

Cayuga County Community College
Auburn, New York

Minutes of the regular meeting of the Board of Trustees held Wednesday, August 21 2013,
in the Business Industry Center, James T. Walsh Regional Economic Center on the Auburn Campus.

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| Present: | Mrs. Jane Bowen | Excused: |
| | Mr. John M. Camardo | |
| | Ms. Melina Carnicelli | |
| | Hon. George C. Fearon | |
| | Mr. Jeffrey Edwards | |
| | Mr. John A. Karpinski | |
| | Mr. John J. Klink | |
| | Dr. Linda P. Van Buskirk | |

Also:

- Dr. Daniel P. Larson, President
- Dr. Anne J. Herron, Provost & Vice President of Academic Affairs
- Diane L. Hutchinson, Vice President of Administration & Treasurer
- Jeffrey E. Rosenthal, Vice President of Student Affairs
- Jeffrey Hoffman, Executive Director of College Foundation
- Maggie Killoran, Associate Vice President of Fulton Campus
- Carla DeShaw, Dean of Community Education & Workforce Development
- John Taylor, Dean of Information Technology
- Doug Brill, Engineer/Telecommunications
- John Callan, Banner Support Specialist
- John Campbell, Professor/Mechanical Engineering
- Margaret Devereaux, Professor/Library
- Kevin Hamm, part-time International Studies
- David Harbaugh, Manager of Network Operations and Server Administration
- JoAnn Harris, Office Manager of Fulton Campus/ESP Co-President
- Doug Hart, Instructional Assistant/Computer Lab
- Lorelee Lardear, Typist/Fulton Campus
- Roman Maksymiw, Banner Support Specialist
- Joseph Meyers, Banner Support Specialist
- Deborah Purcell, Senior Typist/ESP Vice President
- Joshua Rogalski, Network Technician
- Margaret Spillett, Director of Public Relations and Institutional Communications
- Stan Swizdor, Instructional Assistant/Computer Science
- Karen Thomas-Lillie, Graphic Designer
- Ed Wagner, Professor/Physical Education
- Scott Whalen, Director of Human Resources
- Andy Breuer, Hueber-Breuer Construction Company
- Kelsey Durham, Reporter/The Citizen
- Lynn Marinelli, Cayuga County Budget Director/Guest
- Nate Podkaminer, Hueber-Breuer Construction Company
- Carolyn L. Guariglia, Secretary to the Board

Mr. Edwards called the meeting to order at 5:10 p.m.

Mr. Edwards announced that the Board needed to adjourn into Executive Session to discuss the employment history of a particular person.

Motion to adjourn into Executive Session made by Mr. Fearon, seconded by Mr. Kott and carried by unanimous voice vote.

The Board adjourned into Executive Session at 5:13 p.m.

At 5:55 p.m. a motion was made by Mr. Fearon to return to Regular Session, seconded by Mr. Kott and carried unanimously.

1.0 COMMENTS FROM THE PUBLIC

Lorelee Lardear, P.O. Box 284, Cato, NY; Typist at the Fulton Campus.

Lorelee thanked the Board for allowing the public to address the group and thanked the employees that were present this evening.

Ms. Lardear went on to say that it was a sad day at the Fulton campus with one of their beloved colleagues being let go - Librarian, Kathy Sipling. Ms. Lardear thanked Kathy for the time she gave and gave to the students of Cayuga Community College.

She continued by asking the Board if they were to lay her off or any of the Fulton employees to please give them the dignity of having this done at their own campus.

Mr. Andy Breuer, Principal with Hueber-Breuer Construction firm, Syracuse, NY, addressed the Board and stated that he sincerely appreciated the opportunity to work out an agreement with the Board of Trustees in a timely manner.

He went on to say that he was sorry everyone was in this position and hoped if there is future consideration by the Board for the student housing project, Hueber-Breuer would be considered, and that the sentiment would be to continue at some point.

Mr. Breuer went through a chronology of monthly events beginning with May 2012 when Hueber-Breuer received a RFP for the design/build/finance/manage services for the new student housing project at Cayuga Community College, through the end of May 2013, when Hueber-Breuer was notified by Dr. Larson that the project was on hold by resolution of the Board of Trustees at their May 22, 2013 Board meeting.

Mr. Breuer stated that he projected \$20,000 more in his total project cost and discussed this with Dr. Larson in June. The total billed was \$612,148.35 less the amount paid of \$98,294.17 which equals \$513,854.36 over and above what has been paid to date.

