
 24 lowest responsible bid would be selected by the
 25 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**
3 **verbally was not being conformed with, so we**
4 **implemented written policies that applied across**
5 **the board to all departments, and that was when I**
6 **began an assignment of certain personnel to the**
7 **department to make sure that they were being**
8 **implemented.**

9 **Q.** Who actually instituted the policies
10 that you wanted, such as the policy of signing in
11 by the contractors, the policy of a threshold
12 money amount having to be approved by the County
13 Manager's office?

14 **A. Who implemented each of those?**

15 **Q.** Who prepared the policy?

16 **A. Ultimately, it was my policy. Depending**
17 **on the policy, there was input from a number of**
18 **people, whether it was the Law Department,**
19 **Purchasing, Administrative Services, it was a**
20 **variety of people that had input into the policy**
21 **that I would then implement.**

22 **Q.** Were there other departments that
23 dealt with contractors besides Operations &
24 Facilities?

25 **A. I don't specifically recall.**

1 Parks & Recreation, did they also deal with
2 vendors?

3 **A. Yes. Let me clarify. However, as you see**
4 **often times when it came to Maintenance &**
5 **Facilities, the duties and responsibilities**
6 **between departments often cross lines. It's not**
7 **as straightforward and clearcut as, you know,**
8 **Parks did its own thing and Public Works did its**
9 **own thing and Maintenance & Facilities did its**
10 **own thing. When it came to the Maintenance &**
11 **Facilities, per its name, they often cross**
12 **departmental lines. So the areas where we had**
13 **instances of trouble were primarily within the**
14 **Department of Maintenance & Facilities.**

15 **Q.** Okay. Now, these instances of
16 trouble, this is what you observed before you
17 instituted your new policies?

18 **A. Correct.**

19 **Q.** And can you give me an estimate of
20 the amount of time that expired between the time
21 you first became aware of these instances and
22 problems, the instances of trouble that you made
23 mention of, and the institution of the new
24 policies?

25 **A. Off the top of my head I couldn't -- if we**

1 **Q.** What about the Department of Parks &
2 Public Works?

3 **A. Yes.**

4 **Q.** So the Department of Parks & Public
5 Works also dealt with vendors and time and
6 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
13 that time was not Mr. Sigmund?

14 **A. Mr. Sigmund was department head of the**
15 **Department of Parks at the time.**

16 **Q.** Okay. And then there's also Public
17 Works. I see.

18 So Mr. Sigmund was the department
19 head for Parks & Recreation?

20 **A. Correct.**

21 **Q.** And Mr. Dann was the department head
22 for the Department of Public Works?

23 **A. Correct.**

24 **Q.** And did both of those departments,
25 Department of Public Works and Department of

1 **could put the overall context of time into some**
2 **perspective I might be able to, but off the top**
3 **of my head, I cannot.**

4 **Q.** Well, we'll get into more detail
5 later, but are you thinking it was months or
6 weeks or years?

7 **A. Years.**

8 **Q.** So it was years before you
9 instituted your new policies?

10 **A. No. Oh, no, no, no, no. It was months**
11 **before we instituted the new policies.**

12 **Q.** So you first became aware of
13 instances of trouble and you said they were
14 primarily in the Department of Operations &
15 Facilities, correct?

16 **A. Correct.**

17 **Q.** And then within months you
18 instituted your new policies that you've told us
19 about, to correct, to make for more
20 transparencies, is that correct?

21 **A. Correct.**

22 **Q.** So after you instituted your new
23 policies, was there any further problems that you
24 were aware of in the Department of Operations &
25 Facilities?

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

4 **Q.** Well, after you instituted a
 5 specific policy, were there any further instances
 6 of trouble related to what that policy was
 7 designed to correct?

8 **A. Can you say this one again?**

9 **Q.** Well, you said that the policies
 10 were instituted over a period of time?

11 **A. Correct.**

12 **Q.** You also said that you became aware
 13 of instances of trouble within the Department of
 14 Operations & Facilities primarily, correct?

15 **A. Correct.**

16 **Q.** And my question was that then you
 17 would institute a policy within months of
 18 becoming aware of that problem, correct?

19 **A. Correct.**

20 **Q.** And then you'd become aware of
 21 another problem and then you'd institute another
 22 policy?

23 **A. Correct.**

24 **Q.** Was there ever any recurrence of
 25 problems within the Department of Operations &

1 Facilities after you instituted a specific policy
 2 that was designed to prevent that problem?

3 **A. No, because we would make sure that if**
 4 **needed, like I said, we would assign liaisons or**
 5 **personnel to make sure that the policies were**
 6 **implemented and conformed with.**

7 **Q.** Okay. Was there some reason for you
 8 to believe that Mr. Lapolla was not going to
 9 carry out the policy that you had instituted?

10 **A. Yes.**

11 **Q.** Okay. What was your reason?

12 **A. My reason was because we had had**
 13 **conversations verbally to correct these actions**
 14 **and they just weren't corrected.**

15 **Q.** But after you instituted a formal
 16 policy it became a written formal policy for the
 17 whole County, correct?

18 **A. Correct.**

19 **Q.** Did you have any reason to believe
 20 that Mr. Lapolla was not going to carry out your
 21 policy once it became a formal policy?

