

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of May 31, 2012

The five hundred forty-eighth meeting of the Board of Trustees was held on Wednesday, May 31, 2012 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Prime at 7:10 p.m. followed by a salute to the flag.

Present: Geoffrey N. Prime - Chair;
John R. Durso - Vice Chair;
John P. Donnelly - Secretary;
Mary A. Adams, Anthony W. Cornachio, Faruque Amin, Student Trustee.

Also in attendance: President Donald P. Astrab, Chuck Cutolo.

Absent: Jorge L. Gardyn, Richard M. Gutierrez

Chair Prime requested a motion that pursuant to Section 105 of the Open Meetings Law of the State of New York, the Board of Trustees shall enter Executive Session for the following purposes: 1) to discuss with the administration and counsel the status of collective negotiations with the Nassau Community College Federation of Teachers, which negotiations have involved discussion of proposals by the parties to lower personnel costs that arise from the NCCFT labor agreement currently in effect.

Trustee Durso moved the motion; seconded by Trustee Adams. Motion carried 6-0.

Chair Prime resumed the open meeting at 8:00 p.m. followed by a salute to the flag.

Present: Geoffrey N. Prime - Chair;
John R. Durso - Vice Chair;
John P. Donnelly - Secretary;
Mary A. Adams, Anthony W. Cornachio, Faruque Amin, Student Trustee.

Also in attendance: President Donald P. Astrab, Donna Haugen, Chuck Cutolo.

Absent: Jorge L. Gardyn, Richard M. Gutierrez

The minutes of the meeting of April 30, 2012 were presented for approval. Motion made by Trustee Durso. Motion carried 5-0-1. Trustee Durso motioned to table the minutes; seconded by Trustee Donnelly. Motion carried 6-0.

Chair Prime announced that as per Article II of the By-laws of the Academic Senate the members of the Executive Committee of the Academic Senate will be provided an opportunity tonight for discussion of the issues related to President Astrab's veto of the Academic Senate's resolution regarding reassigned time. This discussion will take place at this point and time in open session prior to conducting any further business of the Board. In this regard there will be no time limit on the discussion by the members of the Executive Committee on this issue.

An extensive discussion with respect to the Academic Senate's override of the President's veto relating to reassigned time took place. The transcript of this discussion is available upon request.

Chair Prime: Recognizing the importance of the issue, and recognizing the importance for members of the Board to have an opportunity to review and reflect upon the minutes of the discussion we have just had, and further recognizing that the Bylaws of the Academic Senate do not provide for a specific time by which the Board must act upon the Academic Senate's action. I make a motion that Board action with respect to President Astrab's veto of the Academic Senate's resolution on reassigned time be deferred until the June meeting of the Board, which is scheduled for June 21.

Trustee Donnelly: I seconded the motion. Motion carried 6-0.

Chair Prime asked for order.

1. Trustee Durso introduced the following resolution:

RESOLVED, THAT THE FOLLOWING EXPENDITURES BE APPROVED AND AUTHORIZED:

	Department	Description	Amount
a)	VP Finance/ Procurement/ Physical Plant	(Fiscal Year 2013) General office supplies, toner cartridges, industrial supplies through college-wide P-Card program.	\$ 317,000.00
b)	General Counsel	(Fiscal Year 2013) Services provided by Fisher Development Strategies to provide advocacy efforts on the State and local levels on behalf of NCC. (5-1) Tabled.	\$ 45,000.00
c)	VP Facilities Management	(Fiscal Year 2013) Lease payment for Endo Blvd – NCC North Annex an annual recurring expense.	\$ 932,749.56
d)	CIO/Information Technology Services	(\$100,000 from Student Fee) Large data storage system to replace existing end-of-life storage devices on campus. This hardware/software system is part of the ITS effort to provide for ongoing growth of data base applications.	\$ 278,822.99
e)	CIO/Information Technology Services	Renewal of maintenance contracts for hardware/software repair and updates to College's critical CISCO network switches and devices, which runs and manages the College's campus-wide data network.	\$ 130,000.00

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| f) | CIO/Various departments | (\$71,138.99 from Student Fee) Acquisition of new computers and ancillary products for use throughout the campus. | \$ 107,846.90 |
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Motion carried items (a, c, d, e, f) 6-0. Chair Prime motioned to table item b. Seconded by Trustee Cornachio.

2. Trustee Durso introduced the following resolution:

RESOLVED, THAT NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES VICE PRESIDENT OF FACILITIES MANAGEMENT, JOSEPH V. MUSCARELLA TO BE AN ADDITIONAL ALTERNATE SIGNATORY.

Seconded by Trustee Donnelly. Motion carried 6-0.

