

Tess Borden (ID # 260892018)
Edward Barocas
Jeanne LoCicero
Alexander Shalom
AMERICAN CIVIL LIBERTIES UNION
OF NEW JERSEY FOUNDATION
P.O. Box 32159
Newark, NJ 07102
(973) 854-1733

Counsel for Plaintiffs

Rev. Thomas Murphy, Rev. Gary)	SUPERIOR COURT OF NEW JERSEY
Commings, Ashraf Eisa, Rev. William)	HUDSON COUNTY
Henkel, Rev. Frances Teabout, Rev.)	LAW DIVISION
Elaine Ellis Thomas, and Rev. Laurie)	
Jean Wurm,)	Docket No.
)	
Plaintiffs,)	CIVIL ACTION
)	
v.)	
)	
Hudson County Board of Chosen)	COMPLAINT
Freeholders,)	IN LIEU OF PREROGATIVE WRIT
Defendant.		

Plaintiffs Rev. Thomas Murphy, Rev. Gary Commings, Ashraf Eisa, Rev. William Henkel, Rev. Frances Teabout, Rev. Elaine Ellis Thomas, and Rev. Laurie Jean Wurm, through their undersigned attorneys, state their Complaint against Defendant Hudson County Board of Chosen Freeholders as follows:

PRELIMINARY STATEMENT

1. This action is brought by seven religious leaders of Hudson County to vindicate the public's interest in government transparency and accountability. They seek to ensure that important public policy decisions are made after thoughtful public deliberation and that governments do not shield themselves from public scrutiny through subterfuge.

2. New Jersey’s Sunshine Law requires that public bodies perform their deliberation, policy formulation, and decision making through open public meetings. It declares the public’s right to be present at these meetings “vital to the enhancement and proper function of the democratic process. . . .” Open Public Meetings Act, N.J.S.A. 10:4-7. Defendant the Hudson County Board of Chosen Freeholders has flouted its obligations under the Sunshine Law by voting to renew a contract with U.S. Immigration and Customs Enforcement in a process that reeked of secrecy and deception.

JURISDICTION AND VENUE

3. Plaintiffs bring this proceeding in lieu of prerogative writ pursuant to the Open Public Meetings Act, commonly referred to as the Sunshine Law, N.J.S.A. 10:4-15. This Court has jurisdiction over this action pursuant to R. 4:69-1.

4. Venue is proper in Hudson County pursuant to R. 4:3-2(a) because Defendant is located in Hudson County.

PARTIES

5. Plaintiffs are seven religious leaders of Hudson County who have been active in immigrants’ rights and other issues of social justice and, as part of a group of fifty-six signatories, published a statement condemning Defendant’s July 12, 2018 action to renew Hudson County’s contract with U.S. Immigration and Customs Enforcement (“ICE”). Plaintiffs bring this suit in their individual capacities as people of conscience and not as formal representatives of their congregations.

6. The Rev. Thomas Murphy is an individual who resides in Jersey City, Hudson County, New Jersey. He serves as Rector of St. Paul’s Episcopal Church in Jersey City. He is “any person” who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

7. The Rev. Gary Commins is an individual who resides in Bayonne, Hudson County, New Jersey. He serves as Associate Priest at St. Paul's Episcopal Church and Church of the Incarnation in Jersey City. He is "any person" who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

8. Ashraf Eisa is an individual who resides in Jersey City, Hudson County, New Jersey. He serves as Board Member of the Islamic Center of Jersey City. He is "any person" who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

9. The Rev. William Henkel is an individual who resides in Secaucus, Hudson County, New Jersey. He served as Pastor at the First Reformed Church of Secaucus and is a member of the Reformed Church of America. He is "any person" who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

10. The Rev. Frances Teabout is an individual who resides in Roselle, Union County, New Jersey. She serves as Pastor at the Open Door Worship Center in Jersey City. She is "any person" who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

11. The Rev. Elaine Ellis Thomas is an individual who resides in Hoboken, Hudson County, New Jersey. She serves as Rector at the All Saints Episcopal Parish in Hoboken. She is "any person" who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

12. The Rev. Laurie Jean Wurm is an individual who resides in Maplewood, Essex County, New Jersey. She serves as Rector at Grace Church Van Vorst in Jersey City. She is "any person" who is authorized to bring this action in accordance with N.J.S.A. 10:4-15.

13. Defendant Hudson County Board of Chosen Freeholders ("the Board") is a public body as that term is defined by N.J.S.A. 10:4-8(a). The Board serves as the legislative body for

Hudson County, New Jersey. It is comprised of nine elected Freeholder members, including Freeholder Chairman Anthony P. Vainieri, Jr.

FACTUAL ALLEGATIONS

Hudson County's Contract with Immigration and Customs Enforcement

14. Since before the United States even created the agency called ICE, Hudson County, New Jersey has had a contract with the federal government to house immigrant detainees at the Hudson County Correctional Center ("the jail"). Entered into by Hudson County, the U.S. Marshals Service, and the Immigration and Naturalization Service ("INS," the predecessor agency to ICE), the previous contract took effect on January 1, 2003 and expired on January 1, 2018. Over the course of the fifteen-year period, Hudson County has detained thousands of immigrants who are booked into the jail under ICE custody, often in removal proceedings.

15. On January 2, 2018, Hudson County's contract with ICE technically expired according to its terms. Nevertheless, the county continued to house some 800 immigrant detainees on that day and any given day thereafter. Many of these immigrants had been living in the United States, especially New Jersey and New York, for years, contributing to their communities and supporting U.S. citizen children, spouses, and elderly family members. Many had been torn apart from their families by ICE without warning: for example, Pablo Villavicencio, who was taken into ICE custody while delivering pizza to a military base, or Antonio Martinez, who was taken into ICE custody when he and his wife attended an interview with immigration authorities as part of a process that would allow him to obtain a green card. Detained for months in the Hudson County jail, each of them was separated from their U.S. citizen wife and two young children.

16. Under the terms of the ICE contract, Hudson County may not be able to determine the ultimate result of the immigration cases of its detainees, but it does enable ICE to continue its

widespread and indiscriminate detentions. Although Mr. Villavicencio and Mr. Martinez ultimately returned to their families when they were released from Hudson County jail, many immigrant detainees are released from the jail because they are deported, in some cases when they barely know the country of their birth or have fled to the United States out of fear for their lives and now call the United States, or New Jersey, home.

17. Through December 2017, ICE paid Hudson County \$77.00 per detainee per day (the “bed/day rate”). From January 1 through May 31, 2018, the bed/day rate increased to \$110.00.

Public Concern and Opposition to Detention of Immigrants in Hudson County

18. The detention of immigrants at the Hudson County jail has been an issue of significant public concern and opposition. In the last year, local, state, and even national media have reported on the jail. Across New Jersey, religious leaders such as Plaintiffs, as well as immigrants’ rights advocates and others activists, have mobilized in opposition to local governments’ cooperation with ICE and other federal authorities, including in Hudson County.

19. Significant public pressure and media attention first focused on Hudson County’s cooperation with ICE through the controversial federal program known as 287(g), by which Hudson County staff were deputized to assist ICE by determining and flagging the immigration status of people confined at the jail. For years, members of the public attended Defendant’s regular meetings to voice their opposition to the 287(g) participation. At a Board meeting in February 2018, a number of Freeholders publicly stated their opposition to the program, and in early March Hudson County announced its withdrawal from 287(g).

20. Additional public pressure and media attention have focused on the quality of medical care at the jail, including as it affects immigrant detainees housed there. During the period from June 2017 to March 2018, six people died in custody at the jail. The first death was in

immigration detention and, of the five others, four were by suicide. Responding to public outcry, Defendant undertook an investigation into and overhaul of the medical care provided at the jail, arrangements of which are still being finalized.¹

21. More recently, public pressure and media attention have turned to the renewal of the County's contract with ICE. Hudson County, in which 43 percent of the population is foreign born, is one of three counties in New Jersey to receive money from ICE for housing immigrant detainees. From January 2015 to March 2018, ICE's annual payments to Hudson County increased by over 53 percent, as shown by invoices provided to WNYC News.²

22. Responding to the WNYC story on July 11, Jersey City Mayor Steven Fulop made the following statement on Twitter: "Hudson County should come together + walk away from this contract. If our actions on immigration, families, aren't consistent w/what we say it undermines credibility on all issues. As a county we shouldn't be involved in helping to break up families."

23. All of the above having occurred publicly, Defendant knew that the detention of immigrants at the Hudson County jail was an issue of extraordinary public concern, interest, and opposition.

¹ See, e.g., Monsy Alvarado, "After latest suicide, Hudson County takes steps to terminate jail's medical provider," Northjersey.com (Mar. 26, 2018), <https://www.northjersey.com/story/news/hudson/2018/03/26/after-latest-suicide-hudson-county-takes-steps-terminate-jails-medical-provider/458826002> (quoting Board Chairman Vainieri and Freeholder O'Dea). See also Human Rights First, Ailing Justice—New Jersey: Inadequate Healthcare, Indifference, and Indefinite Confinement in Immigration Detention (Feb. 2018), <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>. For readability, citations containing web links are included as footnotes.

² Matt Katz, "Under Trump, Democratic New Jersey Counties Cash in on Detaining Immigrants," WNYC News (July 11, 2018), <https://www.wnyc.org/story/under-trump-liberal-new-jersey-counties-cash-in-detaining-immigrants/>.

The Board's July 10 Unanimous Vote to Postpone the ICE Contract Renewal

24. On July 10, 2018, Defendant convened a Caucus meeting, with Board Chairman Vainieri and Freeholders O'Dea, Romano, Torres, and Walker in attendance. At the Caucus meeting, Defendant's practice is to confirm the agenda for the upcoming regular meeting.

25. Approximately halfway through the Caucus meeting, the Freeholder Clerk announced Resolution No. 32, authorizing an Intergovernmental Services Agreement ("the contract") with ICE for the housing of immigrant detainees at the Hudson County jail. Freeholder Romano offered to sponsor the resolution, seconded by Chairman Vainieri.

26. As shown in the below exchange from the transcript of the meeting, Freeholders Torres and O'Dea asked to postpone the item until August, so they could review the contract before voting on it. Chairman Vainieri and the County Administrator Abraham Antun remarked that the resolution was simply a renewal of the old contract. However, on a motion to postpone or "carry" the resolution, the five Freeholders present at the meeting, including Chairman Vainieri, voted unanimously to postpone the item until August:

THE CLERK: Resolution No. 32, a resolution authorizing an Intergovernmental Services Agreement with Immigration and Customs Enforcement, ICE, for the housing of Federal Prisoners at the Hudson County Correctional and Rehabilitation Center.

FREEHOLDER ROMANO: Sponsor.

CHAIRMAN VAINIERI: Second.

FREEHOLDER TORRES: Can we move this to the August meeting so we can look at the contract?

CHAIRMAN VAINIERI: I'm sorry?

FREEHOLDER O'DEA: Freeholder Torres asked whether we can be provided a copy of the contract with ICE.

CHAIRMAN VAINIERI: There's been an [sic] sponsor and a second, so it's on the agenda.

FREEHOLDER O'DEA: The contract falls within that time frame?

CHAIRMAN VAINIERI: If you want to make a motion, it doesn't matter to us. All I'm saying is that contract, we have provided that in the past. It goes back to 2008. All we're doing is continuing that.

FREEHOLDER TORRES: I make a motion to carry this until August.

FREEHOLDER O'DEA: I'll second. Can we get a copy?

MR. ANTUN: I have sent it in the past. Nothing really has changed. [The Clerk takes a vote on the motion to carry, with all five Freeholders, including Chairman Vainieri, voting "yes."]

FREEHOLDER O'DEA: The resolution says the agreement was 2003.

MR. ANTUN: It was a 15-year agreement. I'm sorry. It was a 15-year agreement. I'm sorry. I don't know why 2008 stuck in my head. You're right. It was a 15-year agreement, 2003. That's correct. Thank you, Freeholder.

CHAIRMAN VAINIERI: No. 33 [and the Board moves on to the next agenda item].

[Ex. A, Tr. 30:3-31:25.]

The Board's Notification to the Public of That Postponement, with Reliance Thereon

27. After the agenda has been approved at the Caucus meeting, it is Defendant's practice to post the regular meeting agenda on the Hudson County website. Members of the public are aware of this practice, check the website in advance of the regular meetings, and make decisions about attending the meeting based on these representations by Defendant.

28. In advance of its July 12 regular meeting, Defendant posted an agenda that listed item number 32 as follows: **"(CARRIED) – Corrections – Resolution authorizing an Intergovernmental Services Agreement with Immigration and Customs Enforcement (I.C.E.) for the housing of Federal Prisoners at the Hudson County Correctional and Rehabilitation Center."** Defendant, by and through the Freeholder Clerk and other county staff, also confirmed orally to interested members of the public that the matter was postponed until August.

29. In reliance on these representations by Defendant, members of the public understood the ICE contract would not be voted upon and therefore chose not to attend or otherwise mobilize their communities to participate in the July 12 meeting. Some explicitly told colleagues not to join once they learned of the postponement.

30. For example, Declarant Father Eugene Squeo, retired co-pastor of St. Patrick's Church in Jersey City and longtime immigrants' rights advocate, checked the agenda on the Hudson County website at or around 11:00 a.m. on July 12, two hours before the start of the meeting. He saw the annotation "carried" next to the ICE contract agenda item and took that to mean the discussion and vote were deferred. Relying on Defendant's representation, he decided not to attend that month's meeting. Had the item been scheduled, he had planned to attend the meeting to hear the Freeholders' positions and to share his own during the public comment section. Squeo Decl., Ex. B.

31. Declarant Serges Demefack, Project Coordinator in the Immigrant Rights Program at the American Friends Service Committee ("AFSC") in Newark, did attend the meeting. A copy of the agenda was distributed in the meeting room that indicated that the vote on item 32, the ICE contract, was "carried." Immediately upon reading this, Mr. Demefack approached the Freeholder Clerk, Alberto Santos. Mr. Santos told Mr. Demefack that the term "carried" indicated that the contract item had been postponed to the August 9 session. Had Mr. Demefack understood the contract was to be discussed and voted upon that day, he would have mobilized advocates, including colleagues at AFSC, to attend the meeting and express their strong opposition to the contract. Demefack Decl., Ex. C.

32. Declarant Anna Brown, Ph.D., Chair of the Department of Political Science and Director of the Social Justice Program at Saint Peter's University in Jersey City, attended the meeting along with two fellow activists, because she had heard the contract renewal might be voted on at an upcoming meeting. Upon her arrival around 12:45 pm, she received a copy of the agenda distributed in the meeting room. Next to item 32, she read the word "carried." Not knowing what this meant, Ms. Brown sought clarification from a County employee, who was seated at a desk by

the Freeholders' dais and whom Ms. Brown knows from past meetings to be responsible for transcribing the proceedings. The County employee told Ms. Brown that "carried" meant that the item was postponed until a future meeting. In reliance thereon, Ms. Brown and the two other activists left the meeting. At 1:04 pm on July 12, based on the agenda annotation and the County employee's clarification, Ms. Brown emailed a Google group listserv of immigrants' rights advocates the following message: "The discussion of the ICE contract will be carried to the next meeting or the one after. They will not discuss it today." The message was sent to the group's 224 members, including one of the Plaintiffs. It is Ms. Brown's experience that some members of the group come to the meetings late, especially if the meeting is scheduled during the workday. Based on her knowledge of this group and activist community, Ms. Brown expected some members chose not to attend the meeting based on her message. Brown Decl., Ex. D.

33. Accordingly, Defendant's written and oral representations led the public to believe that the ICE contract renewal was not scheduled for the July 12 meeting and that it was therefore unnecessary for them to attend the meeting to express their views and witness Defendant's deliberation and decision making, as contemplated by the Sunshine Law's Legislative Findings and Declaration provision, N.J.S.A. 10:4-7.

The Board's July 12 Surprise Vote to Renew the ICE Contract

34. On July 12, 2018 at 1:00 p.m., Defendant convened its regular meeting before Board Chairman Vainieri and Freeholders Kopacz, O'Dea, Romano, Torres, and Walker, with Freeholder Rodriguez joining via telephone.

35. Defendant moved quickly through the routine meeting process: roll call, Pledge of Allegiance, recitation of annual notice of meeting schedule, and approval of previous meeting minutes. In the section devoted to the agenda discussion, Administrator Antun suggested the

addition of a “professional service contract for the medical health care management and fiscal management at Hudson County Correctional Rehabilitation Center for year one in the amount of \$7,675,073.60.” That matter was moved onto the agenda: “THE CLERK: That will be No. 50. Do Freeholders have additional comments? MR. ANTUN: That is just the same. This is 32, Mr. Chairman. I have nothing further.” Ex. E, Tr. 5:25-6:11.

36. A minute or two later, the Clerk asked the Chairman’s permission to move on to the two hearings on the agenda. The Chairman stopped him as follows:

THE CLERK: May I proceed?

CHAIRMAN VAINIERI: I’m going to make a motion to put 32 back on the agenda today. I’ll sponsor. I need a second, please. Second by Freeholder Romano. It’s back on the agenda.

THE CLERK: On the motion to vote 32 back for this meeting, Freeholder Kopacz.

FREEHOLDER KOPACZ: Yes.

THE CLERK: O’Dea.

FREEHOLDER O’DEA: With respect to my colleague, I ask that this be held so we can study it.

THE CLERK: Freeholder Rodriguez.

FREEHOLDER RODRIGUEZ: Yes.

THE CLERK: Romano.

FREEHOLDER ROMANO: Yes.

THE CLERK: Torres.

FREEHOLDER TORRES: Let me make this clear and put on the record, it’s nothing against the County, the County’s stance or the Administration’s stance, or the work that’s done at the facility, but I do think that we should take the time to look at the situation, especially with the current status of our country, and I know on a federal level, we can’t do much about that. We do need to have a voice in that, so I’m going to say no.

THE CLERK: Freeholder Walker.

FREEHOLDER WALKER: Yes.

THE CLERK: Chairman Vainieri.

CHAIRMAN VAINIERI: Yes.

THE CLERK. No. 32 is back on the agenda.

[Ex. E, Tr. 6:20-8:1.]

37. As the Clerk summarized later during the meeting, “32 was removed, carried and put back on today’s agenda. . . .” Ex. E, Tr. 58:9-10.

38. As is Defendant’s practice, by and through its Freeholder Clerk, toward the end of the meeting, the Clerk sought a “[m]otion to approve the items on the consent agenda” via roll call vote, rather than discussing and voting on each item individually. Id. at 69:5-6. Freeholder Kopacz voted yes on all. Freeholder O’Dea voted no on 32, abstained on another item, and voted yes on the rest. Freeholders Rodriguez and Romano voted yes on all. Id. at 69:13-22.

39. When Freeholder Torres was called, he noted, “This is the second time I asked for a courtesy, just knowing that it’s not an emergency . . . but we approved it at the Caucus meeting, and suddenly we’re doing it at the regular meeting. . . . Before calling for a vote for, what is the legal services amount for individuals who are detained in the facility?” Donato J. Battista, Hudson County Counsel, Administrator Antun, and the Director of the jail each provided an answer. Id. at 69:25-70:15

40. Freeholder Torres began to respond, “My concern—” but Chairman Vainieri interrupted him, “We are in the middle [of] a vote.” Freeholder Torres continued, “No. I mean this is the kind of the reason I was asking to carry it over, so I can get some insight.... We’re just talking about having that conversation before going to a vote. I don’t understand why we have to rush toward voting. . . . I vote no on Item No. 32. . .” Chairman Vainieri then instructed the Clerk, “Continue, please” and the remaining three Freeholders, including the Chairman, voting yes on all. Id. at 71:16-72:16

41. The ICE contract renewal thus passed by a 5-2 vote, with two additional Freeholders not present. Ex. F, Resolution at 4. The renewal retroactively took effect beginning January 2, 2018 and is for the “longest period of duration allowed by law.” By its terms, “[a]s of

June 1, 2018 the bed/day rate will be \$120.00 per detainee.” Id. at 1. With approximately 800 immigrant detainees each day, that could amount to some \$35 million paid by ICE to Hudson County per year.

42. Members of the public, including those present at the meeting, were taken by surprise that the vote was performed without notice and so suddenly. See Demefack Decl., Brown Decl. Declarant Anna Brown, who had left the meeting after learning the item was postponed and had notified the group of 224 activists similarly, received text and Facebook messages from others who were at the meeting, telling her that the contract had been added back to the agenda and would be voted on immediately. Ms. Brown rushed back to the meeting and arrived in time to express her opposition, along with Declarant Demefack. But for those messages, she would have missed the entire public comment section.

43. After the vote, Freeholder O’Dea noted, “I was not in a rush to vote on 32, and I saw no need to rush it.” Id. at 72:19-20. Freeholder Torres added, “I’ll state it for the second time I tried to see if we could get advisory, and we agreed on something at caucus that was approved at the regular meeting, and I don’t understand why the rush.” Id. at 77:2-6.

44. Freeholder O’Dea had a further conversation with the jail director, which Chairman Vainieri cut off:

FREEHOLDER O’DEA: Today, how many detainees are at the Correctional facility?

DIRECTOR EDWARDS: Approximately 800.

FREEHOLDER O’DEA: And how [many] non-detainees?

DIRECTOR EDWARDS: Approximately 400.

FREEHOLDER O’DEA: That speaks volumes, I guess.

CHAIRMAN VAINIERI: Continue with the meeting, Mr. Clerk.

[Id. at 75:4-13.]

45. According to County Counsel, the contract approved on July 12 gives Hudson County a sixty-day right to terminate. Id. at 75:1-2.

Board Chairman’s Subsequent Statement to the Public: “You Don’t Have to Come to the Meeting; Just Let Us Do Our Work”

46. Plaintiffs and other members of the public were misled and deceived by Defendant’s representations that the ICE contract renewal would not be decided at the July 12 meeting. The public outcry was loud.

47. Public figures, city councils, and community leaders immediately condemned the surprise vote. For example, on the morning of July 13, Hoboken Mayor Ravinder Bhalla tweeted the following message: “It is disheartening that @HudCoTweet approved a new contract with @ICEgov. This is a disgrace & an affront to our values as Americans. It does not reflect the will of the residents of #Hoboken or the County & I urge the Freeholder Board to initiate the 60 Day Opt-Out Clause NOW!”

48. On August 1, the Hoboken City Council unanimously passed a resolution urging Defendant to terminate the contract, noting that “Hudson County did not provide the public with any meaningful open dialogue about the contract before it was voted on” and that “the vote on the contract was placed on the agenda at the last minute. . . .” On August 15, the Jersey City Council unanimously passed a similar resolution urging termination of the contract and condemning the process by which the vote occurred.

49. On August 7, a group of fifty-six local religious leaders published a statement in opposition to the contract renewal. Plaintiffs were among the signatories. The statement called Defendant’s actions “entirely undemocratic. Perhaps expecting that there would be a public outcry in response to their vote, a majority of the Freeholder Board voted to hold a vote on contract renewal, having already announced that they would postpone the vote to allow for public input

and further consideration. The county has also refused to release the contract to the public.” The statement concluded, “We will be at the next Freeholder Meeting, on August 9th at 1 PM. We encourage all people of conscience to be there with us to hold our elected representatives accountable. We live in the shadow of the Statue of Liberty. Our common history and our current political moment demand nothing less.”

50. Plaintiffs shared the statement with Hudson County community members and brought copies to the August 9 meeting. Each Freeholder received a copy.

51. The public turned out in enormous numbers to Defendant’s August 9 meeting, which lasted four hours. Activists demonstrated outside the building and then filled the meeting room to capacity, with standing room only. According to accounts, it may have been the largest attendance of a meeting of the Hudson County Board of Chosen Freeholders in recent history. See Demefack Decl., Ex. C.

52. Indeed, the public attendance in response to the surprise ICE contract vote was so extensive that there was an oral motion to move the September 13 meeting to a larger venue at a local school. Chairman Vainieri and five other Freeholders voted no; three Freeholders voted yes.

53. Freeholder O’Dea called the refusal to move the meeting to enable full public attendance a demonstration that his colleagues “lack courage. Why do you lack courage? Because last month we sat here on a Tuesday afternoon and we stated we were going to delay consideration of a ten-year extension or renewal of an ICE contract to this meeting. I now wonder what the motives were after unanimously it was agreed to carry that meeting . . . to have a full discussion, to gather all the info we need. But what happened two days later? Despite having agreed to carry

an item of this magnitude of importance where there is need for input from committees, review, public etc., it was ramrodded through this Board and approved at the July meeting.”³

54. Chairman Vainieri suggested that those Freeholders who voted to move the September meeting could have an “open forum yourself at the school, with some Freeholders, not five – don’t make it a public Freeholder meeting – invite Edwards and any other personnel . . . so you don’t have an Open Public Meeting, you can have an open forum with the public. . . . So why don’t you three [who voted yes on moving the meeting to a larger venue] just get together, make a date, get the advocates together, work with the people in the audience. . . . You can do it on your own.” In other words, Chairman Vainieri suggested that a non-majority of the Freeholders meet with the public instead, so that they would not have to comply with the Sunshine Law.⁴

55. Before the public comment section of the August meeting, Chairman Vainieri addressed the crowd in attendance: “So I don’t know what you’re barking at. You’re barking up the wrong tree. . . . We’re not going to change it overnight. We can sit here until 9 o’clock and listen to everything. It’s not going to change anything right now.”

56. In an interview with the Hudson County View, a local television station, the following week, Chairman Vainieri responded to the public’s interest in the Board’s decision making. He told the public, “You don’t have to come to the meeting. Just let us do our work.”

57. Of course, the Sunshine Law mandates that this very work be done through public meetings.

³ As of August 24, 2018, by confirmation of the Freeholder Clerk Alberto Santos, the transcript for the August 9 meeting was not yet available from the County. Accordingly, citations in this Complaint to the August meeting are transcribed verbatim from video or audio clips of the meeting, some of which have been posted on YouTube or Facebook, as recorded by members of the press and public pursuant to the Open Public Meetings Act.

⁴ The Open Public Meetings Act defines “meeting” to exclude gatherings attended by less than an effective majority of the members of a public body. N.J.S.A. 10:4-8.

COUNT ONE

Violation of the New Jersey Open Public Meetings Act (brought under N.J.S.A. 10:4-15)

58. Plaintiffs incorporate and adopt Paragraphs 1 through 57 of this Complaint.

59. The actions of Defendant described herein violate the right of the public, including Plaintiffs, under New Jersey's Sunshine Law "to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies" which "is vital to the enhancement and proper function of the democratic process. . . ." Open Public Meetings Act, N.J.S.A. 10:4-7.

60. The actions of Defendant described herein violate the right of New Jerseyans, including Plaintiffs, "to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed. . . ." Id.

61. Defendant knew that Hudson County's contract with ICE was a matter of extraordinary public interest and concern. With such knowledge, Defendant called for a surprise vote on the matter, thereby acting in secret on a matter affecting the public. Such "secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society. . . ." Id.

