

Resolution of the Town of Farmersville

Francis Pete Lounsbury, Supervisor

Members of the Town Council: Donna Vickman | Pamela Tilton | Mark Heberling | Richard Westfall

Clerk: Bridget Holmes

DATE: _____

RESOLUTION NUMBER: _____ YEAR: _____

MOVED BY: _____ SECOND BY: _____

TITLE: **Resolution to Recover Town Records; Authorizing Supervisor;**

WHEREAS, Town officers recently discovered that the office and desk located in the Town Hall and a town-owned computer utilized by Robert Karcher, former town supervisor whose term ended on December 31, 2019, were devoid of any records, papers, files, equipment, material, and/or supplies, including all electronic files, documents and/or emails, that belonged to the Town of Farmersville and were the responsibility of the Town Clerk in the Clerk’s role as the statutorily required records management officer; and

WHEREAS, no town officer or employee in his/her individual capacity has the authority to destroy, remove or otherwise cause not to be available any record of the town, including those records on a town owned computer; now therefore be it

RESOLVED, that the Supervisor be authorized and directed to take action to retrieve said hard and soft files and data, records, papers, files, equipment, materials, and/or supplies, and such authorization and direction shall include but not be limited to contracting with a forensic data retrieval company; and be it further

RESOLVED, that the Supervisor be hereby authorized and directed to recover any cost associated with retrieving the aforementioned records from Robert Karcher, and such authorization and direction shall include but not be limited to seeking monetary civil judgment for payment, and be it further

RESOLVED, that the Supervisor is authorized and directed to refer this matter to the New York State Police, the Cattaraugus County District Attorney and/or any law enforcement agency with jurisdiction for investigation and, if appropriate, criminal prosecution.

The resolution as stated above is hereby adopted by a majority vote of the Town of Farmersville Town Board at an official meeting held on the 13th day of January in the year 2020, the ayes and nays take and recorded below:

_____ Francis Pete Lounsbury, Supervisor

_____ Donna Vickman, Councilmember

_____ Pamela Tilton, Councilmember

_____ Mark Heberling, Councilmember

_____ Richard Westfall, Councilmember

CERTIFIED: _____

Bridget Holmes, Clerk
Town of Farmersville