

## **SPECIAL MEETING OF NOVEMBER 6, 2008**

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

In accordance with the Open Public Meetings Act, notice of this special meeting of the Borough of Fair Lawn was published in The Record issue of November 3, 2008. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The notice identified the time and location of the special meeting.

**PRESENT:** Mayor Weinstein, Deputy Mayors Swain and Tedeschi, Councilmembers Trawinski and Baratta.

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

### **MAYOR MAKES A STATEMENT ON PROCEDURES FOR THE MEETING:**

Mayor Weinstein read the following statement: I want to go over the proceedings for the meeting. On October 7, 2008 the Mayor and Council, by a vote of 3-2, adopted a preliminary Resolution, number 278-2008, which was the first step under New Jersey Statute to possibly terminate the Borough Manager. Under the State statute prior to a final resolution of termination by the Council, the Manager is entitled to request a hearing for the purpose of allowing the Manager to present any witnesses and documentary materials as the Manager may deem appropriate in order to address the reasons for termination set forth in the preliminary resolution. The Manager, in a letter received by the Borough Clerk on October 9, 2008, requested such hearing. As required by Statute, the hearing must be scheduled no later than 30 days after the receipt of the request of the Manager.

A Special Hearing has been convened this evening in order for the Council to comply with its statutory obligations. Prior to tonight's hearing the Manager had asked Mayor Weinstein to provide Manager Metzler with the procedures to be followed. And in consultation with the Borough Attorney and subject to the Council consensus, he provided him with the anticipated procedure for this evening's hearing. He would ask the Borough Attorney to kindly review that procedure.

Councilmember Trawinski stated a point of personal privilege.

Mayor Weinstein said yes.

Councilmember Trawinski stated they as a Council never discussed this.

Mayor Weinstein said they will.

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Councilmember Trawinski stated he had the floor, he recognized him so don't interrupt. We as a Council never discussed this, he has never seen it, if he is going to see it tonight, he doesn't know. It is grossly unfair for the Council majority and the Borough Attorney to spring this on the entire Council. We act under the Faulkner Act as a collective body not as an individual directing the Borough Attorney to do something or not do something, which has been under the process through the entire hearing and throughout this entire matter. I strenuously object. I think it is a violation of the Faulkner Act for this Council tonight to attempt to adopt procedures for tonight's meeting and I also believe it is a violation of the Open Public Meetings Act. We did not notice that we as a Council would adopt procedures tonight. The notice says Mayor makes a statement on procedures for the meeting.

Mayor Weinstein said correct.

Councilmember Trawinski but it does not say that the Council would act on adopting rules and procedures as pursuant to the hearing

Mayor Weinstein – tell me when you are done

Councilmember Trawinski – and as the Borough Attorney is well aware, under the case he cited to Mr. Kates, when he acted as a Councilmember not as our Attorney, which I will discuss when we get to that point, Bowen vs Mayor and City Council of Long Branch, the Council collectively has to adopt rules for the proceedings. We did not discuss that and I move that this matter be adjourned.

Mayor Weinstein – ok Mr. Trawinski, as I stated, the proposed procedure, Borough Attorney would you now go over the procedures.

Councilmember Trawinski – I would like to put the question to the chair, to the entire Council, to the entire body, and ask that they overrule the decision of the chair to proceed. It is a point of personal privilege.

Attorney Rosenberg – the point of order. Under the rules of debate, you can ask the entire Council to act on Councilmember Trawinski's motion.

Mayor Weinstein – do we take a vote on that?

Attorney Rosenberg – yes you do Mayor, without debate.

Mayor Weinstein – roll call on that. Yes meaning supporting Mr. Trawinski, no meaning

not supporting Mr. Trawinski's motion.

Municipal Clerk Kwasniewski – Councilmember Baratta

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Councilmember Baratta – yes

Municipal Clerk Kwasniewski – Deputy Mayor Swain

Deputy Mayor Swain – no

Municipal Clerk Kwasniewski – Deputy Mayor Tedeschi

Deputy Mayor Tedeschi – no

Municipal Clerk Kwasniewski – Councilmember Trawinski

Councilmember Trawinski – yes

Municipal Clerk Kwasniewski – Mayor Weinstein

Mayor Weinstein – no

Mayor Weinstein – Borough Attorney

Councilmember Baratta – Mr. Mayor, may I ask a question?

Mayor Weinstein – not at this moment. I just want to say something. This is a very serious evening that we are here to give the Manager a chance to address the Council with facts and as I stated with any kind of evidence that he has to support his position. It is very serious, we need to move on and I am going to ask the Borough Attorney to go over the procedure, which then I will ask for comments and any amendments to that by the Council. Miss Baratta.

Councilmember Baratta – going back to that Court case that the Borough Attorney has been talking about, Bowen vs the City of Long Branch, in there it says the hearing City Council adopted a resolution adopting certain rules of procedure for the conduct of the hearing. We have not adopted a resolution.

Mayor Weinstein – correct

Councilmember Baratta – are we doing that tonight because it is not on the Agenda

Mayor Weinstein – what we are going to do tonight is go over the procedures for this evening and at the end of the evening, if everyone would let me finish, we would ask that they do not deliberate on anything tonight but hold it over until an additional meeting to discuss and vote on any kind of resolution. Tonight, all there is a hearing in which the Manager will get to speak and the Borough Attorney will state all of that and the Councilmembers will get to speak and then the public will get to speak.

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Councilmember Baratta – but as a Councilmember I am learning these rules tonight. When did you learn these rules, Mr. Mayor?

Mayor Weinstein – I have been reading the same case as you and in my opinion, the way it should work is that the Manager gets to present his case. We have been discussing that for weeks.

Councilmember Baratta – but the rules for the procedure for how this meeting will go, do you have a copy of those rules.

Mayor Weinstein – no, I am asking the Borough Attorney to give us the proposed procedure.

Councilmember Baratta – well, I object

Mayor Weinstein – Borough Attorney proposed procedure

Attorney Rosenberg – thank you Mr. Mayor. As stated by the Mayor, on October 7, 2008 a preliminary resolution of termination was adopted by the majority of the Council, under and pursuant to the requirements of NJSA40:69A93. Under and pursuant to that statute, the Borough Manager may be terminated by a Council with or without cause, if as in the present matter, the Council finds the Manager is terminated without cause, the Council must nonetheless set forth in its preliminary resolution the reasons for removal. In the present matter, the reasons for removal set forth in the preliminary resolution are as follows:

1. The Manager's failure to work with the Borough Council to cause the timely implementation of budgetary goals and directions of the Council made to ensure the continued fiscal health and stability of the Borough.
2. The Manager's failure to cause full information on matters affecting the Borough to be properly and timely conveyed to the Borough Council.
3. The Manager's failure to consistently demonstrate that Council policy and work directives are being timely completed.



meeting and will probably be hearing some information for the first time. And I believe that we should not deliberate tonight. So what I would propose is that we have another meeting and the date, after looking at the calendar, that seems feasible based on people's schedules, would be Monday, November 17 at 7:30 p.m. And that meeting would be scheduled and televised. I would like to take a consensus on those items and I would ask for a roll call for the consensus.

Councilmember Trawinski – there is no discussion on them Mr. Mayor.

Mayor Weinstein – discussion, go ahead.

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Councilmember Trawinski – I do not support these procedures because they were sprung on us at the last minute because despite what Council might purport to indicate that the Court case said, the Court case says that we as a governing body may adopt procedures as long as they are not inconsistent with the Faulkner Act. It does not mandate an adoption of those procedures. I object to the adoption of these proceedings without a chance to think about it and reflect upon it. I also object to the fact that the Borough Attorney has made decisions for us as a Council, contrary to what he is supposed to do. He is supposed to give his best advice to us, his client, not rule in place of us. And the Borough Attorney has made several rulings in this matter already which I believe demonstrate his bias in these proceedings.

First and foremost, Mr. Metzler, when he was represented by Counsel, made a request through his attorney to have copies of all of the documents provided to him. The Borough Attorney is correct, the Court case says those documents do not have to be provided but they have the option as the Council because it is not inconsistent with the Faulkner Act to provide those documents to the Manager. We were never given an opportunity to vote or take a consensus on that, that decision was made by the Borough Attorney. He acted as a sixth Councilmember, acted as a super majority of this Council making this decision for us not presenting it to us. Borough Attorney, when the Borough Manager when he was represented by Counsel raised the Borough Attorney excuse me, when the Borough Manager was represented by Counsel raised objections to the ethical propriety of his attorney representing him. I believe the Borough Attorney is dead wrong but we as a Council were never given that advice as a collective body. They were not given the opportunity to discuss or debate it. The Borough Attorney made a decision for us, telling the Manager's then Attorney that he had a conflict in his view and that was the end of the issue as far as he was concerned. I believed that the Borough Attorney had an obligation, an ethical obligation and a duty as our Attorney to come to all of us collectively and we then had a decision to make. We have a very strong legal dispute as to whether or not the conflict that the Borough Attorney alleges exists is waivable or not and there are different sections of the Canons of Ethics which I have with me tonight that indicate that under one section the conflict may not be waivable but under another section there is no such provision. We should have at least



procedure.

Councilmember Baratta – but it seems that you've had these rules of procedures long before I have them.

Mayor Weinstein – because I have been asking the Borough Attorney in this type of case, which they all had the opportunity to call the Borough Attorney

Councilmember Baratta – but this is a five member Council.

Mayor Weinstein – but I am allowed to call the Borough Attorney to ask questions as you are, as Ms. Swain is, as Mr. Tedeschi and Mr. Trawinski. We all have the right to call the Borough Attorney and ask what are the normal procedures for this type of procedure. I have never been through this before so I was asking the questions.

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Councilmember Baratta – and on the issue of the correspondence that is going back and forth between our Borough Attorney and the Manager's Attorney, who I don't see here this evening

Mayor Weinstein – correct

Councilmember Baratta - as far as that's concerned, in the past, this Borough Attorney has come to this Council for a lot less but yet he has written numerous letters without any Council input. We have had a number of Closed Session meetings between October 8 when this began and this evening. I don't understand why he did not come to us for Council's advice on how to proceed but yet took it upon himself to make these rulings. I object to that.

Mayor Weinstein – he is the Borough Attorney, we go to him for advice, he doesn't go to us for legal advice.

Councilmember Baratta – I beg to disagree with that. We have had a number of Closed Session meetings where the Borough Attorney says I am having this meeting because I don't know how you want me to proceed with this or how you want me to proceed with that.

Mayor Weinstein – correct and he has copies us on everything

Councilmember Baratta - he has called those Closed Session meetings. This should have been discussed in Closed Session, I object to this.

Mayor Weinstein – object to what.

Councilmember Baratta – the information about the Borough Manager having an attorney representing him, the conflict of interest that the Borough Attorney says is there.

Mayor Weinstein – one more time. For a month now, there has been correspondence going back and forth between Michael Kates and Bruce Rosenberg, we all have been copied on that. Any time within the month, any one of us, could have said put this on the Agenda.

Councilmember Baratta – that's lame.

Mayor Weinstein – roll call, please.

Municipal Clerk Kwasniewski – Councilmember Baratta?

Councilmember Baratta – no  
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Municipal Clerk Kwasniewski – Deputy Mayor Swain?

Deputy Mayor Swain – yes

Municipal Clerk Kwasniewski – Deputy Mayor Tedeschi?

Deputy Mayor Tedeschi – yes

Municipal Clerk Kwasniewski – Councilmember Trawinski?

Councilmember Trawinski – no and I believe the adoption of these procedures tonight violates the Open Public Meetings Act because we did not provide notice that we were doing this.

Municipal Clerk Kwasniewski – Mayor Weinstein?

Mayor Weinstein – did you vote?

Municipal Clerk Kwasniewski – he said no.

Mayor Weinstein – ok, ah, yes. Ok, Manager.

Manager Metzler - Mayor one quick question. You had indicated the follow up meeting that you want to have is November 17<sup>th</sup>.

Mayor Weinstein – I said Monday night, November 17, if everyone agreed to it, well

three of us did.

Manager Metzler – I am going to be out of State from the 14<sup>th</sup> returning on the 21<sup>st</sup>, ok.

Mayor Weinstein – I am glad you said something. Um, Borough Clerk, when would the next possible date be, the following Monday or Tuesday night.

Municipal Clerk Kwasniewski – the 25<sup>th</sup> is a Tuesday so the 24<sup>th</sup> but I don't know of what other meetings if Zoning or

Mayor Weinstein – the Zoning Board is downstairs tonight

Municipal Clerk Kwasniewski – we could work it out, it would either have to be the 24<sup>th</sup> or the 25<sup>th</sup>.

Mayor Weinstein – does everyone agree to the 24<sup>th</sup>? Do we take another vote on the 24<sup>th</sup>?

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Councilmember Trawinski – just give me a moment

Municipal Clerk Kwasniewski – the 24<sup>th</sup> is Monday

Mayor Weinstein – the 24<sup>th</sup> is Monday

Councilmember Trawinski – that is good here, that is good with me.

Mayor Weinstein – Ms. Baratta, Ms. Swain, Joe, yes, ok

### **MANAGER'S HEARING UNDER AND PURSUANT TO N.J.S.A. 40:69A-93**

Manager Metzler – thank you. First of all I want to thank the Mayor and Council for the opportunity to present my case this evening. I would like to start by setting one record straight, I believe that the public is of the opinion that the Mayor walked into his office and told me I was fired based upon what was read in The Bergen Record and I believe that the record should be clear. Mayor Weinstein came in to his office, I remember the morning well, I wished him a good morning and he did not think it was going to be such a good day after he told me what he had to tell me. He indicated that he felt that they wanted to go in a different direction, uh, I indicated to him did he want me to leave immediately or did he want me to stay on for 90 days. I believe your response was, in my opinion, not speaking for the Council, it would be best if you left right away and indicated that he was going upstairs to make arrangements for an Acting Manager. That is the way it went down. I believe at that particular time, Mayor



be the charge that was interpreted but I will address every single comment that was made as we went through this. And, um, Mayor, you had indicated that you had agreed to the budget the first year, you felt that they did well but you did not feel that way about the second year. You felt that I, as the Manager, was not prepared to come to the Council, um, you made specific mention of the cap issue, uh, and the funding of the self insurance funds, the worker's compensation fund, gasoline and fuel expenses. So if I may, I would like to address those particular points first. And what I will do, I do have a full set and for the record I did speak with the Mayor ahead of time, I have a full copy of exhibits which he indicated at the conclusion of my presentation I will give to the Clerk and she will then distribute it out to the Council. They are all identified as to what page he was referring to.

I have identified this as exhibit A, um, it is the Budget Meeting Minutes of February 26, 2008, specifically Page Nine. I want to make mention specifically of the fact, uh, that in my forwarding letter given to the Council, I asked the Council that if you were going to make any cuts to the 2008 budget from the departments, that that money be put back into the Self Insurance Fund. Certainly, in the preparation of the budget and particularly in our attempt to get the budget under CAP, um, we indicated and when I say we, I am obviously referring to the CFO and myself. Um, we clearly indicated to the Council that we had concerns about the money they were dedicating to that particular fund. And in order to do a follow up at this time, I would like to call the CFO Barry Eccleston as a witness.

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Mayor Weinstein – Mr. Eccleston

Manager Metzler – I have done a lot of Administrative Hearings, so, for the record state your name, your position and how long you have worked for the Borough.

CFO Eccleston – Barry Eccleston, Chief Financial Officer, on November 1 I started my 29 year with the Borough.

Manager Metzler – ok thank you Barry. As you know, charge number one states there is a failure on my part to implement budgetary goals and directions of the Council as it pertains to the budget. I would like to ask you the question – to your recollection has the Council ever expressed its budgetary goal to you in the past three years and if they have could you please indicate on the record what those goals are.

CFO Eccleston – no, this Council has never nor has any other Council set budgetary goals whatsoever, in my 29 years with the Borough of Fair Lawn.

Manager Metzler – ok, and has this Council and for that matter I guess any other Council expressed its budgetary direction to you in the past three years and if they have, could you indicate what they are.

CFO Eccleston - no

Manager Metzler – ok, thank you. Next, Mayor I would like to introduce which is identified as Exhibit B. This is a memo from the Chief Financial Officer to the Municipal Clerk, the subject is Utility Expenses, dated October 7, 2008. In the memo Mayor Weinstein you had asked the Clerk to have the CFO project costs for electricity, street lighting, uh, telephone, gas, fuel, oil from January 1 to September 30, uh, and there is an attachment with his response. Ok, Barry on the same date, ironically, that Resolution No. 278-2008 was introduced and approved, Mayor Weinstein through the Municipal Clerk sent you a memo requesting utility costs through September 30, 2008. Is this a copy of the memo and does page number two represent your response.

CFO Eccleston – yes it does.

