

VILLAGE OF BREWSTER

County of Putnam, State of New York

RESOLUTION 020211-1

FINAL DETERMINATION IN THE DISCIPLINARY PROCEEDING
AGAINST ROBERT A. SERINO

INTRODUCED BY: Deputy Mayor Piccini

SECONDED BY: Trustee Stockburger

DATE OF CONSIDERATION/ADOPTION: February 2, 2011

WHEREAS, a disciplinary proceeding was commenced by the Board of Trustees of the Village of Brewster against Robert A. Serino (hereinafter referred to as “Serino”), Code Enforcement Officer of the Village of Brewster, pursuant to the Notice of Discipline dated October 4, 2010, and

WHEREAS, Serino through his attorney filed a “Response to Notice of Discipline” dated October 14, 2010, and

WHEREAS, on November 3, 2010 Joseph J. Spofford was appointed as the Hearing Officer to convene and conduct a disciplinary hearing in this matter, and

WHEREAS, a disciplinary hearing was conducted on December 8, 2010 before Hearing Officer Joseph J. Spofford, in which the Village of Brewster and Serino appeared represented by their respective counsel, and in which witnesses appeared and testified, and

WHEREAS, a transcript of the disciplinary hearing was made, copies of which were forwarded to Serino’s Counsel, and

WHEREAS, the Hearing Officer submitted to the Board of Trustees a document entitled “Report and Recommendations” dated January 25, 2011, which includes the Hearing

Officer's report, analysis of the testimony and evidence presented, findings of fact, and a recommendation of disciplinary action, and

WHEREAS, the Board of Trustees of the Village of Brewster has reviewed and considered the transcript of the hearing in this matter, all documents in relation thereto, and the Report and Recommendations of Hearing Officer Joseph J. Spofford dated January 25, 2011, a copy of which is annexed hereto and made a part hereof as Exhibit "A," and

WHEREAS, the Board of Trustees of the Village of Brewster finds it appropriate to adopt the Report and Recommendations of the Hearing Officer in this matter in its entirety;

NOW, THEREFORE BE IT RESOLVED, that after a full, thorough and careful review of the Report and Recommendations of the Hearing Officer and the record of the disciplinary proceeding in this matter, and after careful consideration thereof, the Board of Trustees of the Village of Brewster hereby adopts all of the findings of fact of the Hearing Officer as contained in his Report and Recommendations dated January 25, 2011, and

BE IT FURTHER RESOLVED, that after a review of the record of the disciplinary proceedings, there are sufficient grounds to support the Board's determination in this matter, as further reflected in the Report and Recommendations of the Hearing Officer dated January 25, 2011, which includes the Hearing Officer's report, analysis of the testimony and evidence presented, findings of fact, and a recommendation that Serino be dismissed from service, a copy of which is annexed hereto and made a part hereof as Exhibit "A" and incorporated herein by reference, and

BE IT FURTHER RESOLVED, that Serino is hereby found to be guilty of all of the charges and specifications contained in the Notice of Discipline in this matter dated October 4, 2010, in that Serino is hereby found to be guilty of Charge I, including Specification 1, Specification 2, Specification 3, Specification 4, Specification 5, and Specification 6 thereof, and

BE IT FURTHER RESOLVED, that based upon the fact that Serino engaged in a pattern and plan of wilful misconduct while in the course of his employment as a Code Enforcement Officer of the Village of Brewster, the Board of Trustees determines that dismissal from employment with the Village of Brewster is the appropriate disciplinary action to be taken with respect to this matter, and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby accepts and adopts the recommendation made by the Hearing Officer that Serino be dismissed from his employment with the Village of Brewster, and

BE IT FURTHER RESOLVED, that Serino is hereby dismissed from his employment with the Village of Brewster effective immediately upon the date of this Resolution, and

BE IT FURTHER RESOLVED, that the Mayor of the Village of Brewster is hereby authorized to take any and all action to effectuate the dismissal of Serino from employment with the Village of Brewster, and

BE IT FURTHER RESOLVED, that as Serino is hereby dismissed from his employment with the Village of Brewster as a result of these disciplinary proceedings, Serino is not entitled to payment for the initial thirty (30) day period of suspension which was imposed at the commencement of these proceedings.

UPON ROLL CALL VOTE:

Mayor Schoenig	YES	Trustee Bryde	YES
Deputy Mayor/Trustee Piccini	YES	Trustee Boissonnault	YES
Trustee Stockburger	YES		

VOTE: RESOLUTION CARRIED BY A VOTE OF 5 TO 0.