3. Trustee Durso introduced the following resolution:

RESOLVED, THAT THE RENTAL FEE BE WAIVED FOR THE USE OF THE NASSAU COMMUNITY COLLEGE MULTIPURPOSE ROOM IN THE COLLEGE CENTER BUILDING FOR THE PURPOSES OF A "LONG ISLAND JOBS FAIR" SPONSORED BY COUNTY CONGRESSWOMAN CAROLYN MCCARTHY ON JULY 23, 2012 FROM 9:00 A.M. TO 3:00 P.M. AND BE IT

FURTHER RESOLVED, THAT ALL ASSOCIATED PERSONNEL AND MAINTENANCE COSTS WILL BE BORNE BY THE USER.

Seconded by Trustee Adams. Motion carried 6-0.

Trustee Durso made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar.

Trustee Donnelly seconded the motion. Motion carried 6-0.

4. Trustee Durso introduced the following resolution:

WHEREAS, ON SEPTEMBER 11, 2007, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES ADOPTED A RESOLUTION APPROVING AND RATIFYING THE IMPLEMENTATION OF LANGUAGE IMMERSION AT NASSAU COMMUNITY COLLEGE (OTHERWISE KNOWN AS THE "LINCC PROGRAM") AND THE CREATION OF THE FULL-TIME POSITION OF LINCC LECTURER; AND

WHEREAS, THE POSITION OF LINCC LECTURER WAS A NEWLY CREATED POSITION, THUS THE INITIAL WAGES, BENEFITS AND JOB DUTIES OF SAID POSITION WERE ESTABLISHED BY THE COLLEGE PRESIDENT AT THE DIRECTION OF THE BOARD OF TRUSTEES; AND

WHEREAS, ON OCTOBER 3, 2007, THE COLLEGE AND THE COUNTY OF NASSAU (THE "JOINT EMPLOYER") FILED A PETITION FOR UNIT PLACEMENT WITH THE PUBLIC EMPLOYMENT RELATIONS BOARD (HEREINAFTER "PERB"), ASKING PERB TO DETERMINE THE APPROPRIATE BARGAINING UNITY FOR THE LINCC LECTURER POSITION; AND

WHEREAS, PURSUANT TO ADMINISTRATIVE LAW JUDGE BLASSMAN'S DECISION DATED DECEMBER 17, 2009, THE POSITION OF LINCC LECTURER WAS PLACED IN THE NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS (NCCFT) BARGAINING UNIT; AND

WHEREAS, THE BARGAINING REPRESENTATIVES OF THE COLLEGE AND THE NCCFT COMMENCED NEGOTIATIONS IN THE FALL OF 2010 IN AN EFFORT TO ESTABLISH THE TERMS AND CONDITIONS OF EMPLOYMENT APPLICABLE TO THE POSITION OF LINCC LECTURER; AND

WHEREAS, THE NCCFT DEMANDED THAT THE JOINT EMPLOYER INCREASE ITS CONTRIBUTION TO HEALTH INSURANCE PREMIUMS FOR LINCC LECTURERS FROM 90% TO 100%, SINCE THE JOINT EMPLOYER CURRENTLY PAYS 100% OF THE HEALTH INSURANCE PREMIUMS OF ALL OTHER MEMBERS OF THE NCCFT BARGAINING UNIT: AND

WHEREAS, IN OR ABOUT JANUARY OF 2011. MARTIN F. SCHEINMAN, ESQ. WAS APPOINTED MEDIATOR TO ASSIST THE PARTIES IN REACHING AN AGREEMENT; AND

WHEREAS, DURING A MEDIATION SESSION ON FEBRUARY 28, 2012, MEDIATOR MARTIN F. SCHEINMAN PRESENTED A MEDIATOR'S PROPOSAL FOR THE NCCFT'S CONSIDERATION; AND

WHEREAS, THE NCCFT WISHES TO ACCEPT THE MEDIATOR'S PROPOSAL, SUBJECT TO THE JOINT EMPLOYER'S AGREEMENT TO PAY 100% OF THE HEALTH INSURANCE PREMIUMS OF LINCC LECTURERS, INSTEAD OF 90%, ON A PROSPECTIVE BASIS;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND UNDERTAKINGS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

1. THE ABOVE WHEREAS CLAUSES ARE EXPRESSLY INCORPORATED HEREIN.
2. THE SALARY OF ALL LINCC LECTURERS SHALL BE INCREASED BY 2.75%, RETROACTIVE TO SEPTEMBER 1, 2011.
3. THE SALARY OF ALL LINCC LECTURERS SHALL BE INCREASED BY 2.50% EFFECTIVE SEPTEMBER 1, 2012
4. EFFECTIVE MAY 31, 2012 THE JOINT EMPLOYER SHALL PAY 100% OF THE HEALTH INSURANCE PREMIUMS OF LINCC LECTURERS.
5. ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF LINCC LECTURERS SHALL REMAIN THE SAME AS THOSE IN EFFECT PRIOR TO THE DATE ON WHICH THIS MEMORANDUM OF AGREEMENT IS EXECUTED AND SHALL BE ADDRESSED IN BARGAINING DURING THE UPCOMING ROUND OF CONTRACT NEGOTIATIONS.
6. THIS AGREEMENT SHALL NOT SERVE AS A PRECEDENT FOR ANY PURPOSE, NOR SHALL THIS AGREEMENT SERVE AS A PAST PRACTICE. THIS AGREEMENT MAY NOT BE USED AND/OR CITED BY ANY OF THE PARTIES

HERETO IN ANY FUTURE GRIEVANCE, ARBITRATION OR LITIGATION EXCEPT FOR THE PURPOSE OF ENFORCEMENT OF THE SPECIFIC TERMS OF THIS AGREEMENT.

