

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of January 28, 2014

The five hundred sixty-seventh meeting of the Board of Trustees was held on Tuesday, January 28, 2014 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 6:55 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
Arnold Drucker, Secretary Pro Tem;
Anthony W. Cornachio, Wanda Jackson, Edward W. Powers.

Absent: Mary A. Adams, John A. DeGrace.

Also in attendance: Kenneth Saunders, Maria Conzatti, Chuck Cutolo.

Chair Gardyn 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 matters relating to collective bargaining involving the NCCFT and the AFA; and 2) to discuss matters involving litigation relating to the labor dispute with the AFA. Trustee Drucker moved the motion; seconded by Trustee Jackson. Motion carried 9-0.

Chair Gardyn resumed the open meeting at 8:50 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
Arnold Drucker, Secretary Pro Tem;
Anthony W. Cornachio, Wanda Jackson, Edward W. Powers.

Absent: Mary A. Adams, John A. DeGrace.

Also in attendance: Kenneth Saunders, Maria Conzatti, Chuck Cutolo.

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of November 19, 2013.

Trustee Jackson moved the motion; seconded by Trustee Drucker. Motion defeated 5-0-1. (Weiss)

1. Expenditures over \$100,000

a) Chair Gardyn made a motion to untable an expenditure that was tabled by the Board of Trustees during the meeting of November 19, 2013. Trustee Weiss moved the motion; seconded by Trustee Powers. The Board agreed that the item should remain tabled. Motion carried 6-0.

b) Trustee Weiss introduced the following resolution:

RESOLVED, THAT REQUISITION #61373, 62158, 62845 IN THE AMOUNT OF \$122,161.00 AS REQUESTED BY CIO/ITS FOR THE PURCHASE OF HEWLETT PACKARD PC'S AND APPLE PC'S FOR VARIOUS CAMPUS DEPARTMENTS AND LEARN-LABS. OFFICES, CLASSROOMS AND LABS THROUGHOUT THE COLLEGE ARE IN NEED OF UPDATED TECHNOLOGY. THIS IS A CUMULATIVE FISCAL YEAR EXPENDITURE. A TOTAL OF \$99,942.42 HAS BEEN EXPENDED FOR THIS COMMODITY OR SERVICE THIS FISCAL YEAR NOT INCLUDING THIS PROPOSED EXPENDITURE. (FUNDING SOURCE: OPERATING BUDGET AND STUDENT FEES COMBINED)

Chair Gardyn requested a motion. Trustee Jackson moved the motion; seconded by Trustee Powers.
Motion carried 6-0.

c) Trustee Weiss introduced the following resolution:

RESOLVED, THAT REQUISITION #62631 IN THE AMOUNT OF \$325,000.99 AS REQUESTED BY VP FACILITIES MANAGEMENT/DESIGN & CONSTRUCTION DEPT. FOR THE THIRD PHASE OF THE CAMPUS PARKING RENOVATION PROGRAM, INCLUDING THE RENOVATION OF WEST4A, WEST 4B AND WEST 5 LOTS. DESIGN AND BIDDING IS PLANNED TO TAKE PLACE DURING 2014. (FUNDING SOURCE: CAPITAL FUNDING)

Chair Gardyn requested a motion. Trustee Drucker moved the motion; seconded by Trustee Powers.
Motion carried 6-0.

d) Chair Gardyn 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 Weiss seconded the motion. Motion carried 6-0.

Trustee Cornachio introduced the following resolution:

RESOLVED, THAT REQUISITION #63583 IN THE AMOUNT OF \$68,000.00 AS REQUESTED BY VP FACILITIES MANAGEMENT/PHYSICAL PLANT FOR HVAC EQUIPMENT AND SYSTEM MAINTENANCE AND REPAIRS. THIS ENCUMBRANCE IS REQUIRED TO PAY FOR THEIR SERVICES. THIS IS A CUMULATIVE FISCAL YEAR EXPENDITURE. A TOTAL OF \$95,500.00 HAS BEEN EXPENDED FOR THIS COMMODITY OR SERVICE THIS FISCAL YEAR NOT INCLUDING THE PROPOSED EXPENDITURE. (FUNDING SOURCE: OPERATING BUDGET)

Chair Gardyn requested a motion. Trustee Drucker moved the motion; seconded by Trustee Powers.
Motion carried 6-0.

2. Supplemental Appropriations

a) Trustee Cornachio introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES THE SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$37,000.

Chair Gardyn requested a motion. Trustee Weiss moved the motion; seconded by Trustee Jackson.
Motion carried 6-0.

b) Trustee Drucker introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES THE SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,145,238.

Chair Gardyn requested a motion. Trustee Weiss moved the motion; seconded by Trustee Jackson. Motion carried 6-0.

3. Donation

Chair Gardyn 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 Weiss seconded the motion. Motion carried 6-0.

Trustee Jackson introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES ACCEPTS THE DONATION OF 425 YARDS OF ASSORTED KNIT SPANDEX PRINTS, 25 YARDS OF WOVEN PRINTS, AND 10 YARDS OF WOVEN SOLID PRINTS FROM SWIMWHERE ANYWHERE.

Chair Gardyn requested a motion. Trustee Cornachio moved the motion; seconded by Trustee Powers. Motion carried 6-0.

4. Facilities

Chair Gardyn 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 Powers seconded the motion. Motion carried 6-0.

Trustee Powers introduced the following resolution:

RESOLVED, THAT THE RENTAL FEE BE WAIVED FOR THE USE OF THE NASSAU COMMUNITY COLLEGE MULTIPURPOSE ROOM, ROOM(S) 210, 220, 251, 252, 253 IN THE COLLEGE CENTER BUILDING FOR THE PURPOSES OF THE "2014 NASSAU COUNTY MINORITY, WOMEN BUSINESS ENTERPRISES/DISADVANTAGED BUSINESS ENTERPRISE (MWBE/DBE) CONFERENCE; ENTITLED ACCESS, OPPORTUNITIES AND GROWTH" SPONSORED BY COUNTY EXECUTIVE EDWARD P. MANGANO ON A DATE TO BE DETERMINED IN APRIL 2014 FROM 8:30 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.

Chair Gardyn requested a motion. Trustee Drucker moved the motion; seconded by Trustee Jackson. Motion carried 6-0.

5. a. Trustee Drucker introduced the following resolution:

RESOLVED, THAT IN RECOGNITION OF DISTINGUISHED AND MERITORIOUS SERVICE TO NASSAU COMMUNITY COLLEGE, AND UPON THE RECOMMENDATION OF THE PRESIDENT OF NASSAU COMMUNITY COLLEGE, THE FOLLOWING NAMED RETIRED FACULTY MEMBERS OF NASSAU COMMUNITY COLLEGE WHO RETIRED AFTER ATTAINING THE ACADEMIC RANK OF PROFESSOR OR ASSOCIATE PROFESSOR, ARE HEREBY GRANTED THE PERMANENT ACADEMIC TITLE OF PROFESSOR EMERITUS WITH ALL THE PRIVILEGES AND RIGHTS ACCRUING THERETO.