Manager Metzler – I call your attention to the column 2008 as adopted

CFO Eccleston – yes

Manager Metzler – does this represent the dollar amount, does the dollar amount represent the Manager's budget as submitted or the Council's budget as approved.

CFO Eccleston – actually it is both. It is the Manager's budget recommendation and it is the Council's budget as they adopted the same numbers.

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Manager Metzler – so consideration of the costs, I want to call your attention to specifically fuel costs. So that the record is clear the Mayor and Council if they felt there was not enough money budgeted to cover the cost of gasoline, and for that matter, to cover the funds in the self insurance fund or the worker's comp fund, it is certainly within the Council's discretion to be able to put that money in that budget line. Is that correct?

CFO Eccleston – that is correct. That's the purpose between the Manager's budget and the Council, they make adjustments that they feel appropriate.

Manager Metzler – specifically the comments that were made in Closed Session expressed concern about gasoline and fuel, for the record, would you indicate, how much money was budgeted in the 2008 budget in accordance with the Council's budget because once it is adopted, I believe, it is referred to as the Council's budget. And can - would you tell us how much was expended through September 30.

CFO Eccleston – for gasoline?

Manager Metzler – yes



this was forwarded to the Council as an informational document. This is exhibit D and is two pages and it includes all of those documents from January 1, 2008 to September 30, 2008, I'll give you the total numbers at the conclusion of this particular presentation.

Second document that I would like to put on the record is Exhibit E, which is two pages, are memos that I have personally written to the Mayor and Council in written form that would have been sent home in your packages. It identifies the date and the subject that was covered. Additionally what I did I went back in the e-mails and the e-mails are e-mails that were sent to you from January 1 this year to October 21 of this year. In total there were 130 informational e-mails, 61 e-mails copied or forwarded, there were 43 personal e-mails that were sent to Deputy Mayor Swain, 94 to Mayor Weinstein, 18 to Deputy Mayor Tedeschi, 30 to Councilmember Trawinski, 26 to Councilmember Baratta. There were 65 letters and memos, 60 copies that were forwarded for a total of 527. And I would also like to enter into the record, that it is easy for anyone who wants to see if we are following up in a timely matter or not. All of the e-mails for that time period and that is identified as Exhibit F and I don't know how many there are because I numbered them to 250 and said enough of that. So they are there.

I would like to move on to charge three, if I may. Charge three indicates that I had a failure to consistently demonstrate that Council policies and work directives are being timely completed. That's actually what I just did, I am sorry. I am up to number 4 – failure to exercise sound judgment with respect to the purchase of equipment for the Borough and I believe this goes to a comment that what was made by actually Deputy Mayor Tedeschi and Deputy Mayor Swain. In Deputy Mayor Tedeschi's case he stated that he was not comfortable with the Manager's judgment on past practices on purchasing. He felt there was a lack of judgment on the CAD system. No one asked for copies of the contract with Lakewood. When Attorney Rosenberg reviewed the contract he added items to the Borough contract that saved the Borough money and Deputy

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Mayor Swain indicated that she was very displeased with the car, the issue of the car and that showed a lack of judgment and it was an embarrassment to the Council and the citizens. Just bear with me one moment, please. And I apologize I think I jumped over number three, so if I may – I apologize.

You said that I had a failure to consistently demonstrate that Council policies and work directives are being completed in a timely manner. The fact of the matter is, the Council has very few written policies. The fact of the matter is that the policies that have been written, I wrote on your behalf with your approval. However, I do have to say that in the course of reviewing those policies in the interest of full disclosure I did find a case that is a year old and it had to do with the hiring freeze. If you will recall over a year ago there was discussion about there being a hiring freeze and of course, I think you will also recall that everyone had a different view on what was included and what was not included and I was asked based on the comments to develop a draft of the hiring

freeze, which I did and the Council review that and if you recall there were three items that gave the Manager the authority to hire someone if there was an opening that the Council wanted moved into the category that required your approval. The revised document to this day has not gotten back to you. Hence it could be said that I did not do my job, but the fact of the matter is that is a policy that affects one person. It affects me. That Council policy affects the Borough Manager because the Borough Manager is the person who does the hiring. I call your attention to the time that my secretary retired. In the draft I would have been able to replace her without going to the Council. In your revision that you said you wanted to change it to say I had to come to you for permission to refill that open item and while you don't have that finalized written document in front of you, the intent of your policy was carried out. I did come to you and the only thing that is lacking and much to my surprise the draft is in there, it just hasn't been finished up and distributed and I'll plead guilty, but I would also suggest to you guilty to what, guilty to not submitting a piece of paper that didn't exist until I wrote the draft in the first place. I fulfilled your wishes. I think that's worth being put on the record.

I am concerned that as a result of this Closed Session meeting, it became obvious that there are Councilmembers that are not reading the Manager's Report and there is a heck of a lot of information that is put in there on a monthly basis. So I don't believe that failure on the part of the Councilmember or Councilmembers not to read the Manager's report is the responsibility of the Manager. I believe that is the responsibility of you as a Councilmember. I take exception that you would say that I am not doing my job. And that is all that I am going to say about that.

Now, if I may I would like to move on to number 4 and again, I apologize for the confusion. Again, charge number 4 was failure to use sound judgment with respect to purchases of equipment for the Borough. As I indicated earlier, Deputy Mayor Swain indicated that she was displeased with the car issue and that showed a lack of judgment and was an embarrassment to the Council and Deputy Mayor Tedeschi said that he  
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was not comfortable with my judgment on past practices on purchasing. He felt there was a lack of judgment on the CAD in that no one had asked for copies of the contract with Lakewood. When Attorney Rosenberg reviewed the contract he added items to the Borough's contract for savings for the Borough.

I would like to first address Deputy Mayor Swain's comments. With all due respect, you should be embarrassed about car gate. That was an embarrassment to the Council. It was an embarrassment to the Manager and it was an embarrassment to the Borough of Fair Lawn, but it is your embarrassment. It happened because this was leaked to the press. This never would have been discussed in public had it not been leaked. Once again, the Council failed to protect my rights as your employee. Since I have been the Borough Manager, 34 people have been disciplined in this Borough. Some of them are

in the audience tonight. Two have been terminated, and yet there is not one person in this room that knows who they are because they are entitled to confidentiality. Where there was a failure here was the failure when it was leaked of the Mayor to stay stop. That's the failure that would have stopped this. And Mayor, once again, I want to go on the record because I believe in my heart it was your intention to do this the right way and I documented our meeting and I am going to enter that into the record later. I fully believe it was your intention to do this the right way and it would have been a private matter, I agree with him and my records will show that. At the conclusion of my meeting with Deputy Mayor Tedeschi and Mayor Weinstein on December 7, 2007, at the conclusion of that meeting, I said to you, you know what while I didn't believe the car incident I was required to go before the Mayor and Council, I certainly understand your position on that. So if you are embarrassed, you should be, you should all be, in my opinion.

Another thing on car gate, when it was over, I was told "you were going to get a written reprimand put in your file for 18 months and you were going to take the car away", that's what I was told. After my evaluation when the Council decided they weren't going to give me a raise this year for 2008, car gate came up again. Well, you know we had that thing with the car. And I remember what I said, my background is in the corporate world and I know you get a spanking when you do something, I am a big boy, I'll take it. But I believe by your comment, this is to fire me. So when we say you are going to get a written reprimand, the hell I am. You are threatening to fire me over this and I don't think that is appropriate and I am sorry, I do not believe that is fair. It wouldn't happen to any other employee of the Borough of Fair Lawn. I oversee 207 people and this would never happen to them and that is why they are supporting me because they know this would never happen to them. Over my dead body and that is where you failed.

Seeing how car gate has come up on the radar screen, there is one thing I would like to clear up, if I could. We had this thing and we thought it was put to bed and it surfaced again, so I would like to clear up a couple of facts that somehow didn't end up in the final document. I would like to call the CFO again, if I could Mayor, please.

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Mayor Weinstein – yes, Mr. Eccleston.

Manager Metzler – and Mayor, I apologize I did not make a copy of the revised fact finding report but he was referring, the document I have and I believe you all have a copy of it too, if not I will certainly give this to you. This is a memo that went to the Mayor and Council from Ms. Kwasniewski on March 17, 2008 which is Entitled Revised Fact Finding Report. It states attached is the revised fact finding report Borough Attorney Rosenberg asked me to give to you and to let you know the report was given to CFO Eccleston on Thursday March 13, 2008. I am referring to a quote that is on Page Five of that in it it says the Borough Clerk has not found any Borough Council



it was given to the CFO on the 13<sup>th</sup>, is a chronological log of fact finding regarding the Borough Manager's vehicle. This log, which is four pages long, lists 46 documents, somehow we missed these two. The two documents that clearly show that the vehicle that I acquired was acquired following the exact same process as the following two Managers, somehow did not find its way in to the final fact finding report and I would just like that on the record. As I indicated when this all started, even with the car, I am looking for one thing here. I am looking to walk out of here with my reputation and I think if we are going to make decisions that are going to affect that reputation, the facts should be accurate. So I would call on the Council to at least review this and if in fact, those documents are in there, to do yet another revision and please that they are.

Barry, could you please share with the Council the significance of leaving those documents out?

CFO Eccleston – as most of the Council people know I started out my career as auditing municipalities and school boards and I have prepared many fact finding reports. The important thing about a fact finding report is that when you uncover facts, whether they are positive or negative, you put all of the disclosures in the report because if you don't include all of the disclosures in the report, anyone that picks up the document to read it has to interpret it could come up with the wrong conclusion. And I contend that when these two documents were left out that our Borough Auditor came up with the wrong conclusion because he did not have these two documents and were unaware that these two documents actually existed. I think that when this report was compiled and these documents were left out and sent to our Borough Auditor, you did an injustice to him because he rendered an opinion that was not accurate and I know that because I talked to him. That's all I have to say.

Manager Metzler – while you are on the audit and for the record, I am referring to the audit that was submitted by the Borough's Auditor through December 31, 2007, so that is the audit for 2007.

Mayor Weinstein – one second.

Manager Metzler – would the comments you just made have anything to do with the change in the general comments and recommendations on the part of the auditor as it pertains to his recommendations in the audit and if yes, what would they be?

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CFO Eccleston – yes it does. I normally get a draft of the Audit Report and it is reviewed as part of the exit conference and the Audit comment was actually not there on the acquisition of vehicles, at all. So when I received the Audit Report and saw that he made a comment, I did not know it was about the vehicles, I called him up and said I am reviewing this and I don't remember our discussion and I said there is no circumstance where we did not follow the purchasing procedures on any of the things or



Faulkner Act and that really is the philosophical differences that will always occur in this type of community. The paper would have you believe it is a dispute about power. There can be no dispute about power because the day to day operation under the Statute falls to the Borough Manager. I am not the Administrator, I am the Manager. Under our form of government, it must be difficult to work where you are surrounded by towns that have a strong Mayor form of government. If you don't like it, you change the form of government, you don't shoot the messenger. This is an example of why politics should not get involved in the day to day running of the Borough. Loud applause.

Mayor Weinstein – I would ask everybody to please not applaud. You are helping the Manager get through his case. I know you are here to support him, I respect that.

Manager Metzler – I lost my train of thought. I know that one of the concerns that were, one of the items that was brought up, if you recall, I had said was that I wanted to start this summer addressing the 2009 budget so we could have a discussion ahead of time. I know this is something you have taken exception to. One of the things that is in our bag of tricks, not one that I hope we have to use or you have to use this year, certainly the buyout program would guarantee us that we would not have to play that card for another two or three years is a lay off plan. You need to understand that I, as the Manager, when I develop a lay off plan, I do not have the luxury of looking around the building and saying that person is a slug and I want them out of there or that person is great we are going to protect them. That is not how it works. We develop a plan by title and under Civil Service, the low person, by title, by department, is the first person to go. That is how it works. I refer you back to 2008 when there was some discussion about cutting \$75,000 from the Manager's budget. If we are going to be honest here tonight, you had a particular person in mind that you wanted to get rid of but when it became clear that my secretary was the low person in title in that department we kind of put that on the side. I do not play personality and I am going to show you documents that your whole favoritism thing, I think you are going to see go out the window real quick because I know that something you have a problem with and I am ready to address this.

You took exception to the way discipline is handed out and I think you made comment about whether it is being handed out fairly. I think the record has to reflect that in all cases I have worked with the labor attorney that you have provided me and I took the time to go back through each of these files and I have yet to find a case where the labor attorney that you provided me recommended that I do one thing, that I did something else. So if you are not satisfied with the product your labor attorney is providing you, I would humbly respect get rid of him or her. I happen to like working here but I think you need to look at the total picture.

There was mention of work schedules and people have the right to come and go as they please and that this has caused poor morale, with who? I urge you to put your

survey on the table, you have 207 employees, sometimes it goes up, sometimes it goes down. How many did you talk to to reach this conclusion that you want to fire me. You want to fire me for morale. Who the hell did you talk to? How many people? Two? I suggest it is three or four, get me on the side and I will tell you what department they are in.

The bottom line is, as it pertains to work schedules, and I want to address as you walk through the building. And for that matter, anybody in the public here walks through the building and looks in an office and sees a secretary or you see a department head sitting there, that is not how I see them. I see a clerk, I see a clerk typist, I see an administrative secretary and each one of them have different responsibilities. An Administrative Secretary gets that title because they can work unsupervised. I am not a micro-manager and I am not ashamed of that. I happen to think you have damn good department heads and I leave it to each individual department head to manage their department. Now, if, and it has happened, a Councilmember or a member of the public contacts me and says, hey listen I was in such and such office and I walked by and that office was closed at 1:30. I sit down with the department head and ask what the heck is going on here. Some departments run a liberal office schedule because some departments require that you start your work in the morning and its 2:00 in the afternoon before the person gets that particular project done. I particularly think that is an asset because you don't have people looking at the clock saying hey its lunchtime and I am out of here. As you walk around the building there are many offices with one secretary and when they go to lunch the office has to close. So it is not a case of favoritism and I would also challenge, in my group of favorites, do any of you know if any of them have been disciplined, do they get special treatment, if they have, put it on the record what it is. We are talking about my job and I would like to know what it is. We are talking about what I am going to have to answer for the rest of my career. Tell me, tell us all what it is.

I want to say one other thing and maybe because I have worked through the ranks. I have and I believe, I have an entirely different attitude about grievances and desk audits. I am sure if you ask the former Manager, they are a pain in the neck, they are a lot of work. But a desk audit is what is afforded your employees, afforded the people that you pay me to manage when they feel they are not treated fairly. A grievance is something you provide them contractually when they feel they are not being treated fairly. And I am not discouraging them from doing that that is their right. But you want to judge me for that. I have gone through the system. I think an employee needs to feel empowered and I think we have done that. But as part of their empowerment if they feel they are not being treated fairly by a Supervisor or their Department Head, or the Borough Manager that they have the right to come to you for the final decision and a final judgment.

Favoritism, I love it. I will introduce a document later relevant to the meeting on December 7 because as you remember that came up at that time. Before I do that, this is exhibit J, question number four, and for the record what exhibit J is, you recall in 2002 when you were looking to hire a Borough Manager, the Borough hired a professional service, Jersey Professional Management, and I applied for the job at the time. There was a questionnaire that we were asked to fill out. While I have not been able to find the copy in the Borough, amazingly there were very few documents that remain from that search for a new manager. I would like to put on the record my response to question number four was and I obviously will read the question and I am only going to, however, if you would like me to answer the whole thing, I will certainly do that but I will only answer the part as it pertains to people that I surround myself with. If you would like me after I read what the question was to read the whole thing, I would be more than glad to put the whole thing on the record.

It says identify your style of management, highlighting your relationship with current elected officials, department heads, staff, volunteers, other professionals, taxpayers and residents and what are your best management skills, what are your weakest management skills. I responded that I am a team builder. During my professional and volunteer career I have had the opportunity on at least six occasions to rise through the ranks of both public and private organizations to serve as President, Director, Chief and Chief Executive Officer. I have attained these successes by working with my colleagues. I have surrounded myself with professional who I trusted and who trusted me. These were people I involved in decision making process and people I was able to get to share common goals and objectives. Throughout my career, my management style has been to share success with subordinates and motivate my staff to achieve greater heights. If that is favoritism and if that is what I am going to get fired for, I will leave gladly. If you go through the list, you have people in this building and outside of this building that have offered through me, and go back through the records and you will see I did give them credit, ideas on how to save money. You have people that have volunteered to come in, we were so concerned that maybe there was an Assistant to the Manager that was getting all this comp time because one person said something and we found out he was doing all that work on his own, for one reason and one reason only, his love of the community. Go figure. That is a person that I proudly align myself to and that is Jim VanKruiningen and you people owe him an apology for what was said because you believed that he was around here that he was doing this for nothing. The night we had a presentation, somebody said, oh he is getting paid to sit back there the whole night, no he didn't get paid to sit there the whole night, the only reason he sat there was it would have been disruptive to take the screen down before the Mayor and Council. These are the type of people you have working for you and you want to discourage that. You want to crucify this town, kill your employees that is a good way to do it, a great way to do it.

