



## **BOARD OF TRUSTEES**

### **AGENDA**

**January 24, 2011  
12:30 p.m.**

- I. **CALL TO ORDER**
  
- II. **ANNOUNCEMENT OF PUBLIC MEETING**
  
- III. **ROLL CALL**
  
- IV. **RECOMMEND APPROVAL OF MINUTES OF THE DECEMBER 6, 2010, AND DECEMBER 10, 2010, BOARD OF TRUSTEES PUBLIC AND CLOSED SESSION MEETINGS** ***Bd. Action***
  
- V. **RECOMMEND ADOPTION OF A RESOLUTION TO ACKNOWLEDGE, WITH REGRET, THE CONCLUSION OF DR. BRUCE GREENFIELD'S TERM AS A TRUSTEE ON THE BOARD, TO EXPRESS SINCERE APPRECIATION FOR HIS SERVICE, AND TO WISH HIM SUCCESS IN HIS FUTURE ENDEAVORS.** ***Bd. Action***

VI. **COMMITTEES**

A. **Finance Committee (Mr. Dasti, Chairperson)**  
*(Ms. Winchester, Vice President of Finance)*

1. **Recommend approval of business/finance actions as presented (Exhibit A)** **Bd. Action**

B. **Bylaw, Policy, and Curriculum Committee (Mr. Monahan, Chairperson)**  
*(Mr. Strada, Acting Vice President of Academic Affairs)*

1. **Recommend approval of bylaw, policy, and curriculum actions as presented (Exhibit B)** **Bd. Action**

C. **Buildings and Grounds Committee (Mrs. Novak, Chairperson)**  
*(Dr. Parrish, Vice President of Planning and Administration)*

1. **Recommend approval of buildings and grounds items as presented (Exhibit C)** **Bd. Action**

D. **Personnel Committee (Mr. Leone, Chairperson)**  
*(Ms. Winchester, Vice President of Finance)*

1. **Recommend approval of personnel actions as presented** **Bd. Action**

VII. **PRESIDENT'S REPORT**

VIII. **MISCELLANEOUS**

- A. **Recommend adoption of a resolution providing for a closed meeting to be held on Monday, February 28, 2011, at 11:00 a.m. for the purpose of discussing personnel action, collective bargaining, and pending and anticipated litigation, the results of which will be released to the public when the need for confidentiality no longer exists** **Bd. Action**

B. Next meetings of the Board of Trustees on

FRIDAY, FEBRUARY 28, 2011

- |  |          |   |
|--|----------|---|
| 1. <b>Finance Committee</b>                                      | Time:    | 9:30 a.m.   |
|  | Place:   | Business Conference Room  |
| 2. <b>Bylaw, Policy, and Curriculum Committee</b><br>(as needed) | Time:    | 10:00 a.m.  |
|  | Place:   | Academic Affairs Office   |
| 3. <b>Buildings and Grounds Committee</b>                        | Time:    | 10:15 a.m.  |
|  | Place:   | Business Conference Room  |
| 4. <b>Personnel Committee</b>                                    | Time:    | 10:30 a.m.  |
|  | Place:   | President's Office  |
| 5. <b>Entire Board</b>   | Time:    | 11:00 a.m.  |
|  | Place:   | Boardroom   |
|  | Purpose: | Caucus Meeting—Personnel,<br>Pending Litigation, and<br>Collective Bargaining |
| 6. <b>Entire Board</b>   | Time:    | 12:30 p.m.  |
|  | Place:   | Boardroom   |
|  | Purpose: | Regular Public Monthly Meeting  |

IX. Adjournment

This agenda includes all items that are known at this time.



## BOARD OF TRUSTEES

### Regular Meeting

### Minutes

December 6, 2010

The regularly scheduled monthly meeting of the Ocean County College Board of Trustees was called to order on Monday, December 6, 2010, by Mr. Carl V. Thulin, Chair, at 12:30 p.m. in the Boardroom of the Administration Building on the college campus.

Call to Order

The announcement of public meeting was made by Mrs. Connie Bello in compliance with the Open Public Meetings Act of 1975.

Public Meeting  
Announcement

Those in attendance were: Mr. Carl V. Thulin, Mrs. Linda Novak, Mr. Jerry Dasti, Dr. Bruce Greenfield, Mr. Robert Fall, Mr. Stephan Leone, Mr. Thomas Monahan, Mrs. Joanne Pehlivanian, Mr. Warren Wolf, Mr. Harvey York, Mr. Steven Spino, Mr. Jack Sahradnik, Dr. Jon Larson, Executive Vice Presidents Jim McGinty and Richard Strada, Vice Presidents Don Doran, Tara Kelly, Richard Parrish, and Sara Winchester.

Attendance

The minutes of the November 8, 2010, Board of Trustees closed session, reorganization, and public meetings were approved by majority vote, with abstentions from Mr. Fall and Mr. Monahan.

Minutes  
Approved

Mr. Sahradnik administered the oath of office to Mr. Thomas Monahan, who was reappointed by the Ocean County Board of Chosen Freeholders to serve a four-year term on the Ocean County College Board of Trustees, from October 6, 2010, through December 19, 2014. Dr. Larson and the trustees congratulated him on his reappointment.

Swearing-In of  
Mr. Thomas  
Monahan to New  
Four-Year Term  
as Trustee

### Commendations

Members of the OCC Men's and Women's Cross Country teams were introduced by Mr. AJ Trump, Assistant Director of Athletics, and Mr. Ed Baynes, Head Coach. The women's team finished second this year in the National Junior College Athletic Association Division III National Championship, which was held on November 13 at Sunken Meadow State Park in Long Island, New York. The men's team finished 13<sup>th</sup> in the nation for the season.

