

WORK SESSION OF OCTOBER 7, 2008

Mayor Weinstein called the meeting to order at 7:30 p.m.

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

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

Closed Session:

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, the following closed session resolution was unanimously adopted at 7:35 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Pending Litigation – Tax Appeals.

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need the confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Review of Tentative Agenda (10/14/08):

Municipal Clerk Kwasniewski stated that Labor Attorney Giblin asked to schedule a Closed Session meeting next week to discuss labor negotiations for the PBA. She suggested they schedule it for October 14th as there is a tentative meeting scheduled with the PBA on October 21st.

It was the consensus of Council that a closed session meeting be scheduled for October 14th.

Council Liaison Reports:

Councilmember Trawinski stated the ADA Committee was concerned about adequate handicap parking spaces for the election. He hopes that this issue will be resolved. Manager Metzler stated that he spoke with the Fire Marshall and will discuss his findings later in the meeting.

Councilmember Baratta stated that the Alliance for Substance Abuse Prevention will be resuming their basketball league for high school students. Health Officer Wagner informed them that there will be new State guidelines for discarding drugs, as some people flush them down the toilet. They are finding concentrations of drugs in the water system, which is causing people to have immunities to certain drugs.

She attended the 501(c)3 meeting and noted that the Soft Parade concert was sold out. They will be having their second annual Comedy Night on November 28th and will be having a beefsteak dinner in January or February.

The Borough will be holding a fundraising dinner December 20th for two Borough employees who were ill at the Community Center. Manager Metzler stated that he preferred not to name the two employees at this time, as he has to obtain Council permission, but the date has been reserved.

Councilmember Baratta stated that the Tree Committee met on September 25th. Superintendent Conte presented a reported that 150 trees have been planted.

Councilmember Baratta stated that the Passaic Valley Sewerage Commission is working with Lyncrest School on the environmental area at the school. They are building a bridge and viewing post.

The Tree Committee did a two and half hour walking tour of the proposed arboretum on Fair Lawn Avenue and High Street. She noted that the area on High Street was at one time filled with weeping willow trees, but a large group of them was removed in the 1980's in the area of Jordan Road. She learned that weeping willow trees hold a great deal of water and once they came down, they ran into water problems.

Deputy Mayor Swain stated that the Fair Lawn Senior Center sent their thanks for the new roof that will be installed. She, Mayor Weinstein and Councilmember Trawinski attended the Beaver Dam Block Party.

Mayor Weinstein stated that he attended the RRIC meeting, where they discussed the progress of the paver program and the 24 Hour ordinance, which will be addressed by the Council. A major topic of discussion was the Borough wide SID.

Parking Changes for Streets by the High School:

This item was deferred until the next work session.

Borough-wide SID Ordinance:

Attorney Rosenberg presented a draft ordinance amending Chapter 93 creating a Borough-wide special improvement district in the business and industrial zones not covered by the existing SIDs, which was prepared in consultation with the representatives of EDC, with input from the RRIC and BIC.

Assessor Henderson prepared a "Schedule A" attachment indentifying the properties subject to the special assessment. As required by statute, properties owners will be notified that they are included in the SID and what that means in terms of a special assessment, if approved by Council.

Mayor Weinstein acknowledged the work of Assessor Henderson who had to identify properties throughout the town. A business would not be included in the SID if they were not located in a business zone. Attorney Rosenberg added that there is a mechanism in the ordinance that allows any property owner who has an owner occupied single or two family residence to file for an exemption with a form provided by the Municipal Clerk. There were no substantial differences between this ordinance and the RRIC and BIC ordinance other than the geographic properties that are not in business zones. Since this was governed by State statute they used the BIC and RRIC ordinances as a model.

Municipal Clerk Kwasniewski reminded them that notices had to be sent regular and certified mail to over 200 properties. She suggested they introduce the ordinance next Tuesday and have the public hearing in November. Deputy Mayor Swain inquired if the notice was going to business owners or property owners. Attorney Rosenberg stated it would go to property owners. Tenants would not receive the notice.

