

Secretary's Note: The Board's annual reorganization meeting was held at 7:01 p.m. prior to the regular meeting.

I. CALL TO ORDER REGULAR SESSION

On Tuesday, November 22, 2011, at 7:14 p.m. newly elected Chairperson Robert Boyer called the meeting to order.

II. STATEMENT OF ADEQUATE NOTICE

In compliance with the "Open Public Meetings Act" of the state of New Jersey, adequate notice of this regular meeting of the Atlantic Cape Community College Board of Trustees was provided by e-mail for posting at "J" Building main campus; the Charles D. Worthington Atlantic City Campus, the Cape May County Campus and copies were e-mailed to the clerks of Atlantic and Cape May counties and the clerks of the Board of Chosen Freeholders of Atlantic and Cape May counties on November 10, 2011.

Secretary's Note: At the reorganization meeting the flag salute was recited and roll call was taken.

III. ROLL CALL (√)

	Board Members	College Personnel
√	Robert J. Boyer	Dr. Peter Mora
√	Thomas J. Dowd	Kathy Corbalis
√	David A. Evans	Eileen Curristine
√	Brian G. Lefke	Sean Fischer
√	Andrew W. Melchiorre	Douglas Hedges
√	Maria K. Mento	Dr. Richard Perniciaro
√	Eric Reynolds	Carmen Royal
√	Maria Ivette Torres	Terry Sampson
√	Helen W. Walsh	Cathie Skinner, CPA
		Dr. Art Wexler
	Donald J. Parker (conference call)	BettyAnn Inloes Hines
		Louis J. Greco, Esquire
		Others in Attendance
		Emily Rau, Atlantic Cape Employee

Secretary's Note: Trustee Parker was contacted by telephone to participate in the regular meeting by conference call.

IV. CALL TO ORDER EXECUTIVE SESSION

None

V. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

None

VI. BUDGET REPORT

Ms. Torres informed the Board members to refer to the blue booklet and stated that the Fiscal Year 2012 Board Financial Report, Res. #37, covers the four months ended October 31, 2011. The

preliminary Fiscal Year 2011-2012 year-to-date data summarized in the report indicates the college has earned 46.46% of budgeted revenues and expended 30.36% of expenditures.

VII. RESOLUTIONS

A. Regular Resolutions

Ms. Walsh moved and Mr. Reynolds seconded the acceptance of the Financial Statement Executive Summary for October 31, 2011, **Res. #37**.

ROLL CALL: ALL AYES, NO NAYS

“The Banking Depositories, **Res. #38**, was approved at the reorganization meeting prior to this meeting,” said Ms. Torres.

Ms. Walsh requested that **Res. #40A**, Award of Bid, Bid Ex. 626, be submitted to the Long-Range Planning and Capital Projects Committee for further review. Based upon her request, the Board **tabled Res. #40A** (below).

It is respectfully recommended that the Board of Trustees approve the following:

Bid Ex. 626	Professional Services – Contract Management, Inter-Agency Agreement STEM Building	\$30,000.00 (not to exceed)
	South Jersey Economic Development District, Inc. Millville, NJ	

Secretary’s Note: Because it will go out to bid, Res. #40A was voided after the Board meeting.

Ms. Torres asked Ms. Sampson to give an update and further information on **Res. #40H**.

Ms. Sampson gave detailed information on this resolution.

Ms. Walsh moved and Mr. Reynolds seconded the following:

WHEREAS, Community College Contract law allows any purchase, contract, or agreement to be made , negotiated or awarded by a County College without public advertising for bid and bidding when an emergency affecting the health, safety or welfare of occupants exists; and

WHEREAS, the hot water boiler installed in 1992 for “M” Building that supplies all the hot water for the production kitchen, teaching kitchens and rest rooms is inoperable and parts are not available; and

WHEREAS, a significant hot water supply is required to meet code and provide for health and safety of students, staff and public served; and

WHEREAS, the College sought two quotes for the removal of existing hot water boiler and installation of one Aerco water heater and all associated piping and materials; and

WHEREAS, the College’s contracting agent is satisfied that an emergency exists; and

WHEREAS, the project will be funded from the fee based R & R budget.

THEREFORE BE IT RESOLVED that the College award a contract to the lower quote, Industrial Boiler, Inc. of Vineland, NJ, in the amount of \$87,756.25 for the removal and replacement of the hot water boiler for M Building.

ROLL CALL: ALL AYES, NO NAYS

Ms. Torres asked Ms. Sampson to give further information on **Res. #41**.

