

SPECIAL MEETING OF OCTOBER 7, 2008

Mayor Weinstein reconvened the meeting at 8:30 p.m.

PRESENT: Deputy Mayor Swain, Deputy Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Rosenberg

RESOLUTIONS BY CONSENT #25-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda #25-2008 containing the following items was unanimously passed.

- a. Resol. #274-2008 – Professional Services Agreement – Stuart Turner & Associates
- b. Resol. #275-2008 – Community Development Block Grant Application – Senior Center Improvements
- c. Resol. #276-2008 – Community Development Block Grant Application - Senior Citizen Minibus
- d. Resol. #277-2008 – Community Development Block Grant Application – ADA Swing Sets for Various Parks

RESOLUTION NO. 278-2008 – PRELIMINARY RESOLUTION OF REMOVAL OF BOROUGH MANAGER

Upon motion by Deputy Mayor Tedeschi and a second by Deputy Mayor Swain, Resolution No. 278-2008 was discussed.

Councilmember Trawinski indicated he would be voting against this resolution because it does not reflect reality. The Borough Attorney made this up on his own or he had meetings or conferences or phone calls or other communications with the majority of this Council outside the Open Public Meetings Act.

Tom Metzler, as Senator Gordon stated, is not only probably the best Borough Manager in the history of the Borough of Fair Lawn, he may very well be the best Borough Manager currently serving in the State of New Jersey. He noted that the majority had the right to fire him but they do not have the right to besmirch his reputation. He commended Manager Metzler for his efforts on the budget.

Councilmember Baratta indicated that she will not be voting for this resolution. She asked Attorney Rosenberg where the verbage from the resolution came from.

Attorney Rosenberg stated that the draft resolution was circulated to all the Councilmembers on Friday. He used his notes, and in consultation with the Borough

Clerk just to make sure that he had identified the broad areas of concern that were raised by the majority in the closed session. It is important to remember that under the leading case of Bowen vs. Long Branch these are not specific charges. The Council is not dismissing the Manager for cause. These six items set forth the reasons that were set forth by the Council in Closed Session.

Councilmember Baratta wondered if the resolution should be amended to state that the Manager is not being removed for good cause. Attorney Rosenberg indicated that the resolution could be amended if the Council wishes.

Councilmember Trawinski felt that Attorney Rosenberg did not prepare a resolution that reflected the discussion. He didn't do the will of the unanimous decision of Council to prepare this document.

Councilmember Baratta noted that she wanted to discuss all the charges in detail. She also was appalled to see things in The Record that were taken right out of Closed Session. She questioned if confidentiality applied only to some of the Councilmembers, although Attorney Rosenberg assured her closed sessions were strictly confidential.

Councilmember Baratta stated that item one concerning the budget process is totally false. The Manager started the process in July or August. Item two concerning his failure to cause full information on matters affecting the Borough to be properly and timely conveyed to the Borough Council relates to the CAD system and his failure to give updates. Those updates were given in the Manager's report. She had no idea what item three related to.

Item four referred to his lack of sound judgment with respect to purchase of equipment, which refers to cargate. The State of New Jersey, Department of Community Affairs didn't seem to find too much wrong with that in their letter. Item five refers to the disparate treatment of Borough employees. She felt this was typical gossip. Item six refers to his handling of disputes with Borough employees. She thought the employees supported this Manager. The Borough Manager works with professionals that this Council gives him.

Councilmember Baratta concluded that she will not be voting for this resolution. She thought they should be ashamed of playing a political game with a person's reputation and career.

There being no further comments, Resolution No. 278-2008 was passed, with Councilmembers Baratta and Trawinski dissenting.

ADJOURNMENT:

Upon motion by Deputy Mayor Swain and second by Deputy Mayor Tedeschi the meeting was adjourned to Work Session at 9:10 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski