1. **General Institutional Functions**

1.1 Acting Chairman Smith called the meeting to order at 4:05 p.m.

1.2 Mrs. Fountain read the Public Statement:
Meeting was Publicly Advertised in Accordance with the "Open Public Meetings Law," Chapter 231, P. L. 1975, Notice Having Been Submitted and Posted June 17, 2010.

1.3 **Roll Call / Pledge of Allegiance**

The following were in attendance: Dr. Andrews, Ms. Case (Treasurer), Mr. Doherty-via telephone, Mrs. Fountain-via telephone (Secretary), Mr. Gavan, Mr. Long, Mr. Perry, Mr. Smith (Acting Chair) and Mr. Damato (President and Ex-Officio Member). Mrs. Bain, Dr. Lamonte and Mr. Sullivan were absent from the meeting.

Also in attendance were Frank Nocella, Kate Douglas, Claudia Olivo, Sivaraman Anbarasan, Tony Iaconetti and Assistant to the President/Recording Secretary Wendy Fullem.

Mr. Smith welcomed the guests and noted that at tonight’s meeting there will be an update regarding the college’s present financial condition as well as an update regarding the presidential search. He said that we are going to focus on the future and not the past. He indicated that he has served on the Board for nine years, tonight is his first meeting as acting Chairman, he takes on the responsibility with humility and understands the need to work closely with administration, faculty, employees and the community. He said the mission of the college has never been more important and we cannot fulfill it without having a strong, secure financial future. He stated his commitment that every decision made by the Board will be done so with financial responsibility. He thanked Mr. Perry for serving as the Chairman and thanked the entire Board of Trustees for their service and commitment.

1.4 **Approval of Minutes**

1.4.1 Minutes of the April 27, 2010 Meeting

Approval of minutes was tabled until the next meeting in order to edit. Will be approved next month after members of the Board have the opportunity to review the edited minutes.

1.5 **Welcome to Guests**
1.6 Courtesy of the Floor (Public Session)

- Sally Gibson asked for mediation between the Board of Trustees and Dr. Mierendorf. She asked questions regarding use of the college logo in a private ad that was placed in the NJ Herald by members of the Board of Trustees and expressed her concerns regarding negative perceptions of the college in the public eye.

- Hank Pomerantz asked about the status of OPRA requests and legal review by both college counsel and the Government Records Council. He also asked about use of the college logo for the private ad placed in the NJ Herald by members of the Board as well as questions regarding financial reports and audits. He said the college needs Dr. Mierendorf.

- Guy Franklin asked the Board to give Dr. Mierendorf another chance to do the job she started regarding finances and to consider reinstating her to the presidency.

1.7 Approval of May, 2010 Unaudited Financial Statements

After item 2.3, Vice President Nocella presented the financial reports. Dr. Andrews moved to approve the May 2010 unaudited financial statements. Mr. Gavan seconded the motion.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

1.8 Correspondence File – None

1.9 Consideration of the Legally Mandated Agenda Items (As Noted on the Agenda by an *). The Detail of Each Item is Presented in the Main Body of the Agenda Under its Appropriate Classification. (Item 2.1 & 2.2)

Mr. Gavan moved to approve the legally mandated agenda items. Mr. Perry seconded the motion.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

2. Personnel

(*) 2.1 Recommendation: Approval of the Attached List of Part-Time Faculty Employed to Teach Credit, Noncredit or Independent Study (IS) Courses/Seminars That Achieved a Supporting Enrollment During Spring 2010 Semester.

Approved under item 1.9.

(*) 2.2 Recommendation: Appointment of the Attached List of Part-Time Support/Non-Faculty Staff Employed for FY ’09/10. Said Appointment is in Accordance with the Policies, Procedures, and Salary Guidelines Established by the Board of Trustees.

Approved under item 1.9.
2.3 Report of the Personnel and Curriculum Chair.
Acting Chairman Mr. Smith reported on behalf of the Personnel and Curriculum Committee Chairperson, Mrs. Fountain. He noted that in addition to items on the agenda for approval, the committee:

- Was advised by Vice President of Academic Affairs Dr. Douglas that SCCC students sitting for the CMA certification exam scored very high in the national percentile.

- Received, along with all Board members, the SCCC’s Dean’s List via email.

- Discussed student response to the fee increase for the nursing program and the rationale explained to the students.

- Reviewed Monthly Incident Report.

- Received report by Interim President Damato that the NJ S.T.A.R.S. program may continue depending on NJ state budget and NJ community college contributions.