Ms. Sampson gave detailed information on this resolution.

Ms. Walsh moved and Mr. Evans seconded the following:

WHEREAS the College has applied to, received and accepted an Economic Development Administration (EDA) Award in the amount of \$2 million dollars; and

WHEREAS the award is to be used for the purposes of the construction of space to function as the Technology Studies Institute within the STEM Building; and

WHEREAS the award provides the authorized purpose for which the award may be used and further states that the College will not sell, mortgage or otherwise use or alienate any right to, or interest in the property, or use the property for purposes other than, and different from, those purposes set forth in the award agreement and the award application unless EDA is repaid its share of the fair market value of the project.

THEREFORE BE IT RESOLVED the College does hereby mortgage, warrant, grant and convey to EDA, a mortgage on the Technology Studies Institute portion of the STEM Building to secure a debt that shall become due and payable to EDA upon the use, transfer, or alienation of the Property, or interest therein, in violation of the Award Agreement.

BE IT FURTHER RESOLVED that the Agreement and Mortgage shall terminate and be of no further force and effect twenty years from the completion of the construction of the project.

ROLL CALL: ALL AYES, NO NAYS

Mr. Evans stated that the Personnel & Board Development Committee placed **Res. #29** under regular resolutions.

Dean Curristine explained that the NJ First Act Exemption Report was reviewed by the senior staff and Dr. Mora and was reduced by four administrative positions. The Exemption Report with Schedule A was filed by the November 1 deadline.

Mr. Parker stated that the health care industry shares the same challenge as the college in hiring qualified candidates in this geographic area.

Chairperson Boyer asked if there were any questions.

Mr. Evans moved and Ms. Torres seconded the following:

WHEREAS, P.L.2011 Chapter 70 ("New Jersey First Act") was signed into law on May 19, 2011; and

WHEREAS, this law requires individuals to be residents of New Jersey in order to hold certain public employee positions in the State; and

WHEREAS, the Board of Trustees has determined that faculty, research staff, and administrative staff including management staff (other than management support staff) at Atlantic Cape Community College hold positions requiring special expertise or extraordinary qualifications in academic, scientific, technical, professional and medical fields, and in administration, which if not exempt from the residency requirement, would seriously impede the College's ability to compete successfully with higher education institutions in other states; and

WHEREAS, the New Jersey First Act permits exemption from its residency requirements of faculty, research staff and administrative staff holding positions requiring special expertise or extraordinary qualifications in academic, scientific, technical, professional and medical fields, and in administration, which, if not exempt from the residency requirement, would seriously impede the College's ability to compete successfully with higher education institutions in other states (the "Qualified Positions"); and

WHEREAS, the College has identified the "Qualified Positions" at the College, all of which are identified on the attached schedule A; and

WHEREAS, in order to exempt the "Qualified Positions" from the residency requirements of the New Jersey First Act, the College must file an exemption report with the State by November 1, 2011 and on January 1 annually thereafter.

THEREFORE BE IT RESOLVED that the President of the College shall cause an appropriate Exemption Report with Schedule A to be filed with the appropriate State officials by November 1, 2011.

BE IT FURTHER RESOLVED that the President of the College is hereby authorized to file amended Exemption Reports as appropriate to reflect new or changed Qualified Positions or titles as and when created or changed by the Board of Trustees.

ROLL CALL: ALL AYES NO NAYS

Mr. Evans said this is the second reading of **Res. #31**, Adopt Policy No. 218: Involuntary Withdrawal.

Chairperson Boyer noted if there were any questions please inform administration because the policy will be up for adoption in December.

Mr. Evans read **Res. #39**, Personnel Appointments and moved and Mr. Reynolds seconded the following:

It is respectfully recommended, by the President, that the Board approve the following:

Appointments

Robert Fischer, Financial Aid Specialist at an annual salary of \$35,094 effective November 23, 2011.

Maria Giordano, Financial Aid Assistant at an annual salary of \$28,870 effective November 23, 2011.

Kimberly Weber, Clerk, Receiving and Central Stores at an annual salary of \$24,155 effective November 23, 2011.

ROLL CALL: ALL AYES, NO NAYS

B. Consent Resolutions

Chairperson Boyer asked Secretary Hines to read the consent resolutions. He said if no consent resolutions needed to be removed by the Board they would be voted on for adoption.

