RESOLUTION NO. 78

TITLE: AMENDING SCHOHARIE COUNTY POLICIES AND PROCEDURES MANUAL FOR SHERIFF'S OFFICE

OFFERED BY: Larry Bradt Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

RESOLVED, that this Resolution shall serve to amend the Schoharie County Policies and Procedures Manual by adding Section 7.4 to chapter VII, as follows:

PURPOSE: Section 7.4 – Social Media Policy for Sheriff's Office

To establish a policy regarding use of social media and social networking by sworn and unsworn members of the Sheriff's Office.

POLICY:

The Sheriff's Office endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the Sheriff's Office position on the utility and management of social media and provides guidance on its management, administration, and oversight. In doing so, this policy sets forth expectations of Sheriff's Office employees with respect to their use of social media and social networking, and the direct effect such use has upon the reputation, perception and interests of the Sheriff's Office and its employees.

I. BACKGROUND

A. Social media provides a contemporary and potentially valuable means of assisting the Sheriff's Office and its personnel in meeting several police strategies, including, but not limited to, community outreach, problem-solving, investigations and crime prevention. Social media also plays a significant role in the personal lives of numerous Sheriff's Office employees. However, it must be formally and universally recognized that the personal use of social media has the potential to impact the Sheriff's Office as a whole, as well as individual members serving in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Sheriff's Office personnel.

B. As members of the Sheriff's Office, employees are embodiments of its mission. It is, thus, essential that each member accept his or her role as an ambassador of the Sheriff's Office. In doing so, each member must strive to maintain public trust and confidence, not only in his or her professional capacity, but also in his or her personal and on-line activities. Moreover, as police personnel are necessarily held to a higher standard than general members of the public, the on-line activities of employees of the Sheriff's Office shall reflect such professional expectations and standards.

II. DEFINITIONS

A. For the purpose of this policy, the following definitions apply:

1. Social Media: On-line sources that allow people to communicate, share, and/or exchange information with others via some form of on-line or cellular network platform. Information may include, but is not limited to, text, photographs, video, audio, and other multimedia files.

2. Social Networking: Involves using such internet or mobile formats as MySpace, Facebook, Twitter, Linkedin, Foursquare, Usenet groups, message or on-line bulletin boards, blog and other similarly developed formats, to communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.

3. Internet: A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

4. Post [noun]: An item inserted into a blog, or an entry to any type of computerized bulletin board, forum or social media site.

5. Post [verb]: The act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.

6. Blog: A series of entries, written by either one person or a group of people, in any online journal, usually posted in chronological order, like a diary. Blogs can allow or disallow comments on entries.

7. Comments: Responses to blog post, news article, social media entry or other social networking post.

III. GENERAL POLICY

A. It is the policy of the Sheriff's Office that all existing laws, policies, procedures, and orders that govern on-and off-duty conduct are applicable to conduct associated with social media and networking.

B. When engaging in social networking, employees will strictly adhere to any and all of the following:

1. Existing federal, state, and local laws.
2. Policies of Schoharie County and the Schoharie County Sheriff's Office.
3. Laws regarding public information on arrests, investigations, and personnel data.

C. Employees are prohibited from using their status as members of the Sheriff's Office to endorse any product or service without prior written permission from the Sheriff or the Sheriff's designee.

D. Employees are prohibited from posting images of police personnel working in an undercover capacity or identifying such personnel as law enforcement officers.

E. Employees are prohibited from using Schoharie County or Sheriff's Office property [on-or off-duty] to engage in personal use of social media.

1. For the purpose of this policy, Schoharie County or Sheriff's Office property includes, but is not limited to, desk-top computers, lap-top computers, cell phones, hand-held digital or electronic devices [e.g., Blackberry phones], and digital storage media.

F. While in on-duty status, employees are prohibited from using privately-owned property to engage in personal use of social media.