22 **A. There was a general reluctance and a**
 23 **general resistance from Mr. Lapolla to allow or**
 24 **open up the actions of his department to the**
 25 **County Manager's office for purposes of**

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

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

17 **Q.** Okay. When you say, "Things
 18 continued to roll out, roll out," what do you
 19 mean by that?

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

25 **Q.** Can you give me any examples?

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

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

10 **A. My office made sure it was carried out.**

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

14 **A. Yes, that's correct.**

15 **Q.** And what did you base that on?

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

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

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

1 "Answer: There was a report and an
 2 assessment prepared by his own department that
 3 gave a directive that people within his
 4 department were not to talk to people on the
 5 sixth floor.")
 6 **Q.** What is the sixth floor?
 7 **A. The sixth floor was the County Manager/the**
 8 **Deputy County Manager's offices.**
 9 **Q.** And you say there was a report and
 10 assessment by his department?
 11 **A. Correct.**
 12 **Q.** What are you speaking of, a written
 13 report?
 14 **A. Yes.**
 15 **Q.** Did you actually see a written
 16 report?
 17 **A. Yes.**
 18 **Q.** And what did that written report
 19 say?
 20 **A. It had assessments of his own personnel**
 21 **and guidelines and procedures that were to be**
 22 **implemented within his department.**
 23 **Q.** Do you have a copy of that
 24 assessment?
 25 **A. I don't personally. I don't have a copy,**

1 **no.**
 2 **Q.** Do you know whether a copy of that
 3 exists?
 4 **A. Yes, one does.**
 5 **Q.** And what was this one more time,
 6 please? It was a report. Was it by Mr. Lapolla?
 7 **A. No, it was a report by Mr. Travisano given**
 8 **to Mr. Lapolla.**
 9 **Q.** Travisano gave a report to
 10 Mr. Lapolla?
 11 **A. Correct.**
 12 **Q.** And why did Travisano do this
 13 report?
 14 **A. I don't know.**
 15 **Q.** I mean, what was the purpose of the
 16 report?
 17 **A. I don't know. It wasn't my report. I**
 18 **didn't ask for it.**
 19 **Q.** And what did this report say?
 20 **A. As I recall, it was assessments of**
 21 **employees within the department and guidelines.**
 22 **Q.** What do you mean "assessments of
 23 employees?"
 24 **A. Strengths and weaknesses of different**
 25 **employees.**

1 **Q.** Okay.
 2 **A. Guidelines and procedures.**
 3 **Q.** Guidelines and procedures relating
 4 to what?
 5 **A. Employees and their conduct within the**
 6 **department.**
 7 **Q.** What were the guidelines and
 8 procedures?
 9 **A. For the general operations of the**
 10 **department.**
 11 **Q.** Okay. And then there was a
 12 directive within that?
 13 **A. Yes, there was.**
 14 **Q.** That people within his department
 15 were not to talk to anybody on the sixth floor?
 16 **A. Correct.**
 17 **Q.** Okay. And who is Mr. Travisano?
 18 **A. He was an assistant to Mr. Lapolla.**
 19 MS. FELLMAN: Okay. Let's take our
 20 break.
 21 (Whereupon, a short recess was
 22 taken.)
 23 **Q.** That report that you saw that
 24 Mr. Travisano prepared, how did you come to be in
 25 possession of that?

1 **A. I don't recall.**
 2 **Q.** Did you ever take possession of it
 3 or did you just see it?
 4 **A. I had a copy, yes.**
 5 **Q.** What was the reason that you say
 6 there was a directive for people within the
 7 department not to talk to people on the sixth
 8 floor? What was the reason for that, if you
 9 recall?
 10 **A. Wasn't my directive. I don't know.**
 11 **Q.** I mean, was there a reason stated in
 12 the document is what I'm asking?
 13 **A. No.**
 14 **Q.** You say, "It had reached a critical
 15 mass." And then you said, apparently you were
 16 speaking of you and Mr. Lapolla, "We don't have a
 17 meeting of the minds and I think we should part."
 18 **A. Correct.**
 19 **Q.** What are you talking about there?
 20 **A. What I'm talking -- I felt that we had**
 21 **reached a point where our management styles were**
 22 **so at odds with each other, that we couldn't work**
 23 **together as department head and County Manager.**
 24 **Q.** At this point when you say it
 25 reached a critical mass, what are you referring

1 to?