- Was advised by Interim President Damato that summer enrollment is up 20%. Fall enrollment is up 9%.

- Was presented by Vice President Douglas, an overview of the status of the Shared Services Program between SCCC and United Way. She is going to ask Kathleen Nelson to do a presentation for the Board in the future.

- Received a six-month report regarding grant writing activities, submitted by Fred Brand. It included: 16 applications submitted to federal, state and private foundations. $4500 was received from Selective Group Foundation for the purchase of a rescue truck for the Public Safety Training Academy. $12,700 will be received for the PAC from the Mid-Atlantic Foundation for the Arts. Nine applications are still in the review process and include: Community Based Job Training for $2.5M, $75,000 from New Jersey Commission on Higher Education, $55,000 from Walmart Foundation, $15,000 from Aeroflex Foundation.

2.4 Recommendation: Promotion of Michael D’Amore from Instructor to Assistant Professor, Effective August 2010, in Accordance with the Current Collective Bargaining Agreement Between the College and the Faculty Federation.

Dr. Andrews moved to approve the promotion of Michael D’Amore as noted above. Mr. Doherty seconded the motion.

Dr. Douglas noted that Dr. D’Amore has done an excellent job with us during his first years with SCCC.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.
2.5 Recommendation: Promotion of Michael Love from Instructor to Assistant Professor, Effective August 2010, in Accordance with the Current Collective Bargaining Agreement Between the College and the Faculty Federation.

Mr. Long motioned to approve the promotion of Michael Love as noted above. Dr. Andrews seconded the motion.

Dr. Douglas noted that Dr. Love is an excellent instructor who holds his students to very high standards.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

2.6 Recommendation: Approval to Accept Resignation of Scott Van Der Sluys from the Full-Time Position of Web Designer, Effective June 11, 2010.

Mr. Gavan moved to accept the resignation of Scott Van Der Sluys as noted above. Mr. Long seconded the motion. Motion carried unanimously.

Interim President Damato explained that Mr. Van Der Sluys had the opportunity to go to Hollywood to be in a movie and that we all wish him well.

2.7 Recommendation: Approval to Accept Resignation of Angela Logan from the Full-Time Position of Revenue Manager. (Changed from Bursar, which was the incorrect title.)

Mr. Long moved to accept Angela Logan’s resignation as noted above. Mr. Gavan seconded the motion. Motion carried unanimously.

Interim President Damato noted that Ms. Logan is a long-time employee of SCCC and has been a cornerstone of our Bursar operation. She has a professional opportunity and we wish her all the best.

2.8 Recommendation: Approval to Accept Resignation of David Smith from His Position in the Learning Center, Effective June 18, 2010.

Mr. Long moved to accept David Smith’s resignation as noted above. Ms. Case seconded the motion. Motion carried unanimously.

2.9 Recommendation: Reappointment of the Attached List of Non-Union, Non-Faculty Staff Members, Effective July 1, 2010, with a Corresponding 3% Salary Adjustment.

Mr. Gavan moved to approve the reappointment of non-union, non-faculty staff as noted above, who have received satisfactory performance appraisals. Mr. Long seconded the motion.

Mr. Perry pointed out that reappointment and salary adjustment are awarded to those who have received satisfactory performance appraisals. Motion amended to include this information.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

2.10 Recommendation: Effective July 1, 2010, Approval to Add on a One
Time Basis, Four Vacation Days (28 Hours) to the Vacation Accrual Balance of Each Non-Faculty, Non-Union Employee Who Contributed 1.5% of Their Base Salary for Health Benefits as of July 1, 2009.

Mr. Long moved to approve adding four vacation days to vacation accruals, as noted above. Mr. Gavan seconded the motion.

Interim President Damato noted that this goes to the issue or maintaining parity for all employees.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

2.11 Recommendation: Approval of the Appointment of Ashley Winters to the Full-Time Position of Financial Aid Counselor, Effective June 14, 2010, at an Annual Salary of $25,000, Prorated for Period Worked.

Mr. Long moved to approve Ashley Winters’s appointment as noted above. Dr. Andrews seconded the motion.

Michael Corso said he’s delighted to have Ms. Winters join us. She is a 2008 graduate of SCCC and an excellent example of high academic performance of our students.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

2.12 Recommendation: Effective July 1, 2010, Approval of the Reappointment of the Attached List of Employees Who are Members of the Professional Staff Union and the Professional Support Staff Union, and Effective July 1, 2010, a 3% Salary Adjustment to Their Base Salaries, In Accordance with the Terms and Conditions of Their Contracts.