Secretary Hines read the following consent resolutions and policy—**Res. #36; Policy for Discussion—Policy No. 212; Res. #40; Res. #40B; Res. #40C; Res. #40D; Res. #40E; Res. #40F; Res. #40G; Res. #42; Res. #43; Res. #44; and Res. #45.**

Mr. Lefke moved and Ms. Mento seconded the following:

Res. #36

October 25, 2011 Regular Session Minutes

Secretary's Note: The executive session minutes for October 25, 2011, are being held.

Policy for Discussion—Policy No. 212

Policy No. 212

Area: Student ~~Affairs~~ **Development**

Description: Assumption of Risk, Waiver and Release Form

From time to time various student organizations affiliated with the College travel via commercial air or ground transportation for educational and cultural enrichment.

The College foresees a need to be held harmless by the student, his/her heirs and/or personal representative during this travel time.

The College ~~has therefore developed~~ **maintains** an Assumption of Risk, Waiver and Release Form discharging **Atlantic Cape** ACCC and any and all of its officers, agents, servants, and employees from and against any and all claims by the student.

Procedures:

[Assumption of Risk, Waiver and Release Form](#) No. 212.1

[Assumption of Risk, Waiver and Release Form](#) Supplement 1, No. 212.1S

Res. #40

It is respectfully recommended that the Board of Trustees approve the following:

RFP 154	Hardware and Software Support for IBM Account Advocate, 3-year contract, (FY12-15 Information Technology Services) American Digital Corp. Arlington Heights, IL	\$156,503.00
Bid Ex. 625	Software License Renewal, Microsoft Campus, (FY12-13 Information Technology Services) EnPoint Technologies Gardens, CA	\$44,406.45
Bid 1753	Ethernet Wide Area Network Services, 3-year Contract, (FTY12-15 Information Technology Services) *plus monthly federal surcharges Comcast Business Communications Chalfont, PA	*\$324,000.00

Res. #40B

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
B.F. Mazzeo Fruit & Produce
Northfield, NJ**

WHEREAS, under New Jersey Community College Contract Law a Contract for Food may be negotiated or awarded without public advertising for Bids; and

WHEREAS, the Director of Business Services has determined that the value of the acquisition should exceed \$17,500 during fiscal year 2012 based on last fiscal year operations, and

WHEREAS, the anticipated term of this contract is for Fiscal Year 2012 as approved by this governing body; and

WHEREAS, B.F. Mazzeo Fruit and Produce of Northfield, NJ will provide culinary food items as needed for class instruction for the sum in excess of \$17,500, and

WHEREAS, B.F. Mazzeo Fruit and Produce of Northfield, NJ has completed and submitted a Business entity Disclosure Certification which certifies that B.F. Mazzeo Fruit and Produce of Northfield, NJ has not made any reportable contributions to a political or candidate committee in the counties of Atlantic and Cape May in the previous one year and that the contract will prohibit B.F. Mazzeo Fruit and Produce of Northfield, NJ from making any reportable contributions through the term of the contract.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College authorizes a contract with B.F. Mazzeo Fruit and Produce of Northfield, NJ as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification will be placed on file with this resolution.

*Note: Fiscal Year 11 expenses were \$81,102.70

Res. #40C

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
Sysco Food Service
Philadelphia, PA**

WHEREAS, under New Jersey Community College Contract Law a Contract for food may be negotiated or awarded without public advertising for Bids; and

WHEREAS, the Director of Business Services has determined that the value of the acquisition should exceed \$17,500 during fiscal year 2012 based on last fiscal year operations, and

WHEREAS, the anticipated term of this contract is for Fiscal Year 2012 as approved by this governing body; and

WHEREAS, Sysco Food Service of Philadelphia will provide the culinary food items as needed for class instruction for the sum in excess of \$17,500, and

WHEREAS, Sysco Food Service of Philadelphia has completed and submitted a Business entity Disclosure Certification which certifies that Sysco Food Service of Philadelphia has not made any reportable contributions to a political or candidate committee in the counties of Atlantic and Cape May in the previous one year and that the contract will prohibit Sysco Food Service of Philadelphia from making any reportable contributions through the term of the contract.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College authorizes a contract with Sysco Food Service of Philadelphia as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification will be placed on file with this resolution.