Athletic  
Accomplishments

Mr. Trump also shared the following athletic news:

- ◆ Seven OCC athletes were selected as NJCAA All-Americans—three in Women’s Cross Country, two in Women’s Soccer, and two in Men’s Soccer.
- ◆ Ms. Ilene Cohen, Athletic Director, has been selected by the New Jersey Association of Intercollegiate Athletics for Women to be honored at the National Girls and Women in Sports Day Luncheon, which will be held on Sunday, February 6, 2011, at Seton Hall University.

Dr. Larson and the trustees congratulated all of the athletes for their achievements and their wonderful representation of Ocean County College. He also commended Mr. Baynes, Mr. Trump, and Ms. Cohen for their very successful leadership.

#### Finance Committee

Mr. Dasti, Chair of the Finance Committee, said the first order of business was the proposed Restructuring Plan/Reduction in Force. He was very pleased that the Plan had been developed to address the anticipated funding shortfall in FY 2012 without having to burden the students with a tuition increase. Mr. Dasti said the Board is committed to keeping tuition as low as possible during these difficult economic times.

Dr. Larson said the Plan is being proposed by the Finance Committee today; however, no action will be taken at this meeting. Instead, the meeting will be devoted to reviewing the Plan and hearing comments about it. The Plan was distributed to all employees on Friday morning, and a survey was made available to solicit suggestions and comments. The Plan and all survey responses will be forwarded to the trustees for their consideration prior to formal action on the Plan at the next December 10 meeting/retreat.

Dr. Larson spoke of the need to make changes to assure the future of Ocean County College, and this program has been designed to secure the long-term operational health of the institution. As such, the Plan:

- ◆ Defines new programs and initiatives to enhance revenue
- ◆ Identifies technologically advanced approaches to the delivery of services
- ◆ Proposes a comprehensive program to reach new student enrollment markets and utilize electronic delivery systems
- ◆ Encourages the development of a leadership transition program
- ◆ Identifies steps necessary to immediately address the pressing financial emergency
- ◆ Proposes a long-term capital development program

At Dr. Larson’s request, Ms. Winchester commented on the College’s financial state of affairs:

#### Revenue

- ◆ A \$1 million shortfall was created in FY 2011 as a result of a 1 percent decrease in enrollment, after a previously projected increase of 3.5 percent, as well as a decrease in State aid; the College’s FY 2011 budget was revised to reflect a \$1

million reduction in expenses, with no impact on the work force and no tuition increase.

- ◆ In FY 2012, enrollment is projected to remain flat, State aid will go down by 5 percent, and the County of Ocean has reduced the College’s funding by \$500,000. Together, the total revenue reduction projected is \$943,000.

Expenses

- ◆ FY 2012 increases in health benefits, reserve for salary increases, unemployment waivers, and other expenses, which total \$1.46 million, must be factored into the budget. This amount is offset by \$812,000 in vacancy reductions and associated benefits, leaving a projected expense increase of \$650,000.
- ◆ A variety of expense categories were reduced: the utility budget, made possible because of energy conservation measures; the use of reservists and overtime; and not replacing retiring employees. These reductions total \$867,000.
- ◆ A Reduction in Force will be implemented in FY 2012. Of the 456 permanent positions at the College, 35 are being affected: 19 transfers for more efficiency and the elimination of 16 positions. Of the 16 eliminated positions, transfers are available for 3 of the employees, reducing the number of rified employees to 13.

Ms. Winchester stressed that all of the information used for the budgeting process is based on estimates; the budget will be adjusted as needed.

Following comments by Dr. Larson and Ms. Winchester, Mr. Thulin acknowledged two employees affected by the Plan who indicated in advance of this meeting they wanted to comment on the Plan. Mr. Joseph Reilly, Director of Purchasing, and Ms. Rosario Herrero-Iraolo, Part-Time Fine Arts Studio Assistant, both spoke to the trustees about the benefits of their positions to the operation of the College. As requested, their remarks are attached to the minutes of this meeting.

Employee  
Comments

Mr. Thulin thanked Mr. Reilly and Ms. Herrero-Iraolo for their comments. As stated by Dr. Larson earlier, Mr. Thulin said the Board will consider their comments in its deliberations on the Ocean County College Restructuring Plan and Reduction in Force. Formal action will be taken by the Board at its meeting on Friday, December 10.

The Board approved, upon unanimous roll call vote, the following recommendations from the Finance Committee:

- ◆ The statement of income and expenditures as of October 31, 2010, was accepted.
- ◆ The following contract was awarded:
  - ◆ A maximum of \$53,700 to James R. McQuaide DBA-TriState HVAC Equipment Company, Pennsauken, New Jersey, for the purchase of a cooling tower for the Combined Heat and Power Plant.

Income/  
Expenditures  
Approved

Contract  
Awarded

- ◆ Resolutions were adopted to award the following contracts:
  - ◆ A maximum of \$75,000 to Fuel Cell Energy, Inc., Danbury, Connecticut, for the fifth year of a five-year agreement for maintenance service and upgrades on the fuel cell.
  - ◆ A maximum of \$21,129.16 to Trendway Corporation, Holland, Michigan, for the purchase of furniture for the Health Science Building.
  - ◆ A maximum of \$21,980 to CDW Government, Inc., Vernon Hills, Illinois, for the first year of a three-year agreement for Kaspersky anti-virus software and maintenance at Ocean County College.
  - ◆ A maximum of \$71,358 to Apple Computer, Inc., Austin, Texas, for the purchase of Apple computers for the Technology Building.
- ◆ The following contracts were amended:
  - ◆ An additional \$19,960, for a maximum of \$114,960, to Assessment Technologies Institute, Overland Park, Kansas, for additional pre-nursing tests for the Nursing Department and Continuing and Professional Education (contract originally awarded at the June 28, 2010, Board meeting).
  - ◆ An additional \$7,375, for a maximum total of \$72,680, to GoPrint Systems, Inc., San Ramon, California, for the purchase of hardware and software for the print/cost recovery system installation at the Southern Education Center (contract originally awarded at the September 21, 2009, Board meeting).
- ◆ The Board approved the sale on the Internet of Ocean County College surplus property through GovDeals, which holds the State Division of Purchase and Property Internet Auctions contract.
- ◆ The Board accepted a \$368,868 Carl D. Perkins Career and Technical Education grant award from the New Jersey Department of Education for the purpose of developing more fully the academic, career, and technical skills of Ocean County College students through instruction, equipment and supplies, professional development, student travel, and tutoring, with the emphasis for this funding cycle on those Career Clusters that support workforce development, economic development, and stakeholder partnerships. Project Manager: Ms. Mary A. Burke, Associate Professor of Computer Studies. Funding Cycle: July 1, 2010, through June 30, 2011.

