

BOARD OF TRUSTEES MINUTES
REGULAR MEETING
April 15, 2009

CALL TO ORDER

Board of Trustees Chair Carole M. Harper called the regular meeting of the Board of Trustees of the County College of Morris to order at 6:35 p.m., in the Board Room, Henderson Hall. Chair Harper stated that in compliance with the Open Public Meetings Act of the State of New Jersey, adequate notice of this Regular Meeting of the Board of Trustees has been satisfied by the inclusion of the date, time and place of this Regular Meeting in the annual notice of regular meetings of the Board. Such annual schedule and notice of regular meetings is posted on the bulletin board opposite the President's Office, was mailed to the Daily Record and Star Ledger, and was filed with the Clerk of the County of Morris on November 20, 2008.

ROLL CALL

Trustees Advokat, Ezyske, Geiger, Johnson, Longo, Omland, Strawn, Weisberg and Chair Harper were in attendance. Trustees Santiago and Serafino were absent. Attorney Chait, Alumni Trustee Papio, and President Yaw were also in attendance.

ADOPTION OF RESOLUTION TO DISCUSS MATTERS IN CLOSED SESSION

RESOLVED, At the Regular Meeting of the Board of Trustees on April 15, 2009, that pursuant to Sections 7 and 8 of the Open Public Meetings Act, the following subjects be discussed in a session closed to the public at approximately 6:30 p.m., Board Room, Henderson Hall.

1. Appointment
2. Compensation for Professional Services
3. Adjunct Faculty Appointment Revisions, Spring Semester 2009
4. Acceptance of Resignations and Retirement
5. Approval of Faculty Promotions, Tenure, and Establishment of Teaching Assignments, 2009-2010
6. Reclassification of Positions in Information Systems, and Communications and College Relations Department
7. Labor relations and legal matters.

It is anticipated that all of the above items may be disclosed to the public at the reconvened session of the Board at 7:00 p.m., with the exception of Item #7.

Upon the motion of Trustee Weisberg and the second of Trustee Geiger, Chair Harper called for discussion by members of the Board. There being no discussion, Chair Harper called for a voice vote of the Board. The voice vote of the Board indicated that all present were in favor. The meeting was closed to the public at 6:36 p.m. The public meeting reconvened at 7:00 p.m.

APPROVAL OF MINUTES

Chair Harper called for consideration of the minutes of the regular meeting of March 11, 2009, including the closed session; and the retreat meeting of April 2, 2009, including the closed session. Upon the motion of Trustee Geiger and the second of Trustee Johnson, Chair Harper

called for a voice vote of the Board. The voice vote of the Board indicated that all present were in favor.

Trustee Ezyske left the room at this time.

REPORT OF THE PRESIDENT

President Yaw referred the Board to the written President's Report that is on file in the Office of the President.

REPORT OF THE TREASURER

Treasurer Advokat moved for the adoption of the following resolutions.

- A. RESOLVED, That checks numbered 31970 through 33930 in the amount of \$2,680,354.36, be approved and payment authorized from the Current General Fund (includes expenditures from the Plant Fund, Campus Life Fund, Financial Aid Maintenance Checks, and Student Refund Checks).

Trustee Johnson seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- B. RESOLVED, That checks numbered 9384 through 9423 in the amount of \$32,393.67, be approved and payment authorized from the Bookstore Fund.

Trustee Longo seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

Trustee Ezyske returned to the room at this time.

- C. RESOLVED, That in accordance with the County College Contracts Law, a purchase order be issued to the following vendors for purchases that are exempt from public advertising and as exceptions to the requirement for public advertising:

<u>Ref.</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
15	Consultant	Shirley A. Kraft Randolph, NJ	\$1,800.00

Coaching Services for Professional Development in the Division of Vice President of Student Development and Enrollment Management over a period of six months.

Trustee Geiger seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- D. RESOLVED, That in accordance with the County College Contracts Law, purchase orders be issued to the following state contract vendors:

State	<u>Contract #</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
	50954	Sony Projectors	Tele-Measurements Clifton, NJ	\$32,420.00

Twenty 3000 Lumen Sony #VPLCX125 LCD Projectors @ \$1,485.00 each, twenty Sony #CMJ455 Suspended Ceiling Mount Kits @ \$55.00 each and twenty Sony #PJF2UNV Projector Mounts @\$81.00 each. For the Information Systems Department in the Division of the Office of the President. **CCM Technology Plan.**

State	<u>Contract #</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
	51144	(4) Canon Copiers	Canon USA c/o Superior Office Systems Arlington, VA	\$18,645.00

Four Canon Copiers – all with Network Scanning and Printing capabilities. One Canon #IR3230 Digital Copier for \$4,949.00 for the Music Department in the Division of Liberal Arts. One Canon #IR3235 Digital Copier for \$6,062.00 for the Bio/Chem Department in the Division of Health and Natural Sciences. One Canon #IR3235 Digital Copier for \$6,062.00 for the Health, Exercise, Science and Dance Department in the Division of Health and Natural Sciences. **CCM Technology Plan.** One Canon IR1023iF Digital Copier for \$1,572.00 for the Department of Liberal Arts' Dean's Office.

Trustee Johnson seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Treasurer was concluded.

PERSONNEL MATTERS

Committee Chair Johnson moved for the adoption of the following resolutions.

- A. RESOLVED, That the appointment listed on Attachment #1 be approved.
- B. RESOLVED, That the Board approves compensation for those persons listed on Attachment #2 for professional services to the college for the purposes stated on Attachment #2.

Trustee Longo seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- C. RESOLVED, that the Adjunct Faculty appointment revisions for the Spring 2009 Semester be approved as stated on Attachment #3.