*Note: Fiscal Year 11 expenses were \$19,035.61

Res. #40D

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR

**Rastelli Seafood
Egg Harbor City, NJ**

WHEREAS, under New Jersey Community College Contract Law a Contract for food may be negotiated or awarded without public advertising for Bids; and

WHEREAS, the Director of Business Services has determined that the value of the acquisition should exceed \$17,500 during fiscal year 2012 based on last fiscal year operations, and

WHEREAS, the anticipated term of this contract is for Fiscal Year 2012 as approved by this governing body; and

WHEREAS, Rastelli Seafood of Egg Harbor City, NJ will provide culinary food items as needed for class instruction for the sum in excess of \$17,500, and

WHEREAS, Rastelli Seafood of Egg Harbor City, NJ has completed and submitted a Business entity Disclosure Certification which certifies that Rastelli Seafood has not made any reportable contributions to a political or candidate committee in the counties of Atlantic and Cape May in the previous one year and that the contract will prohibit Rastelli Seafood from making any reportable contributions through the term of the contract.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College authorizes a contract with Rastelli Seafood of Egg Harbor City, NJ as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification will be placed on file with this resolution.

*Note: Fiscal Year 11 expenses were \$43,603.91

Res. #40E

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR

**US Food Service
Bridgeport, NJ**

WHEREAS, under New Jersey Community College Contract Law a Contract for food may be negotiated or awarded without public advertising for Bids; and

WHEREAS, the Director of Business Services has determined that the value of the acquisition should exceed \$17,500 during fiscal year 2012 based on last fiscal year operations, and

WHEREAS, the anticipated term of this contract is for Fiscal Year 2012 as approved by this governing body; and

WHEREAS, US Food Service of Bridgeport, NJ will provide culinary food items as needed for class instruction for the sum in excess of \$17,500, and

WHEREAS, US Food Service of Bridgeport, NJ has completed and submitted a Business entity Disclosure Certification which certifies that US Food Service of Bridgeport, NJ has not made any reportable contributions to a political or candidate committee in the counties of Atlantic and Cape May in

the previous one year and that the contract will prohibit US Food Service from making any reportable contributions through the term of the contract.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College authorizes a contract with US Food Service of Bridgeport, NJ as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification will be placed on file with this resolution.

*Note: Fiscal Year 10 expenses were \$112,321.70

Res. #40F

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR

**Ashley Foods
Philadelphia, PA**

WHEREAS, under New Jersey Community College Contract Law a Contract for food may be negotiated or awarded without public advertising for Bids; and

WHEREAS, the Director of Business Services has determined that the value of the acquisition should exceed \$17,500 during fiscal year 2012 based on last fiscal year operations, and

WHEREAS, the anticipated term of this contract is for Fiscal Year 2012 as approved by this governing body; and

WHEREAS, Ashley Foods of Philadelphia, PA will provide culinary food items as needed for class instruction for the sum in excess of \$17,500, and

WHEREAS, Ashley Foods of Philadelphia, PA has completed and submitted a Business entity Disclosure Certification which certifies that Ashley Foods has not made any reportable contributions to a political or candidate committee in the counties of Atlantic and Cape May in the previous one year and that the contract will prohibit Ashley Foods from making any reportable contributions through the term of the contract.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College authorizes a contract with Ashley Foods of Philadelphia, PA as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification will be placed on file with this resolution.

*Note: Fiscal Year 11 expenses were \$39,207.06

Res. #40G

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR

**JJ Foods
Sewell, NJ**

WHEREAS, under New Jersey Community College Contract Law a Contract for food may be negotiated or awarded without public advertising for Bids; and

WHEREAS, the Director of Business Services has determined that the value of the acquisition should exceed \$17,500 during fiscal year 2012 based on last fiscal year operations, and

WHEREAS, the anticipated term of this contract is for Fiscal Year 2012 as approved by this governing body; and

WHEREAS, JJ Foods of Sewell, NJ will provide food items as needed for class instruction for the sum in excess of \$17,500, and

WHEREAS, JJ Foods of Sewell, NJ has completed and submitted a Business entity Disclosure Certification which certifies that JJ Foods has not made any reportable contributions to a political or candidate committee in the counties of Atlantic and Cape May in the previous one year and that the contract will prohibit JJ Foods from making any reportable contributions through the term of the contract.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College authorizes a contract with JJ Foods of Sewell, NJ as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification will be placed on file with this resolution.

*Note: Fiscal Year 11 expenses were \$19,877.76

Res. #42

WHEREAS, the New Jersey Department of Labor and Workforce Development is soliciting applications for its Competitive Literacy Training Grants, and

WHEREAS, Competitive Literacy Training Grants provide competitive funding for literacy skills training for employees located in New Jersey (see attached), and

WHEREAS, the Competitive Literacy Training Grants program will provide Atlantic Cape with a literacy training contract in the range of \$150,000 for The Casino Literacy Training Consortium consisting of The Borgata, Caesars, Bally's, Harrah's, Showboat, and Tropicana over the anticipated term of December 1, 2011 through December 1, 2012.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College hereby grants approval to submit an application to the New Jersey Department of Labor and Workforce Development for Competitive Literacy Training Grants for a training contract with The Casino Literacy Training Consortium with an anticipated contract totaling approximately \$150,000 over the term of December 1, 2011 through December 1, 2012.

