

OCEAN COUNTY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
714 LACEY ROAD, FORKED RIVER, NJ 08731
November 16, 2017 – FY 18

I. CALL TO ORDER – The meeting was called to order by Dr. William Pollock at 8:10 am. Dr. William Pollock confirmed that announcements for the meeting were made pursuant to the Open Public Meetings Act and forwarded to the Asbury Park Press, The Press of Atlantic City, and the Ocean County Clerk. Present were:

Supervisors: Dr. William Pollock, Chairman, Tony DiLodovico, Vice Chairman, Dr. Michael Gross, Secretary, Charlene Costaris, Treasurer, and Martha Maxwell-Doyle.

Absent: none

Others: Timothy Fekete, New Jersey Department Of Agriculture(NJDA), Christine Raabe, District Director, Kerry Jennings, Assistant District Director, Becky Laboy, Education Outreach Specialist and Jean Baluski, Office Manager from Ocean County Soil Conservation District (OCSCD).

II. FLAG SALUTE – Dr. William Pollock led the salute to the flag of the United States of America.

III. AGENDA – Motion to approve the Amended Agenda for today’s meeting. Motion made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.

IV. MINUTES – The September 21, 2017 District Meeting Minutes were approved after the spelling change was made motion by Dr. Michael Gross and seconded by Charlene Costaris. Roll call vote: unanimous

V. REPORTS TO BOARD –

A. State Soil Conservation Committee (SSCC) - Timothy Fekete, (NJDA), reported that the 2:90 Rules were adopted with no changes, The Agriculture Secretary is working with the Governor Elect’s team and there is a Hydrologic and Hydraulic (HxH) training schedule for 11/29/17.

VI. PUBLIC COMMENTS – Pursuant to the requirements of Open Public Meetings Act, N.J.S. A. 10:4-12, that at a meeting of the Board of Supervisors to be held on November 16, 2017 at 8:00 am at the District office, the Board will have a discussion which could affect the terms and conditions of employment. Specifically, the Board will discuss job performance and compliance with the terms of employment, as well as potential disciplinary actions, as per the approved District Personnel/Employee Manual. Of specific concern to the Board are the letters received and the investigated report submitted by Director Raabe on November 5, 2017. Said employees were served a “Rice Letter” pursuant to Rice vs. Union Cty. Reg. High School Bd. of Ed., 155 N.J. Super. 64 (App. Div. 1977), cert. den. 76 N.J. 238 (1978) and subsequently waived their rights for the matter to be discussed in closed session and indicated that they wished such discussion to be held in public session.

Director Raabe copies/documentation of her Investigative Report was given to the Board. The Investigative Report indicated items such as insensitive comments, offensive music and handling of personnel matters.

Any prior disciplines actions are null and void on this matter. The Board will look at how it was handled, how it should have been handled, and guidance for the future. Motion to go into public session, accept the November 5, 2017 Investigative Report prepared & submitted by Christine and include all prior actions null and void. Motion made by Martha Maxwell-Doyle and seconded by Tony DiLodovico. Roll call vote: unanimous.

Items outline in the Investigative Report:

1. Kerry Jennings handling the personnel matter as assistant director. Move to discuss made by Martha Maxwell-Doyle and seconded by Tony DiLodovico. Kerry asked if his letter sent to the Chairman was received and if he can be recognized. Dr. William Pollock, Chairman, stated the letter did not pertain to this investigation. Kerry asked did Dr. Pollock read the letter and attached draft letters dated May of 2016 which were shared with the Board. Dr. Pollock asked if would be okay to read the letter aloud to the Board and public, Kerry stated it was. Kerry’s letter stated that he was filing grievance of the Rice Notice received and was derogatory regarding Christine’s ability to effectively manage the District and general comments regarding her “lack of leadership”. The letter also stated his negative opinion on how Jean runs the office. Charlene Costaris, Treasurer, asked why this was being discussed in public session. Dr. Pollock stated as per the Rice Notice, that two individuals requested the session be held in public and once one individual wants the session in public, the entire discussion becomes public. Dr. Pollock asked if there were any comments Jean stated that Kerry had stated she was a good Office Manager at a previous board meeting and Kerry’s comments in his letter showed favoritism to the other employees involved in the complaint against her. The Board discussed what Kerry is being disciplined for: discussing disciplinary & personnel matters with all involved employees present, derogatory and accusatory comments about Christine. Martha Maxwell-Doyle suggested that the Board should look at the recommendations on actions that should be taken based on the Investigative Report submitted by Christine. Motion to approve that all employees have sensitivity training, revise & update the Employee Personal Manual and clarify when & how to conduct an investigation. Kerry is to receive verbal counselling for reprimanding Jean Baluski on errors that were not her fault, discussing disciplinary & personnel matters with all involved employees present and not immediately alerting the District Director or Chairman of the Board. Motion made by Martha Maxwell-Doyle and seconded by Tony DiLodovico. Roll call vote: unanimous.