2 **A. Just the general feeling that the**

3 **department would continue to operate on its own**

4 **and implement, carry out, and just carry out its**

5 **functions in a way that would leave people that I**

6 **felt should be aware of what was happening in the**

7 **dark.**

8 **Q. Say that again.**

9 **A. They were just not transparent. The more**

10 **information we would ask for, the more resistance**

11 **and reluctance we would get. And I tried to**

12 **explain to Mr. Lapolla on a number of occasions**

13 **that my style as a County Manager is very**

14 **hands-on. I want to understand what's going on,**

15 **where we can make changes, how can we make**

16 **changes, how can we save County dollars, and**

17 **there was a resistance and reluctance to provide**

18 **and to assist in that endeavor.**

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

20 **time sequence --**

21 **A. Yes.**

22 **Q. -- at this point in time when you**

23 **say the things had "reached a critical mass," had**

24 **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**

5 **Mr. Zuber into his position of liaison?**

6 **A. I don't recall the timing of it.**

7 **Q. Did Mr. Zuber ever indicate to you**

8 **that he had any problems communicating or**

9 **learning what was going on in the Department of**

10 **Operations & Facilities?**

11 **A. Yes, consistently.**

12 **Q. Okay. What did he tell you?**

13 **A. Pretty much, I don't remember with**

14 **specificity, but when he was there, he was one of**

15 **the people that would tell me other things he was**

16 **finding as he spent time there.**

17 **Q. Okay. Did he put any of this in**

18 **writing?**

19 **A. Yes.**

20 **Q. In memos?**

21 **A. Yes.**

22 **Q. Now, you've talked about bone of**

23 **contention. I'm trying to get an understanding**

24 **as to what the "problems" were. One was, which**

25 **you've indicated about, that you believed that**

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**

6 **anything that continued to occur after you**

7 **implemented many of your policies and Mr. Zuber**

8 **had become the liaison, can you give me any**

9 **instances that occurred that gave you cause to**

10 **believe that you and Mr. Lapolla couldn't work**

11 **together as County Manager and Director?**

12 **A. Again, it was just more accountability and**

13 **wanting to know what was happening, how things**

14 **were happening, and who was making those**

15 **decisions outside of the County Manager's office.**

16 **And vehicles and vehicle assignments were a bone**

17 **of contention, and pool cars and their**

18 **assignments, and gas and who had access to gas**

19 **keys. And I don't recall the actual timing of**

20 **each of the instances, but as I said, you know,**

21 **they just continued to roll out over a period of**

22 **time, and they were as a result of my office**

23 **finding out information, not the department being**

24 **forthcoming about the information.**

25 **Q. Were your policies in writing, the**

1 the contractors' time was not being accounted for

2 accurately or that you couldn't count on it being

3 accurate, is that correct?

4 **A. Correct.**

5 **Q. And did you have any actual reason**

6 **to believe that that was the case? I mean, I**

7 **understand you implemented a policy for the**

8 **contractors to sign in and sign out, correct?**

9 **A. Correct.**

10 **Q. Before that happened, did you have**

11 **any basis to believe that the contractors were**

12 **padding their time?**

13 **A. There was one instance which a door**

14 **contractor, former employee, contacted my office**

15 **and spoke of no accountability and how the**

16 **company would send one employee out to work on a**

17 **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**

21 **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**

25 **referred to the prosecutor's office.**

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

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

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

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

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

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

10 **A. Not labor. Materials.**

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

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

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

16 **A. Correct.**

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

18 **A. Yes.**

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

22 **A. No.**

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

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

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

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

8 MR. RENAUD: I object to that.

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

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

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

19 **A. Correct.**

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

23 **A. There were vehicle assignments and there**
 24 **were pool cars which would be assigned on an**
 25 **as-need basis.**

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

6 **A. Yes.**

7 **Q.** Okay. And what was that problem?

8 **A. The problem was, we were, again, trying to**
 9 **make some reductions in those assignments and we**
 10 **got little or no cooperation from his department.**

11 **Q.** Okay. Who were the vehicles
 12 assigned to?

13 **A. County employees.**

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

16 **A. Yes.**

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

21 **A. Yes.**

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

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

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

1 **A. Yes.**

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

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

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

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

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

15 **A. There may have been.**

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

19 **A. Yes.**

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

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

23 **Q.** Can you explain what you mean by
 24 that?

25 **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 **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 **Q.** Who made a change? Did anybody make
 2 a change before the assignment of these vehicles
 3 was shifted to the Deputy County Manager?
 4 **A. I don't specifically recall.**
 5 **Q.** Then there was an issue about gas
 6 keys, correct?
 7 **A. Correct.**
 8 **Q.** What was that about?
 9 **A. In a similar nature, you needed a key to**
 10 **operate our County gas pumps to get gas. Getting**
 11 **reports, understanding who had gas keys and what**
 12 **gas keys was problematic or difficult.**
 13 **Q.** Who had gas keys and what did you
 14 say? I'm sorry.
 15 MS. FELLMAN: Who had gas keys and
 16 what?
 17 (Whereupon, the following portion of
 18 the answer was read back:
 19 "Answer: Getting reports,
 20 understanding who had gas keys and what gas keys
 21 was problematic or difficult.")
 22 **Q.** Did people have gas keys
 23 permanently? I don't mean permanently for the
 24 rest of their lives, but I mean in their position
 25 would a person have a gas key?

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

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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.**

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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**

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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?

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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 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 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.** Percentagewise, 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 **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 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

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1 certain context, but other than that? I mean,
 2 did she have any interactions with Mr. Lapolla
 3 that you're aware of?
 4 **A. Often, yes.**
 5 **Q.** Did she ever make any comments to
 6 you about Mr. Lapolla's performance?
 7 **A. Beyond what's already been said, no.**
 8 **Q.** Did she have any criticisms of any
 9 of his work as a Director in the Department of
 10 Operations & Facilities?
 11 **A. Very similar to everything I've said, yes.**
 12 **Q.** Did she have any specific examples
 13 that she told you about?
 14 **A. I'm sure. I can't recall other than what**
 15 **I've already said.**
 16 **Q.** You appointed her to be the Deputy
 17 Director?
 18 **A. Deputy County Manager.**
 19 **Q.** I mean Deputy County Manager,
 20 correct?
 21 **A. Correct.**
 22 **Q.** Did you know her from before she
 23 became Deputy County Manager?
 24 **A. Yes.**
 25 **Q.** And what was your relationship with