I want to say one other thing, I have stated publicly, repeatedly, and this public has heard it. At any given day, and I remember my very first day a meeting with my

employees, one third of you are going to love me, one third of you is going to hate me and one third aren't going to give a crap one way or another. Those thirds are going to change as you make decisions because some decisions will impact employees negatively and guess what, I am the bad guy that week. But guess what you are not paying me to win a popularity poll here, you are paying me to manage a \$42 million dollar operation. There are going to be times peoples noses are going to be bent out of shape. If you can show me a survey where 50%, no, I'll go one better, if you can find me a survey where one third of the employees say morale stinks. So there, you have it. We can make this real easy. But you know that is not the case, you know that is not the case.

One more thing, there are a lot of our employees in the room tonight and I honest to god don't think they are here to see my demise, I think it is their way of saying, Tom, we support you and I hope you take that into consideration not for me for them.

I don't know why I have this but I am going to read this anyway. Deputy Mayor Swain had indicated that Police Department litigation showed a lack of management experience on my part. And I don't even know what to say to that. It is not even worth a comment. I am going to chalk it up to you misunderstood the question and leave it at that. I am not here to embarrass you or for you to embarrass me.

Charge Six.

Councilmember Trawinski – Mayor, I think the Manager lost his train of thought because he had indicated that he was also going to deal with the CAD system on direct.

Mayor Weinstein – he said he was going to address that later.

Manager Metzler – I have that.

Charge six say I failed to handle disputes with Borough personnel in a manner which is consistent with the articulated budgetary and other goals and objectives of the Council. I don't mean any disrespect, but I don't have any idea what that means. But I do want to say this, if it means that this Council wants to take a position on discipline on the part of your manager, based upon the cost of legal counsel to do that, I think that is a very serious mistake. Again, I don't know what it means. I have tried to put together some of the comments that we have had when we were discussing the replacement of my secretary and again, I don't know how to respond to this because I don't know what it means. Bruce, if you want to explain it to me, I'll try to respond to it. Looking at the comments that were made and looking at the charges, I honestly do not know how to respond to that. If you want we can just leave it at that.



front lawn. I do think that is important to be stated.

Also in regards to Memorial Pool, you recall we had a meeting where you had indicated that you felt I was dismissive to your needs. I think when you or the public and anyone  
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else goes through the e-mails, you are going to find that in every case, I mean the documents are here, I responded to you within 24 hours. Again, this is just a comment, I would remind you that you and I, I don't remember if it was a phone conversation or if you were in my office getting information and you had indicated that you wanted to put the water park on the agenda. Do you recall my advice to you? Remember to speak to Joe and Steve before you do that, it was a very controversial issue and could become an embarrassment to you and them.

Mayor Weinstein – it was probably Joe and Ed by the way. I was not on the Council.

Manager Metzler – I was concerned that

Deputy Mayor Swain – and it wasn't the water park

Manager Metzler – do you remember the conversation

Deputy Mayor Swain – yes

Manager Metzler – last but not least and then I will do my closing. Mayor you had indicated that you had a problem in how I facilitated the budget meeting between the Mayor and Council and the Emergency Management Coordinator.

Mayor Weinstein – yes

Manager Metzler – so that everyone is clear. What happened was, the Emergency Management Coordinator in his budget request to the Manager, had asked for a full time position. That position was not approved by me in my budget. When the Emergency Management Coordinator came to the Council for his budget, he made a pitch in hopes that you would over ride me. You need to know that my instruction to the Department Heads is it is no holes barred, the Council asks you a question you answer the question. I would hope that we could agree that in every case where I have made a presentation to the Council where I was making a recommendation that was not supported by my Department Head, I have told you that.

We had a brief discussion about leaf collection. Ron Conte does not support this but I still think this is something we have to support. When the Emergency Manager came in to make a pitch for a full time job, did he ask me is it appropriate to do that, he certainly did. And I said, that is your opportunity. The Council has the final say. I cannot support

this; I am looking at the total picture and cannot support it. So if there is more to it than that that is my explanation.

I just have a few closing remarks and I am done. I think, unfortunately for me, the final act has been written. Half the performance is over and we just need to wait for the curtain to come down.

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Mayor Weinstein – you want to take a small recess now. Just a minute recess, cable is switching tapes. Ladies and gentlemen, we are back. Mr. Manager.

Manager Metzler – thank you Mayor. As I indicated, I want to move into my closing statement. As I said the final act has been written. Half the performance is over and we still have to put the curtain down. If I may, Mayor Weinstein, I feel an obligation to talk directly to you. I want the record to reflect that I think you are a good honest man and I really mean that. I remember when you walked out of my office that day, you said, you know Tom, I really do like you. As you recall, I said I like you too.

However, evil exists because good men do nothing. I believe it has always been your intention to do this the right way. Certainly my removal is within the jurisdiction of this Council. I am not disputing that. I know you would agree that when you walked out of my office that day, I think we both felt this was over, we just needed to let the fat lady sing and move on and we both would have been happy. Unfortunately the press became involved with this. I do have to go on record that I believe on two occasions you have failed me because I am your employee and I have yet to find on the record when this matter was leaked to the press, both with the car and you remember that conversation. At no time, did you say to your Council that this was inappropriate; Mr. Metzler is entitled to some rights. You have taken offense, you have said it repeatedly how much it offended you that car gate was held as a public meeting.

Mayor Weinstein – yes

Manager Metzler – it would not have been if it wasn't leaked to the press and I think you know that and I know that. I respect you for trying to do the right thing but you failed me by not correcting when these things were leaked.

My last exhibit is exhibit K, let me tell you how this came about, and if anybody questions the authenticity of this document, because it is dated December 26, I am either a mind reader or I knew what was going to happen there. I would glad send this document electronically so you can see it was time stamped December 26, 2007 10:27 a.m. I wrote it because I became concerned about the meeting on December 7 with you and the Deputy Mayor. The meeting I had with you on December 14, I am not reading this in its entirety. I also want to make the Council aware of the fact and the public aware of the fact that when this document is read in its entirety there are things





with me.

The purpose of the hearing, according to case law is two fold. First it gives the Manager an opportunity as he did tonight to present his side of the story, to present to any prospective employer and secondly the residents of Fair Lawn are given the opportunity to know why members of the Council took the action that they did to determine whether the action was taken wisely. Before I go in to examples, which I believe support the reason forth in this resolution I would like to make a few other comments.

First, I want to everyone to know, as the Manager said, to know that my initial conversation with Tom back in September did not come without a significant amount of thought on my part. As stated at a previous meeting, I like Tom personally and I fully

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acknowledge his past volunteer service to Fair Lawn and the Fire Department, Emergency Management and his other endeavors. Since that initial meeting I have heard the rumors and the acquisitions that this was some sort of vendetta, a Democratic versus Republican issue and that a member of the Council wants Tom's job and other absurd statements. I do have the utmost respect of those who came to spoke to the Council who are friends of Tom, who have worked with him in one capacity or another and have shared their views with us. Friendships are to be valued and they are clearly part of the equation.

What I do take issue is, however, is the minority of people who wish to politicize this process and somehow take advantage of it. Those people do a disservice to Tom, to members of the Council and to the community at large. As the people of Fair Lawn will hear shortly there are significant differences of opinion and philosophy that I have with the Manager which brings us to this point. This does not make Tom a bad person. It does not negate many good things that Tom has indeed accomplished, but as stated by another this is not a personality contest. The relationship between the Manager and the Mayor and Council is the equivalent to the relationship between the Chief Executive Officer and the Board of Directors. Just as the Mayor and Council are answerable to the people of Fair Lawn, the Manager is answerable to the Mayor and Council. That relationship is the core of effective government for the Borough. It is solely in that context that I had my conversation with Tom in September because I felt that over a significant period of time there were many things that occurred that did not support a true working relationship. Some of these fall into the category, in my opinion, of poor judgment, flawed process and not protecting the public interest as well as it should be protected. The ultimate judgment is whether the Mayor and Council in conjunction with the Manager is best serving the public. Because of the examples which I will recite shortly, I believe the public could and should be better served. One further point, it is clear that two Councilmembers are loyal to Tom and do not support his termination. That is their right and I suppose it is because he was their appointment. My loyalty first and foremost is to the people of Fair Lawn and it is on that basis alone I have made my



the future.”

And I do want to say, as the CFO said, he has been the CFO for 29 years. If there wasn't a policy in place, who has the expertise to tell various Councils, I was not on the Council in 1994 that a policy should be put in place and those were also in the minutes of the meetings that we discussed the car. Unfortunately, the use of the BCIA was not confined to this vehicle. While previously authorized in earlier budgets to the Fair Lawn Volunteer Ambulance Corps. defibrillators were also authorized for purchase by the Manager through the BCIA in March 08. No one is contesting the need for defibrillators but the source of funding was again inappropriate.

Finally on the issue of using the BCIA, it must be understood that unlike a typical line of credit where you only pay interest on the money used, the BCIA was earning interest on money allocated but unused by the Borough. Although directed in January of 2006 not to use the BCIA account, the Manager through the CFO did not close out these accounts until three months ago, August of 2008 costing the Borough taxpayers interest

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on unused balances for some two and a half years which total close to \$25,000. In my opinion the judgment of the Manager was flawed in continuing to use the BCIA account and it cost the Fair Lawn taxpayer a fair amount of money.

Next the CAD system. In 2007 it was determined that the old CAD system that had been purchased for the Police Department was not working properly and a new system was required to replace it. The system itself is used for entering calls for service, report writing, case management and other data input. The circumstances of awarding the bid for the replacement were troubling. Instead of putting out the bid package for a significant period of time, such as 30 to 60 days which would give bidders sufficient time to put together the data the Manager decided to put out the bid response time of only 12 days which is only two days more than the absolute minimum. The Council work session minutes of June 26, 2007 indicate that only one bid was received and letters were received from two potential bidders that they could not bid because of the short time allowable. Despite misgivings by Deputy Mayor Etler at the time and Councilmember Trawinski concerning that only one bid was received in the end they and Councilmember Baratta voted to award the bid with Deputy Mayor Tedeschi and I voting no. The bid price for this item was \$520,000 and the CFO has costed out the total for the life of the payout to be approximately \$1.1 million dollars.

The minutes reflect that the Manager indicated that it was a difficult decision for him to recommend the awarding of the bid because vendors felt they were not given enough time to bid. The minutes of August 7, 2007 indicate that the Manager had received advise by staff including the CFO, the Assistant Purchasing Agent and the Borough Attorney who all suggested that the Borough advertise for a longer period than 12 days. He decided that time was of the essence. The minutes further reflect that he felt then in

retrospect because they only received one bid, it was not a wise decision, but that did not mean that the bid should not be awarded.

This is a costly item to the taxpayers of Fair Lawn and I and Deputy Mayor Tedeschi felt that the process was flawed. The minutes reflect that the Manager rejected input from the staff members cited and the Borough wound up awarding a million dollar plus contract to a single bidder. Further the work session minutes of September 2007 indicated that Councilmember Trawinski requested the Manager to give periodic status reports and to also give an in the field demonstration when the system was installed. Fourteen months after that request by Councilmember Trawinski, which I concurred with, the demonstration has not occurred. Additionally, for a five month period the only reports the Council received from the Manager were contained in the Manager's general report and they were presented as the input from the Police Department. A reading of the reports indicates that the exact language was duplicated in the Manager's report of May 2008, June 2008, July 2008, August 2008 and September 2008. I do not believe that this is the kind of report the Council was looking for and in truth was not a Manager's review of the system but merely a passing through of what the Police Department stated.

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The actual language used is as follows: As of April 30 the Fair Lawn Police Department has been utilizing the new Spillman CAD system. This system is being utilized to enter all calls for service, report writing, case management, etc. The Council did not receive any independent review from the Manager as to whether the system was living up to the expectations and any glitches was worth the money would have to be supplemented in the future, or anything of the like. In essence, they are not advised as to how well the system was operating or not operating but merely we were told in the reports what it was used for. This lack of more detailed information coupled with the failure to set up the demonstration did not comply with Councilmember Trawinski's request nor the intent of the Council.

Next, questionable decisions regarding personnel. Under the Council / Manager Statute the Manager supervises and controls appointees and it is clear in except limited circumstances relating to Council appointees is within the exclusive jurisdiction of the Manager, in other words, the Council should or does not micro manage the staff. This does not mean the Council cannot review decisions that have been made by the manager to determine whether or not the Manager has acted appropriately, there are four examples that I have placed on in this category that support the resolution.

The first one I will call is disparate treatment. Two members of the Borough staff were allegedly involved in a personal relationship. These individuals shall remain unnamed as it would be irrelevant to the point. When somehow this relationship came to the Manager's attention the female employee was moved out of her working area



2006 through August 2008. Reading the whole list is lengthy so I will attempt to summarize things that were supposed to be done but have not been done.

In chronological order, the Manager was to make recommendations to increase membership for Fair Lawn TV productions. This goes back to June of 2006. In October 2006, Councilmember Trawinski asked the Manager about the Bank of New York Parking Lot. Recently that is in the process of being closed out. Also in October 2006 the Manager was to look into the sponsorship of e-mail advertising and report back to the Council, still incomplete. In December of 2006, the Manager was to have the Borough Engineer prepare a survey of all Borough owned properties and rights of ways that are not needed so they could be sold and bring a revenue stream into the Borough, still incomplete. In April 2007, the Manager was to do research concerning resident guest fees at the Community Center, still incomplete. In September 2007, the Manager was to ask the Municipal Engineer about a non electronic backup system related to the Manager's report on water emergency. Still incomplete.

Additionally in September 2007, the Manager was to prepare a timeline for implementation of recommendations in regard to the April Northeaster and how the Borough could better respond. Still incomplete. In March 2008 the Manager was to work out a plan with the Superintendent of Parks and Recreation to devise a plan for one side of the street parking for Brookdale Park. Still incomplete.

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Again, I wish to emphasize that one item alone is not significant, however, the cumulative effect of these incomplete items over a significant period of time, raises concerns about efficiency.

I forgot to mention that the Manager receives the same follow-up status as the Mayor and Council.

As a matter of a difference of philosophies, I have entitled this category budget staff versus services. As you all know the cost of municipal government is expensive especially in these economic times. It is making it more and more difficult to fund municipal services. While the Mayor and Council wanted to cut expenses in December of 2006, the Manager recommended hiring three additional employees to the Borough. We all voted yes, we thought there was a five year plan and that there was a future plan, or a five year plan. But in the last budget, in the beginning of 2008, they did not fit into the budget and he was looking in to cutting other services. The other services he was looking to cut was eliminating one mini-bus and closing Walsh Pool. This proposal was given without providing who was using the bus. Cutting of these services as far as he is concerned is not an appropriate approach for cost savings. Many of our seniors rely on the mini-bus for their sole method of transportation to buy groceries and to get around town. Closing Walsh Pool may be one way of saving money but it also closes





This, of course, is no reflection on Tom because he cannot control the people who wish to speak on his behalf. The point is that supporting the reasons in Resolution No. 278-2008 was not a spur of the moment decision nor done without foundation. As I said previously to get to this point was a difficult one but in my opinion fully justified by taking into consideration all the items set forth above without over emphasizing or under emphasizing any one of them. I felt, then as I do now, that it is time for a change and if a majority of the Council adopts the final resolution of termination, I certainly wish Tom the best in any future endeavor and I am more than willing to indicate to any future employer that Tom certainly was an excellent volunteer in Fair Lawn and did accomplish various things as Manager but in totality of the circumstances it was time for him and the Borough to move in a different direction.

Councilmember Baratta – unfortunately I do not have a prepared statement because I was not given the rules of this procedure until I got here, so I don't have my notes typed up so I have to go by the seat of my pants. The first thing I am going to say, I tried to make some notes while everyone was talking. In general the items that you just mentioned were not discussed in our Closed Session when we put this resolution for removal together. The items such as the incomplete items, the nor'easter, the water emergency were discussed in that Closed Session when we came up with this document for removal. So are we now adding more information to it so when each Councilmember speaks are they going to be adding to this item that we were not allowed to deliberate on, just hearing about tonight? Because when I voted for or against the resolution for removal we discussed items in Closed Session, I believe those were the six items that the Manager spoke about tonight. But now you are putting more items on the table.

Mayor Weinstein - correct

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Councilmember Baratta – these were not part of the removal, is that fair? Should we throw this resolution out and start from scratch now if everyone is going to be adding new items to it.

Mayor Weinstein – Borough Attorney, the purpose of the Council portion of the meeting?

