

**NIAGARA COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES
DECEMBER 19, 2017**

* * * * *

**A meeting of the Board of Trustees was held
on December 19, 2017 at 4:00 p.m.
in the Robert Michael Sdao Memorial Board Room
at Niagara County Community College**

Board Members Present

Mr. William Ross, Acting Chairperson
Ms. Sheila Smith, Secretary
Ms. Gina Virtuoso, Financial Secretary
Mr. Richard Andres
Mr. Jason Cafarella
Mr. Vincent Ginestre
Mr. Bradley Rowles
Mr. Vincent Sandonato
Ms. Bonnie Sloma

Board Member Absent

Ms. Katelynn DeLac, Student Trustee

Administration Present

William J. Murabito, Ph.D., Interim President
Ms. Deborah Brewer, Director of Foundation
Ms. Catherine Brown, Director of Human Resources
Ms. Barbara DeSimone, Director of Public Relations
Mr. Michael Dombrowski, Director of Operations
Dr. Mary Jane Feldman, Director of Planning and Resources
Ms. Vicki Orzetti, Assistant Director of Human Resources
Ms. Julia Pitman, Vice President of Student Services
Mr. William Schickling, Vice President of Finance/Information Technology
Ms. Lydia Ulatowski, Assistant Vice President of Academic Affairs
Ms. Barbara Walck, Assistant to the President

Invited Guests Present

Ms. Cheryl Beyer, ESPA Union President
Mr. Joseph Colosi, Faculty Union President
Mr. Marc Pietrzykowski, Faculty Senate President

Acting Chairperson Ross called the meeting to order at 4:05 p.m. and asked Trustee Andres to lead the assembly in the Pledge of Allegiance and a moment of silence in respect for the men and women who are serving our country.

PUBLIC COMMENTS

Public Comment was given by:
Ms. Rose Mary Warren

CONSENT AGENDA

Acting Chairperson Ross asked if Board members wanted any item removed from the Consent Agenda. It was moved by Trustee Sloma and seconded by Trustee Cafarella that the Board approve the Consent Agenda which included the Board Meeting Minutes of November 21, 2017, Statement of Revenues and Expenditures and Grant Activities. Motion carried unanimously.

INFORMATION ITEMS

Acting Chairperson Ross asked Board members if there were questions regarding the Information Items. Vice President Dombrowski provided a brief update on the Learning Commons Project and also stated there would be an electrical shutdown at the Sanborn Campus this weekend and next weekend. The following items were received and filed: Grant Tracking Chart, Personnel Status Chart, Foundation Report, Facilities Update, Deactivation of International Business AS Program, Deactivation of Administrative Assistant AAS Program and Deactivation of Office Technology Certificate.

Acting Chairperson's Report

Acting Chairperson Ross introduced and welcomed Richard Andres, Jr., as our newest board member. Trustee Andres is currently a Niagara County Legislator and will be the liaison between the college and the Legislature.

Last Saturday, at halftime during our men's basketball game, we celebrated the 40th anniversary of our NCCC men's basketball team that went 26-1 and reached the national championship game. Coaches Dan Bazzani, Roy Marino and Joe Colosi were honored.

On May 9, 2017, two officer slates were introduced, and we are open for another slate. Trustee Cafarella made a motion to withdraw his previous slate on May 9. A motion was made by Trustee Cafarella to nominate the following slate:

William Ross, Chairperson; Gina Virtuoso, Vice Chairperson; Bonnie Sloma, Secretary and Bradley Rowles, Financial Secretary. Trustee Sandonato withdrew his previous slate on May 9. Trustee Ginestre seconded the nominated slate.

A roll call vote for the above slate is as follows:

Richard Andres – Yes; Jason Cafarella – Yes; Vincent Ginestre – Yes; William Ross – Yes; Bradley Rowles – Yes; Vincent Sandonato – Yes; Bonnie Sloma – Yes; Sheila Smith – Yes; Gina Virtuoso – Yes; Katelyn DeLac – absent

Interim President Report

Dr. Murabito discussed the following:

- Earlier this week Dr. Murabito met with Niagara County Legislator Owen Steed along with several members of the African American faith based community and discussed our area youth and the process for recruitment. Shuttle transportation was also discussed.
- Friday December 21 the Sanborn campus will have a scheduled power outage and the campus will be closed for business.
- November 29, Dr. Murabito attended a Niagara County Economic Development meeting which

included leaders throughout the community; economic development was discussed and a role that NCCC could play.

- A Retiree Reception was held on December 6 with over 80 retirees in attendance; involving retirees on campus was discussed.
- The position for Director of Campus Safety is still open, there will be an interview tomorrow.
- Today, members of the Strategic Planning Task Force gathered to continue their discussions on the Student Journey; goals, objectives and timelines were discussed as this will help shape the strategic plan for our campus.
- The Recognition Awards and the All College Meeting will be held on Friday January 12 in the main gym. All board members are encouraged to attend.
- At our future board meetings, we will be providing short presentations pertaining to the college campus; any topics may be provided to Dr. Murabito.
- Our current board members discussed board training i.e., workshops, weekend retreat, etc. We will discuss what topics need to be addressed, and board members will decide how they would like this to be done. SUNY has offered to travel to our campus for several hours etc. Trustee Virtuoso suggested 10-15 minutes to discuss a topic at various board meetings.
- On January 13, Niagara Falls Memorial Medical Center is hosting their annual gala, "The Premier" to be held at the Seneca Niagara Resort & Casino. Please let Barb Walck know if you are interested in attending.
- The following resolution was discussed:

Background

New York State Education Law calls for the College Board of Trustees to "concentrate on establishing policies governing the college, and delegate responsibility for the administration and execution of those policies to their employed professional administrators." ¹ New York State Education Law also calls for the President to prepare for action by the Board of Trustees, recommendations "regarding personnel appointments, promotions, tenure, retention and retrenchment; unless this authority has been delegated to the President." ² While no official Niagara County Community College Board Resolution has been identified delegating this authority to the Niagara County Community College President, the practice has been that actions taken by the President are simply reported to the Board of Trustees. As the campus moves to the recruitment and hiring of a new President, it is important to memorialize the presidential authority in an official Niagara County Community College Board Resolution. This same authority is the standard amongst community colleges nationally.

