

**NIAGARA COUNTY COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
OCTOBER 18, 2022**

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**A meeting of the Board of Trustees was held  
on October 18, 2022 at 4:30 p.m.  
in person, via ZOOM, and live streaming**

**Board Members Present**

Mr. Jason Cafarella, Chairperson (arrived 5:00 p.m.)  
Mr. Kevin Clark, Financial Secretary  
Ms. Katherine Alexander, Secretary  
Mr. William Ross  
Ms. Sheila Smith  
Mr. Jerald Wolfgang  
Mr. Jacob Tipton, Student Trustee

**Board Members Present via ZOOM**

Ms. Gina Virtuoso, Vice Chairperson  
Mr. David Haylett, Jr.

**Administration Present**

William J. Murabito, Ph.D., President  
Ms. Deborah Brewer, Director of Foundation  
Ms. Catherine Brown, Assistant Vice President of Human Resources  
Ms. Alissa Cummings, Assistant Vice President of Student Services  
Ms. Barbara DeSimone, Assistant Vice President of Institutional Advancement  
Mr. John Eichner, Director of Business Services  
Dr. Fabio Escobar, Assistant Vice President of Academic Affairs  
Mr. Jesse Goldberg, Chief Information Officer  
Mr. Wayne Lynch, Vice President of Administration  
Ms. Julia Pitman, Vice President of Student Services  
Ms. Lydia Ulatowski, Vice President of Academic Affairs  
Ms. Barbara Walck, Assistant to the President

Financial Secretary Clark called the meeting to order at 4:30 p.m. and stated the meeting was being recorded and live streamed.

Financial Secretary Clark asked for a roll call of board members on zoom: Vice Chairperson Virtuoso and Trustee David Haylett, Jr., were present virtually.

Financial Secretary Clark asked Student Trustee Tipton to lead the assembly in the Pledge of Allegiance and a moment of silence for the men and women serving in the military. Also, there was a moment of silence for the recognition and passing of Judge Matthew Murphy; brother of Ms. Barbara DeSimone.

Financial Secretary Clark thanked all those in attendance and stated he was filling in for Chairperson Cafarella until his arrival.

**PUBLIC COMMENTS**

There were no Public Comments.

## **CONSENT AGENDA**

Financial Secretary Clark asked if Board members had any questions regarding the Consent Agenda. It was moved by Financial Secretary Clark and seconded by Trustee Wolfgang that the Board approve the minutes from the September 20, 2022 board meeting, Statement of Revenues and Expenditures, and Grant Activities. Motion carried unanimously.

Financial Secretary Clark asked if Board members had any questions regarding the Budget Transfer. It was moved by Financial Secretary Clark and seconded by Secretary Alexander that the Board approve the Budget Transfer – Special Department Charges to Light & Power. Motion carried unanimously.

## **INFORMATION ITEMS**

Financial Secretary Clark asked Board members if there were any questions regarding the Information Items. The following items were received and filed: Grant Tracking Chart, Personnel Status Chart, Foundation Report, Facilities Update, and Prospective Request for Bids.

## **CHAIRPERSON'S REPORT**

Today at 4:00 p.m., Financial Secretary Clark held a Public Hearing meeting, which included the resolution as read:

### **NCCC Board of Trustees Compliance with Open Meeting Law Chapter 56**

**Background:** The governor's Executive Order 11, last extended through 9/12/22 was allowed to expire. All public bodies will need to go back to following either pre-pandemic requirements (video conferencing allowed but only on publicly noticed locations) or follow the new video conferencing procedures of Chapter 56 of the laws of 2022. Chapter 56 of the laws of 2022 relating to the New York State Budget for 2022-2023 State fiscal year included an amendment to the Open Meetings Law to make permanent (until July 1, 2024) the expanded use of video conferencing by public bodies to conduct meetings, under extraordinary circumstances. Each public body that wishes to allow for remote attendance by its members is required to adopt a resolution authorizing such remote attendance and must establish written procedures that set forth what the public body determines to be "extraordinary circumstances." The Law includes a non-exhaustive list of examples of such circumstances, "including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting."

At the meeting of the Board of Trustees of Niagara County Community College on October 18, 2022 the following resolution was proposed and approved by the board:

**WHEREAS**, the Executive Order 11 allowing for video conference at all locations has expired, and

**WHEREAS** public bodies must return to pre-pandemic requirements of all attendees must be in person or video conference or a noticed place or have the option of adopting Chapter 56 of the laws of 2022 allowing public bodies to adopt a resolution allowing video conferencing if a member is unable to be physically present due to extraordinary circumstances and

**WHEREAS**, members video conferencing due to extraordinary circumstances may vote but are not allowed to be counted toward quorum.

**THEREFORE**, be it resolved that the NCCC Board of Trustees adopts the Use of Video Conferencing for Extraordinary Circumstances as outlined in Chapter 56 of the laws and of 2022.

Be it further resolved the Board defines and authorizes extraordinary circumstances to include:

1. Disability
2. Illness
3. Caregiving responsibilities
4. Family death
5. Lack of transportation to/from the meeting
6. Weather conditions
7. Other significant or unexpected factors or events which precludes a member's physical attendance at a meeting.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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Jason J. Cafarella  
Chairperson, Board of Trustees  
BOT 22-11

The following Board Members were present for the Public Hearing:

In Person: Financial Secretary Clark, Trustee Ross, Trustee Wolfgang, Student Trustee Tipton,  
Vice Chairperson Virtuoso – zoon

Others in person: President Murabito, Vice President Wayne Lynch, Faculty Senate Elizabeth Sachs, and Assistant to the President Barbara Walck.