Resolutions  
Adopted for  
Contract AwardsContracts  
AmendedSurplus Property  
Sale ApprovedGrant Award  
Accepted

#### Bylaw, Policy, and Curriculum Committee

Upon the recommendation of the Bylaw, Policy, and Curriculum Committee, the Board unanimously approved the following upon unanimous roll call vote:

- ◆ The following items, as accepted by the College Senate at its meetings on November 3, 2010, were approved:

College Senate  
Items Approved

- ◆ Revised Courses
  - ◆ EDUC 175, Introduction to Teaching
  - ◆ EDUC 178, Introduction to the Education of Exceptional Students
  - ◆ HONR 293, Independent Study
- ◆ Revised Degree Program
  - ◆ A.A.S. Degree in Computer Science/Information Technology
- ◆ Change from 2-3 credits to 3 credits in the “OCC Requirement,” which students fulfill by selecting a course from the list of approved General Education courses or ACAD 155 or any HEHP course
- ◆ Changes in Course Status to Obsolete, as of October 1, 2010

#### Buildings and Grounds Committee

Upon unanimous roll call vote, the Facilities Engineering and Operations Status Report for October 31, 2010, was accepted.

Facilities  
Engineering  
Report Accepted

#### Personnel Committee

Mr. Leone, Chair of the Personnel Committee, commended Dr. Larson and those who assisted in developing the Ocean County College Restructuring Plan and Reduction in Force. The report is comprehensive, supports the College’s mission, and addresses the current difficult economic times while also anticipating the future.

Mr. Fall echoed Mr. Leone’s comments, acknowledged the difficulty in making these recommendations, and complimented the administration for developing this strategy to avoid an increase in student tuition.

Included in the Personnel Report was the retirement of Dr. Richard Parrish, Vice President of Planning and Administration, effective June 30, 2011, after 40 years at OCC. His tireless efforts, conscientiousness, leadership, enthusiasm, and professionalism were praised by the trustees. His many contributions to the College have been sincerely appreciated, and they will be visible for many years to come.

The Personnel Report was approved as recommended upon unanimous roll call vote. Included in the report was a recommendation to renew the contracts of four faculty members who will achieve tenure when they begin teaching in the fall 2011 semester as well as a resolution memorializing Ms. Diane Thorn, a Programmer, from July 19, 1979, until her retirement on July 1, 1997, who passed away on November 4, 2010.

Personnel Report  
Approved

#### President’s Report

The Spring 2011 Colloquium will take place on Friday, January 21, 2011, in the Theatre of the Arts and Community Center. The Evening Colloquium for adjunct faculty is scheduled for Thursday evening, January 20.

President’s  
Report

The Arts High School Program, administered by the Arts and Education Center, will begin in Ocean County in February 2011. This released-time program for artistically gifted and talented teens allows high school students to attend classes at OCC, and the credits they complete may be applied toward the completion of an A.S. Degree in Performing Arts.

The program is made possible in part by a grant from the New Jersey State Council on the Arts/Department of State, a partner agency of the National Endowment for the Arts.

Miscellaneous

The trustees adopted, upon unanimous roll call vote, a resolution to acknowledge, with regret, the resignation of Mr. Robert A. Fall from the Board of Trustees as well as to express appreciation for his service and wish him continued success in his future endeavors. He will be missed.

Resolution  
Adopted for  
Mr. Robert A.  
Fall

Mr. Fall responded that he will continue to be associated with the College through the Ocean County College Foundation. He has been most proud to have been a part of many wonderful aspects of the College's operation.

Upon unanimous roll call vote, a resolution was adopted to provide for a closed meeting to be held on Monday, January 24, 2011, at 11:00 a.m. for the purpose of discussing personnel action, collective bargaining, and pending and anticipated litigation.

Resolution  
Adopted for  
Closed Meeting-  
January 24,  
2011

The following meetings were scheduled:

<b>Monday, January 24, 2011</b>	9:30 a.m.	Finance Committee
	10:15 a.m.	Buildings and Grounds Committee
	10:00 a.m.	Bylaw, Policy, and Curriculum Committee (As Needed)
	10:30 a.m.	Personnel Committee
	12:30 p.m.	Regular Public Meeting

Meetings  
Scheduled

There being no further business to conduct and no more comments from the public, the meeting adjourned at 2:00 p.m.

Adjournment

Respectfully submitted,

Bruce Greenfield, Ed.D.  
Secretary

Connie Bello  
Recording Secretary

PO Box 538  
Jackson, NJ 08527  
December 6, 2010

Ocean County College  
Board of Trustees  
PO Box 2001  
Toms River, NJ 08754

RE: Reduction in Force

Dear Board Members:

I would like to give you a synopsis of my employment story here at OCC. My name is Rosario B. Herrero-Iraola. I have been here since April 1986 supporting the art studios, Dean and art/humanities faculty, next year completing hopefully my 25<sup>th</sup> year of employment as Fine Arts Part-Time Assistant. I have worked for three supervisors prior to Mr. Kleinschmidt presently: Mr. Gowan, Mr. Conrey, and Dr. Novelli. I have always had satisfactory evaluations.

