

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
APRIL 10, 2019**

8085

A Special Meeting of the Board of Trustees of the Village of Warwick was held on Wednesday, April 10, 2019 at 6:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Eileen Patterson and George McManus. Trustee, William Lindberg and Village Clerk, Raina Abramson were absent. Also, present were: Village Treasurer, Cathy Richards and Village Accountant, Michael Vernieri.

The Mayor called the meeting to order and led in the Pledge of Allegiance.

Discussion

1. Warwick Playground Dreams Build Week – Food Tent Volunteers

Mayor Newhard: We had a request from the group, Warwick Playground Dreams, whether children fourteen and older could help out in the food tent, which is located in the bandstand and picnic pavilion which is well outside the construction area. The volunteer's duties would be serving food. There's no barbeque or anything like that going on. There may be some sternos or heating trays but cleaning up and garbage removal. It was sent to Steve Gaba. Steve said it was up to the Board.

Trustee Cheney: So, there will be adult supervision of those underage volunteers?

Mayor Newhard: There will be a tremendous amount of adult supervision.

Trustee Cheney: If there is supervision there, I don't...and if Steve doesn't see any obvious problems with it, I think we should allow it.

Trustee Patterson: I don't think we've ever had this question before. Why does it matter?

Mayor Newhard: Because they asked the question.

Trustee Patterson: Oh, interesting. I'm certain that there are people that age serving at Applefest.

Mayor Newhard: You go to the concession stand and there's sometimes...

Trustee Patterson: Well, sixteen I think is Little League.

Trustee Cheney: Well, they're under supervision.

Mayor Newhard: I think it's fine. Is that just a verbal ok, or do you think we need to make a motion?

Trustee Cheney: I don't think it is necessary to make a motion.

Mayor Newhard: And the other is an expense. As you know the Village is going to cover the hardscape and the playground mulch and the company, it's kind of a rare commodity for some reason, we've been shopping around trying to find distributors of this specific type of mulch, it's not even that specific, it's required, and no one I think in probably a thirty mile radius from here has it, which is strange considering how many playgrounds we have. It meets one standard but it does not meet both standards which, the second standard is handicap accessibility in that it gives traction I guess, but anyway we've done our due diligence and so we did find a vendor and they are from the Ithaca area and they will deliver it of course, but it has to be pre-paid and so...

Trustee Patterson: We're not allowed to pre-pay anything as a municipality. Don't we have to have it in our hands before we can pay for it?

Mayor Newhard: Well, we've pre-paid certain things.

Cathy Richards: Well, certain things we pre-pay like utilities and payroll.

Trustee Patterson: But those are contracts.

Cathy Richards: But they are requiring it. I just found out today from Cathy upstairs that they will deliver this mulch, but they have to have it paid in advanced.

Trustee Patterson: Michael, what do you think?

Michael Vernieri: I don't anything in advance. I think we should guarantee the payment; I mean we are a Village. What do they think we're not going to pay? But what if they don't deliver?

Trustee McManus: Or don't deliver on time.

Mayor Newhard: Right.

Cathy Richards: I don't know if they can be given the check when they deliver? I don't know if that's...I don't know any of the details of this?

Mayor Newhard: Yes.

Trustee Patterson: They clearly have a handle on the market.

Mayor Newhard: Yes, really.

Trustee McManus: Well, Play by Design is out of Ithaca.

Trustee Patterson: Oh, interesting. I didn't realize that.

Trustee Cheney: So, maybe that's a level of comfort that we should consider because if they're out of Ithaca and Play by Design is there, they must work together.

Trustee Patterson: Then that's worth a phone call to Play by Design to say if this project is going to stay on time you have to talk to your guy and tell them we will pay them when we receive it.

Mayor Newhard: Actually, the invoice is Play by Design.

Trustee Patterson: Oh, ok, then no. They are not getting money ahead of time. They are getting \$350,000 and it behooves them to have their stuff here.

Mayor Newhard: Well it says the invoice is due upon receipt. Now, receipt means that...

Cathy Richards: Well, there was an email attached to that and that's where Cathy said that they were looking for the payment before they deliver. Do you see what it says?

Trustee Patterson: Yes, but knowing that there's a little bit of flexibility maybe to break the rule for this but knowing it's a company that is about to get \$350,000 from this community I would say absolutely not, that's ridiculous. It's their own schedule that they have to meet, right?