Trustee Omland seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- D. BE IT RESOLVED, That the Board of Trustees approve the acceptance of the following employee resignations and retirement:

- Vanessa Patterson, resigned effective 2/20/09
- Leonard Hoffman, resigned effective 3/22/09
- Patricia Rokosz, retired effective 4/15/09

Trustee Geiger seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- E. RESOLVED, That having been recommended by the President, the Board of Trustees hereby approves the faculty promotions, tenure, and establishment of teaching assignments for the Academic Year 2009-2010 as indicated on Attachment #4.

Trustee Weisberg seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- F. WHEREAS, The Personnel Committee has reviewed the rationale to reclassify the Department Administrative Assistant, CCMSA, Grade E-35, in the Communications & College Relations Department, to Communications Coordinator, CCMSA, Grade F-35, therefore;

BE IT RESOLVED, That upon the recommendation of the Personnel Committee and the President, the Department Administrative Assistant, CCMSA, Grade E-35, in the Communications & College Relations Department, to Communications Coordinator, CCMSA, Grade F-35.

Trustee Weisberg seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- G. WHEREAS, The Personnel Committee has reviewed the rationale to reclassify the Senior LAN Technician position, AAPF, Grade 16, in the Information Systems Department, to Director of Network and User Services, Management, Grade 35, therefore;

BE IT RESOLVED, That upon the recommendation of the Personnel Committee and the President, the Senior LAN Technician position, AAPF, Grade 16, in the Information Systems Department, to Director of Network and User Services, Management, Grade 35.

Trustee Weisberg seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

- H. RESOLVED, That the following faculty be granted a sabbatical leave effective for the stated semester:

<u>Faculty Member</u>	<u>Sabbatical Leave Term</u>
Dr. Philip Chase	Fall Semester, 2009
Raymond Kalas	Spring Semester, 2010

- I. RESOLVED, That the following Academic Department Chair be granted a sabbatical leave effective for the stated semester:

<u>Faculty Member</u>	<u>Sabbatical Leave Term</u>
Dr. Michael Parrella	Spring Semester, 2010

Trustee Weisberg seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all present were in favor. The Report of the Committee on Personnel was concluded.

COMMITTEE ON LANDS AND BUILDINGS

Committee Chair Longo moved for the adoption of the following resolutions.

1. RESOLVED, That the resolution set forth in Attachment #5 be adopted awarding the contract for professional design services of an architect for the repaving of Parking Lots 7 and 8 to The RBA Group.

Trustee Weisberg seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

2. BE IT RESOLVED, that the contractual contingency for Watertrol, Inc. be reduced for the services provided during the Emeriti Hall renovation project per the following:

Watertrol Change Order #1	\$6,889.07	For grounding upgrade of electrical panels
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Trustee Weisberg seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Committee on Lands and Buildings was concluded.

COMMITTEE ON FINANCE AND BUDGET

Committee Chair Advokat moved for the adoption of the following resolutions.

1. RESOLVED, That the cash donations in the amount of \$57,690.60 for the month of March 2009 be accepted with appreciation. Attachment #6.

Trustee Geiger seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a voice vote of the Board. The voice vote of the Board indicated that all present were in favor.

2. BE IT RESOLVED, that The Provident Bank, 1185 Sussex Turnpike, Randolph, NJ 07869, be added to the list of depositories of the County College of Morris with a maximum investment of \$5,000,000 each.

Trustee Geiger seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

3. RESOLVED, That the following contracts not solicited by public advertisement, be awarded based upon preclusion from consideration for the contract award of any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution.

Contractor	Nature of Contract	Term of Contract	Estimated Contract Value
E-Plus Technologies	Printer and Fax Toner/Cartridges	One Year	Not to Exceed \$30,000.00
Nebraska Book	Books for Resale	5/1/09 – 6/30/10	\$450,000.00

The forms of resolutions hereby adopted awarding each contract is set forth in Attachment #7.

Trustee Johnson seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The Report of the Committee on Finance and Budget was concluded.

COMMITTEE ON AUDIT

Committee Chair Geiger reviewed the committee meeting of April 7, 2009. The Report of the Committee on Audit was concluded.

COMMITTEE ON ACADEMIC AND EDUCATIONAL PROGRAMS

On behalf of Committee Chair Serafino, Trustee Geiger moved for the adoption of the following resolutions.

1. BE IT RESOLVED, That the six year review of the Human Services Option be accepted and that the Human Services Option be continued without reservation.
2. BE IT RESOLVED, That the six year review of the Teacher Education Program be accepted and that the Teacher Education Program be continued without reservation.
3. BE IT RESOLVED, That the six year review of the Radiography Program be accepted and that the Radiography Program be continued without reservation.
4. BE IT RESOLVED, That the six year review of the Respiratory Therapy Program be accepted and that the Respiratory Therapy Program be continued without reservation.

Trustee Johnson seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor.

5. BE IT RESOLVED, That the Board of Trustees approve the career certificate program in Restaurant Management and Event Planning effective Fall 2009.

Trustee Johnson seconded the motion. Chair Harper called for discussion by members of the Board. There being none, Chair Harper called for a roll call vote of the Board. The roll call vote of the Board indicated that all were in favor. The report of the Committee on Academic and Educational Programs was concluded.

QUESTIONS AND COMMENTS FROM THE PUBLIC

Chair Harper called for questions or comments from the public at 7:25 p.m. There were no questions or comments from the public.

HEARING BEFORE THE BOARD OF TRUSTEES ON PETITION OF THE AWARD OF MAGNUM AND TROY EXERCISE EQUIPMENT

Mr. Chait introduced himself as the college attorney representing the Board of Trustees. Mr. Chait announced that these proceedings will be recorded by sound recorders. A roll call of the Board of Trustees indicated that Trustees Advokat, Ezyske, Geiger, Johnson, Longo, Omland, Strawn, Weisberg and Chair Harper were in attendance. Trustees Santiago, Serafino, and Alumni Trustee Papio were absent. Attorney Chait, and President Yaw were also in attendance.