I have been a loyal employee, I have raised my kids while here, and they as well as I, have come here for an education. I have been very flexible through the years, growing with the times, always trying to evolve along with OCC, and not stagnating. Even when a task was not in my job description, if asked and if it was something I could do, I would do it to the best of my ability. I feel I was one of the parts that 'greased OCC's wheels' to propel it forward towards a continued success. Therefore, I thought I could count on the notion that our relationship was one of a symbiotic nature. Hence, I believed I could contemplate on retiring from OCC when my time was right, when all my matters were in place, and while, at the same time, looking at the state and national's economy carefully.

Just a few weeks ago, I heard for the first time, the anticipated financial emergency that is supposed to come to OCC for FY 2012. In those conversations the general impression given was that these proposed changes to prevent it would be coming in the next several months until July. Within a mere week, I was called to a meeting to tell me that my 10-month part-time position was being eliminated—just like that. This felt odd, so quick and such a rush to push things through. Why I ask? It was shocking after all these years of service, to say the least. I was also told this meeting today was the only forum in which to discuss my concerns, when I attempted to do so then. During this conversation, I was told, "the teachers will have to do it" (my tasks, that is). I respectfully beg to differ. The tasks that I perform are for the most part ones that most professors do not feel they come to the college to do. Additionally, adjunct faculty for whom I mostly answer to, though very grateful to have a course to teach, have less of an investment and will not assume all my responsibilities. This would consume more of their time here, while not being remunerated. In all the years I have been here, I have observed and heard this directly from those teachers involved. Additionally, I believe that OCC will have to eventually hire someone to replace me due to the aforementioned. If that person is simply paid at a low rate, it is almost sure he/she will also feel no commitment to this position. Endless turnovers, assuring inconsistency of services most likely will result. Inevitably, OCC will have to hire someone with benefits and better rate of pay. So the College will end up in the same situation as present. More importantly, in the meantime, the students and the college will be paying the consequences (i.e., another OSHA violation, teachers/students dissatisfied with the art facilities, and studios in disarray).

Moreover, in order to state my case and reinforce to you that this position is a very valuable one, I would like to mention the recent experience OCC had with a government agency, namely, OSHA/PEOSH. As you may know, it inspected the ceramics department in very early spring, and the College was found in violation. At

the time, and for decades, there had been a full-time faculty in charge, but I was not involved in its maintenance then. This violation happened in the recently opened brand new studio that was barely just over a year old then. I was called to overhaul it, not maintain it, as it would have been my actual responsibility. I worked diligently to get it up to the agency's standards, and in late July it passed their inspection. I submit to you, that had it not been for my involvement, someone else with an investment in the College would have had to do the job, rather than their own—or maybe hire someone else, or worse yet close down ceramics. Either way, no real savings would have been realized anyhow, and I am sure OCC would not have wanted to close ceramics for obvious reasons.

I have always regarded OCC with the highest esteem and have had an overall great experience through all these years. I did try several times to apply for other full-time positions. Despite the fact that I know I can learn new skills if given the opportunity, I was not successful in advancing with the College. Also many years ago, when I got my BS degree I was offered a position, but the salary was too low for full-time, and I could not support myself. So I continued on serving in a department that I truly loved—for years before, I had considered studying the arts but knew I needed a day job.

**After reading OCC's proposal to the Board, seeing the high expenses presented, no other cuts in high salaries, the college's audits reflecting a much healthier picture just this past summer, and feeling devastated that my position was integrated in the proposed cuts; I can't understand how such a small expense but such a valuable position is being eliminated. I wish someone would explain this to me in a manner that would make sense.**

Even though I feel very strongly that my job should not be terminated for the reasons above, I am very grateful to Mr. Kevin Donohoe and Ms. Karen Blyskall for this past late Friday afternoon's offer. This offer continues my employment until 12/31/2011, in order to fulfill my PERS retirement requirements. I am very happy that HR is interested in the personal impact of the decision that the elimination of my position would pose on me after 24 years of loyal service to OCC. I am also eager to continue these discussions along with my SSA representatives to explore all my options.

I thank the Board today for listening to my concerns regarding this very important issue in my life, and in the meantime I will ask you to reconsider this unfair decision.

Respectfully yours,

Rosario B. Herrero-Iraola

December 6, 2010

Joseph B. Reilly, Esq.  
Manager of Purchasing  
Ocean County College  
College Drive  
Toms River, New Jersey 08754

Members of the Board of Trustees  
Ocean County College  
College Drive  
Toms River, New Jersey 08754

Re: Proposed Reorganization Plan  
Elimination of the Position of Manager of Purchasing  
Effective July 1, 2010

Dear Board Member:

In a letter dated November 22, 2010, Karen Blyskal, Director of Human Services, advised me that the President's reorganization plan to address a projected \$1,580,599 FY 2012 budgetary shortfall includes the elimination of 14 College positions, including the Manager of Purchasing position. I am the Manager of Purchasing.

In her November 22, 2010 letter, Director Blyskal advised: **"This decision was based on the College's financial emergency and is not the result of any negative work performance."** The President has advised you that the Manager of Purchasing position is being eliminated **"to create greater efficiency of College operations"** that the Manager of Purchasing position is a **"function that can be eliminated and done without."** I respectfully disagree. The Manager of Purchasing position is a position should be empowered not eliminated.

The duties/responsibilities of the Manager of Purchasing, as described by the College, are:

**"Supervise the purchasing function of the College. Oversee the preparation and receipt of public bidding documents, quotes and RFPs. Summarize and evaluate same and recommend vendor selections in accordance with College purchasing practices and State requirements. Responsible for the submission of the monthly procurement Agenda for the Board of Trustees meetings. Maintain a thorough understanding of the College procurement policies and procedures. Provide regularly updated College-wide documentation and training in purchasing procedures. Recommend revised procedures as required for improved operations. Recommend improvements for business practices."**

The ad for Manager of Purchasing position, posted March 3, 2010, required three years of supervisory experience; experience in higher education or similar public institution and **“demonstrated ability to interpret and comply with purchasing laws and regulations.”** In order for you to have a sense of my experience in public procurement, I am enclosing a copy of my resume and letters of reference provided the College during my interview process.