62. Defendant's decisions to agree unanimously to postpone the ICE contract renewal until August, to affirmatively notify the public of the postponement, and then to re-introduce and vote upon the contract in July were intentional and calculated to mislead. The publication of the July 12 agenda with an annotation that the ICE contract renewal was postponed was an intentional omission of a planned agenda item and was designed to deceive the public, thereby giving rise to a statutory violation.

63. Accordingly, Defendant's July 12, 2018 action renewing Hudson County's contract with ICE violates New Jersey's Sunshine Law and is voidable pursuant to N.J.S.A. 10:4-15.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against the Defendant:

- a. Voiding the July 12, 2018 decision by Defendant the Hudson County Board of Chosen Freeholders to renew the County's contract with ICE to house immigrant detainees, as a violation of the Open Public Meetings Act.
- b. For fees and costs of suit.
- c. Any further relief this Court deems just and equitable and any other relief as allowed by law.

NO JURY DEMAND

Plaintiffs do not demand trial by jury in this action.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs designate Tess Borden as trial counsel.

Dated: August 27, 2018



Tess Borden (ID # 260892018)
Staff Attorney
ACLU-NJ Foundation
P.O. Box 32159
89 Market Street, 7th Floor
Newark, NJ 07102
973-854-1733
tborden@aclu-nj.org

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiffs, via counsel, hereby certify that there are no other proceedings or pending related cases arising from the same factual dispute described herein. To the best of the undersigned's knowledge and belief, the matter in controversy is not the subject of any other action pending in any other court or a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, the undersigned knows of no other parties that should be made a part of the above action. In addition, the undersigned recognizes the continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: August 27, 2018



Tess Borden (ID # 260892018)
Staff Attorney
ACLU-NJ Foundation

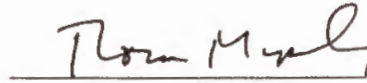
VERIFICATION

Undersigned Plaintiffs hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

VERIFICATION

I, Thomas Murphy, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

Dated: 8/23/18

A handwritten signature in black ink, appearing to read "Tom Murphy", written over a horizontal line.

[Thomas Murphy]

VERIFICATION

I, the Rev. Gary Commins, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

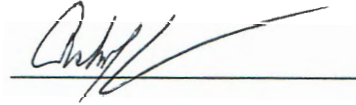
Dated: Aug. 23, 2018

Gary Commins

VERIFICATION

I, Ashraf Eisa, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

Dated: 8-22-18

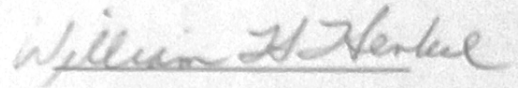
A handwritten signature in black ink, appearing to read 'Ashraf Eisa', is written over a horizontal line.

Ashraf Eisa

VERIFICATION

I, William H. Henkel hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

Dated: August 23, 2018

A handwritten signature in cursive script, reading "William H. Henkel", written over a horizontal line.

William H. Henkel]

VERIFICATION

I, Rev. Frances Teabout, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

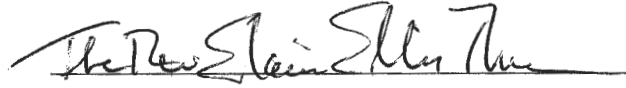
Dated: 8/23/2018

Rev. Frances Teabout

VERIFICATION

I, the Rev. Elaine Ellis Thomas, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

Dated: August 22, 2018

A handwritten signature in black ink, appearing to read "The Rev. Elaine Ellis Thomas", written over a horizontal line.

The Rev. Elaine Ellis Thomas

VERIFICATION

I, Laurie Jean Wurm, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

Dated: August 23, 2018

A handwritten signature in blue ink, appearing to read "Laurie Jean Wurm", is written over a horizontal line.

Laurie Jean Wurm

TABLE OF EXHIBITS

**EXHIBIT A – TRANSCRIPT OF JULY 10, 2018 CAUCUS MEETING OF THE
HUDSON COUNTY BOARD OF CHOSEN FREEHOLDERS**

EXHIBIT B – DECLARATION OF FATHER EUGENE SQUEO

EXHIBIT C – DECLARATION OF SERGES DEMEFACK

EXHIBIT D – DECLARATION OF ANNA BROWN

**EXHIBIT E – TRANSCRIPT OF JULY 12, 2018 REGULAR MEETING OF THE
HUDSON COUNTY BOARD OF CHOSEN FREEHOLDERS**

**EXHIBIT F – HUDSON COUNTY BOARD OF CHOSEN FREEHOLDERS
RESOLUTION RENEWING ICE CONTRACT**

Exhibit A

HUDSON COUNTY
BOARD OF CHOSEN FREEHOLDERS

CONDENSED
TRANSCRIPT

RE:

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

O P E N S E S S I O N

Hudson County
Administration Building,
Freeholders Chambers
567 Pavonia Avenue
Jersey City, New Jersey
Tuesday, July 10, 2018
4:00 p.m.

B E F O R E:

ANTHONY VAINIERI, Chairman
WILLIAM O'DEA, Freeholder
ANTHONY ROMANO, Freeholder
JOEL TORRES, Freeholder
JERRY WALKER, Freeholder

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

CARMEN E. MENDIOLA, ESQ., Board Counsel
DONATO J. BATTISTA, Hudson County Counsel
ABRAHAM ANTUN, County Administrator
WILLIE ORTIZ, Freeholder Clerk
Reported By: Shari Cathey, CCR, RPR

Job No. NJ2800308

Page 2

1 THE CLERK: Freeholder Cifelli.
 2 Freeholder Kopacz. Freeholder O'Dea.
 3 FREEHOLDER O'DEA: Here.
 4 THE CLERK: Freeholder Rivas.
 5 FREEHOLDER RIVAS: Here.
 6 THE CLERK: Freeholder Rodriguez.
 7 Freeholder Romano.
 8 FREEHOLDER ROMANO: Here.
 9 THE CLERK: Freeholder Torres.
 10 FREEHOLDER TORRES: Here.
 11 THE CLERK: Freeholder Walker.
 12 Chairman Vainieri.
 13 CHAIRMAN VAINIERI: Here. We have
 14 the president of the Hudson County Community
 15 College. Sir, come up. Introduce yourself.
 16 MR. REBER: Good afternoon. Thank
 17 you very much. It's an honor to be here. Would you
 18 like me to share anything with you?
 19 CHAIRMAN VAINIERI: Why don't you
 20 talk about your experience in three minutes?
 21 MR. REBER: Okay. I have been in
 22 this business for 37 years. That's longer than I
 23 would like to admit. I've relocated from
 24 Pittsburgh, Pennsylvania, where I had been serving
 25 as president of the Community College in Beaver

Page 3

1 County, this is in Pittsburgh. I previously
 2 received a PhD in higher education from Penn State
 3 University.
 4 I'm so honored to be here in your
 5 community. I am so looking forward to working with
 6 all of you. It's all about the programs. I am
 7 inspired by the partnership of community and
 8 college, and that's made possible at Hudson County
 9 Community College. This is an institution that's
 10 truly about changing living and transformations, and
 11 making such a significant impact providing an
 12 opportunity for 70,000 people, and that wouldn't be
 13 possible without your support, and the support of
 14 the community.
 15 I will work very hard to be a strong
 16 leader, to help develop and grow partnerships with
 17 the community and region and really helping move the
 18 HCCC to the next level of greatness. And following
 19 in the footsteps of Dr. Gabert is somewhat daunting,
 20 and I'm so proud for the opportunity.
 21 CHAIRMAN VAINIERI: Welcome. Will
 22 the same person come to the Freeholder Board
 23 meetings? Are you going to need to make any
 24 changes. Mr. Tribbiani is here.
 25 MR. TRIBBIANI: Jerry has it covered.

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1 FREEHOLDER O'DEA: One thing that,
 2 you know, he certainly had a lot of impact, but
 3 Dr. Gabert tried to come here as little as possible,
 4 and I don't think that that's the best way of
 5 developing that kind of relationship. I would like
 6 to see that we keep it going.
 7 MR. REBER: I love community
 8 engagement. I love working in partnership with the
 9 community. I hope to be here often to work toward
 10 our mutual goals.
 11 FREEHOLDER ROMANO: Congratulations.
 12 Welcome to the college. I would like to see Hoboken
 13 be involved. I want to see Hoboken, the way I see
 14 campuses going to both Union City and Jersey City
 15 satellites. Hoboken's population would like to make
 16 to some kind of plan.
 17 MR. REBER: We'll always be
 18 interested in how we can better serve the community
 19 and reach more people. I love looking for ways for
 20 people on the outside to have an everyday use.
 21 FREEHOLDER ROMANO: Okay.
 22 MR. REBER: I travel to and from
 23 Hoboken every day. I have to tell you. The traffic
 24 here is a little different than in Pittsburgh. I'm
 25 learning.

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1 FREEHOLDER ROMANO: Thank you, sir.
 2 CHAIRMAN VAINIERI: Thank you.
 3 Anything else? Mr. Administrator? Next.
 4 MR. COSCIA: My name is Joe Coscia.
 5 I am with Honeywell. First of all let me say thank
 6 you very much for the opportunity to be here this
 7 afternoon. We're here to provide a summary of a
 8 program that the County has began back in June of
 9 2010. So therefore, we've developed a plan that
 10 will help County be more environmental friendly,
 11 become more energy-efficient, and we're utilizing a
 12 program that paid for itself by money that you're
 13 already spending within the County.
 14 So to make the best use of your time, I'm
 15 a picture guy, we'll go back to the picture. The
 16 program that the County has undertaken is called the
 17 Energy Savings Improvement Program. It was
 18 developed in the state of New Jersey for public
 19 entities to find a way to upgrade their
 20 infrastructure without having to identify new money
 21 or utilizing money that you're already spending
 22 within the County itself. So this entire project
 23 utilizes the money that you have as a means to
 24 upgrade the infrastructure and pay for that out of
 25 money that you're already spending within the County

<p style="text-align: right;">Page 6</p> <p>1 itself.</p> <p>2 The program, like I say, I'll introduce a</p> <p>3 quick time. This started June in 2010. Honeywell</p> <p>4 was given the task to move forward with the project</p> <p>5 in November of last year, and spent the last eight</p> <p>6 or nine months developing a solution or a</p> <p>7 comprehensive program along with your facilities</p> <p>8 people of Property and Roads and so on. The program</p> <p>9 is paying for itself. It is unique in the fact that</p> <p>10 it does not get implemented just like traditional</p> <p>11 construction.</p> <p>12 In this particular case, the way it works</p> <p>13 is that the savings are guaranteed annually to the</p> <p>14 point that should there be a shortfall in savings in</p> <p>15 a year, Honeywell will write the County a check for</p> <p>16 the balance of the difference to make sure that the</p> <p>17 savings are achieved. Additional changes to</p> <p>18 contrast the public contracting is the fact that</p> <p>19 we're still required to meet with all trades in</p> <p>20 accordance with Public Contract Law. The difference</p> <p>21 is that Honeywell will guarantee that the bids, if</p> <p>22 they come in high, Honeywell will pay for anything</p> <p>23 over the budgets that we've identified, and if the</p> <p>24 bids come in lower, the money gets return to the</p> <p>25 County for use either in additional projects or just</p>	<p style="text-align: right;">Page 8</p> <p>1 itself, LED lighting throughout. That means that</p> <p>2 the bulbs are going to last at least ten years, no</p> <p>3 more ballasts, less labor in terms of less repair,</p> <p>4 in terms of replacing bulbs and ballasts. But for</p> <p>5 the most part, the decentralizing the plant and rely</p> <p>6 on additional boilers on this campus. We're also</p> <p>7 going refurbish over at the correctional facilities.</p> <p>8 We are also going to furnish a two-megawatt solar</p> <p>9 array along with the standby generation as part of</p> <p>10 this program. It helps prepare and helps the County</p> <p>11 be ready for the micro-grid project that's being</p> <p>12 worked on currently with Greener by Design. We have</p> <p>13 worked very closely with Greener by Design in</p> <p>14 relevant solutions identified in this project</p> <p>15 itself.</p> <p>16 Overall, we have already talked about some</p> <p>17 of the solutions in quiet contrast to the</p> <p>18 traditional construction, and provide you an</p> <p>19 opportunity to get this work done with money that</p> <p>20 you're already spending, only now, you're going to</p> <p>21 be putting that money back into the building. From</p> <p>22 an environmental footprint standpoint, you're going</p> <p>23 to be reducing on an annual basis approximately 4.2</p> <p>24 kilowatt hours of electricity associated with these</p> <p>25 facilities, and the savings is somewhere around</p>
<p style="text-align: right;">Page 7</p> <p>1 to keep it within the budget.</p> <p>2 The other aspect of this is that there's a</p> <p>3 no-change-order policy. That's what makes it</p> <p>4 different than traditional construction solutions.</p> <p>5 That being said, what we've got here is identified</p> <p>6 as a variety of solutions. So of the key solutions,</p> <p>7 and some of the things that the County is</p> <p>8 undertaking should be proactive because you're being</p> <p>9 very, very proactive in your solutions to some of</p> <p>10 your older facilities right now.</p> <p>11 In particular, over at the corrections</p> <p>12 facilities, the boilers are at the end of their</p> <p>13 useful life. It's a matter of time before they</p> <p>14 fail. The same thing with the chillers. There is a</p> <p>15 tunnel system that's pretty close to the end of its</p> <p>16 useful life as well. So what this program will do</p> <p>17 is help you decentralize the facility plan over at</p> <p>18 the Meadowview complex, and give each individual</p> <p>19 building its own ability to stand on its own from a</p> <p>20 heating and hot water standpoint. They already are</p> <p>21 separated from an electrical standpoint. It also</p> <p>22 will also help the County divest itself from the</p> <p>23 facility that is called the shared power plant on</p> <p>24 that campus as well.</p> <p>25 Some of the highlight of the program</p>	<p style="text-align: right;">Page 9</p> <p>1 \$900,000 therms, and the reduction of CO2 emissions</p> <p>2 alone is 27,000 metric tons. This will be on an</p> <p>3 annual basis so that will accumulate.</p> <p>4 Overall, the timeline that we're looking</p> <p>5 at moving forward with the Freeholders' approval and</p> <p>6 the Freeholders' blessing, will be able to begin the</p> <p>7 engineering very shortly and while the project is</p> <p>8 being identified for the final contract, the</p> <p>9 engineering should be ready to go within the next</p> <p>10 two or three months, with the construction beginning</p> <p>11 somewhere around December or January time frame.</p> <p>12 CHAIRMAN VAINIERI: Freeholder</p> <p>13 Romano, ask questions? Freeholder Rivas, do you</p> <p>14 have any questions? Freeholder Torres.</p> <p>15 FREEHOLDER TORRES: Honeywell is</p> <p>16 overseeing the program?</p> <p>17 MR. COSCIA: Under this legislation</p> <p>18 it's actually overseen by the State of New Jersey,</p> <p>19 so Honeywell develops an energy savings plan, and we</p> <p>20 have to do it in accordance with certain standards.</p> <p>21 Those standards have to be approved by a third-party</p> <p>22 independent, third-party engineer. DLB Associates</p> <p>23 happens to be third-party. They're the team hired</p> <p>24 by the County directly to review our project. They</p> <p>25 have a 45-page report that approves the plan, and</p>

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1 then it was given to the BPU, the Board of Public
2 Utilities, and they reviewed it and provided their
3 blessing to the project as well. They all have to
4 address it. So we have provided an energy savings
5 plan June 6th. I believe that's all of the
6 revision.

7 CHAIRMAN VAINIERI: That is it.
8 Thank you very much. I appreciate it. Mr.
9 Administrator, do you have any questions? Thank
10 you.

11 FREEHOLDER O'DEA: Mr. Chairman, I
12 had a sidebar with the Administrator regarding the
13 prior conversation.

14 THE CLERK: Resolution No. 1.

15 FREEHOLDER O'DEA: And also put on
16 record that all the work here will be done subject
17 to Project Labor?

18 MR. ANTUN: Absolutely. I verified
19 that, yes. And Mr. Chairman, if I may, if the Board
20 approves the resolution, it's to authorize the
21 County to sign the agreement with, Honeywell, but I
22 will not sign the agreement until the bond
23 ordinance, until the refunding bond ordinance is
24 approved. We don't plan to introduce that or
25 present it to you until the August meeting, and it

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1 will have to go to the local finance board for
2 approval. So you're probably looking at an adoption
3 at the end of September.

4 The purpose of the resolution now is
5 twofold. Number one is to approve the plan, and
6 also, number two, it will authorize Honeywell to
7 begin the design phase. That's why we put in the
8 resolution a breakage fee of \$220,000. That fee is
9 only paid if we don't sign the contract. So I
10 wanted to put on the record, and I follow-up with
11 the concerns of Freeholder O'Dea discussed with me
12 with offline. That's what I wanted to say.

13 FREEHOLDER TORRES: We have a
14 breakage fee. What would be the reason?

15 MR. ANTUN: The reason for the
16 breakage fee is that we want to authorize Honeywell.
17 If the resolution is approved, we will authorize
18 Honeywell to proceed with the designing. The
19 breakage fees won't be paid if the County decides
20 not to enter into the contract with Honeywell. If
21 we enter into the contract with Honeywell, then
22 there is no agreement.

23 FREEHOLDER O'DEA: Remember we
24 discussed if and when we're going exercise for the
25 first year the guaranteed payment. We were

Page 12

1 discussing an addendum that if we paid the fee after
2 the first would be guaranteed?

3 MR. ANTUN: That's correct.

4 FREEHOLDER O'DEA: But after the
5 first year, if we want a guarantee, they'll make up
6 whatever the shortfall?

7 MR. ANTUN: That's correct. That's
8 correct.

9 FREEHOLDER O'DEA: I wanted to put
10 that on the record. What process do you have to
11 monitor in terms of contributions?

12 MR. ANTUN: Let me say this to you,
13 Freeholder. At this point although I haven't made a
14 decision, obviously, I would do that in consultation
15 with the Board, I'm inclined to go with the second
16 year, but I wouldn't go beyond the second year.
17 That would be right now that's my initial.

18 FREEHOLDER O'DEA: So I guess the
19 other thing we need before we proceed forward with
20 financing is to look and understand what options we
21 have?

22 MR. ANTUN: Yes.

23 FREEHOLDER O'DEA: That also was
24 discussed in detail in committee.

25 MR. ANTUN: Yes.

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1 FREEHOLDER O'DEA: And there are a
2 variety of potential ways of financing this.

3 Obviously, if we save a lot of money to begin with,
4 is there a flat rate? If so, we need to be engaged
5 through a mechanism and have a conversation with
6 them beforehand, this is what we're doing.

7 MR. ANTUN: Freeholder, what we would
8 like to do unless you want to a committee meeting
9 before that, we were going to bring that
10 presentation at the August meeting, and at the
11 August meeting, we would recommend to you, because
12 it's going to be a refunding bond issue. That's how
13 this is handled, and then we would present to you
14 what our recommendation is, so that the idea would
15 be that we match, of course, the saving we're going
16 to have on an ongoing basis.

17 FREEHOLDER O'DEA: But if there are
18 more than one option, we ought to talk about it.

19 MR. ANTUN: Okay.

20 CHAIRMAN VAINIERI: Okay.

21 THE CLERK: Resolution No. 1,
22 confirmation of Appointments of Members to the
23 Hudson County Mental Board, N.J.S.A. 30:9A-30.

24 FREEHOLDER RIVAS: Sponsor.

25 CHAIRMAN VAINIERI: Second.

<p style="text-align: right;">Page 14</p> <p>1 THE CLERK: Resolution No. 2, 2 resolution commending the dedicated service of 3 Joseph T. Cassidy, "Butchie," former Hudson County 4 Sheriff by naming the Handball Courts in Lincoln 5 Park "The Joseph T. Cassidy Handball Courts." 6 FREEHOLDER O'DEA: Sponsor. 7 FREEHOLDER ROMANO: Second. 8 THE CLERK: Resolution No. 3, 9 resolution authorizing application for and 10 acceptance of funds if awarded, from the United 11 States Department of Justice for the Stop School 12 Violence Prevention and Mental Health Training 13 Program, October 1, 2018 through September 28 2021, 14 \$500,000. 15 FREEHOLDER TORRES: Sponsor. 16 FREEHOLDER RIVAS: Second. 17 FREEHOLDER TORRES: Can I get 18 information on the selection process for the 19 program? 20 DIRECTOR TOON: Darice Toon, Director 21 of the Department of Health and Human Services. 22 Freeholder, we have not decided how we would select. 23 We are thinking of opening it up to the schools 24 within the County that are hoping to participate in 25 this training.</p>	<p style="text-align: right;">Page 16</p> <p>1 Budget Amendment State of New Jersey Department of 2 Labor and Workforce Development FY 2018 WorkFirst 3 New Jersey Supplemental Grant, \$250,000. 4 Resolution No. 7, 2018 Budget Amendment 5 U.S. Department of Health and Human Services 6 Minority AIDS Initiative Grant, \$252,966. 7 CHAIRMAN VAINIERI: Sponsor; Rivas, 8 second. 9 THE CLERK: Resolution No. 8, 2018 10 Budget Amendment U.S. Department of Health & Human 11 Services HIV Emergency Relief Formula Grant, 12 \$903,314. 13 FREEHOLDER RIVAS: Sponsor. 14 CHAIRMAN VAINIERI: Second. 15 THE CLERK: Resolution No. 9, 2018 16 Budget Amendment U.S. Department of Health & Human 17 Services HIV Emergency Relief Supplemental Grant, 18 \$1,608,939. 19 CHAIRMAN VAINIERI: Sponsor. 20 FREEHOLDER ROMANO: Second. 21 THE CLERK: Resolution No. 10, 2018 22 Budget Amendment State of New Jersey Department of 23 Human Services FY 2018 Transportation and TIP 24 Program Grant, \$160,000. 25 FREEHOLDER RIVAS: Sponsor.</p>
<p style="text-align: right;">Page 15</p> <p>1 FREEHOLDER TORRES: Do you mean try 2 to promote areas that the schools might need a boost 3 from these types of programs? 4 DIRECTOR TOON: We are actually 5 gathering data now to put in the application, 6 because we do need a kind of need information 7 incorporated in the application. 8 FREEHOLDER TORRES: Thank you. 9 THE CLERK: Resolution No. 4, 10 resolution authorizing application and acceptance of 11 funds, if awarded, for the Juvenile Detention 12 Alternatives Initiative, JDAI, Program from the New 13 Jersey Juvenile Justice Commission, January 1st, 14 2019 through December 31st, 2019, \$120,000. 15 CHAIRMAN VAINIERI: Sponsor. 16 FREEHOLDER RIVAS: Second. 17 THE CLERK: Resolution No. 5, 18 resolution accepting additional funds from the New 19 Jersey State Department of Labor and Workforce 20 Development for the WorkFirst New Jersey Welfare 21 Reform Program, July 1, 2017 to June 30, 2018, 22 \$250,000. 23 FREEHOLDER O'DEA: Sponsor. 24 CHAIRMAN VAINIERI: Second. 25 THE CLERK: Resolution No. 6, 2018</p>	<p style="text-align: right;">Page 17</p> <p>1 FREEHOLDER ROMANO: Second. 2 THE CLERK: Resolution No. 11, 3 Resolution amending Resolution Nos. 453-7-2017, 4 545-9-2017, 546-9-2017, 131-3-2018 and 154-3-2018 to 5 deobligate, reallocate and award additional 6 Department of Labor funds to service vendors for the 7 continuation of WorkFirst New Jersey Services - July 8 1, 2017 to June 30, 2018, \$598,770. 9 FREEHOLDER ROMANO: I'll sponsor. 10 FREEHOLDER TORRES: Second. 11 THE CLERK: Resolution No. 12, 12 Resolution amending Resolution 221-4-2018 and 13 authorizing Ryan White Minority AIDS Initiative, 14 MAI, Grant Final Award allocations to various 15 Professional Services Providers and Providers 16 awarded through a Competitive Process, March 1, 2018 17 through February 28, 2019, \$252,966. 18 CHAIRMAN VAINIERI: Sponsor. 19 FREEHOLDER ROMANO: Second. 20 THE CLERK: Resolution No. 13, 21 resolution amending Resolution 222-4-2018 and 22 authorizing Ryan White Formula Grant Final Award 23 allocations to various Professional Services 24 Providers and Providers awarded through a 25 Competitive Process, March 1, 2018 through February</p>

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1 28, 2019, \$903,314.
 2 FREEHOLDER ROMANO: Sponsor.
 3 CHAIRMAN VAINIERI: Second.
 4 THE CLERK: Freeholders, the next
 5 resolution is a replacement, which is on the dais.
 6 Resolution No. 14, resolution authorizing Ryan White
 7 Supplemental Grant Award allocations to various
 8 Professional Services Providers and Providers
 9 awarded through a Competitive Process, March 1, 2018
 10 through February 28, 2019, \$1,608,939.
 11 FREEHOLDER TORRES: Sponsor.
 12 CHAIRMAN VAINIERI: Second by Rivas.
 13 FREEHOLDER TORRES: I have a
 14 question. The change of this any allocation of
 15 funds?
 16 DIRECTOR TOON: (nods.)
 17 THE CLERK: Resolution No. 15,
 18 resolution authorizing the allocation of CY 2018
 19 Adolescent Pregnancy Prevention and Awareness
 20 Funding to the Urban League of Hudson County, July
 21 1st, 2018 through December 31st, 2018, \$1,000.
 22 CHAIRMAN VAINIERI: Sponsor.
 23 FREEHOLDER ROMANO: Second.
 24 THE CLERK: Resolution No. 16,
 25 resolution authorizing the allocation of CY 2018

Page 19

1 Missing Children's Fund Program Funding to Haven
 2 Adolescent Community Respite Center, July 1st, 2018
 3 through December 31, 2018, \$4,072.
 4 FREEHOLDER TORRES: Sponsor.
 5 CHAIRMAN VAINIERI: Second,
 6 Freeholder Romano.
 7 THE CLERK: Resolution No. 17,
 8 resolution authorizing payment to the Provident
 9 Bank, Beacon Trust, as Investment Advisory Services
 10 for the Hudson County Employee's Pension Fund, June
 11 1st, 2018 through September 30th, 2018, \$13,600.
 12 FREEHOLDER O'DEA: Sponsor.
 13 FREEHOLDER TORRES: Second.
 14 THE CLERK: Resolution No. 18,
 15 Resolution approving a Non-Fair and Open Contract
 16 with Arts Market, Inc. to prepare a ten-year
 17 Cultural Development Master Plan required by the
 18 State of New Jersey, \$38,000.
 19 CHAIRMAN VAINIERI: Sponsor.
 20 FREEHOLDER ROMANO: Second.
 21 FREEHOLDER O'DEA: What is this? Are
 22 these the proposals that were submitted through the
 23 pension funds?
 24 DIRECTOR FULLER: That's correct.
 25 There were six proposals submitted and three were

Page 20

1 rejected.
 2 FREEHOLDER O'DEA: I want to go on
 3 record that I don't know what you're recommending to
 4 us, but the pension reform is complicated, and I
 5 recommend that we move forward with something like
 6 this. Obviously, the fact is that the pension board
 7 is going to have to make a recommendation to the
 8 committee because having half of them disqualified
 9 for technical paperwork is okay for the
 10 recommendation. From my perspective, this is so
 11 offensive to the employee members of this pension
 12 system; from my perspective something that is
 13 recommended to us without going back and allow for
 14 the pension board to review, if you will.
 15 DIRECTOR FULLER: Freeholder, it is
 16 an evaluation committee that does the scoring.
 17 First of all, not necessarily members of the pension
 18 board, although there is a member of the pension
 19 board that sits on the evaluation committee, and
 20 that evaluation committee will make a recommendation
 21 to the pension board. They will make a
 22 recommendation to the Freeholder Board. I
 23 understand your concern, but the reason for the
 24 disqualifications were what we have been advised by
 25 the Law Department are fatal flaws.