It was the consensus of Council that the Borough wide SID Ordinance be introduced, with Deputy Mayor Tedeschi dissenting.

Selection Process for the Fair Lawn Competivazation Committee:

Deputy Mayor Tedeschi suggested setting a time when they could meet collectively as a Council to review the resumes. He suggested forwarding all resumes to Municipal Clerk Kwasniewski so that they could be copied and distributed to Council.

It was the consensus of Council that they meet in two weeks to review the resumes of possible members for the Competivazation Committee.

Review of Two State Court Cases Relating to Land Use Law:

This matter was deferred.

Budget for the Appeal Authorized by the Zoning Board:

Councilmember Trawinski stated that Manager Metzler emailed a response to an inquiry that indicated that as of September 15, 2008 they had \$3,000 left in the Zoning Board's budget for professional services. He supported the appeal but felt they should obtain an estimate from the Zoning Board Attorney for costs and legal fees so that the Attorney understands that until they get into transfer time, they may not be able to fund the full amount before November 1st. A substantial amount of photocopies will have to be made for the appeal. He did not think that he could unilaterally ask the Borough Attorney or Manager to talk to the Zoning Board Attorney for the cost of the appeal.

It was the consensus of Council that Attorney Rosenberg obtain an estimate from the Zoning Board Attorney as to the costs and legal fees associated with the appeal.

Mayor Weinstein stated that they have received letters and emails from the residents in the area, who have asked to be involved in the appeals process.

It was the consensus of Council that Attorney Rosenberg contact the Zoning Board Attorney about keeping the residents informed as the process proceeds.

Councilmember Trawinski stated that he was voting in favor of the appeal because he knows the concerns of the residents, but he cautioned the Council and the residents that the likelihood of success was very remote. The probability was that they are spending money on an appeal that they will not prevail. They have firsthand experience in Fair Lawn through the Smartt vs. Nextel case, when they also authorized an appeal. The Supreme Court used the occasion to craft laws saying that residents could not question the effects of electromagnetic fields, although this did not diminish his desire to proceed with the appeal.

When they did the Cellular Tower Ordinance ten years ago the residents made it clear they did not want antennas fixed to the existing water tower. He suggested that Attorney Rosenberg and the Zoning Board Attorney ask if they would reconsider their position about an antenna placed on the water tower. Carriers do not like to litigate these matters and they might be willing to settle the litigation if the Council were willing to revise the ordinance and allow antennas on the water tower. The Borough could also collect some revenue. He would like to have this possibility raised with the neighbors.

Mayor Weinstein stated that four years ago when the company came asking to put the antennas on the water tower, the Engineer indicated it was difficult to maneuver the equipment and the placement of the storage facilities below. There was concern from the residents as well. He would not agree since the Engineer did not think it would work.

Deputy Mayor Tedeschi wondered if the residents should be able to choose the lesser of two evils. Ten years ago the residents were quite adamant about not wanting a cellular tower. Councilmember Trawinski felt sure the Supreme Court would tell them they would have to allow the tower. They lost the Smart case before the Telecommunications Act of 1992 became law. He understands how opposed the residents are to but wanted to give them a choice.

Deputy Mayor Swain felt the most important thing was to keep the residents informed so there were no surprises. Councilmember Trawinski stated that people need to understand that it might be better to let the elected officials make this decision instead of the Supreme Court. Councilmember Baratta thought it was important that residents know and understand the realities and history of this issue. She wanted the residents to be kept informed.

Councilmember Trawinski thought that Attorney Rosenberg and the Zoning Board Attorney needed to explain to the residents the realities.