In response to an earlier opportunity to propose alternative ways to address the projected \$1,580,599 FY 2012 budgetary shortfall without terminating College employees, I suggested: no salary increases (\$494,755 reserved for salary increases in the proposed FY 2012 budget), voluntary furloughs, voluntary shortened work weeks and, closest to my heart, publicly bidding all purchases \$10,000 and greater. My suggestions were not accepted.

Before I was hired six months ago, the Manager of Purchasing position had been vacant for five years. The College’s Director of Accounting was responsible for purchasing. The Director of Accounting was paid a stipend for this additional responsibility. I was hired as the Manager of Purchasing at a time when the College’s stated policy was not to fill vacant positions. A February 12, 2009 article in the Tri-Town News titled: “County College will not raise tuition next year,” stated:

“[President] Larson said that with the economy in crisis, it is the administrators’ responsibility to maximize cost effectiveness...the College will attempt to hire internal candidates and, whenever possible, leave positions vacant through the normal course of attrition.”

Why was an extensive external search conducted to fill the long vacant position of Manager of Purchasing when the stated policy of the College was to leave positions vacant through the normal course of attrition? Why not simply continue to let the College’s Director of Accounting oversee purchasing? Why less than six months after the Manager of Purchasing position was filled has the decision been made that the Manager of Purchasing position is now a function that the College can eliminate and do without? Why less than six months after the Manager of Purchasing position was filled is the recommendation being made to return oversight over purchasing to the Director of Accounting? Why was the position of Manager of Purchasing an exception to the College’s policy not to fill vacant positions on June 6, 2010, and a position that the College can eliminate and do without on November 18, 2010? What happened between June 6, 2010, and November 18, 2010?

Shortly after my arrival at the College I realized that purchasing was not being conducted in accord with procurement law. I noted problems in every area of my official responsibilities. I took the following action:

1. On July 9, 2010, I brought my concerns to the attention of senior staff and College counsel in a memorandum titled “OCC Procurement Concerns,” noting numerous

College contracts and College contracting practices that were contrary to procurement law.

2. On July 23, 2010, I forwarded 14 proposed Purchasing Policies and Procedures, modeled after the State Division of Purchase and Property's procurement regulations that I had been involved with both as a State Deputy Attorney General and as the Deputy Director of the State Division of Purchase and Property, to senior staff for approval.

3. On August 19, 2010, I forwarded proposed Standard College Contract Terms and Conditions, modeled after the State Division of Purchase and Property's Standard Contract Terms and Conditions that I had been involved with both as a State Deputy Attorney General and the Deputy Director of the State Division of Purchase and Property, to senior staff for approval.

On September 23, 2010, I received a memorandum from Vice President Winchester titled: "Investigation of Procurement Issues," responding to the concerns I had raised in my July 9, 2010 memorandum regarding the College's procurement practices. Vice President Winchester advised me that both my July 9, 2010, memorandum and her September 23, 2010, response was shared with each of you.

The following quotes are taken directly from Vice President Winchester's September 23, 2010, memorandum:

1. "[T]hese past practices are not desirable and will not be repeated." \*The past undesirable procurement practices identified by me took place during the years when there was no Manager of Purchasing and purchasing was overseen by the College's Director of Accounting. Nevertheless, the Manager of Purchasing position is being "eliminated to create greater efficiency of College operations."
2. "After much internal discussion during July and August, the Construction Consultant RFP was awarded to Sebilis Construction Services (the lowest qualified respondent) at the August 23, 2010 Board meeting which is consistent with Mr. Reilly's recommendation. Mr. Patel concluded all work at OCC on 8/31/10." \*Awarding the contract to the "lowest qualified respondent," Sebilis Construction Services, instead of Mr. Patel will result in documented savings to the College of \$24,960.
3. "It is now clear that we will not award the Construction Management Consultant contract..." \*I voiced concern in my July 9, 2010, memorandum that existing on call contracts awarded by the Board for construction management services did not consider all elements of price. Fourteen purchase orders had been approved totaling \$737,483.
4. "It is now clear that we will not award the Architect Consultant contract..." \*I voiced concern in my July 9, 2010, memorandum that existing on call contracts awarded by the Board for architect consultant services did not consider all elements of price. Three purchase orders had been approved totaling \$369,535.
5. "Draft procedures currently under review will specify the make-up of evaluation committees which will include the appropriate Purchasing Department staff. The procedure will also require that any OCC employee who has a conflict of interest cannot be involved in the evaluation of bid proposals." The referenced draft procedures are the Purchasing Policies and Procedures proposed by me on July 23, 2010, which have yet to be submitted to the Board for approval.

6. "Mr. Reilly recommended that a policy be adopted by the OCC Board that precludes any OCC employee involved in any aspect of procurement from going on social outings or accepting anything of value from a prospective bidder...A policy is being drafted to address this concern." \*The Purchasing Policies and Procedures proposed by me on July 23, 2010, address this issue and have yet to be submitted to the Board for approval.
7. "Mr. Reilly recommends that the Board be fully informed when a contract is not awarded to the lowest bidder... We will formalize this process and provide more complete information to the Board going forward."
8. "Mr. Reilly describes the RFQ process and a variation of the RFQ process used by OCC in the past. The College should use the RFQ process described...Procedures are currently under review to document the entire process." \*The Purchasing Policies and Procedures proposed by me on July 23, 2010, detail the RFQ process and have yet to be submitted to the Board for approval.
9. "The change order process has been reviewed and a new standard operating procedure has been issued by Dr. Larson."
10. "Staff involved in project management has been reminded to keep Purchasing informed and involved in all matters relating to procurement."

Since my July 9, 2010, "OCC Procurement Concerns" memorandum little has been done to change the manner in which purchasing is conducted. Purchasing Policies and Procedures submitted by me on July 23, 2010, have yet to be submitted to the Board for approval. My proposed Standard College Contract Terms and Conditions, submitted on August 19, 2010, have yet to be implemented.