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1 FREEHOLDER O'DEA: No. I understand
 2 the reason. I'm not arguing with what are the
 3 reasons. I'm saying that we should have the
 4 discretion to say, we think that we want more
 5 options from you, and since some options would
 6 legitimately go down, we could make a final decision
 7 that there were not enough proposals to be reviewed
 8 based on what we began with, so we reject the
 9 recommendation, and you have to go out and do it
 10 again. We certainly, Mr. Administrator, we have
 11 that discretion?
 12 MR. ANTUN: That's correct.
 13 MR. BATTISTA: You have the
 14 discretion. Whether or not that will sustain a
 15 legal challenge, I wouldn't go that far.
 16 THE CLERK: Resolution No. 19,
 17 resolution approving renewal of a Non-Fair and Open
 18 License and Maintenance Contract with Unitronix Data
 19 Systems, Inc. for the Abacus Software System for the
 20 Division of Welfare, August 26, 2018 to August 25,
 21 2019, \$14,072.
 22 FREEHOLDER O'DEA: Sponsor.
 23 CHAIRMAN VAINIERI: Second.
 24 THE CLERK: Resolution No. 20,
 25 resolution approving an Extraordinary Unspecifiable

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1 Services Contract, Non-Fair and Open, with Syndetix
 2 Incorporated covering the purchase of Covert
 3 Surveillance Equipment referred to as a Covert
 4 Hostile Emitter Angle Tracker Revised, CHEATR,
 5 Mapping System on behalf of the Prosecutor's Office,
 6 \$23,348.
 7 CHAIRMAN VAINIERI: Sponsor.
 8 FREEHOLDER ROMANO: Second.
 9 THE CLERK: Resolution No. 21,
 10 resolution approving a Non-Fair and Open Contract
 11 with Agilent Technologies, Inc. for supplies needed
 12 in the Forensic Laboratory to analyze Controlled
 13 Dangerous Substances, CDS, on behalf of the
 14 Prosecutors Office, \$1,162.85.
 15 FREEHOLDER ROMANO: Sponsor.
 16 FREEHOLDER TORRES: Second.
 17 THE CLERK: Resolution No. 22,
 18 approve Purchasing Agent's awards, purchases made
 19 under State contracts.
 20 FREEHOLDER TORRES: Sponsor.
 21 FREEHOLDER RIVAS: Second.
 22 THE CLERK: Resolution No. 23,
 23 purchases made under Bergen County Cooperative
 24 Pricing System.
 25 CHAIRMAN VAINIERI: Sponsor.

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1 FREEHOLDER RIVAS: Second.
 2 THE CLERK: Resolution No. 24,
 3 purchases made under the Educational Services
 4 Commission of New Jersey Pricing System, formally
 5 known as "The Middlesex Regional Educational
 6 Services Commission."
 7 FREEHOLDER TORRES: Sponsor.
 8 FREEHOLDER RIVAS: Second.
 9 THE CLERK: Resolution No. 25,
 10 purchasing made under Union County Cooperative Price
 11 System.
 12 CHAIRMAN VAINIERI: This is Braddock
 13 Park, not Lincoln; is that correct?
 14 DIRECTOR DeLEO: Correct. 25A, yes.
 15 That's JJB, yes.
 16 THE CLERK: Resolution No. 26. This
 17 is a replacement, Freeholders, which is also on the
 18 dais. Approve Purchasing Agent's awards.
 19 FREEHOLDER TORRES: Sponsor.
 20 FREEHOLDER RIVAS: Second.
 21 FREEHOLDER TORRES: Item 26A, did we
 22 resolve that?
 23 MR. SHOWERS: Excuse me, Freeholder.
 24 Harold Showers Assistant Purchasing Agent. The
 25 dollar amount that is on the agenda is correct?

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1 MR. ANTUN: That's the amount that's
 2 being awarded. Arrow was -- the award letter stated
 3 the amount that the vendor that bid was the lowest
 4 bid. The Finance Department, however, is awarding
 5 this amount, that's due to the budget. That's C.
 6 FREEHOLDER TORRES: The correct
 7 amount is 506?
 8 MR. ANTUN: That is the correct
 9 amount.
 10 THE CLERK: Resolution No. 27,
 11 resolution awarding a Fair and Open Competitive
 12 Contract with Visiting Homemaker Services of Hudson
 13 County, Inc. for Title XX Certified Home Health Care
 14 Services, August 1, 2018 through December 31, 2018,
 15 \$180,000.
 16 FREEHOLDER TORRES: Sponsor.
 17 CHAIRMAN VAINIERI: Freeholder
 18 Romano, second.
 19 THE CLERK: Resolution No. 28,
 20 resolution awarding a Fair and Open Competitive
 21 Contract to Visiting Homemaker Service of Hudson
 22 County, Inc. for Peer Grouping Certified Home Health
 23 Care Services, August 1, 2018 through December 31,
 24 2018, \$135,427.
 25 FREEHOLDER RIVAS: Sponsor.

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1 FREEHOLDER ROMANO: Second.
 2 THE CLERK: Resolution No. 28.
 3 FREEHOLDER O'DEA: I have a question
 4 about that. What is that and how much was the
 5 price? Is that what the price is?
 6 DIRECTOR TOON: Freeholder, I'm
 7 sorry. You're asking about the pricing?
 8 FREEHOLDER O'DEA: No. So when you
 9 created a scoring, right, you should have listed a
 10 number of criteria, experience? Was price
 11 considered, and if it was, what was the amount it
 12 was?
 13 DIRECTOR TOON: We actually did not
 14 include price in there because we established fixed
 15 prices. We indicated a fixed, a certain amount for
 16 the first year, and then a specific amount for year
 17 two and year three.
 18 FREEHOLDER O'DEA: Why is the price
 19 here? Would you look at the July 5th, that amount
 20 in a memo to Abe Antun, it says unit price, amount
 21 requested and then final score. One unit price is
 22 \$20. One unit price is 16.80, that's twice; one is
 23 \$20; one is \$16.81; one is \$22.50; and one is
 24 \$21.36.
 25 MR. MARTINOVICH: Robert Martinovich,

1 Deputy Director of Family Services. There are, and
2 we just passed it on on what the scoring was. We
3 did not participate in the scoring component, and
4 what we received from the Department of Human
5 Services is the amount of money that we would add to
6 that.

7 FREEHOLDER O'DEA: All I'm saying is
8 that this memo references a unit price, and if this
9 unit price set, how does the memo resolve that? The
10 memo, Director Lopez's memo clearly references a
11 unit price. That unit price has been the unit price
12 for four difference vendors. We were told a few
13 minutes ago that the unit price was set, either one
14 of them.

15 MR. MARTINOVICH: Freeholder, like I
16 that said, that memo was received by use from the
17 Department of Human Services.

18 FREEHOLDER O'DEA: Then Director Toon
19 should know, right?

20 DIRECTOR TOON: Freeholder, from my
21 recollection, we did not put unit prices in written
22 form in the allocation to visiting homemakers. The
23 awards to the -- when we awarded the various
24 vendors, we gave the same dollar amount that was
25 prefixed and indicated in RFP as well. I think it

1 was 21.50 for year one. I can get the specific
2 amount.

3 FREEHOLDER O'DEA: \$21.50 in year
4 one; \$22 dollars in year two: \$22.50 in year three.

5 MR. ANTUN: I'll be honest with you
6 Freeholder, why Director Lopez included that in this
7 memo is beyond me.

8 FREEHOLDER O'DEA: I don't understand
9 what is the genesis of this.

10 MR. ANTUN: I don't know.

11 FREEHOLDER O'DEA: Because it raised
12 a serious question in my mind that one of the
13 vendors, that the one vendor recommended for the
14 award for the entire contract was 14 cents lower,
15 and the others ones were \$1.50 less. I don't know
16 how you can do that.

17 MR. ANTUN: Freeholder, I have to get
18 back to you.

19 THE CLERK: Resolution No. 29,
20 resolution approving Change Order No. 2 Dobco, Inc.
21 "Hudson County Administration Annex Interior
22 Upgrades and Modernizations, 567 Pavonia Avenue
23 Jersey City, New Jersey," \$395,874.80.

24 FREEHOLDER ROMANO: Abe, tell Dobco
25 that light has been out for a year, beginning the

1 first day here.

2 CHAIRMAN VAINIERI: That's not a
3 light bulb change. Mr. Administrator, is this the
4 final phase of this?

5 MR. ANTUN: I believe a memo was
6 provided and explains the different reasons for the
7 amount of change orders. My understanding is that
8 this is the final. This is all the bricks and
9 mortar. I didn't know that that light was out. We
10 had a meeting to go over issues on each floor. That
11 was not. That wasn't brought to my attention.

12 MR. DELUTIS: John Delutis, Deputy
13 Director of Construction. This change order is for
14 changes that were done during construction of the
15 project, the bricks and mortar as Abe says. Actual
16 hard construction changes, this is for work that has
17 been put in place and is part of the closeout
18 settlement. The negotiations started back in
19 November. There's also another confidential
20 agreement that's part of this, and I'll leave that
21 up to legal whether that could be discussed at this
22 point. That was included.

23 There is still 170,000 retained on the
24 project. That's what we're holding for the half a
25 dozen items that we can't get them to fix. If he

1 doesn't fix them, we will have it fixed and pull it
2 from the 170,000 that is remaining to be paid. But
3 this is for work in place that needs to be done.

4 FREEHOLDER O'DEA: That was one part
5 of the item. That was one of items, yes.

6 MR. DELUTIS: I didn't realize. Is
7 it in the back area in the conference room. I'll
8 take a look at it. It will come out of that
9 \$170,000.

10 THE CLERK: Resolution No. 30 is not
11 on the agenda. Resolution No. 31, resolution of the
12 Board of Chosen Freeholders of the County of Hudson,
13 State of New Jersey approving an Energy Savings
14 Plan, authorizing the execution of a contract with
15 Honeywell International and authorizing other
16 actions in connection with the County's Energy
17 Savings Plan.

18 CHAIRMAN VAINIERI: I'll sponsor;
19 Freeholder Rivas second.

20 FREEHOLDER O'DEA: Just read 30.

21 THE CLERK: Resolution No. 30,
22 resolution authorizing payment to PSE&G for the
23 relocation of utilities from Cook Street to the new
24 Central Avenue extension as part of the new
25 Courthouse Project, \$553,733.67.

<p style="text-align: right;">Page 30</p> <p>1 CHAIRMAN VAINIERI: There is no 2 sponsor or a second. Continue, please. 3 THE CLERK: Resolution No. 32, 4 resolution authorizing an Intergovernmental Services 5 Agreement with Immigration and Customs Enforcement. 6 ICE, for the housing of Federal Prisoners at the 7 Hudson County Correctional and Rehabilitation 8 Center. 9 FREEHOLDER ROMANO: Sponsor. 10 CHAIRMAN VAINIERI: Second. 11 FREEHOLDER TORRES: Can we move this 12 to the August meeting so we can look at the 13 contract? 14 CHAIRMAN VAINIERI: I'm sorry? 15 FREEHOLDER O'DEA: Freeholder Torres 16 asked can we carry this item to August? Can we be 17 provided a copy of the contract with ICE? 18 CHAIRMAN VAINIERI: There's been an 19 sponsor and a second, so it's on the agenda. 20 FREEHOLDER O'DEA: The contract falls 21 within that time frame? 22 CHAIRMAN VAINIERI: If you want to 23 make a motion, it doesn't matter to us. All I'm 24 saying is that contract, we have provided that in 25 the past. It goes back to 2008. All we're doing is</p>	<p style="text-align: right;">Page 32</p> <p>1 THE CLERK: Resolution No. 33, 2 resolution authorizing Access and Maintenance 3 Agreement with the City of Hoboken and the North 4 Hudson Sewerage Authority for the installation and 5 maintenance of Stormwater Detention Tanks in the 6 County Right of Way. 7 FREEHOLDER ROMANO: Sponsor. 8 CHAIRMAN VAINIERI: I'll second. 9 MR. ANTUN: This is from the County 10 Engineer. What we're doing, what is being proposed, 11 Freeholder, and the County Engineer can supplement, 12 he's somewhere and he can correct me if I'm wrong, 13 but what is being proposed is an agreement with the 14 North Hudson Sewerage Authority, City of Hoboken and 15 the County. The County's role is really to consent 16 to the City of Hoboken and the North Hudson Sewerage 17 to install what I'll call holding tanks on our 18 right-of-way so that went we have torrential 19 downpours, instead of backing up the sewers and 20 going into unwanted areas, the holding tanks will 21 hold the water, and then allow the water to 22 dissipate more gradually so it doesn't create 23 flooding issues. 24 FREEHOLDER ROMANO: Is that like the 25 one we got a State grant for the tank?</p>
<p style="text-align: right;">Page 31</p> <p>1 continuing that. 2 FREEHOLDER TORRES: I make a motion 3 to carry this until August. 4 FREEHOLDER O'DEA: I'll second. Can 5 we get a copy? 6 MR. ANTUN: I have sent it in the 7 past. Nothing really has changed. 8 THE CLERK: Freeholder O'Dea. 9 FREEHOLDER O'DEA: Yes. 10 THE CLERK: Freeholder Rivas. 11 FREEHOLDER RIVAS: Yes. 12 THE CLERK: Freeholder Romano. 13 FREEHOLDER ROMANO: Yes. 14 THE CLERK: Freeholder Torres. 15 FREEHOLDER TORRES: Yes. 16 THE CLERK: Chairman Vainieri. 17 CHAIRMAN VAINIERI: Yes. 18 FREEHOLDER O'DEA: The resolution 19 says the agreement was 2003. 20 MR. ANTUN: It was a 15-year 21 agreement. I'm sorry. It was a 15-year agreement. 22 I'm sorry. I don't know why 2008 stuck in my head. 23 You're right. It was a 15-year agreement, 2003. 24 That's correct. Thank you, Freeholder. 25 CHAIRMAN VAINIERI: No. 33.</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. MALAVASI: The aboveground tank? 2 No, it's all underground. This is on Garden Street. 3 FREEHOLDER ROMANO: That's just the 4 beginning. I mean, when it rains there, it's bad. 5 MR. ANTUN: Freeholder, we're not 6 installing this. They are. We're only giving them 7 permission to do it in our right-of-way, and 8 obviously, they would have to restore the roadway to 9 its original condition before it was disturbed. 10 THE CLERK: Resolution No. 34, is a 11 replacement, Freeholders. It's on the dais. 12 Resolution authorizing Health Insurance and 13 Accountability Act, HIPPA, Business Associate 14 Agreement and Memorandum of Understanding with the 15 Jersey City Medical Center on behalf of the Division 16 of Housing and Community Development. 17 FREEHOLDER TORRES: Sponsor. 18 FREEHOLDER O'DEA: I'll second. Can 19 we have someone explain? 20 MR. ANTUN: What she's going to 21 explain also applies to No. 35. 22 MS. MOORE: Hi. Randi Moore, 23 Division of Housing and Community Development. So 24 our division is working with the hospital on our 25 homeless initiatives, and they're going to partner</p>

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1 and provide either services directly or funding to
2 provide services for permanent housing vouchers.
3 These agreements basically allow the hospital to
4 share information so that we could do our evaluation
5 and identification of individuals targeted for
6 housing.
7 CHAIRMAN VAINIERI: Thank you.
8 THE CLERK: Resolution No. 35 is also
9 a replacement, which is on the dais. Authorizing a
10 Health Insurance Portability and Accountability Act,
11 HIPPA, Business Associate Agreement with CarePoint
12 Health Management Associates, LLC d/b/a CarePoint
13 Health on behalf of the Division of Housing And
14 Community Development.
15 FREEHOLDER TORRES: Sponsor.
16 CHAIRMAN VAINIERI: Can I have a
17 second, please? Rivas, second.
18 THE CLERK: Resolution No. 36,
19 resolution of the Board of Chosen Freeholder of the
20 County of Hudson, State of New Jersey approving the
21 use of Competitive Contracting for the solicitation
22 of proposals for a Solar Power Power Purchase
23 Agreement to be undertaken in connection with the
24 County's Energy Saving Improvement Program, ESIP,
25 and authorizing other matters in connection

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1 Therewith.
2 CHAIRMAN VAINIERI: Sponsor. Can I
3 get a second, please?
4 FREEHOLDER ROMANO: Second.
5 MR. ANTUN: Freeholder, when the
6 presentation was made by Honeywell, you recall there
7 is a solar panel component to it. The solar panel
8 component has to be done separately. They have to
9 engage someone. So this would authorize the
10 competitive contracting to solicit proposals from
11 solar panel companies, and then we would have to
12 work out a purchase agreement. They would be the
13 one who installs the solar panels. Honeywell will
14 oversee that, but it's a separate process that the
15 Board has to approve.
16 CHAIRMAN VAINIERI: Thank you.
17 THE CLERK: Resolution No. 37,
18 resolution authorizing the sale of the vacant
19 property located at New York Avenue, Block 6001, Lot
20 34, Jersey City, N.J. to 39 New York Avenue
21 Development, LLC.
22 CHAIRMAN VAINIERI: Sponsor.
23 FREEHOLDER ROMANO: Second.
24 FREEHOLDER O'DEA: What is the deed
25 restriction on that?

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1 MR. BATTISTA: It's saying they have
2 to create a park accessible to the public within two
3 years of the conveyance. If they don't do that or
4 if they constructed it and don't maintain for the
5 public, the property will revert back to the County.
6 This is going to be a park that was solicited for
7 interested bidders.
8 FREEHOLDER O'DEA: Otherwise, two
9 years from now, the building's built and they've got
10 to repair it. There's certain requirements of the
11 Planning Board.
12 MR. BATTISTA: I believe my office
13 now is speaking with the Planning Board. If -- you
14 know, if I am correct, the County Engineer has been
15 consulted as to what we're going to be asking the
16 Board, et cetera. I will have it for you by
17 Thursday.
18 THE CLERK: Resolution No. 38. This
19 is a replacement, Freeholders. Resolution
20 authorizing salary increases for certain County
21 Offices/Positions including Salary Increases for the
22 Board of Chosen Freeholders and Staff in Accordance
23 with the provisions of New Jersey Law and County
24 Ordinance Number 596-10-2013.
25 CHAIRMAN VAINIERI: Sponsor.

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1 FREEHOLDER ROMANO: Second.
2 THE CLERK: Resolution No. 39,
3 resolution in support of an accurate 2020 Census.
4 FREEHOLDER O'DEA: Board as a whole.
5 THE CLERK: Resolution No. 40,
6 Resolution expressing strong opposition to the
7 addition of a citizenship question to the 2020
8 Census.
9 CHAIRMAN VAINIERI: Board as a whole.
10 THE CLERK: Resolution No. 41,
11 Resolution authorizing contribution to United
12 Charitable for Jersey City Fashion Week, \$250.
13 CHAIRMAN VAINIERI: Board as a whole.
14 Let's change No. 41 and make it 750. Second by
15 Freeholder O'Dea.
16 THE CLERK: Freeholder O'Dea.
17 FREEHOLDER O'DEA: Yes.
18 THE CLERK: Freeholder Rivas.
19 FREEHOLDER RIVAS: Yes.
20 THE CLERK: Freeholder Romano.
21 FREEHOLDER ROMANO: Yes.
22 THE CLERK: Freeholder Torres.
23 FREEHOLDER TORRES: Yes.
24 THE CLERK: Chairman Vainieri.
25 CHAIRMAN VAINIERI: Yes.

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1 THE CLERK: Freeholders, as a
 2 reminder, there will be a public hearing for the
 3 following Proposed 2018 Open Space Trust Fund
 4 Allocations, as well as a public hearing on adoption
 5 of the prequalifications. I'll turn it over to the
 6 Administration.
 7 MR. ANTUN: Mr. Chairman, if I may.
 8 The first item that I have is the resolution of the
 9 prequalifications that we were going to add;
 10 specifications for construction. And please note
 11 that although this says 500,000, it's really
 12 250,000. We are lowering the threshold, and the
 13 prequalifications for craft workers on construction
 14 jobs.
 15 THE CLERK: This will be resolution
 16 No. 42.
 17 FREEHOLDER O'DEA: We're going to
 18 have the public here to ask questions.
 19 MR. BATTISTA: The hearing is really
 20 to question whether or not someone is affected as a
 21 result of the hearing. That's the position that
 22 we're going to take, Freeholder. The question I
 23 don't have the answer is if the ordinance
 24 considering prequalification is soliciting comments
 25 from the public. Anyone can argue this a comment

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1 for the public as a result of the change. I am
 2 going to double check.
 3 FREEHOLDER O'DEA: I'll sponsor.
 4 FREEHOLDER ROMANO: Second.
 5 MR. ANTUN: Okay. The next item that
 6 I have is authorizing a Memorandum of Understanding
 7 with the New Jersey Department of Children and
 8 Families for the Family Unification Program
 9 application and execution for the document. The New
 10 Jersey Department of Children's Services contacted
 11 Division Chief Randi Moore, and we would like to
 12 partner with the department to provide housing
 13 vouchers for youth, and what this would do is this
 14 would establish a memorandum of understanding,
 15 whereby we would share information with the
 16 department and also provide data. I don't know if
 17 Ms. Moore would like to add anything to that.
 18 MS. MOORE: Just to clarify, the
 19 State is applying for a hundred vouchers, and they
 20 want to give the County up to 40, and so our role
 21 would be identifying individuals for the vouchers or
 22 monetary amount.
 23 THE CLERK: That will be No. 43 on
 24 the consent agenda.
 25 FREEHOLDER TORRES: Will the County

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1 be working with that organization to provide
 2 wraparound services?
 3 MS. MOORE: So the State would be
 4 responsible for identifying the service providers
 5 for it, but we would provide the input into that
 6 process, and we would work with them.
 7 FREEHOLDER TORRES: Thank you.
 8 MR. ANTUN: The next item that I have
 9 is a resolution accepting funds from the Department
 10 of Labor and Workforce Development in the amount of
 11 \$1,433,151.
 12 THE CLERK: That will be No. 44 on
 13 the consent agenda if we have a sponsor.
 14 CHAIRMAN VAINIERI: Sponsor.
 15 MR. ANTUN: You gave out the wrong
 16 one. This is accepting the funds. So the budget
 17 amendment is later. It's accepting of the funds
 18 from the Department of Labor, \$1,433,151, but what
 19 got distributed was the budget amendment, which I'm
 20 not up to yet.
 21 THE CLERK: That will be Resolution
 22 No. 44. Can I used the same sponsor for --
 23 FREEHOLDER ROMANO: Yes.
 24 MR. ANTUN: Now we will do the budget
 25 amendment, which was already distributed to you.