It was moved by Trustee Wolfgang and seconded by Trustee Ross that the Board approve the Resolution – NCCC Board of Trustees Compliance with Open Meeting Law Chapter 56 as presented. Motion carried unanimously.

President Murabito suggested that those board members unable to attend board meetings in person should notify the Assistant to the President, using one of the reasons listed in the resolution.

Financial Secretary Clark stated the NYCCT conference was held on September 23 and 24. Trustee Wolfgang provided an update: He stated it was a very worthwhile conference and appreciated receiving the award for his wife Joan and thanked the Board. A presentation on textbooks and the high costs of books was discussed. Trustee Ross provided an update: He stated the highlight of the conference was the award presented to Joan Wolfgang. He stated the Ed Pawenski award was duly noted also. GCC received an award for the “chat box” technology. 22 of 30 community colleges were represented. He passed around several articles and information from the conference.

#### **CHAIRPERSON'S REPORT**

Financial Secretary Clark stated the Gala is celebrating NCCC's 60<sup>th</sup> Anniversary on Saturday evening. Deb Brewer, Foundation Director described some of the basket raffles and silent auction items available. There will be approximately 350 people in attendance. Financial Secretary Clark thanked Deb for all work she has done over the years on the Gala.

The annual Veterans Day ceremony will be held on Thursday, November 10 at 11:00 a.m. If any board member is interested in speaking, please let Barb Walck know.

Reminder to all board members the New York State Annual Sexual Harassment Training has been forwarded to each of you and this training needs to be completed.

#### **PRESIDENT'S REPORT**

President Murabito discussed the following:

- President Murabito attended a NYCCAP meeting on Monday, October 17. Topics of discussion were advocacy, labor and work, enrollment and marketing.
- A committee continues to work on the Strategic Enrollment Plan. We are looking into establishing more presence with evening college courses, and to actively recruit adults / students to attend in the evening.
- NCCC hosted a welding society event where many businesses were present to hear what our college has to offer to students and to eventually be hired in the workplace. We matched a scholarship for a student to attend NCCC in fall.
- The Faculty Council has a roadshow of shared governance, and they may possibly present this to our board members.
- Niagara University President's Dinner is scheduled for November 9. If any board member is interested in attending please let Barb know.

### **STUDENT TRUSTEE REPORT**

Student Trustee Jacob Tipton provided his report. Trustee Wolfgang asked if sports schedules could be available to board members. Barb Walck will send them the schedules.

### **FACULTY OBSERVER REPORT**

The Faculty Observer Report was provided by Dr. Elizabeth Sachs, Faculty Senate President.

### **COMMITTEE REPORTS**

#### **ACADEMIC/STUDENT LIFE COMMITTEE**

Committee Chairperson Smith stated there was nothing to report.

#### **FISCAL COMMITTEE**

Committee Chairperson Clark read the Resolution for:

#### **Support of NCCC Capital Funding Request to New York State:**

WHEREAS, the Niagara County Legislature has consistently recognized the importance of Niagara County Community College as an invaluable asset to Niagara County, and

WHEREAS, the administration of Niagara County Community College has identified several areas of need to remain competitive within the Western New York higher education arena, and

WHEREAS, the proposed capital funding total of \$180,000 which includes purchasing of equipment in Allied Health to support the Surgical Technology Program and a renovation of the existing Darkroom to support our Theater & Arts programs, and

WHEREAS, the NCCC Foundation has pledged the amount of \$90,000 as the local sponsor share in support of this funding contingent on a SUNY match, now therefore be it

RESOLVED, that the Niagara County Community College Board of Trustees, as governing board of the college, does hereby support the proposed capital funding for equipment and technology upgrades; and be it further

RESOLVED, that Niagara County Community College is requesting SUNY to provide a 50% match of the total capital amount of \$180,000. The amount requested from SUNY is \$90,000.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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Jason J. Cafarella  
Chairperson, Board of Trustees  
BOT 22-10

Vice President Lynch discussed the capital funding request.

It was moved by Committee Chairperson Clark and seconded by Trustee Wolfgang to approve the Resolution – Support of NCCC Capital Funding Request to New York State as presented. Motion carried unanimously.

Deb Brewer, Foundation Director, discussed the recommendation for Learning Commons Naming Requests. It was moved by Committee Chairperson Clark and seconded by Trustee Smith to accept the recommendations for the Learning Commons Naming Requests as presented. Motion carried unanimously.

The Business and Finance update was provided by Vice President Lynch.  
Financial Secretary Clark thanked Wayne and his staff for all the work done on the financials.

It was moved by Financial Secretary Clark and seconded by Trustee Wolfgang that the Board go into Executive Session under the provisions of Section 105 of Article 7 of the Public Officers Law to discuss contract negotiations at 5:40 p.m. Motion carried unanimously.

It was moved by Trustee Wolfgang and seconded by Secretary Alexander that the Board come out of Executive Session at 6:25 p.m. Motion carried unanimously.

#### **OLD BUSINESS**

The Board Bylaw committee meeting date to be scheduled.

#### **NEW BUSINESS**

There was no New Business.

#### **GOOD & WELFARE**

There were no Good & Welfare items.

The next board meeting will be held on Tuesday, November 15, 2022 at 4:30 p.m. in the Robert Michael Sdao Memorial Board Room.

It was moved by Trustee Ross and seconded by Vice Chairperson Virtuoso to adjourn at 6:30 p.m. Motion carried unanimously.

Katherine D. Alexander  
Secretary