

**NIAGARA COUNTY COMMUNITY COLLEGE**

**BOARD OF TRUSTEES**

**APRIL 21, 2020**

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**A meeting of the Board of Trustees was held  
on April 21, 2020 at NOON  
via teleconference**

**Board Members Present**

Mr. William Ross, Chairperson  
Mr. Jason Cafarella, Vice Chairperson  
Ms. Gina Virtuoso, Financial Secretary  
Ms. Bonnie Sloma, Secretary  
Ms. Katherine Alexander  
Mr. Kevin Clark  
Ms. Sheila Smith  
Mr. Jerald Wolfgang  
Mr. Eric Lipps, Student Trustee

**Administration Present**

William J. Murabito, Ph.D., President  
Ms. Deborah Brewer, Director of Foundation  
Ms. Catherine Brown, Asst. Vice President of Human Resources  
Ms. Alissa Cummings, Interim Director of Transitional & Career Services  
Ms. Barbara DeSimone, Director of Public Relations  
Mr. John Eichner, Director, Business Services  
Ms. Patrice Elnicki, Interim Vice President of Finance and Information Technology  
Ms. Erika Grande, Asst. Director of Human Resources  
Ms. Sara Harvey, Asst. Director of Public Relations  
Mr. Wayne Lynch, Vice President of Operations  
Mr. Robert McKeown, Assistant Vice President of Enrollment Management  
Mr. Dennis Michaels, Asst. Vice President of Information Technology  
Mr. Brian Michel, Director of Grants  
Ms. Julia Pitman, Vice President of Student Services  
Dr. Diane Roth, Asst. Vice President of Nursing and Allied Health  
Mr. James Trimboli, Director of Admissions  
Ms. Lydia Ulatowski, Interim Vice President of Academic Affairs  
Mr. Bradley Wingert, Interim Assistant Vice President of Academic Affairs  
Ms. Barbara Walck, Assistant to the President

**Invited Guests Present**

Dr. Julie Woodworth, Faculty Senate President  
Ms. Laurie Ryan, Faculty Union Vice President

Chairperson Ross called the meeting to order at 12:03 p.m. and gave appreciation and gratitude to all those protecting us. Chairperson Ross briefly discussed the guidelines for board members to state their name before speaking and motions made by board members will be via roll call vote. Also, for all other attendees, if anyone has questions to please submit the question to Barbara DeSimone at [desimone@niagaracc.suny.ed](mailto:desimone@niagaracc.suny.ed), and answers will be provided to you.

**PUBLIC COMMENTS**

There were no public comments.

## **CONSENT AGENDA**

Chairperson Ross asked if Board members wanted any item removed from the Consent Agenda. It was moved by Trustee Wolfgang and seconded by Trustee Clark that the Board approve the minutes from the March 10, 2020 board meeting, Special board meeting minutes from March 26, 2020, and April 2, 2020, along with the Statement of Revenues and Expenditures, and Grant Activities. Motion carried unanimously.

## **INFORMATION ITEMS**

Chairperson Ross asked Board members if there were questions regarding the Information Items. Foundation Director Deborah Brewer discussed the student emergency fund and thanked all who have participated in this project. Vice President of Operations Wayne Lynch discussed the sanitation cleaning guidelines, and how we are preparing for an eventual return to campus. The following items were received and filed: Grant Tracking Chart, Personnel Status Chart, Foundation Report, and Facilities Update.

## **CHAIRPERSON'S REPORT**

Chairperson Ross thanked the faculty for their work with the student body and adaptability during this critical time. We also thank the support workers for their work and everyone's cooperation.

## **PRESIDENT'S REPORT**

Dr. Murabito discussed the following:

