

University of Maine System
Board of Trustees
Executive Committee

August 24, 2021
Zoom Meeting

Present: Committee Members: Mark Gardner; Chair, James Donnelly; Vice Chair, David MacMahon, Kelly Martin, Lisa Eames, James Erwin, Sven Bartholomew, Trish Riley, and Michael Michaud. **Other Trustees:** Beth Dobson. **Chancellor:** Dannel Malloy. **Staff:** Ellen Doughty, Ryan Low, Robert Placido, Laurel Hyle, and James Thelen. **Presidents & Dean of the Maine Law School:** Glenn Cummings, Deb Hedeem, Leigh Saufley, Ray Rice, and Joan Ferrini-Mundy. **Others:** Amon Purinton, Carolyn McDonough, Betsy Sawhill Espe, and Robert Joy.

Absent: None.

Chair Gardner called the Executive Committee meeting to order, thanked everyone for participating, and roll call was taken.

Executive Session

On a motion by Trustee Eames, which was seconded by Trustee Michaud, and approved by a roll call vote of all Trustees present, the Executive Committee meeting went into Executive Session under the following provisions:

- 1 MRSA Section 405 6-A to discuss the evaluation of personnel and the consideration and discussion of appointments, evaluations, employment and duties.

On a motion by Trustee Donnelly, which was seconded by Trustee Erwin, and approved by a roll call vote of all Trustees present, the Executive Committee concluded the Executive Session.

Following the Executive Session, Chair Gardner reconvened the public meeting. The following items were discussed:

Appointment of Interim President – UMA

Chancellor Malloy stated that with the conclusion of service for UMA President Dr. Rebecca Wyke, he is recommending to the Board that UMA Vice President for Academic Affairs and Provost Dr. Joseph Szakas serve as Interim President of UMA. Dr. Szakas' appointment will be effective August 28, 2021, for a one year appointment. He will provide campus leadership over the next year while a national search is launched to appoint the next UMA President. Dr. Szakas was appointed Vice President for Academic Affairs and Provost in May of 2011 and is a tenured Professor of Computer Information Systems at the University. He began his teaching career with UMA as an Assistant Professor in the Department of Computer Information Systems in September of 2000. His leadership for the University and public higher education has included service on a number of committees and working groups within UMS and through membership in regional and state organizations. Dr. Szakas has served as the UMA Incident Commander since 2010. Dr. Szakas has a Doctor of Philosophy and a Master of Science Degree in Geodetic Science - Computer Cartography from The Ohio State University, a Master of Science Degree in Computer Science from Western Michigan University, and a Bachelor of Science in Computer Science from the University of Michigan - Dearborn.

On a motion by Trustee Donnelly, which was seconded by Trustee Bartholomew, and

approved by a roll call vote of all Trustees present, the Board of Trustees acting through the Executive Committee, approved the appointment of Dr. Joseph S. Szakas as Interim President of the University of Maine at Augusta, effective August 28, 2021, for a one year appointment.

Proposed Changes to Board of Trustee Policy 103 Bylaws and Proposed New Board of Trustee Policy 215 on Remote Meeting Access

UMS Assistant General Counsel Amon Purinton provided a brief overview of the proposed changes to Board Policy 103 - *Bylaws* and the proposed new Board Policy 215 - *Remote Meeting Access*. Governor Mills issued a special directive allowing the University of Maine System (UMS) Board of Trustees to meet via technology during the COVID-19 pandemic. That special directive has now ended and has been replaced with the State of Maine Public Law 290 (S.P. 40 – L.D. 32), An Act Regarding Remote Participation in Public Proceedings. Based on this new Law, the UMS is required to establish a formal policy for Remote Public Meetings. Mr. Purinton explained that members of the UMS Board of Trustee and its committees and subcommittees are expected to be physically present at UMS Public Meetings except when being physically present is not practicable. Circumstances in which physical presence is not practicable include:

- (1) An emergency, urgent issue, or illness;
- (2) Temporary absence from Maine;
- (3) Significant distance a Member must travel, or impediments to travel such as inclement weather; and
- (4) Other circumstances as determined by the Chair of the UMS Board of Trustees or the Chair of the committee or subcommittee holding the UMS Public Meeting.

Additionally, when one or more members will participate in a UMS Public Meeting Remotely, the public will also be provided remote access, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

Trustee Erwin stated that while he is in favor of approving the new Board Policy 215 today in light of the urgent circumstances due to the pandemic; he does have concerns about what he feels is a catch all exception to the State law for remote meetings. He cautioned the Board about overuse of the clause that states the physical presence of a Trustee can be excused for other circumstances as determined by the Chair of the UMS Board of Trustees or the Chair of the committee or subcommittee holding the UMS Public Meeting. Trustee Erwin asked that the Board reexamine new Board Policy 215, after the pandemic to ensure that the UMS Board of Trustees are in true alignment with the State law on remote meetings. Trustee Gardner agreed that it would be good to take another look at Board Policy 215 for possible amendments at that time.

On a motion by Trustee Eames, which was seconded by Trustee Donnelly, and approved by a roll call vote of all Trustees present, the Executive Committee, on behalf of the Board of Trustees, approved the amendments to the Board of Trustees Policy 103 Bylaws and the new Board of Trustees Policy 215 Remote Public Meetings as presented.

Budget Increase Request, Solar Array, UMPI

UMPI President Ray Rice, UMPI Chief Business Officer (CBO) Betsy Sawhill Espe, and UMS Director of Capital Planning and Project Management Carolyn McDonough presented information on UMPI's request to increase the authorized expenditure to construct a 377 kW (DC) Solar PV system on the UMPI campus by up to \$444,240; for a new project total of up to \$1,144,240. The original amount requested, and approved for this project was \$700,000 based on an insurance reimbursement of \$789,760. The total reimbursement from the Wind Turbine loss

was defined to be \$1,234,000. However the final reimbursement of \$444,240 (withheld depreciation) remains with the insurers. The Insurers have notified UMPI that the timing of the solar installation has fallen outside a “reasonable period of time” and that the remaining \$444,240 due could be removed from UMPI’s recovery unless they incorporate it into the solar field installation. This request is to use this additional insurance reimbursement for the increased budget. UMPI has distributed new bids with a return date of August 10th. They are on target to have the installation accomplished in Fall 2021. If authorized for the greater spending limit, UMPI will define the solar field to meet the new funding support.

On a motion by Trustee Michaud, which was seconded by Trustee Donnelly, and approved by a roll call vote of all Trustees present, the Board of Trustees acting through the Executive Committee, authorized the Chancellor to authorize the University of Maine at Presque Isle to increase the authorized expenditure to construct the solar array, as previously outlined, to \$1,144,240, with full funding from wind turbine insurance reimbursement.

Executive Session

On a motion by Trustee Martin, which was seconded by Trustee Eames, and approved by a roll call vote of all Trustees present, the Executive Committee meeting went into Executive Session under the following provisions:

- 1 MRSA Section 405 6-E to consult with its attorney concerning legal rights and duties of the university.

On a motion by Trustee Riley, which was seconded by Trustee Martin, and approved by a roll call vote of all Trustees present, the Executive Committee concluded the Executive Session.

Additional information about the meeting can be found on the Board of Trustees website:
<https://www.maine.edu/board-of-trustees/meeting-agendas-materials/executive-committee/>

Adjournment

Heather A. Massey for
Ellen N. Doughty, Clerk