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1 THE CLERK: That one will be No. 45.
 2 MR. ANTUN: The allocation,
 3 Freeholder, we are going to do later on. Let me get
 4 to that, all right? There is another one that we
 5 have to accept money. That's why.
 6 THE CLERK: That would be in
 7 resolution No. 45. Do I have a sponsor?
 8 CHAIRMAN VAINIERI: Same sponsors.
 9 Freeholder Romano seconded.
 10 MR. ANTUN: The next one is a
 11 resolution accepting \$331,720. It's accepting
 12 \$331,720.
 13 THE CLERK: That will be Resolution
 14 No. 47.
 15 CHAIRMAN VAINIERI: I need a sponsor.
 16 Sponsored by Freeholder Torres. Second by
 17 Freeholder Rivas.
 18 MR. ANTUN: The next one is
 19 allocating the money under Workforce New Jersey in
 20 the amount of \$6,075,314.
 21 FREEHOLDER O'DEA: I sponsor for
 22 discussion. So for the record we had a meeting for
 23 about three and a half hours yesterday. My first
 24 question is how much is focused not to allocate?
 25 MR. ANTUN: I believe the amount that

<p style="text-align: right;">Page 42</p> <p>1 is not is being allocated is \$497,432.</p> <p>2 FREEHOLDER O'DEA: So I've been told</p> <p>3 yesterday that someone that gets it didn't go</p> <p>4 through the process.</p> <p>5 MR. MARTINOVICH: Robert Martinovich,</p> <p>6 Department of Family Services. We received a call</p> <p>7 from Mr. Patel this morning stating, he thought</p> <p>8 someone was coming here and had sent a</p> <p>9 representative at that point.</p> <p>10 FREEHOLDER O'DEA: Get him to come</p> <p>11 Thursday.</p> <p>12 MR. MARTINOVICH: We'll make sure</p> <p>13 that he's here on Thursday, Freeholder.</p> <p>14 FREEHOLDER O'DEA: We asked that</p> <p>15 every other vendor come here.</p> <p>16 MR. MARTINOVICH: We will reach out</p> <p>17 to Mr. Patel to make sure he's here.</p> <p>18 FREEHOLDER O'DEA: We also need a</p> <p>19 copy of the proper presentation.</p> <p>20 MR. MARTINOVICH: We expect that back</p> <p>21 tomorrow, sometime tomorrow from them.</p> <p>22 FREEHOLDER O'DEA: The other thing</p> <p>23 that I would like to see for Thursday is a</p> <p>24 comparison, what is International Communications?</p> <p>25 MR. MARTINOVICH: That's the parent</p>	<p style="text-align: right;">Page 44</p> <p>1 to see last year what was initially allocated, and</p> <p>2 last year the final allocation, and then this year</p> <p>3 the proposed allocation because what was allocated</p> <p>4 last year.</p> <p>5 MR. MARTINOVICH: Yes, we have a</p> <p>6 breakdown, Freeholder Torres.</p> <p>7 FREEHOLDER TORRES: I know some of</p> <p>8 these are competing against each other. Based on</p> <p>9 what we heard yesterday, they're competing for</p> <p>10 clients. They also might have different skill sets</p> <p>11 that they're not competing per se. The County will</p> <p>12 facilitate for some type of collaborative</p> <p>13 discussions between them to see what their strengths</p> <p>14 are, X, Y, Z, here's how you can help with this</p> <p>15 group.</p> <p>16 MR. MARTINOVICH: We have vendor</p> <p>17 meetings, and those meetings we have discussions</p> <p>18 with the various vendors utilizing services of</p> <p>19 another vendor that may assist them down the road,</p> <p>20 the GED testing, image enhancement, Suits for</p> <p>21 Success, something that other vendors may be able to</p> <p>22 assist. That is discussed on a monthly basis. We</p> <p>23 have vendor meetings throughout the year.</p> <p>24 FREEHOLDER TORRES: Are any</p> <p>25 Freeholders there?</p>
<p style="text-align: right;">Page 43</p> <p>1 name of Workforce Auto.</p> <p>2 FREEHOLDER O'DEA: Oh. Can we see</p> <p>3 what they got last year compared to this year?</p> <p>4 MR. MARTINOVICH: Absolutely.</p> <p>5 FREEHOLDER O'DEA: Can we get that</p> <p>6 tomorrow?</p> <p>7 MR. MARTINOVICH: I'll have something</p> <p>8 sent out to the Clerk to distribute to the</p> <p>9 Freeholders.</p> <p>10 FREEHOLDER O'DEA: I will tell you,</p> <p>11 it's vital that we see what some do, what some don't</p> <p>12 do, some recommendations for change and obviously.</p> <p>13 For instance, we have one individual here who had</p> <p>14 been here a couple of years who shows a very high</p> <p>15 placement, very high retention. I'm just curious to</p> <p>16 see what they got last year, and if they</p> <p>17 demonstrated a hundred percent placement. Who was</p> <p>18 the other gentleman?</p> <p>19 MR. MARTINOVICH: Ducks?</p> <p>20 FREEHOLDER O'DEA: There are some of</p> <p>21 them on here that used to be very, very good.</p> <p>22 FREEHOLDER TORRES: It is possible to</p> <p>23 get last year to this year?</p> <p>24 FREEHOLDER O'DEA: Just give us like</p> <p>25 a memo to break that out. I guess I would like to</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. MARTINOVICH: I'm sorry?</p> <p>2 FREEHOLDER O'DEA: Can a Freeholder</p> <p>3 attend that?</p> <p>4 MR. MARTINOVICH: I think you've been</p> <p>5 to one or two of them. You're more than welcome.</p> <p>6 We'll give you the dates when they meet. You're</p> <p>7 more than welcome to come if you wish to.</p> <p>8 FREEHOLDER TORRES: Thank you.</p> <p>9 FREEHOLDER O'DEA: Bob, the other</p> <p>10 thing, the other thing is can you get a memo back to</p> <p>11 us on how you are going to address the issue we</p> <p>12 raised? There are issues we raised yesterday like</p> <p>13 the SNAP. We have some people that get the SNAP</p> <p>14 money. They enroll a hundred people and only 20</p> <p>15 completed because 80 says this has nothing to do</p> <p>16 with me, so I'm not going to go.</p> <p>17 MR. MARTINOVICH: I started a</p> <p>18 discussion with the State representative on the TANF</p> <p>19 component. The State representative on the SNAP</p> <p>20 component was not there. Some of the issues you</p> <p>21 brought up were disclosed as to part-time employees</p> <p>22 not getting. That's what has been discussed, and we</p> <p>23 have to have all of the components for that</p> <p>24 addressed yesterday down on paper.</p> <p>25 FREEHOLDER O'DEA: We don't want to</p>

<p style="text-align: right;">Page 46</p> <p>1 just let that fly. I want each of those issues to 2 be addressed.</p> <p>3 CHAIRMAN VAINIERI: Thank you.</p> <p>4 Mr. Administrator.</p> <p>5 MR. ANTUN: Yes. The next one that I 6 have is the resolution to accept the SANE and SART 7 grant from the Prosecutor's office, and this is 8 Sexual Assault Nursing Examiners and Sexual Assault 9 Response Team.</p> <p>10 CHAIRMAN VAINIERI: 49.</p> <p>11 MR. ANTUN: The last one that I have 12 is authorizing a contract with CCS, that is a 13 provider for the inmates at the correctional center 14 in the amount of \$7,675,073.60.</p> <p>15 THE CLERK: That will be resolution 16 No. 50.</p> <p>17 CHAIRMAN VAINIERI: Mr. 18 Administrator, we still have a committee meeting?</p> <p>19 MR. ANTUN: Yes, Freeholder.</p> <p>20 MR. BATTISTA: Freeholder Cifelli was 21 part of the committee meeting last week where we 22 discussed this contract. The memo that's attached 23 is a little more exhaustive than the previous one.</p> <p>24 CHAIRMAN VAINIERI: Freeholder 25 Cifelli isn't here.</p>	<p style="text-align: right;">Page 48</p> <p>1 will probably have this on the agenda for Board 2 approval. It's in September, in September. You 3 need to have a public hearing Thursday. You just 4 open the hearing, anyone that wants to speak. The 5 next time this will be on the agenda will be in 6 September. We still have a committee. You make it 7 early, to closed session.</p> <p>8 FREEHOLDER O'DEA: I'd like to make a 9 motion to changing the caucus date -- the time 10 caucus meeting.</p> <p>11 CHAIRMAN VAINIERI: We should 12 apologize. Do you want to say something now or on 13 Thursday? Introduce yourself.</p> <p>14 MR. DOLL: My name is Larry Doll. I 15 am the vice president of Correct Care Solutions, or 16 CCS. The one issue I heard was litigation. It's an 17 issue that surrounds our industry. It concerns 18 health care regardless of whether it's directed at 19 doctors or suing the hospital. I always hope that 20 such interaction is positive for both parties.</p> <p>21 Unfortunately, not everybody who pursues health care 22 services for medical or mental health, the outcome 23 for either party is desirable.</p> <p>24 Our company cares for on any given day 25 207,000 patients in 37 states. We probably see over</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. BATTISTA: I think we should 2 discuss that in closed section. The vendor was 3 here. We can bring him back Thursday.</p> <p>4 CHAIRMAN VAINIERI: This is 5 ridiculous. You can't ask question. You can't do 6 nothing.</p> <p>7 THE CLERK: It's not on the agenda as 8 of right now.</p> <p>9 CHAIRMAN VAINIERI: Let the committee 10 know when they're available to meet. Any other 11 discussion?</p> <p>12 THE CLERK: I have nothing further, 13 Mr. Chairman.</p> <p>14 FREEHOLDER O'DEA: We tend to never 15 have like three-hour meetings, four-hour meetings. 16 Most meetings are 90 minutes, two hours the most, 17 and people know what the schedule of meetings are 18 each year. If you have a health issue, I fully 19 understand, but to schedule their vacation, there's 20 one meeting in July, one meeting in August. We 21 can't figure their schedule around the two meetings, 22 and the caucuses before the Freeholder meeting?</p> <p>23 MR. ANTUN: It's a public hearing on 24 Open Space. There is no action. It's a public 25 hearing, and 45 days must elapse, and then so we</p>	<p style="text-align: right;">Page 49</p> <p>1 a million patient encounters a year. So the scale 2 of the services we provide are hundreds to thousands 3 greater than what Jersey City Medical Center sees.</p> <p>4 So yes, we do have a large number of litigation 5 examples, a vast majority of which are not founded 6 against us. I'm not aware of any court decision 7 that's ever been made against us with regard to the 8 quality of care we provide.</p> <p>9 And I would say to put this in 10 perspective, our goal is to provide care that meets 11 the standard of the profession, which is 12 correctional health care, and CCS is an accredited 13 organization, and the entire industry strives to 14 meet our physicians' standards. We measure the care 15 we provide using what known HEDIS standards. HEDIS 16 was established to look out how a patient with 17 diabetes improves based upon the care that they 18 have, and this is measured against community 19 standards and HEDIS studies. All the care we 20 provide to institutions always exceeds what happens 21 in a community. I could provide testimonials.</p> <p>22 Unfortunately, despite the best efforts of 23 well-trained and highly motivated medical 24 professionals, the outcome regardless of where it 25 occurs, local hospital, emergency room or</p>

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1 doctor's office, or in an institution like the jail,
2 is not always satisfactory to everyone. That would
3 be my comment against the litigation. The level of
4 detail you want to discuss it, I'd have to get
5 attorneys involved to get down to a case level. I
6 think that if we were to compare on a scale of the
7 amount of litigation versus the number of patients
8 we care for versus other companies in our industry,
9 you'll find that our records is decent.

10 FREEHOLDER O'DEA: That's the kind of
11 thing I want someone to independently do. I have
12 no reason to think what you say isn't true. If you
13 do 10 million, you see 10 million people a year, and
14 you have a hundred lawsuits against you, and sixty
15 litigations, you do an analysis, you're almost
16 better. That's they kind of stuff we're trying to
17 wrap around. I'm laughing because it's a good
18 business. I'm sympathetic, but we just want to go
19 over all that is necessary as part of bringing
20 someone new in for service.

21 MR. BATTISTA: I suggest to you that
22 subsequent to our meeting, we did site visits to
23 facilities on a number of occasions. Again, I don't
24 know that we can do that analysis that one we would
25 like to do when given, you're between a rock and a

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1 hard place, and given what we're trying to
2 accomplish and recognizing the point of contact,
3 absolutely I agree, Freeholder, I agree.

4 FREEHOLDER O'DEA: Thank you. I
5 stand by how I feel.

6 CHAIRMAN VAINIERI: So anything else?
7 Motion to adjourn.

8 (Whereupon the proceeding is then
9 concluded at 5:38 p.m.)

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1 CERTIFICATION

2

3 I, SHARI CATHEY, CCR, RPR, License No.
4 30XI00234700, and Notary Public of the State of New
5 Jersey, hereby certify that the proceedings herein
6 are from the notes taken by me of a Caucus Meeting
7 of the Hudson County Board of Chosen Freeholders,
8 held on Tuesday, July 10, 2018; and that this is a
9 correct transcript of the same.

10

11 

12

13 SHARI CATHEY, CCR, RPR
14 A NOTARY PUBLIC of the
15 State of New Jersey
16 I.D. No. 2283786
17 Commission Expires 2/4/22
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Exhibit B

**Rev. Thomas Murphy, Rev. Gary
Commins, Ashraf Eisa, Rev. William
Henkel, Rev. Frances Teabout, Rev.
Elaine Ellis Thomas, and Rev. Laurie
Jean Wurm,**

Plaintiffs,

v.

**Hudson County Board of Chosen
Freeholders,**

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) HUDSON COUNTY
) LAW DIVISION
)
) Docket No.
)
) CIVIL ACTION
)
)
)
) **DECLARATION**
) **OF FATHER EUGENE SQUEO**

I, Rev. Eugene P. Squeo, being of full age, hereby declare the following to be true and correct to the best of my knowledge:

1. I am a resident of Jersey City, Hudson County, New Jersey.
2. I am the retired co-pastor of the Parish of St. Patrick & Assumption/All Saints in Jersey City, Hudson County, New Jersey.
3. For approximately 25 years, I have been actively engaged on immigrants' rights as a community member, as part of my congregation, and as a member of First Friends of New Jersey and New York.
4. I have been outraged by President Trump's inhumane immigration policies. I feel strongly that my elected officials at the state, county, and local levels should not be complicit in carrying out these policies. I therefore opposed Hudson County's participation in the 287(g) program and have opposed the renewal without significant changes to the terms of Hudson County's contract with U.S. Immigration and Customs Enforcement, by which the county is paid by the federal government to house immigrant detainees as part of Trump's deportation machine.

5. As a resident of Hudson County, I feel invested in the decisions of my local government, including the Hudson County Board of Chosen Freeholders. I have attended meetings of the Board in the past.

6. I know that the Board of Chosen Freeholders publishes an agenda on the Hudson County website in advance of each of their regular meetings. I have checked these agendas in the past and, based on the agenda items listed, have made decisions about whether to attend a given Board meeting.

7. I was aware that some of my friends and fellow activists were interested in attending the July 12, 2018 meeting of the Board. On the morning of July 12, I therefore decided to check the agenda posted on the website to decide whether I should adjust my day's schedule in order to attend.

8. At or around 11:00 a.m. on July 12, I visited the Meetings and Agendas page of the Hudson County website. I downloaded the pdf agenda posted by the Board for its 1:00 p.m. meeting. On that agenda, I read item 32 as follows: “**(CARRIED)** – Corrections – Resolution authorizing an Intergovernmental Services Agreement with Immigration and Customs Enforcement (I.C.E.) for the housing of Federal Prisoners at the Hudson County Correctional and Rehabilitation Center.”

9. I understood the word “carried” to mean that the discussion and vote by the Board on item 32 were deferred until a future meeting and would not occur on that day. Based on this understanding, I decided that it was not worth arranging my schedule to attend the July 12 meeting.

10. Had I understood the I.C.E. contract to be planned for discussion that day, I would have chosen to attend the meeting, as I wished to hear the Freeholders' opinions as well as the public's comments. I would have also expressed my own opinion on the contract during the public

comment section of the meeting, including, should the contract be renewed, the need to include provisions ensuring certain detention standards were met.

11. When I learned the ICE contract was indeed renewed at the July 12 meeting, despite the language on the posted agenda indicating it was carried, I was disappointed and felt misled. I believe the Board's secretive action disserves the public interest.

12. I eagerly added my name to the Statement of Hudson County Religious Leaders Against the County-ICE Contract, to condemn both the renewal of the contract itself as well as the non-transparent and deceptive way in which the surprise vote occurred.

13. Along with many other signatories, I attended the subsequent August 9 meeting of the Board. To my memory, the August meeting had the largest public attendance of any Hudson County Board of Chosen Freeholders meeting I have attended. Based on my conversations with other members of the public, the increase in attendance was a direct response to the Board's secretive action at its July 12 meeting.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 22, 2018

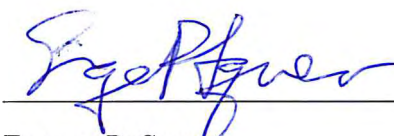

Eugene P. Squeo

Exhibit C

**Rev. Thomas Murphy, Rev. Gary
Commins, Ashraf Eisa, Rev. William
Henkel, Rev. Frances Teabout, Rev.
Elaine Ellis Thomas, and Rev. Laurie
Jean Wurm,**

Plaintiffs,

v.

**Hudson County Board of Chosen
Freeholders,**

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) HUDSON COUNTY
) LAW DIVISION
)
) Docket No.
)
) CIVIL ACTION
)
)
)
) **DECLARATION**
) **OF SERGES DEMEFACK**

I, Serges Demefack, being of full age, hereby declare the following to be true and correct to the best of my knowledge:

1. I am a resident of Montclair, Essex County, New Jersey.
2. I am Coordinator of the End Detention and Deportation Project within the Immigrant Rights Program at the American Friends Service Committee (“AFSC”) in Newark, New Jersey.
3. As an immigrant rights advocate as well as a resident of New Jersey, I am personally concerned about the expansion of immigration detention under President Trump. In particular, I am concerned about the renewal of the Intergovernmental Service Agreement, or the Immigration and Customs Enforcement (“ICE”) detention contract, at the Hudson County Correctional Facility (“HCCF”).
4. In advance of the July 12 meeting of the Hudson County Board of Chosen Freeholders, I participated in a number of exchanges among advocates about mobilizing to oppose the contract. It was unclear to us when the contract renewal was going to be voted upon.

5. On July 12, I attended the freeholders' board meeting. The list of agenda items distributed that day indicated that the vote on the detention contract, listed under item 32, was "carried." I immediately approached the clerk of the board, Mr. Alberto Santos. He told me that the term "carried" indicated that the contract item had been postponed to the August 9 session.

6. Nevertheless, soon after the meeting began, I witnessed the freeholders add the ICE contract back onto the agenda and then vote to approve the contract renewal. I was disappointed by this action and made my feeling known to the freeholders when I had the opportunity to address the board.


7. Had I known that the detention contract was going to be discussed on July 12, I would have done the mobilization needed to bring advocates to the meeting, including my colleagues at the AFSC.

8. In advance of the August 9 meeting, I helped mobilize immigrant rights advocates and community members to attend the meeting. I led a rally outside the building before moving into the meeting room as documented, by the media. The room was so full some people stood in the hall. One freeholder testified that it was the biggest attendance he has ever seen. From my standpoint, I can affirm that the majority of participants at the meeting were unable to find a seat. Many community members stood around the room, holding signs.

9. The meeting started at 1 PM and ended about 4 hours later. I left the room around 5 PM as informal discussions among participants were still taking place. This was one of the longest freeholders' meeting I ever attended in Hudson County.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 23, 2018



Serges Demefack

Exhibit D

**Rev. Thomas Murphy, Rev. Gary
Commins, Ashraf Eisa, Rev. William
Henkel, Rev. Frances Teabout, Rev.
Elaine Ellis Thomas, and Rev. Laurie
Jean Wurm,**

Plaintiffs,

v.

**Hudson County Board Of Chosen
Freeholders,**

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) HUDSON COUNTY
) LAW DIVISION
)
) Docket No.
)
) CIVIL ACTION
)
)
)
) **DECLARATION**
) **OF ANNA BROWN**

I, Anna Brown, Ph.D., being of full age, hereby declare the following to be true and correct to the best of my knowledge:

1. I am a resident of Jersey City, Hudson County, New Jersey.
2. I am Associate Professor and Chair of the Department of Political Science at St. Peter's University in Jersey City, Hudson County, New Jersey. I also serve as the Director of the Social Justice Program at the University.
3. In my personal capacity, I have been active in the immigrants' rights community for approximately ten years. I was drawn to the matter of immigrant justice through my students, some of whom are undocumented. I co-founded Saint Peter's University Center for Undocumented Students and the Saint Aedan's Migrant Center. Both Centers run a plethora of programs aimed at assisting members of the immigrant community in their daily lives.
4. In particular, I have publicly opposed the detention of immigrants in New Jersey jails. I have attended countless marches on behalf of the immigrant community and participated in a vigil in June 2018 outside of the Hudson County Jail where Pablo Villavicencio, the pizza delivery man, was being held. I have helped to organize walks from Jersey City to the Elizabeth

Detention Center and have participated in a number of vigils there. Finally, I have given numerous talks on immigrant issues and have used any monies earned from these talks to pay for our student's DACA renewal fees.

5. On July 12, 2018, I attended the meeting of the Hudson County Board of Chosen Freeholders. I had heard the renewal of the Intergovernmental Services Agreement with U.S. Immigration and Customs Enforcement ("ICE contract") might be coming up, and I was concerned that Board might take action at this meeting. I intended to make a statement opposing the ICE contract.

6. I arrived early to the 1:00 pm meeting, at or around 12:45 pm. I received a hard copy of the agenda that had been made available in the meeting room. Next to the agenda item regarding the ICE contract, I noticed the word "carried" in bold, uppercase type. I discussed with the only two other activists I recognized in the meeting room, and none of us knew what the term "carried" meant in this context.

7. At this point, the Freeholders had not yet entered the meeting room. I therefore approached the dais, where the woman who performs transcription of the meeting was seated at a desk. I have observed her at previous meetings and understand her to be an employee of the County. I asked her what the term "carried" meant in this context.

8. The County employee informed me that the term "carried" meant the Freeholders would not be discussing the contract at this meeting and that it was instead postponed until a later meeting.

9. Based on this information, I and the two other activists decided that it was not worthwhile to sit through the meeting. We had come specifically to hear and contribute to the discussion of the ICE contract. Accordingly, the three of us decided to leave the meeting.

10. At 1:04 pm, I emailed the Google listserve of an immigration activist group of which I am a member to inform them that the vote would not take place that day. My message read: “The discussion of the ICE contract will be carried to the next meeting or the one after. They will not discuss it today.” The intended implication of my message was “don’t bother to come.”

11. By checking the settings view on my Google account, I was able to confirm that the group currently has 224 members. Because I wrote to the whole listserve, my message was sent to all 224.

12. It is my experience that some members of the Google group come to Board meetings late, especially if the meeting is scheduled during the workday. Based on my knowledge of this group and activist community, I expect some members chose not to attend the meeting based on my message.

13. After sending this email, I said goodbye to the two other activists who had also left the meeting. I live approximately fifteen minutes’ walk from the meeting location and began to walk home.

14. When I was close to home, I received texts and Facebook messages from other activists who had arrived at the meeting, informing me to come back immediately. They said the ICE contract was back on the agenda and would be voted on. I rushed back to the meeting as quickly as I could.

15. When I got back, I had missed the vote to put the ICE contract back on the agenda. However, I was able to speak in the public comment section. I then witnessed what I eventually understood to be a five-to-two vote on the contract. Because the vote was taken on all agenda items at once, without individual discussion, it was not immediately clear to me that the vote was occurring.

16. I felt misled by the Board's process that day. If it were not for the messages I received from activists in the room, I would have missed the vote and the opportunity to make my voice heard on this important issue because I had relied on what the agenda and the County employee said.

17. Based on my experience and participation in the Hudson County activist community, I know that public participation at the July 12 meeting would have been significantly greater had the community understood the ICE contract vote to be scheduled for that day.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 23, 2018

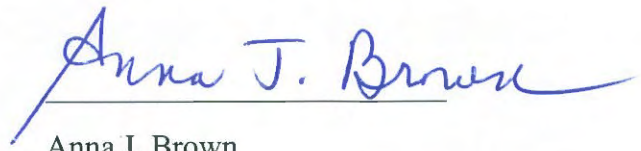

Anna J. Brown

Exhibit E

**CONDENSED
TRANSCRIPT**

HUDSON COUNTY
BOARD OF CHOSEN FREEHOLDERS

RE:

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

- - - - -

O P E N S E S S I O N

Hudson County
Administration Building,
Freeholders Chambers
567 Pavonia Avenue
Jersey City, New Jersey
Thursday, July 12, 2018
1:00 p.m.

B E F O R E:

ANTHONY VAINIERI, Chairman
KENNETH KOPACZ, Freeholder
WILLIAM O'DEA, Freeholder
CARIDAD RODRIGUEZ, Freeholder (Via Telephone)
ANTHONY ROMANO, Freeholder
JOEL TORRES, Freeholder
JERRY WALKER, Freeholder

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

WILLIAM J. MASLO, ESQ., Board Counsel
DONATO J. BATTISTA, Hudson County Counsel
ABRAHAM ANTUN, County Administrator
ALBERTO G. SANTOS, Freeholder Clerk

Reported by: Shari Cathey, CCR, RPR
Job No. NJ2809644

CONDENSED
TRANSCRIPT

Page 2

1 THE CLERK: Freeholder Cifelli.
2 Freeholder Kopacz.
3 FREEHOLDER KOPACZ: Here.
4 THE CLERK: Freeholder O'Dea.
5 FREEHOLDER O'DEA: Here.
6 THE CLERK: Freeholder Rivas.
7 Freeholder Rodriguez.
8 FREEHOLDER RODRIGUEZ: Here.
9 THE CLERK: Freeholder Rodriguez is
10 present by telephone. Freeholder Romano.
11 FREEHOLDER ROMANO: Here.
12 THE CLERK: Freeholder Torres.
13 FREEHOLDER TORRES: Here.
14 THE CLERK: Freeholder Walker.
15 FREEHOLDER WALKER: Here.
16 THE CLERK: Chairman Vainieri.
17 CHAIRMAN VAINIERI: Here.
18 THE CLERK: Please stand for the
19 Pledge of Allegiance.
20 (Flag Salute.)
21 THE CLERK: Adequate notice of this
22 meeting has been provided as follows:
23 1. Posting notice of Resolution No.
24 10-1-2018 on the Freeholder's Bulletin Board, First
25 Floor, Administration Building Annex, Jersey City,

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1 New Jersey.
2 2. Copies of the above mentioned
3 resolution have been sent to the County Clerk and
4 the editors of the Jersey Journal and the Star
5 Ledger.
6 THE CLERK: Mr. Chairman, may I have
7 a motion to approve the minutes of the following
8 meetings: The Budget Hearing June 6, 2018; Caucus
9 Meeting June 12, 2018; and Regular Meeting June 13,
10 2018.
11 FREEHOLDER ROMANO: Motion.
12 THE CLERK: Romano and Rodriguez.
13 Freeholder Kopacz.
14 FREEHOLDER KOPACZ: Yes.
15 THE CLERK: O'Dea.
16 FREEHOLDER O'DEA: Yes.
17 THE CLERK: Rodriguez.
18 FREEHOLDER RODRIGUEZ: Yes.
19 THE CLERK: Romano.
20 FREEHOLDER ROMANO: Yes.
21 THE CLERK: Torres.
22 FREEHOLDER TORRES: Yes.
23 THE CLERK: Walker.
24 FREEHOLDER WALKER: Yes.
25 THE CLERK: Chairman Vainieri.

