

Union County manager to retire

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By Ryan Hutchins/The Star-Ledger The Star-Ledger

George Devanney ELIZABETH — Union County's powerful manager, George Devanney, announced today he plans to retire, effective Aug. 1.

Devanney said in a statement that he has been pondering retirement for about a year, saying pension and retirement changes, as well as a desire to spend more time with his family, were motivating factors. He also plans to "seek new challenges" by working with his wife's firm in the private sector.

"I have been privileged to make many great friends as well during this time, and while I will miss working with many of them on a daily basis, I do plan on remaining active," he said. "I love Union County and will remain committed to keeping it great."

Devanney, the county manager since 2002, when he was promoted from deputy manager, is not resigning, as was incorrectly reported earlier in the day.

The county also announced that Deputy Manager M. Elizabeth Genievich will retire Feb. 2, 2012.

Union County Sherriff Ralph Froehlich, who has worked with every county manager since the position was created, said he met with Devanney earlier today and shared his well wishes.

"I'm disappointed in a selfish way. I like him being here. I like the way he works,"

Froehlich said this afternoon, but added he was happy for him.

The Berkeley Heights resident earns an annual salary of \$168,336, according to county payroll records.

- 2011-700** CHAIRMAN DEBORAH P. SCANLON: Authorizing the County Manager to enter into a contract with Harris Corporation, Lynchburg, Virginia to provide repair and maintenance services for the County's radio system equipment for the contract period August 1, 2011 through July 31, 2012 in an amount not to exceed \$79,920.
- 2011-701** CHAIRMAN DEBORAH P. SCANLON: Authorizing the County Manager to enter into Ambulance Service Billing Coordination Agreements between the County and Local Medical Centers that provide advanced life support services. The County will receive a percentage of the amount billed.
- 2011-702** CHAIRMAN DEBORAH P. SCANLON: Authorizing the County Manager to apply for and accept funding from the State of New Jersey, Stop Violence Against Women Act (VAWA) Grant Program for the period February 1, 2011 through July 31, 2011 in the amount of \$39,288.
- 2011-703** CHAIRMAN DEBORAH P. SCANLON: Amending Resolution Number 2011-595 a contract awarded to Edward Kologi, Esq., Linden, New Jersey, Special Counsel in the matter entitled Jonathan Dawkins v. UC, et als, to increase the appropriation for an additional sum of \$20,000.00 for a sum not to exceed \$85,000.
- 2011-704** CHAIRMAN DEBORAH P. SCANLON: Amending Resolution Number 2011-532, a contract awarded to DeCotiis, Fitzpatrick & Cole, LLC, Teaneck, New Jersey, Special Counsel in the matter entitled Jonathan Dawkins v. UC, et als to increase the appropriation for an additional sum of \$20,000 for a sum not to exceed \$55,000.
- 2011-705** CHAIRMAN DEBORAH P. SCANLON: Approval and Acceptance of a Separation Agreement and General Release between the County of Union and George W. Devanney.
- 2011-706** CHAIRMAN SCANLON AND THE ENTIRE BOARD: Appointing Alfred J. Faella as County Manager to serve at the pleasure of the Board of Chosen Freeholders and said services shall commence on August 1, 2011, at an annual salary of \$155,000.

FREEHOLDER SPONSORED RESOLUTIONS

- 2011-707** FREEHOLDER LINDA CARTER: Honoring Donald Van Blake on his 90th Birthday, August 9, 2011.
- 2011-708** FREEHOLDER CHRISTOPHER HUDAK: Congratulating Brian Fritzsche for being elected to the New Jersey Boy's State 2011.
- 2011-709** FREEHOLDER CHRISTOPHER HUDAK: Expressing the Board's most sincere condolences to the family of Police Officer James H. "Jimmy" Carter, Jr., in their time of sorrow.
- 2011-710** FREEHOLDER MOHAMED S. JALLOH: Proclaiming the week of August 1, 2011 through August 7, 2011 as Union County Emergency Preparedness Week, urging Union County Residents to take steps to prepare for emergencies in their homes, businesses and schools.

After a week on the job, new Union County manager already has a game plan
Published: Sunday, August 07, 2011, 11:00 AM By Ryan Hutchins/The Star-Ledger The Star-Ledger

Newly appointed county manager Al Faella at the Union County public safety complex in Westfield on Friday. UNION COUNTY - Alfred J. Faella, or "Al" to friends, family and the nearly 3,000 people who work for the new Union County manager, is a "no frills" kind of guy.

"I'm pretty straight. What you see is what you get," the graying, thick-haired 56-year-old said during an interview last week.

