A Special Meeting of the Board of Trustees of Bergen Community College was held on May 10, 2012 in Room TEC 128B at Bergen Community College, 400 Paramus Road, Paramus, New Jersey. Mr. E. Carter Corriston, Chairman, called the meeting to order at 5:05 p.m. and the following announcement was made:

"The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this meeting in a notice posted on the first floor main lobby of the Pitkin Education Center of Bergen Community College and mailed to The Record and The Bergen Record, and filed with the Clerk of the County of Bergen."

ROLL CALL

Present
Ms. Dorothy L. Blakeslee
Mr. Philip Ciarco
Mr. E. Carter Corriston
Mr. Malcolm Curtis
Mr. James Demetrakis
Mr. Richard Dressel
Mr. James Napolitano
Mr. Michael Neglia
Ms. Germaine Ortiz
Mr. Cid Wilson
Mr. John Zeuner

Also Present
Interim President Jose Adames
Silvana Raso, Esq.
John Schepisi, Esq.
Michael Caulfield, Esq.

Pledge of Allegiance
Chairman E. Carter Corriston led those present in the Pledge of Allegiance to the Flag of the United States of America.

Review of Meeting Procedures
Chairman Corriston asked legal counsel John Schepisi, Esq., to explain the procedures for this meeting. A number of employees received RICE Notices regarding discussion by the Board of Trustees of their employment. This discussion will be held in Executive Session, except in regard to employee Peter Helff who requested that any discussion regarding his employment be held during the public session of the meeting. No discussion regarding Mr. Helff will be held during the Executive Session.

No other employee who received a RICE Notice has requested discussion of their employment to occur in the public session; therefore, the discussion of their employment will be conducted during the Executive Session. One other employee who originally asked that his employment be discussed in the public session withdrew that request.
Review of Meeting Procedures (continued)
The Board of Trustees will go into Executive Session to discuss items relating to the other employees, and the report of Judge Ross Anzaldi, Retired, regarding grade changing but there will be no discussion of Peter Helff in the Executive Session. When discussing this matter in the public session, all employees except Peter Helff will be referred to by number rather than name. The Trustees have a list of employees with numbers. The Board will come out of Executive Session to return to public session and discuss findings, if any, from the Executive Session. If there are no legal questions, the Board will take action as it sees fit. If there are legal questions, the Board will go back into Executive Session to address them. Discussion of Peter Helff’s employment will then take place in the public session.

OPEN PUBLIC MEETINGS ACT STATEMENT
Chairman E. Carter Corriston stated that there were items on the agenda involving matters which may be excluded from the public portion of the meeting pursuant to the exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12b). The items that may come before the Board for discussion during the Executive Session will pertain to personnel matters, contracts, litigation and various matters from Counsel as permitted by statute.

Chairman Carter Corriston stated that upon advice of Counsel, these particular items may be excluded from the public portion of the meeting pursuant to the subsection 7 & 8 of section 12b of the Open Public Meetings Act (N.J.S.A. 10:4-12b).

The following Resolution was offered by Mr. Philip Ciarco and seconded by Mr. James Demetrakis.

Resolved, That since discussion is to be conducted in closed session as permitted in the Act, and may involve questions of attorney/client privilege, it is not known at this time, or if, the contents of the discussion may be disclosed. The resolution was unanimously carried.

The Chairman adjourned the public portion of the meeting at 5:09 p.m.

The public portion of the meeting resumed at 6:21 p.m. on a motion made by Mr. Philip Ciarco and seconded by Ms. Germaine Ortiz. Motion carried.

New Business/Open to the Public
Mr. Schepisi explained that the Board of Trustees would have discussions and deliberations in public regarding the employment of Peter Helff. A numbering code would be used when mentioning employees other than Peter Helff. There would be no audience participation. The Personnel Committee will make a recommendation to the Board before any action is taken.