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V. PUBLIC COMMENTS: (cont.)

2. Motion to discuss if Jean Baluski can handle dual roles at the District as both Erosion Control Specialist and Office Manager made by Dr. Michael Gross and seconded by Martha Maxwell-Doyle. Martha Maxwell-Doyle had concerns with Jean being both Office Manager and Erosion Control Specialist; she was taking on too many responsibilities. Kerry agreed and stated that Jean was setup to fail with two fulltime roles. Tony DiLodovico disagreed and Charlene Costaris asked Jean if it was too much, Jean stated with both roles being full-time it was too much. Jean stated if she could be just a substitute Inspector for SESC/251 for when personnel were out instead of having an area it would work. Kerry agreed and said he works well with Jean. Motion to state that Jean continues as Office Manager and Erosion Control Specialist and the Board to discuss as a separate issue the distribution of the workload to be addressed in the Employee Personnel Manual made by Tony DiLodovico and seconded by Dr. Michael Gross. Roll call vote: unanimous.

Second item to address is the insensitive comment supposedly made to Lynne Tafaro by Jean during a lunch discussion. Motion to give Jean Baluski a verbal warning, sensitivity training, and update the employee personnel manual made by Martha Maxwell-Doyle and seconded by Tony DiLodovico. Roll call vote: 3-2 opposed by Dr. Michael Gross and Charlene Costaris.

3. Cynthia Hopkinson comments as outlined in the Investigative Report. Move to discuss made by Martha Maxwell-Doyle and seconded by Tony DiLodovico. Becky Laboy requested to speak about the comments Cynthia has made about Jean, Kerry and Christine. Becky read numerous recounting of instances witnessed by Becky regarding unprofessional behavior by Cynthia from report she created. The Board requested a written copy of her report. Becky stated that she reserved the right to have her attorney review first. The Investigative Report had additional comments that Cynthia has made to other individuals. Motion to give Cynthia Hopkinson a written warning on the issues in the Investigative Report, sensitivity training, and have the District attorney review the additional information given by Becky made by Martha Maxwell-Doyle and seconded by Tony DiLodovico. Roll call vote: unanimous.
4. Kenneth Sicknick comments as outlined in the Investigative Report and played offensive music. Move to discuss made by Tony DiLodovico and seconded by Martha Maxwell-Doyle. Mr. Sicknick is accused of playing offensive music and making insensitive/discriminatory comments. Motion to give Mr. Sicknick a written warning and sensitivity training made by Tony DiLodovico and seconded by Martha Maxwell-Doyle. Roll call vote: unanimous.
5. Christine Raabe sent an email given the whole group a verbal warning before doing a formal investigation. Motion to give Christine a verbal warning made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.

Motion to close entire public session was made by Dr. Michael Gross and seconded by Martha Maxwell-Doyle. Roll call vote: unanimous.

VII. CORRESPONDENCE –

- A. Pine Beach Jersey Friendly Yard letter dated 10-17-17 response to Daniel McGee's letter dated 9/28/17. The Experience Jersey Yards project at Pine Beach Admiral Farragut Park it was approved by Pine Beach Environmental Commission to remove the invasive species and replace them with native plants. Mr. McGee (the father of a Pine Beach boy scout that had planted the garden) wrote a letter to OCSCD about the removal of the plants.
- B. Russo Administrative Consent Order (ACO) email dated 11-2-17. Under the ACO, once Russo plans are approved by The Department of Environmental Protection Land Use Division, Russo will have 30 days to submit Soil Erosion Sediment Control Plans to OCSCD. Kerry Jennings requested that the Board have an attorney review if the previous letter from Russo attorney barring Kerry from entering his property and verify that would now be null and void when the new application is submitted. Motion to consult an attorney made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.
- C. National Association of Conservation Districts (NACD) /NRCS Technical Assistance Priority Funding proposal dated 11-8-17 from Christine Raabe to Joe Lomax, NACD Representative, Christine Hall, NJNRCS Acting State Conservationist, Frank Minch, SSCC, and Tony Dilodovico, President, NACD proposing the Coastal areas of the State could significantly benefit from funding & technical assistants from national & local partners.
- D. Public Comment Period of Finding of No Significant Impact/Finding of No Practicable Alternative on the Environmental Assessment- Natural Gas Pipeline Easement at Joint Base McGuire-Dix-Lakehurst, NJ.