- In an effort coordinated by NCCC seniors as their class gift, 18,000 custom cookies are being made and packaged through a partnership with Tops Friendly Markets. These cookies will be distributed within the next week by Niagara County Sheriff deputies to the front-line workers at local hospitals, nursing homes, firehouses, EMT services, the Niagara County Health Department and police stations in Niagara County as a small gesture of gratitude. Deb Brewer and Barbara DeSimone have helped coordinate this project.
- SUNY has contracted with a national firm, Truth & Consequences (T&C) to look at the image of the university and public relations in order to message this as we begin to reopen. Sixteen campuses have been asked to work with this group and NCCC is one of them. On Thursday, President Murabito will be interviewed by SUNY to share ideas and Julia Pitman will be providing names of students for another group asked to participate at a later date.
- The Chancellor has numerous conference calls with SUNY colleges, as well as presidents of local community colleges speak weekly, and then all the community colleges speak periodically to share ideas, etc.
- President Murabito has established a Re-Opening Day Committee, which is being chaired by Wayne Lynch and the first meeting will be this week. There will be an aggressive approach and timeline to this plan which will include four sub-committees of academics, health and safety, auxiliary services, and communication. We will implement processes based on 50% model of staffing occupancy, and also 100% model of staffing occupancy, as well as social distancing. We will share the reports to the board as things progress. We will begin to prepare and restore this college campus to normal operations. Trustee Virtuoso looks forward to the presentation and the committee updates.
- President Murabito will be part of a weekly update, so everyone is tied into current information.
- President Murabito asked Patrice Elnicki to provide an update on the budget.
  - On April 1 New York State issued their budget and they did not increase the FTE funding rate for any community colleges, which will remain flat. In addition, the funding floor for NYS aid was removed for 20-21, which means the state aid will be reduced for SUNY colleges. The scenario planning is due to SUNY on Monday, April 27, so we are working on our best scenario of forecast planning. Trustee Wolfgang inquired about staff reductions, faculty

reductions. Patrice stated everything will be put on the table and all staffing across the college will need to be looked at. President Murabito said there are many unknowns and we are looking at all options. If the budget situation improves, we can reduce the number of layoffs, etc. Catherine Brown states letters were sent to administration, faculty union president, ESPA – TSPA union representative. Proposals discussed furloughs, freeze in percentage increase annually, healthcare premium increases, etc. The budget summary sheet was also included with the letters. There were no further questions from the board.

### **STUDENT TRUSTEE REPORT**

Student Trustee Eric Lipps provided his report. Trustee Lipps wanted to thank all those who have gone above and beyond for how the college has progressed through this time.

### **FACULTY OBSERVER REPORT**

Faculty Senate President Julie Woodworth provided the Faculty Observer report.

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

It was moved by Trustee Sloma and seconded by Student Trustee Lipps that the Board approve the Committee meeting minutes of March 10, 2020. Motion carried unanimously.

It was moved by Trustee Wolfgang and seconded by Trustee Clark to approve the Updated Wall of Fame as presented. Motion carried unanimously.

Julia Pitman, Vice President of Student Services provided an update on the student fees. The 2020 Summer I session courses and the 12-week session summer courses will not be charged distance education fee, unless the course was previously scheduled to be online.

### **FISCAL COMMITTEE**

Dennis Michaels provided an update on the information security plan which was included in the board materials. Trustee Wolfgang asked how we stop hackers from getting into our system. Dennis states we take advantage of the power of SUNY; all our servers have various layers of security. The College does have an insurance policy to help cover data breach. Trustee Wolfgang thanked Dennis for his well-done presentation.

Trustee Virtuoso read the following Resolution:

#### **Board Resolution**

#### **Niagara County Community College Spring 2020 Credit/Refund Policy**

**WHEREAS**, Niagara County Community College (the "College") is closely monitoring the ongoing coronavirus (Covid-19) outbreak. The health, safety and well-being of our college community is our top priority, and we are working closely with local, state and SUNY officials. The College has decided to take a series of proactive measures to prevent the spread of the coronavirus, including the move to online or other teaching modalities, effective March 30<sup>th</sup>; and,

**WHEREAS**, all students attending the College pay fees for support services and activities; and,

**WHEREAS**, expenditures incurred for support services and activities during a term are not uniform.

Therefore, an accounting will be performed to determine the uncommitted amount remaining for each fee type for purposes of calculating the credit or refund amount available to students; and,

**WHEREAS**, academic and service changes necessitated by the Covid-19 pandemic, the College desires to communicate to all students enrolled in the spring term a general policy to be used to credit or refund certain fees and charges; and,

**WHEREAS**, as per SUNY guidance, the period to compute a credit or refund should begin no earlier than

March 19, 2020; and,

**WHEREAS**, to be eligible for a credit or refund under this policy, a student's account must be paid-in-full; however, if credits earned clear a spring 2020 term balance due, the College will apply credit to spring term.