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1 her before that?
 2 **A. She was the clerk to the Board of**
 3 **Freeholders previously.**
 4 **Q.** So she went from being the clerk of
 5 the Board of Freeholders to Deputy County
 6 Manager?
 7 **A. Yes.**
 8 **Q.** Did you believe that she was
 9 qualified for that position?
 10 **A. Yes.**
 11 **Q.** Based on what?
 12 **A. Based on her resume, her previous work**
 13 **experience, and based upon her knowledge of the**
 14 **County and her work with the Board of**
 15 **Freeholders.**
 16 **Q.** What was her previous work
 17 experience that you believed qualified her for
 18 that position?
 19 **A. She had worked for Governor Cuomo in New**
 20 **York, she had worked for State Senator Suliga,**
 21 **and as I said, she had been the clerk to the**
 22 **Board of Freeholders and had good relations and**
 23 **an understanding of the County, which I felt**
 24 **complemented my style.**
 25 **Q.** How long had she been a clerk to the

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1 Board of Freeholders?
 2 **A. She became the clerk during Michael**
 3 **Lapolla's tenure as County Manager, so I don't**
 4 **know the exact.**
 5 **Q.** Was that an appointed position or
 6 was that a Civil Service position?
 7 **A. It's appointed by the Freeholders.**
 8 **Q.** What was her job immediately prior
 9 to becoming the clerk for the Board of
 10 Freeholders?
 11 **A. I believe she had worked for Senator**
 12 **Suliga prior.**
 13 **Q.** Do you remember the capacity?
 14 **A. No.**
 15 **Q.** Now, Joseph Graziano, you've
 16 mentioned him also.
 17 **A. Yes.**
 18 **Q.** Is there anything else that you
 19 haven't told us about that he has knowledge of
 20 that you believe is relevant to this lawsuit?
 21 **A. No.**
 22 **Q.** And Frank Guzzo, anything else that
 23 you believe he has knowledge of that you haven't
 24 already told us about?
 25 **A. No.**

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1 **Q.** Sebastian D'Elia, who is that?
 2 **A. He is the County press officer.**
 3 **Q.** And what knowledge do you believe he
 4 has?
 5 **A. He has knowledge I guess of the policies**
 6 **that had been implemented and the resulting**
 7 **savings or effectiveness of those policies,**
 8 **because we'd either report to the Freeholder or**
 9 **put out a press release as to the accomplishments**
 10 **that had come about as a result of the change in**
 11 **policies.**
 12 **Q.** And your change in policies was
 13 countywide, correct?
 14 **A. Correct.**
 15 **Q.** It didn't just affect the Department
 16 of Operations & Facilities, correct?
 17 **A. Correct, some of them did, but yes.**
 18 **Q.** How many different departments were
 19 there?
 20 **A. It changed.**
 21 **Q.** Well, approximately. Are we talking
 22 eight to ten?
 23 **A. Yeah, eight to ten.**
 24 **Q.** So there are eight to ten department
 25 heads?

1 **A. Yes.**
 2 **Q.** Who is Victoria Durbin-Drake?
 3 **A. She had previously been Special Assistant**
 4 **to County Manager Lapolla, headed up the Open**
 5 **Space Trust Fund while I was County Manager, and**
 6 **she was a report to the Freeholders. She was**
 7 **just somebody who had general knowledge of things**
 8 **going on, that we would occasionally talk. I**
 9 **would characterize her sometimes as maybe a**
 10 **go-between between myself and Rick.**
 11 **Q.** Do you remember anything that was
 12 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**
 16 **Administrative Assistant. Subsequently, she**
 17 **became the head of personnel underneath Deputy**
 18 **County Manager Liz Genievich.**
 19 **Q.** What knowledge does she have?
 20 **A. Again, a lot -- she was just -- general**
 21 **hearsay, and she was just involved. She was just**
 22 **someone that knew, that you would talk to on**
 23 **occasion. She would come and just talk to.**
 24 **Q.** Did she ever tell you anything
 25 specific that was related to Mr. Lapolla's

1 performance or what was going on in the
 2 Department of Operations & Facilities?
 3 **A. There were occasions where she did, but I**
 4 **can't recall specifically at this time.**
 5 **Q.** Same thing with Ms. Durbin-Drake,
 6 correct?
 7 **A. Correct.**
 8 **Q.** And have you spoken to either of
 9 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**
 15 **place in Mr. Lapolla's department to help**
 16 **facilitate and I believe assist with purchasing**
 17 **and purchasing changes as an office manager. We**
 18 **put her in there as a -- Manny Barone -- just to**
 19 **skip ahead here -- Donna Albin was more basically**
 20 **an office manager and Manny Barone was more in**
 21 **charge of purchasing for the departments.**
 22 **Q.** And do you know any specific
 23 information that she has relevant to this case?
 24 **A. No.**
 25 **Q.** Did she ever tell you anything

1 specifically about Mr. Lapolla or the department
 2 that he headed?
 3 **A. No, not that I recall.**
 4 **Q.** And Manny Barone, you mentioned him
 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
 12 knowledge of that is relevant to the case?
 13 **A. He has a lot of knowledge as it relates to**
 14 **the contracts and purchasing procedures where we**
 15 **implemented new policies.**
 16 **Q.** So he has knowledge of the policies
 17 you implemented?
 18 **A. Yes.**
 19 **Q.** Does he have knowledge of the old
 20 policies?
 21 **A. Yes.**
 22 **Q.** Does he have any knowledge of any
 23 improprieties with regard to the old policies?
 24 **A. Yes.**
 25 **Q.** What's his knowledge?