Trustee Malcolm Curtis, Chairman of the Personnel Committee, reported that the Committee had been involved in consideration and investigation of changes to grades for some time. The Committee recommended and the Board supported the hiring of an independent investigator, Judge Ross Anzaldi, Retired, to conduct interviews, collect factual information and report back to the Board on his findings and conclusions. Having reviewed his report and the documentation submitted by Judge Anzaldi, the Personnel Committee recommended to the Board the following actions regarding Peter Helff:
New Business/Open to the Public (continued)

1. From the facts presented and the statements given to Ross Anzaldi, Judge of the Superior Court (Retired), the independent investigator who investigated this matter, it is apparent that there was a flagrant violation by Peter Helff of the policies and procedures in effect at Bergen Community College for his benefit and for the benefit of his granddaughter.

2. Peter Helff caused Employee Code Number 13 at Bergen Community College to aid and abet him in causing grade changes to be made for his granddaughter, contrary to the established policies and procedures in effect at Bergen Community College.

3. Peter Helff, rather than acting in the best interests of Bergen Community College and maintaining the integrity of Bergen Community College and the college community, took it upon himself to circumvent the policies and procedures in place at Bergen Community College and directed Employee Code Number 13 to cause the grades to be changed for his granddaughter when he knew he had no authorization from either the College President or Employee Number 18 to make such changes.

4. Peter Helff misled Employee Code Number 13 to believe that he had written and/or verbal authority from President Ryan and/or Employee Code Number 18 to make such grade changes when he knew, in fact, that he had no such authority.

5. Peter Helff misrepresented to Judge Anzald that he, Peter Helff, had authority from either or both President Ryan or Employee Code Number 18 to make the grade changes for his granddaughter when, in fact, both President Ryan and Employee Code Number 18 emphatically denied that they ever gave such permission, either verbally or in writing.

It is the opinion of the Personnel Committee that the forgoing conduct, in and of itself, is in violation of acceptable standards of professional conduct for a Professor at Bergen Community College and as a result thereof, such conduct, in and of itself, warrants severe disciplinary action including, but not limited to, the suspension and/or termination of Peter Helff.

In addition to the foregoing, in February of 2010, Peter Helff, after being charged by Bergen Community College with a violation of acceptable standards of professional conduct, entered into a settlement agreement with Bergen Community College to settle the disciplinary/tenure charges against him arising out of such violation of acceptable standards of professional conduct.

As a result of such settlement, Peter Helff agreed that a letter of reprimand be placed in his file, which letter stated “You are on notice that any subsequent infractions could result in immediate disciplinary action which may include suspension without pay and an action to detenure.” Such letter of reprimand required Peter Helff to modify his behavior. Bergen Community College fully expected Peter Helff to comply with the letter of reprimand and modify his behavior accordingly. Peter Helff failed to modify his behavior and, based upon his conduct as set forth above, has continued to act in violation of acceptable standards of professional conduct for a Professor at Bergen Community College.

As a result thereof, it is the recommendation of the Personnel Committee to the full Board that the Board cause Peter Helff to be suspended immediately without pay, that appropriate disciplinary charges be filed against him as prepared by counsel for the College seeking the termination of his employment, and that the President of the College is hereby authorized and directed to execute any and all documents necessary to certify or finalize such charges.
New Business/Open to the Public (continued)
Committee Chairman Malcolm Curtis stated that the above were the unanimous recommendations of the Personnel Committee to the Board of Trustees.

Mr. Schepisi distributed copies of the 2010 Settlement Agreement mentioned above to the Board members.

Chairman Curtis reconfirmed to Trustee Blakeslee that the recommendations were based upon Mr. Anzaldi’s report as well as the aforementioned 2010 incident. Trustee Blakeslee also asked how many depositions were taken and Mr. Schepisi responded that twenty-seven people were interviewed by Judge Anzaldi.

It was moved by Trustee James Napolitano and seconded by Trustee James Demetrakis to accept the recommendations of the Personnel Committee and to have a motion passed to act on those recommendations.

Mr. Schepisi reviewed the motion which was to suspend Peter Helff without pay effective immediately and to have detenure charges drawn up against Peter Helff to be served upon him, and which will be prepared by the attorneys for the Board, Schepisi & McLaughlin, and given to the Interim President to sign the tenure charges which will be served upon Peter Helff. From that point forward, if Mr. Helff contests those charges, the matter will be referred to the Office of Administrative Law to make the initial determination on the charges and then it will come back before the Board in order to finalize, amend or modify the decision brought by the Office of Administrative Law.