Mr. Long moved to approve the reappointment of employees who are members of the Professional Staff and Professional Support Staff Unions, as noted above. Dr. Andrews seconded the motion.

Interim President Damato said he is very pleased that the Board has the opportunity, after a long hiatus, to vote on raises for these employees.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

3. Curriculum and Instruction

3.1 Recommendation: Approval to Retire the A.A.S. Community Care Program and all Options Associated with Degree Designation.

Mr. Long moved to retired the A.A.S. Community Care Program and all options associated with degree designation. Ms. Case seconded the motion.

Dr. Douglas explained how this degree was created in respond to community needs however it never got full enrollment. She noted that retirement of the degree and options is a faculty recommendation.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry and Mr. Smith voted yes. Motion carried unanimously.
4. **Student Services Report** – None

5. **Community Information and Service Report** – None

6. **College Facilities**

   6.1 Report from the Finance and Facilities Committee Chair.

   Ms. Case reported for the Finance and Facilities Committee. She noted that they:

   • Reviewed much of what Vice President Nocella presented.
   • Discussed bank ratings, deposits, GUPTA, Deposit Protection Act.
   • Reviewed the 2011 County Budget process and changes to the FY’11 budget.
   • Discussed professional fees for accounting expenses.
   • Recommending the approval of the Progressive Adult Basic Skills, English Literacy and Civics Education Grant.
   • Reviewed template developed to track the recommendations made by Mercadien in their report.
   • Reviewed Jenzabar system assessment.
   • Discussed reorganization of the finance department.
   • Received update regarding 5-year capital project master plan and Entech review.
   • The rest of items discussed are on tonight's agenda for approval.

   6.2 Report from the Presidential Search Committee Chair.

   Chairman of the committee could not attend tonight so Mr. Smith gave the report. He indicated that the committee:

   Researched a total of nine different search firms, several of which did not have a strong educational presence. One responded that they are not accepting new clients at this time. Another firm did not respond. They received one informal proposal and one formal proposal.

   6.3 Recommendation: Board Approval of Presidential Search Consultant.

   Ms. Case moved to approve using the services of ACCT as presidential search consultant. Mrs. Fountain seconded the motion.

   The Chairman of the Presidential Search Committee, Barry Worman, forwarded a recommendation to acting Chairman Smith. The recommendation was the Association of Community College Trustees to conduct the search. He indicated this recommendation was decided after reviewing a number of executive search agencies and their information. The search will be at a fee of $35,000.

   Interim President Damato indicated that ACCT is one of the most reputable agencies in the United States, not only in Board guidance, but in the selection of senior officers and presidents. Additionally, the fee is relatively modest compared to other firms for presidential searches. They are good in credibility, integrity and price.
Acting Chairman Smith noted that the search firm who provided the informal proposal said the fee would be $55-$60k.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Perry, and Mr. Smith voted yes. Mr. Long voted no. Motion carried.

6.4 Recommendation: Approval of Worksite Agreement Letter Between Sussex County Probation Division community Service Program and Sussex County Community College.

Mr. Gavan moved to approve the agreement letter between Sussex County Probation Division Community Service Program and SCCC. Ms. Case seconded the motion. Motion carried unanimously.

Interim President Damato explained that this agreement provides an opportunity to have work done on campus at no cost and at the same time help individuals with their community service requirements.

7. Business and Finance

7.1 Recommendation: Approval of Revised FY2011 Budget Summary.

Dr. Andrews moved to approve the revised FY2011 budget summary. Mr. Gavan seconded the motion.

Vice President Nocella indicated that changes to the budget reflect changes relating to state and county funding changes, items that needed to be trued up since the budget was first prepared in late 2009. Revisions also related to funding needs for the five-year capital plan as well as software enhancements for Jenzabar.

Mr. Perry congratulated the Board for putting forward the five-year capital plan, noting it has an aggressive view to partner with the community in generating matching funds to move forward with phase one of the Campus Master Plan.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

7.2 Acting Chairman Appointments to Board of School Estimate.

Acting Chairman appointed Dr. Andrews and Mrs. Fountain as the alternate/Secretary. Both accepted the appointment.

7.3 Recommendation: Approval to Seek Temporary Help for the Business Office. Until New Position is Filled.

Mr. Perry moved to approve temporary help for the business office. Mr. Gavan seconded the motion.