Mr. Edwards stated that this Board was not actively involved with the project, but ultimately the College is responsible for this bill. These costs were not between the Board and Hueber-Breuer (Andy Breuer), but between the Faculty-Student Association (FSA) and Mr. Breuer. He went on to say that an Agreement has been drawn with Hueber-Breuer whereby the College shall pay \$10,000 beginning September 1, 2013 and will continue with \$25,000 monthly installment payments over the period of time October 1, 2013 to December 1, 2014. Mr. Edwards went on to say that money has been put into a budget line to gradually start making payments.

Mr. Edwards thanked Mr. Breuer for his presentation and his quiet demeanor.

At 6: 35 p.m. Mr. Edwards called a 10 minute recess.

Mr. Edwards asked for a motion to add this Agreement to tonight's agenda. Motion to add *Forbearance and Payment Agreement* to tonight's agenda. Motion to approve made by Mr. Kott, seconded by Ms. Bowen and carried following unanimous voice vote.

Motion to approve the Forbearance and Payment Agreement between Hueber-Breuer and Cayuga Community College made by Mr. Fearon and seconded by Mr. Kott.

Discussion continued with Mr. Fearon amending the Agreement whereby taking the \$20,000 that was over in the projected costs and have that difference be due if the project moves forward in the future. Also, add to the amendment that it be reviewed by the County Attorney, Fred Westphal.

Motion made by Mr. Fearon, seconded by Mr. Kott to approve the amended Agreement.

A motion was made by Ms. Carnicelli to go into Executive Session to discuss potential pending litigation. Motion seconded by Mr. Camardo, and carried by voice vote with Mr. Kott opposing.

The Board adjourned into Executive Session at 6:52 p.m.

At 7:00 p.m. a motion was made by Dr. Van Buskirk to return to Regular Session, seconded by Mr. Kott and carried unanimously.

Ms. Carnicelli asked who will be signing the Agreement. It was determined that Dr. Larson would sign after the amended Agreement was approved by Mr. Westphal.

The motion carried following roll-call vote with Ms. Bowen, Ms. Carnicelli, Mr. Edwards, Mr. Fearon, Mr. Karpinski, Mr. Klink, Mr. Kott, and Dr. Van Buskirk voting "yes" and Mr. Camardo voting "no".

2.0 CONSENT AGENDA

Mr. Edwards presented the Consent Agenda which consisted of the July 17, 2013, Board Meeting Minutes, the July 2012 Budget Statement, July 2013 Budget Statement, the July 2013 Monthly Bills totaling \$991,126.84, the 2012-2013 Stipend Lists #24 & #25 totaling \$11,982.30.

Motion to accept and approve the Consent Agenda made by Mr. Camardo, and seconded by Ms. Bowen.

Motion carried following unanimous voice vote.

(Appended 2.1, 2.2, 2.3, 2.4, 2.5)

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL

3.1 Buildings and Grounds

No Report.

3.2 Finance

3.2.1 Budget Expenditure Approval

Mr. Kott explained that Vice President Hutchinson was requesting funds to replace a heat exchanger in the main boiler room due to leaks in the copper pipes. The expenditure would not exceed \$20,000 and there are unexpended funds in the 2012-2013 maintenance budget to cover this expense.

Motion to approve made by Mr. Kott, seconded by Mr. Camardo and carried following unanimous roll-call vote.

3.2 Finance (continued)

3.2.2 Authorization to Open a Bank Account with Key Bank

Mr. Kott read the following resolution and moved its approval:

Whereas, Cayuga Community College currently conducts banking services with Bank of America, and Bank of America has notified the College that it will close both branches in Auburn, New York effective November 1, 2013, and has already closed the branch in Fulton, New York; and

Whereas, Cayuga Community College conducts the majority of bank business electronically, the immediate need is to open an account with a local bank that has a branch in both Cayuga and Oswego County for cash deposits and to provide a location for students to cash their financial aid refund checks; and

Whereas, Key Bank has branches in Cayuga and Oswego County and can provide the required services, according to New York General Municipal law. Such law requires “public funds to be deposited in a bank or trust fund which are available for all uses generally permitted by the bank or trust company to the depositing local government.” “Such bank or trust company shall mean a bank or trust company defined by the banking law or a national banking association located and authorized to do business in New York.”

Now, Therefore, Be It Resolved, that the Board of Trustees of Cayuga Community College hereby approves the Vice President for Administration and Treasurer to open an account at Key Bank for the purpose of cash deposits. The authorized signers on the bank account will be the Chairman of the Board and the Vice President of Administration & Treasurer. The authorized users on the bank account will include the Chairman of the Board; the Vice President of Administration & Treasurer; and Director of Business Services & Comptroller; and the Assistant Comptroller.

Motion seconded by Mr. Camardo and carried following unanimous voice vote.