The following were also in attendance: Mr. Jay Turner, representing 800 Gym Source; Messrs. Jeffrey Graff and Michael Tiano representing Current Therapeutics; and Karen VanDerhoof, Joanne Kearns, Susan Kunz representing the college administration.

Marking Exhibits

The following exhibits which have been received and made available to the Board of Trustees, and to Messrs. Turner and Graff, were marked as exhibits to these proceedings.

- Exhibit C-1 Bid specifications including invitation to bid, legal notice to bidders, instructions to bidders, bid forms, general conditions, and Addendum #1 dated February 6, 2009 consisting of 10 Addendum pages.
- Exhibit C-2 Bid proposal of Current Therapeutics.
- Exhibit C-3 Bid proposal of Gym Source.
- Exhibit C-4 Bid tally sheet.
- Exhibit C-5 Resolution adopted by the Board of Trustees on March 11, 2009 awarding the contract to Current Therapeutics.
- Exhibit C-6 March 19, 2009 petition letter of Gym Source.
- Exhibit C-7 March 24, 2009 Verification of Petition.
- Exhibit C-8 March 26, 2009 intervention letter of Current Therapeutics and letter response to Gym Source petition.
- Exhibit C-9 March 27, 2009 response of Magnum Fitness Systems to the Petition.

There were no objections stated to these exhibits which were marked as part of the record. Attorney Chait stated that NJSA 18A:64A-25.13 was also made available to the parties present.

Statement Regarding the Order of Presentations

Mr. Chait stated that after each of the respective presentations, an opportunity will be afforded to each of the participants to ask questions of the presenting party, followed by questions by the attorney for the College, and then questions by members of the Board of Trustees. At the conclusion of the presentations, the petitioner and the intervenor will be permitted to make a summation; then the Purchasing Manager will provide an explanation of the basis of the awarding to the contract to Current Therapeutics, following which the Board of Trustees will conduct deliberations on the petition.

Statement of Facts

Mr. Chait read a Statement of Facts, Attachment A, which included 18 items related to Bid #B0809-64JK. There were no stated exceptions to the Statement of Facts as presented.

Presentation of Objections of Petitioner 800 Gym Source

Mr. Turner stated that the Magnum 5000 is not a comparable product to the Cybex VR3 equipment line which differences he considers to be immaterial to equivalency. Mr. Turner reviewed the safety standards met by the Cybex equipment and the equipment design differences. Two additional exhibits were made available to the Board of Trustees present and marked as Exhibit G1 (Cybex VR3 catalog) and Exhibit G2 (Descriptive differences of the Cybex VR3 and the Magnum 5000). Mr. Chait asked questions of Mr. Turner. Trustees Longo, Advokat, Weisberg, Geiger, and Chair Harper asked questions of Mr. Turner.

Response of Current Therapeutics to the Petition

Mr. Tiano reviewed his understanding of the bid specifications issued by the college and addressed the differences between the Magnum 5000 and the Cybex equipment. Mr. Turner asked questions of Mr. Tiano. Mr. Chait asked questions of Mr. Tiano. Trustees Omland, Geiger, Strawn, Advokat, Longo, and Johnson asked questions of Mr. Tiano.

Mr. Turner reiterated his earlier comments on the design differences and his interpretation of the college's bid specifications.

Summary of the Bidding for the Exercise Equipment Contract

Joanne Kearns, Purchasing Manager, explained the bid process and the procedure used to determine the equivalency of the Magnum 5000 equipment. Mr. Turner asked questions of Ms. Kearns. Mr. Chait asked questions of Ms. Kearns. Trustees Advokat, Longo, and Chair Harper asked questions of Ms. Kearns.

Mr. Turner commented on his interpretation of the college's bid specifications, specifically page 16 (Exhibit C-1).

Board of Trustees Deliberations

Mr. Chait provided the Board with instructions for the deliberations and outlined three aspects to consider.

1. Did the petitioner satisfy its burden under the Rules for Hearings before Trustees demonstrating that the decision by the Purchasing Department to accept Magnum equipment as equivalent to the Cybex VR3 was clearly erroneous factually, contrary to law or college policy, or otherwise arbitrary, capricious, or unreasonable.
2. The statements of equivalency and safety of the equipment are opinions of the bidders without any third party research or supporting independent reports.
3. Based on the above the Board must consider whether to rescind the contract award and rebid. If the decision is made to rebid, the Board must consider how to formulate bid specifications that do not specify a certain brand name in order to create a standard of equivalency. If we rebid without using a brand name as a standard and only specify the minimum features necessary, Attorney Chait recommended that the college retain a consultant to guide the college regarding the list of minimum functionality and features required.

The Board of Trustees present discussed their opinions on the presentations made by the petitioner and the intervener. During the deliberations Mr. Turner presented the Board with Exhibit G-3; ASTM standard specification for fitness equipment. After deliberations by the Board of Trustees, Trustee Geiger offered a motion to reaffirm the contract award with Current Therapeutics, and to deny the protest of the contract award, and to direct college counsel to draft an appropriate memorialization resolution. Trustee Advokat provided the second. Chair Harper called for a roll call vote of the Board. The roll call vote indicated Trustees Advokat, Ezyske,

Geiger, Johnson, and Omland were in favor of the resolution; Trustees Longo, Strawn, Weisberg, and Chair Harper were not in favor of the resolution; and there were no abstentions to the vote. The motion was carried. Attorney Chait will draft the memorialization resolution.

ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned at 9:30 p.m. by a motion of Trustee Advokat and second of Trustee Omland.