Paperless Meeting Packets:

Councilmember Trawinski stated he saw an article in the Star Ledger about a town that went to paperless council meetings. Municipal Clerk Kwasniewski advised him that other towns were doing this in a variety of ways but noted there were potential costs involved. The trade off is some upfront costs versus elimination of a great deal of paper. It involves the purchase of laptops for Councilmembers, which allows for interactive writing right on the document. It will involve significant additional time in the Clerk's office to scan the documents. They would need a scanner. He will obtain additional information so they can obtain a recommendation from the Manager.

Fair Lawn TV Manager:

Councilmember Trawinski stated that he wanted to know if the Council supported the proposed job description. Although no funds were budgeted now, he wanted to see what the transfer situation looked like on November 1st. He wanted to see if there was interest in implementing the position now or waiting until they work on the whole budget.

Mayor Weinstein stated he would be willing to see where they stand in November, although it might make sense to do this in the beginning of the year. Councilmember Trawinski felt the job description made sense. If they agree he wanted Fair Lawn TV to know that they approved the job description, although it did not mean they were approving the position.

Councilmember Baratta stated that initially they discussed several options, such as grant money or sponsorship. Attorney Rosenberg was going to look into whether they needed to make a designation so that sponsorship could be obtained. Attorney Rosenberg stated that he will follow up.

Manager Metzler stated that representatives of Fair Lawn TV indicated that similar to public television, they are not allowed to take sponsorship but can state that "the proceeding program has been funded by". They do not have a written policy as to how they operate Fair Lawn TV. He thought it was premature to ask the volunteers to start working on such a policy, but it should be the first priority if a station manager is hired. The parameters would need to be clearly defined to seek out that type of funding. Once that type of information is received in the office, Assistant Support Specialist Van Kruiningen researches what other organizations have in place.

Transfer of Funds for Master Plan Issues - Planning Board:

Attorney Rosenberg stated that the Route 208 Corridor subcommittee has been meeting since May to analyze the possible amendment of the Master Plan, which would implement the 208 corridor changes recommended by the EDC. The Planner, Cheryl Bergailo has been working on behalf of the subcommittee. There was a memo addressing a shortfall of funds.

It was the consensus of Council that Attorney Rosenberg obtain an estimate from Cheryl Bergailo for CFO Eccleston.

Abandon Property Maintenance Ordinance:

Manager Metzler stated there are five properties that are vacant, which has resulted in high grass, newspapers piling up in front and/or garbage on the property. The Property Maintenance official issue violations, but sometimes the individuals do not show up for court.

A provision in the Property Maintenance ordinance allows the Borough to cut the grass, but the issue is how to charge the property owners. The Tax Collector sends an invoice and if it remains unpaid a tax lien is placed on the property. He and Deputy Mayor Tedeschi discussed outsourcing instead of using Borough personnel. He recommended against outsourcing on the recommendation of the Property Maintenance Officer. Government does not want to get in the business of cutting residents' grass, so the Borough's charge needs to be more costly than a landscaper. They have mowed three properties in the last six months. He recommended they charge the actual labor rate of the personnel cutting the grass, plus 25%.

Manager Metzler stated in the past they took the actual labor costs, noted what style lawnmower they used and the horsepower. They applied the FEMA rate and estimated the gasoline costs. CFO Eccleston made the recommendation that it be done by percentage, which was determined by cross referencing the equipment so that it was equal to the cost they would have received using the FEMA scale.

Councilmember Baratta agreed with Manager Metzler's recommendation. The Property Maintenance Officer reports to the Committee each month as to the amount of time he spends sitting in court, with many of the violators do not show up, and the multiple visits he makes to the home.

It was the consensus of Council that the ordinance be amended to charge the actual labor rate of the personnel cutting the grass plus a 25% administrative fee.

Professional Services Contract for Shade Tree Building Repairs:

Manager Metzler stated that funds were appropriated under the Capital Budget for renovations to the Shade Tree Building. Borough Engineer Garrison had recommended awarding a professional service contract for phase two of the project, which is design services, at a cost of \$3,100. CFO Eccleston has certified the funds.

