

The Regular Meeting of the Roxbury Central School District was held on December 11, 2019.

Present: Ed Fersch, Dawn Kalleberg, Kelli Winnie, Denise Johnston and Ed Dalski

Superintendent: Thomas J. O'Brien

Principal: Jill Ten Eyck

Treasurer: Wendy Sprague

Secretary: Marianne Schor

President Fersch called the meeting to order at 7:07 PM.

Lilly Golden, director of the Roxbury Spark Literary Magazine, gave a presentation on the Spark program. Ms. Golden has been running Spark as a club after school to promote creative writing and art for Roxbury students, and teaching them how to publish a magazine from start to finish. Up until now Ms. Golden has been supporting the magazine through grants, but attaining them has been a challenge. Ms. Golden passed out some magazines featuring the students' works. Also attending was Lorraine Bolger, a RCS 5th grade teacher, who is involved with Spark and supports Ms. Golden's vision of students writing as a craft and not a chore. Together they asked the Board to support Spark as a line item in the amount of \$5,000 in next year's budget. Mr. O'Brien stated that he would recommend the district commit to supporting this program, but encouraged the continued seeking of other financial support. Mr. O'Brien shared with Ms. Golden a grant opportunity that she may want to look into, and he would assist her.

Spark Presentation

Additions to agenda:

1. Under President's Report: #2 – Custom Board Retreat

Public Comment: None

Kelli Winnie moved, seconded by Dawn Kalleberg to approve the treasurer's report for November, 2019. Motion approved unanimously.

Treas. Report

Kelli Winnie moved, seconded by Denise Johnston to approve the budget transfers to be effective 12/12/19 in the amount of \$34,746.00. Motion approved unanimously.

Budget Transfers

The bills and the Claims Auditor's Report for November were reviewed.

Bills & Claims

Kelli Winnie moved, seconded by Dawn Kalleberg to approve the extra-classroom activity fund report for November, 2019. Motion approved unanimously.

Extra-Classroom Activity Fund

Dawn Kalleberg moved, seconded by Kelli Winnie to approve the minutes for the November 13, 2019 regular meeting and the

Minutes

November 21, 2019 Special Meeting. Motion approved unanimously.

President's Report:

1. Mr. Fersch asked Mrs. Kalleberg to share the results of the board self-evaluation. Mrs. Kalleberg stated that the 3 things that rose to the top that board members felt needed attention were setting goals and focusing on the superintendent's evaluation; responding to the concerns of employees and the larger Roxbury community; and professional development for the board. She also some things that the board felt were their strengths, including that they felt they all had a good working relationship; they respected other opinions and were good at listening; and they were always concerned about student and staff matters.
2. Mr. Fersch stated that he has been in touch with NYSSBA about having a board retreat specific to a new superintendent's relationship with the board. Mr. Fersch said that January 25th is a possible date to have someone from NYSSBA come down and do a retreat with the board and Mr. Bennett. Mr. Fersch thanked Mrs. Kalleberg for the work she did on the board self-evaluation.

Board Self-Evaluation

Custom Board Retreat

Superintendent's Report:

1. Mr. O'Brien stated that it looks like the switch-out of kitchen equipment will work over break. All the contractors are on board and will be synchronized for installations.
2. The Smartbond project has been completed. Mr. O'Brien stated that it is taking 140-180 days for the reimbursements to come through, and that the district needs to decide when they want to put in for those funds. He added that there is still approximately \$75,000 remaining, and the technology committee should start the process of deciding how to use those funds.
3. Mr. O'Brien stated that he received notice from the state that we due to have our Building Condition Survey done next year. He reminded the board that this is a structural and political document. Mr. O'Brien stated that the district needs to look at things like the parking lot and heating system. Anything that the district might want to be addressed in the next five years should be on the survey. Bill Taylor, our architect, used to do the survey as part of his services to the district, but now is with another firm and will do it for \$0.05 per square foot.

Kitchen Update

Smartbond Update

Bldg. Condition Survey

4. Mr. O'Brien stated that he spent the day with Mr. Bennett

Meeting with Mr.

talking about a lot of different things and taking him around the building.