Respectfully submitted,
Denise M. Bell
Recording Secretary

April 15, 2009
The following actions commence as of the date indicated and end on June 30, 2010.
The annual salaries are prorated for the period.

RATIONALE:	NAME:	EFFECTIVE DATE:	ACTION/ POSITION:	SALARY/ WAGE:
REPLACEMENT	McCord, Jennifer	20-Apr-09	Appointed to: PT Lab Assistant Hospitality Management	\$11

REMUNERATION FOR PROFESSIONAL SERVICES FOR THE MONTH OF APRIL 2009

<u>NAME</u>	<u>DATES OF SERVICE</u>	<u>PAYMENT</u>	<u>REASON</u>
Alisaukas, Rita	08/22/2008	\$10.00	Graded Dept. Exam
Ayres, Matthew	9/19/08-2/11/09	\$201.30	Basic Skills essay reading
Binowksi, Nancy	11/30/2008	\$10.00	Graded CLEP exam
Bowers, Glen	10/15/08-3/15/09	\$2,779.00	Head Coach Women's Basketball
Burek, Jeffrey	2/21,28/09	\$288.00	Athletic Trainer for Boy's Basketball Tournament
Camtelmo, Concetta	2/12,18,19,25,26,3/4,5/09	\$315.00	CAL Online Test Proctoring/Admin.evening coverage
Chegwidden, Jim	02/28/2009	\$128.00	Athletic Coordinator for Boy's Basketball Tournament
Clark, James	4/4/08,6/30/08,9/11/08	\$40.00	Graded Dept. Exams
Craig, Sharon	1/27/09-3/12/09	\$1,176.00	Taught ESL - Advanced (Evening)
Cristiani, Joe	02/18/2009	\$750.00	Inspection & repairs of Auditorium sound system
DeMattio, Debra	9/19/08-2/11/09	\$43.80	Basic Skills essay reading
Eber, Janet	9/19/08-2/11/09	\$106.50	Basic Skills essay reading
Gabrielsen, Laura	9/19/08-2/11/09	\$531.30	Basic Skills essay reading
Garbowski, Maryanne	12/12,7/08,11/7/08,7/25/08	\$60.00	Graded CLEP Essays
Gordon, Ramon	2/23/09-3/11/09	\$756.00	Taught Adobe Photoshop
Hagadorn, Emily	03/04/2009	\$84.00	CTE Presentation - MultiCultural Classroom
Hart, James	03/04/2009	\$104.00	CTE Presentation - MultiCultural Classroom
Henderson, James	9/19/08-2/11/09	\$166.50	Basic Skills essay reading
Hunter, William	12/10/08,9/12/08,9/10/08	\$30.00	Graded Dept. Exams
Iyengar, Parthy	03/11/2008	\$10.00	Graded Dept. Exams
Kaddour, Nadir	08/18/2008	\$20.00	Graded Dept. Exams
Kaddour, Nadir	7/24/08-2/12/09	\$238.00	LOEP Essay reading
Kapica, Sharon	12/23/08,11/26/08	\$20.00	Graded Dept. Exams
Kenneweg, Lisa	3/19-31/09	\$800.00	Taught Word 2003 courses for CCP
Kenneweg, Lisa	3/17/09-4/2/09	\$400.00	Taught Word 2003 courses for CCP
Lenyk, Vivian	1/26/09-3/11/09	\$1,260.00	Taught ESL - Advanced (Evening)
Lenyk, Vivian	1/26/09-3/11/09	\$1,260.00	Taught ESL - Beginning (Evening)
Madrid, Juan	12/30/2008	\$300.00	SEA Course Development - Legal Formation
Madrid, Juan	02/26/2009	\$150.00	DOL-SEA Group #133 - Legal Formation
Massey, Keith	2/29/08,1/30/09,2/1/08	\$30.00	Graded Dept. Exams
Melamud, Paul	03/06/2009	\$300.00	Taught GLP & GMP Training class for CCP
Molloy, Joseph	3/11-19/09	\$800.00	Taught Windows 2003 Level 1 for CCP
Moore, Kevin	10/15/08-3/15/09	\$3,450.00	Head Coach Men's Basketball
Morrell, Ayalo	3/31/08,1/30/09	\$20.00	Graded Dept. Exams
Murphy, Bonnie	8/12/08-12/23/08	\$150.00	Graded 15 department exams in 2008
Murphy, Bonnie	11/17/08,1/13-21/09	\$120.00	Graded 12 department exams
Nazzaro, Ed	1/26/09-3/11/09	\$1,176.00	Taught ESL - Beginner (Evening)
Petersen, Larry	01/06/2009	\$287.00	Business Dept. liaison to DECA
Picallo, Marcia	01/21/2009	\$10.00	Graded Dept. Exam
Picallo, Marcia	6/13/08,6/20/08,8/29/08,11/21/08	\$40.00	Graded Dept. Exams
Ray, Kalyan	9/19/08-2/11/09	\$187.50	Basic Skills essay reading
Rooholamini, Simin	10/30/08-2/09/09	\$102.00	LOEP Essay reading
Rose, Duane	10/1/08-3/31/09	\$1,697.50	Ice-Hockey Asst. Coach
Sadovskaya, Oksana	01/23/2009	\$10.00	Graded Dept. Exam
Sadovskaya, Oksana	6/13/08,5/5/08,1/8/09	\$40.00	Graded Dept. Exams
Santiago, Christina	2/17-25/09	\$170.00	Taught Mgt. & Leadership Skills for CCP
Santiago, Christina	03/24/2009	\$850.00	Taught Time Management course for CCP
Shouler, Kenneth	02/25/2009	\$104.00	CTE Presentation "Sports & Ethics, Baseball & Cheating"
Staugaard-Jones, J.	4/22/08,5/5/08,5/7/08,11/18/08,12/09/08	\$80.00	Graded Dept. Exams
Steele, Gary	10/1/08-3/31/09	\$2,779.00	Ice-Hockey Head Coach
Sullivan, Jack	02/21/2008	\$192.00	Athletic Coordinator for Boy's Basketball Tournament
Walsh, Myles	2/18.25.3/11/09	\$126.00	Excel Workshops
Wardlow, Greg	2/26,27/09	\$120.00	Home Team Management
Wardlow, Greg	1/31,2/7,10,13,17/09	\$270.00	Home Team Management
Williams-Bogar, Rita	03/13/2009	\$200.00	Taught Team Building course for CCP
Wojna, Leon	2/11/09-3/12/09	\$1,800.00	DOL-SEA Group #133 - Taxes, Recordkeeping, Quickbooks
Youngmans, Jill	10/15/08-3/15/09	\$1,697.50	Asst. Coach, Women's Basketball