It was the consensus of Council that they award the professional service contract to Carl Mecky Architecture.

Handicap Election Day Parking Fair Lawn High School:

This item was deferred until Traffic Safety Officer Franco arrived.

Goodwill Industries Contract:

Manager Metzler stated that Council had issued a resolution approving a contract with Goodwill Industries, who forwarded a contract with a November time period instead of June. Municipal Clerk Kwasniewski stated that they needed to amend the resolution to reflect the November date.

It was the consensus of Council that the Resolution be amended to list a one year contract date beginning November, 2008.

Council Approval to Proceed with Rotary Clock:

Manager Metzler stated that the Library Board of Trustees had indicated their approval of the location. The Board was concerned as to who would assume responsibility for maintenance. Council will need to make a decision as that issue has not been resolved. He thought it should be handled by the Borough's Maintenance personnel. He wanted to confirm the use of Borough employees to set the base and provide the hardwiring to the clock.

Councilmember Trawinski stated he did not think it was his place to tell the Rotary had to spend their money, but he felt their money could be better spent. He wanted to work out the details on the maintenance, because he did not feel the Borough should be in the business of maintaining the clock.

Deputy Mayor Tedeschi inquired if the Borough did the electrical work on the sign in front of the building that was donated by the Rotary and maintained it. Manager Metzler stated that they definitely maintain the sign. Councilmember Trawinski felt the Rotary should maintain it.

Deputy Mayor Tedeschi stated it was his understanding that the clock could not be repaired by just anyone; the manufacturer recommends the purchase of a service contract. Municipal Clerk Kwasniewski confirmed this. Councilmember Trawinski wondered if Rotary would be willing to pay for a service contract on an ongoing basis. Municipal Clerk Kwasniewski stated that the plan was included for one year. Rotary did not discuss the purchase of a maintenance contract. Mayor Weinstein asked if anyone knew what the maintenance contract was. Municipal Clerk Kwasniewski did not know.

Deputy Mayor Swain inquired if the clock was already purchased. Municipal Clerk Kwasniewski stated the clock was not purchased because they wanted to be sure the Library Board approved of the location. They also needed Council's approval. The clock would honor Fair Lawn Rotary Club's 60th year. She will inquire about the maintenance plan at Thursday's meeting.

Manager Metzler stated Charles Wrubel had informed him that Rotary was prepared to move forward with the project if the Council was receptive. Mr. Wrubel wanted to confirm that the Borough would provide the labor and materials to put in the base and provide the

electrical services. He informed Mr. Wrubel that he needed to discuss this with Council. His notes indicate one year of maintenance. Mayor Weinstein stated that he would need to know more about the contract. Deputy Mayor Swain stated that Ridgewood had a similar clock. She suggested contacting them for input about maintenance. Deputy Mayor Tedeschi would like to know the estimated cost of the base and the electrical work. Mayor Weinstein asked that Manager Metzler obtain this information for the next work session.

Endorsement of Bris Avrohom ESL CDBG Application:

Manager Metzler stated that the amount of the application was \$26,600 for their youth program, and \$8,850 for their cultural events program.

Councilmember Baratta stated that this organization received a previous grant for a playground that was to be open to the public when in fact it was not. Since they would be receiving County money, she questioned if it was a closed room. Manager Metzler stated that page two of the application contained a project description. Councilmember Baratta wondered if the program was open to anyone. Mayor Weinstein stated the program was for the group that this pertained to. He noted that the playground is open to the public.

It was the consensus of Council that Bris Avrohom's CDBG application be endorsed, with Councilmember Baratta abstaining.

Deaf Building:

Manager Metzler stated they received a letter on September 24th from the director of the Deaf Program, indicating they did not receive their certification from the State. They have vacated their offices, which were located in the house next to the Library. Assistant Support Specialist Van Kruiningen informed him that a State representative was coming tomorrow morning to do an inventory and remove the equipment, as 99% of the items were State-owned. Once the building is vacant Council will need to discuss what they would like to do with the site.