G. Employees who are off-duty, and using privately-owned property to engage in the personal use of social media, do not represent Schoharie County, the Sheriff's Office, or any official position maintained by either entity. Under such conditions, employees represent only themselves and their personal interests.

H. There is no reasonable expectation of privacy when engaging in social networking online. As such, the content of social networking websites may be obtained for use in criminal trials, civil proceedings, and departmental investigations.

IV. GENERAL CATEGORIES OF SOCIAL MEDIA USAGE

A. The Sheriff's Office recognizes two general categories of social media usage among employees:

1. Department-Authorized Use of Social Media.
2. Personal Use of Social Media.

B. Department-Authorized Use of Social Media:

1. Department authorized use of social media is defined as the employment of such instruments for the specific purpose of assisting the department and its personnel in community outreach, problem-solving, investigation, crime prevention, and other department-related objectives.

2. in addition to the rules and regulations set forth in Section IV of this policy, the following provisions shall apply to department-authorized use of social media.

a. Sheriff's' Office employees seeking to represent the department via social media outlets [e.g. individual or unit web page, Facebook, Twitter, MySpace, etc.] shall obtain express permission from the Sheriff or designee, prior to engaging in such activity.

b. Upon obtaining authorization, when engaging in social media networking, employees shall:

i. Properly identify themselves as a member of the Sheriff's Office. NOTE: In instances whereby proper identification poses a risk to officer safety or may impede the progress of a criminal investigation, employees, with permission from the Sheriff or designee may exclude department membership from their profiles.

ii. At all times, conduct themselves as representatives of the department and, accordingly, adhere to all department policies and standards of conduct, and observe conventionally accepted protocols and proper decorum.

iii. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

iv. Observe and abide by all existing Schoharie County information systems policies, including, but not limited to, "Internet Use and Access" and "Electronic Mail and Messaging."

c. When engaging in department-authorized social media networking, department employees shall not under any circumstances:

i. Make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.

ii. Post, transmit, or otherwise disseminate confidential information, including photographs or videos related to department training, activities, investigations, or any other work-related assignment, without specific and express written permission from the Sheriff or designee.

iii. Conduct political activities or private business.

C. Personal Use of Social Media:

1. Personal use of social media is defined as engagement or participating in any personal social networking platform, including but not limited to, personally-owned sites, the sites of others [both known and unknown to the employee], news media pages, professional sites unaffiliated with the Schoharie County Sheriff's Office, or other information exchange forums.

2. In addition to the rules and regulations set forth in Section IV of this policy, the following provisions shall apply to personal use of social media while off-duty and using privately-owned property.

a. Employees shall neither express or imply that they are; speaking or acting on behalf of the Sheriff's Office, representing or presenting the interests of the Sheriff's Office.

b. Employees shall not use their rank, title, or position in a manner that would suggest that they are representing the interest or official position of the Sheriff's Office.

c. Employees shall not post any depiction or illustration of the Official Seal of the County of Schoharie, or the Schoharie County Sheriff's Office name, badge, logo, patch or patrol vehicle.

3. In addition to the above provisions, when engaging in personal use of social media, employees shall not post any text, photograph, audio, video, illustration, or any other multimedia file related to, or depicting, any of the following:

a. Current, past, or pending departmental investigation.

b. Criminal or civil proceeding pertaining to or arising from any matter involving the department, including allegations of misconduct.

4. As public employees, department personnel are cautioned that speech on-or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities –is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon them and the Sheriff's Office.

5. Department personal shall not post, transmit, or otherwise disseminate any information to which they have access as result of their employment without written permission from the Sheriff or designee.

6. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:

a. Display department logos, uniforms or similar identifying items on personal web pages.

b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police office of this department. Deputies who are, or who may reasonably be expected to work in undercover operations shall not post any form of visual or personal identification.