<u>Name</u>	<u>Title</u>	<u>Department</u>	<u>Retirement Date</u>
Carol Farber Carrington	Professor	English	1/20/14
Anne Comiskey	Associate Professor	Nursing	8/31/13
John Day	Professor	Library	8/31/13
Hussein Emin	Professor	Accounting & Business	12/31/13
Debra Gallagher	Professor	Accounting & Business	8/31/13
Joan Gordon	Professor	English	8/31/13
Bernard Gorman	Professor	Psychology	8/31/13
Shulamith Kane	Associate Professor	HPER	8/31/13
Jack Lubowsky	Associate Professor	Math/Computer Sci./Info Tech	8/31/13
Rochelle Meyer	Professor	Math/Computer Sci./Info Tech	8/31/13
Natika Newton	Associate Professor	Philosophy	8/31/13
Philip Nicholson	Professor	History	8/31/13
Katherine Podwall	Professor	Biology	8/31/13
Robert Pollack	Professor	Allied Health Sciences	8/31/13
Joseph Reihing	Professor	Marketing/Retailing/Fashion	1/20/14
Leonard Rysdyk	Associate Professor	Reading/BEP	12/31/13
Catherine Smyth	Associate Professor	Allied Health Sciences	12/31/13
Richard Speckmann	Professor	HPER	8/31/13
Richard Trainer	Associate Professor	Economics	8/31/13

Chair Gardyn requested a motion. Trustee Weiss moved the motion; seconded by Trustee Powers. Motion carried 6-0.

b. Trustee Cornachio introduced the following resolution:

BE IT RESOLVED THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY AUTHORIZES THE COLLEGE'S OFFICE OF PROCUREMENT TO DEVELOP FORTHWITH A DRAFT REQUEST FOR PROPOSALS FOR THE UTILIZATION OF THE SERVICE OF A SEARCH FIRM TO ASSIST IN THE SELECTION PROCESS FOR THE PRESIDENT OF NASSAU COMMUNITY COLLEGE, AND

BE IT FURTHER RESOLVED THAT SUCH DRAFT SHALL BE FORWARDED EXPEDITIOUSLY TO THE MEMBERS OF THE BOARD OF TRUSTEES FOR THEIR REVIEW AND THE APPROPRIATE ACTION THEREON.

Chair Gardyn requested a motion. Trustee Weiss moved the motion; seconded by Trustee Jackson. Motion carried 6-0.

c) Chair Gardyn 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 Weiss seconded the motion. Motion carried 6-0. Chair Gardyn offered the following motion:

To send a letter on behalf of the Board of Trustees to Witt/Kieffer advising them of their obligations to perform a new contract and giving them an opportunity to cure their default or force legal action. Trustee Weiss moved the motion; seconded by Chair Gardyn.

Chair Gardyn called for an open discussion. Trustee Drucker requested to make several modifications to a draft of this correspondence. The motion to make these modifications carried by a vote of 6-0. The following letter reflects said modifications. Motion carried 6-0.



Kenneth K. Saunders, Acting President

January 29, 2014
Jon Derek Croteau, Ed.D.
Witt/Kieffer
2015 Spring Road
Suite 510
Oak Brook, Illinois 60523

Via Electronic and Regular Mail

One Education Drive
Garden City, NY 11530-6293
Tel 516 572 7208
www.ncc.edu

Board of Trustees
Jorge L. Gardyn, MD, FACP, Chair
Kathy Weiss, Vice Chair
Vacant, Secretary
Mary A. Adams
Anthony W. Cornachio
John A. DeGrace
Arnold W. Drucker
Wanda Jackson
Edward W. Powers
Vacant, Student Trustee

Dear Mr. Croteau:

I am writing to you at the request of the members of the Board of Trustees of Nassau Community College with respect to the contract that was entered into on January 29, 2013 between the College and Witt/Kieffer for the purpose of assisting the College in its presidential search.

As you know, on June 24, 2013, the College's outside legal counsel, John Gross, sent to you a letter in which he informed Witt/Kieffer that it was the intent of the College to continue the presidential search process that was on-going at the time. As you also know, in furtherance of that process, the Board of Trustees interviewed the two remaining candidates in August. However, as you also know, the Board did not approve sending either of these candidates to the Chancellor of the State University of New York for her consideration.