Deputy Mayor Tedeschi stated that the Board of Education did not have an interest in the building. Manager Metzler confirmed that. Deputy Mayor Tedeschi stated that the building was originally a joint grant between the Borough and the Board of Education. He did not think the Board of Education was interested in continuing the relationship.

Handicap Election Day Parking Fair Lawn High School Continued:

Manager Metzler stated that Councilmember Trawinski had suggested they allow handicap parking in front of the High School in the drive through lane. He spoke with Fire Marshall Bender, who approved three handicap spaces. Traffic Safety Officer Franco will be contacted about placing signs indicating handicap parking for election. He asked Municipal Clerk Kwasniewski if there were any other issues. Municipal Clerk Kwasniewski stated there were only two districts there and there were additional

handicap spaces in the back. Deputy Mayor Tedeschi asked if the handicap parking spaces were for elections only. Manager Metzler confirmed that.

It was the consensus of Council that three temporary handicap parking spaces be designated in front of the high school during elections.

Councilmember Trawinski asked that Manager Metzler send a notice to the ADA Committee about the addition of these handicap spaces.

Special Meeting:

Upon motion by Deputy Mayor Swain and second by Deputy Mayor Tedeschi the Work Session was recessed to the Special Meeting at 8:30 p.m., with Councilmember Trawinski dissenting.

Mayor Weinstein reconvened the Work Session at 9:10 p.m.

Public Comments:

Craig Miller, 5 Ramapo Terrace was outraged about what the Borough was going through. The Council is not representing the Borough of Fair Lawn. Many people spoke in favor of the Manager and not one person spoke against him but the Council had already made up their mind. He was appalled by the three Councilmembers who supported the resolution to remove Manager Metzler and felt they should resign. Manager Metzler's reputation was being trashed. He asked them to stop the politics.

Arlene Rubenstein, 28 Rutgers Terrace stated the action against Manager Metzler was a travesty making Fair Lawn a joke. Mrs. Rubenstein stated that as an officer of the court Attorney Rosenberg was sworn to have every document true and accurate, yet the resolution did not represent anything that was discussed in closed session. Manager Metzler is doing his job but he cannot be manipulated.

Bernice Katz, 2-22 Saddle River Road inquired if the public would be informed of the result of the negotiations with the County for the park entrance before it was finalized. Attorney Rosenberg stated the County was negotiating directly with the property owner and was allowed to do so in closed session. The public will be made aware after the County and property owner come to terms.

Ms. Katz stated the new location was 150 to 175 feet away from the entrance of Oceanos. The exit onto Saddle River Road will increase congestion and may cause accidents. She asked Council to go to the Freeholders and speak up for the residents who were against this entrance. She had presented a plan which would alleviate the problems by buying up four feet of property in Oceanos parking lot near the fence on the far, south side. They could place a rail that would allow pedestrian access. The park has not been used since the entrance was blocked off. She asked Council to help the residents near Beaver Dam.

Deputy Mayor Swain wanted to know if Council would be notified after the deal was complete or would they have an opportunity to know first. Attorney Rosenberg stated the County would present their proposal to the Council and Planning Board. Councilmember Baratta asked if they would have input. Attorney Rosenberg felt there would be.

Mrs. Katz stated that she handed out flyers regarding the Beaver Dam issue on the Library steps. She received a letter from Tim Murphy, Director stating that the trustees passed a resolution regarding the distribution of flyers. She felt it infringed on her civil rights. Mayor Weinstein explained it wasn't a resolution; there was an article in the By-laws already in place. Attorney Rosenberg confirmed that leaflets could not be distributed on Library property. The Library's policy was consistent with the Borough's. Mayor Weinstein stated that people who wish to hand out flyers during the fireworks must do so on the public streets, not in the park. Mayor Weinstein thought the By-laws were approved by a prior Council many years ago.