7. Department personnel should be aware that they may be subject to civil litigation for:

a. Publishing or posting false information that harms the reputation of another person, group, or organization [defamation];

b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

8. Reporting violations: Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Dated: July 19, 2012
Filed: July 19, 2012

Sheryl Dargetian
Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012, at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, _____, Absent _____, _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie

Tabled 7/20/12
Tabled 8/28/12

RESOLUTION NO. 80

TITLE: AMENDING RESOLUTION NO. 78 OF 1970 WHICH ESTABLISHED CODE OF ETHICS FOR SCHOHARIE COUNTY

OFFERED BY: Sandra Manko Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

WHEREAS, by Resolution No. 78 of 1970, the Schoharie County Board of Supervisors adopted a Code of Ethics for Schoharie County, which was amended by Resolution No. 70 of 2000; and

WHEREAS, after extensive study, the Rules and Legislation Committee has determined that an Annual Statement of Financial Disclosure shall be incorporated into said Code of Ethics, requiring certain officers, employees, board members and committee members to prepare and annually file such disclosure with the Clerk of the Board of Supervisors, now, therefore, be it hereby

RESOLVED, that Resolution No. 78 of 1970, as previously amended, is hereby amended to add a new subsection to SECTION C – STANDARD OF CONDUCT, as follows:

[I] ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

All those officers, employees, board members and committee members listed on page 3 of the Annual Statement of Financial Disclosure, attached hereinafter as Appendix A, shall no later than January 31st of each year prepare and file such statement of Financial Disclosure with the Clerk of the Board of Supervisors, failing which they shall be subject to the provisions of SECTION E – PENALTIES,

and be it further

RESOLVED, that all other portions of the Code of Ethics, as previously amended, are hereby ratified and shall remain in full force and effect.

Dated: July 19, 2012
Filed: July 19, 2012

Sheryl Gargetean
Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012 at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, _____, Absent _____, _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie

Tabled 7/20/12
Tabled 8/28/12

RESOLUTION NO. 89

TITLE: AMENDING THE BUDGET AND TRANSFER OF FUNDS

OFFERED BY: Robert Mann, Jr Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

RESOLVED, that the Schoharie County Treasurer is hereby authorized and directed to amend the 2012 Budget, and transfer the following amounts within said Budget:

BUDGET TRANSFERS:

FROM	TO	AMOUNT
A1325.1014 Sr. Account Clerk	A1325.1010 Account/Budget Analyst	4,975.00
A1325.1014 Sr. Account Clerk	A1325.1801 Accountant PT	3,500.00
A1355.1006 Tax Map Technician	A1355.1012 Deputy Director	11,142.00
A1410.1011 DMV Rep. II	A1410.4321 Training & Education	700.00
A1410.1011 DMV Rep. II	A1410.1803 Dep. County Clerk PT	1,000.00
A1415.1005 Archives Records Worker	A1415.1003 Records Retention Coord.	10,000.00
A1415.1005 Archives Records Worker	A1410.1905 Health Buy-out	501.00
A1430.4101 Office Supplies	A1430.1901 Overtime	800.00
A1430.4259 Computer Contract	A1430.1901 Overtime	200.00
A1430.4213 Test Fees	A1430.1901 Overtime	164.00
A1430.4306 Miscellaneous Expenses	A1430.4215 Physical Exams	605.00
A3140.4308 Training	A3140.4103 Gas and Oil	800.00
A3150.4210 Inmate Medical	A3150.1901 Overtime	30,000.00
A3640.2101 Office Furniture	A3640.4202 Copier Lease	73.00
A3640.4103 Gas and Oil	A3640.4202 Copier Lease	700.00
A4010.1012 Epidemiologist	A4010.4208 Clinical Document Costs	3,248.00
A4010.4610 Per diem Nursing	A4010.4235 Consultant	2,000.00
A4010.4610 Per diem Nursing	A4010.4101 Office Supplies	800.00
A4010.1535 Prin. Account Clerk	A4010.4235 Consultant	4,000.00
A4010.1535 Prin. Account Clerk	A4010.1902 RN On-call	280.00
A4059.4209 Early Intervention Serv.	A4010.4685 Children with Special Needs	1,350.00
A4252.1011 Staff Social Worker	A4252.1905 Health buy-out	500.00
A4252.4101 Office Supplies	A4252.4609 Drug Testing	1,000.00
A4252.4321 Training & Education	A4252.4609 Drug Testing	500.00
A4252.4599 Repairs and Maintenance	A4252.4609 Drug Testing	500.00
A4310.4619 ICM Adults	A4310.4620 ICM Children	3,000.00
A4324.4611 CCSI Respite	A4252.4609 Drug Testing	500.00
A4324.4611 CCSI Respite	A4310.4224 Clinic Expenses	9,500.00
A5630.4308 Sr. Council Contract	A5630.4542 Garage Maintenance	2,000.00
A6610.4306 Miscellaneous Expenses	A6610.4321 Training & Education	300.00