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1 CHAIRMAN VAINIERI: Yes.
2 THE CLERK: The next item of business
3 is additional discussion on today's agenda.
4 MR. ANTUN: Mr. Chairman, may I
5 proceed?
6 CHAIRMAN VAINIERI: Mr.
7 Administrator.
8 MR. ANTUN: Mr. Chairman, regarding
9 the proposed agenda, we would like to request Items
10 27 and 28 be withdrawn, and we'll provide a 30-day
11 extension to the current providers.
12 FREEHOLDER O'DEA: I'll move that.
13 MR. BATTISTA: The County received a
14 protest letter from the vendor. If I received the
15 protest letter today, I am not in a position to
16 legally opine on the protest. So I would ask that
17 the Board grant a one-month extension to the current
18 vendor at its current payment, and I will give a
19 written presentation to the Clerk later this
20 afternoon. The amount that is currently being paid,
21 the department will be for work so at least the
22 Board knows what the amount monetarily is, but it is
23 the same amount that they're currently being paid at
24 this time.
25 THE CLERK: Motion to amend by

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1 Freeholder O'Dea. Seconded by Freeholder Romano.
2 On the motion, Freeholder Kopacz.
3 FREEHOLDER KOPACZ: Yes.
4 THE CLERK: O'Dea.
5 FREEHOLDER O'DEA: Yes.
6 THE CLERK: Rodriguez.
7 FREEHOLDER RODRIGUEZ: Yes.
8 THE CLERK: Romano.
9 FREEHOLDER ROMANO: Yes.
10 THE CLERK: Torres.
11 FREEHOLDER TORRES: Yes.
12 THE CLERK: Walker.
13 FREEHOLDER WALKER: Yes.
14 THE CLERK: Chairman Vainieri.
15 CHAIRMAN VAINIERI: Yes.
16 THE CLERK: That's 27 and 28.
17 FREEHOLDER O'DEA: Mr. Chairman, just
18 for the record, if the assertion on the objection
19 letter by the other vendor turns out to be
20 legitimate, I think that the Administration needs to
21 look at the individuals that picked that up. They
22 should probably be disciplined.
23 MR. ANTUN: Mr. Chairman, the only
24 item that I have for the Board's consideration is
25 authorizing the resolution of a professional

Page 6

1 services contract for the medical health care
 2 management and fiscal management at Hudson County
 3 Correctional Rehabilitation Center for year one in
 4 the amount of \$7,675,073.60.
 5 FREEHOLDER O'DEA: I'll sponsor.
 6 CHAIRMAN VAINIERI: Second by
 7 Freeholder Walker.
 8 THE CLERK: That will be No. 50. Do
 9 Freeholders have additional comments?
 10 MR. ANTUN: That is just the same.
 11 This is 32, Mr. Chairman. I have nothing further.
 12 THE CLERK: Mr. Chairman, we have a
 13 Board resolution that will be No. 51, that's
 14 entitled resolution to change the time of the
 15 scheduled Caucus Meeting of Tuesday, August 7, 2018,
 16 of the Hudson County Board of Chosen Freeholders
 17 from four p.m. to two p.m.
 18 CHAIRMAN VAINIERI: Board as a whole.
 19 THE CLERK: Mr. Chairman, we have two
 20 hearings on the agenda. May I proceed?
 21 CHAIRMAN VAINIERI: I'm going to make
 22 a motion to put 32 back on the agenda today. I'll
 23 sponsor. I need a second, please. Second by
 24 Freeholder Romano. It's back on the agenda.
 25 THE CLERK: On the motion to vote 32

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1 back for this meeting, Freeholder Kopacz.
 2 FREEHOLDER KOPACZ: Yes.
 3 THE CLERK: O'Dea.
 4 FREEHOLDER O'DEA: With respect to my
 5 colleague, I ask this be held so we can study it.
 6 THE CLERK: Freeholder Rodriguez.
 7 FREEHOLDER RODRIGUEZ: Yes.
 8 THE CLERK: Romano.
 9 FREEHOLDER ROMANO: Yes.
 10 THE CLERK: Torres.
 11 FREEHOLDER TORRES: Let me make this
 12 clear and put on the record, it's nothing against
 13 the County, the County's stance or the
 14 Administration's stance, or the work that's done at
 15 the facility, but I do think that we should take the
 16 time to look at the situation, especially with the
 17 current status of our country, and I know on a
 18 federal level, we can't do much about that. We do
 19 need to have a voice in that, so I'm going to say
 20 no.
 21 THE CLERK: Freeholder Walker.
 22 FREEHOLDER WALKER: Yes.
 23 THE CLERK: Chairman Vainieri.
 24 CHAIRMAN VAINIERI: Yes.
 25 THE CLERK: No. 32 is back on the

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1 agenda.
 2 CHAIRMAN VAINIERI: Do you need to do
 3 the hearing now?
 4 THE CLERK: The first hearing is on
 5 the Open Space allocations. The hearing notice --
 6 FREEHOLDER O'DEA: I'm sorry. Before
 7 that, I make a motion that we defer, it won't take
 8 long for the resolution renaming the handball
 9 courts.
 10 CHAIRMAN VAINIERI: Motion by O'Dea.
 11 FREEHOLDER O'DEA: Board as a whole.
 12 CHAIRMAN VAINIERI: Board as a whole
 13 on the second, please.
 14 THE CLERK: On the motion to take No.
 15 2 out of order, Freeholder Kopacz.
 16 FREEHOLDER KOPACZ: Yes.
 17 THE CLERK: O'Dea.
 18 FREEHOLDER O'DEA: Yes.
 19 THE CLERK: Rodriguez.
 20 FREEHOLDER RODRIGUEZ: Yes.
 21 THE CLERK: Romano.
 22 FREEHOLDER ROMANO: Yes.
 23 THE CLERK: Torres.
 24 FREEHOLDER TORRES: Yes.
 25 THE CLERK: Walker.

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1 FREEHOLDER WALKER: Yes.
 2 THE CLERK: Chairman Vainieri.
 3 CHAIRMAN VAINIERI: Yes.
 4 THE CLERK: Now, on Item No. 2,
 5 Freeholder Kopacz.
 6 FREEHOLDER KOPACZ: Yes.
 7 THE CLERK: O'Dea.
 8 FREEHOLDER O'DEA: Absolutely.
 9 THE CLERK: Rodriguez.
 10 FREEHOLDER RODRIGUEZ: Yes.
 11 THE CLERK: Romano.
 12 FREEHOLDER ROMANO: Yes.
 13 THE CLERK: Torres.
 14 FREEHOLDER TORRES: Yes.
 15 THE CLERK: Walker.
 16 FREEHOLDER WALKER: Yes.
 17 THE CLERK: Chairman Vainieri.
 18 CHAIRMAN VAINIERI: Yes.
 19 THE CLERK: No, 2 is approved.
 20 CHAIRMAN VAINIERI: If anyone would
 21 like to speak on behalf the family.
 22 MRS. CASSIDY: Mr. Chairman, I would
 23 like to thank the Board of Freeholders and County
 24 Executive Tom DeGise for this very, very special
 25 honor. I could remember when he was petitioning the

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1 County to change the handball courts from one wall
 2 to three wall, and I guess he won his battle. Then
 3 it was months and months of trying to figure out
 4 what to put over the top to try to stop the balls
 5 from going out onto the area of Duncan Avenue and
 6 440. I don't know if we're there yet.
 7 This is a great honor. I'm sure he is
 8 looking down going, Yeah, baby, and we truly as a
 9 family and all our friends truly appreciate this
 10 great honor. Thank you very much.
 11 FREEHOLDER O'DEA: We are going to
 12 schedule a dedication date and let you and your
 13 family know and have a formal thing.
 14 CHAIRMAN VAINIERI: Freeholder
 15 Romano.
 16 FREEHOLDER ROMANO: I would like add
 17 about his work with the department, and the couple
 18 of different jobs he had. He was truly a culture
 19 man, truly a dedicated police officer, avid
 20 handballer and riding bikes. I think it's a piece
 21 of Jersey City that he would be remembered that way.
 22 I'd like to thank my colleagues and the County Exec
 23 for doing it. Thank you.
 24 CHAIRMAN VAINIERI: Congratulations
 25 again. Let's do the hearing, please.

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1 THE CLERK: The first hearing to the
 2 Open Space Trust Fund allocation. Please Take
 3 Notice: As required by the State of New Jersey in
 4 N.J.S.A. 40:12-15, et seq., the Hudson County Board
 5 of Chosen Freeholders will conduct a public hearing
 6 on the proposed allocations of its Open Space Trust
 7 Fund for Funding Year 2018 on July 12, 2018 at 1:00
 8 p.m., in the Freeholder Chambers, 567 Pavonia
 9 Avenue, 1st Floor, Jersey, City, New Jersey, at
 10 which time public comment will be taken.
 11 In accordance with the N.J.S.A.
 12 40:12-15.3(d), the County of Hudson is proposing the
 13 following funding allocations totaling \$6,830,488.45
 14 from the Hudson County Open Space, Recreation and
 15 Historic Preservation Trust Fund for the Trust
 16 Fund's 2018 funding cycle:
 17 Parks and Recreation Improvement Projects
 18 totaling \$6,730,488.45 as follows: City of Bayonne,
 19 \$500,000, for Improvements to Neil A. DeSena Park.
 20 Town of Guttenberg, \$335,463.45 for
 21 Improvements to Veterans Park Phase II.
 22 Town of Harrison, \$450,000, for Cape May
 23 Street Waterfront Park/Walkway.
 24 CHAIRMAN VAINIERI: Freeholder O'Dea.
 25 FREEHOLDER O'DEA: Can we ask the

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1 members of the Cassidy family to stay and take a
 2 picture. Al, I don't mean to inform you, but you
 3 didn't read the resolution. I mean you didn't read
 4 the whole resolution.
 5 I apologize to you guys, the friends of
 6 Joe Cassidy. They deserve it done properly.
 7 Mrs. Cassidy, we're going to have the resolution to
 8 read into the record. We did our vote. I think our
 9 record should reflect all the great things that Joe
 10 did.
 11 CHAIRMAN VAINIERI: Take a picture.
 12 (At this point in the proceeding, a
 13 brief recess is taken.)
 14 THE CLERK: Resolution No. 2,
 15 approved by the Board, commending the dedicated
 16 service of Joseph T. Cassidy, "Butchie," former
 17 Hudson County Sheriff by naming the handball courts
 18 in Lincoln Park the Joseph T. Cassidy Handball
 19 Courts.
 20 Whereas, Joseph T. Cassidy, a retired
 21 Jersey City Police Department Deputy Chief and
 22 former Hudson County Sheriff, affectionately known
 23 as Butchie passed away on May 15, 2018.
 24 Whereas, Joseph was a lifelong resident of
 25 Jersey City; and

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1 Whereas, Joseph was a dedicated public
 2 servant joining the Jersey City Police Department in
 3 1963, rising through the ranks of Sergeant in 1977;
 4 Lieutenant in 1981; Captain in 1983; Inspector in
 5 1989; and Deputy Chief in 1993, being Chief of
 6 Investigations when he retired in 1995; and
 7 Whereas, Joseph was elected County Sheriff
 8 beginning January 1, 1996, and was the longest
 9 serving Sheriff when his term ended on December
 10 31st, 2007; and
 11 Whereas, Joseph was focused on education
 12 throughout his life, attending St. Peter's Prep,
 13 Class of 1959, and then receiving a Bachelor's
 14 Degree from Rutgers University and a masters in
 15 criminal justice in New Jersey City University; and
 16 Whereas, Joseph was passionate about
 17 physical fitness, and he was eventually inducted
 18 into the St. Peter's Prep Hall of Fame for baseball
 19 in 1958, and for playing on the 1958 undefeated
 20 football team; and
 21 Whereas, Joseph was an accomplished runner
 22 completing several marathons including the New York
 23 City Marathon; and
 24 Whereas, Joseph was also a cyclist, once
 25 riding 300 miles to Washington on behalf of the

<p style="text-align: right;">Page 14</p> <p>1 Police Unity Tour, when he was past 70 years of age; 2 and 3 Whereas, Joseph was an avid handball 4 player having won numerous local, state and regional 5 titles in his age group in wall singles; and 6 Whereas, Joseph was a member of numerous 7 organizations including the Jersey City Police PSOA, 8 the Jersey City Emerald Society, the Jersey City 9 Fraternal Order of Police, and member of the Hudson 10 County 200 Club, serving on their executive board; 11 and 12 Whereas, Joseph is survived by his wife of 13 49 years, Marietta Esposito Cassidy; his daughter 14 Patricia Cassidy and her husband Angelo Stell; his 15 brother, John Cassidy; his sister, Patricia and her 16 husband, Dave; brother-in-law and sister-in-law 17 Dennis and Carol Esposito, his brother-in-law and 18 sister-in-law, Ronald and Barbara Esposito, his 19 uncle Thomas Critelli and wife, Bernice and numerous 20 nieces, nephews and cousins and a lifetime of 21 friends and professional acquaintances; and 22 Whereas, the County now wish to express 23 its condolences to the family of Former Joseph T. 24 Cassidy; and 25 Whereas, to commend and honor Joseph T.</p>	<p style="text-align: right;">Page 16</p> <p>1 following funding allocations totaling \$6,830,488.45 2 from the Hudson County Open Space, Recreation and 3 Historic Preservation Trust Fund for the Trust 4 Fund's 2018 funding cycle: 5 Parks and Recreation Improvement Projects 6 totaling \$6,730,488.45 as follows: City of Bayonne, 7 \$500,000, for Improvements to Neil A. DeSena Park. 8 Town of Guttenberg, \$335,463.45 for 9 Improvements to Veterans Park Phase II. 10 Town of Harrison, \$450,000 for Cape May 11 Street Waterfront Park/Walkway. 12 City of Hoboken, \$500,000 for Madison 13 Street Park Playground Improvements. 14 City of Jersey City, \$500,000, for Berry 15 Lane Park, Skate Park. 16 City of Jersey City, \$500,000, for 17 Riverview Fisk Park Rehabilitation. 18 Town of Kearny, \$500,000, for Gunnell Oval 19 Recreation Improvements. 20 Township of North Bergen, \$500,000, for 21 Policemen's Memorial Park Improvements. 22 Town of Secaucus, \$500,000, for 23 Meadowlands Parkway Indoor Sports Facility. 24 City of Union City, \$187,025, for 38th 25 Street Playground Improvements.</p>
<p style="text-align: right;">Page 15</p> <p>1 Cassidy for his dedicated service to the citizens of 2 Hudson County by perpetuating his memory by naming 3 the Lincoln Park Handball Courts in his honor. 4 Now, therefore, be it resolved by the 5 Board of Chosen Freeholders of the County of Hudson 6 that the above recitals are hereby incorporated 7 herein and thoughtfully set forth at length; that 8 this Board along with County Executive Thomas A. 9 DeGise, would like to thank and commend Former 10 Sheriff Joseph T. Cassidy for his dedicated service 11 by naming the handball courts in Lincoln Park the 12 Joseph T. Cassidy Handball Courts, and that this 13 resolution should take effect immediately. 14 (Applause.) 15 THE CLERK: Please Take Notice: As 16 required by the State of New Jersey in N.J.S.A. 17 40:12-15, et seq., the Hudson County Board of Chosen 18 Freeholders will conduct a public hearing on the 19 proposed allocations of its Open Space Trust Fund 20 for Funding Year 2018 on July 12, 2018 at one p.m., 21 in the Freeholder Chambers, 567 Pavonia Avenue, 1st 22 Floor, Jersey, City, New Jersey, at which time 23 public comment will be taken. 24 In accordance with the N.J.S.A. 25 40:12-15.3(d), the County of Hudson is proposing the</p>	<p style="text-align: right;">Page 17</p> <p>1 City of Union City, \$308,000, for 2 Washington Park Improvements. 3 Township of Weehawken, \$500,000, for 4 Weehawken Pier B Enhancement and Pedestrian Bridge. 5 Town of West New York, \$500,000, for 6 Recreation and Safety Enhancements at Patricia 7 McEldowney Field. 8 Hudson County Division of Parks, \$500,000, 9 for Mercer Park Improvements. 10 Hudson County Division of Parks, \$450,000 11 for Laurel Hill Park Shoreline Improvements. 12 Historic Preservation Projects totaling 13 \$100,000 as follows: 14 Old Bergen Church, Jersey City, \$100,000 15 for Old Bergen Church Cemetery Open Space Project. 16 We anticipated commencement date for these proposed 17 projects is on or about September 13, 2018. The 18 anticipated completion date for these proposed 19 projects is by or about September 13, 2020. 20 The public may submit written comments to 21 the County on or before the date of the public 22 hearing, no written comments have been submitted, or 23 request additional information, by contacting Clerk 24 of the Board of Chosen Freeholders, 567 Pavonia 25 Avenue, 1st Floor, Jersey City, New Jersey 07306,</p>

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1 (201) 795-6001.
 2 Are there any persons who wishes to
 3 comment on the proposed Open Space Trust Fund
 4 allocation?
 5 FREEHOLDER O'DEA: Motion to close
 6 the public hearing.
 7 THE CLERK: O'Dea and Romano, on the
 8 motion to close the hearing.
 9 Freeholder Kopacz.
 10 FREEHOLDER KOPACZ: Yes.
 11 THE CLERK: O'Dea.
 12 FREEHOLDER O'DEA: Yes.
 13 THE CLERK: Rodriguez.
 14 FREEHOLDER RODRIGUEZ: Yes.
 15 THE CLERK: Romano.
 16 FREEHOLDER ROMANO: Yes.
 17 THE CLERK: Torres.
 18 FREEHOLDER TORRES: Yes.
 19 THE CLERK: Walker.
 20 FREEHOLDER WALKER: Yes.
 21 THE CLERK: Chairman Vainieri.
 22 CHAIRMAN VAINIERI: Yes.
 23 THE CLERK: The hearing is close.
 24 FREEHOLDER TORRES: I would like to
 25 thank the Planning Board. This has been discussed

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1 by the board, and I was part of that process.
 2 Congratulations for all of the funds, and I look
 3 forward to those projects. I look forward to seeing
 4 them come to fruition.
 5 THE CLERK: Mr. Chairman, proceed
 6 with the second hearing?
 7 CHAIRMAN VAINIERI: Yes.
 8 THE CLERK: I'll read the notice
 9 online into the record. County of Hudson, Thursday,
 10 July 12, 2018, 1:00 P.M., Board of Chosen
 11 Freeholders Chambers, Hudson County Administration
 12 Annex, Freeholder Chambers, 1st Floor, 567 Pavonia
 13 Avenue Jersey City, New Jersey 07306.
 14 Notice is hereby given that, pursuant to
 15 N.J.S.A. 40A:11-25, the Hudson County Board of
 16 Chosen Freeholders shall hold a public hearing on
 17 the adoption of public contracting
 18 pre-qualifications providing: one, that all bidders
 19 on County of Hudson Public Works contracts valued in
 20 excess of \$500,000 shall be required to employ craft
 21 workers who are currently enrolled in or have
 22 graduated from a federal or state approved
 23 apprenticeship program, or who have equivalent work
 24 experience as determined by the County; and two,
 25 that all bidders on County of Hudson Public Works

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1 contracts valued in excess of \$500,000 shall be
 2 required to employ workers who have undergone
 3 appropriate OSHA-certified or equivalent safety
 4 training.
 5 The purpose of the public hearing shall be
 6 to provide an opportunity for the public to be heard
 7 regarding the proposed pre-qualifications.
 8 Please take further notice that, the Board
 9 of Chosen Freeholders may take action by way of
 10 Resolution after the public hearing portion on the
 11 proposed Bidders Pre-Qualification Regulations at
 12 the July 12, 2018 meeting.
 13 The hearing is now open. Are there any
 14 speakers on the proposed regulations?
 15 CHAIRMAN VAINIERI: Mr. President.
 16 MR. KELLERHER: Good evening,
 17 Freeholder Board. I would like first thank -- my
 18 name is Patrick Kellerher, Hudson Building Trade
 19 President, and I'm here with some of the affiliates
 20 from Hudson County. I would like to first thank the
 21 County Exec for his supporting this, and also
 22 Freeholder Board for continued support of organized
 23 labor here in Hudson County.
 24 The importance of the projects at the
 25 \$250,000 threshold is to give more opportunities for

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1 Hudson County men and women to get into the unions
 2 through projects. We have Project Impact and New
 3 Jersey Real Career we just got today, and I spoke
 4 with Freeholder and former Governor McGreevey on
 5 financing that's coming to Hudson County, the New
 6 Jersey Build, which is important to get men and
 7 women into the programs.
 8 So I saw some of the agents today, and I
 9 want them to say a few words. Thank you.
 10 MR. CABOLE: Chris Cabole, Local 3.
 11 I want the Board to recognize Laborers Local 3. We
 12 have laborers on all construction sites in Hudson
 13 County. We have one of the largest apprenticeship
 14 programs, and have Hudson County apprentices doing
 15 the job all the time.
 16 CHAIRMAN VAINIERI: Thank you.
 17 MR. JAIME: Nicholas Jaime, Teamsters
 18 Local 560. I would like the Board to recognize the
 19 importance of organized labor and the importance of
 20 what it is to collective bargain, and we really
 21 appreciate the Board's consideration.
 22 CHAIRMAN VAINIERI: Thank you very
 23 much.
 24 MR. HURLEY: Good afternoon. My name
 25 is Tom Hurley, the County Representative of the

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1 Keystone Mountain Lakes Regional Council of
 2 Carpenters, Local 253. One of our counties is
 3 Hudson County. We play a big part in the workforce
 4 and development young men and women who want an
 5 opportunity to succeed with a career, and I would
 6 just like to thank the entire Board, especially Bill
 7 O'Dea, for all of the hard work and effort that you
 8 guys put in to ensure that we can give an
 9 opportunity to people to stay here and work where
 10 they live and be able to have chance to retire with
 11 dignity and earn a decent wage. Thank you.
 12 CHAIRMAN VAINIERI: Thank you.
 13 Anyone else?
 14 MR. CRESPO: My name is Carlos
 15 Crespo. I represent Local 4 in New Jersey. I would
 16 like to thank the Board for this opportunity. We
 17 have a lot of Hudson County residents in our
 18 program, and we're looking forward to get some more.
 19 They need to work. They need jobs to work and make
 20 money right here in Hudson County. Thank you.
 21 CHAIRMAN VAINIERI: Seeing no one
 22 else, Mr. Clerk.
 23 THE CLERK: Is there a motion to
 24 close the hearing?
 25 FREEHOLDER TORRES: Motion.

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1 THE CLERK: Second by Freeholder
 2 Romano. To close the hearing, Freeholder Kopacz.
 3 FREEHOLDER KOPACZ: Yes.
 4 THE CLERK: O'Dea.
 5 FREEHOLDER O'DEA: Yes.
 6 THE CLERK: Rodriguez.
 7 FREEHOLDER RODRIGUEZ: Yes.
 8 THE CLERK: Romano.
 9 FREEHOLDER ROMANO: Yes.
 10 THE CLERK: Torres.
 11 FREEHOLDER TORRES: Yes.
 12 THE CLERK: Walker.
 13 FREEHOLDER WALKER: Yes.
 14 THE CLERK: Chairman Vainieri.
 15 CHAIRMAN VAINIERI: Yes.
 16 FREEHOLDER O'DEA: Mr. Chairman, just
 17 a couple of comments. For the record understand
 18 that I think neither this Board or the Executive
 19 were given their opportunity. Obviously, we have to
 20 do this. We have been hamstrung by the New Jersey
 21 Department of Community Affairs who issued a
 22 regulation in 2017, that didn't allow us the
 23 latitude. We have always had responsive contracts,
 24 and I find that to be a great concern that that was
 25 done under the Christie Administration, and

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1 unfortunately, has now been going on with the Murphy
 2 Administration, and we need to continue to press to
 3 do that. I actually saw the Commissioner of Labor
 4 and his Chief of Staff today, and he said that they
 5 were trying to get engaged in the process now. They
 6 didn't know anything about it, try to see if there's
 7 a way to undo what I think was unfairly done.
 8 So I just think that we need to just note
 9 for the record where confidence is under duress,
 10 we're not doing this our because this, because of
 11 the state, you know, leaves out some County
 12 individuals that we think should be included in a
 13 responsible contract, particularly laborers.
 14 Laborers have to go through and should have to go
 15 through an apprenticeship program, and excluding
 16 that, even though we don't want it, but this is the
 17 best we can do to try to get done at this point in
 18 time with the State.
 19 You know, we create some risk-taking on
 20 some of the jobs that have to be done, so we can
 21 push ahead to get that change on the State. I know,
 22 once we get it changed by the State level, we'll go
 23 back to a responsible contract that we historically
 24 had in the County for many, many years.
 25 I want to put that on the record. I have

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1 a question for Nicholas from 560, which is the
 2 Teamsters Local. How are they covered? Are they
 3 basically CDL drivers?
 4 MR. CABOLE: That's the concrete.
 5 MR. ANTUN: It's only on laborers.
 6 FREEHOLDER O'DEA: Just for the
 7 laborers. And that's for the record. The issue
 8 with what was advertised was at 500,000, but we
 9 agreed, Mr. Administrator, we were going to propose
 10 to change it to \$250,000. We have?
 11 MR. ANTUN: I think that's a typo.
 12 FREEHOLDER O'DEA: So if it's
 13 appropriate, I'm going to make a motion now to amend
 14 threshold amount from 500,000 to 250,000.
 15 THE CLERK: O'Dea and Torres. On
 16 motion, Freeholder Kopacz.
 17 FREEHOLDER KOPACZ: Yes.
 18 THE CLERK: O'Dea.
 19 FREEHOLDER O'DEA: Yes.
 20 THE CLERK: Rodriguez.
 21 FREEHOLDER RODRIGUEZ: Yes.
 22 THE CLERK: Romano.
 23 FREEHOLDER ROMANO: Yes.
 24 THE CLERK: Torres.
 25 FREEHOLDER TORRES: Yes.

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1 THE CLERK: Walker.
 2 FREEHOLDER WALKER: Yes.
 3 THE CLERK: Chairman Vainieri.
 4 CHAIRMAN VAINIERI: Yes.
 5 THE CLERK: The motion passes.
 6 MR. ANTUN: Mr. Chairman, I think
 7 what you need to do now for that resolution, ask to
 8 another motion and second.
 9 FREEHOLDER O'DEA: I move to adopt
 10 the resolution.
 11 FREEHOLDER ROMANO: I'll second that.
 12 THE CLERK: O'Dea and Romano. On the
 13 motion to change to \$250,000.
 14 On the resolution, Freeholder Kopacz.
 15 THE CLERK: Kopacz.
 16 FREEHOLDER KOPACZ: Yes.
 17 THE CLERK: O'Dea.
 18 FREEHOLDER O'DEA: Yes.
 19 THE CLERK: Rodriguez.
 20 FREEHOLDER RODRIGUEZ: Yes.
 21 THE CLERK: Romano.
 22 FREEHOLDER ROMANO: Yes.
 23 THE CLERK: Torres.
 24 FREEHOLDER TORRES: Yes.
 25 THE CLERK: Walker.