**Examples** of problems identified by me after my July 9, 2010, "OCC Procurement Concerns" memorandum are:

1. The Facilities Department routinely constructively cancelling Board approved contracts for alleged non-performance. The Facilities Department simply gave work under constructively cancelled contracts to other contractors holding unrelated Board approved contracts. The Board was not informed.
2. Vendor form contracts being signed that include provisions that are not in the College's best interests, for example: insurance provisions, indemnification provisions and out of State of jurisdiction provisions.
3. The Facilities Department using outside consultants to evaluate proposals and recommend contract awards.
4. The Facilities Department staff directing a College contracted consultant to secure a proposal and thereafter entering a requisition in favor of the vendor selected by the College contracted consultant without competition.
5. Concern voiced regarding restrictive specifications proposed for the Athletic Complex RFP.
6. Concern voiced regarding restrictive proprietary specifications proposed for the replacement of ventilation units in the Instructional Building and the Russell Building.
7. Concern voiced regarding a fully executed "Certificate of Request for Emergency Purchase" for unit ventilators in the Russell Building and the Instructional Building. The Certificate contained factual misrepresentations relating to the nature of the emergency

and competition solicited. The purported emergency purchase was thereafter cancelled. The statute provides that a purchase that qualifies as an "emergency" under the statute can be made without public bidding.

8. Concern voiced regarding donations being solicited from College contractors for the College Foundation by Director of Facilities during work hours, certainly the appearance of "pay to play."

9. Change order work proceeding in violation of the new standard change order operating procedure issued by President Larson.

10. Concern voiced regarding the College's use of federal General Services Administration (GSA) Supply Schedules. A proposed purchase from a GSA Supply Schedule was pulled from the agenda for this meeting after I pointed out that State and local governments were not permitted by the GSA to use the GSA Supply Schedule in question. A purchase in the amount of \$44,041, utilizing the same prohibited GSA Supply Schedule, was approved by the Board on December 7, 2009.

There have been some procurement successes since my being hired as Manager of Purchasing on June 6, 2010:

1. The concerns I voiced in my July 9, 2010, "OCC Procurement Concerns" memorandum relating to "on call" contracts being awarded without all elements of price being considered are being addressed. Significant savings will be realized when price competition is solicited on a project-by-project basis.

2. I designed a purchasing website, implemented by IT. Significant savings on printing/postage will be realized. The website will also result in greater competition. Greater competition results in greater savings.

3. I revised the Natural Gas Consortium Consultant RFP. Vice President Winchester has advised County Colleges participating in the Consortium that my revisions will "save substantial dollars" for all participating County Colleges.

4. I am working with the Chief of the State Distribution and Services Bureau to negotiate the most advantageous contract terms with GovSales for the sale of surplus College property on the internet.

5. I am revising/ standardizing form purchasing templates so that the Purchasing Department is in a position to publicly bid all purchases \$10,000 and greater in the event the Board accepts my recommendation in this regard.

It is my opinion that if my proposed July 23, 2010, Purchasing Policies and Procedures are immediately adopted by the Board; if my proposed August 19, 2010, Standard College Contract Terms and Conditions are immediately adopted by the Board; if specifications provided to the Purchasing Department are not restrictive; if the various procedures/procurement reforms promised in Vice President Winchester's September 23, 2010, response to the procurement concerns I voiced in my July 9, 2010, "OCC Procurement Concerns" memorandum are immediately instituted; and if the Board accepts my recommendation to publicly advertise all proposed College purchases \$10,000 and greater, the savings realized will significantly close the projected \$1,580,599 FY 2012 budgetary shortfall.


What public entity or large business having a budget similar in size to the College's budget does not have a manager or director of purchasing? The Legislature thought so much of the position that it statutorily created the position of Director of the Division of Purchase and Property, mandating that the Director be appointed by the Governor by and with the consent of the Senate, N.J.S.A. 52:27B-51. Who declares the Manager of Purchasing function of no import in addressing a projected budgetary deficit? Who terminates the individual charged with purchasing goods and services required by the College at the lowest prices possible in full accord with State statutes governing public procurement to address a projected budgetary deficit? What public entity addresses a projected budgetary deficit by terminating the Manager of Purchasing who has identified numerous long established procurement practices which upper management has conceded are not desirable and has promised will not be repeated?

I have encountered opposition to many of the procurement reforms that I have recommended. This, however, does not change the fact that the Manager of Purchasing function is a function that is critical to ensuring that College procurement is conducted in full accord with procurement law and that available markets are leveraged to the College's full advantage.

Any assertion that the Manager of Purchasing position is a "function that can be eliminated and done without" because the Director of Accounting will be provided training in public procurement is misplaced. The reason for hiring a Manager of Purchasing six months ago was the recognition of the need for an individual with years of supervisory public procurement experience to oversee purchasing. In light of the many procurement abuses identified; the many procurement abuses yet to be addressed; the proposed procurement reforms yet to be implemented; and the \$1,580,599 FY 2012 projected budgetary shortfall, it should be obvious to all that the Manager of Purchasing position is a function that should be elevated not eliminated.

**For the reasons noted, the Manager of Purchasing is not "a function that can be eliminated and done without."**

Respectfully submitted,

  
Joseph B. Reilly, Esq.  
Manager of Purchasing  
Ocean County College

Joseph B. Reilly  
44 Topanemus Lane  
Freehold, New Jersey 07728  
(732) 761-9321 (home)  
[reillyville@msn.com](mailto:reillyville@msn.com)

**SUMMARY:**

Administrative supervisory experience as Director of the Office of Procurement Services, Montclair State University, Assistant Director, Division of Pensions and Benefits, State of New Jersey, and Deputy Director, Division of Purchase and Property, State of New Jersey. Trial and appellate court experience representing the State of New Jersey as a Deputy Attorney General.