Attorney Rosenberg – the purpose of the Council portion of the meeting as identified in the case of Bowen v Long Branch is for any Council person to make statements with respect to the termination of the Manager. And that is what they are entitled to do.

Councilmember Baratta – ok, just give me a minute. As far as information that came out about documents that were missing in regard to car gate. The documents that showed the past practice of no approval for the previous cars, I specifically asked for





very small minority of speakers who made personal attacks on councilmembers, who wish to turn this into some type of political vendetta or who come to the microphone with an agenda. I do believe that the overwhelming majority of you have spoken from your heart and it is those sentiments that I will consider.

In making this decision, no one event, topic or issue should be the deciding factor. Its many of these factors that control the outcome. One such factor is the misuse of BCIA funds for the purchase of the Manager's car. This was an extremely serious turn of events. I am not only disturbed that it occurred, but I am very troubled by the flow of information that appeared to reluctantly be given by the Manager to the Council to fully explain the entire transaction. I believe that the initial flow of information to the Council was contradictory and inaccurate. To this day I am not convinced that the Manager believes he did anything incorrectly, even though that was the opinion of the entire Council, as well as the Dept of Community Affairs. To me, the Manager demonstrated extremely poor judgment in not only acquiring the car, but in the initial explanation to the Council.

Other items that have troubled me are the lack of follow-up of requests to the Manager. Now, I fully understand that Managers, like any CEO, are extremely busy. But at the very least, I would expect a Manager to come back to the Council to indicate whether or not a particular item cannot be accomplished in a timely manner. I don't recall this happening with items of major importance.

I was also very concerned when we were asked as a Council to make decisions on certain Police Department grievances, when not all of the relevant information had been supplied by the Manager. Deciding a grievance is very important to an employee and to the Borough. To be asked to make a judgment without all the facts is inexcusable.

As we all know, we are facing tough economic times, probably as difficult as any Council has faced in the last 25 years. State funding is drying up, people are losing jobs and their homes, and we need as a Council, to keep taxes as low as possible, while at the same time maintaining the services that our residents expect. Towards this end it is my understanding that we would start discussing the 2009 budget in July 2008 rather

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than waiting until the end of the year so that the Council would have an early indication of problem areas. As you know, by statute, the Manager presents the budget and then it is reviewed by the Mayor and Council. We are now in November and the Manager has not commenced this process.

These are some of the examples that lead me to the conclusion that the Manager and the Council are not on the same page.

As the Mayor stated a few weeks ago, the public is the check and balance on the Council and the Council is the check on the Manager. The Manager works for the Council. The ultimate accountability is to the people of Fair Lawn, and the people of Fair Lawn vote for the Council, not the Manager. If the Council believes that things are not running the way they should, we have a responsibility to you, the people of Fair Lawn to make the appropriate, and sometimes difficult, decisions to run the government.

This is the standard by which I will make my final determination concerning the Manager's employment.

I would like to conclude by stating the following. My vote on this matter will be exactly that – my vote. I have been accused by some of you as going along with the Mayor and Deputy Mayor Tedeschi. That accusation is an insult to all of us. If I agree with Steve and Joe it is because I believe in their position, not just because they are my colleagues.

If I were to decide this issue solely on the basis of the opinion of the residents in this room, then I would not be fulfilling my responsibility to the other 31,000 residents of Fair Lawn. Everyone who knows me knows that I take my Council responsibilities very seriously. I will not be swayed by collateral issues of party politics, nor by the lobbying impact of the friends of the Manager.

I want all of the residents to know that whatever my decision, whether you agree or disagree, it will be the result of a full review of all the information at hand and a serious reflection of all the issues. I know the people of Fair Lawn are counting on me to be independent and thoughtful in my thinking and that is how I intend to proceed in this matter. Thank you for your time.

Mayor Weinstein - Thank you. Councilmember Trawinski.

Councilmember Trawinski – I would like to defer, Joe probably has a written statement ready, so why doesn't he read it.

Mayor Weinstein – Ok, Deputy Mayor Tedeschi.

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Deputy Mayor Tedeschi – I very seldom do write things down but I didn't want to leave things out so you'll forgive me (microphone not on). I said I very seldom write things down so you'll forgive me for having written things down that I didn't want to forget. First of all the Manager and this is not what I was prepared to say but I think I have a obligation to say it. The Manager spoke of a meeting that the Mayor and I had. At that meeting I also asked if one Councilman could have told him that he could do whatever

he wanted and he would be backed up? The Manager told me yes he was and he wasn't the only council man. Secondly, Tom I'm sorry

Marty Etlar - Absolutely incorrect. Absolutely incorrect. Absolutely incorrect. Mayor calls to order.

Deputy Mayor Tedeschi - Marty excuse me, you weren't there. The Manager can confirm that later. The other thing is about me wanting the job. I was contacted by a Councilperson and asked if I was interested in the job and I said "Yes, I was". And it was Councilman Trawinski and Councilwoman Barrata and also their two biggest political supporters which is how Mr. Trawinski describes them, Mr. Levitt and Mr. Seidon were also at that meeting so they can confirm that I was at that meeting. And we discussed I think maybe two or three hours we talked ok. I did not lobby for this job ok. That is not true. With regards to leaks to the papers Tom, I'm sorry Tom, perhaps when you took the pictures down from your office the day the Mayor was there and announced at your department head meeting that you had been fired, that might have precipitated a leak.

Mayor Weinstein – Ladies and Gentleman everyone will have a chance to speak

Deputy Mayor Tedeschi – Besides from that that's not what I want to talk about tonight. I'd like to place my comments into three categories. First I would like everyone in Fair Lawn to know that this is not an easy decision. It's difficult not only because I know Tom personally for twenty years, but obviously when there is a change in Managers it influences how the Borough is to be run over the next several years. I do not take this responsibility lightly. I would however like to set the record straight on a few additional things. Despite what people in the audience has said this is not a personal vendetta. It is not a political D vs. R issue. I am not interested in the Manager's job and as a matter of fact the Manager can tell you about six months after he took the job, I had a meeting with him in his office and the conversation came around and I said Tom, I'm so glad I never got this job because it would have physically killed me. Shortly after that I think I was recovering from hip replacement, but I did say that. (Mr. Metzler agrees).

I also called Tom the day he got appointed and congratulated him. I also shared with him the procedure and I think you developed that procedure and made it even better for controlling comments from the public. I wished him well. I take very personally the fact

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that the crutch that people have had used, is that I want his job. I could not physically do it and Allan Caan, I'm disappointed that you think I do.

The issue before this Council is not one of personal friendship and loyalty or good deeds. The issue before the Council, the only issue before the Council, is whether or

not the Manager has effectively executed his duties and responsibilities of that job and his working relationship with the Council.

The second category that I wish to mention is the process tonight. We have effectively and appropriately permitted the Manager to present everything and anything that he deems appropriate and would like to bring before us, so that we may consider it in whatever determination we make, we finally make and also he has a record to present in the future.

All of the information received as well as my personal working relationship with the Manager as a Councilmember will be taken into consideration with respect to my vote. It should be remembered; however, that this process reflects the fact that the Manager is an at will employee of the Borough. This means that the Mayor and Council has the statutory authority to terminate the Managers employment with certain safeguards for the Manager such as this type of hearing, a salary continuation for several months from the date of the resolution. This is not a civil service type of hearing, where charges are proffered and then are proven or rejected in a judicial style. In effect that Manager serves at the pleasure of the Council, similar to other positions in our national, state and local governmental structures.

With those two categories as background I turn to my third category which is the reasons why the Council would make a determination as to whether or not the manager should continue with his employment. The Mayor has touched on some issues and I'm going to reserve to those that concern me but I'd like to add a few extra details. If I had to single out a few examples I would go to the CAD system that everybody seems to want to go to. Unfortunately you can't get to the CAD system without going through Enforsys. Now, most people don't know that Enforsys was a system that was adopted in about 2003 and the implementation began about it was 2003. It was at the request of according to the Borough Manager of the Central Bergen Dispatch Organization, OK. Um, and it was done at their request. The Enforsys system failed miserably. It cost the taxpayers several hundred thousand dollars. When we discussed Enforsys and the possibility of a legal suit with the Borough Attorney and asked for his legal advice he came back and said he had problems. There was never a contract. There was no agreement. We asked the Chief about it and he said we had dealt with a company called Gold Type Business Machines and Enforsys. We had purchased about \$200,000 worth of hardware from Gold Type and about \$20 according to the Chief \$35000 of software. I requested the invoices because I have a bad habit I like to look at things. The actual number was \$350,000 and I believe that some of the computers that we

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bought are in storage somewhere in this building. Now, uh, when we talked to the Borough Manager as to who was responsible for Enforsys he said he didn't know. We asked if there was a committee, he said he knew of no committee nor did the Borough Clerk know of a committee. There was no committee.



negotiate \$30,000, Bruce, more or less, yes. He didn't do it. It wasn't his responsibility that was management's responsibility.

My biggest problem with this system is that it was rushed through. Nobody else was given an opportunity and I don't know how much money that cost the people of Fair Lawn because we were not in a competitive bid situation. Now the Borough Manager, the excuse me Tom, the Borough Attorney represented to the Council that he had grounds to reject the bid and felt that he would prevail. The majority of the people on the Council at that time voted to award the contract anyway. There were two separate items. The one that to me is most glaring is the fact that the contract called for a performance bond. They didn't put up a performance bond and it had to be renegotiated. Correct me if I'm wrong but is that not an integral part of a bid process. Mr. Mayor.

Someone – There was an agreement.

Manager Metzler – A performance bond ultimately was required to be one of the documents.

Deputy Mayor Tedeschi – They didn't want to present it. I'm sorry Tom.

Manager Metzler – They wanted to put up cash.

Deputy Mayor Tedeschi - But we didn't ask for cash we asked for a performance bond.

Manager Metzler - Yeah, they wanted - do better.

Deputy Mayor Tedeschi – They didn't say they would put up cash they said we wouldn't pay for it until it was up and operating. Go check.

Manager Metzler – No. Put it on the record.

Deputy Mayor Tedeschi – OK. I don't think that was appropriate. I think it's cost the people of Fair Lawn a lot of money and I have to tell you other people are looking at the same contract and they're questioning it.

The next item is the car and I'm not going to spend a lot of time talking about the car. I can tell you that when I asked the Manager at that meeting that the Mayor and I had where the money for the car came from I was told it came from an account called "other Borough vehicles".

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Manager Metzler - That's reflected in the notes.

Deputy Mayor Tedeschi – OK. Um, well, I went home and I looked through the budget for Borough Vehicles and there is no such account. I called the CFO on I think a Monday morning and I said “Barry, you have to help me here. Either I’m stupid or I can’t find it, but I can’t find an account called “Other Borough Vehicles”. He laughed and said it doesn’t exist. I said “But Tom told me it was in there”. He said “Tom doesn’t know”.

Now I want to talk a little bit about the cell towers. Well, I’ve got a couple of other points on the bid, the CAD system. Councilmember Tedeschi. Tedeschi we keep getting those names mixed up, Trawinski. I’ll keep mine thank you. Councilmember Trawinski questioned the Borough Manager and he said “well, when we have big projects like this shouldn’t we be involved, if the Council wants to get involved from the beginning?” That kind of makes a lot of sense to me. The Manager’s answer was “well, next time let me know.” and that’s out of the minutes also.

Um, with regard to the car again, uh, it was against State law. There was a policy in place, although it wasn’t stated that we weren’t doing any BCIA purchases and as Councilwoman Baratta said it meant additional purchases. Well, this car was an additional purchase.

Manager Metzler - you’re the attorney.

Deputy Mayor Tedeschi – What did I say wrong?

Manager Metzler - Put it on the record. Put it on the record.

Deputy Mayor Tedeschi – What, I’m sorry, I’m sorry, please. OK.

I’d like to talk about the cell tower. The Manager came back in 2006 and wanted to replace the cell tower. He had a company that was willing to put it up and would amortize the cost of the cell tower which was going to cost I think \$208,000 in total by using the tower for their own use and once that was amortized it would be fine. And we went through a series of meetings where Councilmember Trawinski reminded the Council that originally that tower this location had been removed from the CA from the zoning and he was very concerned about the people here that didn’t want it before. A couple of meetings later we come back and we’re told, well there are dead spots. We have to resolve the dead spots and Councilman Trawinski again, and I’m only using Ed’s name because he’s the guy that kind of pushed for this, said we have to make sure the dead spots are taken care of. Well, there’s a letter, if I can find it. Well, I’ll tell you what the Chief’s letter said. It was from Officer Mergler who is responsible because on the 29<sup>th</sup> of September I asked for a lot of information and I asked for the report that

Councilmember Trawinski had asked to get that I have never seen. And obviously it didn't exist. The Council had asked for a report to be done on the dead spots. Instead what I got was a letter from Mergler, Officer Mergler to the Chief that the Chief forwarded onto me and I presume forwarded to the rest of the Council saying we haven't had dead spots since 2004. That was fixed when we added the second repeater. So, I'm just a little confused about the information we're getting and that's why, I think, what the Manager said was un, uh, when he quoted the Closed Session where he talked about my concern or lack of information or lack of credibility OK.

We're being told first of all somebody wants to put up a cell tower and we're saying we're not sure we want to do it. Then we're being told we have a problem here because there's dead spots and then we say get a report and then after that happens we don't get a report. We're told there's no more dead spots. There haven't been any since 2004. That's the information I got passed through the Chief's office so. Excuse me, I'm almost done.

Manager Metzler - Can I ask is that the same report because I believe it actually came through the Chief's office via my office. So can you just verify that because it seems to me that the memo that I saw reflected that Officer Mergler was able to scrounge some parts and was able to.

Deputy Mayor Tedeschi - No, I didn't get that memo, I got a memo saying there are no dead spots.

Manager Metzler - Uh. And you also, may I just one quick question. The Mayor said yes, I believe.

Deputy Mayor Tedeschi – I have no desire to answer them.

Mayor Weinstein – Let him finish and then.

Deputy Mayor Tedeschi - Let me finish and then you can make a comment, Tom, OK.

Um, the cell tower incident to me is an indication to me of the Manager not providing full information to the Council. Another indication of not providing information is that the Mayor mentioned that we were talking about mini buses and discontinuing the service. Well, it turns out we've already partially discontinued service, we just really didn't understand that it was done. We were also told that a mini bus costs \$159,000. The next day I wrote, I asked the Borough Clerk to provide me a copy of an invoice for the last bus we purchased. It was \$42,000.

Manager Metzler - That's correct, is true.

Deputy Mayor Tedeschi – Ok, Ok, I don't know if the whole Council knew that. There the one's that

SOMEONE – UNINTELLIGIBLE COMMENT

Deputy Mayor Tedeschi – The new one with the lift is between \$70,000 and \$80,000. We were told the maintenance on the bus was \$35,000 a year. Well, that's not true either because that's for all the buses.

Manager Metzler– That's correct.

Deputy Mayor Tedeschi – I don't know. Yes you did correct that. But the key is here's a Council sitting depending on its Chief Executive Officer to provide accurate information on a regular and timely basis and being told things that have to be corrected later. Now I don't know if we would have found out that the bus was a \$70,000 or \$80,000 if I hadn't asked for the last bus. But these are the things that concern me the most. It's accuracy and it's not shooting from the hip.

We heard the Borough Manager say this evening; well it's the Council's budget. The Borough Manager wrote to us and said well, you don't have to look at it line by line, I'll take care of it for you. Well, with all due respect Tom, I don't want you to take care of it for me because that's a Council responsibility. We're held accountable to the tax payers of Fair Lawn. On the ballot, all of our names appear. The Borough Manager's name never appears. We are the face of government in Fair Lawn and the people in Fair Lawn are entitled to honest representation and they're entitled to honest spending of their tax dollars.

The ultimate judge of whether the Council's actions are deemed appropriate or not deemed appropriate will be made by the people of Fair Lawn in which they have reposed their trust in this Council. I have tried to make appropriate decisions on their behalf. I think I do a fairly good job. I've been doing it for 20 years in Fair Lawn in one form or another but I would submit one thought. If you want to judge my judgment; if you want to evaluate my judgment, please, you're welcome to because I have faith in my judgment. If you want to define my motives, please don't, because you don't know what my motives are. OK. Thank you.

Mayor Weinstein – Thank you. Mr. Trawinski

Councilman Trawinski – I suffer at the same loss that Councilwoman Baratta suffers at because I actually thought, I guess naively with this Council, that it is the Council that would establish the rules and procedures with advice from the Borough Attorney acting as the Faulkner Act requires us to act and that is as a collective body. Not each one of

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us picking up the telephone and calling the Borough Attorney and asking him what he thinks.

I excuse Councilwoman Swain because she hasn't lived and breathed the Faulkner Act the way that I have but I don't excuse Councilmember Tedeschi, uh, Deputy Mayor Tedeschi and Mayor Weinstein. They have lived and breathed the Faulkner Act.