Temporary help is needed due to the resignation of Angela Logan from the Business Office. The position is being redefined and a search to fill the position will follow.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.
7.4 Status Change of Audit Committee.
Mr. Gavan was asked to accept the position of Chairman of the Audit Committee. He accepted the appointment.

7.5 Recommendation: Approval to Pay Mercadian Group Balance of Invoice, Expenses and for Additional Hours of Work.
Item was moved to the end of the agenda – and then tabled until next month, in order to obtain and review documentation relating to additional fees.

7.6 Recommendation: Approval of Amper, Politziner Mattia, LLP Contract.
Dr. Andrews moved to approve the Amper, Politziner, Mattia LLP contract for an additional $10,000. Mrs. Fountain seconded the motion.
Vice President Nocella indicated that we have needed some strong accounting / CPA services to help get the balance sheet in order before closing out the fiscal year. Original approval was for $20,000.
Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

7.7 Recommendation: Approval to Pay Legal Invoice from Methfessel & Werbel of Edison, NJ in the Amount of $1,623.50.
Dr. Andrews moved to approve payment of legal invoice to Methfessel & Werbel as noted above. Mr. Perry seconded the motion.
Acting Chairman Smith noted that Methfessel & Werbel are the legal firm representing defendants in the legal suit.
Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

7.8 Recommendation: Approval to Apply for the Consolidated Adult Basic Skills and Integrated English Literacy and Civics Education Discretionary Grant Program in the Amount of $160,000, Starting July 1, 2010, Ending June 30, 2011.
Mr. Doherty moved to approve applying for the Consolidated Adult Basic Skills and Integrated English Literacy and Civics Education Discretionary Grant Program as noted above. Mrs. Fountain seconded the motion.
Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

7.9 Recommendation: Approval of Resolution Regarding Authorized Signatures for Banking.
Mr. Gavan moved to approve resolution regarding authorized signatures for banking. Dr. Andrews seconded the motion.
Vice President Nocella indicated this is to update the banks due to the changing of the President and changes on the Board.
VP Nocella also noted that we will be looking for a bank to possibly replace Chase.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long, Mr. Perry, and Mr. Smith voted yes. Motion carried unanimously.

8. **Courtesy of the Floor (Public Session)**

- Jan Jones noted that Angela Logan’s title was Revenue Manager, not Bursar. She asked for clarification of Acting Chairman Smith’s statement that we are going to survive financially. He explained about our current assets vs. current liabilities, leading her to say that this contradicts what people were led to believe. She asked for an explanation as to why Dr. Mierendorf was fired.

- Maureen Murphy Smolka asked what venue will be made available in order to have questions answered. Acting Chairman Smith replied that if she was to listen to the transcript of the April 27th meeting, she would have her answer. He also indicated that based on pending litigation he can’t answer many questions.

- Sally Gibson noted that there needs to be an avenue for people to have their questions answered. Acting Chairman Smith said he will try to find a solution.

- Guy Franklin asked if Dr. Mierendorf dropped her law suit, would the Board be willing to talk to her and to the college community.

- Tom Caines asked questions regarding the use of the college logo and letterhead, noting it was of great concern.

- Kathy Brennan, a county resident addressed the Board about transparency and the community’s disappointment. She also requested a public hearing by the Freeholders.

9. **Other Business**

**Discussion / Reports / Announcements:**

9.1 Acting Chairman – Nominating Committee

Acting Chairman Smith appointed Dr. Andrews, Mr. Gavan and Mr. Sullivan to the Nominating Committee.

9.2 Trustee Activity Update

There was a NJCCC meeting yesterday. Some of the items discussed were:

- Perkins funding increased over last year.

- Presentation by the Heldrik Center for work Force Development, which is Part of Rutgers. Mr. Perry noted that one of the most intriguing parts of the data presented is that for students who attended community college and earned a certificate or degree, their earnings went up 55%-70% over two years. Those who attended but did not earn a certificate or degree increased their earnings by an average of 15%. These are the kind of accountability measures that are being driven down from the federal level with President Obama’s call for five million more graduates. It is coming from the Association of Community Colleges and Association of Community College Trustees.
for Boards and administration can utilize to make our students successful. We are starting to answer the question, “what does student success look like?” which is a question that is being asked from the President all the way down to our county Freeholders who are funding a significant portion of our budget.

- Interim President Damato noted that there will be a three tier way of looking at student success and graduation rates will not be the only indicator (SCCC leads the state in graduation rate). Other indicators include transfer rates, students who achieve thirty or more credits with a GPA of 2.0 or better. SCCC leads the state in graduation rate.

