

A LOCAL LAW TO AMEND  
CHAPTER 56 OF THE VILLAGE  
CODE AND PROVIDE FOR  
RETIREMENT INCENTIVE  
PURSUANT TO PART A OF NEW  
YORK LAWS CHAPTER 105 OF  
LAWS OF 2010

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. Section 56-1 through Section 56-5 of the Village Code enacted by Local Law No. 2-2002 adopted by the Board of Trustees August 15, 2002, are repealed in their entirety.

Section 2. Chapter 56\* of the Village Code is amended to read as follows:

§56-1. 2010 Retirement Incentive Program Authorized.

(a) The Village of Briarcliff Manor hereby elects to provide its eligible employees with the Part A retirement incentive program authorized by the State of New York (“State”) under Chapter 105 of Laws of 2002 (“State Enabling Law”).

§56-2. Part A Provisions.

(a) Eligible Titles. Eligible Village employees in the following titles may qualify for the retirement incentive program authorized under Part A of the State Enabling Law:

- (1) Titles
  - [a] Caretaker
  - [b] Court Clerk
  - [c] Lead Maintenance Mechanic
  - [d] Library Director I
  - [e] Motor Equipment Operator
  - [f] Office Assistant Automated Systems
  - [g] Secretary to the Zoning Board of Appeals
  - [h] Senior Office Assistant Office Manager
  - [i] Water & Sewer Maintenance Worker II

(2) The Board of Trustees may remove titles from the foregoing list of eligible titles by resolution adopted at any time before the Commencement Date.

(b) Commencement Date and Open Period. For the retirement incentive program authorized under Part A of the State Enabling Law, the Commencement Date shall be October 1, 2010, and the Open Period shall be 90 days.

(c) Findings as to Reductions in Service, Health and Safety, and Revenue. The Board of Trustees finds and determines that:

(1) In each of the titles identified in or in accordance with §56-2(a), the number of eligible Village employees who may qualify for the retirement incentive program authorized under Part A of the State Enabling Law is:

[a] Motor Equipment Operator – 2

[b] Senior Office Assistant Office Manager – 2

[c] All others – 1

(2) The reduction of all or some of the positions filled by eligible Village employees included in the calculations in §56-2(c)(1) would not unacceptably:

[a] Directly result in a reduction of the level of service required or mandated to protect and care for clients of the State or Village or to assure public health and safety.

[b] Endanger the health or safety of employees of the State or Village.

[c] Clearly result in a loss of significant revenue to the State or Village or result in substantially increased overtime or contractual costs.

(d) Payment of Benefits. The actuarial present value of the additional retirement benefits payable by the Village under the Part A retirement incentive program authorized by State Enabling Law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Village for each employee who receives the retirement benefits payable under this § 56-2.

§56-3. Intentionally Left Blank.

§56-4. Administration, Implementation, and Interpretation

(a) The provisions of this Chapter 56 shall be administered, implemented, and interpreted in accordance with the State Enabling Law.

(b) Terms which are defined in the State Enabling Law and used in this Chapter 56 shall have the same meaning in this Chapter 56 as in the State Enabling Law.

§56-5. Coordination with Village Incentive Program.

(a) Village Employees are exempted from the provisions of §4(b)(b) of Part A and any corresponding provision of Part B of the State Enabling Law, and the benefits available under this Chapter 56 and the State Enabling Law shall be in addition to and payable with any payment or payments pursuant to the Village's 2010 Separation Incentive Program under Agreement with between the Village and CSEA, Inc. Local 1000, AFSCME, AFL-CIO, Village of Briarcliff Manor Unit, approved by resolution of the Board of Trustees adopted June 2, 2010.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law and filing the Office of the Comptroller of the State of New York and the New York State and Local Employees' Retirement System in accordance with the State Enabling Law.