BUDGET AMENDMENTS:

Create Appropriation Line:

A1415.1003 Records Retention Coordinator – G-11

			BY:
Increase Appropriation Line:	A1950.4253	Taxes on County Owned Property	11,677.00
Increase Revenue Line	A1090	Interest and Penalties on Taxes	11,677.00
Increase Appropriation Line:	A1620.4799	Flood Reconstruction / re-equip	300,000.00
Increase Appropriation Line:	A1620.4786	Temporary Office Expenses	335,000.00
Increase Revenue Line:	A3785	Disaster Assistance - State	158,750.00
Increase Revenue Line:	A4785	Disaster Assistance – Federal	476,250.00

[for: Document Reprocessors: Labella, BBL, Lamont Engineers, etc.]

Increase Appropriation Line:	D5112.2925	Disaster Projects	34,000.00
Increase Revenue Line:	D3785	Disaster Assistance - State	8,500.00
Increase Revenue Line:	D4785	Disaster Assistance – Federal	25,500.00

[for: Debris Removal from Route 145 in Town of Broome]

Dated: September 20, 2012
Filed: September 20, 2012

Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012 at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, _____, Absent _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie

RESOLUTION NO. 90

TITLE: A RESOLUTION AUTHORIZING CAPITAL PROJECTS IN AND FOR THE COUNTY OF SCHOHARIE, NEW YORK, AT A MAXIMUM ESTIMATED COST OF $19,000,000.00 AND AUTHORIZING THE ISSUANCE OF $19,000,000.00 BONDS TO PAY COSTS THEREOF.

OFFERED BY: Robert Mann, Jr Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Board of Supervisors of the County of Schoharie, New York, as follows:

Section 1. The following projects and improvements are hereby authorized in and for the County of Schoharie, New York:

(a) The reconstruction of the County Office Building, at a maximum estimated cost of $9,000,000.00, being a specific object or purpose having a period of probable usefulness of twenty-five years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law; and

(b) The reconstruction of the County Jail, at a maximum estimated cost of $10,000,000.00, being a specific object or purpose having a period of probable usefulness of twenty-five years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The plan for the financing of the aforesaid purposes consists of the issuance of $19,000,000.00 bonds of said County, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, which shall be allocated as per the maximum estimated costs set forth in Section 1 hereof. The amount of bonds to be issued shall be reduced to the extent of State and Federal aid received therefor which is currently estimated to cover the aggregate maximum estimated costs.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Schoharie, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. The validity of such bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with as the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said County designated for such purpose, together with a notice of the Clerk of the County Board of Supervisors in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Dated: September 20, 2012
Filed: September 20, 2012

Sheryl Daigetean
Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012, at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, _____, Absent _____,_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie

RESOLUTION NO. 91

TITLE: APPROVING WORKFORCE DEVELOPMENT LOCAL PLAN FOR FULTON, MONTGOMERY AND SCHOHARIE COUNTIES (2012/2013)

OFFERED BY: Thomas M Murray Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

WHEREAS, in accordance with the Workforce Investment Act (WIA) of 1998, Fulton, Montgomery and Schoharie Counties entered into an agreement prescribed by WIA to govern the management structure for the Fulton-Montgomery-Schoharie Workforce Development Board since 2000; and