1 **A. I don't recall.**
 2 **Q.** And how do you know that he has
 3 knowledge of improprieties with regard to the old
 4 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
 9 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**
 13 **mentioned.**
 14 **Q.** Well, did he tell you that he was
 15 aware of any contractor padding their bill?
 16 **A. No.**
 17 **Q.** Did he ever tell you that he was
 18 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
 23 because what reason?
 24 **A. He believed that the dollar amount was of**
 25 **such a sum that it should be bid.**

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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

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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?

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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,

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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.**
 2 **Q.** That's right. And what was that
 3 job?
 4 **A.** **Just to make sure that contractors hired**
 5 **by the County were following prevailing wage laws**
 6 **and of the sort on public jobs.**
 7 **Q.** Do you know how long he was in that
 8 position?
 9 **A.** **No.**
 10 **Q.** Do you know what he did before he
 11 came to the County?
 12 **A.** **Before he came to the County he worked**
 13 **for, gosh, Comcast or Cablevision or one of**
 14 **the --**
 15 **Q.** He was not in a public service job?
 16 **A.** **No.**
 17 **Q.** Did he do some job dealing with
 18 video recordings and/or television or something
 19 of that sort?
 20 **A.** **Yeah, he went to work in the clerk's**
 21 **office at one point, and that may have been**
 22 **something that he did, taping Freeholder**
 23 **meetings, because he had come from a background**
 24 **of that, so he had some knowledge of it.**
 25 **Q.** You gave him the position of making

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 Recreation and the Department of Public Works at
 2 the same time that he was a liaison to the
 3 Department of Operations & Facilities?
 4 **A.** **No.**
 5 **Q.** So all three of these liaison
 6 positions were different times?
 7 **A.** **Yes.**
 8 **Q.** Who was the head of the Department
 9 of Parks & Recreation at that time?
 10 **A.** **Chuck Sigmund.**
 11 **Q.** Did you ever remove Mr. Sigmund from
 12 his position as Director or head of the
 13 Department of Parks & Recreation?
 14 **A.** **Yes.**
 15 **Q.** And what did you move him into?
 16 **A.** **I moved him into Green Acres. It was a**
 17 **Green Acres compliance job.**
 18 **Q.** And he had been the department head
 19 of Parks & Recreation before you did that,
 20 correct?
 21 **A.** **Correct.**
 22 **Q.** And who was the head of the
 23 Department of Public Works?
 24 **A.** **Frank Dann.**
 25 **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,

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

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

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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.**
 21 **Q.** And that one instance involved which
 22 employee?
 23 **A. Bob Travisano.**
 24 **Q.** Tell us the situation that happened
 25 with Mr. Travisano and the vehicle.

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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.**

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1 Q. Did you ever check into it and find
 2 out if it was true or not?
 3 A. **I don't recall.**
 4 Q. Okay. So let's talk about the one
 5 vehicle that you are criticizing Mr. Lapolla for,
 6 which was the revocation of Mr. Travisano's
 7 vehicle. Why was the decision made to revoke his
 8 vehicle?
 9 A. **Because I believe there was a report of**
 10 **him using the vehicle for personal instances, and**
 11 **it was just not necessary for his job in my view,**
 12 **so I asked that it be revoked.**
 13 Q. And was there a discussion with you
 14 and Mr. Lapolla as to that should not be revoked
 15 and that Mr. Travisano should be allowed to keep
 16 the vehicle for a longer period of time?
 17 A. **I don't recall.**
 18 Q. Do you recall that Mr. Travisano's
 19 daughter had cancer?
 20 A. **His daughter? I don't recall that.**
 21 Q. You don't recall being told that
 22 Mr. Travisano's daughter had cancer?
 23 A. **No.**
 24 Q. You don't recall telling Mr. Lapolla
 25 that because of that Mr. Travisano could keep the

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1 vehicle longer?
 2 A. **No.**
 3 Q. In other words, your testimony is
 4 you decided Mr. Travisano didn't need the
 5 vehicle, you said you wanted it revoked,
 6 Mr. Lapolla didn't revoke it, and you considered
 7 that to be insubordination?
 8 A. **I never -- I know that --**
 9 Q. Just answer that.
 10 A. **To my recollection, yes. I'm going to**
 11 **tell you there are memos to this effect that back**
 12 **it up.**
 13 Q. Okay. Did Mr. Travisano file a
 14 lawsuit?
 15 A. **Yes.**
 16 Q. And were you a defendant in the
 17 lawsuit?
 18 MR. RENAUD: I can tell you that,
 19 yes, he was.
 20 Q. Okay. And did you make the decision
 21 to revoke Mr. Travisano's vehicle after he filed
 22 a lawsuit against the County?
 23 A. **No.**
 24 MR. RENAUD: No.
 25 Q. No? It was before?