Chairman Corriston asked that health benefits for Peter Helff continue to be paid by Bergen Community College.

Mr. Napolitano amended his motion to include continuation of health benefits by Bergen Community College for Peter Helff and it was seconded by Mr. Demetrakis.

All were in favor of the motion to amend.

Roll Call Vote
Ms. Dorothy L. Blakeslee  Yes
Mr. Philip Ciarco  Yes
Mr. Malcolm Curtis  Yes
Mr. James Demetrakis  Yes
Mr. Richard Dressel  Yes
Mr. James Napolitano  Yes
Mr. Michael Neglia  Yes
Ms. Germaine Ortiz  Yes
Mr. Cid Wilson  Yes
Mr. John Zeuner  Yes

Upon a roll call vote, motion carried.

Chairman Corriston announced that the Board of Trustees would go back into Executive Session to finish discussions on the other matters, and then return to public session.
OPEN PUBLIC MEETINGS ACT STATEMENT

Chairman E. Carter Corriston stated that there were items on the agenda involving matters which may be excluded from the public portion of the meeting pursuant to the exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12b). The items that may come before the Board for discussion during the Executive Session will pertain to personnel matters, contracts, litigation and various matters from Counsel as permitted by statute.

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The following Resolution was offered by Mr. Philip Ciarco and seconded by Mr. Cid Wilson.

Resolved, That since discussion is to be conducted in closed session as permitted in the Act, and may involve questions of attorney/client privilege, it is not known at this time, or if, the contents of the discussion may be disclosed. The resolution was unanimously carried.

The Chairman adjourned the public portion of the meeting at 6:38 p.m.

The public portion of the meeting resumed at 7:10 p.m. on a motion made by Mr. Philip Ciarco and seconded by Ms. Germaine Ortiz. Motion carried.

New Business/Open to the Public

Mr. Schepisi reported that the Personnel Committee and the Board of Trustees, while acknowledging that some changes were already made to policies and procedures in relation to grade changes, had requested that Interim President Adames review the policies in effect at Bergen Community College and make recommendations to the Personnel Committee at its May meeting regarding any additional changes or recommendations that he may have.

Mr. Schepisi stated that the recommendation for the fourth reappointment of Priscilla Klymenko had previously been held pending the outcome of the grade changing investigation. After discussion, the Board decided to act on this reappointment.

It was moved by Trustee Malcolm Curtis and seconded by Trustee Germaine Ortiz to conditionally reappoint Priscilla Klymenko to her fourth reappointment. The conditions of such reappointment shall be prepared by the Chairman of the Personnel Committee in conjunction with Interim President Adames. A letter of reprimand shall be placed in her permanent file which letter shall be prepared by the Chairman of the Personnel Committee in conjunction with Interim President Adames.

Roll Call Vote

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<td>Ms. Dorothy L. Blakeslee</td>
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<td>Mr. John Zeuner</td>
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New Business/Open to the Public (continued)
After a roll call vote, motion carried.

It was moved by Trustee Philip Ciarco and seconded by Trustee Richard Dressel to open the proceedings to the public. Motion carried.

Attorney Robert Fagella
Attorney Robert Fagella, Esq., stated that he represented Peter Helff. Mr. Fagella objected to not having received the Judge’s report or a grade changing policy beforehand or having an opportunity to speak before the Board voted. Also, he felt that since Peter Helff had been at the College for 40 years, while he might be considered difficult or disruptive, there was no reason to suspend him while litigating.

It was moved by Trustee Dorothy Blakeslee and seconded by Trustee Cid Wilson to close the proceedings to the public. Motion carried.

Adjournment
As no further business was brought before the Board of Trustees, Chairman Corriston requested a motion to adjourn the meeting.

Upon a motion made by Mr. Philip Ciarco and seconded by Mr. Cid Wilson, the Chairman adjourned the meeting at 7:18 p.m.

Germaine Ortiz, Secretary, Board of Trustees