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1 FREEHOLDER WALKER: Yes.
 2 THE CLERK: Chairman Vainieri.
 3 CHAIRMAN VAINIERI: Yes.
 4 THE CLERK: Proceed with public
 5 participation.
 6 FREEHOLDER O'DEA: Just one last
 7 thing. It's safe to assume, Abe, that once we are
 8 hopefully successful getting DCA to reverse itself,
 9 we will continue with the \$250,000 threshold?
 10 MR. ANTUN: That threshold,
 11 Freeholder, that was our decision.
 12 CHAIRMAN VAINIERI: Keep going.
 13 Continue with the next agenda item, please.
 14 THE CLERK: According to the policy
 15 set by the Board of Freeholders, members of the
 16 public are asked to limit their comments to 15
 17 minutes when discussing agenda items and five
 18 minutes at the conclusion of the meeting when
 19 discussing matters of public interest.
 20 At this time the public may address the
 21 Board on any item on the agenda only. Please keep
 22 your comments limited to 15 minutes. Are there any
 23 speakers on agenda items only?
 24 MR. ARENA: You guys are generous.
 25 Fifteen minutes, that's great. They ought to do

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1 that in Essex County as well. My name is Jay Arena.
 2 I live in Newark, New Jersey, Essex County, and I am
 3 the Jobs and Equal Rights for All Candidate for
 4 Essex County Executive, running against County
 5 Executive Joseph DiVincenzo. I'm here just as I was
 6 yesterday at the Essex Freeholders' meetings. I am
 7 hear to call on -- no, demand, that the Hudson
 8 County Freeholders and Joe DiVincenzo's colleague,
 9 fellow Democrat, County Executive Tom DeGise, to not
 10 renew the contract with Donald Trump's Immigration
 11 and Customs Enforcement Agency, the notoriously
 12 known ICE outfit, to run a concentration camp. We
 13 call it a concentration camp. That's not an
 14 exaggeration when you're holding men and women not
 15 on criminal charges incarcerated. I see that as
 16 qualifying as a concentration camp.
 17 We call on you. You are in the midst of
 18 renegotiating that contract. We say do not. We
 19 actually call for you to immediately break the
 20 contract that you currently have. Don't take what
 21 we consider blood money from Donald Trump. We heard
 22 a lot of -- this is all Democrats. The Democrats
 23 here in Hudson County, Democrats in Essex County,
 24 Democrats in Bergen County, all Democrats that run
 25 ICE concentration camps, and yes, the Democrats'

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1 posture against what Trump is doing. As my parents
 2 used to tell me, actions speak louder than words.
 3 Actions speak louder than words.
 4 And so Robert Menendez, who is very
 5 powerful can go to the ICE concentration camp in
 6 Elizabeth. We demand that that be closed. But we
 7 also demand that the concentration camps run by
 8 Roberts Menendez's friends, like Tom DeGise; in
 9 Essex County, his friend Joseph DiVincenzo; and
 10 County Executive Tedesco, he's a Democrat as well.
 11 They need to be closed, and this whole area, the
 12 Hudson, Bergen, Essex axis is a key part of the
 13 whole deportation regime. It's over five percent
 14 all of the beds, the beds for immigrants.
 15 Their family are torn apart. We have
 16 gotten a lot of attention of the families, children
 17 being torn apart at the border. We denounce that.
 18 That has to end, but we also denounce families being
 19 torn apart right here in New Jersey, over in New
 20 York, like Pablo Villavicencio, the Brooklyn father
 21 of two, as hardworking deliveryman. We've got to
 22 organize and unionize our pizza deliverymen,
 23 hardworking, and he was grabbed -- kidnapped. We
 24 consider ICE modern-day slave catchers, including
 25 the local sheriffs that work with them. Like

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1 Armando Fonturo in Essex County, he was dragged from
 2 his family, just like at the border, taken with his
 3 children screaming. He was dragged. He is now in
 4 prison at the Hudson concentration camp.
 5 We have to ask all of you, Mr. Torres,
 6 Kopacz, O'Dea, Vainieri, Romano, the ones that
 7 aren't here Rivas, Cifelli, Jerry Walker. I
 8 appreciate that you guys put your names there, not
 9 like in Essex County. I should tell them to do
 10 that. We call on you. What side are you on? Are
 11 you going to be on the side of reaction? On the
 12 side of the racist and reactionary anti-working
 13 class, attacks on our immigrants caring about Trump,
 14 like Jefferson Beauregard Sessions, Trump's chief
 15 bigot Attorney General, all of the reactionaries,
 16 the Joseph DiVincenzos and Tom DeGises, or are you
 17 going to be on the side of history? Are you going
 18 to be on the side of justice?
 19 Are you going to be on the side of a
 20 growing movement? This did not come from the
 21 Democrats. This came from a mass movement, a
 22 grassroots movement. We have the mayor of this
 23 major city, the second largest in city in the state
 24 of New Jersey, Mayor Fulop had just come out to
 25 demand that this concentration camp be closed. This

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1 is part of a movement. You have to ask yourself
 2 what side of history are you going to be on? Are
 3 you going to be remembered as those that defended
 4 this new form of slavery, this new form of slave
 5 catchers? Or are you going to stay on the side
 6 where our campaign stands for, the Jobs and Equal
 7 Rights for All Campaign, which is legalization for
 8 all. Equal rights for all who live here, that
 9 includes all of the rights that are denied to those
 10 that are born here and immigrants. We say there's
 11 lots of work to be done. That's the lie that's
 12 being put out, that's being sold, that there's just
 13 not enough to jobs out there, there is just not
 14 enough schools, there's not enough hospital beds,
 15 not enough public services. That is a lie.
 16 We need to make the billionaires and
 17 millionaires pay. We don't balance the budget and
 18 your money increased under the criminal Trump
 19 regime, just like it had for Joe D. in Essex. You
 20 don't balance the budget. You don't finance the
 21 budget by trafficking in human beings. We say make
 22 the rich pay. Make the billionaires, many of them
 23 are in New jersey, and they're not going to go
 24 anywhere despite the rhetoric, or in Manhattan. We
 25 say tax the wealth and income of the billionaires

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1 and millionaires to create jobs for all.
 2 We need a mass public works program. I
 3 have some of our brothers with the construction, the
 4 brothers and sisters with the construction unions.
 5 We have lots of work to be done. Our infrastructure
 6 is collapsing. We need to put that money to rebuild
 7 our collapsing tunnels. Instead of walls, we don't
 8 want walls. Let's build a tunnel, not a wall.
 9 Let's build public hospitals, not a wall. Let's
 10 build good, well-located public housing that people
 11 in Jersey City and around are paying a huge
 12 percentage of their salaries for housing. Let's put
 13 money into the building of good, affordable housing,
 14 into schools, hospitals, so many public services
 15 that we need, and that we could have lots of people
 16 working, both immigrants and those born in this
 17 country.
 18 So we make clear, our enemy is not the
 19 immigrants, right? We need to unite those born in
 20 this country, or those that are immigrants like my
 21 grandparents, who were immigrants. The immigrants
 22 today I see in my brothers and sisters. We don't
 23 lie. We hate the lies put out by the current regime
 24 in Washington which unfortunately the main
 25 collaborators see that local scapegoat, that

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1 scapegoat people fleeing persecution, fleeing
 2 oppressive regimes, oftentimes backed up by the
 3 United States. So our position is people should
 4 have the right to move, but also they have the right
 5 to stay put like in Central America, right? Who
 6 have faced year of U.S. military aggression,
 7 including the overthrow of the democratically
 8 elected government in 2000, under the Obama
 9 administration and government, which created the
 10 chaos that forced people to move, right?
 11 We again emphasize, immigrants are not our
 12 enemy. We want legalization for all, and to have
 13 that happen, we need to shut down the concentration
 14 camps that exist including right here in Hudson
 15 County. You have in your power, you will go down in
 16 history. People will remember this. I'm a
 17 sociologist. People are going to be researching
 18 where did you stand in this national --
 19 international significance? The world is looking at
 20 this.
 21 Again, I have 15 minutes. I'm going to
 22 use it. This is international attention. I live in
 23 Newark in the Iron -- close to the Ironbound, which
 24 is the unofficial this capitol of Portugal in the
 25 United States. I was interviewed. I speak Spanish.

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1 I don't speak Portugese. I would like to learn. I
 2 think in December the interview was in English, but
 3 they were very concerned, right, that in the
 4 Portugese capitol of United States, they have a
 5 concentration camp right in the Ironbound, right in
 6 the immigrant corridor. That's a real -- that's a
 7 real outrage.

8 Like right here in Hudson County, which
 9 has the highest percentages of immigrants, more
 10 children of immigrants, and we have this
 11 concentration camp in Kearny. Am I pronouncing it
 12 right, Kearny? This needs to end. We are calling
 13 on you, and I'm going to give up the mic. We have
 14 some folks here who have come out in the middle of
 15 the day, it's very difficult to make it, but they
 16 represent many, many more, and they are going join
 17 the call to demand that we not -- in fact, we call
 18 for an immediate break from the one you have
 19 existing, and obviously do not renew this contract
 20 with the Trump Administration or any administration.

21 We call for the immediate and permanent
 22 ending of this contract to warehouse, to run the
 23 again what we call a concentration camp. Again, we
 24 are part of a larger movement that is calling for
 25 this in Bergen County and in Essex County and

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1 throughout New Jersey and throughout the country
 2 because this is a growing movement. Just recently
 3 the City of Sacramento, California, has voted to
 4 shut down their ICE. In Springfield, Oregon, it's
 5 shut down. In deep red Texas County, this is a
 6 growing, growing movement. We again call on you to
 7 be on the side of history, right, in ending these
 8 concentration camps because we need legalization for
 9 all. Again, Jay Arena with the Jobs and Equal
 10 Rights For All Campaign for County Executive in
 11 Essex County. Thank you.

12 MR. JAMES: Good afternoon, Board of
 13 Freeholders. Derrick James, president of Local 109
 14 Hudson County Correctional Center. Normally when I
 15 hear these type of a comments made in a public
 16 forum, I generally mind my business because I am a
 17 correction officers. I have worked at the facility
 18 24-plus years. I've generally expect you guys to
 19 vote, do whatever you're going to do relevant to an
 20 ICE contract.

21 The thing that brings me to the microphone
 22 today is the word "concentration camp." For some in
 23 the room that don't know the history on how Hudson
 24 County came about ICE detainees, I have been there
 25 24-plus years. I remember the first day that ICE

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1 started rolling into the facility, and quite
 2 frankly, and this all verifiable information, we
 3 started taking ICE because another county took ICE,
 4 and they were abusing them. I remember the day I
 5 walked into the building and 64 ICE detainees fresh
 6 off the bus from another county that I will not
 7 name, we walked into a round of applause because we
 8 don't beat up our prisoners. We don't send them to
 9 gauntlets and a whole bunch of correction officers
 10 beat them up and treat them like a less than human.

11 Since we started contracting with ICE, you
 12 haven't had instances of us abusing prisoners. What
 13 I will tell the gentleman who was just standing at
 14 the podium, is that we all look at the same news
 15 articles on T.V., and see the horrific photographs
 16 of people being separated from their parents and
 17 kids being kept in cages and all this other crazy
 18 nonsense that we've seen down at the border of the
 19 United States, none of that stuff is prevalent or
 20 being done at Hudson County or at Essex County for
 21 that matter.

22 We take pride in Hudson County that when
 23 we take on detainees, we treat them in a humane
 24 fashion. I don't know, the Director is here, and we
 25 have the County Administrator, these guys in the

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1 room. But I don't think there is nothing that we're
 2 hiding at Hudson County, and anything that you see
 3 in Hudson County being performed by the members of
 4 my association and 109A association, which is the
 5 supervisors, you will not find any abuse in Hudson
 6 County. That's not the PBA way. That's not the
 7 Hudson County Correction officers' way. That's not
 8 the Hudson County Correction and Rehabilitation way.
 9 We definitely treat the detainees, and by the way,
 10 we don't go out and get them. That was another
 11 misnomer on 287G, while we were part of that
 12 program. My guys did not go out and detain anybody.

13 They essentially come to the jail. We ask
 14 them two or three question, and if they fit the
 15 profile based on the questions that we asked, then
 16 they were rolled over to ICE. That is a simple
 17 thing. But there was a lot of misnomers about over
 18 the last two years about us being part of 287. going
 19 out and getting people, and that was so far from the
 20 truth. Today I'm talking about the that fact that
 21 Hudson County doesn't run a concentration camp. We
 22 might as well talk about that issue as well. We
 23 never went out and got anyone. We were part of a
 24 287, but we didn't act in the same fashion that
 25 people were led to believe the 287G operates. That

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1 was just not true, and unfortunately, nobody ever
2 stood up that podium and cleared it up.
3 FREEHOLDER O'DEA: We found out that
4 while there was -- it was represented to us that the
5 County was only complying and turning over to ICE
6 individuals under the more stringent pre-Trump
7 standard. I saw the list for the year 2017, of
8 individuals that were referred over. They included
9 individuals that did DUI, minor, minor possession of
10 CDS, that was not supposed to be sent over to ICE.
11 That was one of the things that really got us that
12 upset.
13 MR. JAMES: Mr. Freeholder --
14 CHAIRMAN VAINIERI: One at a time.
15 MR. JAMES: I understand what you
16 saw. The reality there is that, and maybe you guys
17 know this, you gentleman know that in order to
18 participate in 287, you have to have an ICE
19 contract. It came with the 287 component. We
20 weren't physically conducting 287 raids and things
21 of that nature that we were accused. So if someone
22 comes into the facility with a DUI, disorderly
23 persons offense, and we ask them several questions,
24 they may meet the profile. We just took that piece
25 of paper and gave it to ICE. Then it's up to the

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1 federal government what they want to do with that
2 individual.
3 A lot of times they send this person back
4 out on a bracelet or send them out on bail, but
5 under no circumstances we were actively gun in hand
6 participating in 287. I don't want that
7 characterized from anyone.
8 FREEHOLDER O'DEA: When I read that
9 document that was provided to me, and I saw some of
10 these individuals that weren't released back out,
11 there were a number of them with minor offenses.
12 MR. JAMES: I'm going to add it's a
13 low percentage. The other thing I just want to and
14 then I'm going to close out, is that when people are
15 standing at this podium talking about Hudson, 287,
16 ICE, that type contract is inhumane, the thing they
17 to have consider is that if you are horrified and
18 mortified by the pictures you see on T.V., if Hudson
19 County has no ICE contract, they have to go
20 somewhere, make no mistake about it.
21 Hudson County not entering the contract
22 doesn't not mean that the people that you were
23 attempting to set free will be set free. Simply ICE
24 will just ship them to another part of the country
25 who doesn't have the same regulations and the same

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1 kindness and the same policies and procedures that
2 Hudson County possesses to prevent prisoner or
3 detainee abuse. We are very well-regulated. I know
4 that for a fact. I sat at enough hearings of people
5 who refuse to be regulated. We are very regulated
6 in terms of policies and procedures, dos and don'ts
7 and conduct, and you know, people can advocate for
8 whatever they want. But if it's not Hudson County,
9 then maybe someplace out in Montana where the rules
10 are a little bit lax, and you can do whatever you
11 want to do to a detainee. That's something that
12 people should really consider.
13 I think we run a topnotch organization
14 over in South Kearny in terms of holding onto
15 detainees. We've been doing it for a very long
16 time. You won't fine abuse in our jackets. You
17 just don't. That's all want I say. Thank you.
18 CHAIRMAN VAINIERI: Freeholder
19 Romano.
20 FREEHOLDER ROMANO: Just to comment
21 on the important information that was brought up, I
22 definitely stated that we are not allowed to
23 apprehend, just so you know that. And the other
24 thing I just want to say publicly, I stand for the
25 correction officers, and we do not run a

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1 concentration camp. The definition of a
2 concentration camp is Auschwitz. Hudson County
3 correctional facility is a correctional facility.
4 CHAIRMAN VAINIERI: State your name.
5 MR. DEMEFACK: My name is Serges
6 Demefack. I want to thank the Freeholders for this
7 forum, and I would also thank to Freeholder Torres
8 for opposing the contract. We want that too because
9 it's very contrary to what we the Freeholders do and
10 trying to see how the situation is at the jail, and
11 the Freeholders here are trying to improve the
12 health and improve the life generally, and that's
13 very, very important. If you deferred them to
14 another county, we will basically lose the progress.
15 We also are working on a way to have
16 proper procedure at the jail, and we believe we
17 should be consistent and continue all of that
18 dialogue. But ICE, ICE, I'm sorry, that's something
19 we shouldn't have contract with ICE. But if there
20 is ICE, they should work here in the community of
21 New Jersey, of Hudson County, and I believe that we
22 are in the process of to trying to work this issue
23 in the County. There were many remarks during the
24 hearing, and the decision today, and very often,
25 they weren't having a good day.

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1 And I encourage you to stay consistent and
 2 work these things through because people are gearing
 3 up and moving forward. I encourage you to find a
 4 way of dealing with this issue, and you should just
 5 accept them because it's not just the -- it's the
 6 level anxiety.

7 We have to change what we do as a country.
 8 We have dozens at the borders. We see what is
 9 happening there, and we know that every county is
 10 trying to do their best. So we're working on trying
 11 to make sure that we're being consistent because our
 12 country, what is going is not acceptable right now.
 13 If you don't know, we're basically bury our head in
 14 the sands. I think that agreement is given the
 15 counties that are careful, and we have that signed,
 16 that was signed in 2005. It was basically conducted
 17 in 2007. I believe it is the one in place until
 18 now.

19 We have many communities coming to us
 20 because we are aware that ICE is, you know, cutting
 21 the budget down. We need to make sure that because
 22 the jail is part of the budget, and I think we have
 23 seen an increased participation in New Jersey, 40
 24 percent is from ICE. We need to make sure that
 25 these don't affect the work we do in Trenton.

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1 We're trying to improve the conditions, and we need
 2 to wake up and realize these issues and create the
 3 ability to fill the agenda with talk about
 4 conservation.

5 So we are inviting, my organization is
 6 inviting you to continue to stay positive, to
 7 continue to look at the issues and what to improve.
 8 They want to stay consistent. Look in this contract
 9 because people can tell you what will help us. It's
 10 going to hurt generally, but look at the finer
 11 details, because you are going to vote on the issue.
 12 Be very careful because it's going to be very
 13 difficult for this County. Thank you very much.

14 CHAIRMAN VAINIERI: Anyone else?
 15 Good afternoon.

16 MS. BROWN: Thank you for having me.
 17 My name is Anna Brown, and I live in Jersey City,
 18 Father Pedro Arrupe, the former secretary of the
 19 Society in Jesus, better known as the Jesuits once
 20 said, As long as there is one hungry person in the
 21 world, our celebrations of the Eucharist are somehow
 22 inadequate. We are here on solid ground. Today we
 23 talk to political leaders wondering whether or not
 24 to renew Hudson County's contract with ICE. As long
 25 as one immigrant is caged, our political travesties

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1 are all inadequate.

2 This morning I listened to a Honduran man
 3 who was sobbing because he was separated from his
 4 three-year-old daughter. He has not seen her in
 5 five months. We would have to have a heart of ice
 6 not to be torn apart by that man's cries. One would
 7 have to be barbaric to implement and participate in
 8 any public contract that would separate, kidnap
 9 really, children, toddlers and babies from their
 10 parents, and what our Hudson County political
 11 leaders would have us do, they would have us consent
 12 and pay tribute to the separation of immigrant
 13 families and the caging of human beings who are
 14 themselves fleeing situations of horrific violence
 15 and poverty.

16 Article 2 of the United Nation's
 17 definition of genocide includes the forceable
 18 transferring of children of a national, ethnic, or
 19 racial group to another group. This is where we are
 20 now. Hudson County is asking us to participate in
 21 genocide. It is indeed heartbreaking that I would
 22 have to come today to argue this point, and yet here
 23 we are. The County Executive argued that \$6 million
 24 that Essex, Hudson and Bergen County receive each
 25 month for their contracts with ICE are needed to

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1 fund services.

2 If you need to fund services, then stop
 3 giving tax abatements to wealthy developers. If you
 4 need to fund services, then stop doing so on the
 5 back of the local immigrants and the poor and start
 6 taxing corporations and the wealthy. The logic of
 7 the County Executive is the same kind of logic that
 8 allowed the genocide of Native American people and
 9 steal their land, enslave the African people so they
 10 might build the land, and deny women the right to
 11 vote so that the patriarchy might be preserved,
 12 intern Japanese American and steal their property,
 13 and look the other way while the poor working class
 14 and middle class of Jersey City are pushed out so
 15 that the wealthy might have their luxury condo.

16 We are here to say like the great civil
 17 rights leader Andrew Diemer said over the 50 years
 18 ago that we are sick and tired. We are sick and
 19 tired of seeing families ripped apart by racist
 20 immigration policies. We are sick of Make America
 21 White Again policies and call for the end of the
 22 reign of white supremacy. We are tired of making
 23 the same historical mistakes again and again, find a
 24 convenient scapegoat, ignore the complexity of the
 25 situation, blame one particular group of vulnerable

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1 people, and then make \$6 million on their suffering
 2 and misery.
 3 Enough is enough. Abolish ICE. Break and
 4 do not renew the contract. Deconstruct, and I am
 5 going to use the word "concentration camp" and start
 6 acting like people of good conscious and clarity of
 7 mind. Thank you.
 8 MR. ROSSO: Hi. My name is Jessie
 9 Rosso. I am a lifelong resident of Hoboken, New
 10 Jersey. I came up here to talk you about the ending
 11 this terrible relationship with ICE because when I
 12 see these men and women in there prisons, I see my
 13 great grandparents, they could have been there if
 14 what is happening today happened a hundred years
 15 ago. These are good, hardworking people that are
 16 looking to come to this country to make a better
 17 life for themselves.
 18 In response to what the corrections
 19 officer was talking about, he's a hundred percent
 20 wrong. When -- after 287G, I was here in the
 21 Council, and I praised you guys for actually taking
 22 that step, and there was actually an independent
 23 investigation done at the Hudson County Correctional
 24 Facility, and they had a packet, and they personally
 25 handed it to each and every one of you, and I know

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1 definitely that Freeholder Romano, you didn't read
 2 it because you would have seen that there were
 3 abuses there. People were denied medical treatment.
 4 There was two suicides that Hudson County
 5 correctional facility --
 6 CHAIRMAN VAINIERI: We aren't taking
 7 about the agenda.
 8 MR. ROSSO: Sorry. I just if I hear
 9 something wrong, and I have to speak out against it,
 10 okay? No disrespect to him, but he's wrong.
 11 There's been suicides. When I was here at the
 12 Freeholders' meeting, there was a person who
 13 conducted the investigation with I guess a human
 14 rights group. They said that people were getting
 15 harassed because they spoke a different languages.
 16 They were denied medical treatment. I forget the
 17 gentleman's name, but there was a detainee, who
 18 actually was wrongfully detained because he shared
 19 the same name as someone who had a criminal offense,
 20 and he was in there, and he had a some kind of liver
 21 issue, and he wasn't -- he was denied his medicine
 22 and he died in the facility.
 23 How can you come here and stand at this
 24 podium and lie to everybody here, not only lie to
 25 each and every one of the Freeholders but lie to the

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1 people of Hudson County? I mean, it's a disgusting,
 2 and it is a concentration camp. These are political
 3 prisoners.
 4 FREEHOLDER O'DEA: Let the speaker
 5 speak.
 6 MR. ROSSO: There is no other way
 7 about it. You know, you're mincing words. We don't
 8 kill the prisoners yet. Who is to say what is going
 9 to happen in 20 years when you guys are making
 10 profit off of human beings that are stored in these
 11 beds, and you know, to squeeze more profit, let's
 12 put a thousand more people. Currently, there's five
 13 hundred human beings put in the correctional
 14 facilities, detainees, you know. What is it to
 15 squeeze another 1,500, have 2,000 there. I mean
 16 this is a slippery slope argument.
 17 I don't know what else to say to try to
 18 fill up my time. There is definitely a movement
 19 happening in this country. There's a lot of young
 20 people like myself who see what is going on in the
 21 news and they're tired of it. They're tired of it,
 22 you know. I was part of two events in New York City
 23 about this, and argument eventually, if we don't
 24 round up people here, but somebody somewhere else
 25 rounds them up and sends them here. So I mean

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1 that's not a very good argument.
 2 And the other argument that's generally
 3 presented is that if, you know, at least if they're
 4 here, we can take care of them, we can watch them
 5 and all this stuff is nonsenses. We can make the
 6 same argument about slavery. The whole thing is
 7 that Hudson County now has the opportunity to set an
 8 example to the rest of the United States that this
 9 behavior is not acceptable, and that we hope that
 10 other concerned citizens and activist groups will
 11 rise up in the other states and other places, and we
 12 sweep this entire country of this pestilence of
 13 inhuman detention.
 14 So I hope that each and every one of you
 15 listen to all of the speakers here today that are
 16 against the contract with ICE, and that you guys do
 17 the right thing, and you set an example for the rest
 18 of New Jersey, and then the rest of the country.
 19 Thank you. Bye.
 20 MR. WAKEFIELD: Hi. My name is Ravi
 21 Wakefield. I'm from Jersey City. I am also here to
 22 speak against any and all agreement with ICE. I'm
 23 not casting any dispersions on anybody in Hudson
 24 County as far as the 287G agreement. Actually, my
 25 concern is with ICE itself. It's fundamentally out

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1 of control. We have a country where the immigration
 2 system is kept broken for the benefit of politically
 3 connected interests. Even if every single detainee
 4 were treated humanely, I'm not saying that nobody
 5 that should have any authority, I'm just saying we
 6 should reverse.

7 Specifically, I appreciate that Hudson
 8 County is generating revenue of \$6 million a month
 9 off of the ICE contract, and I know that's lot a
 10 money, but it's reversed, jail should be seen as a
 11 failure. The system should not be a source of
 12 income for the County, and so yeah, I hope you take
 13 that into consideration. I'm not making comment on
 14 the treatment at all. I'm just saying the entire
 15 relationship is fundamentally screwed up in Hudson
 16 County and benefiting an organization that is
 17 clearly, top to bottom, run by people who benefit
 18 from human suffering.

19 The other thing not related at all is
 20 Section 26C, but in general, bottled water is a
 21 scam, the Hudson County should follow up with the
 22 public water utilities in Hudson County. Thank you.

23 FREEHOLDER O'DEA: Any other speakers
 24 on agenda items?

25 MR. RANCHER: Hi, good afternoon. My

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1 name is Steve Rancher. I'm a resident of Weehawken,
 2 not too long, about twenty years, but my son is a
 3 Hudson County kid, born and raised, 13 years old. I
 4 usually like to prepare something before I speak.
 5 I'm sorry I am speaking contemporaneously on
 6 personal points, and then I have a statement I'd
 7 like to read to you from Reverend Rob Gregson, the
 8 Executive Director of Unitarian Universalist Faith
 9 Action New Jersey.

10 I think anybody who watches the national
 11 news these days would have to have a heart of stone
 12 not to be moved by what is happening in our country.
 13 I am a unitarian, and as a unitarian, I believe in a
 14 interconnected way of all things and all people. My
 15 destiny is like yours. Once in a while we fall
 16 apart as well. I want to talk about my son because
 17 he watches the news. I'm trying to educate him on
 18 everything that's happening here in our country, and
 19 he sees the black and brown faces that are in cages.
 20 Of course, the worst images are on our national
 21 news, and he said, Where is that happening?

22 And I tell him that this is New Mexico.
 23 That doesn't happen around here, does it?

24 And I have to tell him that, Yes, here in
 25 Hudson County, close to 600 people are in the

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1 detention for immigration offenses. I can't speak
 2 to the conditions. I haven't seen that. I want to
 3 thank the corrections officer that spoke so
 4 eloquently. I hope his colleagues are as thoughtful
 5 and eloquent as he was. I welcome that. It's shame
 6 because I love Hudson County. I lived in Union City
 7 and Weehawken for over twenty years now, and I love
 8 my son is in such a diverse neighborhood. It's the
 9 most that diverse place I know of in the country and
 10 my son is exposed, not just ethnically, but
 11 religiously, racially and economically. He goes to
 12 school with people making seven figures and people
 13 making barely five, but I explained to him that's
 14 happening here.

15 I have a hard time sleeping at night
 16 knowing that our budget in Hudson County is balanced
 17 on the backs of immigrant. Now I know immigration
 18 offenses are civil --

19 FREEHOLDER O'DEA: Hold on. We don't
 20 have a quorum. Freeholder Romano.

21 MR. RANCHER: I am going skip for a
 22 moment to this written statement by Reverend Rob
 23 Gregson, from the Unitarian Universalist Faith
 24 Action New Jersey, which is a public policy and
 25 social justice advocate of all unitarian

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1 congregations in the state. It is the official
 2 position of Universalist Faith Action and all other
 3 congregations that the taking of money by ICE by any
 4 New Jersey county is morally undertaken. There is
 5 no current social standard by which the forceable
 6 separation and indefinite detention of families and
 7 fellow human beings is justifiable. History will
 8 look back at each group of County Freeholders in New
 9 Jersey and judge your actions from this day forward.