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1 A. **Yes.**
 2 Q. Let me talk to you again about the
 3 gas keys. You've already indicated that the one
 4 instance of a problem with the gas key that you
 5 can recall is the one that deals with the gas key
 6 located at the Galloping Hill facility, correct?
 7 A. **Yes.**
 8 Q. And that Galloping Hill facility was
 9 a Parks & Recreation facility, correct?
 10 A. **Yes.**
 11 Q. Did you know that Mr. Lapolla
 12 actually knew that this gas key was out ready to
 13 be used or available to be used by anybody?
 14 A. **I don't know.**
 15 Q. Did you know at the time that you
 16 believed that you were critical of Mr. Lapolla
 17 over this, do you know whether or not he knew
 18 that the gas key was available to be used by
 19 anybody?
 20 A. **I don't know.**
 21 Q. After you became aware of that, what
 22 did you do about that gas key at the Galloping
 23 Hill facility?
 24 A. **As I stated earlier, we conducted a study**
 25 **and ultimately moved the administration of gas**

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1 **keys and vehicles to the Deputy County Manager's**
 2 **office.**
 3 Q. So Mr. Lapolla didn't interfere with
 4 your decision as to what to do about the gas keys
 5 and the vehicles, correct?
 6 A. **Correct.**
 7 Q. When you were the Deputy County
 8 Manager, did you ever deal with Mr. Lapolla?
 9 A. **Yes.**
 10 Q. Do you recall what his job title was
 11 at the time?
 12 A. **He was, I believe, a division head.**
 13 Q. If I told you that he was the
 14 division head of Buildings & Grounds, does that
 15 sound right?
 16 A. **Yes.**
 17 Q. And Buildings & Grounds was within
 18 the Department of what?
 19 A. **Public Works.**
 20 Q. Public Works.
 21 Are you aware of the fact that after
 22 Mr. Lapolla became the division head of Buildings
 23 & Grounds, that he instituted a procedure for
 24 dealing with the gas keys?
 25 A. **He instituted a procedure which created**

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1 **the system for the gas keys, yes.**
 2 **Q.** Okay. And what do you mean by the
 3 system for dealing with the gas keys?
 4 **A. I don't recall how gas previously had been**
 5 **allocated, but there was not a gas key or -- the**
 6 **system he put in place, which was Gas Boy,**
 7 **required a gas key to get gas.**
 8 **Q.** So he put a system in place called
 9 Gas Boy?
 10 **A. Correct.**
 11 **Q.** And that was a system that accounted
 12 for who had the gas key or the use of the gas
 13 key?
 14 **A. Track the gas by use of the gas key.**
 15 **Q.** Okay. Track the gas by use of the
 16 gas key. Did you use that system?
 17 **A. Yes.**
 18 **Q.** Did you have some criticism of the
 19 Gas Boy system?
 20 **A. No. At that time, no.**
 21 **Q.** Do you recall going to a meeting
 22 where Mr. Lapolla explained to all of the
 23 supervisors and department heads about how to use
 24 the Gas Boy system?
 25 **A. Do I recall that meeting? No.**

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1 Richmond Lapolla.
 2 **A. As I said, he was a friend. I considered**
 3 **him a friend. There was good interactions.**
 4 **Q.** Did you consider him to be a
 5 conscientious worker?
 6 **A. Yes.**
 7 **Q.** Did you consider him to be open to
 8 discussing things?
 9 **A. Yes.**
 10 **Q.** Did you consider him to be a good
 11 manager?
 12 **A. I wouldn't have had that interaction, so I**
 13 **don't know.**
 14 **Q.** Now, when you became Deputy County
 15 Manager, was there anyone else who made known his
 16 or her desire to be Deputy County Manager?
 17 **A. Not that I'm aware.**
 18 **Q.** That was not appointed by the board,
 19 correct?
 20 **A. Correct.**
 21 **Q.** That was appointed by Mr. Lapolla,
 22 the County Manager at the time?
 23 **A. Correct.**
 24 **Q.** You're not aware of the fact that
 25 Ms. Genievich wanted to be Deputy County Manager?

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1 **Q.** Do you know whether he had that
 2 meeting?
 3 **A. I don't know.**
 4 **Q.** So you didn't have a criticism of
 5 the Gas Boy system that Mr. Lapolla instituted,
 6 but your criticism after you became the County
 7 Manager was that you didn't like the system of
 8 Gas Boy anymore?
 9 **A. My criticism wasn't of the Gas Boy, it was**
 10 **of the abuses with the keys themselves and who**
 11 **had keys, who didn't. I felt that it was not,**
 12 **that it was not being managed in a proper way.**
 13 **There was still a lot of unanswered questions as**
 14 **to who was using gas.**
 15 **Q.** Okay. But the only specific
 16 instance that you can tell us about is the
 17 Galloping Hill situation, is that correct?
 18 **A. Correct.**
 19 **Q.** What was the nature of your
 20 interactions with Mr. Lapolla when you were the
 21 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,