**Faculty Salary Changes
Spring Semester, 2009**

<u>Name</u>	<u>Dept.</u>	<u>Salary</u>		<u>Code</u>
		<u>From</u>	<u>To</u>	
Wojna, Leon	1260	\$4,400.00	\$2,200.00	R
Markoff, Steven	1260	\$0.00	\$1,008.00	N
Gallagher, Patrick	1040	\$6,050.00	\$3,025.00	R
Tomaino, Leah	1040	\$2,400.00	\$3,600.00	C
Lowney-Seed, Karin	1040	\$0.00	\$3,600.00	C
Havas, Robert	2350	\$0.00	\$480.00	C
Bates, Alexis	1260	\$0.00	\$1,008.00	N

Codes:

N = FACULTY MEMBER ADDED

C = COURSE/CREDIT HOURS ADDED OR DELETED

R = RESIGNATION

**TENURED FACULTY RECOMMENDED FOR PROMOTION
ACADEMIC YEAR 2009-2010**

Name	Present Rank and Department	Proposed Rank and Department
Agnihotri, Vivek	Assistant Professor, Nursing	Associate Professor, Nursing
Lee, Maria	Assistant Professor, History	Associate Professor, History
Prokop, Kathleen	Associate Professor, Nursing	Professor, Nursing
Sabella, Doreen	Assistant Professor, Mathematics	Associate Professor, Mathematics
Schennum, Jill	Assistant Professor, Soc/Anth/Hm Svs.	Associate Professor, Soc/Anth/Hm Svs.
Vill'Neuve, Denise	Associate Professor, Radiography	Professor, Radiography

TOTAL: 6

FACULTY RECOMMENDED FOR TENURE
Academic Year 2009-2010

<u>Name</u>	<u>Rank and Department</u>
Michelle Beckford	Assistant Professor, Nursing*
Cynthia Cross	Assistant Professor, Nursing
Margaret Williams	Assistant Professor, Mathematics*

Total: 3

*According to the FACCM Contract, “All non-tenured faculty appointed as instructors will receive a promotion to the rank of assistant professor concurrent with date tenure is obtained.”

Note: Tenure is awarded the first day of one’s sixth year of employment per New Jersey Statute.

**PROMOTIONS AND ESTABLISHMENT OF TEACHING ASSIGNMENTS
OF TENURED FACULTY
Effective for the Academic Year 2009-2010**

<u>NAME</u>	<u>RANK</u>
Agnihotri, Vivek*	Associate Professor, Nursing
Alisaukas, Rita M.	Professor, Biology
Apwah, John	Associate Professor, English
Armona, Lynda	Associate Professor, Health, Exercise Science
Bagan, Frank	Associate Professor, Business
Bandy, Yvonne	Assistant Professor, Visual Arts/Graphic Design
Beauchamp, Barbara C.	Professor, English
Beckford, Michelle**	Assistant Professor, Nursing
Bernson, Patricia	Professor, Business
Binowski, Nancy	Assistant Professor, Information Technologies
Bising, James A.	Professor, History and Political Science
Blum, Neil A.	Associate Professor, Information Technologies
Boer, Ildy	Professor, Chemistry
Bramble, Leslie A.	Associate Professor, Criminal Justice
Brezina, Paul B.	Professor, Sociology
Bristow, Joseph M.	Professor, History and Political Science
Chase, Philip***	Assistant Professor, English
Cioffi, Robert J.	Professor, English/Drama
Cook, Joan	Professor, Psychology
Cosgrove, Mark	Associate Professor, Business/Hospitality Management
Craven, Kenneth A.	Professor, Physics
Cross, Cynthia**	Assistant Professor, Nursing
Cupo, Anthony F.	Professor, Business
Day, William R.	Professor, English
DeMattio, Debra	Assistant Professor, English
DeRiso, Thomas N.	Professor, Psychology
Duvel, Grace L.	Associate Professor, ESL
Eber, Janet E.	Professor, English
Edwards, Robert P.	Professor, Economics
Einstein, Fred	Professor, Physics
Fuentes, Venancio	Professor, Engineering Technologies
Gabrielsen, Klark G.	Professor, English
Gabrielsen, Laura M.	Professor, English
Garbowsky, Maryanne M.	Professor, English
Garlick, Dale	Associate Professor, Mathematics
Gebhardt, Robert C.	Professor, Mathematics
Gilmore, Suzanne	Associate Professor, Nursing
Giuriceo, Marie	Associate Professor, English
Goldman, Phyllis E.	Professor, Psychology