We violated the Faulkner Act spirit intent tonight with what we did. We violated the Open Public Meetings Act by what we did tonight in adopting these rules and procedures. The wisdom of the Faulkner Act and the Council acting as a collective body is that we sit down, look at each other in a Work Session and talk about these things and then come to a collective judgment and that collective judgment in this case could have been to setting forth the rules and procedures. I submit what happened is the same thing that happened back when we had the meeting where the Borough Attorney laid out for the first time the procedure in Closed Session for firing a manager. The majority of the Council didn't think it through and so we had to boot strap that process by asking the Borough Attorney in Closed Session to explain it to us. These rules and procedures are not fixed by that Court case and don't anybody lead you otherwise. The Court case expressly says that we set the rules and procedures. It's absolute poppycock to do this, this way on so serious a matter that affects the 31,000 residents of Fair Lawn.

I would also ask so I have an opportunity, and every one of us has an opportunity and since the Borough Clerk's assistant, I've come to learn does it anyway, that we get a verbatim transcription of these minutes and we get them before our next meeting. Not that they are official minutes but a verbatim transcription.

Collective Response - Um hum

Deputy Mayor Tedeschi - What minutes are you talking about?

Councilmember Trawinski – Tonight, tonight.

Deputy Mayor Tedeschi - Oh, because you say she does them regularly.

Councilmember Trawinski - She doesn't regularly. She does but we don't get them verbatim. What the Borough Clerk does is edit them and change them.

Mayor Weinstein - Not changed. Don't say change. Nobody. Nothing's changed.

Councilmember Trawinski - I would submit with all due respect that there are cases

Mayor Weinstein – Some of them are

Councilmember Trawinski -There are cases here where the Borough Clerk has made changes and she makes discretionary judgment exercise of edit of doing that of editing them down or editing them in one fashion or another.

Mayor Weinstein – Point of law. I just want to say one thing. This is a very serious meeting and for once and for all why don't you stick to the topic that's on the table and not talk about collateral stuff to change it. Why don't you stick to the issue of what we're talking about? You can speak about anything you want, that's your right.

Councilmember Trawinski – Thank you.

Mayor Weinstein – But I'm just saying, for once and for all, why don't you speak to the topic that we're here tonight instead of slamming your fist on the table and

Councilmember Trawinski - I didn't slam my fist on the table.

Mayor Weinstein - And talking about other situations.

Mayor Weinstein – Yes.

Deputy Mayor Tedeschi - Does each Councilmember review all minutes and sign that they agree with those minutes.

Mayor Weinstein – Yes.

Deputy Mayor Tedeschi - OK

Someone – Absolutely, but until recently.

Councilmember Trawinski – Mayor, I'd like to thank you for allowing me to say what I wish to say. I really appreciate that. As a Councilmember who sat in this seat once upon a time reminded Mayor Ganz when he was in the minority, that's a chair you're sitting on. It's not a throne and you were elected, you were elected by the people of Fair Lawn, you were not anointed. That is not my words, I'm quoting Councilmember Tedeschi in his comments to Mayor Ganz when Mayor Ganz allowed Councilmember Tedeschi and I to speak.

Deputy Mayor Tedeschi – The only difference is Mayor Ganz deserved it.

Mayor Weinstein – Continue Mr. Trawinski.

Councilmember Trawinski – So I'm only asking that we get a verbatim transcription of tonight's proceedings so to the extent I haven't addressed things based upon the notes  
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that I've made that we have an opportunity to do that and I'd ask for the Council's consensus that we have that before the next meeting.

Mayor Weinstein – Do we have.

Councilmember Baratta – Yes.

Mayor Weinstein – Do we have a consensus for that?

Borough Clerk Kwasniewski – Before which meeting?

Mayor Weinstein – Before the next time we meet which would be the 24<sup>th</sup>.

Councilmember Trawinski – On this matter.

Councilmember Baratta - On this matter, yes. You're talking about Wednesday.

Councilmember Trawinski – No.

Mayor Weinstein – No, no, no. The 24<sup>th</sup>. In sufficient time that we could review it.

Councilmember Trawinski – Thank you Councilmembers.

I have so many jumbled and confused thoughts in my head. There's a piece of me that would like to attempt to respond to the prepared statements of the Mayor and the two Deputy Mayors but I think it's fruitless and it's probably a waste of your time and our time. Um, the truth is that we as a body will never ever know the truth and there's no desire, I believe, on the part of this Council to seek the truth.

There's another piece of me that would like to talk about this not being a political process as some people have said and at the very first comments I hear from the Mayor is well it's the Manager that was hired by Councilwoman Baratta and Trawinski and conveniently forgets that it was also Mayor Etler and Councilman Weinstein who voted for it and in point of fact the only one who didn't vote

Mayor Weinstein – Not true statement

Councilmember Trawinski – I'm sorry, not Councilman Weinstein, Councilman McCarthy. In point of fact, the only one who voted, who did not vote in favor was the Mayor. So tell me who's got the political agenda here.

And then there's the piece of me who wants to deal with how this process, as the Manager eluded to in his very eloquent closing, how this process was allowed to get out

of hand because of leaks to the press, and the one thing that none of us will know is who leaked these items to the press. But we know the leaks were there and we know that the head of this Council sat silent as those leaks were taking place and did not remind each and every one of us of our responsibility not to distribute those leaks. And so to that extent I do agree with the Manager that some of the fault falls right on the Mayor and some of it falls on each one of us cause we should have reminded each other too. One of us, in Closed Session, thought it was important enough not to remind, to remind another one of use that maybe some of these things in the Closed Session shouldn't appear on Fair Lawn Speaks, but that same individual didn't think that it was important enough to talk about leaks to the press and that is, indeed, unfortunate. Because what should have been a process that did not have to subject the people of Fair Lawn to this, nor subject the Borough Manager to this, need never have occurred, and yet it has, and here we are.

And then there's a piece of me that very much wants to deal with defamatory comments made about this Mayor on the Fair Lawn Speaks website by an individual of this Borough who repeated those defamatory comments and in effect accused the Manager of being a thief. If I were the Manager's attorney I'd have that defamation suit filed against that individual tomorrow. That is an absolute disgrace and that individual is sitting in this room, he knows who he is. He owes this Manager a public apology. And he claims it's not partisan but he makes it a real point that it was the Republicans who supported this Manager and yet he, himself, is a Democrat. It's a disgrace. What he did is an absolute disgrace to this Manager's reputation and I hope he's got a good homeowner's policy and I hope Mr. Kates represents Mr. Metzler in that defamation suit as he should have been representing Mr. Kates, as he should have been representing Mr. Metzler right here had we had an opportunity to discuss the ethical issues but we weren't because this Borough Attorney acted as a sixth Councilmember, in fact, acted as the super majority and made the decisions for us instead of fulfilling his obligation to advise us.

Mayor Weinstein – Again Mr. Trawinski you

Councilmember Trawinski – Having said that

Mayor Weinstein – Again Mr. Trawinski

Councilmember Trawinski – Having said that

Mayor Weinstein – You had the opportunity to state and have a meeting regarding that at any time. This has been going on for a month.

Councilmember Trawinski – Having said that the people of Fair Lawn who are watching tonight should understand that in 2002 when your Borough Council of which, I think, perhaps you only Mayor were a member. 2002?

Mayor Weinstein – My first year on the Council.

Councilmember Trawinski – Were a member and voted to spend money to hire a professional consultant to replace the then manager, received a report after going outside and doing an extensive search that consultant came back and I wasn't there, Baratta wasn't there, Tedeschi wasn't there, Swain wasn't there, and said...You don't need to go outside of the Borough to hire a Manager; the number one choice is right here and it is Tom Metzler. Not when this was political, not when this was partisan.

Mayor Weinstein – Mr. Trawinski that is not a true statement. Continue – I don't know what book you are reading. Mr. Etlar you'll get your opportunity.

Councilmember Trawinski – I am just going to comment on some of the specific items. The BCIA funding mechanism I was the one who raised the issue as the Mayor pointed out and I said we should no longer do the BCIA funding. The Mayor had that choice when he was on the prior Councils and what he did was he went with all of Ganz's pay to people silently to fund those BCIA funding.

Someone from the public – He had an epiphany..

Councilmember Trawinski – He did, thankfully. We didn't direct the Manager never to use BCIA funds nor could we have. We had ongoing projects. We had for example the generator behind this building that was in process that was funded through the BCIA funding. What we told the Manager was no new borrowing, no new leases and as soon as you can close out the existing leases.

Mayor Weinstein – August 08 they were closed out.

Councilmember Trawinski – Exactly right.

Mayor Weinstein – and we asked in 06.

Councilmember Trawinski – For the period of time before that while Mayor Weinstein sat on this Council, your tax dollars were going to pay leases for which no equipment and supplies had been purchased. For that period of time the prior Manager and the prior Mayor had leases which were blanks into excess of a million dollars and the rest of the stuff on those leases were blank.

Deputy Mayor Tedeschi – You were here

Councilmember Trawinski – No, I was not here. I was here a year after they were in place. The Division of Local Government Services letter does not say that the CFO violated the law. Read very carefully what the words were. It said that it appears that you may have deviated from – appears that you may have deviated from – proper purchasing procedures. We have sat silent out of respect for people under very difficult circumstances who made some very difficult decisions, but I will tell you that if this Manager is guilty of abusing his power by cargate then the prior Manager is guilty of using her power by destroying a police vehicle without obtaining permission from the Council. The same rules that apply to purchasing vehicles go to destruction of public property and it should have required the consent of the Council and there are no minutes that reflect that consent taking place. No, I will not – and those same standards should be applied to that individual and we should conduct an investigation into that but their not because that individual is going to be the next individual is going to be the next Manager in my opinion.

The CAD system – Deputy Mayor Tedeschi gave the Enforsys history. As Paul Harvey would say, the rest of the story is that during that whole history, Tom Metzler was not the Borough Manager. All those decisions, all those processes were done under David Ganz, Steve Weinstein, that Council and the then Manager. Those decisions were not made by Tom Metzler. He was sent to a meeting to participate. Deputy Mayor Tedeschi tore up the Manager's office and the Borough Clerk's office since they brought this series of resolutions to you asking for documentation – and this is about one quarter of it – to prove their claim that this Manager did something wrong on the CAD or something wrong on this or something wrong on that. They didn't have it. They bootstrapped it. They had our Borough Attorney create a piece of science fiction in writing the resolution that didn't reflect what took place in September in the closed session and now we say to the Manager you can come and have a fair hearing because you can defend yourself but p.s. we are going to add a whole bunch of new items tonight that you haven't heard before and haven't had an opportunity to prepare for, but it is not a judicial hearing so we don't have to be fair. It is a legislative hearing and we just have to let him have his say and do what is preordained.

The CAD system process – yes I was concerned but then after looking at all the information, hearing what the Manager said I was satisfied and I was particularly satisfied in the context that for too long the Police Department was without a computer aid dispatch system that we needed to make that decision when we made that decision and move forward. I recognize that reasonable people can disagree, but I will tell you that we as a Council do routinely award bids when we only have one bid. Just take a look at our bid history for the last three years. The periodic status reports I did ask for – I felt we were getting them. I read the Manager's report and saw what was there and I was comfortable with what we were getting them. I asked the Manager when he was going to schedule the demo and he says don't you think we ought to get through this



Manager come to us in the summer of 2008 with ideas for cost cutting and so he started to do that. He did it late. He didn't come to us in June. I think he came to us in September, but he was otherwise occupied during some of that period time between cargate and a few other items and then he gave us some items that he thought made

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sense and for that we are going to fire him because we disagree with those items. I happen to disagree with one of those items that he gave us and it is my prerogative as a Councilmember to disagree with him on a policy issue, in fact I helped set the policy with whatever it turns out to be the majority on this Council and other Councilmembers disagreed on other issues but we asked him to come and give it to us. I wonder, I can only wonder if this much hailed Competivization Committee, if we ever appoint those people to deal with it before their time expires, comes to us with ideas that we don't like are we going to fire them too. You know, Ben Franklin once said that he never met an idea that didn't deserve to be aired in the light of day. It doesn't mean that it is good or bad, but it certainly should be put on the table and then we make the judgment. That is what it is about, but we are going to fire him for presenting ideas that we didn't like. What nobody said is that he presented the single most creative idea to the people of Fair Lawn and the single most tax saving idea to Fair Lawn with a buy out of employees who are eligible which would have saved the taxpayers in Fair Lawn \$5 million over five years which we all unanimously supported and that after he got a verbal okay from the Governor, from the Commissioner of the Department of Community Affairs or the Division of Local Government Services in Trenton then they pulled the plug on him when he submitted it down there and he is still, even though he won't tout his own horn, he is still going to Trenton with Senator Gordon regardless of whether he keeps this job to persuade the State of New Jersey that that program makes sense for a town like Fair Lawn and we ought to be allowed to implement it. Even after he's gone, he's fighting to save the taxpayers of Fair Lawn money.

The Auditor's report and the much blunted 2007 Credit Payroll Over Expenditures Order comments and we're going to fire the Manager over not supervising that better. Do yourselves a favor if you have the time. Come down to the Borough Hall to the CFO's office, he spoke, get all the prior audit reports, you pick the time period, the last five years, the last ten years. In every one of those audit reports you will find comments that deal with deficiencies. That's what the auditor's job is, that's what the process is. We recognize as a people that nobody's perfect and that mistakes can be made so we hire auditors pursuant to State Law to go out and review items and make corrections. If we held the prior managers to those standards every one of them would have been fired too because every one of those audit reports contains discrepancies and issues. In the scheme of things this one is really minor. Go back and read the one about cash and accounting for cash if you want to see one that I think was significant. Not under this manager.



to go down that course and I knew better. I was wrong about that too John and you were right.

This is a travesty and should not happen. It's a tragedy and should not happen. Make no mistake about it.

Mayor Weinstein – Thank you. Any other Councilmembers would like to speak. APPLAUSE. Ms. Baratta

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Deputy Mayor Tedeschi – The car that Mr. Trawinski was alluding to was destroyed and I think it's a shame because it was Maryanne Collura's car. The car she died in.

Someone – Your mike.

Deputy Mayor Tedeschi – Oh, I'm sorry. The car that Mr. Trawinski referenced as being destroyed was Maryanne Collura's car and it was so no other police officer ever had to ride in that car again. That became a hearse OK. It's a shame that he brought it up but that's the fact.

Um, the Mayor has just apologized to the world for his previous indiscretions.

Mayor Weinstein – Councilmember.

Deputy Mayor Tedeschi - Councilmember I'm sorry. I'm reading from the Shopper News of September 3<sup>rd</sup>, 1997. I just happen to have it with me. Mayor Ed Trawinski said we have a police department that is in turmoil. Management has not been able to solve the problem. We can make changes. I think the charge of attempting political control, where have I heard that recently Ed is unfortunately but it is not the motivation. I recognize the disagreement and I hope there will be a positive effect. When we went through all of that

Someone – UNINTELLIGIBLE

Deputy Mayor Tedeschi - You know what I'll take credit for it OK. I won't run from it and I won't apologize after the fact, OK. We had a police department that had 50

Someone – UNINTELLIGIBLE

Deputy Mayor Tedeschi – Excuse me, we had a police department that had 55 grievances against it and a Manager that was hired to solve the problem and failed to do so, OK. This is not news this is just reinventing the wheel but I just wanted to say one last thought. Um, Thomas Jefferson said if I had to go to heaven and I had to be a

member of a political party I wouldn't go. He was right and I think he knew Ed was coming.

Mayor Weinstein - Do you want to respond?

Councilmember Trawinski – Absolutely. The point of the car story is not whether or not that car should have been destroyed. The point of that car story is, and I would have supported its destruction if I had been sitting on the Council at that time, the point of that story is that the Manager didn't have the authority if you follow the reasoning we laid at Manager Metzler's door step to destroy that car. The Manager lacked the authority. It  
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should have been presented to the Council and the Council should have discussed it and made the decision not the manager. And as far as the comments in the newspaper, Deputy Mayor Tedeschi's recollection is entirely correct. All I did was say what he told me to say when I knew I'd be attacked for it.

Mayor Weinstein – OK. Do you want to say anything?

Deputy Mayor Tedeschi – No. What you said about the car was absolutely    You would have supported it if you'd been on the Council.

Councilmember Trawinski – I would have supported it.

Mayor Weinstein – All right guys.

Deputy Mayor Tedeschi – No I just wanted to say one thing, one last thought.

Mayor Weinstein – OK, one more remark.

Deputy Mayor Tedeschi – There's an interesting parallel here. Ed, would you ask your wife to stop yelling?. There's an interesting parallel. He would support that car being destroyed just as he supported the Borough Manager buying a car without being authorized by the Council.