10 I urge you to begin the economically
 11 difficult but absolutely necessary process of ending
 12 the Hudson County contract with the Trump
 13 Administration's immigrant hunting machine. That is
 14 what ICE had become. It's become a modern day
 15 Gestapo. If there are agents bursting into people's
 16 homes and putting tax offenders to jail, that's
 17 fine. Immigration is a civil offense, not a
 18 criminal offense, and people are being held without
 19 due process. I'm sorry. I got sidetracked.

20 It is absolutely necessary to end the
 21 Hudson County contract with Trump Administration's
 22 immigrant hunting machine, or will you hedge -- I'll
 23 wait. Or will you hedge and defer, wishing the
 24 current situation were not before you decide? It
 25 is, and as voters and New Jersey residents, we ask

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1 you to do the right thing in working alongside
2 longtime advocates like the New Jersey Alliance for
3 Immigrant Justice, First Friends of New Jersey.
4 Begin the process -- I can wait.
5 Begin the process of ending this awful
6 contract and finding creative ways to protection the
7 lives and dignity of asylum seekers, and send a
8 message to Washington not in our name, not now or
9 ever. I leave it at that. Thank you very much.
10 CHAIRMAN VAINIERI: Anyone on agenda
11 items only? There's a public portion at the end of
12 the meeting. You can speak for five minute on
13 anything you want.
14 Mr. Clerk.
15 THE CLERK: The County Counsel just
16 pointed out to me that the extension to Nos. 27 and
17 28 on the consent agenda for Family Services is
18 \$9,000, and there is no need for those items to be
19 on the consent agenda.
20 FREEHOLDER ROMANO: I think there was
21 a question with regard to the sale of the park. The
22 owners of the property are here. We had asked that
23 they come and talk about that.
24 FREEHOLDER O'DEA: I just want on
25 record that a hundred percent of this property is

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1 going to be a park; is that correct?
2 MR. GANS: A hundred percent of the
3 property will be a park. My name is Daniel Gans,
4 from Hoboken, New Jersey, office in Jersey City,
5 Hoboken Brownstone Company. We represent 39 Newark
6 Avenue, LLC, the property owner that's right next to
7 the County property on Newark Avenue. We would like
8 to first thank the Freeholders and the County
9 Executive for giving us the opportunity to have it.
10 It's something that we're going to make this happen
11 with a few neighborhood associations, very active in
12 wanting to see this property opened up to a park.
13 We look forward to doing that. We will be
14 working on a plans now for the park, and we'll take
15 that to the Planning Board or the Parks Commission,
16 certainly to the community, and I will work with
17 them on creating a plan that is acceptable, and
18 hopefully within a year and a half, something of
19 that nature, we will have a new park in Hudson
20 County.
21 FREEHOLDER ROMANO: Whose
22 responsibility is it for the maintenance of it?
23 MR. GANS: That's still left to be
24 very open. We haven't gotten into discussions. The
25 City knows about the park as we did preliminary

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1 drawings for the park. The community associations
2 know about the parks also, so you know, that is our
3 thinking that we go that way. We make an offer to
4 the City to take over the park.
5 MR. BATTISTA: I think it required
6 that in two years the park must be constructed. The
7 County reserves and has restrictions, and if it's
8 not complied with, it will be reverted back to the
9 County, and that condition will run with the land,
10 and any successful owner of the property will be
11 covered by the same terms and conditions. If it's
12 approved, the property owner will have to maintain
13 it. Failure to do that falls within the
14 restriction.
15 FREEHOLDER O'DEA: If they're unable
16 to get the City of Jersey City to agree to maintain
17 the park, then the responsibility will be on them,
18 and if they fail to do so, we take a property back?
19 MR. BATTISTA: That's correct.
20 MR. GANS: That's my understanding.
21 CHAIRMAN VAINIERI: He said it all.
22 Thank you.
23 MR. GANS: Thank you again. I think
24 this is a really wonderful addition to the entire
25 County, a piece of property that is dormant, and the

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1 County wasn't even sure about it.
2 FREEHOLDER TORRES: It's possible if
3 the plan goes well, you'll have a plan for the park?
4 MR. GANS: Absolutely, thank you.
5 First it will go to the Planning Board. First we
6 show things to the Planning Board to make sure
7 they're on board with all the issues.
8 FREEHOLDER ROMANO: Keep talking to
9 the neighbors.
10 MR. GANS: They will have comment to
11 discuss some good names for the park. Thank you.
12 CHAIRMAN VAINIERI: Freeholder
13 Walker.
14 FREEHOLDER WALKER: I don't like to
15 prolong meetings, but I can't as an African-American
16 man, I can't sit here and listen to folks that say
17 things like slavery. It's not like slavery, okay?
18 And I don't like when people compare that to
19 situations because it offends me, and you know,
20 slavery was a terrible act in our history, and me
21 personally, I was against 287G, but you've got to
22 say to yourself, you know, the prison system in
23 itself, right, what the makeup of it? Mostly
24 African-American people, correct?
25 So that to me is a mockery of slavery

<p style="text-align: right;">Page 58</p> <p>1 because it's a system of education, et cetera, et 2 cetera. So you know ICE is not like slavery. It is 3 a choice. You either come here the right way or 4 not. That's a choice, you know. That was no 5 choice. Slavery was no choice. I wanted to put 6 that on the record.</p> <p>7 THE CLERK: Mr. Chairman, the consent 8 agenda includes the following: 2 was voted on; 27 9 and 28 were withdrawn; 32 was removed, carried and 10 put back on today's agenda, 50 and 51 were added. I 11 needs replacement for the Freeholder Rivas. He was 12 the sponsor the first sponsor on 10, 22, 23, 24, 26 13 27, Chairman Vainieri; and Freeholder Rivas was the 14 second on 1, 4, 7, 9, 25 31 and 38.</p> <p>15 FREEHOLDER KOPACZ: I'll take them.</p> <p>16 MR. BATTISTA: With regard to 27 and 17 28, we did replace them, and there was a correction 18 in that the vendor on 27 and 28 are given one more 19 contract for August in the amount you stated. 20 That's what my understanding is. You can correct me 21 on that, but I think that's what we did.</p> <p>22 FREEHOLDER O'DEA: Mr. Chairman, 23 before we vote on the item, we requested that for 24 the public record we get a brief overview from the 25 County Counsel and the Director of Corrections</p>	<p style="text-align: right;">Page 60</p> <p>1 Deputy Director Conrad, the Assistant County 2 Administrator Oscar Aviles, myself, Christine Marro, 3 an attorney in my office, and two outside 4 consultants --</p> <p>5 FREEHOLDER O'DEA: Freeholder 6 Rodriguez?</p> <p>7 MR. BATTISTA: Dr. Amanda Parsons, 8 and Peter Heffernan, who is a corrections specialist 9 and has experience in correctional facilities. I'll 10 try to speak louder.</p> <p>11 CHAIRMAN VAINIERI: Please.</p> <p>12 MR. BATTISTA: We invited -- we 13 received four proposals. We invited the four 14 vendors to come in to meet with the committee. Over 15 the course of two days, we met each of the vendors. 16 We allowed each of them approximately two hours to 17 make a presentation. After the presentations were 18 made, the committee convened among themselves and 19 discussed the proposals. I believe it was the 20 unanimous I belief of the committee that the vendor 21 that we're recommending to you today, that was CCS, 22 is the vendor we think will best serve the interest 23 of the County.</p> <p>24 I would like to point out to the committee 25 that the staffing matrix for the current vendor who</p>
<p style="text-align: right;">Page 59</p> <p>1 concerning the item of the proposed contract with 2 CCS, the process first that was followed by us to do 3 the request for proposals, and then review that took 4 place, and the visits that the Director made to two 5 of the facilities and to talk about that.</p> <p>6 MR. BATTISTA: What I would do, 7 Freeholder, I can comment on the process, but I'll 8 defer to Director Edwards as to the underlying basis 9 for the recommendation that we made. After 10 discussions with the Ad Hoc committee to seek a 11 medical vendor, we contacted the ten nationally 12 recognized providers of medical services at 13 correctional facilities. We invited them to attend 14 a walk-through of the facility. Of the ten, nine 15 attended.</p> <p>16 We then issued specifications on May 1. 17 After the vendors received a specifications, there 18 were a number of questions that were asked of us. 19 That also reflects a delay of the receipt of 20 specifications because of the questions, the answers 21 and the content of specifications. We did do that, 22 and then eventually the proposals were received on 23 June 11, 2018. Once the proposals were received, we 24 convened a committee which consisted of Freeholder 25 Romano, Freeholder Walker and Director Edwards,</p>	<p style="text-align: right;">Page 61</p> <p>1 is currently providing services was changed when we 2 went out for the proposal. We added positions. We 3 added hours to the matrix. When we took in cost 4 proposals from the vendors, we gave them an 5 opportunity to revise their cost proposals because 6 there was some confusions. CCS gave us their cost 7 proposals and also recommended to the County that we 8 consider additional staffing. The Chair, who is a 9 member of the Ad Hoc, you recall, we met last week. 10 We discussed the additional staffing recommendation, 11 and as a result, we opted to accept their 12 recommendation for additional staffing.</p> <p>13 Since we me with the Ad Hoc committee in 14 the past week or so, my office has taken a look at 15 potential litigation involving the four companies. 16 While three of four companies certainly have a 17 number of items of litigation, my opinion as the Law 18 Director, given the amount of facilities that were 19 being serviced by CCS, and the number of litigation 20 and number of cases in the past two years, I did not 21 see it as a significant number.</p> <p>22 We also engaged in a site visit. Director 23 Edwards can articulate the sites, what he found at 24 the site visits, one in Cape May County, New Jersey, 25 and one in Westchester, New York, and I'll leave it</p>

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1 now to the Director to fill in the Board as to the
2 result of that site visit, and why it was our
3 recommendation, which is contained in the memo.
4 Although it's under my name, it was a memo done
5 collaboration with all the members of the committee.
6 DIRECTOR EDWARDS: The first site
7 visit was at the Cape May County jail. It's a
8 smaller facility, but it was the only facility that
9 CCS has currently in New Jersey. We were given full
10 access to the facility, and had an opportunity to
11 speak to CCS's management system down there. What
12 we saw was a really good management style.
13 I talked the warden. He's been a warden
14 there for ten years. He went through a previous
15 vendor to this vendor. I asked about the
16 transition. I asked about the service. He said
17 because their vast amount of pooling applicants,
18 that they did have additional backfilling of vacant
19 positions, and that they were extremely
20 accommodating and had the NCCHC accreditation. I
21 spoke to the management system. I asked the agency
22 health service administrator about training and
23 education management. She said it was extremely
24 extensive. They offer a boot camp management
25 system, and she was completely satisfied and to

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1 spoke very highly about how CCS treats their
2 employees as well as making their salaries
3 competitive.
4 I went to Westchester Corrections. Their
5 facility mirrors in demographics, diversity, the
6 size of the inmates, the size of the officers, the
7 medical demand on mental health and substance abuse.
8 The deputy commissioner has been there for 27 years,
9 went through a previous vendor, went through the
10 complete transition when CCS took over for the
11 previous vendor. I was with him for over an hour
12 and a half going through all of the records from the
13 transition. He was extremely satisfied and pleased.
14 They just renewed their contract.
15 CCS being in the facility started a
16 program and received in 2017, a National Commission
17 of Professional Health Care Program of the Year, and
18 it concentrates on mental health and bringing
19 correction officers, CCS mental health specialists
20 and outside crisis center volunteers together for
21 group therapy inside the facility, plus a smooth
22 transition and support when they leave the facility.
23 I had the opportunity to speak to
24 correction officers that actually work there,
25 working the wings. They were completely in favor of

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1 CCS, their collaboration, and they spoke very highly
2 of the management team there, and they spoke about
3 what happened before they were there, and I had an
4 opportunity to speak to the entire upper management
5 that works at Westchester County. They have a
6 really good management system and a redundancy of
7 supervisory positions out there. They believe in
8 education, not only for correction officers, but the
9 employees. They also have their boot-camp-style
10 management system.
11 Based on all of the proposal that were
12 there and the presentations and especially the site
13 visits and the recommendation of the wardens and the
14 feedback that I received from the correctional
15 staff, I'm confident in the recommendation that was
16 unanimously made by all members in our committee on
17 our selection of CCS.
18 MR. BATTISTA: I want to add two more
19 things. One, is Director Edwards' visit to
20 Westchester, he was accompanied by Peter Heffernan,
21 who is the County's outside consultant. I have
22 prepared the memo. Everyone contributed to it. I
23 shared in contents of the memo the observations that
24 were given to me Director Edwards and he indicated
25 to me that he concurred were his observations, and

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1 the recommendation we're making to you is to award a
2 contract for one year. There will be options that
3 the County will have for year two, year three, and
4 monetary numbers of options for year two and year
5 three were set forth in the proposal with the
6 vendor. If we exercise the option, we have to come
7 back before the Board subsequent to year two and
8 year three.
9 FREEHOLDER O'DEA: More a comment
10 then a question. I think it's important to note
11 that we over the course of a 12-month period
12 experienced a number of deaths at the correctional
13 facility, many tied mental-health-related issues,
14 some tied to lack of proper care being rendered to
15 individuals. In the case of Mr. Mendosa, was in
16 fact, the detainee who was mentioned earlier, who
17 shouldn't been there, the wrong Mendosa. Like I say
18 that was tragic. Nothing can bring the individuals
19 back.
20 However, I think that we as a County have
21 acted in a very well thought out, expeditious and
22 deliberate manner to address the problems that exist
23 with the medical coverage and the mental health
24 coverage in the facility from the dollars that have
25 been invested and are being invested this year in

1 upgrading and updating the medical and mental health
2 facilities to the award of -- to the release of CFG
3 as the medical provider, to the resolution that is
4 proposed to us today to bring on CCS.

5 The reality of this is that we've heard a
6 lot of discussions today about the facility and the
7 issue, and general issues that I understand the
8 philosophical arguments that were raised to today.
9 Part of the reality is that we are now going to
10 expend \$1.8 million per year than we have in the
11 prior contract to provide additional medical
12 coverage, to provide additional mental health
13 coverage, to better poise ourselves to reduce, I
14 would love to say eliminate potential tragic deaths
15 at the facility in the future.

16 But those are the things that are going to
17 occur as a result of the vote that's going to be
18 taken today. I think that while I don't expect to
19 vote to renew the contract ICE for a different
20 reason. I think that Freeholder Torres's request to
21 carry this for a month to discuss some of the
22 issues, to discuss what I think we need guarantees
23 on like that we're going to live up to the 2011
24 standards, whether in this contract there's a
25 document in existence that says we are going do to

1 that and when we're going to that by, because that
2 not only is it in the best of interest detainees,
3 but also the inmates at the facility and those
4 things should be done and should be addressed before
5 we vote on that.

6 But that issue aside, I think this
7 demonstrates the value of being in a County or a
8 government entity that when problems do occur, when
9 mistakes occur, when wrongs are done, that there is
10 a fair process and an open process that addresses
11 what those issues are. It doesn't happen tomorrow.
12 It doesn't happen the next day, but I think this is
13 very strong evidence of where that was brought to
14 our attention, the problems that occurred there,
15 that was cited in some reports and may address that
16 concrete steps have been taken, and I believe that
17 this is the next positive step to address the
18 medical coverage at the facility.

19 CHAIRMAN VAINIERI: Freeholder
20 Romano.

21 FREEHOLDER ROMANO: I would like to
22 say thank you to all those that participated and
23 went to the interviews where all of the participants
24 and the applications from really all of the
25 proposals. We wanted to stress the increase in the

1 mental health at the facility to help them cope with
2 mental health issues, and also address the fact that
3 the nursing, the lack of supervision and breakdown
4 of communication between the medical staff and the
5 nurses at the correctional facility, and the facts
6 that we wanted to cite. So I want to thank
7 Freeholder Walker and to other staff. It was
8 definitely a collaborative effort.

9 FREEHOLDER WALKER: Mr. Chairman, I
10 want to echo what my client said. It was a vigorous
11 process. It took a while. It was also important to
12 me because I want people that are incarcerated to be
13 treated fairly, and the biggest part was the mental
14 health piece for me. I represent this District 3,
15 which is a lot folks get incarcerated from my
16 district, but unfortunately, a lot of them do suffer
17 from mental illness, and that was like a determining
18 factor for me. We put a lot of emphasis on trying
19 to address that issue. I appreciate what folks did
20 on that point alone so.

21 CHAIRMAN VAINIERI: Thank you. I
22 think of all the hours that you sat through all of
23 the hearings and testimony and you questioned the
24 witnesses, and I want to thank Freeholder Romano and
25 the Freeholder here, who sat at lengthy committee

1 meetings this past year. And I would like to thank
2 the Administrator for his participating and taking a
3 lead on that.

4 Mr. Clerk.

5 THE CLERK: Motion to approve the
6 items on the consent agenda.

7 FREEHOLDER ROMANO: Motion.

8 FREEHOLDER KOPACZ: Second.

9 CHAIRMAN VAINIERI: Is Freeholder
10 Rodriguez still on the line?

11 FREEHOLDER RODRIGUEZ: I'm here.
12 Thank you.

13 THE CLERK: On the consent agenda,
14 Freeholder Kopacz.

15 FREEHOLDER KOPACZ: Yes.

16 THE CLERK: O'Dea.

17 FREEHOLDER O'DEA: No on 32. Abstain
18 on 38. Aye on the rest.

19 THE CLERK: Rodriguez.

20 FREEHOLDER RODRIGUEZ: Yes, on all.

21 THE CLERK: Romano.

22 FREEHOLDER ROMANO: Yes.

23 THE CLERK: Torres.

24 FREEHOLDER TORRES: I just to note
25 one thing. This is the second time I asked for a

<p style="text-align: right;">Page 70</p> <p>1 courtesy, just knowing that it's not an emergency, 2 and I don't always have to be granted a courtesy, 3 but we approved it at the Caucus meeting, and 4 suddenly we're doing it at the regular meeting, and 5 as stated before. This was not anything against the 6 standpoint of the Administration. I understand what 7 your thought processes, and I commend the 8 Corrections department for the work that they're 9 doing as the Freeholder said, but I think it's not 10 that hard to do an effective government by looking 11 at that deeper and gathering more insight. Before 12 calling for a vote for, what is the legal services 13 amount for individuals who are detained in the 14 facility? 15 MR. BATTISTA: I don't have the exact 16 amount. I think somewhere in the vicinity of 17 \$60,000. 18 FREEHOLDER TORRES: Any money that's 19 being allocated 58, \$60,000, any other money that is 20 being allocated for legal services that are in this 21 contract, does the County allocate more funding for 22 legal services or any type of services? 23 MR. ANTUN: Freeholder, most of the 24 detainees that are there are from New York, and they 25 already have it. New York provides counsel. We</p>	<p style="text-align: right;">Page 72</p> <p>1 towards voting. 2 And just for the record, I want to state 3 respectfully to fellow Freeholder Walker. Some 4 individuals, yes, it is a choice, to come to this 5 country illegally. For many they're escaping crime 6 and violence, et cetera, in their own country to 7 come so I want to make that clear. I vote no on 8 Item No. 32, no on 38; aye on the rest. 9 CHAIRMAN VAINIERI: Continue, please. 10 THE CLERK: Freeholder Walker. 11 FREEHOLDER WALKER: Yes. 12 THE CLERK: Freeholder Vainieri. 13 CHAIRMAN VAINIERI: Yes. Did 14 Freeholder Rodriguez vote? 15 FREEHOLDER RODRIGUEZ: I voted yes 16 for all. 17 FREEHOLDER O'DEA: Can we now have 18 Director Edwards go back to the podium? So one of 19 the reasons that from my perspective, I was not in a 20 rush to vote on 32, and I saw no need to rush it. 21 One of the issues that Freeholder Torres raised 22 which is my understanding is that one of the things 23 that occurred post the County opting out of 287G was 24 the transfer of Hudson County detainees from our 25 facility to another facilities; is that an accurate</p>
<p style="text-align: right;">Page 71</p> <p>1 only have about nine or ten from New Jersey, and 2 those are the ones that we provide, and they're 3 mostly females. 4 MR. BATTISTA: I think the way we 5 work it out Freeholder, Mr. Chairman, the Director 6 can correct me, I think there is a monthly amount 7 that we were going to pay, and the provider, there 8 are a certain number of days at the facility. 9 Director Edwards can correct me, if I misstated it. 10 DIRECTOR EDWARDS: Freeholder, 11 Director Battista is correct. There are a certain 12 amount of days allocated strictly for the New Jersey 13 detainees, and the Administrator is also right. 14 Right now there is not enough detainees for the 15 legal protection service, so we're without. 16 FREEHOLDER TORRES: My concern -- 17 CHAIRMAN VAINIERI: We are in the 18 middle a vote. 19 FREEHOLDER TORRES: No. I mean this 20 is kind of the reason I was asking to carry it over, 21 so I can get some insight. The contract language 22 raised were a concern, a contract 2002, the entity 23 that was part that agreement, ICE. We're just 24 talking about having that conversation before going 25 to a vote. I don't understand why we have to rush</p>	<p style="text-align: right;">Page 73</p> <p>1 representation? 2 DIRECTOR EDWARDS: Freeholder, can 3 you repeat that? 4 FREEHOLDER O'DEA: Were any New 5 Jersey slash Hudson County individuals from the 6 state of New Jersey slash from Hudson County, 7 resided here or were taken here, were any of those 8 individuals post our 287G transferred out of Hudson 9 County, yes or no? 10 DIRECTOR EDWARDS: Yes. 11 FREEHOLDER O'DEA: So one of my 12 concerns is for the records, and I'm going push 13 going forward, I think we need to ensure and have an 14 obligation to those individuals wherever they may 15 have be sent to, they may have simply been sent, my 16 understanding is north or west one county, that we 17 need to continue to ensure that they would get the 18 same kind of legal representation that they would 19 have gotten had they remained in this facility. 20 We do need to address that because we 21 understand that the individuals that come from New 22 York, they come here and are represented, but the 23 individuals that were from Hudson, that were in 24 Hudson, are about to be represented. Now, my 25 understanding is that because they're in Bergen or</p>

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1 Essex, we're not representing anyone, and I have a
 2 fundamental issue or problem with that, especially
 3 when you just raised the rate by almost ten percent,
 4 and it will bring another million a year to the
 5 program. We need to make sure that those
 6 individuals, wherever they are, if they were taken
 7 to Hudson, we need to find out where they are and be
 8 able to offer them the same legal representation we
 9 were going to had they been at the facility. We
 10 need to move forward and looking at that as we need
 11 to move to ensure that the 2011 standards for health
 12 and mental health service that are being mandated in
 13 other contracts with ICE are required here. You can
 14 self-impose it by whatever, executive order or
 15 resolution but that needs to be done.

16 FREEHOLDER TORRES: Just for
 17 clarity's sake, how long is this contract for? It
 18 just says under the title Duration, it's the longest
 19 duration allowed by law.

20 MR. BATTISTA: The initial contract
 21 the County was operating under was 15 years. I
 22 wasn't here at the time it was passed. It's my
 23 opinion that we can't enter into a contract for 15
 24 years. The maximum that we can enter into a
 25 contract is for ten. The contract that we're

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1 entering into does have a sixty day right to
 2 terminate the County did have. So that explains the
 3 language.

4 FREEHOLDER O'DEA: Today, how many
 5 detainees are at the Correctional facility?

6 DIRECTOR EDWARDS: Approximately 800.

7 FREEHOLDER O'DEA: And how
 8 non-detainees?

9 DIRECTOR EDWARDS: Approximately 400.

10 FREEHOLDER O'DEA: That speaks
 11 volumes, I guess.

12 CHAIRMAN VAINIERI: Continue with the
 13 meeting, Mr. Clerk.

14 THE CLERK: Mr. Chairman, we have no
 15 ordinances for introduction, no ordinances for
 16 second reading. That concludes the items of
 17 business on today's agenda. Are there any comments
 18 from the Freeholders on the business of the Board?

19 FREEHOLDER O'DEA: I want to state my
 20 opposition to 32 was based on two things. One, I
 21 feel we had many unresolved issues that were not
 22 addressed; two, I think that it wasn't an urgent
 23 situation. We have always afforded a Freeholder
 24 courtesy if a Freeholder asked that an item be
 25 carried. I think that we've always lived up to

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1 that. Those are my reasons.

2 I just needed to say that I understand all
 3 of the philosophical arguments, and in a perfect
 4 world, we would get out of ICE today, we should all
 5 do that. I also very see the position of what the
 6 CO stated which is, the fact that here there is at
 7 least an open forum to address any topic, any issues
 8 at the facility. The fact that we allow very good
 9 access for advocates to go into that facility and to
 10 come back to us with any issues that we believe need
 11 to be addressed, those are the positives.

12 The fact that if even the three counties
 13 all went out of business today, I understand the
 14 philosophic, you can ultimately force everybody if
 15 you put enough pressure on them, but until that ever
 16 happens, that could happen, it won't happen for a
 17 long time, we have no idea what treatment they
 18 receive. We have no idea whether where they are
 19 sent to, the people get legal representation, get
 20 substantial fundamental changes made to medical
 21 coverages at the facility they're at, I think you've
 22 got to look at both of those issues. I am making an
 23 analysis. My decision today was based on the fact
 24 that we did not need to rush, and we respect any
 25 Freeholder who wants to carry.

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1 FREEHOLDER TORRES: I want to echo
 2 the statement by the Freeholder. I'll state it for
 3 the second time I tried to see if we could get
 4 advisory, and we agreed on something at caucus that
 5 was approved at the regular meeting, and I don't
 6 understand why the rush.

7 THE CLERK: Any comments from the
 8 Deputy Chief of Staff?

9 MR. McCARTHY: No, sir.

10 THE CLERK: This is the time for
 11 anyone present to address the Board on any matter of
 12 public interest. Please remember to limit your
 13 comments to five minutes.

14 MR. WILLIAMS: Good afternoon, Mike
 15 Williams, with Hudson County Youth Football
 16 Organizations. I'm here today in front of the
 17 Freeholders following in the footsteps of my mentor,
 18 Jerry Walker for twenty years. We went to the same
 19 high school. He's a graduate St. Anthony's, and I
 20 graduated from Fairleigh Dickinson University with
 21 the psychology degree.