Teaching Assignment Indicates Primary Discipline

*Recommended for Promotion to Rank Listed

**Recommended for Tenure

***Sabbatical

<u>NAME</u>	<u>RANK</u>
Gradone, Richard A.	Professor, Music
Gruneiro-Roadcap, Nieves	Assistant Professor, Visual Arts
Gwynne, James C.	Professor, Art
Hale, Robert	Professor, Psychology
Heller, Rita	Associate Professor, History
Henderson, James	Professor, English
Hollowell, Dorothy	Professor, English
Horan, Kathleen	Assistant Professor, Nursing
Howard, James	Assistant Professor, Visual Arts
Hoy, Calvin	Professor, Economics
Hunter, William C., Jr.	Professor, Biology
Irons, Nicholas	Professor, Criminal Justice
Iyengar, Parthasarathy S.	Professor, Engineering Technologies
Jackson, Sandra Lee	Professor, English
Johannessen, Janet	Professor, Chemistry
Jones, Jeffrey	Professor, Mathematics
Jurado, Leo-Felix	Professor, Nursing
Kaddour, Nadir	Professor, ESL
Kaifa, Stephen	Professor, Economics
Kalas, Ray***	Assistant Professor, Media
Kapica, Sharon K.	Professor, Chemistry
Karpinski, Barbara	Professor, Psychology
Klages, John M.	Professor, Physics
Kucsma, Alexander J.	Associate Professor, English
Lee, Maria*	Associate Professor, History
Levy, Stephen	Associate Professor, Philosophy
Longo, Stephen	Associate Professor, Graphic Design
Luce, Charles	Associate Professor, Photography
Maguire, Peter	Associate Professor, English
Maloney, Marian	Assistant Professor, Radiography
Maloof, Richard	Associate Professor, Biology
Mammon, Marielaine R.	Professor, Music
Maraska, Monica	Assistant Professor, Nursing
Marcus, Laszlo	Assistant Professor, Sociology
Martin, Karen I.	Associate Professor, English
Mascia, Ellen A.	Professor, Nursing
Mastrobuoni, Helen G.	Professor, Biology
McCabe, Nial P.	Professor, Engineering Technologies
McCoach, Roger F.	Professor, Mathematics
McKendry, John H.	Associate Professor, English
Mele, Joseph A.	Professor, Biology

Teaching Assignment Indicates Primary Discipline

*Recommended for Promotion to Rank Listed

**Recommended for Tenure

***Sabbatical

<u>NAME</u>	<u>RANK</u>
Modin, Sandra	Associate Professor, Nursing
Monaghan, Joan	Professor, Mathematics
Murphy, Bonnie A.	Professor, Information Technologies/Media
Olshan, Louise B.	Professor, Mathematics
Ortiz-Batista, Jose	Assistant Professor, Languages & ESL
Osoliniec, Edward	Associate Professor, Engineering Technologies
Pappas, Peter N.	Professor, Biology
Parker, Laura	Assistant Professor, Nursing
Parrella, Michael*	Professor, History and Political Science
Petersen, Lawrence H.	Professor, Business
Peterson, North A.	Associate Professor, English
Picallo, Marcia	Assistant Professor, Languages/ESL
Pomianoski, Edward	Associate Professor, Business/Hospitality Management
Prokop, Kathleen*	Professor, Nursing
Rafalowski, Janice A.	Professor, Psychology
Ray, Kalyan	Professor, English
Reilly, Dolores	Associate Professor, Psychology
Robinson, Noel	Professor, English
Rooholamini, Simin	Professor, ESL
Rosende, Mirna	Associate Professor, Languages/ESL
Ruggini, John A.	Assistant Professor, Health/Exercise Science
Sabella, Doreen*	Associate Professor, Mathematics
Sarmiento, Jorge	Professor, Mathematics
Sawh, Vickram	Assistant Professor, Information Technologies
Schennum, Jill*	Associate Professor, Sociology
Scott, June	Professor, Information Technologies
Selengut, Charles	Professor, Sociology
Siegelman, Stuart	Professor, ESL
Smith, Keith	Professor, Visual Arts
Smith, Kimberly	Assistant Professor, Business
Staugaard-Jones, JoAnn	Professor, Dance
Staver, Christine	Professor, Physics
Sullivan, Deborah	Assistant Professor, Psychology
Tamburelli, Patricia	Assistant Professor, Information Technologies
Thurman, Alexis	Professor, Business
Tolley, Craig	Assistant Professor, Agriculture Technology
Traynor, Jan-Marie	Professor, Agriculture Technology
Vill'Neuve, Denise*	Professor, Allied Health/Radiography
Washburne, Mark	Associate Professor, History
Watson, Gail	Professor, English
Wayne, Celeste	Assistant Professor, Nursing

Teaching Assignment Indicates Primary Discipline

*Recommended for Promotion to Rank Listed

**Recommended for Tenure

***Sabbatical

NAME

Weyer, Robert A.
Williams, J. Peter
Williams, Margaret**
Williford, John
Willms, Catherine
Winston, Susan
Wisniewski, Karen
Wollock, Claire H.
Wynn, Frederic E.
Zulauf, Sander W.