Councilmember Trawinski stated that the Library and any public entity had the right to reasonably regulate what takes place on public property. There is also a distinction between handing out leaflets and exercising first amendment rights in the sense of getting petitions signed. Government has less regulatory rights in the case of petitions being signed. He wondered if the Library had a different policy for petitions. He stressed that the Library and the Borough had the right to regulate the access to public forum.

There were several Supreme Court decisions in the 1950's that emanated from the Civil Rights movement regarding race categories and access to the public libraries. He wondered if any of those cases have been reviewed to include discrimination by the public library to exclude citizens. Morristown ruled that a Library could not exclude a citizen that was homeless. He suggested Attorney Rosenberg report back with a detailed analysis so this issue can be considered.

It was the consensus that Attorney Rosenberg prepares a detailed analysis for Council's review.

Cheryl Cashin, 1 Glenfair Road stated that the majority of the Council has removed the soul from the town. She reminded them that it was not their town; it was "our" town. She stated that Manager Metzler has given 38 years of service to this town. It is evident how the people of Fair Lawn feel about Manager Metzler. Fair Lawn is embarrassed and she is ashamed to live in this town. She noted that Deputy Mayor Swain stated before the election that she was beholden to no one. She wondered what happened to that.

Mr. Rubenstein, 28 Rutgers Terrace inquired if there was a cost involved with the SID. Mayor Weinstein stated the purpose of the town-wide SID was for them to be self-funded. It will not cost the Borough or residents.

Mr. Rubenstein inquired if the cost for the lawn cutting was greater or less than what a landscaper would charge. Manager Metzler stated it was more costly to have the Borough do this.

Mr. Rubenstein stated that they could save electrical costs for the Rotary Clock by having them put a solar panel on as well.

Mr. Rubenstein stated that Councilmember Baratta was correct about Manager Metzler beginning the budget process in the summer. He has not heard a word about the budget and whether or not it was timely. He heard CFO Eccleston and Manager Metzler complimented for their hard work. He wondered if there was an ethics violation and if it warranted filing charges as the approved resolution was not what they discussed.

Edward Feldman, 7-09 Park Avenue, stated that the resolution was trumped up because Manager Metzler was not the type of man to be worthy of the charges they have filed against him. He does not believe any of it is true. The majority of the employees would say he was one of the best Borough Managers. He thought it was an injustice.

Larry Greenberg, 15-21 Raymond Street was upset by the treatment of the Manager which is politically motivated. He wanted Fair Lawn to thrive and become an example for the rest of New Jersey to follow. They have sent a message that only politics matter not the people of Fair Lawn. He commended Councilmember Trawinski and Councilmember Baratta for exposing this sham.

Anna Dinardo, 13-06 Second Street thought it was a sad day that the Borough Manager will be leaving. She wanted to see the willow trees being planted again.

Mark Kaspi, 15-50 Plaza Road, stated recently he had some issues with the Police Department. He wrote his grievances to the Borough Manager sometime around June or July which was followed by a lengthy letter and he has yet to receive a response to it. There are less than 30,000 households in this Borough but some 16,000 tickets were given out by the Police, as if they have nothing else to do. He has been encountered by the Police twice, both of them on fictitious charges. He has decided to let the first case go. He has asked Federal Authorities and the Attorney General to look into it. He was told to gather the information and present it to them. Nonetheless, at the meeting, Mr. Metzler was courteous and polite and listened to what he had to say. Then he noticed that one of his children was a Police Officer. He liked to touch that one of the points that were brought up was favoritism. He realized at the time, when Manager Metzler pointed at the picture, that he stood no chance for a fair investigation of his complaint. He was proven right. They are in October now and he has not heard a word from Mr. Metzler's office. As with all due respect to the Police Desk, they are to carry on their duties with dignity and they have to adhere to the rules. There is no such a thing as making up fictitious charges which would be dealt with later on. He would like to remind them all, they are there on their behalf, and their responsibility is the people. If people come up with complaints, they must be investigated and corrected when necessary.