7. THIS IS THE ENTIRE AGREEMENT, AND NO REPRESENTATIONS, EITHER ORAL OR WRITTEN, HAVE BEEN MADE BY ANY OF THE PARTIES TO THIS AGREEMENT OTHER THAN THOSE EXPRESSLY PROVIDED FOR HEREIN.
8. THIS AGREEMENT IS SUBJECT TO THE REVIEW AND THE ACCEPTANCE OF THE BOARD OF TRUSTEES BY FORMAL RESOLUTION, DULY ADOPTED. ABSENT SAID APPROVAL, THIS AGREEMENT SHALL BE NULL AND VOID.

RESOLVED, THAT THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE HEREBY ADOPTS THE ABOVE STATED MEMORANDUM OF AGREEMENT BETWEEN NASSAU COMMUNITY COLLEGE AND THE NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS.

Seconded by Trustee Donnelly. Motion carried 6-0.

Dr. Astrab reported on the following items:

Welcomed and congratulated new Student Trustee Faruque Amin to the Board and new Student Government President, Logan Kenny and looks forward to working with them.

There were over 3,400 applicants for graduation and extended congratulations to all the graduates.

Opening night for the Physically Challenged games kicked off tonight.

The importance of seeing the process of working through the veto and the override is for all to see.

Trustee Durso reported that on June 1, 2012, the College takes over the Life Sciences Building. He commented that it has been an extraordinary job under the leadership of VP Joseph Muscarella, Carol Friedman, and their team. The project was on time and on or under budget, he also mentioned that at several meetings he's attended in Albany the Life Sciences Building is the highlight of many conversations. Trustee Durso asked all to give them a round of applause.

Speakers

Chuck Cutolo, Administration, reported on a meeting with the CEO of Veolia, two members from the Student Government Association and himself, regarding the transition of Nassau County contracting out bus transportation to Veolia Transportation. The meeting gave the students an opportunity to speak with the CEO to express their concerns and make suggestions for consideration, such as, making the students aware of the variety of transportation routes one can take to the College and the possibility to work with the MTA on the possibility of selling metro cards at the bookstore. He also mentioned how proud we should be of Wendolyn Sabrozo and Joachim Villalobos, NCC students, on how well they represented themselves.

Kimberley Reiser, Chair, Academic Senate, spoke of concerns regarding a quote by President Astrab on class size written in an article titled "Faculty Protest at Graduation" by Lupita Gateas, Editor in Chief of the Vignette.

Deborah DeSanto, NCCFT President, read a statement on behalf of the NCCFT Executive Committee regarding the difficulties this pass year over the actions of the administration.

Jason Gorman, Art Department, spoke of his concerns regarding reassigned time for the Academic Senate Executive Committee and the discussion that took place by the Senate Executive Committee and the Board regarding the veto.

Ed Boyden, History Department, spoke of his concerns regarding the process and discussion of restoring reassigned time for the Senate and asked why this discussion could not have been resolved within the shared governance structure?

Frank Frisenda, NCCFT VP, spoke of his concerns regarding the recent college budget submitted to the Board and also, the Boards continued support of Dr. Astrab's leadership.

Philip Nicholson, History Department, spoke of his concerns regarding shared governance and his lack of confidence in the Board.

Shoel Cohen, Psychology Department, spoke of his observations of what Dr. Astrab's image is for NCC.

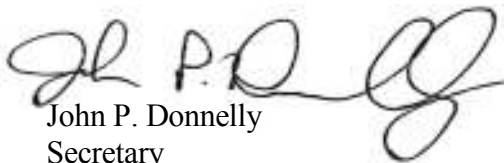
Chair Prime reported that Graduation went well and thanked everyone for making the night a special one.

Chair Prime announced the next Capital/Finance Committee meeting is scheduled for Thursday, June 21, 2012 at 5:00 p.m. and the Board meeting is scheduled for Thursday, June 21, 2012. The Board will open the public session at 6:30 p.m. and resume the public session at approximately 8:00 p.m.

Motion to adjourn was made by Trustee Amin and seconded by Trustee Cornachio.
Motion carried unanimously 6-0.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,



John P. Donnelly
Secretary