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1 **A. No.**
 2 **Q.** Are you aware of whether or not
 3 anyone was supporting Ms. Genievich to be Deputy
 4 County Manager?
 5 **A. I didn't know she wanted it.**
 6 **Q.** How did it come to be that
 7 Mr. Lapolla got the position of Director of
 8 Operations & Facilities?
 9 **A. I appointed him to the position.**
 10 **Q.** Before you made that decision, did
 11 you speak with Ms. DeFilippo?
 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
 20 position of Director of Operations & Facilities?
 21 **A. Not that I'm aware.**
 22 **Q.** Who was the Director of Operations &
 23 Facilities before Mr. Lapolla?
 24 **A. It did not exist as a department prior.**
 25 **Q.** So at the time that you became the

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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.**

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1 **Q.** So Mr. Dann retained his title of
 2 Director of Public Works, correct?
 3 **A. Correct.**
 4 **Q.** So at the time that you became
 5 County Manager, the Director of Public Works,
 6 Frank Dann, retained his position of Director of
 7 Public Works, is that right?
 8 **A. Correct.**
 9 **Q.** And Mr. Lapolla, who was a division
 10 head reporting to a director, took his duties and
 11 he got a directorship. It was now called the
 12 Director of Operations & Facilities?
 13 **A. Yes.**
 14 **Q.** Is that correct?
 15 **A. Yes.**
 16 **Q.** And there were people reporting to
 17 Mr. Lapolla when he was in the position of
 18 division head of Buildings & Grounds. The same
 19 people reported to him after he became the
 20 Director of Operations & Facilities, is that
 21 correct?
 22 **A. Yes.**
 23 **Q.** So he took his whole little division
 24 and that became a department?
 25 **A. Correct.**

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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**

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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 **A. Yes.**
 2 **Q.** And then they gave recommendations
 3 and that's when you made the decision?
 4 **A. Correct.**
 5 **Q.** Did you consider anyone else for the
 6 position of Director of the Department of
 7 Operations & Facilities?
 8 **A. Not that I recall.**
 9 **Q.** You've already indicated that you
 10 made a decision that a critical mass had been
 11 reached and you made a decision that you and
 12 Mr. Lapolla could no longer work together as
 13 Director and County Manager, is that correct?
 14 **A. Correct.**
 15 **Q.** And that was your decision, correct?
 16 **A. Correct.**
 17 **Q.** And it was your decision to move him
 18 out of his directorship position?
 19 **A. Correct.**
 20 **Q.** Did you make that decision before or
 21 after you decided where to move him?
 22 **A. Before.**
 23 **Q.** And who did you put in the position
 24 of Director of the Department of Operations &
 25 Facilities?

1 **A. If I recall correctly, Ron Zuber was**
 2 **placed in that position on a temporary basis. We**
 3 **undertook a restructuring and that department was**
 4 **then eliminated.**
 5 **Q.** So the Department of Operations &
 6 Facilities was created when you became the County
 7 Manager and was dissolved when Mr. Lapolla was
 8 moved out of that position, correct?
 9 **A. Correct.**
 10 **Q.** How long was Mr. Zuber placed in the
 11 position of the Director of the Department of
 12 Operations & Facilities?
 13 **A. I don't recall.**
 14 **Q.** Was it weeks, months, days?
 15 **A. Just based on the process that it would**
 16 **take to restructure, it had to be months.**
 17 **Q.** Did the Department of Operations &
 18 Facilities go back to being a division under the
 19 Department of Public Works?
 20 **A. Yes.**
 21 **Q.** And at that time who was the
 22 Director of the Department of Public Works?
 23 **A. I don't recall.**
 24 **Q.** Was it your decision to dissolve the
 25 position of Director of the Department of

1 Operations & Facilities and to move those
 2 functions back into a division of the Department
 3 of Public Works?
 4 **A. Was it my decision?**
 5 **Q.** Yes.
 6 **A. Yes.**
 7 **Q.** And why did you make that decision
 8 at that time?
 9 **A. It was my decision to create it. I had**
 10 **felt that Ricky, I'm sorry, Mr. Lapolla, was**
 11 **somewhat uniquely qualified for the position. It**
 12 **did not work out the way I had anticipated to the**
 13 **point of insubordination. Therefore, based on**
 14 **what we had been going through with policy**
 15 **changes and restructuring, and not all of the**
 16 **departments went to Public Works, other pieces of**
 17 **it went to different spots, but the bulk of it**
 18 **went to Public Works, and I believe it was Frank**
 19 **Dann who was the Department Director at the time.**
 20 **Q.** Of the Department of Public Works?
 21 **A. Yes.**
 22 **Q.** And who became the division head of
 23 the Buildings & Grounds when you moved the
 24 functions of the Department of Operations &
 25 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
 4 that position?
 5 **A. I just don't know.**
 6 **Q.** Now, you say that Mr. Lapolla's time
 7 as the Director of the Operations & Facilities
 8 Department came to the point of insubordination?
 9 **A. Correct.**
 10 **Q.** In what way was he insubordinate?
 11 **A. As I mentioned, whether it was the car**
 12 **assignment on Mr. Travisano, whether it was the**
 13 **personnel report that had been prepared, I think**
 14 **I had mentioned about an Operations & Policy**
 15 **Guidelines, which if I'm not mistaken was a**
 16 **separate report, that his department had its own**
 17 **policy handbook separate and apart from the**
 18 **County which was in some instances contrary to**
 19 **the County policy handbook.**
 20 **As I said, there was only a handful**
 21 **of department directors. They are confidential**
 22 **aides. They are an arm of the County Manager and**
 23 **your management style. And we just couldn't see**
 24 **eye to eye far too often for me to continue to**
 25 **keep him as a department head. So I made a**

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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

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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**

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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.**

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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.