**EXPERIENCE:**

**Member Lake Topanemus Park Commission** 2010-Present

**Member State Pension and Health Benefits Review Commission** 2007-Present

**Director, Montclair State University Office of Procurement Services** 2006-2008  
Oversaw the staff and operations of the Office of Procurement Services. Advised academic departments and administrative offices on all aspects of the public procurement process to ensure a greater understanding and appreciation of the critical importance of University procurements being conducted in full accord with the requirements of the State College Contracts Law.

**Assistant Director, State Division of Pensions and Benefits** 2003-2006  
Oversaw the staff and operations of the Office of Professional Services. Responsible for coordinating the adoption of regulations by the State Health Benefits Commission and the Boards of Trustees of the various State retirement systems in accord with the Administrative Procedures Act.

Oversaw the procurement/negotiation of health benefit contracts on behalf of the State Health Benefits Commission.

State Treasurer's designee on the State Health Benefits Commission.

**Deputy Director, State Division of Purchase and Property** 1999-2003  
Oversaw the daily operations of the Purchase Bureau, including approving all public bid specifications and contract award recommendations; conducting contract award protest hearings; executing contracts; and training staff and State agencies in the Division's procurement regulations and policies.

**Deputy Attorney General, State Department of Law and Public Safety 1985-1999**

Claims Service Section 1985-1988

Provided representation (drafted and filed pleadings and motions, handled settlement negotiations, counsel of record in arbitrations, trials and appeals) with respect to tort and civil rights complaints filed against various State agencies and employees.

Treasury Section 1988-1995

Provided representation to the New Jersey Housing and Mortgage Finance Agency. Handled trials and appeals relating to the construction of Agency financed housing projects. Acted as counsel of record in real estate closings involving the Agency's financing of multi-family housing projects.

Treasury Section 1995-1999

Provided legal counsel to the Division of Purchase and Property and the Division of Property Management and Construction. Counsel for the Division of Purchase and Property with respect to contract awards and contract compliance issues. Counsel for the Division of Property Management and Construction with respect to the leasing of real property and the sale of surplus real property. Represented both Divisions in administrative, trial and appellate court proceedings.

**Policy Analyst, New Jersey Housing and Mortgage Finance Agency 1981-1984**

Employed full time while attending law school. Responsibilities included drafting amendments to the Agency's statute, regulations and form loan documents.

**Property Management Specialist, United States Secret Service 1978-1980**

Responsibilities included coordinating the purchase, placement and transfer of vehicles and equipment in furtherance of the investigative functions of the United States Secret Service. This position required a top-secret security clearance.

**United States Peace Corps Volunteer 1972-1975**

Taught English and worked with the English and drama clubs at Konkuk University, Seoul, South Korea.

**EDUCATION:**

J.D. Seton Hall University (1984)

M.A. Urban Affairs, Wichita State University (1976)

B.A. History, Seton Hall University (1972)

**PROFESSIONAL AFFILIATIONS:**

Member, Bar of the State of New Jersey

Member, Bar of the United States District Court for the District of New Jersey

Member, Bar of the United States Third Circuit Court of Appeals

**REFERENCES:**

Available on request.

ELLEN M. CASEY, ESQUIRE

1506 Riverside Drive, Trenton, NJ 08618  
(609) 577-7964

VIA FAX  
(732) 864-3847

Ms. Karen Papakonstantinou  
Director of Accounting  
Ocean County College  
College Drive  
PO BOX 2001  
Toms River, New Jersey 08754-2001

Re: Joseph B. Reilly

Dear Ms. Papakonstantinou:

Thank you for the opportunity to provide a letter of reference for Joseph B. Reilly. I currently serve as the Director of Internal Supports for the Division of Developmental Disabilities in the Department of Human Services, and am responsible for the management of over \$1 billion in contracts, human resources for over 9,000 employees, IT and financial operations of one of the largest operations in State government.

I have known Mr. Reilly as a colleague, a supervisor and as the head of an operation that relied upon his legal expertise and counsel. Mr. Reilly is the consummate professional, able to provide comprehensive legal counsel to superiors and clear and concise directions to staff. He possesses well developed negotiation skills coupled with a sense of what is commercially reasonable behavior in the public sector.

Mr. Reilly has broad experience in the public contracting sector. As a Deputy Attorney General, Mr. Reilly provided legal advice and direction to the Division of Purchase and Property as well as the Division of Property Management and Construction. Mr. Reilly provided day to day legal advice and counsel on all manner of procurement related issues from the development of a fair specification to thorny issues of bid evaluation and award protests. Mr. Reilly represented both the divisions in a variety of legal forums including the NJ Supreme Court and Appellate Division.

RE: Joseph B. Reilly

As Deputy Director of the Division of Purchase and Property, Mr. Reilly exercised overall oversight of the operations of the Division, responsible for the development of approximately \$1 billion of contracts for the use of all State and many public entities. Mr. Reilly provided leadership to the staff, initiated a series of lunch time training seminars that, while strictly voluntary, enjoyed wide popularity and attendance.

As Deputy Director and Deputy Attorney General, Mr. Reilly provided counsel and guidance to the State Treasurer concerning procurement matters of great import and/or high visibility as well as on procurement policy, statutes and regulations.

Please do not hesitate to contact me.

Sincerely yours,

Ellen M. Casey, Esquire

April 29, 2010

Karen Papakonstantinou  
Director of Accounting  
Ocean County College

Dear Ms. Papakonstantinou:

I am writing in support of Joseph Reilly's candidacy for the position of "Manager, Purchasing" at Ocean County College.

As Supervisor of the New Jersey State Purchase Bureau, I reported directly to Joe, who served as Deputy Director of the Division of Purchase and Property at that time. I always found him to be polite, courteous and remarkably competent. In fact, he is easily the most knowledgeable person I have ever met in public procurement. As Deputy Director, he was directly involved in all manner of procurement activities, most notably staff training (he personally conducted 'brown bag' lunch time training sessions for the procurement staff); cooperative purchasing (he chaired the Local Government Liaison Committee) and comprehensive bid solicitation review; in which activity he personally scrutinized bid specifications to help ensure they were always an accurate reflection of the using agencies' needs.