That much is evident based on the county chief executive's list of priorities: straighten out the county's fiscal situation, spur job-creating economic development and get a chili dog, twice per week, at Jerry's on Elizabeth Avenue.

"If I can't do that, forget it," Faella, an Elizabeth native who now lives in Mountainside, said of his long-standing lunch tradition.

Don't take that to suggest he's not a hard worker. Faella, previously the parks and community renewal director, said his first days on the job were chaotic but productive as he seeks to learn every element of the county's massive operation, expected to cost about \$482 million this year. He stood in front of the county administration building on his first day, Monday, greeting employees as they arrived for work. He plans to visit other facilities throughout the county.

Faella takes the reins of county government from 49-year-old George Devaney, who retired after nine years in the position.

His seemingly sudden departure and Faella's quick appointment raised some eyebrows, but county officials insist it had been discussed for months and had no sinister genesis. There was no nationwide replacement search, they say, because they had someone who was well qualified.

PREVIOUS COVERAGE:

- . Union County manager to retire
- . Union County debuts new ambulance service in response to local requests for increased aid
- . Union County officials battle activist over use of controversial county seal
- . Union County to put solar panels on government buildings
- . Union County vows to corral corrections officers' overtime

- . Activists spoof official Union County website, but officials aren't laughing
- . Moody's warns Union County's pristine credit rating could be downgraded
- . Proposed Union County budget would increase county portion of property taxes by 6 percent
- . Union County officials say extending lease on garbage incinerator would save towns \$2.1M

"George has been talking about leaving for quite some time - the better part of the last few months or even a year ago," Freeholder Daniel Sullivan said. "There have been any number of conversations the freeholders had, 'What if George leaves?' Every time we had those conversations, it all came back around to Al."

The quick appointment of past county manager Michael Lapolla in 1997, until then the first assistant prosecutor, drew criticism at the time from three Republican freeholders. (The nine-member board is currently all Democrat.) They said the board was required to conduct a search under the county code.

The current guidelines for hiring county managers only require a search "when the need arises due to the lack of an available candidate with appropriate qualifications."

Faella has a master's degree in public administration from Kean University in Union and worked his way up the rungs of local, county and state government over the years.

Faella was the director of community development for both the county and the city of Elizabeth, where he assisted with planning that led to a major housing project, HOPE 6, and to the construction of the Jersey Gardens mall. He spent three years as a top manager at the state Motor Vehicle Commission in the early 2000s before rejoining the county, where he's been since.

Praise abounds for the hands-on Faella, who grew up in a gritty, working-class neighborhood in North Elizabeth.

"He's a person who gets the job done," said Freeholder Angel Estrada who, like Sullivan, has worked with Faella with the county and at the MVC. "His style is that he builds consensus. That's critical."

Faella said he plans to find both big and little ways to cut expenses and increase revenues. He told an employee this week not to reprint fliers that had Devaney's name on them because it would have cost \$300 - one example,

he said, of small but avoidable costs that add up.

He hopes to duplicate a recent initiative that is helping grocery cooperative Wakefern Food Corp. build new facilities in Elizabeth - keeping hundreds of jobs in the county and protecting tax revenues. The county and city of Elizabeth used bonds allowed under the federal stimulus to provide millions of dollars in low-cost loans to the company.

"I think a case study can be done in the colleges," he said of that initiative. "That was a perfect public-private partnership."

Faella said he's assembling an efficiency task force, led by new finance director Bibi Taylor, that will examine how the county does business and report back to him in 30 days.

He wants to foster an atmosphere where everyone who works for the county thinks about what they're doing and whether there's a more cost-effective way.

"Why are we doing this?" he wants employees to ask. "Is this in the best and most efficient way to do this?"

**Mirabella Discusses Process
For New County Manager**
By PAUL J. PEYTON
Specially Written for The Westfield Leader

COUNTY – The Union County Board of Chosen Freeholders was to begin interviewing candidates this week to replace retiring County Manager George Devaney.

The county manager is responsible for an annual budget of just under \$500 million and 2,800 employees spread across eight departments and numerous divisions, from human services to public safety to parks.

“We have very strong internal candidates that we are going to take a look at initially,” Freeholder Vice-Chairman Al Mirabella told *The Westfield Leader*. He said the successful candidate would be someone “who is willing to carry on the tradition that this county manager has set forth.”

Mr. Mirabella said if a candidate is determined to have the qualities sought by the freeholders, “we could act very quickly,” adding that it was possible that the freeholders could take action to appoint a manager at tonight’s regular board meeting.