RANK

Professor, Sociology
Professor, English
Assistant Professor, Mathematics
Assistant Professor, Psychology
Assistant Professor, Mathematics
Associate Professor, Mathematics
Associate Professor, Business
Professor, Art
Associate Professor, Psychology
Professor, English

TOTAL 131

Teaching Assignment Indicates Primary Discipline

*Recommended for Promotion to Rank Listed

**Recommended for Tenure

***Sabbatical

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT
OVER \$17,500 FOLLOWING PUBLICLY ADVERTISED SOLICITATION
CONTRACT FOR ARCHITECTURAL SERVICES**

WHEREAS, the County College of Morris (“College”) requires the professional services of an Architect for the Repaving of Parking Lots 7 & 8, and,

WHEREAS, the anticipated term of this professional service contract will be until completion of the Repaving Project; and

WHEREAS, notice of request for proposals for designation of Architects of Record was publicly advertised on September 1, 2007 and proposals were received and opened on October 2, 2007; and

WHEREAS, the solicitation of proposals was based upon a Request for Proposals for Architectural Services dated September 11, 2007 #07-08 (the “RFP”) which sets forth the terms and specifications of the proposal solicited, including the criteria to be used to select Architects of Record; and

WHEREAS, by Resolution adopted on November 14, 2007 the Board of Trustees of the College appointed several architectural firms, including The RBA Group, as Architects of Record;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the County College of Morris that a professional service contract is awarded to:

The RBA Group
7 Campus Drive, Suite 300
Parsippany, NJ 07054-4495

to provide engineering services for the Parking Lots 7 and 8 Repaving Design, for a fee of \$29,000 and reimbursables not to exceed \$1,500, and a Geotechnical Investigation (if requested) for a fee of \$4,500. The form of the Professional Service Contract shall be acceptable to the College attorney.

This professional service contract award is based upon determination that the named Architect

- has submitted an advantageous proposal, price and other factors considered; and
- is the qualified based upon the performance and technical requirements, and the experience qualifications set forth in the RFP.

This Contract is awarded pursuant to a fair and open contract solicitation process.

**FOUNDATION DONATION REPORT FOR THE
 MONTH OF MARCH 2009**

	DONOR	DESIGNATED USE	CASH
1	Mr. and Mrs. Gil Zweig	Gala Sponsorship	\$ 600.00
2	Vogel, Chait, Collins & Schneider	Gala Sponsorship	\$ 900.00
3	Mark B. Murphy	Gala Sponsorship	\$ 1,000.00
4	Rockefeller Group Development	Gala Sponsorship	\$ 1,000.00
5	Dr. and Mrs. Robert Zufall	Zufall Nursing Scholarship	\$ 1,000.00
6	Mr. and Mrs. Walter McDonald	Gala Sponsorship	\$ 1,200.00
7	New Jersey Natural Gas Company	Unrestricted General Fund	\$ 1,500.00
8	Delta Dental of NJ, Inc.	Gala Sponsorship	\$ 3,500.00
9	Olnick-Fischer Development	Gala Sponsorship	\$ 3,500.00
10	Paragano Family Foundaiton	Gala Sponsorship	\$ 3,500.00
11	Dr. and Mrs. M.U. Ayres	Planetarium Restoration Project	\$ 5,000.00
12	Margetts Foundation	Gala Sponsorship Margetts International Scholarship	\$ 5,000.00
13	Public Service Electric & Gas	Gala Sponsorship	\$ 6,000.00
14	Public Service Electric & Gas	Planetarium Restoration Project	\$ 19,000.00
15	General Contributions		\$ 4,990.60
	TOTAL		\$ 57,690.60

**RESOLUTION AUTHORIZING CONTRACT OVER \$17,500
WITHOUT PUBLICLY ADVERTISED SOLICITATION
CONTRACT FOR PRINTER AND FAX TONERS/CARTRIDGES**

WHEREAS, the County College of Morris (“College”) has a need to acquire printer and fax toners/cartridges; and

WHEREAS, the purchasing agent has determined and certified in writing that the estimated value of the aggregate purchase orders for the above goods or services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is July 1, 2008 to June 30, 2009; and

WHEREAS, in lieu of a publicly advertised solicitation of proposals, the College has precluded from consideration for the contract award, any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution; and

WHEREAS, E-Plus Technologies (“Contractor”) has consistently supplied toners and cartridges at a cost below State Contract pricing [as per 18A:64A-25.5 (24)]; and

WHEREAS, Contractor has completed and submitted a Business Entity Disclosure Certification which certifies that Contractor has not made any reportable contributions to a political or candidate committee representing an elected official of the County of Morris in the previous one year, and Contractor has agreed to contract language prohibiting Contractor from making such reportable contributions during the term of the contract; and

WHEREAS, Contractor has completed and submitted ten days in advance of adoption of this resolution, a Chapter 271 Political Contribution Disclosure form which will be placed on file with this resolution; and

WHEREAS, sufficient funds are available to pay for the aforesaid services or goods;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the County College of Morris authorizes the College to enter into a contract with the above identified Contractor as described in the E-Plus toner/cartridge proposal dated March 8, 2009; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Estimated Value be placed on file with this resolution.

**RESOLUTION AUTHORIZING CONTRACT OVER \$17,500
WITHOUT PUBLICLY ADVERTISED SOLICITATION
CONTRACT FOR USED BOOKS FOR RESALE**

WHEREAS, the County College of Morris (“College”) has a need to acquire used books for resale, and provide a method for students to sell textbooks; and

WHEREAS, the purchasing agent has determined and certified in writing that the estimated value of the full term of the contract for the above goods or services is \$450,000.00; and

WHEREAS, the anticipated term of this contract is May 1, 2009 – June 30, 2010; and

WHEREAS, in lieu of a publicly advertised solicitation of proposals, the College has precluded from consideration for the contract award, any contractor who is ineligible under N.J.S.A. 19:44A-20.4 by reason of a reportable political contribution; and

WHEREAS, Nebraska Book Company (“Contractor”) will provide used books for resale and buy-back services to students per textbook agreement proposal dated March 31, 2009; and

WHEREAS, Contractor has completed and submitted a Business Entity Disclosure Certification which certifies that Contractor has not made any reportable contributions to a political or candidate committee representing an elected official of the County of Morris in the previous one year, and Contractor has agreed to contract language prohibiting Contractor from making such reportable contributions during the term of the contract; and

WHEREAS, Contractor has completed and submitted ten days in advance of adoption of this resolution, a Chapter 271 Political Contribution Disclosure form which will be placed on file with this resolution; and

WHEREAS, sufficient funds are available to pay for the aforesaid services or goods;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the County College of Morris authorizes the College to enter into a contract with the above identified Contractor as described March 31, 2009 proposal; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Estimated Value be placed on file with this resolution.

