

**Bronx Community College
Auxiliary Enterprises Corporation (AEC) Meeting
Tuesday, April 12, 2022
12 pm – 1 pm Via Zoom**

Attendees: President Thomas Isekenegbe, Chairperson; Grisselle Nadal, Secretary; Assistant Vice President David Taylor, Treasurer; Faculty member Neil Hwang, Katherine McGuire, External Member; Michael Williams, External Member; Ekinadose Elizabeth Asemota, SGA President; Jeithy Jason Ofosu-Mensah, SGA Vice President; Kellis Rickards, SGA Legal Legislator, Joshua Jones, SGA Senator and Professor Paramita Sen.

Guests: Hawa Dukuray and Susan Fiore, Esq., Executive Legal Counsel to President and Labor Designee.

The Auxiliary Enterprise Corporation (AEC) Board Meeting was called to order at 12:05 pm by Chair Isekenegbe.

Chair Isekenegbe asked for a motion to approve the minutes of March 10, 2022. The motion was so moved by Professor Neil Hwang, seconded by Kathy McGuire, and unanimously approved.

There were no public comments.

Susan Fiore, Esq., Executive Legal Counsel to the President & Labor Designee was introduced by Chair Isekenegbe. She updated the committee on the Healthy Choice litigation. She advised that the motion brought by Healthy Choice to enjoin (stop) us from preventing them from providing food services on campus was denied. The issue of whether the contract between Healthy Choice & AEC has not been decided in its entirety. We believe prevailing on the motion will ultimately result in us prevailing on the contract expiration issue. Judge advised that this was not a lease but a license. Important because license gives no property interest. There was a license for them to sell food and that license expired in June 2021 as per the contract. We are in the process of trying to get them to vacate the premises as soon as possible. She advised she will send a letter out today asking them to vacate the premises during Spring break.

Chair Isekenegbe advised he will do everything he can to get food services/trucks on campus as soon as possible. There is a Request for Proposals (RFP) process and bidding by vendors that we need to follow.

There was a question asked on whether the students will be notified of the situation. Ms. Fiore advised a broadcast will go out soon. The question of whether Healthy Choice has any recourse after the decision by the judge. Ms. Fiore advised that they could appeal to the appellate court. Secretary Nadal asked since the judge ordered Healthy Choice to leave the premises, how long will it actually take them to leave, giving them a reasonable amount of time to gather their equipment, of course. If we give them a month, let's say, would it be considered trespassing and would Public Safety be able to prevent them from entering the campus. Susan advised that the judge didn't actually rule that Healthy Choice had to leave, she lifted the order and we are now able to prevent them from offering food services, not to leave per se. We are working on drafting a letter to them that includes a reasonable date for Healthy Choice to leave the premises.

Chair Isekenegbe reminded everyone that Run the Bronx is May 7th.

Chair Isekenegbe asked for a motion to adjourn. The motion was so moved by Elizabeth Asemota, seconded by Kellis Rickards, and unanimously approved.

AEC meeting ended at 12:50 pm.

Minutes Submitted by Grisselle Nadal, Secretary