“We will interview the candidates that we feel are appropriate,” Mr. Mirabella said. “And if they come forward as being interested, then we will take a long look (at the candidate.) That’s my preference, and I think the preference of the board – to continue our programs, continue our strategies, with an internal candidate.”

He said the likely successor to Mr. Devaney, who has held the job nine years, will be someone “whose been around for a while, but has the experience” to be manager. “We want someone that we will be comfortable working with as a board, that can do the job, and that’s going to be able to take us down the road,” Mr. Mirabella said.

He said Mr. Devaney, who previously was deputy county manager and headed the economic development department, “did a fantastic job in his tenure as county manager and he will be sorely missed.”

“He developed leadership within our ranks and we feel that we will be able to keep Union County moving forward (with the selection of a new manager),” Mr. Mirabella said.

In closing, the freeholder said, “We are going to take a long look at people that come forward within the county and make the right decision

From: Marlena Russo [mailto:mrusso@ucnj.org] **On Behalf Of** Opra
Sent: Friday, August 12, 2011 4:22 PM
To: Tina Renna
Subject: 7/29 OPRA Request Completion - 4 Items
Importance: High

Dear Mrs. Renna,

This email constitutes a formal and complete response to your July 29, 2011 OPRA request captioned below in my August 9 email.

Item 2: Alfred Faella's personnel file, all non-exempt documents, 2005-date: the balance of responsive documents is attached.

Item 4: All emails and letters between the Freeholders and George Devanney regarding his position, 7/1/11 to date: the responsive letters are attached; there are no emails to provide.

Please sign and return the Response sheets to this office. Thank you for your patience and cooperation while we worked to complete your OPRA request.

From: Marlena Russo **On Behalf Of** Opra
Sent: Tuesday, August 09, 2011 3:37 PM
To: 'Tina Renna'
Subject: 7/29 OPRA Request - 4 Items (Additional Time Needed)
Importance: High

Dear Mrs. Renna,

I am writing to provide an update on your July 29, 2011 OPRA request for the following items:

1. All emails and letters between the Freeholders regarding Alfred Faella 7/15/11 to date: no document to provide.
2. Alfred Faella's personnel file, all non-exempt documents, 2005-date: responsive documents attached hereto; additional time needed to complete request. We expect to provide a final response by August 12.
3. Alfred Faella's emails 7/15/11 to date regarding the County Manager position: no document to provide.
4. All emails and letters between the Freeholders and George Devanney regarding his position, 7/1/11 to date: additional time needed to complete request. We expect to provide a final response by August 12.

Thank you for your anticipated patience and cooperation while we work to complete your OPRA request.

Marlena M. Russo, Information Assistant
Office of the County Manager
Union County Administration Building, 6th Fl.
10 Elizabethtown Plaza
Elizabeth, NJ 07207
Phone: 908.527.4178 / Fax: 908.558.0915
E-mail: opra@ucnj.org

Burlington County prosecutor says Evesham violated Sunshine Law - phillyBurbs.com :
Burlington County Times: evesham, township council, sunshine law, open public
meetings act, burlington county prosecutor's office

Burlington County prosecutor says Evesham violated Sunshine Law

By Todd McHale

Staff writer

| Posted: Sunday, August 7, 2011 6:00 am

EVESHAM — Township officials violated the state's Sunshine Law by emailing one another prior to a meeting concerning a controversial "helistop" project off Route 73, the Burlington County Prosecutor's Office announced Friday.

Burlington County Prosecutor Robert Bernardi made the decision after a six-week investigation into whether the Open Public Meetings Act was violated.

"Based on all the available information, I concluded that Evesham Township officials did unwittingly run afoul of the prohibitions contained in the (act)," Bernardi said in a written opinion.

He said the issues discussed in a string of emails between the mayor, Township Council members and other local officials over two days in March represented "public business" and should have been discussed in an open meeting.

"In short, the emails represent an active dialogue between members of council that sometimes occurs in almost real time," Bernardi said. "If these discussions had occurred in person, no one could reasonably dispute the violation of the (Open Public Meetings Act)."

The prosecutor declined to press charges, which could have resulted in a fine of \$100 for the first offense and \$500 for subsequent offenses.

Rather, Bernardi said he favored education over prosecution.

"In my view, educating public officials who may have mistakenly violated the provisions of the statute is far more effective than the imposition of nominal fines," he said. "On the contrary, the litigation of this issue would do little to ensure future compliance and would invariably penalize taxpayers, who would bear the burden of the costs of any legal action."

William J. Kearns, a special attorney hired to represent the township, said he agreed that the emails should be made public, but he didn't believe they constituted a public meeting. "An email is the same as a letter," Kearns said. "Letters are public record, (but) you don't convert them into a meeting."