He was told to follow procedure, which he did. He even spoke to Chief Rose, but he feels strong enough that he can make up some, he doesn't know how to describe it but ridiculous things that he said, they are going to change the sign, and he will take care of it. Now he was sure he was not going to see your job as a joke and he hoped they don't

see them as people they can reach into their pockets and extort money from. This issue will be looked into. It will not stop here. Thank you.

Deputy Mayor Tedeschi stated he was free to stand here and say whatever he wants and they certainly have differences of agreement. But he could tell him in all the years he has lived in Fair Lawn, which is 30 years, in all the years he has been on the Council, which is 10 years, he has never seen a Councilmember, Manager Metzler or any other Councilmember involve themselves in any favoritism in regard to appointments. He could tell him that Mr. Metzler's son is a fine police officer and stands on his own merits. The inference that other things are happening on how he got there is not appropriate. Mr. Kaspi may have complaints about tickets, but he could tell him that Fair Lawn has a long tradition that the Council does not get involved in the Police Department.

Mr. Kaspi responded that he would consider not getting a response total disregard to a complaint. You may see it as not favoritism or you can call it anything else, nonetheless it is total disregard to a complaint that has been made. Deputy Mayor Tedeschi asked if Mr. Metzler's son write the ticket he got. Mr. Kaspi said no. Deputy Mayor Tedeschi asked how he got into this conversation. Mr. Kaspi said when he was in his office there was a picture of him there. At that moment he realized he did not stand a chance that this case would be investigated. As you know, they are all connected and have to protect their own, so to speak. This case involves, to say the least, perjury, this would be looked into.

Councilmember Trawinski told Attorney Rosenberg that he needed to advise this resident to make an accusation of perjury in a public forum, unless he can substantiate it comes close to defamation. He may want to reconsider what he just said.

Mr. Kaspi said thanked him but said he stands by what he said. Councilmember Trawinski repeated that he stood by what he said. Mr. Kaspi said yes. Councilmember Trawinski said he was making a big mistake for himself.

Manager Metzler thanked him for acknowledging the fact that he did sit with him for well over an hour. Mr. Kaspi said 40 minutes. Manager Metzler said in the course of that meeting you shared a number of stories in addition to your complaint about our Police Officers and actually gave him names of investigators and representatives from the FBI. That information was relayed to the Police Department for follow-up. What he took exception to, with all due respect, when he contacted his office the second time saying there was a second complaint about the Police Officers, he was in a meeting at the time, but his staff had provided him with the number of the Bergen County Prosecutor's office because the charges he was making specifically about the Police Officers went above and beyond having an internal investigation. He honestly does not think it is fair that he said he contacted his office and they did nothing. They even called the Prosecutor's office ahead of time to say they were giving him the number and that the particular complaint was about one of our Police Officers. He may not be happy with the outcome of the meeting, he could understand that. He does certainly have every right to say he is not satisfied with that. He did not think it was a fair characterization to say that there was no follow up from his office. He wanted him to state on the record, yes or no; when you

can into his office did they not provide you with the number of the Bergen County Prosecutor's office. Mr. Kaspi said his secretary did. Manager Metzler stated there was no intent on the part of his office or his staff to cover this up. He sent him to the law enforcement agency that would oversee above and beyond the Borough's Police Department that would investigate these complaints. He asked Mr. Kaspi if he contacted him. Mr. Kaspi said he did. He still has not received a response from the e-mail.