Lloyd Hoskins, Foundation Board President and David Contiguglia, Foundation Board Vice President, representing the Foundation Board updated the College Board of Trustees on recent Foundation activities. To help the College with their budget crunch, the Foundation approved a resolution to incur the costs of Executive Director Jeffrey Hoffman, as the Foundation has the past four months and also to pick up the difference in the costs of the Alumni Director. The collective bargaining position, the Foundation has no interest in looking at that position. The Foundation clearly sees that as a College position under their contract.

The Foundation Executive Committee did meet quarterly under Mr. Camardo’s leadership and Mr. Hoskins indicated he would like to see that continue. He went on by saying that the Foundation doesn’t want to be looked at for their pocketbook, but that it is here to help in any way that it can.

Mr. Edwards stated that the College dropped funding for three positions and the Foundation is only picking up two; that could cause a problem. Vice President Hutchinson stated that the collective bargaining position was pending approval and was extra. It was not needed to meet our bottom line. The Alumni Director was not on our list.

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)

3.3 Personnel

Dr. Van Buskirk presented the following personnel items and moved their approval.

3.3.1 Management Confidential Layoff

RESOLVED, that the layoff of Cheryl Lindsay, as Dean of Enrollment Management, be accepted effective August 31, 2013.

Motion seconded by Mr. Kott and carried following roll call vote with Ms. Bowen, Mr. Edwards, Mr. Fearon, Mr. Karpinski, Mr. Klink, Mr. Kott, and Dr. Van Buskirk voting "yes" and Mr. Camardo and Ms. Carnicelli voting "no".

Mr. Kott reminded the Board that it needs to sit down and have some discussions with the faculty so that College and the faculty can come together over the financial issues.

3.3.2 Faculty Layoff

RESOLVED, that the layoff of Kathleen Sipling, as Public Services Librarian/Assistant Professor be accepted effective August 31, 2013.

Motion seconded by Mr. Kott. Dr. Van Buskirk stated that this layoff in no way reflects the performance of this individual who is respected and well regarded and we make this lay off only because of our situation of financial exigency. Mr. Kott stated that it is important to mention that the Board was forced to lay off because one of the negotiating unions refused to deal with us at all. Motion carried following a roll call vote with Ms. Bowen (with regrets), Ms. Carnicelli (with regrets), Mr. Edwards, Mr. Fearon, Mr. Karpinski, Mr. Klink, Mr. Kott, and Dr. Van Buskirk (with regrets) voting "yes" and Mr. Camardo voting "no".

3.3.3 Faculty Layoff - was pulled from the Personnel Agenda

3.3.4 Faculty Resignation

RESOLVED, that the resignation of Julie White, as Director, Centers for Student Engagement and Academic Advisement, be accepted effective September 13, 2013.

Seconded by Mr. Karpinski and carried following unanimous voice vote.

3.3.5 Administrative/Professional Resignation

RESOLVED, that the resignation of Stephanie Schuster, as Coordinator of Community Education be accepted effective August 30, 2013.

Seconded by Mr. Klink and carried following unanimous voice vote.

3.3.6 Administrative/Professional Appointment

RESOLVED, that Cathleen Patella of 12 Sherwood Road, Aurora, NY, be appointed to the position of Director of Student Financial Assistance and Compliance at an annual salary of \$73,500 effective September 16, 2013.

Dr. Van Buskirk stated that this position is required so that the College is in full compliance with regard to financial aid planning. Part of her responsibility will be to train the assistant director, so that we have a very clear line of authority in any event that happens in the future.

Motion seconded by Mr. Camardo and carried following unanimous roll call vote.

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)

3.4 Planning

3.4.1 Acceptable Use Policy (Computer System)

Ms. Carnicelli stated the Planning Committee met on August 1 to review the two policies brought forward today by Dean Taylor. Ms. Carnicelli stated that Dean Taylor and his advisory group worked very hard to bring these policies and procedures together. His presentation was concise and understandable. Ms. Carnicelli offered Dean Taylor her thanks for bringing the College to this point. Dean Taylor thanked Ms. Carnicelli for her comments and stated that a lot of research and a lot of people were involved in bringing together a nice set of policies for the risk completion on February 1, 2014. It is quite an undertaking because it is campus wide.

Ms. Carnicelli read the following resolution and moved its approval.

WHEREAS, Cayuga Community College desires to maintain a secure and safe Information Technology environment to protect its students, employees, and assets; and

WHEREAS, the existing Acceptable Use Policy (AUP) was adopted in 1996 and is outdated and inadequate to protect said parties given the changes in technology; and

WHEREAS, an updated Acceptable Use Policy has been drafted by Cayuga's Technology Advisory Group with representation from faculty, administration, and staff using higher education industry-standard resources from EDUCAUSE, SUNY, and the NYS Office of Information Security; and

WHEREAS, the newly drafted AUP has been endorsed by Pervasive Solutions LLC during a recent security audit, and reviewed by an attorney with Bond, Schoeneck & King, PLLC,

Therefore, be it RESOLVED that the Cayuga Community College Board of Trustees does hereby approve and adopt the revised Acceptable Use Policy dated August 21, 2013.