He said the township has already begun to develop guidelines regarding the use of emails and other electronic messages.

The issue came up after John Paff of the Libertarian Party filed a complaint with the prosecutor about the email exchange, which occurred March 22-23 before a meeting to amend a "helistop" ordinance that was adopted several months earlier.

The exchange centered on additional recommendations made by the Planning Board, including the creation of a larger buffer around the landing pad and a ban on helicopter taxi service.

Mayor Randy Brown opposed amending the ordinance.

"I'm against any changes to the original ordinance and will not approve any new ordinance!!!" Brown wrote in an email sent March 23 to Township Manager Thomas Czerniecki, council members and other officials.

Earlier that day, Councilman Steven Zeuli wrote that he had concerns about the proposed helicopter landing pad.

Conner Strong and Buckelew, a national insurance firm partially owned by South Jersey Democratic power broker George Norcross III, was seeking to build the pad in the parking lot of the Lake Center Executive Park off Route 73.

"Since the 'heliport' is my neck of the woods, I have gotten some concerns from the residents about any increased helicopter traffic. I don't think it would be a bad idea to spell out that taxi service is not permitted," Zeuli said.

Deputy Mayor Joseph Howarth's response two hours later was: "Don't think that will happen. It is one guy that wants to land and take off. He needs to go up and follow Rt. 70 and 73."

In April, the mayor and council members unanimously agreed to amend the "helistop" ordinance, which included a number of the recommendations.

Two months later, the Planning Board approved the Conner Strong application. Brown was among the majority of the board who approved the application despite the objections of dozens of residents living in the area. Zeuli and Paul Cortland voted against it. Eileen Lenihan abstained.

On Friday, township officials indicated that they looked forward to moving on.

"Today, Burlington County Prosecutor Robert Bernardi concluded that members of the Evesham Township governing body 'inadvertently' held a meeting ... through the use of electronic communication equipment. We want to thank Prosecutor Bernardi for thoroughly reviewing all the facts and finding no sanctions were warranted," the statement from the Township Manager's Office said.

Officials thanked Paff for bringing the matter to their attention and said they are "committed to transparency and (seeking) to set a high standard in this regard.

"To that end, we will be moving forward with a suggestion made by Deputy Mayor Howarth to the township manager that we implement more comprehensive OPMA training for elected officials. We will also develop new guidelines for the use of emails among elected officials and share said guidelines with the (state) League of Municipalities and others. Hopefully, Evesham can set an example for other governing bodies in the state in this regard."

The move follows Bernardi's putting the council on notice that the Prosecutor's Office construes the use of emails and similar means of communication such as text messaging and instant messaging as a means in which public officials can "meet" under the Open Public Meetings Act.

He recommended that the guidelines include the following requirements:

Email communications should, as far as practicable, not include an effective majority of the governing body and should never include an effective majority of the governing body where discussion of information related to the business of the township is involved.

Where email communications do include an effective majority of the governing body, such communications should not include any request for a response. In fact, any email communication should indicate that there should be no email reply or other responsive communication.

In the rare instance when a response to an email is necessary, such response must not involve any decision making or deliberative function of the governing body or otherwise addresses public business as contemplated by the OPMA. Further, the response shall not be made to the entire list of email addresses to avoid even the appearance of impropriety. Utilizing a third party, such as the clerk, does not change the requirements of the OPMA. "Rolling" email conversations must also be avoided. A "rolling" email occurs when one member of the governing body or a third party contacts other members via email individually to successively discuss or gain opinions on an item of township business. This would apply to other forms of electronic communication as well. However, communications between less than an effective majority of the governing body do not violate the OPMA, provided the dialogue does not become a "rolling" discussion that ends up including an effective majority of the governing body.

New Jersey's Open Public Meetings Act, also known as the Sunshine Law, requires governing bodies to advertise any meetings or gatherings at which a voting majority of their members will discuss municipal business or issues. Most discussions must be open to the public.

Governing bodies are permitted to hold closed discussions on issues related to personnel, contract negotiations and litigation, but must pass a resolution during the public meeting announcing their intention to do so and the subjects that will be discussed.

Bernardi said he recognizes the challenges faced by elected officials as they attempt to communicate and effectively represent the public.

"While the use of email and similar means of communication is unavoidable, and often more efficient than more traditional means of communication, council members must be conscious of the requirements of the OPMA," Bernardi stated. "Full and complete compliance with all provisions of the OPMA is absolutely necessary to avoid the possibility of monetary sanctions and maintain the public trust."