Councilmember Baratta - Mr. Mayor, can we please let the public speak.

Mayor Weinstein – Yeah we are, we are. OK. A motion to open up the time for public comment. Do you want to take a brief recess. The Manager just left. We'll take a five minute recess. Motion to go to recess.

Deputy Mayor Swain – So moved.

Mayor Weinstein – Secunder.

Councilmember Baratta – Second.

Municipal Clerk Kwasniewski – Councilmember Baratta.

Councilmember Baratta – Yes.

Municipal Clerk Kwasniewski – Deputy Mayor Swain.

Deputy Mayor Swain – Yes

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Municipal Clerk Kwasniewski – Deputy Mayor Tedeschi

Deputy Mayor Tedeschi – Yes.

Municipal Clerk Kwasniewski – Councilmember Trawinski

Councilmember Trawinski – Yes

Municipal Clerk Kwasniewski – Mayor Weinstein

Mayor Weinstein – Yes.

## **PUBLIC COMMENTS**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, it was unanimously agreed to open the time for public comments.

Mayor Weinstein: Just to remind everybody, there is a large crowd. Everybody wants to speak. There is a five minute rule and I will call on you to step up and speak. So, the first person who would like to speak... Mr. Caan

Allan Caan, 19-62 Chandler Drive – I was here at the last meeting. Once again I would like to thank our Manager, Tom Metzler, for doing the job that he has done. Obviously, my experience goes through many facets and different positions that you have had, and I have always thought you have done a great job. To Deputy Mayor Tedeschi, to quote someone else, Shakespeare, “I think thou dost protest too much” as far as your position. But the one fundamental thing, a couple fundamental things. First, with Tom Metzler no longer being part of Fair Lawn we are going to miss invaluable experience throughout emergency services, other volunteer groups, not only the information. Obviously everybody knows that as far as emergency services are concerned, he is one of the top people in the State and it was always a matter of great importance to us in our security that we had his experience available to us, and that will be greatly missed as

well as his other abilities as well.

Fundamentally, the one problem I do have with what happened tonight is the fact that it seemed like the process itself is in reverse. It is not a court procedure and I understand that it is a hearing, but my way of thinking we heard the Manager's defense before we heard the prosecution and what the charges were. I think in preparing a statement you are trying to present a defense, it would be helpful if everybody knew what he is was being accused of. I don't even know if Tom himself knew what the charges were other than those six broad categories. I don't know if he knew all the examples that were mentioned in all the different speeches. And how do you defend against that if you haven't heard them before. I don't think anybody here in this room has heard them

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before and I think that makes it very difficult and unfair to respond to charges when you don't know specifically what those charges are. That's my feeling and I think it was unfair and I think that if he likes he should be given the opportunity to respond once again at another meeting to everything he heard tonight.

Lastly, going back to the resolution, which I am sure will be passed by a majority of the Council, I still think it would be appropriate to amend that amendment, that document, to maybe list one charge that's necessary versus the six. I think it is overkill. It's still a man's reputation. I can see how in certain subjects and examples given tonight how there are actually two sides to every issue. And it's really not necessary to try to discredit someone when it's not necessary. We're going to have a new Manager at some point. Tom realizes it, everyone in this room realizes it. But he still has his reputation. I think for all the years of service that Tom has given Fair Lawn; living here, volunteering, going through the process as a paid employee of the Borough, right up to Manager, it is not necessary to pile on in that resolution as extensive as it is.

Mayor Weinstein – Mr. Caan, you made two very good points. The first one is: we will be meeting again the 24<sup>th</sup>, and the Manager will be able to respond again as he wanted to and I nodded to him that he would. And regarding the resolution, that is a very good point as well.

Allan Caan – And lastly, once again, thank you Tom for your service. It is appreciated by the people in Fair Lawn and I think that over the last period of time since this started, you have seen that in great numbers. Thank you very much.

Mayor Weinstein – Thank you, Mr. Caan. Mr. Etlar...

Marty Etlar, 15-12 Elmary Place – There was a lot of inconsistencies said tonight. I'm sorry I didn't write them all down. But two of them I want to talk about. And I will be very brief because I know there's other people who want to speak. First of all, I was here when Barbara Sacks was dismissed. It was decided that we would spend \$10,000





The last comment I have to make is about the CAD System, which I know nothing about – I'm just hearing the comments. There was the prior system, Enforsys, which seems to be in the basement in storage, but the CAD System does seem to be in use. So if they replaced a non-working system with a working system it's a good thing for the town of Fair Lawn and not something to be disparaging.

Mayor Weinstein – I'm not against the CAD system. Thank you. The gentleman in the back, straight ahead.

Anthony Swierczewski - I live at 728 Fern Street in Fair Lawn. I've been a resident for 53 years. I think Tom Metzler did a great job in defending himself tonight. I just have a few comments and just a couple of suggestions. Number one: If you're going to give somebody a review, don't tell them they are doing a great job and put everything in there and mislead the person. If he's doing something that's not right, tell him he's not doing it right and let him try to correct it. Also, with the list of things that he didn't get done, did anybody ever come up to him and say "hey, listen Tom, we see things are falling behind. Is there anything we can do to help?" I have a boss that calls me

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constantly. When he sees me falling behind he throws me a bone and says "I'll get you some help". When something like that happens, there has to be a reason for it. It's a shame, I mean Tommy is definitely going to be missed by you guys, because I don't think you are going to find anybody to fill his shoes. Like I said, Tom you did a great job of defending yourself. I don't think no charges should be pressed against Tommy. The guy's been put through enough and one day we all have to face the maker and He's going to make a decision on us all.

Also, I just wanted to make one last comment. It's kind of like a little bit of a joke. My wife and I have philosophical differences. She likes Charmin and I like Scott tissue. Thank you people for giving me the time tonight.

Mayor Weinstein – Thank you.

Craig Miller, 5 Ramapo Terrace – Many of you know that I come to this building week in and week out to Council meetings. A lot of people think I actually sleep here. Probably do. I am puzzled tonight, if it is true, that three members of the five got an email on Friday about policies that were going to take place tonight. Or whatever emails were sent out to three out of the five. If that's the case, then I do agree that we are in violation of the Faulkner Act.

Mayor Weinstein – That's not what I said. I said the Borough Manager sent me an email about what the policy procedure would be for tonight.

Mr. Miller – Okay, I thought the other Councilmembers....okay. Sitting here going

through meetings and meetings, I am a supporter of Tom. I am not here five days a week, eight hours a day or in his case, 20 hours a day, looking around to see who is doing what and who is not doing what. As far as my tax dollars, I trust the man with what he is doing, and to quote a great cartoonist, Charles Schultz, "He's a good man". Of course his name's not Charlie Brown, but he's a good man. And I'm sitting here tonight going "good grief". You said it yourselves; this room was filled two times. I sat here many times. You can't get half the room filled and yet I feel the majority of the Council are going to go the way they want to go and bypass from these white fence back.

As far as the budget, one thing that this Borough used to do when there was a holiday during the recycling days. If my day was a holiday or a Friday, they would come on a Saturday and pick up the recycling. We don't do that anymore. We pick up the next day or double up or whatever we do now. That's a savings to the Borough. Budget meetings; I come to them many times. You can't get a handful of people in here. We talk about the Manager's report and public service on how to try to conserve our energy costs. None of the Councilmembers are putting it on a work session how to reduce it, yet we've got I don't know how many lights in the ceiling blaring four days a week. We have a clock that is possibly going over by the library. We're not resorting to solar

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power on the clock.

I think what you guys are doing to a man's reputation and to this Borough is a shame. I've lived here all my life and love this town. But I am beginning to disrespect a lot of the people that sit here, of what is going on in this town. We are supposed to work together. During Floyd, or if an international disaster hit here, we all teamed together. But lately, we are going separate ways. We are going – and I hate to use the term – politic line: Democrat, Republican. You guys have name plates that say Councilmember and Deputy Mayors. You guys are human beings. Don't go party line because a lot of people were doing this past election, there voting a lot of people out and turning the tide to the other side. And I think that will happen here in Fair Lawn. Fair Lawn will see what does on in these televised meetings and say "I've had enough" and want a change. They made a change.

People here give up their time, four hours in this room, sitting on wooden chairs, twice, maybe three times. You guys will, in my opinion, absolutely ignore us. We are taxpayers, we are Borough employees – I'm not one of the Borough employees but I have friends here that are Borough employees. And yes, I am a friend but I am also a good supporter. I think he is doing a fair job. I see it at the meetings, in here; Borough Manager do this, Borough Manager do that. He's one person. You guys fill him up with things to do every work session. Thank you.

Mayor Weinstein – Thank you.



time I wouldn't have told you yet". Tom looks at things as a filter versus a relay. And that is a philosophical difference to me. Okay? So, I've had those discussions with him numerous times.

Manager Metzler – May I? I just want to add one other point to that. I happen to agree with some of what the Mayor said, but I would also point out that one of the Council policies that I was instructed to write on behalf of the Council, which the Council approved, was what are those incidents that the Mayor and Council are supposed to be notified. And, that particular incident did not meet that criteria.

But please understand that my comment to the Mayor was a point of trying to understand a prior time. Ironically, on the day my daughter was married, there was an infant that passed away. And, I didn't find out about it until the next day because I was intoxicated because my daughter got married, and it was a hell of a reception. Okay? I called the desk officer. I was given information by the desk officer and amongst the things – one of the criteria is if the press is covering this thing, we try to get it to Council before they see it on the TV. This was the next day. It had already made the press. Quite frankly, based upon the information that I was given, I wasn't sure that it was all accurate. As it turned out when I verified, it was. I also, and I don't think the Mayor will disagree – we do have discussions about this stuff. There was also another case where one of our off duty officers was injured in a private, off duty accident, it's not related and quite frankly, I believe it would be a violation of the HIPA laws to share that with Council. So, there are two sides to every story. I do think it's important that everybody knows

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that there is a written Council policy as it pertains to how the Mayor and Council should be notified and what they should be notified of. And I agree with the Mayor. My interpretation is, based upon that policy; I do not have an obligation to notify him. I did. I think he'll tell you that I did reach out to him.

Mayor Weinstein – Manager, just one more point. The Manager, when he was away, and I specifically said that I don't expect him to know everything going on especially when he is away on vacation or personal leave, whatever it might be. But there is an Acting Manager put in place. And I said that when an Acting Manager is put in place, the procedure should be set up that the Acting Manager relays the information to the Council. And just recently, after all this came down, the last time, not this past week, that he put an Acting Manager in place, that Acting Manager corresponded or called up the Borough Clerk's office – the Mayor's office – and asked to exchange cell phone numbers just in case an emergency came up. That's a pretty simple, easy thing to request. Go ahead.

Mr. Wallace – That's one instance.

Mayor Weinstein – Well, its....

Mr. Wallace – I was a police officer for 25 years and yes, I handled a fatal accident at 2:30 in the morning that went on to about 3:30 in the morning. And I got yelled out the next day by the Chief of Police for not calling at 2:30 in the morning. But I learned from it. What I'm seeing here is that you're not giving him the chance to learn from his mistakes. You're just cutting him off. That's what I mean by the degrees of discipline. If you have a problem with philosophical differences, it's up to you five to turn to Tom and say "well, this is our philosophy – we want you to follow it". And then if he doesn't follow it, then there's a termination. But you just went right to the pull of the trigger. You had the guy in your sight and you didn't even give him a warning. It's like me getting out of a car and shooting someone and not knowing if he's a criminal. That's how I see this happening. You're not giving him a chance to defend or change his policy as he sees it, you see it. You're not communicating. And that's not just one individual's fault, it takes two to communicate. So it's all of you, and him, have to get together. But firing is a little drastic. You're not just affecting him – you're affecting his family. You are affecting everything in his family's life that goes on. But it's just like cut and dry. There's no room for movement. What is this? Is this a dictatorship? That's what it seems to me. It seems to me there is a cancer cell amongst this Council.

Mayor Weinstein – I just gave you one example. There are many other times I have spoken...

Mr. Wallace – I'm just saying all the examples. You're not agreeing to disagree and try to come together. You are not communicating. There's a cancerous growth in this Council and if it's not cut out, it's going to spread even further. Thank you.

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Mayor Weinstein – Thank you.

Ron Coll, 10 Ramapo Terrace – There are a couple of things that seem very obvious to me and I think if you folks think about it, it will seem obvious to you. One of them, and I direct this comment to Deputy Mayor Swain – we've just finished an election where pollsters were very accurate in determining the wishes of the voting public. In three sessions here there have been maybe 250 people that have come to these meetings. Not one has spoken out in favor of terminating Tom Metzler. Mr. Levitt's comments were to justify that you could fire him, not that he deserved to be fired. Now, this whole process you have suffered through, Mr. Metzler has suffered through and the people of this town have suffered through.

If two months ago he had popped into your office and told you that he was giving notice because he got a better job elsewhere, you would have been relieved because your objective would have been fulfilled. You would have gotten rid of the problem and done it under the most favorable circumstances. Well here we are and it's clear that he doesn't want to stay. He can't stay. You still want to get rid of him. Wouldn't it be a

simple matter to just drop this whole thing, let him resign and get on with his life and let the people of this town get back to taking care of their own business and not have this major distraction which is going to poison the relationship between the Council and the people, because you're not honoring the wishes of the people. The two hundred people that came here – that poll says that of the 31,000 probably 30,000 of them want to see him remain. And they're not his friends and they're not people who go to dinner with him, they are people who respect him for the man that he is and the job that he has done. It's not too late to get smart. Drop this whole thing, accept his resignation, let him go on to his next job with a clear conscience that he's not dragging a chain and ball behind him. Thank you.

Mayor Weinstein – Thank you.

Howard Mark, 12-23 Ferry Heights. The car, that was resolved. He gave it back. But I don't hear any talk about the Community Center. Your involvement or when Joe Tedeschi joined partners to run. Was there any questions about the Community Center? I mean the building of it; the whole involvement.

Mayor Weinstein – We built a Community Center that is being heavily used. Go ahead.

Mr. Mark – Heavily used? Four thousand members. Of the four thousand members, only a few hundred come a year. I would doubt... that's not the majority of the people in town. I doubt it would have been passed in referendum. That goes on that stuff. You didn't let us vote for it. Do you have a comment?

Mayor Weinstein – No, I don't.

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Mr. Marks – I didn't think so. So I think it is highly hypocritical. You complain about the car when you spent millions of dollars of our tax money without letting us vote for it. What about this corporation? Non-profit. Bypassing the voters. And you complain about the car?

Mayor Weinstein – Howard, the big differences ... I stand behind the Community Center and think it was a good investment by the residents of Fair Lawn. I'm accountable for that. I knew about. That's my answer.

Mr. Marks – You didn't let us decide. That's what was wrong.

Mayor Weinstein – Okay.

Mr. Marks – A month ago... I want to rephrase the question because a month ago when I asked this I was under the weather. Who is going to be the temporary Manager,

because it is obvious you didn't pick a Manager yet.

Mayor Weinstein – No, we have to go through the process of discussing this at a work session.

Mr. Marks – Because a month ago at the Open Space meeting you said that Joanne would be the Manager.

Mayor Weinstein – I can't say anything alone. I'm one Councilmember. There has to be a vote.

Mr. Marks – You said a month ago.

Mayor Weinstein – Well maybe that's the person I would pick, but that's not the person that every other Councilmember would pick.

Mr. Marks – I'm just stating that. I'm not going to get into an argument about it. I'm a little distracted, disturbed, when you have people here, different groups, and some of the people I have knocked horns with. And you say we are all conspiring with Tom and all of this...

Mayor Weinstein – Conspiring?

Mr. Marks – Well, whatever. Wrong word. We are all independent and I only hear excuses why we're not representing the whole town. I agree it should be put on referendum if you want to put it to a vote. I don't think it will happen. It seems that we are being ignored. There could be hundreds of people here and you will still go against Tom and that is unfortunate.

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I have one special request due to the taxpayers. If you have our interests why don't Lisa Swain, Steve Weinstein and Joe Tedeschi just resign, because you don't have our interests. You're just making excuses. Thank you.

Mayor Weinstein – Thank you.

Arlene Rubenstein, 28 Rutgers Terrace. I, too, can quote from our Founding Fathers. James Madison said "Education is the true foundation of Civil Liberty". All the people watching on television got a wonderful education tonight about why their civil liberties are being denied. By that I mean, they are being ignored. We had a lot of people in this room tonight and we had a lot of people in this room a month ago. And, I'm sorry if Ms. Swain doesn't think that these people were speaking in favor of Tom in his capacity of Borough Manager. I'm not Tom's friend. I don't go out to dinner with Tom. I think he's

done one heck of a job as Borough Manager and again I'll say, as did many other people say, that he's done a better job of being Borough Manager than anybody else proceeding him, and that includes the present company.