At the meeting of the Board of Trustees of Niagara County Community College on December 19, 2017, the following resolution was proposed and approved by the Board:

WHEREAS the Niagara County Community College Board of Trustees has the authority to approve Collective Bargaining Agreement's, personnel salary and benefits schedules and budgets, and;

WHEREAS the Niagara County Community College president must report all personnel action to the Niagara County Community Board of Trustees, and;

THEREFORE be it resolved that the Niagara County Community College Board of Trustees delegates to the college president the authority to make all personnel appointments, promotions, tenure, retention, retrenchment and administer all personnel matters, and;

THEREFORE be it further resolved that the President must report all personnel such actions to the full Niagara County Community College Board of Trustees as well as its Personnel Committee.

William L. Ross
Board Acting Chairperson
December 19, 2017

It was moved by Trustee Sloma and seconded by Trustee Cafarella to approve the Resolution as presented. Trustee Andres opposed.

- The following Resolution was discussed:

Background

The Niagara County Community College Board of Trustees promotes shared governance and embraces effective communication. The public, including the faculty and other campus constituents have the opportunity to use the public forum at Board of Trustees meetings to communicate directly with the Board. The public forum does not allow for dialogue, including questions and answers. Some campuses have identified the importance of regular dialogue with the faculty given their important role in shared governance.

At the meeting of the Board of Trustees of Niagara County Community College on December 19, 2017, the following resolution was proposed and approved by the board:

WHEREAS the Niagara County Community College Board of Trustees promotes an effective shared governance program; and

WHEREAS faculty governance is an important element in providing an effective shared governance program; and

WHEREAS the current public forum is an effective mechanism to receive input, it limits open dialogue with the faculty; and

WHEREAS an official Faculty Observer report would ensure all Board members receive the same information at the same time; and

THEREFORE it is resolved that the President of the Faculty Senate be designated to be an official Board of Trustees Faculty Observer with a designated Faculty Senate report built into each meeting agenda; and

THEREFORE be it further resolved that this report be limited to governance matters being discussed within the Faculty Senate or Faculty Council of Community Colleges; and

FURTHERMORE the reports would allow for dialogue and questions and answers but would not provide opportunities to discuss matters appropriately handled through the labor management process nor be an opportunity to lobby on matters that must be approved by the President.

William L. Ross
Board Acting Chairperson
December 19, 2017

It was moved by Trustee Rowles and seconded by Trustee Sloma to approve the Resolution as presented. Motion carried unanimously.

Dr. Murabito stated that Marc Pietrzykowski, Faculty Senate President will be the faculty observer.

STUDENT TRUSTEE REPORT

There was no Student Trustee Report.

COMMITTEE REPORTS

Finance Committee

Trustee Virtuoso discussed having the committee meetings 30 minutes before the regular board meeting.

Acting Chairperson Ross discussed starting the board meetings at 4:30 p.m. and committee meetings to start at 4:00 p.m. Trustee Sandonato suggested having committee meetings during the board meeting. Dr. Murabito and Acting Chairperson Ross will further discuss the structure of committee meetings.

Governmental Affairs

Acting Chairperson Ross stated that the Niagara County Legislature has passed the 2018 budget.

Planning/Facilities

Dr. Mary Jane Feldman has circulated the Middle States Monitoring Report to Dr. Murabito and the Vice Presidents for their review and feedback by early January. It will then be given to the campus community; the board will receive it in early February for their review. We are currently on track.

It was moved by Trustee Cafarella and seconded by Trustee Rowles that the Board go into Executive Session under the provisions of Section 105 of Article 7 of the Public Officers Law to discuss litigation and personnel matters at 5:00 p.m. Motion carried unanimously.

It was moved by Trustee Cafarella and seconded by Trustee Ginestre that the Board come out of Executive Session at 6:00 p.m. Motion carried unanimously.

Personnel

The following Resolution was read by Trustee Cafarella:

BE IT RESOLVED, that the Board of Trustees of Niagara County Community College hereby authorizes the law firm Hodgson Russ LLP to commence legal action and/or proceedings, including pursuant to Article 75 of the New York Civil Practice Law and Rules, in order to vacate and/or otherwise challenge the arbitration award dated October 2, 2017 involving the College and the Faculty Association of Niagara County Community College which was discussed in the immediately preceding executive session of the Board.

William L. Ross
Board Acting Chairperson
December 19, 2017

It was moved by Trustee Cafarella and seconded by Trustee Rowles to approve the read resolution.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

GOOD & WELFARE

Acting Chairperson Ross presented Trustee Ginestre with a plaque thanking him for his outstanding services as Chairperson through difficult times.

It was moved by Trustee Andres and seconded by Trustee Cafarella to adjourn at 6:10 p.m. Motion carried unanimously.

Sheila Smith
Secretary