Earlier in his career, he served as a Deputy Attorney General, assigned to the Division of Purchase and Property. In that capacity, he was universally esteemed by senior management as the best contract attorney we had.

In sum, Joe Reilly is a conscientious and urbane gentleman possessed of great competence and a world of germane experience.

Sincerely,

Joseph P. Formica  
Cell: (267) 994-1130



## BOARD OF TRUSTEES

### Public Retreat/Meeting

December 10, 2010  
Minutes

A special retreat/meeting of the Ocean County College Board of Trustees was called to order by Mr. Carl V. Thulin, Chair, at 12:15 p.m., on Friday, December 10, 2010, in the Conference Room of the Technology Building on the college campus.

Call to Order

The announcement of public meeting was made in compliance with the Open Public Meetings Act of 1975.

Public Meeting  
Announcement

Those in attendance were: Mr. Carl V. Thulin, Mrs. Linda Novak, Mr. Jerry Dasti, Dr. Bruce Greenfield, Mr. Stephan Leone, Mrs. Joanne Pehlivanian, Dr. Wilda Smithers, Mr. Warren Wolf, Mr. Harvey York, Mr. Steven Spino, Mr. Jack Sahradnik, and Dr. Jon Larson. Also in attendance from the College were Executive Vice Presidents Richard Strada and Jim McGinty; Dr. Richard Parrish, Vice President of Planning and Administration; and Ms. Sara Winchester, Vice President of Finance. Also in attendance was Ocean County Freeholder John C. Bartlett, Jr.

Attendance

At 12:20 p.m., a resolution was adopted to move into a closed session for the purpose of discussing personnel matters, collective bargaining, and pending litigation, the results of which will be released to the public when the need for confidentiality no longer exists.

Resolution  
Adopted for  
Closed Session

At 2:15 p.m., the closed session ended and the public meeting reconvened by roll call vote.

Public Meeting  
Reconvened

#### Finance Committee

The first item discussed was the recommendation to award a contract for the construction of the Gateway Building, which will be shared by Ocean County College and Kean University. Dr. Parrish said that twenty-four bids were received for this project, and the recommendation to the Board today is to award a contract to the low bidder, Niram, Inc., Boonton, New Jersey, for \$24,376,500.

First and foremost, Dr. Larson thanked Freeholder Bartlett and the County of Ocean for their financial support and assistance for this new building. The County agreed to manage the bonding process as well as devoted resources to prepare the 40 acre site for the building. This partnership would not have happened if not for Freeholder Bartlett's fervent advocacy.

Freeholder Bartlett responded that he was extremely proud to be at this meeting to award the Gateway construction contract, which he believes is the most significant milestone in the history of Ocean County College. He commended Dr. Larson for having the vision to pursue this partnership as well as the trustees for their leadership and commitment to support it. Freeholder Bartlett also noted the professional dedication of both the County and College staff and the way in which they worked together seamlessly in this endeavor.

Dr. Larson expressed sincere appreciation to Dr. Dawood Farahi, President of Kean University, and the Kean University Foundation for all they have done to ensure that the Gateway Building will come to fruition.

The trustees were very happy to be awarding the Gateway contract today. The Gateway Building will provide tremendous advantages for the County's residents, allowing them to earn bachelor's and master's degrees in Ocean County at a reasonable cost. They, too, are proud to be a part of this historic moment at the College, which is due, in large part, to the efforts of Dr. Larson and Freeholder Bartlett.

Dr. Larson also acknowledged the efforts of former Vice President Dr. Judith Icklan, who was instrumental in identifying the possibility of a partnership with Kean University and in encouraging Dr. Larson to meet with Dr. Farahi. Because of her foresight, this joint effort between OCC and Kean evolved.

Upon the recommendation of Mrs. Novak, Chair of the Buildings and Grounds Committee, the Board unanimously approved, upon roll call vote, a \$24,376,500 contract award to Niram, Inc., for the construction of the Gateway Building.

Contract Awards

Also approved, upon unanimous roll call vote, was a \$70,000 contract award to Vertical V. Northeast, Inc., Rahway, New Jersey, for professional testing and inspection services during the construction of the Gateway Building.

Next on the agenda was the Ocean County College Restructuring Plan/Reduction in Force. This plan was developed in response to the resolution adopted by the Board of Trustees on November 6, 2010, which declared a financial emergency at Ocean County College in FY 2012. The comments received from the employee survey were carefully reviewed, and many will be incorporated in the plan. Also considered were the comments received at the Board meeting on Monday, December 6.

The trustees indicated their full support of the Plan. Upon unanimous roll call vote, the Ocean County College Restructuring Plan/Reduction in Force was unanimously approved upon roll call vote.

OCC Restructuring Plan/Reduction in Force Approved

Personnel Committee

The Personnel Report was unanimously approved as amended. Included in the report were personnel actions relating to the Restructuring Plan/Reduction in Force.

Personnel Report Approved

The next meetings of the Board are scheduled for:

**Monday, January 24, 2011**

9:30 a.m. Finance Committee  
10:00 a.m. Bylaw, Policy, and Curriculum Committee  
10:15 a.m. Buildings/Grounds Committee  
10:30 a.m. Personnel Committee  
12:30 p.m. Regular Public Monthly Meeting

Meetings  
Scheduled

Ms. Linda Caltagirone, Assistant Professor of Nursing, distributed a statement from a group of non-union College employees, including faculty, managerial/technical, and support staff, who met to discuss the Restructuring Plan and who asked that there be more time to exchange thoughts about the financial and moral crisis on campus.

Mr. Thulin thanked Ms. Caltagirone for her statements. With no further business or comments from the trustees or the public, the meeting adjourned at 1:45 p.m.

Adjournment

Respectfully submitted,

Bruce Greenfield, Ed.D.  
Secretary

Connie Bello  
Recording Secretary