VIII. TREASURY REPORT- Motion to discuss Treasury Report was made by Dr. Michael Gross and seconded by Tony DiLodovico. Roll call vote: unanimous. The monthly report for September 2017 showed total holdings of \$3,946,823.81 and October 2017 showed total holdings of \$3,961,937.70. A motion to accept the report was made by Dr. Michael Gross and seconded by Tony DiLodovico. Roll call vote: unanimous.

IX. BILLS AND CLAIMS – September 2017 Chapter 251 disbursements were \$120,904.08. General account disbursements were \$13,971.95. October 2017 Chapter 251 disbursements were \$152,421.44, General account disbursements were \$7600.32. A motion to accept the report was made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.

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X. REPORTS OF STANDING COMMITTEES –

- A. Education update – See attached report from Becky Laboy, Education Outreach Specialist.

XI. REPORTS OF SPECIAL (AD HOC) COMMITTEES – None.

XII. CHAPTER 251 –

- A. The Board moved to approve the Chapter 251 certified plans. Motion to approve made by Dr. Michael Gross, and seconded by Martha Maxwell-Doyle. Roll call vote: unanimous except Tony DiLodovico wishes to recuse himself from plan SCD#19526.
- B. Quarterly report.
- C. SCD#11103; Whitesville Business Park; block 56.21 & others, Lot 2; Jackson Township, issued a Stop Work Order on 7/18/17.
- D. SCD#8220; Royal Grove/Megan's Run; block 4.68, Lot 58; Jackson Township, issued a Stop Work Order on 9/27/17.
- E. SCD#8120; Jersey Shore Sprinkler; block 13, Lots 11.02 & 11.03; Berkeley Township, issued a Stop Work Order on 10/17/17.
- F. Jersey Shore Sprinkler; block 13, Lot 11.01; Berkeley Township, issued a Stop Work Order on 10/17/17.
- G. SCD#15605; 1111 Industrial Parkway LLC - Site Plan; block 1068, Lot 23Brick Township issued a Stop Work Order on 10/31/17.
- H. Christine and Becky attended the 11/8/17 training and the rest of OCSCD staff will be attending the Standards 11/29/17 training.

XIII. OLD BUSINESS –

- A. National Association of Conservation Districts (NACD) Grant- Urban Agriculture update reprinted Low Maintenance Landscape booklets Spanish version.
- B. NACD Annual Conference Nashville – OCSCD proposal was not accepted.
- C. Envirothon 2018 will be held in Salem County.
- D. The Jersey- Friendly Yards website was submitted to the NJDEP for the New Jersey Governor's Environment Excellence Award still awaiting award announcement. The ceremony is in December.
- E. Rebecca French-Mesch started as the new Inspector I on 11/13/17.

XIV. NEW BUSINESS –

- A. Motion to approve the OCSCD Board Meeting Schedule for 2018. Motion to approve made by Dr. Michael Gross, and seconded by Tony DiLodovico. Roll call vote: unanimous.
- B. Motion to approve the National Association of Conservation Districts (NACD) FY18 membership dues Gold Category at the cost of \$775.00. Motion to approve made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.
- C. Motion to approve the FY17 Audit. Motion to approve made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.
- D. Motion to approve the Mayor's Association annual dues \$225. Motion to approve made by Dr. Michael Gross, and seconded by Martha Maxwell-Doyle. Roll call vote: unanimous.
- E. Motion to approve the Paychex Resolution for Premium Only Plan (section 125). Motion to approve made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.
- F. Motion to approve the Accrued Time off Resolution FY18-4. Motion to approve made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.
- G. Motion to approve Christine R. Raabe as the substitute Open Public Record custodian for District. Motion made by Charlene Costaris and seconded by Dr. Michael Gross. Roll call vote: unanimous.

XV. OTHER ANNOUCEMENTS- None

XVI. EXECUTIVE SESSION – Motion to go into executive session at 10:30 AM made by Martha Maxwell-Doyle and seconded by Dr. Michael Gross. Roll call vote: unanimous.

XVII. ANNOUNCEMENT OF NEXT DISTRICT MEETING – January 18, 2018

XVIII. ADJOURNMENT - The meeting was adjourned at 11:00 A.M. Move for adjournment made by Martha Maxwell-Doyle, and seconded by Dr. Michael Gross. Roll call vote: unanimous

Respectfully submitted,

Christine R. Raabe,
District Director

CRR: jb

Michael Gross, Secretary