Motion seconded by Dr. Van Buskirk and carried following unanimous voice vote.

3.4.2 Bring Your Own Device (BYOD) and Mobile Device Policy

Ms. Carnicelli read the following resolution and moved its approval.

WHEREAS, Cayuga Community College desires to maintain a secure and safe Information Technology environment to protect its students, employees, and assets; and

WHEREAS, the proliferation of mobile devices have become very popular because of their convenience and portability; and

WHEREAS, the use of such devices is accompanied by risks that must be recognized and addressed to protect the College's Confidential Information (CI); and

WHEREAS, with the increasing use of these devices, it is necessary to establish a policy governing their use when storing or accessing the College's Confidential Information (CI); and

3.0 COMMITTEE RECOMMENDATIONS FOR BOARD APPROVAL (continued)

3.4 Planning (continued)

3.4.2 Bring Your Own Device (BYOD) and Mobile Device Policy (continued)

WHEREAS, a new Bring Your Own Device (BYOD) and Mobile Device Policy has been drafted by Cayuga's Technology Advisory Group with representation from faculty, administration, and staff using higher education industry-standard resources from EDUCAUSE, SUNY, and NYS Office of Information Security; and

WHEREAS, the newly drafted Bring Your Own Device (BYOD) and Mobile Device Policy has been reviewed by an attorney with Bond, Schoeneck & King, PLLC<

Therefore, be it RESOLVED that the Cayuga Community College Board of Trustees does hereby approve and adopt the Bring Your Own Device (BYOD) and Mobile Device Policy dated August 21, 2013.

Motion seconded by Mr. Klink and carried by unanimous voice vote.

Dean Taylor personally thanked Mr. Joseph Meyers, Banner Support Specialist, for his work on the Mobile Device Policy.

4.0 REPORTS

4.1 Presidents Report

4.1.1 President: Dr. Larson stated the Trustees received a copy of his activities for July/August and gave the following President's report:

- Enrollment was discussed and figures were reviewed.

4.1.2 Provost and Vice-President for Academic Affairs: No Report.

4.1.3 Vice-President for Administration: Vice-President Hutchinson gave the following highlights:

- Budget update was given. Ms. Carnicelli stated that the College is still looking at a \$400,000 shortfall the last few days of August. How does that get reconciled? VP Hutchinson stated that it will flow into our cash flow for next year. It will decrease the fund balance for next year.
- Audit RFP
- Banking Services

4.1.4 Vice-President for Student Affairs: VP Rosenthal stated that the Board had a copy of his report.

4.1.5 Foundation Executive Director: A copy of Executive Director Hoffman's report has been given to the Board.

4.1.6 Fulton Associate Vice-President: AVP Killoran discussed signage at the Fulton Campus.

4.1.7 Deans:

4.1.7.1 Dean of Community Education and Workforce Development: Dean DeShaw discussed the TAACCCTP grant. She will bring information regarding grants, and the plastic lab to the Planning Committee on September 16 @ 4:00 p.m.

4.0 REPORTS (continued)

4.1 President's Report (continued)

4.1.7 Deans:

4.1.7.2 Dean of Enrollment and Retention: No Report.

4.1.7.3 Dean of Technology: A copy of Dean Taylor's report was distributed to the Board.

- Dean Taylor mentioned that he is ready to set up a Board of Trustees portal demonstration.

4.1.8 Student Trustee: No Report.

5.0 OLD BUSINESS

6.0 NEW BUSINESS

6.1 ACCT Annual Membership Dues

Motion to approve made by Mr. Kott, seconded by Mr. Klink and carried following unanimous roll call vote.

7.0 COMMUNICATIONS

Noted.

8.0 INFORMATION

Noted.

9.0 EXECUTIVE SESSION

Mr. Edwards announced that the Board needed to adjourn into Executive Session to discuss the employment of a particular person.

Motion to adjourn into Executive Session made by Mr. Kott, seconded by Dr. Van Buskirk and carried following unanimous voice vote.

The Board adjourned into Executive Session at 8:01 p.m.

At 8:57 p.m. a motion was made by Ms. Bowen to return to regular session, seconded and carried by unanimous voice vote.

10.0 ADJOURNMENT

Mr. Kott moved to adjourn the meeting, seconded by Ms. Bowen and carried by unanimous voice vote. The meeting adjourned at 8:58 p.m.

Recorded and transcribed by:

Respectfully submitted:

Carolyn L. Guariglia
Secretary to the Board

John J. Klink,
Secretary, Board of Trustees

cg
9/11/2013