**NOW THEREFORE LET IT BE RESOLVED BY NIAGARA COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES AS FOLLOWS:**

**The College will refund tuition for students who:**

- **Tested positive for Covid-19; or,**
- **Is a primary caregiver to an immediate family member who has tested positive for Covid-19; or,**
- **A first responder (e.g., fire, police, EMS, national guard/reserves, healthcare) during the Covid-19 pandemic period.**

The College will credit or refund uncommitted broad-based fees for health clinic, transportation and parking, student activity and athletics for the spring term 2020.

Students in housing and/or on a meal plan will be eligible for a credit or refund if the following criteria is met:

- Schedule/Bill is paid-in-full at time of request;
  - Students with a partially paid Schedule/Bill will have room and meal plan charges reduced in line with credit computation method.
- Student's belongings must be removed from housing, or the room must otherwise be approved as cleared by housing officials

For students who remain in housing, all fees will continue to be charged to the extent services are being provided.

Students with a commuter meal plan will receive a credit or refund for the unused portion of their meal plan.

Students will receive credits or refunds for course-based fees based upon guidance provided by the departments that charge the fee.

Eligible students graduating with a degree in May 2020 or August 2020 from the College or transferring to another SUNY school and not returning for study in the fall 2020 term, will receive a one-time reimbursement check for the computed refund amount.

All other students will have a credit applied to their student fall 2020 Schedule/Bill; however, if funding available to College through the federal CARES Act from the Higher Education Emergency Relief Fund allows for emergency financial aid grants for expenses related to Covid-19 disruption, including eligible expenses under a student's cost of attendance, such as course material, meal plans, and housing, the student will receive a one-time reimbursement check for the computed refund amount.

Signed:

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William L. Ross  
Board Chairperson  
April 21, 2020

BOT 20-04

It was moved by Trustee Cafarella and seconded by Trustee Clark that the Board approve the resolution as presented. Motion carried unanimously.

Trustee Virtuoso read the following Resolution:

**Board Resolution**

**Niagara County Community College  
Student Housing Village Corporation Assistance**

**WHEREAS**, Citizens Bank is the sole holder of Niagara County Industrial Development Agency bonds issued to Student Housing Village Corporation (“SHVC”) for the purpose of constructing student housing on the Sanborn campus of Niagara County Community College (the “College”); and,

**WHEREAS**, changes to federal tax law in 2017 resulted in SHVC renegotiating bond terms with Citizens Bank. Under the modified agreement, Citizens Bank has tender option provisions. A tender option grants Citizens Bank the right to require SHVC to purchase the bonds. The provision includes an initial tender option date of May 16, 2020 with re-occurring bi-annual dates thereafter in the agreement; and,

**WHEREAS**, Citizens Bank notified SHVC it is exercising their tender option rights; however, Citizens Bank will waive this right if the College agrees to become a guarantor of payment for a two (2) year period ending May 15, 2022; and,

**WHEREAS**, SHVC holds one year of debt service, approximately \$1.3 million, in reserve on its balance sheet; key management positions are filled with qualified and competent individuals; occupancy levels exceeded 90% the past three (3) fall terms and demand for student housing is expected to remain high; SHVC has never missed a bond payment; and, measures taken in response to Covid-19 pandemic will impact spring term revenue and cash flow. Under the College’s proposed credit/refund policy modeled from SUNY guidelines, the current estimate of students eligible for a credit/refund of spring charges is \$323,000. Amount will increase as student accounts are paid-in-full. The maximum credit/refund exposure is approximately \$470,000; and,

**WHEREAS**, student housing attracts students and helps the College offer a more fulling experience.

**NOW THEREFORE LET IT BE RESOLVED BY NIAGARA COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES AS FOLLOWS:**

College Administration is charged with requesting approval from the County of Niagara to allow the College to guarantee Student Housing Village Corporation’s principal and interest payments for a two (2) year period ended May 15, 2022. Upon approval, College will commence due diligence procedures and report back to the Board of Trustees findings and a recommendation to address SHVC’s current debt situation.

Signed,

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William L. Ross  
Board Chairperson  
April 21, 2020

BOT 20-05

It was moved by Trustee Clark and seconded by Trustee Sloma that the Board approve the resolution as presented. Motion carried unanimously. President Murabito briefly discussed the resolution.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business.

**GOOD & WELFARE**

Chairperson Ross thanked everyone for their commitment today and to stay healthy.

It was moved by Trustee Clark and seconded by Trustee Virtuoso to adjourn at 1:40p.m. Motion carried unanimously.

Bonnie R. Sloma  
Secretary