In light of the fact that the search process that was the subject of the contract that was entered into between the Nassau Community College and Witt/Kieffer has not yet culminated in the selection of a president for Nassau Community College, and in light of the fact that the purpose of the contract, as articulated in its first "Whereas" clause is "to retain the services of the Contractor to perform Executive Search services for the College in order to assist the College's Executive Search Committee with the hiring of the College's next President," it is the view of the members of the Board of Trustees that as of the present time Witt/Kieffer has yet to fulfill its obligations under the existing contract. It is our view that the fulfillment of these obligations requires Witt/Kieffer to continue to perform the services specified in paragraph 2 of the contract.

In light of the foregoing, the Board would like to state its expectation that Witt/Keiffer continue to fulfill its obligations under the contract and, as such, continue the search process. Furthermore, we would ask that Witt/Kieffer respond to this letter within fourteen days of its receipt so that the search for a new president can continue promptly or so that we can make a determination as to the legal recourse the College must take as it deems necessary.

Sincerely,

Dr. Jorge Gardyn
Chair, Board of Trustees
Nassau Community College

WHERE SUCCESS STARTS...AND CONTINUES
Nassau Community College is a unit of The State University of New York sponsored by Nassau County

d) Establish Presidential Search Committee – Not called.

Chair Gardyn announced the resignation of Trustee Donnelly.

Dr. Saunders recognized the faculty who received the title of Professor Emeriti and welcomed all back to the new semester.

Speakers

Natalia deCuba, LINCC lecturer, spoke of the successes of the LINCC program and the professional accomplishments of the LINCC faculty. She thanked the NCC Foundation and Maria Conzatti for the professional development grant which will enable Ms. deCuba and Ms. Ashley Fifer to present at the TESOL (Teaching of English to Speakers of other Languages) International Association. Ms. deCuba announced that she received a professional development travel grant from the TESOL organization.

Dr. Edward Boyden, Chair of the Academic Senate, wished all a Happy New Year and expressed his appreciation to the Board for acknowledging the recently retired faculty with the title of Associate and Full Professor of Emeritus.

Frank Frisenda, Vice President of NCCFT, wished all a Happy New Year. He urged the College to develop a more responsive and timely mechanism for the Professor Emeritus being granted so that there would be a shorter time span between the time that they retired and the time that they were granted emeritus status. Developing a procedure for more timely action regarding the granting of emeritus status would enable former faculty members to engage more quickly in activities such as speaking at department meetings, receiving e-mails and using the library. Some of the retired faculty who were granted emeritus at this meeting of the Board have been without privileges such as those since September. He also stated that the College should realize substantial savings in the current year as a result of faculty members retiring and not being replaced or being replaced but by individuals who would receive lower salaries than their predecessors. He noted that during the administration of former President Astrab more than 30 faculty lines were cut while during that time the NCCFT sought, to no avail, to negotiate millions of dollars of savings and concessions as a way of easing the College's financial stress. Now, he stated it has been reported that, during that same time period, \$14 million in tuition and fees were uncollected by the College. However, he stated that during the time when the NCCFT was seeking to negotiate and when it was being "presented with this doom and gloom situation" by the College administration, nowhere was it mentioned that there was 14 million dollars' "worth of incompetence." He also expressed the concern that these developments raised the possibility of "just how honest and how forthcoming are the numbers that we are getting and the story we're getting is being portrayed to us." He stated that the NCCFT is going to prepare its own questions and responses to this audit and everyone will be hearing about it shortly.

Phyllis Kurland, Student Activities, presented the Board with NCC freshman orientation hand-outs which are given to freshman for a successful experience at NCC. She invited the Board to the traveling professor program where 15 faculty members will speak on campus this month about their travel experiences around the world.

Dr. Gardyn looks forward to 2014 being a fruitful year for NCC and wished all a Happy New Year.

Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, February 25, 2014 at 5:00 p.m. followed by the Full Board meeting. The Board will open the public between 6:15 and 6:30 p.m. and resume the public session approximately 7:30 p.m.

Chair Gardyn requested a motion to adjourn the meeting. Trustee Powers moved the motion; seconded by Trustee Cornachio. Motion carried 6-0.

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Arnold Drucker".

Arnold Drucker
Secretary Pro Tem