9.3 President’s Report

Interim President Damato reported:

- There is hope for the NJ STARS program. Will change to full tuition for students, but will not include fees.
- June 4th Senior Day sold out for the third year in a row.
- Summer I enrollment +38%, Summer II enrollment +11%, Summer III enrollment +12%. Fall running +8% ahead – which at this point is a conditional number and we need to watch fall enrollment closely.
- Marketing is doing a push for fall recruitment.
- June 10th was Skylander Golf Outing. Raised $5k.
- Excited about the start of Thursdays on the Green. Each event goes on rain or shine (turn stage around if rain) – Expect 700-800 people per event.
- Smoke and tobacco free campaign will being in fall 2010 semester. Smoking will only be allowed in vehicles.
- Fall semester will have a student services/activities focus on the abuse of heroin. He noted the loss of two students reported to heroin overdoses, as well as it being the drug of choice in our high schools.
- October 3rd will be the 5K/10K run.
- In today’s paper was an article about Maya Gordon, an 18-month old child who suffers from a blood disease. She is the niece of one of our students. Our students did a fund raiser and contributed to funding her care.

Board discussed entering into Executive Session to discuss the Mercadien contract (which leads to the payment of invoices in item 7.5). Counsel Gary Werner indicated that if the Board is going to talk about the contract, it is ok to go into Executive Session, however if they are going to talk about the Mercadien Group invoices then discussion isn't subject to Executive Session. He explained that members of the Board are in litigation now and at the heart of that litigation is the issue of the financials, with the Mercadien report directly addressing the issue of the financials. He replied to the earlier question regarding members of the Board who are not involved with the litigation being able to answer questions, noting that during pending litigation, at any time, the entire Board or additional members of the Board can be sued for comments made or questions answered.
Mr. Long noted that he has some serious concerns about invoices submitted by Mercadien and how the bill emanated. He said he challenges the whole process relative to Mercadien and indicated that he has specific questions and does not wish to embarrass anyone but wants answers to his questions.

Mr. Werner said the public has a right to hear questions and concerns, however if the questions fall into the category of present or pending litigation, then the questions would be appropriate for Executive Session.

Mr. Long said his questions are regarding the payment of the bill and Mr. Werner said that is appropriate for public session.

Mr. Long asked who authorized exceeding the approved $37,000, why was it not brought back to the Board for discussion and approval, when and who did Mercadien inform about going over the $37k?

Mr. Smith indicated that no one authorized it. He said they were told by Mercadien that they had put in a lot more hours and it involved a lot more work than they had anticipated due to the condition of the records of the institution. He noted the original contract was in anticipation of 200 hours and the reality was over 450 hours spent. They informed the Audit Committee that there would be a request for additional funds and they were asked to submit a request. It was not approved by anyone.

Mr. Long noted that there is too much that isn’t being brought to the Board as a whole and this is a perfect illustration. He said he takes Mr. Smith’s word that no individual or group of individuals sanctioned them going over $37,000, but also noted that he then feels strongly that they are not owed any more than $37,000 and he will vote not to pay more than $37,000 as per the signed contract.

Counsel was asked about the legal liability if we didn’t pay the balance, and it was noted that the college should do the right thing – if it is believed Mercadien rendered value and is entitled to additional compensation.

Mr. Gavan noted that as the new Chairman of the Audit Committee, he will obtain documentation from Mercadien to be presented to the entire Board.

Ms. Case moved to table item 7.5 until next month, in order to obtain and review documentation relating to additional fees. Mr. Doherty seconded the motion.

Roll call vote: Dr. Andrews, Ms. Case, Mr. Doherty, Mrs. Fountain, Mr. Gavan, Mr. Long and Mr. Smith voted yes. Mr. Perry abstained from the vote. Motion carried.

At 6:45 p.m., Mr. Gavan moved to enter into an Executive Session to discuss contracts that relate to the operation of the College in accordance with the “Open Public Meetings Law.” Ms. Case seconded the motion. Motion carried unanimously.

9.4 The Next Meeting of the Board of Trustees Will Take Place on Tuesday, July 27, 2010 at 5:00 p.m. Unless Scheduled Otherwise.

10. Adjournment
At 8:40 p.m. the Board adjourned from Executive Session as well as from the regular Board meeting upon a motion made by Mr. Gavan and seconded by Mr. Perry. Motion carried unanimously.

Approved:

[Signature]

Wendy Fullem, Recording Secretary

Linda E. Fountain, Secretary