Res. #43

WHEREAS, the Board of Trustees adopted Resolution #30, on October 25, 2011, and has committed to the incorporation of an IRC Section 125 Cafeteria Plan/Flexible Spending Account (FSA) for all of its full-time employees, and

WHEREAS, the FSA requires a separate bank account for the administration of funds.

THEREFORE BE IT RESOLVED that the Board of Trustees approve the opening of a checking account titled "Flex Spending Account" at Ocean City Home Bank.

Res. #44

WHEREAS, the Communication Option in Liberal Arts, Associate in Arts degree has been converted to a full, Communication, Associate in Arts degree, and

WHEREAS, all courses offered through the Option are included under the full degree program, and

WHEREAS, the Communication, A.A. degree offers students four additional specializations from which to choose, and

WHEREAS, the Curriculum Committee has considered and approved the rationale for dropping the Communication Option, Liberal Arts, Associate in Arts degree on November 10, 2011 (see attached).

THEREFORE BE IT RESOLVED that the Board of Trustees approve dropping the Communication Option, Liberal Arts, Associate in Arts degree, effective spring 2012.

Res. #45

RESOLVED: At a public meeting of the Board of Trustees to be held on December 13, 2011, that pursuant to Sections 7 and 8 of the "Open Public Meetings Act", the following subject(s) may be discussed in an executive session of the Board of Trustees closed to the public:

personnel, litigation, anticipated contracts and matters of attorney-client privilege

It is presently anticipated that the items mentioned in this resolution can be disclosed to the public within three months.

ROLL CALL: AYES, NO NAYS, ONE ABSTENTION (Mr. Reynolds on Res. #42 only)

VIII. PRESIDENT'S REPORT

Dr. Mora welcomed Mr. Boyer as the new Board Chair.

Dr. Mora said he would only comment on two of his six agenda items—Atlantic Cape Casino Reinvestment Development Authority Collaboration (CRDA) and his election to offices on the New Jersey Council of County Colleges (NJCCC).

Secretary's Note: The Board received hard copies of the complete President's Report and the Board Activity Calendar.

Dr. Mora reported on a recent meeting he and other college administrators hosted with Mr. Tom Gilbert, CRDA, Tourism District Commander of Public Safety. They discussed collaboration on public safety as well as the college offering customer service training to businesses in the district. The Worthington Atlantic City Campus lies within the tourism district.

Dr. Mora said he had been elected to serve on the NJCCC's executive committee and to serve as vice chairperson of the group's President's Council. He was also named to serve as vice chair of the NJ President's Council's Campus Safety Committee working to ensure Atlantic Cape's public safety efforts dovetail with state and sector-wide initiatives.

IX. COMMITTEE REPORTS: DISCUSSION/QUESTIONS

Chairperson Boyer asked if there was need for any other information on the committee reports.

X. OTHER BUSINESS

Chairperson Boyer credited the college and its Information Technology staff for their work and level of expertise in providing a recent live feed from Lafayette College to the Cape May County Campus of a speech by former Soviet Leader Mikhail Gorbachev. He also acknowledged the Board received a letter of thanks from Ms. Francey Burke, Lafayette College Jersey Shore South Alumni Chapter Telecast

Organizer, to all of the participants who helped with the event noting it was “an outstanding success and represented seamless collaborative efforts on the part of many individuals.”

XI. COMMENTS FROM THE PUBLIC

None

XII. ADJOURNMENT

On motion of Mr. Reynolds and second by Mr. Lefke the regular session was adjourned at 7:40 p.m. in the Board Room, 5100 Black Horse Pike, Mays Landing, NJ.

Respectfully submitted,

BettyAnn Inloes Hines
Atlantic Cape Board Secretary

Attachments: Academic and Student Affairs, Committee Minutes, November 16, 2011
Atlantic Cape Foundation Board Report November 2011
Budget, Finance and Audit Committee Minutes Revised, November 15, 2011
Long-Range Planning and Capital Projects Committee Minutes, November 14, 2011
Personnel and Board Development Committee Minutes, November 16, 2011