Councilmember Trawinski wondered if the incident that is being complained about happened in a school zone. Manager Metzler said yes. Councilmember Trawinski stated that all of the Police cars have videotaping, did anyone look at the video tape. Manager Metzler said he did not know. Councilmember Trawinski stated, if appropriate, could they as a Council see that video tape. That is not suggesting that the Police Officers did anything wrong, he did not know but tended to doubt it, knowing the Police Officers. Sometimes people make accusations and yet the video tape proved to the contrary. There was a video tape and if they are entitled to see, he for one would like to see it.

Mr. Kaspi thanked him for that. He said he would like to bring his attention that it is quite awkward in a small town, less than 13,000 households, 16,000 tickets were given out, which makes each and every one of them a criminal. This is something to consider. Councilmember Trawinski asked if he understood how many people pass through on the highways. Mr. Kaspi said he was bringing up a point. Councilmember Trawinski stated his point was invalid. They don't issue summonses to every residents. Mr. Kaspi said all he was asking was for the Police to act with responsibility.

Mayor Weinstein stated they will look into this.

Allan Caan, 19-62 Chandler Drive stated that he agreed with Councilmember Baratta when she said that they were dealing with a person's life. He mentioned the programs he started when he was on the Council that he worked with Manager Metzler to get the program running. If he had questions while he was on the Council, Manager Metzler was one of the people who he talked to. He objected to the reasons in the resolution. He wondered why if a manager can be changed without cause, is it necessary to list six reasons. This is a permanent record. He mentioned Manager Metzler's volunteer service to Fair Lawn. He wondered if it would be a conflict of interest for a Councilmember to vote yes on this resolution if they were interested in the position themselves.

Attorney Rosenberg indicated that it would be.

Steven Bash, 0-38 Hamlin Court stated that Cablevision has withdrawn a number of programs for those who do not have boxes. After October 16, they will have to pay the box and upgrade the service. He asked the Council to let people know.

Bob Gremillot, 1 Bristol Place noted that Manager Metzler has served the Borough for 30 years. He is wonderful man who has done wonderful things. He has been a tremendous volunteer. Originally it was philosophical differences but now six charges have been

raised which are petty, minor and insignificant. He has been elevated to the stature of a hero. Usually a hero is given a plaque or a medal instead he will receive a pink slip.

Councilmember Baratta stated there are some members of the Council who do not feel that volunteer service has anything to do with his ability as a Manager.

Barbara Gremillot, 1 Bristol Place stated that she was impressed with Manager Metzler's knowledge. He believes that the charges are trumped up. She learned this evening that the Municipal Clerk submitted the charges that were contained in the resolution but they did not agree with what Councilmember Trawinski and Councilmember Baratta had written in their notes. She wanted to know if the Municipal Clerk was going to fill the Manager's position.

Mayor Weinstein indicated that had not been discussed. Municipal Clerk Kwasniewski added that she had not submitted anything to the Borough Attorney. She noted that she takes notes at every meeting.

Mrs. Gremillot concluded by congratulating Councilmember Trawinski and Councilmember Baratta who represent the majority of the people on this issue.

Howard Mark, 12-23 Ferry Heights felt Manager Metzler kept the budget in control which is what the taxpayers care about. He felt it was hypocritical to talk about the car when they built the Community Center without asking the residents. He wanted to know who would replace him.

Frank Ryan, 48 Heights Avenue indicated that he has known Manager Metzler for many years as a volunteer firefighter. Manager Metzler is a victim of politics. It is a total travesty. He wondered who will take over the position.

There being no additional comments from the public, upon motion by Deputy Mayor Swain and a second by Councilmember Baratta the time for public comments was unanimously closed.

Closed Session:

Upon motion by Deputy Mayor Swain Councilmember Baratta and a second by _____, the following closed session resolution was unanimously adopted at 10:20 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel – Shared Services Committee and Open Space Committee; Pending Litigation – Solid Waste Collection Bids; Contract Negotiations – Department Heads;

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need the confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT:

Upon motion by Councilmember Trawinski and second by Councilmember Baratta the meeting was adjourned at 10:50 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