**GYM SOURCE PROTEST OF AWARD OF
FITNESS EQUIPMENT CONTRACT**

Bid #B0809-44JB

STATEMENT OF FACTS

1. Solicitation of bid proposals was advertised on January 29, 2009. The February 6, 2009 Addendum #1 changed the bid opening date to February 19, 2009.
2. Included in the bid forms was Bid Form #2 ALTERNATE PRODUCTS AND MATERIALS PROPOSED, which form was to be used to disclose the manufacturer name and catalog number where the bidder proposed products and materials other than those specified in the bid specifications and plans. Section XX of the Instructions to Bidders provided that the College would consider products of manufacturers that are equal in quality to those items on the equipment list and in all ways meet the specifications and OSHA requirements. The Instructions to Bidders advises that the use of catalog references is not intended to limit competition.
3. Bid Form #2 invites the bidders to propose alternate brand names, products and materials listed on Bid Form #2 which the bidder believes to be in conformance with the bid specifications and to be equivalent in quality and functionality to the products and materials specified in the bid specifications.
4. Section 5 of the General Conditions entitled Equivalent Equipment states that bidders may propose equivalent equipment provided the proposals meet the specifications set forth in the Instructions to Bidders, Article XII and are described and identified in Bid Form #2. Final decisions on equivalency remain the right of the Owner.
5. Article VI of the Instructions to Bidders as amended by Addendum 1-SP4 provides that the Base Bid shall be the total price (quantity multiplied by the unit price) of said items per category; and that the contract will be awarded to the bidder offering the lowest total cost per category for the Base Bid, provided the low bidder is otherwise determined by the College to be qualified and financially responsible.
6. The content of the bid equipment specifications sets forth Cybex and Troy catalog numbers, the functional type of exercise equipment, and the loading weight.
7. C2 is the Bid Proposal submitted by Current Therapeutics offering a Base Bid of \$26,337 for Category I equipment and \$6,035 for Category II equipment. Current Therapeutics stated that the pricing was based upon the alternate products listed on Form #2, which form lists Magnum equipment and describes for each item the exercise function and the manufacturer catalog numbers.
8. C3 is the Bid Proposal of Gym Source offering a Base Bid of \$31,525 for Category I equipment and no bid proposal for Category II equipment. Included in the Gym Source

bid proposal is a February 18, 2009 letter from the equipment manufacturer Cybex International confirming that Gym Source is the sole source provider/dealer for Cybex products in the State of New Jersey.

9. C4 is the bid tally sheet prepared by the College administration on February 19, 2009. In addition to the bids of Current Therapeutics and Gym Source, a bid was received from Fitness & Lifestyles proposing an alternate equipment brand (Paramount/Quantum). Of the three bids received, Gym Source is the only bidder declining to bid on Category II equipment. The Gym Source bid on Category I equipment is \$5,188 more than the Category I Current Therapeutics bid and \$2,125 more than the Category I Fitness & Lifestyles bid.
10. C5 is the resolution adopted by the Board of Trustees on March 11, 2009 accepting the contract award recommendation of the administration and awarding the fitness equipment bid to Current Therapeutics in the total amount of \$32,372 for Category I and Category II equipment.
11. C6 is the March 19, 2009 letter petition of Gym Source claiming that the Magnum 5000 series equipment is not equivalent to the Cybex VR3 line and that the Magnum 5000 series equipment is an inferior product.
12. C7 is the March 24, 2009 sworn statement of Jay Turner that the contents of the bid protest letter of March 19, 2009 are to the best of his knowledge completely true and accurate.
13. C8 is the March 26, 2009 transmittal letter of Current Therapeutics to the College President enclosing its intervention letter and response to the Gym Source petition. The March 26, 2009 intervention letter signed by Jeffrey Graff, President of Current Therapeutics asserts that the Magnum equipment is equivalent to the bid specifications and asserts that there are no significant functional differences in the operation of the Cybex and Magnum lines of equipment.
14. C9 is the March 27, 2009 letter response of the Magnum manufacturer taking exception to the petitioner's assessment that the Magnum equipment is inferior. Magnum Fitness Systems asserts that the Cybex equipment is no more safe or higher in quality than the Magnum equipment.
15. As set forth in the Current Therapeutics bid proposal and supplemented by C9, Magnum equipment has been installed and is utilized at the Hunterdon Hospital Wellness Center in Clinton, New Jersey; Phoenix Fitness in Netcong, New Jersey; West Morris Area YMCA in Randolph, New Jersey; Union County College; Duke University; Miami University; New York Giants; New York Jets; Buffalo Bills; Metlife and Trump Tower.
16. Both the petitioner and the intervenor agree that the specified exercise equipment is not regulated by federal/OSHA, state or local regulations.

17. The County College Contracts Law (N.J.S.A. 18A:64A-25.13) prohibits specifications from requiring the furnishing of any “brand name” although specifications may in all cases require “brand name or equivalent.” This statute further provides that any specification adopted by the county college which knowingly excludes prospective bidders by reason of the impossibility of performance, bidding or qualification by any but one bidder, except as provided herein, shall be null and void and of no effect, and such purchase, contract or agreement shall be readvertised, and the original purchase, contract or agreement shall be set aside by the board of trustees of the county college.

18. Section 14 of the Rules for Hearings Before the Board of Trustees of the County College of Morris provides that in order to prevail, the petitioner must demonstrate that the challenged action or determination was clearly erroneous factually, contrary to law or college policy, or otherwise arbitrary, capricious, or unreasonable.