I think the people of this town would be highly incensed if any former Acting Manager became Acting Manager. I think you've got to go outside of the town if you are going to replace Tom Metzler. Also, I think that the charges tonight were hypocritical and trumped up. This was a kangaroo court. None of these charges were discussed in closed session, as I understood from the conversation tonight. And I think Mr. Trawinski is absolutely right. This meeting is held in violation of the Sunshine Law and Open Public Meetings Act because all the members of the Council were not apprised of what was going to take place. And, I think this is a sham. I was going to say something else, but I changed my mind because I'll reserve what I was going to say for the later meeting because you have to be accountable, Mr. Weinstein and you, too, Mr. Tedeschi for your actions in the past, because you don't have clean hands either. And to go into a court of law there is "clean hands" doctrine of which every attorney knows. And even though this isn't a court of law, it is a legislative hearing and still has the same principal.

Mayor Weinstein – Thank you.

Mark Kaspi – My name is Mark Kaspi, 15-50 Plaza Road. I thank you for your attention and I would like to request, please, no replies until I am done speaking. I came to you some time ago, accusing the Police Department of perjury.

Mayor Weinstein – Mr. Kaspi, I'm going to respond to this. This is now the third time you have come before the Council. One time, a couple members told you your limits. Last meeting, I did. Be careful of what you say because I will have to cut you off if you go too far. Okay? Please.

Mr. Kaspi – I will try to be as careful as I can. I'm here to respond or perhaps identify with Mr. Metzler's respond to you and his outrage as to what he perceives as false

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accusations as to his performance. And, here is Mr. Metzler, in my shoes, making charges and he responds to it as being false. It is the same as I felt when I came to him with charges and I was given a number to call. And I'm not trying to be cute and I'll say to Mr. Metzler you have grievances, you're outraged about the accusations, here – six, seven of them. And how would you feel if you were given a number to call and given the run around, without attending to the issues?

I saw you, as the authority, to address issues I brought before you. And you gave me a number to call. Now, you are being charged, accused of whatever is on the agenda here. And again, I'm not trying to be funny on those issues, but these are serious charges that you are contesting. The same charges I was contesting when I came to



what is going on in the community. It is not just Tom's friends who are coming out here. This is what the community is thinking. You go out in the community and talk to people; this is what they are thinking. This is not just "Oh, we're going to pack it with these people". I don't know most of the people out here. We come from all different walks of life and this is just a microcosm of what is going out in Fair Lawn. So I seriously think you should consider that. Thank you for your time.

Mayor Weinstein – Thank you.

Karen Machuga, 23-28 Watkins. I have lived in Fair Lawn about 21 years. I'm not a friend of Tom's. I know him like I know you, Mayor Weinstein, through soccer. And I had written an email, which I don't know if Tom received, but I wanted to read it out loud because I wanted to share it with the people that are here supporting him because I do feel that he's done a great job. Whenever I have had to speak to him, he has always called me back. He has always responded to my needs and the needs of the club in town. So that's how I know Tom.

I had originally sent this to Miss Baratta because she was the other person that was at the meeting that we had. And it says: "Hello, Miss Baratta. We were recently informed that Tom Metzler was removed from his position of Borough Manager in Fair Lawn. I had been out of the country and was not aware that discussions of his employment were still underway, nor that he was removed until today. I can't tell you how disappointed, if not surprised that he was not appreciated we are. Any person that thinks for himself and is not swayed by political agenda or pressure does not last long in Fair Lawn. As you may remember, my husband Alex and I represent Fair Lawn Lightening Soccer Club and represented Fair Lawn Lightening Soccer Club in a meeting in which you were included last year. After our meeting, we were able to meet with Tom to discuss some issues that we considered very important. After our meeting, my husband and I were in agreement that Tom Metzler was a man of exceptional moral character; someone that knew the difference between right and wrong and was not afraid to take the unpopular stand. In short, he was one of the few people in town that could be trusted to use good judgment, ensuring fair treatment for all. We knew then that it would be a matter of short time before someone searching would find a reason to have him removed. Shortly after, we read about his new company car. We knew then that this was the opportunity they had been waiting for. It was not a surprise to us.

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Although my views are mostly Democratic, my vote is always for the individual and issue; not the party. I wanted to state my support of Tom Metzler and my apologies for not being present at the town Council meeting, the first one, to support him. It is a shame that a person of his integrity and honesty will never survive in Fair Lawn, a town where at least for the last 20 plus years since I lived here has all too often had a closed minded, small town mentality that allows no room for growth or difference of opinion. Tom Metzler is a man that listens to both sides of the story before he makes a decision

and certainly was not worried about votes as he weighed the options. I wanted to officially state that we have the deepest respect for Tom Metzler and if you like him, but are not willing to compromise their values for position or succumb to the bullying of the powers that be, simply because they are afraid of the consequences. How sad that Fair Lawn consistently trades strength for weakness, innovation for apathy and integrity for immorality. We were excited about the new blood in town. Someone that owed favors to no one and that thankfully could see through the bull that seems so prevalent within our borders. We are truly sad to see him go, but I believe he deserves better than what Fair Lawn has to offer him and I wish him the best when he finds it.”

I wanted to say...we were very disappointed that Tom is not going to be with us. I do agree with him that the relationship is done and I don't really know how it started other than what I hear from you, Mayor Weinstein and I do feel that your minds are already made up. That really bothers me because I don't really feel that anything that he countered with was kind of ..... he answered the questions but the charges came up again when you had your opportunity to speak. So that I don't really feel that you're taking into consideration how everyone else feels. I agree with the lady here before me that said that “you know what, the community feels this”. They really do. And what I would like to do is call upon you. You're the Mayor. From what I gather you are the one that initiated this, who started this, and ask you to salvage the reputation of the Council and your own reputation because I think that if you withdraw the charges.... I think that sometimes things kind of get carried away and people forget the right thing and get caught up in what they are already committed to. But I think that if you re-examine – if you sit behind closed doors and re-examine everything – that you might draw a different conclusion and decide that maybe this wasn't the right thing to do. Thank you.

Mayor Weinstein – I understand. Good point. Thank you.

Joe Lomonico – I've lived at in Fair Lawn 53 years. I live at 40-10 Morlot Avenue in Fair Lawn. The reason I'm here tonight is because I made myself a promise many years ago that I would not stand by and watch an injustice committed. Or a lynching or anything else that would be brutally unfair. And so, I'd like you to consider the fact that what's happening here is going to set the tone for whatever happens in Fair Lawn when you have a critical issue to decide and you have to decide whether to destroy a person or whether you want to try to have some compassion, even if you felt they made a big mistake. Whether or not it was a mistake is besides the point.

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I think it is the way you behave that will set the tone for Fair Lawn in the future. Are you going to have the witch trial concept coming into play here? As like up in Salem, Massachusetts? Where someone makes an accusation and then the decision is that we have to try them, judge them and then destroy them. I think we are beyond that. I know we are beyond that. And I know that none of you, on the Council, even those of

you who voted to relieve him of his position, mean to do anything that would be mean, unfair and lacking in compassion. And yet if you don't watch yourself, because we are all human... I've caught myself doing the same type of thing at times where I didn't care, I'd strike somebody down – they had it coming. We don't want to have that on our conscience for the person who is fine, who is considerate, who himself is compassionate, who himself has dedicated himself all of his life to doing the best that he could do for his community as well as himself and for his family. If a person has made a mistake and you feel that way, okay. I've had to deal with people who made mistakes too. And I always gave them a second chance. I always gave them an opportunity to do the right thing.

In this case I don't see that as a mistake myself. Considering what I've heard about the circumstances, I feel the man did nothing wrong; that it was open to question; that it was open to criticism. That's true but it doesn't mean that it was incorrect. And so I think you should try to think in terms of the impact of this on the future. Do you want to have people in a position where they will be treated unfairly? Where they will be struck down because of an error they made, even if it was truly an error. Or do you want to be compassionate, as you would hope that they would be for you, and show them the consideration, respect and compassion that you would like to see if you had made a mistake or if people contrived what you did to be a mistake.

And I would like to put it this way. I am very hesitant to judge people; even those who have wronged me a times. And I say to myself in my mind, I will not judge because I do know that when we judge we can be wrong. It has been said before that we should judge not for fear that we would be judged in the same manner. And maybe more severely than we treat the person whom we judge, or I should say misjudge. I'd like you to think about that and try to find it within yourselves, in spite of your commitment to what you intended to do up to this point, to see if you really want to be in that direction. Do you want to be one who has no compassion, no sympathy, no regard for a human life dedicated to his town, his family, to the community, even to his country. Or do you want to look at them in the way that I believe you should and forgive yourselves first for being so severe and forgive him for what you may feel was an error in judgment, even though not technically wrong, but you feel you have to do something.

Sometimes what you have to do is show the community the right way to travel, the right way to treat each other. Do we want a friendly town or do we want a town where people are at each other's throats, at each other's backs, doing what we can to get back at somebody we think did something wrong. We may be right, but we may be wrong. It's our judgment and it doesn't mean we're 100% wrong. I thank you very much for

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hearing me out. I wish you all well to make the correct decisions. I've watched you all here and I've admired the way you have made some very good decisions in the past and I would like to see you continue.



him. You never questioned him to the nth degree. Everything was acceptable to you.

When it comes to the cell tower, that's something that was needed. When it comes to the CAD System, the Police came in and gave you an entire presentation. I think there were four or five meetings about it, okay? So I don't know how you could bring these things up at all. It comes to the car; that money was sitting there. It was part of BCIA money. There were no protocols, there were no regulations, there were no rules, all right? So they did what they thought was the right thing according to the procedures that were done. You have a problem about that? They were corrected for the next time around. And again, it was something that was delivered to the press that didn't have to go out to the press.

So I think this is a real.... Not just a terrible thing, I think it's an inquisition, I think it's a crucifixion and I think you should stop this ordinance that you're planning to put through and simply part ways, let Tom go on without anything on his record. Because as he said, in all of his reviews nothing was put on his record. Why should there be anything on his record for the future.

Mayor Weinstein – Thank you, Mr. Rubenstein.

Larry Greenberg, 21 Raymond Street. Mr. Mayor I did not intend to address you as angrily as I did at the last meeting so please feel free to stand down from red alert. I come here as a concerned citizen and one who is not afraid to speak his mind as think you all well know. I am neither a Democrat nor a Republican. I'm an independent and that has gotten me in more serious hot water than I can begin to tell you, but what I'm actually doing right here is and very, very happily considering myself part as of who I can be of a serious majority who are of the consensus that Tom Metzler is most likely the best Borough Manager that Fair Lawn has ever had and I would just like to make sure that Tom know that we feel that way.

Ladies and Gentlemen what I saw tonight upset me a great deal. What I saw unfortunately despite the claims to the contrary was UNINTELLIGIBLE to my friend Peter Seiden Republicans at its worst especially when I see the Council majority quite highly prepared to make statements and the Council minority basically hands down so to speak but fortunately not unprepared to the point where they could UNINTELLIGIBLE addressed.

This is horrible for our town Mr. Mayor. It basically tells people you can't stop the machine. You can try but you can't; it will roll all over you. Two days ago the American people spoke very, very eloquently in electing a man who promised change. He appealed to people not because he was a Democrat, not necessarily because he was an African American, not necessarily because he represents everything that the opposition stood for but because he stood for inclusion and has this tremendous

reputation for listening to people. When the people elect representatives they expect their representatives not merely to act because they have been given the power for X amount of years. The people expect them to listen. The people expect them to wait and hear. The people expect their elected representatives to act in good faith according to the wishes of the people not because they are merely elected. I believe to see change that we saw two days ago with the election of Barack Obama is going to filter down very, very, very, very much from the national level to the local level and this change where we expect this kind of transparency in our government is going to become not the exception but the rule. Be part of that rule. Thank you. Applause

Mayor Weinstein – Mr. Cosgrove and then Mr. Bienstock.

John Cosgrove – John Cosgrove, 6 Langon Court, Fair Lawn. I'll be very brief. I just want to say Lisa, I am a friend of Tom's. I do go out to dinner with Tom and Tom does pick up the tab occasionally. And, I will make a public statement. Tom I do love you and you have done an outstanding job here and I don't say that because you're my friend, I say that because in everything I've been involved with since you have done a tremendous job. I've worked with you on the Community Center, the Fire Department and everything. I was recently at a wedding out in Sussex County and the Mayor came to perform the ceremony and he asked me where I was from and I said Fair Lawn as I proudly, normally do and he said do you know Tom Metzler, and I said yeah he's a friend of mine. And he said how many OEM Directors here in Sussex County know Tom. I have never met a man of higher integrity, better organization skills and a person who knows what he's doing. So, Tom I'm not afraid I know you're going to go back there and do very well and you'll be away from here and that's what I'd like to address. I have a problem with it. I have a problem here Joanne is a friend of mine. I have a problem with people coming up here and shooting arrows out here tonight. I work with Joanne. She worked here hardest as a Borough Manager but what kind of person is going to want to come to this Borough and take that job and sit in that seat when they look at Bert Kendall, Barbara Sachs, Joanne, Tom Metzler, who's next? Do you want to sit in that seat? And that's my question to everyone of you tonight. I know we are not going to change it.

I know that Tom wanted better things. But think about it. Fair Lawn cannot have its future laid out on the second page of the Record on the local section. I've lived here all my life. My family has been here their whole life. I hate it. I hate opening it up and seeing things about Fair Lawn. I want to see things about kids trying to save the Naugle house. So come on. Let's get together all of you. Let's all be big boys and girls and put Fair Lawn's future and let's pick someone to do the job to do it right, empower them and let them steer the ship. Thank you.

Mayor Weinstein – Mr. Bienstock.

Claude Bienstock – Claude Bienstock, 39-11B Broadway, Fair Lawn. My questions are addressed to you the Mayor. I suggested that you may want to consider some valid points made by Jeanne Baratta and Ed Trawinski. I don't necessarily agree 100% with them but I think they brought up some good points. I know what the situation is I don't have to go into lengthy detail about what I said at the last month's meeting about Tom Metzler. I think he's done a great job. I disagree with your decision but I'm also very much concerned with Tom as to his personal future in his career search or whatever he or wherever he decides to apply for a job. Whenever he sends out a resume or goes out for a job interview you have to clarify the situation so he can get a job. There's a black mark on his record and it may be difficult for him to get another job and he should not be denied a job opportunity. The Council may have the right to take whatever action they want against the Borough Manager. They hire, they fire, whatever but he has a right to support his family and get a job and I would like to see the situation handled in a professional manner because if there is a black mark on his record he may not get another job and that his future should be of concern to everybody in this town. So I am not here to make a political vendetta speech I'm here to speak as a concerned citizen and I would like that his future be protected that there is no hindrance towards his getting another position. I would like you to look into this matter as carefully as you can. Thank you for listening. Thank you.

Mayor Weinstein – Ms Coles.

Pamela Coles - Pamela Coles, 1334 George Street, Fair Lawn. I am a lifetime resident in this town and what Mr. Cosgrove said was really great. Let's hire a man who is and I'm going to paraphrase it who does the job really well, who's a good person and who knows what he's doing. And I'm saying we have that person right here in this room. We don't have to look very far. Tom, I want to correct you on something though. You sat before the Council defending yourself and you said you were an employee of the Borough. I am going to say no, you are an employee of the Mayor and Council and for us. We pay the taxes we hire you. You're philosophical likenesses represent we the people. There are only three people in this town who say not. So, I thank you for your philosophical likenesses in this town because we are we the people and we will always stand for that. You've done an amazing job.

Mr. Weinstein said something about that you are the CEO of this, didn't you mention that you are the CEO and these are the Board of Directors. It was in your prepared statement.

Mayor Weinstein – No, no, no. We're the Board of Directors and he's the chief executive officer.

Ms. Coles – But you said you were the Chief Executive Officer.

Mayor Weinstein - Of the Board of Directors

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Ms. Coles – I say we are the Chief Executive Officers. We the people are. We pay all your salaries every single one and I'm going to demand that you hear our voices because we are the philosophical likeness that represents us.

You brought up instances that in your statements that did not even pertain to Mr. Metzler. When you hired him, he was still volunteering as all of us do. This is, um, you know he has, we have something in this country that you are innocent before proven guilty. This is a regular pre-judgment, a pre-determination that this man is guilty before anything else. Not by us but by three members of this Board, this Council. It has already been predetermined unfortunately. This is the method at work here. This is a sad day for Fair Lawn. Fair Lawn is a mess. Fair Lawn, New Jersey is a complete mess.