22 And I'm here to inform you all today, I
 23 don't get any help from the City at all for my
 24 football organization. I have ages from six to
 25 fourteen. I have 80 kids. I have 20 cheerleaders,

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1 and I reached out to the City for help with my
2 organization, and I am just here today to find out a
3 way to get a direction to help.
4 I also coached at Jersey City Recreation
5 for three years. What made me start my organization
6 is giving kids a better opportunity to get national
7 exposure. My football is at a higher level, and I
8 wanted to bring some national exposure back to the
9 City of Jersey City with my football organization.
10 FREEHOLDER O'DEA: Freeholder Walker,
11 can you set up a meeting? Abe, if we can get
12 Millennium, who is our grant writers, our
13 fundraising group that information, can we have them
14 at a meeting, see what they can do for them?
15 FREEHOLDER WALKER: I just want to
16 clarify something. We do have a Hudson County
17 football, but this particular program, it's AAU, and
18 it's the only AAU team representing Hudson County.
19 The AAU is a national organization that, you know,
20 that best kids -- I'm not going to get into AAU --
21 FREEHOLDER O'DEA: Can you reduce the
22 age from six to five. I've got a five-year-old
23 grandson that's already 80 pounds.
24 FREEHOLDER WALKER: We'll set up a
25 meeting.

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1 FREEHOLDER O'DEA: After this, we
2 will sit down for two minutes. We'll pick a date
3 for next week, and we'll see what we could, maybe
4 give you some dollars.
5 MR. WILLIAMS: I appreciate that.
6 God bless everybody.
7 MR. ARENA: Jay Arena, Jobs and Equal
8 Rights for All Campaign. In my earlier comments I
9 asked the Board what side are you on? What side are
10 you on? Are you going to be on the side of a
11 growing movement that is demanding an end to the
12 whole ICE Gulag system, yes, what we call these ICE
13 concentration camps? Or are you going to side take
14 the side of Trump, of Sessions and the race and
15 anti-working class reactionaries that are carrying
16 out these attacks.
17 You, the majority have may it clear where
18 you stand. Your deeds speak louder -- your deeds
19 and words have made it clear where you stand. We
20 had one representative, Mr. Torres. We do thank you
21 for standing on this side. This struggle has to
22 end. Like Frederick Douglas, without struggle,
23 there is no progress. We have made progress, and we
24 have broke the consensus. As the gentleman here
25 explained you have been collaborating in this

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1 concentration camp for years, over a decade. Now,
2 because of a mass movement, that's how things change
3 in this country including the end of child slavery
4 and this new form of slavery, as Ras Baraka, the
5 mayor of Newark who we hope will also join Mayor
6 Fulop in demanding the closure of these modern-day
7 slave catchers, and you guys hold the prisons where
8 the slave catchers break their victims.
9 But we will not end this struggle until
10 this concentration camp closes in Hudson County and
11 in Bergen County, in Essex County and in Union
12 County, in the state of New Jersey and throughout
13 the United States. Let me clarify that for you.
14 You have got a contract that at any time in ten
15 years with short notice, you can break that
16 contract. You can be guaranteed that this movement
17 is going to continue to the demand the closure of
18 these facilities, and to fight, that's what our
19 campaign is about, fighting for the world we want.
20 We don't accept, Mr. O'Dea, we just have
21 to accept these realities, so we maybe have to make
22 a more humane concentration camp. There is no such
23 thing as a humane concentration camp. We demand
24 that these be closed and that people have
25 legalization for all. We want to erase that

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1 category of illegal people.
2 And furthermore, we want to end the U.S.
3 aggression, you talk about gangs in El Salvador, we
4 have to look at the where history of where those
5 gangs and the role of U.S. intervention in
6 destroying the popular movement in Central America
7 that were trying to transform their society so they
8 didn't have to be forced out of the community, or
9 other places around the world that the United States
10 military has destroyed, be it in Libya, being it
11 Central America, being it the Middle East. So we
12 are going to come back. This movement has not
13 ended.
14 You made clear where you stand now. We
15 are going to continue. We're going to continue this
16 fight, and this fight is growing. You've got to
17 decide which side are you on.
18 MS. BROWN: Yes, briefly. This is
19 not a perfect world as you said. This a way to
20 avoid taking responsibility. This is the world that
21 we're in, and you have to make a choice in that
22 world, and we now know what the choice is. The
23 choice is that we will stand by while mothers and
24 fathers are tormented because their children have
25 been stolen from them. What children?

<p style="text-align: right;">Page 82</p> <p>1 I mean I don't understand how the people 2 from here can actually say, it's fine, that fact 3 these children, babies, toddlers, are screaming for 4 their parents, that's fine with me. I think the 5 reason is because we're privileged. We're safe. 6 We're not starving. We're not being hunted. That's 7 all right. These are just kind of an abstraction of 8 the people who don't really matter at all. You 9 should just come out and say that. I find it hard 10 to go home now and say, Well, you know what? The 11 County is voting to extend its participation in a 12 brutal and inhumane system.</p> <p>13 I worked in Guatemala. I have worked in 14 El Salvador. I have worked in Mexico. I have to 15 say, Freeholder Walker, you need to hear the stories 16 of why people are fleeing. It is not a choice. 17 They being killed. They are being hunted. They are 18 being beaten up. They are being kidnapped. It is 19 not a question of illegal or legal. It's a question 20 of are we human beings, our brothers and sisters. 21 That's the question. We get caught up in this 22 illegal or legal business because it's a way of 23 avoiding the real question.</p> <p>24 And I'm ashamed, really ashamed or more 25 heartbroken because we have to listen to babies,</p>	<p style="text-align: right;">Page 84</p> <p>1 strong efforts for all he's done to help. Thank 2 you.</p> <p>3 FREEHOLDER ROMANO: To elaborate, I 4 think all of the Freeholders support always the 5 better treatment of all of those that incarcerated 6 in the County Correctional facility, and I don't 7 think there's on Freeholder here who doesn't want 8 treatment of the detainees or inmates treated with 9 any disrespect. We want dignity, medical care and 10 mental care. Thank you.</p> <p>11 MR. DEMEFACK: I just want to say the 12 County does an effort in trying to see how we can 13 address this issue in New Jersey, and I wanted to 14 make sure the contract is looked at very carefully, 15 and Freeholder, listen to the contract. It's a 16 problem, and it needs to be affected. The Legal 17 Department here, I don't understand why wasn't 18 anybody available to answer question to the 19 Freeholders.</p> <p>20 And I also wants to say a few words about 21 that contract which CCS. We thought the process was 22 vigorous. They made sure that when advocates shows 23 up in the jail, they open the books. They are able 24 to speak with clarity, and we see that time and time 25 again, that if you noticed something in the</p>
<p style="text-align: right;">Page 83</p> <p>1 children and toddlers crying. They are returned 2 with lice on their body, dirty, people are getting 3 maggots in our well-established Hudson County 4 detention center. There's really a great book 5 called "Property" by Valerie Barton. I have it in 6 my classroom, and she talks about a slave master who 7 holds a Christmas party for the slaves, and somehow, 8 they're supposed to be grateful because the slave 9 master held a Christmas party for them, gave them 10 food and presents. Your arguments today sounded 11 like that. Shouldn't you be grateful that we have 12 such wonderful jail concentration camp? You should 13 be thankful for that.</p> <p>14 I don't think that's good enough. It's 15 inhumane. It's brutal. It's an act of terrorism. 16 Now I know what side you stand now. You stand on 17 the side of kidnapping, torturing, destroying 18 families, ruining human lives because they're black 19 or brown. This is a vote to make America White 20 Again, and I'm really ashamed.</p> <p>21 FREEHOLDER TORRES: Just to be clear, 22 I am not supporting, and just like my colleague, 23 Freeholder O'Dea, since I've been here, I have been 24 trying to make changes to that I did support. I'm 25 going to say that I support Freeholder O'Dea for his</p>	<p style="text-align: right;">Page 85</p> <p>1 guidelines, there's adherence all of time. When you 2 negotiate the contract, be very forceful. They will 3 be coming for officers. So we want to specify that 4 we are not going to describe that. We are supposed 5 to renew their contract, the Freeholder look at the 6 contract and deal with that issue because ICE comes 7 in. I also want to make a statement that you're 8 pushing ICE. I am sure you are not pushing ICE. 9 You are providing care and support, and the 10 services. Thank you.</p> <p>11 FREEHOLDER O'DEA: Just for the 12 record, I will defer to the advocates to come back 13 to us if there are any issue with CCS not fully 14 cooperating and providing access, information, 15 letting us know when there are issues they raise, 16 and if I find out you're not, I'll move to -- if I 17 have to wait a year and lobby everyone on the Board, 18 I will not renew the contract. It's critical at 19 this point in time, for all times, especially this 20 point in time.</p> <p>21 Some of the issues that we had with the 22 prior vendor, I was there when that female doctor, 23 it bothered her by the fact that we were coming 24 there to do an inspection and to ask questions, and 25 I was there, one of the elected officials. I can</p>

1 only imagine what happened when I wasn't there.
 2 FREEHOLDER WALKER: I know me
 3 personally, I spent a lot of time over at the jail,
 4 talking to the detainees, et cetera, and some other
 5 stuff. What I got out of the conversations was they
 6 were being treated fairly. The only thing was the
 7 medical part of it. One individual, one lady, she
 8 told me a story about her being in Arizona, and how
 9 they was treating here, I said to myself, this is my
 10 fight.

11 So my position here is because what we're
 12 looking at the services that we provided to them,
 13 and if they come to us that they're being treated
 14 fairly, that's why I'm the voting yes, and I spoke
 15 to a number of them. I spent a lot of time. So
 16 this wasn't like a quick decision for me, Joel. I
 17 spent a lot of time over there so.

18 MR. ROSSO: I like to issue with --

19 CHAIRMAN VAINIERI: Your name.

20 MR. ROSSO: Jessie Rosso, 334 Park
 21 Avenue. I would like to take issue with this paper
 22 because I was under the impression that this was
 23 going to be carried as well, and we had some people
 24 coming out here. I mean the meeting took place at
 25 one o'clock. I had work. I took time out of my day

1 to come here, maybe I can make it up later. The
 2 people here made time, and when we saw this was
 3 carried, I know my associate, Anna Brown, who spoke
 4 eloquently, she asked the Clerk, and the Clerk told
 5 them, Oh, it's going to be voted next time. So we
 6 sent some people away. You know, these are people
 7 who aren't working for immigrants rights. But I
 8 also want to thank Councilperson Walker for equating
 9 prison to slavery, and we are in complete agreement
 10 with you, that prison itself is modern-day slavery.

11 But unfortunately, we are not there yet
 12 politically to call for abolition and address that.
 13 Right now, the movement is focusing immigrant's
 14 rights. I feel that sometimes when we try to push
 15 and pull against each other, we get nowhere. In the
 16 immigrant rights community also has to have
 17 solidarity to the prison community, and I think one
 18 of the other issues, we're equating people
 19 committing misdemeanors to people committing huge
 20 and awful crimes. These are not the same type of
 21 people. Pablo Villavicencio, he's a pizza delivery
 22 guy. He's trying to make an honest living, wasn't
 23 hurting anybody, he's actually in proceedings for a
 24 green card. These aren't bad hombres President
 25 Trump is pointing to.

1 So I like we do ourselves a big injustice
 2 to when try to lump them all in one place, it's
 3 absolutely related to concentration camp, and it
 4 absolutely is slavery. If it's ten percent slavery,
 5 it's ten percent too many. You have workers that
 6 where used like a dollars a week or a dollar a day
 7 of labor building floors and doing hard labor. So
 8 this is a form of slavery. You know, I live in
 9 Hoboken, and now when I drive past Madison Park,
 10 this is going to be in my head that the part of the
 11 money went toward this park, this park was supposed
 12 a place to families to bring their children. I'm
 13 going to think about a Pablo, and all of the other
 14 nameless people that are in the detention center, or
 15 Columbus Park as well.

16 I mean like sure we get things, but what
 17 is the price? The price is our soul. These are
 18 human beings. This isn't a source of revenue that
 19 one trillion dollar tax curs, is this how we make up
 20 the money? This is ridiculous. Thanks.

21 MS. PILLAY: Good afternoon,
 22 Freeholders. My name is Sally Pillay. I am
 23 president of First Friends of New Jersey and New
 24 York. I want to share something that, you know,
 25 First Friends is an association that has been in

1 existence for 19 going on 20, working in the
 2 trenches with individuals that are incarcerated in
 3 detention, and immigration detention. One this you
 4 haven't established, we have a direct access and
 5 contact. Every day we hear the heart and soul in
 6 terms what's happening to them with separation, but
 7 we also understand and know that without the support
 8 that they have, they will be in pure isolation.

9 I just wish that the agenda was tabled for
 10 the mere reason of reviewing and looking ICE
 11 contract, and ensuring that the language and the
 12 accountability and oversight. This is a larger
 13 battle with ICE contracting out, and we aren't
 14 really holding them accountable for the contract in
 15 terms of how the services are provided. We actually
 16 see on everyday basis how ICE actually handles all
 17 of these contract. We actually see the
 18 accountability and OIG inspection records, and
 19 oftentimes, there are violations with the
 20 inspections.

21 So I just urge you moving forward to be
 22 accountable and transparent in terms of inspection,
 23 in terms of the conditions, with CCS allowing us to
 24 really have a conversation. Yes, we want to see ICE
 25 abolished. Yes, we want to see an end to the bed

1 agreement, but at this present time, as long as
 2 detainees are in these facilities, I think it's
 3 imperative that we do everything in our power to
 4 hold the facilities accountable for how the
 5 individuals are treated. I want to thank you.
 6 FREEHOLDER O'DEA: Just for the
 7 record, I think this is critical. One of the
 8 reasons that besides the fact of the issue that
 9 Freeholder Torres had was no vote for this today, we
 10 were told in committee today that this agreement,
 11 the terms of the actual agreement is not requiring
 12 us to abide by the 2011 standard for the medical
 13 care. We were told we're going to do it, and I
 14 believe that we will, but it's not in the agreement.
 15 It needs to be in the agreement, and there needs to
 16 be a time line to when we're going to get to that
 17 point.
 18 As I learned from you guys, that there's a
 19 very critical difference between the old standards
 20 and the 2011 standard as it relates to the quality
 21 of health care. So the battle for that is something
 22 we need to get focused, and at that next meeting, to
 23 get a resolution or executive order or both that
 24 says we are going to abide by those 2011 standards,
 25 and we are going to do that by X date, whatever the

1 physical work that had to be done.
 2 FREEHOLDER TORRES: I just want to
 3 say thank you very much. It was very eloquently
 4 stated my reason to carry it over and defer it.
 5 THE CLERK: Additional speakers on
 6 any matter of public interest.
 7 MR. RANCHER: Steve Rancher,
 8 Weehawken. First I want to actually thank you for
 9 ending 287G. I haven't have the opportunity to
 10 thank you. It's was a year ago. I part of the
 11 coalition to have that ended.
 12 I want to thank you, Freeholder Torres,
 13 Freeholder O'Dea, I don't think at the end of the
 14 year, we didn't imagine we would get to a point
 15 where we had two votes voting to the ICE contract,
 16 and I also want thank you, Freeholder Walker, for
 17 actually speaking with these detainees. They aren't
 18 human beings to a lot of people. You know, Sally,
 19 is on the front line and hears these people's
 20 stories. They're human being. Thank you.
 21 I will challenge the rest of Members of
 22 this Board of Freeholders to actually go and speak
 23 with these people, to the detainees, including my
 24 own Freeholder, Freeholder Rodriguez, who is still
 25 on the phone, to just see who they are as people.

1 There are people held without due process for what
 2 is a civil offense, and I understand their argument
 3 that if we close the Hudson County, and we have a
 4 Hudson County IGSA, local people we don't know where
 5 they'll be shipped anyway. Better them keep home.
 6 We know that we give them proper care, good care,
 7 okay? But no matter how nice the service is, you
 8 could have satin sheet. They're still in cages, and
 9 people are still locked up.
 10 And I think it's a difficult argument to
 11 hear from my own mayor, from our advocates who are
 12 also concerned. What would happen if the breaking
 13 local beds contract leads to getting shipped
 14 elsewhere? To me it's a slippery slope. It leads,
 15 well, let's just have a detention center in every
 16 county. We keep everybody home. That's the only
 17 logical conclusion. We just need more to keep
 18 everyone home. It's a slippery slope.
 19 That's all I have to say. I'm thankful to
 20 the folks, and I don't have to remind you that it
 21 doesn't have to end now that you voted on this
 22 today. We have a sixty days termination clause. So
 23 we can continue to have this discussion again. I
 24 don't think we would be having these discussions if
 25 there wasn't so much money involved. And the 287G

1 money is extinguished. There's millions of dollars,
 2 and that's difficult to balance your budget when you
 3 lose that. If there were no money involved here, I
 4 think the moral argument fall apart.
 5 FREEHOLDER O'DEA: I respect
 6 everything you said, and I don't disagree. I think
 7 the fact that there are twice as many detainees than
 8 inmates, as all of the other speakers, most of the
 9 individuals that are there aren't there for criminal
 10 charge, but are there for a civil charge. That's
 11 very, very powerful thing for us to think about.
 12 From my perspective, I wish we could take
 13 whatever those dollars are and put them into
 14 something else. Whatever the dollars it costs to
 15 cover the costs, those dollars are needed for
 16 whatever that upside is 9 million, 10 million, the
 17 Administration should given it back and put it into
 18 something else. We shouldn't be making a profit.
 19 MR. RANCHER: I agree.
 20 FREEHOLDER O'DEA: It's what I
 21 believe it, which is as bad as it is, we are doing
 22 something better. We shouldn't profit.
 23 FREEHOLDER ROMANO: I think the
 24 biggest problem is the adversarial way. The country
 25 needs immigration reform. That's my opinion. Why

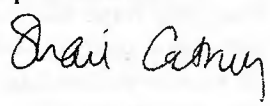
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1 they are going to jail for that. There are laws, it
2 definitely needs immigration reform. I know for
3 example, the constituents that I have in Hoboken are
4 Irish American. They can't get back into the
5 country. They have been trying for three years. Or
6 the Italian- American gentleman, who came here from
7 Italy, ten years old, he can't get his mother back.
8 She died in Italy. I think of the
9 Fillipino-American that I know that can't get her
10 father in the country. I also hope we can get some
11 kind of solution to kind of that immigration
12 situation. Immigration reform is needed in many
13 ways.
14 If you talk about abolition of prisons,
15 you have to incarcerate the serious offenders. I
16 think that we have to reach out to each other. I
17 think there has to be reform, and that's where the
18 energy and the push should be on a national or state
19 level, trying to get there so we can definitely
20 somehow end the solution to. That's the way.
21 Also, I think thank Freeholder Walker for
22 stating that he can't equate what is happening there
23 as slavery, and the gentleman saying concentration
24 camps, if you went there and you see our facility,
25 you would equate it with a concentration camp is

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1 just not fair for those are that serve there as
2 officers, who are doing admirable job, and for those
3 of us that sits right here, our Director and all of
4 the employees that would no stand for a
5 concentration camp, I think there has to be dialogue
6 to get an understanding that we to do the right
7 thing as a County. Those sitting out there and
8 those of us on this Board want to do the right thing
9 to help those that are detained, but at the same
10 time to equate with the terminology of slavery and
11 concentration camp, does not seem to be appropriate.
12 Thank you.
13 CHAIRMAN VAINIERI: No further
14 speakers.
15 THE CLERK: A motion to adjourn is in
16 order.
17 CHAIRMAN VAINIERI: Motion.
18 FREEHOLDER KOPACZ: Second.
19 (Whereupon the deposition is then
20 concluded at 3:37 p.m.)
21
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23
24
25

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1 CERTIFICATION
2
3 I, SHARI CATHEY, CCR, RPR, License No.
4 30XI00234700, and Notary Public of the State of New
5 Jersey, hereby certify that the proceedings herein
6 are from the notes taken by me of a Regular Meeting
7 of the Hudson County Board of Chosen Freeholders,
8 held on Thursday, July 12, 2018; and that this is a
9 correct transcript of the same.
10
11 
12
13 SHARI CATHEY, CCR, RPR
14 A NOTARY PUBLIC of the
15 State of New Jersey
16 I.D. No. 2283786
17 Commission Expires 2/4/22
18
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Exhibit F

32

RESOLUTION FACT SHEET

DEPARTMENT: CORRECTIONS

DIVISION:

**CONTRACTOR/PROGRAM: RESOLUTION AUTHORIZING AN
INTERGOVERNMENTAL SERVICES AGREEMENT WITH IMMIGRATION AND
CUSTOMS ENFORCEMENT (I.C.E) FOR THE HOUSING OF FEDERAL DETAINEES
AT THE HUDSON COUNTY CORRECTIONAL AND REHABILITATION CENTER**

RENEWAL: N/A

**TERM: January 2, 2018- The longest period of
duration allowed by law**

AMOUNT:

REVENUE SOURCES(S)

GRANT	N/A
FEDERAL	N/A
STATE	N/A

COUNTY	XX
CHANGE ORDER:	N/A
INCREASE:	N/A
DECREASE:	N/A

RATIONALE FOR CONTRACTING/ACTION:

The County previously entered into an Intergovernmental Services Agreement with the United States Marshals Service and Immigration and Naturalization Service (now Immigration and Customs Enforcement) for the housing of Federal prisoners at the Hudson County Correctional Center. This contract was entered into on January 1, 2003 and expired on January 1, 2018. The County now wishes to enter into a new Intergovernmental Services Agreement with Immigration and Customs Enforcement (I.C.E) for the housing of detainees at the Hudson County Correctional Center. The bed/day rate from January 1, 2018- May 31, 2018 was \$110.00 per detainee. As of June 1, 2018 the bed/day rate will be \$120.00 per detainee.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT IS CODE		PAGE OF PAGES	
1. AMENDMENT/MODIFICATION NO.		2. EFFECTIVE DATE		4. REQUESTING PURCHASER REG. NO.	
P00010		06/01/2018		5. PROJECT NO. (if applicable)	
3. ISSUED BY		6. CODE		7. ADMINISTERED BY (Other than Item 6)	
ICE/Detention Compliance & Removals Immigration and Customs Enforcement Office of Acquisition Management 801 I Street, NW Suite 930 WASHINGTON DC 20536		ICE/DCR		ICE/DCR	
8. MAILING ADDRESS OF CONTRACTOR (or, street, county, state and ZIP Code)		9A. AMENDMENT OF SOLICITATION NO.		9B. DATES (from to)	
COUNTY OF HUDSON 257 CORNELISON AVENUE JERSEY CITY NJ 073023113					
9C. AMENDMENT OF CONTRACT ORDER NO.		9D. DATES (from to)		9E. DATES (from to)	
1012257870000		FACILITY CODE		04/23/2007	

☐ The above referenced solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended ☐ is not extended.
 Offer and acknowledgment receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) by completing Items 9 and 14, and returning _____ copies of the amendment; (b) by acknowledging receipt of this amendment on each copy of the offer submitted; or (c) by separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided such telegram or letter makes reference to the solicitation and this amendment, and is received prior to the deadline hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)
 Funds Provided at Task Order Level

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACT/ORDER. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCP action headings, including solicitation/amendment subject matter where feasible.)
A. THE ABOVE ORDER IS AMENDED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 14.
B. THE ABOVE REFERENCED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in pricing office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF PAR 42, 1000.
C. THE SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
D. OTHER (Specify type of modification and authority)
X Mutual Agreement of the Parties

15. INFORMATION Contractor ☐ is not ☒ is required to sign this document and return _____ 1 _____ copies to the issuing office.

16. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCP action headings, including solicitation/amendment subject matter where feasible.)

Tax ID Number: 22-6002443

DUNS Number: 101225787

CO: Eric Haaland, 212-264-1740, Eric.Haaland@ice.dhs.gov

CO: Sang Han, 202-732-2544, Sang.Han@ice.dhs.gov

The purpose of this modification is to increase the Detention Services bed/day rate from \$110.00 per detainee to \$120.00 per detainee, effective 6/1/2018.

All other terms and conditions remain unchanged and in full force and effect.

Exempt Action: Y Sensitive Award: PII

Based on provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as hereafter changed, remain unchanged and in full force and effect.

17A. NAME AND TITLE OF SENDER (Type or job)		17B. NAME AND TITLE OF CONTRACTING OFFICER (Type or job)	
Ronald P. Edwards		SANG HAN	
17C. DATE SIGNED		17D. DATE SIGNED	
5/23/18		5/31/2018	
17E. LATEST EDITION OF AMERICA		17F. DATE SIGNED	
SANG HAN		Digitally signed by SANG HAN Date: 2018.05.31 14:18:26	

FORM 7040-01-103-0070
 Previous edition obsolete

STANDARD FORM 30 (REV. 10-03)
 Prescribed by GSA
 FPMR (48 CFR) 81.205

**BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON
R E S O L U T I O N**

No.

**On Motion of Freeholder
Seconded by Freeholder**

**RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL SERVICES
AGREEMENT WITH IMMIGRATION AND CUSTOMS ENFORCEMENT (I.C.E) FOR
THE HOUSING OF FEDERAL PRISONERS AT THE HUDSON COUNTY
CORRECTIONAL AND REHABILITATION CENTER**

WHEREAS, pursuant to Resolution No. 157-2-2002 this Board authorized an Intergovernmental Services Agreement with the U.S. Marshals Service and Immigration and Naturalization Services for the housing of Federal prisoners at the Hudson County Correctional Center; and

WHEREAS, the term of the Intergovernmental Services Agreement was from January 1, 2003 to January 1, 2018; and

WHEREAS, the County now wishes to enter into a new Intergovernmental Services Agreement for the housing of Federal prisoners at the Hudson County Correctional and Rehabilitation Center with Immigration and Customs Enforcement (I.C.E); and

WHEREAS, the reimbursement rate from January 2, 2018 until May 31, 2018 was \$110.00 per detainee per day; and

WHEREAS, as of June 1, 2018 the reimbursement rate will be \$120.00 per detainee per day; and

WHEREAS, the term of this agreement will begin on January 2, 2018 and be for the longest period of duration allowed by law; and

WHEREAS, the Director of the Department of Finance and Administration has certified that funds are available for this purpose in Account No. 01-192-08-105-31-0000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders to the County of Hudson, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Board hereby authorizes the County Executive, Thomas A. DeGise, or County Administrator, Abraham Antun, or Deputy County Administrator, David B. Drumeler, or their lawfully appointed designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON

RESOLUTION

No.

On Motion of Freeholder
Seconded by Freeholder

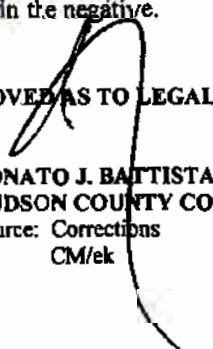
3. This Resolution shall take effect immediately.

Freeholder	Aye	Nay	Abst	N.P.	Freeholder	Aye	Nay	Abst	N.P.
Walker	✓				Rivas				✓
Cifelli				✓	Rodriguez	✓			
Kopacz	✓				Romano	✓			
Torres		✓			Chairperson Vainieri	✓			
O'Dea		✓							

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 17th day of July A.D. 2018, the foregoing resolution was adopted with 5 members voting in the affirmative and 2 in the negative.

_____, Clerk

APPROVED AS TO LEGAL FORM

BY: 
DONATO J. BATTISTA
HUDSON COUNTY COUNSEL
Source: Corrections
CM/ek