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1 **A. Okay.**
 2 **Q.** I'm talking about a document that
 3 sets forth any other policies and procedures.
 4 **A. Listen, the people could have had their**
 5 **own internal policies and procedures. There's**
 6 **only one official policy handbook.**
 7 **Q.** Did any of the other department
 8 heads have their own policies and procedures that
 9 they used for their own employees within their
 10 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
 15 this a handbook or was it --
 16 **A. If I'm not mistaken, it was an**
 17 **eight-and-a-half by eleven printout.**
 18 **Q.** And when did you first become aware
 19 that he had prepared this?
 20 **A. I don't recall.**
 21 **Q.** Do you know whether or not he had a
 22 policy printout such as this or procedures
 23 printout when he was the division head of
 24 Buildings & Grounds?
 25 **A. No idea.**

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1 Department of Operations & Facilities that were
 2 inconsistent with the County policy handbook?
 3 **A. It goes to my overriding message which is**
 4 **that they operated on their own separate and**
 5 **apart from direction from the County Manager's**
 6 **office and that we had a difference in management**
 7 **style, correct.**
 8 **(Whereupon, there was a problem with**
 9 **the court reporter's computer and a discussion**
 10 **was held off the record.)**
 11 MS. FELLMAN: I'm going to ask the
 12 court reporter to read back the question I asked
 13 you, sir.
 14 (Whereupon, the following question
 15 was read back:
 16 "Question: Okay. So your criticism
 17 is of portions of that policy handbook for the
 18 Department of Operations & Facilities that were
 19 inconsistent with the County policy handbook?")
 20 MS. FELLMAN: Let me restate it.
 21 **Q.** So the criticism that you had about
 22 Mr. Lapolla's policy handbook was that there were
 23 portions of it that were inconsistent with the
 24 County policy handbook?
 25 **A. Correct.**

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1 **Q.** Do you know when Mr. Lapolla created
 2 this printout?
 3 **A. No, I don't.**
 4 **Q.** Do you know if he created it before
 5 or after he became the department head of
 6 Operations & Facilities?
 7 **A. Well, the cover of it had it for his**
 8 **current department which was not previously a**
 9 **department, so I assume it was done.**
 10 **Q.** So this actually had a cover on it,
 11 a cover sheet?
 12 **A. Yeah.**
 13 **Q.** And your criticism of this was what?
 14 **A. That there were instances where that**
 15 **policy handbook was contrary to County policies.**
 16 **And I don't remember or recall any of the**
 17 **specifics where it differed, but I do know,**
 18 **again, there are memos to the effect that there's**
 19 **one County policy handbook.**
 20 **Q.** If his procedures were consistent
 21 with the policies in the County handbook, would
 22 you have been critical of it?
 23 **A. I don't think so. It's redundant.**
 24 **Q.** Okay. So your criticism is of
 25 portions of that policy handbook for the

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1 **Q.** Okay. To the extent that he put
 2 down policies or procedures that were consistent
 3 with the County policy handbook, did you have any
 4 criticism of that?
 5 **A. No.**
 6 **Q.** Okay. Did you consider the fact
 7 that he had a policy or procedure document for
 8 his Department of Operations & Facilities, did
 9 you consider that insubordination?
 10 **A. Can you repeat that?**
 11 **MS. FELLMAN: Would you mind,**
 12 **Debbie?**
 13 **(Whereupon, the following question**
 14 **was read back:**
 15 **"Question: Okay. Did you consider**
 16 **the fact that he had a policy or procedure**
 17 **document for his Department of Operations &**
 18 **Facilities, did you consider that**
 19 **insubordination?")**
 20 **A. Yes, and based on the fact that there were**
 21 **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**
 24 **that point I don't know that I specifically wrote**
 25 **him up or disciplined him. I don't recall.**

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

4 A. **I can't tell you whether I did or didn't.**

5 Q. Any other instances of
6 insubordination other than what you've told us
7 about, the policy and procedure manual, the
8 Travisano car situation, or the letter that you
9 saw Travisano wrote? Any other instances of
10 insubordination?

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

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

17 A. **That I could recall right now, no.**

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

25 A. **He was a Department Director by the County**

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

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

12 A. **Correct.**

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

15 A. **I'm sure not.**

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

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

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

22 A. **Yeah. It's just resistance and**
23 **uncooperative.**

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

1 A. **No.**

2 Q. Other than what you've told us
3 already today?

4 A. **No.**

5 Q. Did you document all of the
6 instances of resistance, stonewalling and
7 insubordination?

8 A. **Did I document? No.**

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

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

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

18 A. **Correct.**

19 Q. And so what did you do next?

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

24 Q. And who did you speak to?

25 A. **With certainty I can say Liz Genievich,**

1 **Frank Guzzo, Frank Capece.**

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

4 A. **I don't recall the specific conversations.**

5 Q. What about Frank Guzzo?

6 A. **Again, don't recall.**

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

9 A. **Correct.**

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

12 MR. RENAUD: Illegal advice or --

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

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

17 A. **Not that I recall.**

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

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

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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

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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

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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

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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.

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

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

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

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

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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.**

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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

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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

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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, Jingoli, 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 **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 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 **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**