WHEREAS, in accordance with WIA law, the Fulton-Montgomery-Schoharie Workforce Development Board is required to develop and adopt a one-year Local Plan for WIA title 1-Band Wagner-Peyser Programs; and

WHEREAS, the Local Plan needs approval from the Boards of Supervisors in Fulton, Montgomery and Schoharie Counties, now, therefore be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to sign the Workforce Development Board Local Plan agreement between the County of Schoharie, and the Counties of Montgomery and Fulton to implement requirements of the Workforce Investment Act, effective retroactive to July 1, 2012 through June 30, 2013, said agreement subject to the approval of the County Attorney; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Workforce Development Board, Montgomery County Board of Supervisors, Fulton County Board of Supervisors, and to each and every other person, institution or agency who will further the purpose of this Resolution.

Dated: September 20, 2012
Filed: September 20, 2012

Sheryl Daigneau
Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012, at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, _____, Absent _____,_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie

RESOLUTION NO. 92

TITLE: SCHOHARIE COUNTY OPPOSITION TO CLEAN WATER ACT DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY

OFFERED BY: Anthony VanGlad Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

WHEREAS, Schoharie County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act [CWA]; and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, the Environmental Protection and Agency [EPA] and the United States Corps of Engineers [Corps] has developed draft guidance on Identifying "Waters" Protected by the Clean Water Act [draft guidance] to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, this draft guidance creates uncertainty, confusion and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Schoharie County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the draft guidance to Schoharie County will be significant with roadside ditch projects and ongoing maintenance alone costing additional thousands of dollars annually to Schoharie County citizens due to the need for jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS, Schoharie County believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue; now, therefore, be it hereby

RESOLVED, that Schoharie County urges EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources; and be it further

RESOLVED, that Schoharie County supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding their aforementioned concerns; and be it further

RESOLVED, that a copy of this Resolution, suitably engrossed, should be transmitted to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House of Representative Paul Tonko, EPA Administrator Lisa Jackson, New York Governor Andrew Cuomo, New York State Senator James Seward, New York Assembly Representative Peter Lopez, and EPA Region 2 Administrator Judith Enck.

Dated: September 20, 2012
Filed: September 20, 2012_

Sheryl Langtean
Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

_____
County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012 at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, _____, Absent _____,_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie

RESOLUTION NO. 93

TITLE: EXPRESSING REGRET FOR DEATH OF JOHN E. FUNCK

OFFERED BY: William Goblet Who moved its adoption.

SECONDED BY: Donald Brandow Chairman Rules & Legislation Committee

WHEREAS, this Board has been saddened by the recent death of JOHN E. FUNCK, a former Supervisor and Member of this Board representing the Town of Wright; and

WHEREAS, JOHN E. FUNCK, served as Supervisor of the Town of Wright and on the County Board of Supervisors from 1958 to 1967 and again from 1974 to 1978; and

WHEREAS, JOHN E. FUNCK, served our County at all times in a highly distinguished and honorable manner and should be further recognized by this Board for his many other accomplishments, chief of which would be his service to his Country during World War II when he flew in 35 missions over Germany as an engineer and top–turret gunner on a B-17 Flying Fortress, now, therefore, be it hereby

RESOLVED, that this Board of Supervisors expresses profound regret for the death of JOHN E. FUNCK, and that when this Board adjourns today, it shall do so out of respect for former Supervisor of this Board, JOHN E. FUNCK, and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to furnish a copy of this resolution to the family of JOHN E. FUNCK, expressing this Board's deepest sympathy.

Dated: September 20, 2012
Filed: September 20, 2012

Sheryl Largetear
Clerk, Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the _____ day of _____ 2012, at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes _____, No, _____, Absent _____, _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this _____ day of _____, 2012.

_____ Clerk,
Board of Supervisors of the County of Schoharie