Trustee Cheney: I mean, we face this every once and a while. Sometimes we are able to say no and have it stand, but if we have a contractor whose building something for us and he has to invest in the materials associated with building that and pay the people to build it before it's brought on site then that's something that I think is recognized, but they have a contract.

Trustee McManus: But Play by Design doesn't have a contract to build a playground for the Village of Warwick.

Trustee Patterson: No, they don't.

Trustee McManus: They have a contract with Warwick Playground Dreams.

Trustee Patterson: I think we should go by our accountant, and we are lucky enough to have our accountant sitting here with his advice and not do it until we get it. That's what I've always been told.

Trustee McManus: We will meet you on the site with a check to hand to your driver.

Mayor Newhard: Right.

Trustee McManus: If he doesn't want to dump until he has his check in his hand, that's up to him.

Mayor Newhard: Ok.

Cathy Richards: Ok, I'll let Mike know.

Mayor Newhard: We still have to agree to have the check because it's prior to the meeting so with those restrictions that it will be paid on delivery.

Cathy Richards: Right.

Trustee Patterson: Well, there's the voucher there isn't it?

Cathy Richards: Yes.

Mayor Newhard: Right. So, do you want to actually formalize it into a motion again since we are putting that restriction that the payment can be made upon delivery of the playground mulch?

Trustee Patterson: Isn't that the day of our meeting? So, if we sign that voucher that night, right, the 29th, 30th? When is our next meeting?

Trustee McManus: We can't cut the check before hand technically.

Cathy Richards: When are they delivering it?

Mayor Newhard: They would be delivering it on the...

Cathy Richards: The 19th.

Mayor Newhard: April 19th in time for build week.

Trustee McManus: I don't know why they need the mulch before they start building?

Trustee Patterson: Ten days before they start building. That's actually in the middle of the week, isn't it?

Trustee McManus: No, it's next Friday and then you're starting to build on Monday. The mulch is probably the last thing you're going to deal with, or one of the last things you're dealing with.

Trustee Cheney: So, do you want me to try a motion.

Mayor Newhard: Yes.

Stanley-Deming Park – Play by Design Invoice

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to pay the Play By Design invoice dated April 10, 2019 in the full amount of \$15,568.00 as requested at the time of delivery on or about April 19, 2019 to Stanley-Deming Park for the Playground of Dreams new playground project per the recommendation of the DPW Supervisor. Four Ayes

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW TO PERMIT OVERRIDE
THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

WHEREAS, the Village Board of the Village of Warwick is preparing a municipal budget for fiscal year 2019 – 2020; and

WHEREAS, the budget for the 2019-2020 fiscal year will require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c; and

WHEREAS, in order to approve the said budget it is necessary for the Village Board to enact a local law authorizing an override of the limit on the amount of real property taxes that may be levied by the Village of Warwick pursuant to GML §3-c, a copy of which is attached;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law; and
2. That a public hearing on the said local law is hereby set for April 29, 2019 at 7:30 p.m.; and
3. That the Village Clerk is hereby requested and directed to undertake publication and posting of notice of the public hearing.

Trustee Cheney presented the foregoing resolution, which was seconded by Trustee McManus,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Absent
George McManus, Trustee, voting	Aye
Eileen Patterson, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

Adjournment

A **MOTION** was made by Trustee Patterson, seconded by Trustee Cheney and carried to adjourn the Special Meeting at approximately 6:45 p.m.

Raina Abramson, Village Clerk

VILLAGE OF WARWICK
LOCAL LAW NO. __ OF THE YEAR 2019

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Purpose:

The purpose of this Local Law is to override the limit on the amount of real property taxes that may be levied by the Village of Warwick pursuant to General Municipal Law §3-c, and to allow the Village Board to adopt a budget for the 2019-2020 fiscal year that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority:

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty (60%) percent of the Village Board.

Section 3. Tax Levy Limit Override

The Village Board of the Village of Warwick, County of Orange, is hereby authorized to adopt a budget for the 2019-2020 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General municipal Law §3-c.

Section 4. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Effective Date:

This local law shall be deemed effective upon the date of enactment, regardless of when publication, posting and filing in the office of the Secretary of State in Albany occurs.