Bennett

Principal's Report:

1. Ms. Ten Eyck stated that she is more than half-way done with teacher evaluations and will be done by the deadline.

Teacher Eval. Status Report

Board Committee Reports:

- RCMT Committee – Mr. Dalski stated there was a short RCM Committee meeting. He stated that Karen Bramley and Jo Hinkley had gone to a tech conference and they had shared some of the things they learned which opened their eyes, including updates with smartboards.
- Other – None

RCMT Committee

Board Comments and Questions: Mr. Fersch stated that he and Mrs. Kalleberg had attended the historical tour unveiling the new historical markers put up in town, noting that there was one now in front of the school. He added that the tour was set up very well. Mrs. Kalleberg added that it was a nice way to be a part of the greater community.

Old Business: None

New Business:

A. SUPERINTENDENT'S RECOMMENDATIONS

1. Dawn Kalleberg moved, seconded by Kelli Winnie, to approve the Letter of Intent to purchase a 48-passenger bus from Leonard Bus Sales Inc. in an amount not to exceed \$119,000 pending voter approval in May, 2020. Motion approved unanimously.

Bus Letter of Intent

Paul Shultis will prepare a report regarding the transportation needs of the district.

2. Kelli Winnie moved, seconded by Denise Johnston, to appoint Jeffrey Bennett to the following positions effective January 2, 2020:
 - Clerk of the Board
 - Official Receiver of Court Notices
 - Purchasing Agent
 - Chief School Officer to Certify Payroll
 - Child Nutrition Program Official

Bennett Appointments

- Child Nutrition Program Reviewing Official
- Child Nutrition Program Verification Official
- CASEBP designee
- Title I/ESSA Coordinator
- Chief Emergency Officer

Motion approved unanimously.

3. Kelli Winnie moved, seconded by Denise Johnston to approve the following resolution:

**Retirement Hardship
Withdrawals**

WHEREAS, the Roxbury CSD (“Plan Sponsor”) maintains the Roxbury CSD 403(b) Retirement Plan (“Plan”); and

WHEREAS, pursuant to Rev. Procs. 2013-22 and 2019-39, and IRS Notice 2018-95, the Plan Sponsor amends the plan documents in a good faith effort to meet the requirements of law, regulations or other issuances regarding eligibility requirements and hardship distributions; and

WHEREAS, this amendment is intended as a good faith effort to comply with the requirements of eligibility to participate in the Plan and hardship distribution final regulations and is to be construed in accordance with the same. Both the Amendment and the eligibility and hardship distribution final regulations will supersede any inconsistent Plan provisions;

NOW, THEREFORE, BE IT RESOLVED that the “Note” provisions set forth in the Adoption Agreement, “Employee Eligibility” is hereby restated and amended to read as follows:

[Note: An Employee normally works fewer than 20 hours per week if, for the 12-month period beginning on the date the Employee's employment commenced, the Employer reasonably expects the Employee to work fewer than 1,000 hours of service (as defined under section 410(a)(3)(C) of the Code) in such period, and, for each Plan Year ending after the close of that 12-month period, the Employee has worked fewer than 1,000 hours of service in the preceding 12-month period. Under this provision, an Employee who works 1,000 or more hours of service in the 12-month period beginning on the date the Employee's employment commenced or in a Plan Year ending after the close of that 12-month period shall then be eligible to participate in the Plan. Once an Employee becomes eligible to have Elective Deferrals made on his or her behalf under the Plan under this standard, the Employee cannot be excluded from eligibility to have

Elective Deferrals made on his or her behalf in any later year under this standard. Careful attention must be paid to compliance with the 20-hour rule by the District as it is necessary to the tax-qualification of the Plan.]

[Note: Persons occupying an elected or appointive public office are not eligible for the Plan unless such office is one to which the individual is elected or appointed only if the individual has received training, or is experienced, in the field of education.]

BE IT FURTHER RESOLVED that the “Note” provision set forth in the Adoption Agreement, “Hardship Distributions is hereby restated and amended to read as follows:

[Note: if hardship distributions under the Plan are allowed, the Plan and Vendors will apply the IRS "safe harbor" rules for such distributions. Effective 1/1/2020, the plan will no longer suspend elective contributions following a hardship withdrawal. See section 5.5 of the Plan for more information.]

BE IT FURTHER RESOLVED that section 5.5 of the Basic Plan Document, “Hardship Withdrawals” is hereby restated and amended to read as follows:

5.5 Hardship Withdrawals

(a) Hardship withdrawals shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets to be withdrawn to satisfy the hardship.