You made a list of a lot of things and incompleteness. We have a lot of things by this Council that is incomplete. We have Daly Field incomplete. We have the Naugle House that was re-zoned for development incomplete. Review of the Master Plan incomplete. Following the Master Plan; incomplete. Love, Love, Love Community Center how it was structured financially - millions and millions and millions of dollars as a big mistake on behalf of the taxpayers and residents of this town. Incomplete list; Huge - millions and millions of dollars. I want to ask you the Council, what are you going to do to complete that list that has been sitting out there for four years. The dollar amount that not this Council but previous Councils, I know Mr. Weinstein you've sat on a majority of those Councils, the majority of those. What are we going to do to complete this list? It is a financial burden that is being. Mistakes, possibly, we have all made mistakes and we've all cost Fair Lawn money played out in this, well, no way, shape or form. Do right by it. Makes sure you handle it with integrity, dignity and a respect that we the people deserve. Thank you.

Mayor Weinstein – Ms. Moriarty is next. Maureen, you're next. This lady's been waiting.

Maureen Moriarty - My name is

Mayor Weinstein – Bring the mike down.

Anna Bures – Thank you. My name is Anna Bures. I live at 227 Lyncrest Avenue here in Fair Lawn. I was at the previous meeting where you had the showing of so many residents. Well, today this has been an amazing, eye opening experience. I wholeheartedly concur with many of the residents here today who have spoken. They

have said just about everything I wanted to say so I'm glad to say that I'm last because what I want to say is that I have not heard anything meriting Tom's dismissal. It means that everything said against him has been blown up out of proportion and nothing, nothing valid enough to smear a man's reputation and his livelihood. I realize that this Council has the power to fire with or without cause. I don't understand that but you

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have the power. What I think you need to do is set an example and not abuse that power. This is not the way to do it. I'm sorry to say that today I have lost some faith in your process of governing. I truly believe that if your job is to do what's in the interest and the best interests of the town and are answerable to your residents that was said, that was said by Ms. Swain I think, then you need to really listen to all of us, the people who have come before you, and reconsider this sad situation. Thank you.

Mayor Weinstein – Thank you. Ms. Moriarty and then...

Maureen Moriarty - Maureen Moriarty, 14 Burnham Place, um, I want to say that you know I am upset with you know Ms. Swain's remark that you know that she doesn't listen to 31,000 people or she doesn't have to answer to 31,000 people and I'm thinking is there any reason that we should come to this meeting to express our concerns. You know, does it really make a difference. I don't think so and that's what I mean and that's what I hear basically that's what I hear. You know, you know, I'm a volunteer and if I have given so much volunteer time to on the Open Space Committee. Actually, I campaigned I was the campaign manager for the Open Space uh you know referendum and um, you know I'm on the Open Space Committee and the Historic Preservation Commission. My husband, Michael Roney has spent a lot of time at the Rec Center you know I helped him out and I have worked with Tom um I mean I have worked with Tom. I've work with Tom and basically you know um and you know just like you know Cathy Hochkeppel got up and said she is an employee you know its not that were just here you know for a popularity contest we're here for a reason. I mean, I, I, I know the man, I know the man because I, and anybody who's lived, you know you just can't discredit the man you know as a volunteer you know what they've done so really when you think about it I mean maybe I should ask is there any reason to come out to a Council meeting to express concerns about anything. Absolutely and one of the things I did say in my statement is how I listen to the people especially the people who have been speaking from their heart and I know that's what you're doing tonight and what I meant is that there are people who are not here tonight who contacted me by e-mail you know through the Borough so I do get other representations from the town so that when I say I can't just listen to the people in this room its because the other people who live in Fair Lawn aren't sitting here tonight but they are in touch with me.

I would have to disagree. The most important thing and this is the last thing I'll say, the most important thing is that you listen to who shows up at a Council meeting. Thank you.



Borough Manager could buy, purchase a car no procedure and I don't want to be political, one of the Council people said that they had gone through hundreds of papers and could not find any procedure. So everyone on the Council said well you know I think it's a pretty good idea if we establish a procedure from here on in. So this is after the fact and then the question the Chief Financial Officer they asked him about purchasing capital equipment which happened to be this automobile and the Chief Financial Officer said that up to \$200,000 he does not have to ask for permission. What are you shaking? Am I wrong? What questions do you have?

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Attorney Rosenberg – The law says it must be uh

Mayor Weinstein – Mr. Gremillot, Mr. Gremillot please.

Mr. Gremillot – No, no I checked this with the Chief Financial Officer. Well alright excuse me there is no limit.

Attorney Rosenberg – The limit is the statutory responsibility that he expects must appear as a line item within the budget.

Mr. Gremillot – But it doesn't have to ask, he doesn't have to ask the Council on this

Attorney Rosenberg – Yes in the budget he does. It wasn't in the budget.

Mr. Gremillot – OK it wasn't in the budget but the other important thing is that at this closed meeting, no closed, at the same work session the what was it BC

Mayor Weinstein – BCIA

Mr. Gremillot – BCIA. Wasn't brought up. It wasn't mentioned. It wasn't mentioned, well if it was mentioned in an elaborate way. There may have been one of two sentences. Am I wrong on that?

Mayor Weinstein – There was a lot more than that.

Mr. Gremillot – Excuse me on that but however, to talk about the BCIF

Mayor Weinstein – A, A, BCIA

Mr. Gremillot – BCIA. It's my age. I didn't write this out. It's extemporaneous All right and I don't have any experience.

Mr. Gremillot – But the thing is I think it's an injustice to Tom that he is all these other



grounds for dismissal of Tom. Not so in front of a kangaroo court. The start of Tom's demise was the leaks to the press. Who on the Council was responsible for this? Was this Joe Tedeschi? Borough Manager's credentials are above reproach. He has answered each and every charge clearly and concisely and to destroy this man's reputation is beyond the pale. Tom is a team builder as can witness to all employees here this evening. Past Borough Managers in 1994 and 2000 were treated the same manner. When Mr. Tedeschi arrived behind closed doors Marty was history. Marty was not afraid to take a stand and objected to several projects that they wanted to do. Marty was an honest man but not a politician. Since Mayor Deputy Mayor Tedeschi has come on the Council we have seen nothing but skullduggery. We have an individual driven by pure power at the expense of a good man's reputation. I remind that if enough good people do nothing the forces of evil will take over. We the people of Fair Lawn needed a team builder not a weakling who under mines our town and very

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foundation of our government. Can Joe Tedeschi stand up to the scrutiny Tom Metzler had tonight. I watched Joe Tedeschi tonight and he should be ashamed to sit there nonchalantly trying to destroy a good man's reputation.

If you wanted to fire Tom it was your right but to destroy his reputation in this manner defies ethics and morality. I ask for the third time is the Borough Clerk taking over the Manager's job.

Mayor Weinstein – Again, that is discussion for the Council.

Ms. Gremillot – Thank you.

Mayor Weinstein – Are you finished Ms. Gremillot.

Ms. Gremillot – Yes.

Councilman Tedeschi – First of all I UNINTELLIGIBLE. Second of all ,when you said that skullduggery and what has happened since I've been here. Well, Joe Ferriero isn't in Fair Lawn anymore and neither is his law firm. The Democratic organization voted for him to be...

Ms. Gremillot – I'm not talking about Joe Ferriero. I'm not talking about...

Mayor Weinstein – One person please, please.

Councilman Tedeschi - You're asking me all these things. You are speaking in innuendos.

Ms. Gremillot – I am not speaking in innuendos. Well, will you admit you did a leak?

Councilman Tedeschi – I just said

Mayor Weinstein – OK

Ms. Gremillot – Well, who else would have leaked it. I guess you'll have to ask some of the reporters.

Councilman Tedeschi – You sit up there and attack me. I am responding. Your problem is...

Ms. Gremillot – I don't have a problem. My problem is you.

Councilman Tedeschi – Ms. Gremillot, you know what the problem is. The problem is a Freudian projection.

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Cheryl Cashin – Cheryl Cashin, 121 Glenfair Road. Um, I have a question about safety. Mayor Weinstein, about the emergency for the nor'easter in 2007; it is a subject I haven't really talked about in quite a while because I knew Tom was taking care of it and I was comfortable with that but since you bring it up, I believe you made a statement before that we should have been aware of the emergency because we had Hurricane Floyd in the past and there was a predication of bad weather coming.

Mayor Weinstein – Right.

Ms. Cashin – Well, well I don't think you were the Borough Manager with Hurricane Floyd, correct? That was in the late 90s. OK.

I think that you said that you were admitting that the town should have known and is negligent for not doing something about it.

Mayor Weinstein - I said it should have been done right and that the statement that I admitted was that there was a perception that it was done wrong and to me it was more than a perception it was a....

Ms. Cashin – What should have been done right, I don't quite understand what you're talking about.

Mayor Weinstein – Taking care of the nor'easter was not handled in a proper manner and that was stated in the minutes

Ms. Cashin – Are you saying that what occurred from the nor'easter like the backups the sewer backups and such.

Mayor Weinstein - The Command Center wasn't set up properly. The Borough Department Heads as stated in the minutes were not operating together and there was not a central point person.

Ms. Cashin – So it is the negligence of the town that I have \$30,000 worth of damage in my basement?

Manager Metzler – No, I believe that's not what the Mayor meant.

Ms. Cashin – And I think that's what the Mayor said maybe not in the

Mayor Weinstein – Well

Ms. Cashin – If you're using it as a reason to dismiss the Borough Manager it must be true.

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Mayor Weinstein – Ms. Cashin.

Ms. Cashin – That's what you're saying.

Mayor Weinstein – Attorney Rosenberg.

Attorney Rosenberg – Again the minutes reflected that there was an issue with communication and that was reflected.

Ms. Cashin - So which is the fault of who; the residents of Glenfair Road or the Borough of Fair Lawn?

Attorney Rosenberg – The Manager said in the minutes based on a report that was prepared that the process was not accurate. There wasn't proper communication.

Ms. Cashin – So is this the responsibility and the negligence of Fair Lawn the Borough of the town that it happened. Correct. If you are going to use that as a reason to for firing a man then I think that it should be stated.

Attorney Rosenberg – I think well that you're putting words in my mouth.

Ms. Cashin – No I'm not. I'm. would you like me to read what you said before.

Mayor Weinstein – I never said that there was negligence did I.

Ms. Cashin – You said that the triggering, there should have been a triggering device in place to prevent lack of communication and the Borough working together as they did during Hurricane Floyd. As they did in Hurricane Floyd because I had a back up in my basement during Hurricane Floyd so I don't think it was working too well then either.

Mayor Weinstein – You're talking about your personal situation.

Ms. Cashin – I had it and so did everyone on Jasper Road. Now there was supposed to be an evaluation being done um or at least you were supposed to be taking bids to do the evaluation. I'm not too confident that it will ever happen. I know when Tom was here that I could just sort of sit back and it will take place. And now I'm not so sure it will anymore. But I will say this during the last possibility of a tropical storm I believe it was a couple of months ago we were all pretty panicky in the neighborhood not only because of the sewers but because of the water situation on Jasper Road and I received two emails from Mr. Trawinski because he was worried about it and I thought you know what this is a Councilmember who really communicates with the people of the town and it's really too bad that you're not listening to the people here tonight because Tom Metzler is going to be let go and the town is just going to be the worst for it. You really need to listen you really do.

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I'm very glad that it was recorded tonight that you made a big mistake during the hurricane because now I feel that my storm drain should be put back again since you kind of admitted that it was your fault. Mr. Lustgarten is the one that looks at, I don't know why he is looking at the tort claims and not the Borough attorney but Mr. Lustgarten not once, but twice denied my claims. I had \$30,000 in damage last time of which I only recovered \$11,000 on my insurance. I had \$8,000 to \$20,000 difference not once but a few times and I don't think that that's fair and now that you're admitting that it was your fault that there was a lack of communication and could have been prevented and it's on tape and on camera and I'm very happy about the outcome of that tonight but very devastated about losing Tom as Borough Manager. I really appreciate what you've done for my family, Tom and everybody in the neighborhood are really sorry to see you go. Thank you.

Mayor Weinstein – Sir.

Charles Govano – My name is Charles Govano, 0-004 Bellair Avenue, Fair Lawn. And I don't know Tom Metzler from a hole in the wall but I was watching this on TV and pardon my appearance I had to get up here and just like um I don't know why you're still here. I would have told them told these people to F off a long time ago.

Mayor Weinstein – Sir, excuse me. I don't think that's very funny. Sir, please.

Mr. Govano – I said F off but uh



Mayor Weinstein – Maybe they're at home asleep.

Mr. Govano – They may be. What kind of judgment would keep them awake?

Mayor Weinstein – Maybe the people hear what they needed to hear

Mr. Govano – All right well I'll go back home and continue to watch this.

Mayor Weinstein – Thank you. Next speaker? Anyone else like to speak? Oh, sir, didn't see you.

Unidentified resident - 814 Henderson Blvd, Fair Lawn. Um don't really know Tom at all I just been following this whole thing. Former member of the United States Army currently New Jersey National Guard and I know a little bit about politics. All the politicians these days they're all talking about everything for the people and all that stuff. I haven't really seen more than 2 or 3 people that uh you know want Tom fired so what's up with the rest of the rest of the 40,000 people that's what the people want to remove the job you know by firing him and that just I understand you people

Mayor Weinstein - We're trying to do the best we can.

Resident - It doesn't look like it. And uh and Mr... How do you pronounce your name?  
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Councilman Tedeschi – Tedeschi

Resident - Tedeschi. Um all kinds of things are being said running around town talking about our comments all lot of holes in what's going on

Councilman Tedeschi – You heard me say that?

- I didn't hear you say that, no just floating around the air so I just you know I don't think Tom is a criminal here. That's all. You know what I'm saying.

Mayor Weinstein – No one said he was.

- no, no, no. He's being made out to be one.

Mayor Weinstein – I don't think he is.

- I never even heard of you before today nothing but bad things um that exist. I'm just speaking my mind personally, not to nothing facts no disrespect. Everyone is focusing on him doing that thing you know he no comment never mind I'm not even



Mayor Weinstein – Your address. I'm sorry we didn't get your address.

Ms. Peluso – Oh, I'm sorry 25-40 Romaine Street. Sorry, I'm tired too like everyone else. But it really the behavior is terrible. To just keep saying to Tom about a car when the two previous Borough Managers have had cars just seems so ridiculous. I mean its just picking at things to argue about or reasons to get rid of him. As far as emergencies go in the town I remember when was it uh one July when we had the power outage and I remember again someone coming to my house with walkie talkies and going around under Tom to make sure that people who had medical problems whether they were on dialysis or needed any other kinds of electrical treatment there would be a nebulizer to make sure that they had access to the hospitals so we. We were walking around town with walkie talkies and the way this was organized was unbelievable. Something that came out of nowhere and we proceeded to do it. Another time when we had a water problem in town when there was a lady who had passed away and the police department was being inundated with phone calls. Uh, we were called out and we were in the Municipal Building that evening around this hour taking phone calls from people about what the problems were with the water that they were hearing on the news.

You know there are just so many things that Tom has done in emergencies that you don't realize what you are losing. And it really is a shame that people can behave the way that you are behaving with this and discussing each time about a car that I've heard so many times about when I've heard that when you were a Borough manager you had a car and the one previous before that I don't even understand that what you're even talking about this. If you've had cars before why is that being such an issue? Just get back to the things that are really important and keep this town a good town, not ruin it. Thank you.

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Mayor Weinstein – Would anyone else like to speak. If not, a motion to close the time for public comment.

Councilmember Baratta – So moved.

Mayor Weinstein – Second.

Councilmember Tedeschi - Secunder

Mayor Weinstein – Roll Call.

Municipal Clerk Kwasniewski – Councilmember Baratta

Councilmember Baratta – Yes

Municipal Clerk Kwasniewski – Deputy Mayor Swain.

Deputy Mayor Swain – Yes.

Municipal Clerk Kwasniewski – Deputy Mayor Tedeschi

Deputy Mayor Tedeschi – Yes.

Municipal Clerk Kwasniewski – Councilmember Trawinski.

Councilmember Trawinski – Yes.

Municipal Clerk Kwasniewski – Mayor Weinstein.

Mayor Weinstein – Yes. Motion to adjourn.

Deputy Mayor Swain – I'll make that motion.

Mayor Weinstein – Secunder.

Councilmember Baratta – Second.

Mayor Weinstein – Roll Call.

Municipal Clerk Kwasniewski – Councilmember Baratta

Councilmember Baratta – Yes

Municipal Clerk Kwasniewski – Deputy Mayor Swain.

Deputy Mayor Swain – Yes.

Municipal Clerk Kwasniewski – Deputy Mayor Tedeschi

Deputy Mayor Tedeschi – Yes.

Municipal Clerk Kwasniewski – Councilmember Trawinski.

Councilmember Trawinski – Yes.

Municipal Clerk Kwasniewski – Mayor Weinstein.

Mayor Weinstein – Yes.

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

#### **ADJOURNMENT**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned to the meeting at 12:50 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

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Deputy Mayor Joseph Tedeschi

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Councilmember Edward J. Trawinski