(b) The Individual Agreements shall provide for the exchange of information among the Employer or Employer’s agent and the Service Provider(s) to the extent necessary to implement the Individual Agreements, including, in the case of a hardship withdrawal that is automatically deemed to be necessary to satisfy the Participant’s financial need (pursuant to Section 1.401(k)-1(d)(3)(iv)(E) of the Income Tax Regulations). In addition, in the case of a hardship withdrawal that is not automatically deemed to be necessary to satisfy the financial need (pursuant to Section 1.401(k)-1(d)(3)(iii)(B) of the Income Tax Regulations), the Service Provider shall obtain information from the Employer or other Service Provider(s) to determine the amount of any plan loans and rollover accounts that are available to the Participant under the Plan to satisfy the financial need.

(c) Safe Harbor Contributions/QNECs/QMACs. Effective 1/1/2020, hardship distributions are permitted from Qualified Non-Elective Contributions, Qualified Matching Contributions or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12), if available under the Plan and not held in a Custodial Account.

(d) Amount Necessary to Satisfy Need Requirement. Effective 1/1/2020, a distribution will be determined to satisfy an immediate and heavy financial need only if the three criteria listed below are met:

- i. The distribution is not in excess of the amount required to satisfy the financial need (including any amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution);
- ii. The Participant has obtained all other currently available distributions, other than hardship distributions, under any deferred compensation plan, whether qualified or nonqualified, maintained by the Employer; and
- iii. The Participant has represented (in writing or by an electronic medium) that he has insufficient cash or other liquid assets to satisfy the financial need.

(e) Six-Month Suspension. Effective 1/1/2020, the Plan will not initiate a six-month suspension period on Elective Deferrals (and after-tax contributions) following a hardship distribution.

(f) Loan Requirement. Effective 1/1/2020, Participants are not required to take all available nontaxable loans before applying for a hardship distribution.

(g) Modification of Repair Expense. Between 1/1/18 and 2/17/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)- 1(d)(3)(iii)(B)(6) and Basic Plan Document 5.5(g)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165. Effective 2/19/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)- 1(d)(3)(iii)(B)(6)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165 (determined without regard to section 165(h)(5) and whether the loss exceeds 10% of adjusted gross income).

(h) New Safe Harbor Financial Need Provision. Effective 1/1/2020, the following immediate and heavy financial need will be considered as a safe harbor criteria for hardship distributions in addition to the safe harbor financial need provisions outlined in 5.5(g) of the Basic Plan Document and §1.401(k) -1(d)(3)(iii)(B):

- i. Expenses and losses (including loss of income) incurred by the Employee on account of a disaster declared by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provided that the Employee's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.

BE IT FURTHER RESOLVED that the Plan, as restated and amended is hereby approved and adopted.

Motion approved unanimously.

B. PERSONNEL:

Dawn Kalleberg moved, seconded by Kelli Winnie to approve the following personnel items:

Personnel

1. Approve the following Science Olympiad coaches:

Science Olym. Coaches

- Jessica Boyer – Advisor and High School Head Coach as per the RTA contract
- Neil Snedeker – Junior High School Head Coach as per the RTA contract
- Brian Kuhnau – Full-time Assistant Coach as per the RTA contract
- Joan Kemp – Full-time Assistant Coach as per the RTA contract

2. Approve Fred Zimmerman as a substitute teacher K-12. Fingerprint clearance has been received.

**Zimmerman Sub K-12
Teacher**

Motion approved unanimously.

OTHER:

1. Kelli Winnie moved, seconded by Dawn Kalleberg to approve the following CSE Recommendations:

CSE Recommendations

#’s 3026, 4233, 4050, 4091, 2945, 4064, 3002,
4377, 4262, 4304

Motion approved unanimously.

2. Kelli Winnie moved, seconded by Dawn Kalleberg, to approve the senior trip to Ocean City, Maryland on June 17-19, 2020. Motion approved unanimously.

Sr. Trip June 17-19

Public Comments: None

Dawn Kalleberg moved, seconded by Ed Dalski to adjourn the meeting at 8:02 pm. Motion approved unanimously.

Adjourn

Ed Fersch, BOE President

Thomas J. O’Brien, Superintendent

Marianne Schor, Secretary