

# VILLAGE OF VICTORY

At a meeting of the Village Board of Trustees of the Village of Victory, Saratoga County, New York, held at the Village Office Building, 23 Pine Street, Victory, New York, on the ~~5th~~<sup>11th</sup> day of ~~June~~<sup>July</sup>, 2012 at 7:00 o'clock p.m. there were:

PRESENT: ~~James Sullivan, Mayor;~~ Patrick Dewey and Timothy Healy, Trustees

ABSENT: ~~None~~ ~~James Sullivan, Mayor~~

Mr. Healy offered the following resolution and moved its adoption:

**WHEREAS**, pursuant to Section 4-412(1)(a) of the Village Law of the State of New York the Board of Trustees of the Village of Victory (the "Board") has the management of the Village's property and finances; and

**WHEREAS**, this statutory power has been interpreted and construed by the Comptroller of the State of New York, in 1981 N.Y. St. Comp. 465, as including the power to discuss and act on matters pertaining to the good government of the village, its management and business, the protection of its property, the safety, health, comfort and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works; and

**WHEREAS**, in the exercise of the foregoing powers, the Board desires to adopt certain policies and procedures regarding the maintenance and use of the Village's Web site;

## **NOW, THEREFORE, BE IT**

**RESOLVED**, that the use and maintenance of the Village's Web site shall be governed by the following policy and procedure:

### Village of Victory Municipal Web Site Policy

1. Purpose & Goal. The purpose of the Village of Victory's Web site is to provide information about the Village's government services and local attractions. In establishing and maintaining its official Web site, the Village does not intend in any manner to create a forum or other means by which public discourse, exchange of opinions, or discussion on issues of any nature may occur. Rather, the sole and limited purpose of the Village's Web site and permitted external links is to provide information of a factual nature about the Village of Victory, including various services and resources available within and around the Village, or as may be available from other governmental agencies. The goals of the Web site are to encourage increased citizen participation in Village government by making public information more readily available to them, provide electronic access to Village information through a logical single point of entry, and to keep the public informed of local events.

2. Definitions. The following definitions shall apply to this Policy:

(a) "Village Web site" means the official Village of Victory website available at [www.villageofvictory.org](http://www.villageofvictory.org), and any additional domain name(s) that the Village acquires for official Village use.

(b) "External Website" means a website maintained by a third party, and not by the Village.

(c) "External Link" is a hyperlink from the Village website to a website maintained by a third party.

(d) "User" or "Users" means an individual or individuals who access the Village webpage through the Internet.

3. Confidentiality. The New York Freedom of Information Law applies to information processed, sent, and stored on the Internet. Confidential information should not be posted on the Village's Web site. While the Village of Victory Web site may track overall site traffic, it doesn't collect individual User details unless a User voluntarily submits such information. It does not share that information with outside sources, and is committed to keeping such information confidential. If at any time a User believes that the Village of Victory's Web site is not protecting his or her privacy, the person should e-mail the Website Administrator, who will attempt to assess and, if necessary, correct the problem.

4. Website Administrator. The Board of Trustees shall appoint a Website Administrator, who is responsible for maintaining the Village's Web site. All information prepared for posting on the Village Web site shall be routed through the Website Administrator. The Website Administrator is responsible for establishing maintenance procedures and style guidelines. The Village of Victory Board of Trustees is the ultimate authority regarding policy governing the Village's Web site. The Website Administrator aims to carry out Village Web policies day-to-day, but is subject to the authority of the Board of Trustees. These policies may include, but not be limited to, defining the look and feel of the Web site, deciding who may post information on the site and regulating the nature and type of the content which can be posted to the Website. Complaints about any aspect of Web policy should be brought first to the attention of the Website Administrator. If a complainant is unsatisfied, he or she may appeal to the Board of Trustees. The Board of Trustees reserves the right to make changes to Web policy at any time.

5. Final Decision. The decision to post or not post content and/or links on the Village Web site resides solely with the Board of Trustees or its designee. The decision of the Board of Trustees or its designee is final and binding. Under no circumstances will individuals or entities be entitled to compensation or damages in the event that the Board of Trustees or its designee directs the Village to include or exclude the content or link.

6. Links. The Village's Web site may provide links to Web sites outside the Village's Web site that also serve the purpose of encouraging citizen participation in government, promoting local businesses and attractions, and informing the public of useful information. The Village is not responsible for and does not endorse the information on any linked Web site unless the Village's Web site states otherwise. The following criteria will be used to decide whether to grant requests for Village Web site links. If a particular request does not fit any of the following criteria, the Board of Trustees will decide whether to approve the request. The Board of Trustees will approve the requested Web site link if it serves the general purpose of the Village's Web site. The Village of Victory reserves the right to remove a link to content deemed obscene or inappropriate.

The Village's Web site may provide links to Web sites for:

- Government and educational institutions;

- Organizations with some relationship to the Village (including but not limited to: organizations contracting with the Village, organizations sponsoring Village activities or programs, and organizations participating in Village activities or programs);
- Generally recognized community organizations;
- Organizations providing information about art, cultural, and sporting activities in the Village's area;
- Businesses physically located within the Village of Victory;
- Organizations providing information about employment opportunities in the Village's area; and
- Organizations providing information about tourist attractions in the Village's area.

The Village's Web site will not provide links to Web sites for:

- Candidates for local, state, or federal offices;
- Political organizations, civic or citizens associations, or other organizations advocating a position on a local, state, or federal issue;
- Corporate or other for-profit organizations unless they fit any of the criteria stated above;
- Individual or personal home pages.

The Village's Web site will not provide links to Web sites that:

- Promote or exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content; or
- Violate any of the Village's equal opportunity policies.

7. Disclaimer. The materials and information contained on or obtained from this Web site are distributed "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability of fitness for a particular purpose. Information contained on this Web site, including information obtained from External Links thereon, is provided without any representation of any kind as to accuracy or content and should be verified by the User. The Village of Victory is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the Web site and/or the materials contained on the site whether the materials contained on the Web site are provided by the Village of Victory, or by a third party. Data contained on the Web site are subject to change without notice.

8. No Warranty or Representation. The Village's web server(s) are maintained to provide public access to Village information via the Internet. The Village's web services and the content of its web servers and databases are updated on a continual basis. While the Village attempts to maintain the Village Web site's information as accurate and timely, the Village does not warrant or make representations or endorsements as to the quality, content, accuracy, or completeness of the information, text, graphics, hyperlinks, and other items contained on its server or any other server. Materials on the Village Web site have been compiled from a variety of sources, and are subject to change without notice from the Village as a result of updates and corrections.

9. Service Marks, Trademarks and Copyright. To the extent legally permissible, commercial use of web materials is prohibited without the written permission of the Village. All service marks and trademarks on the Web site are the property of their respective owners. The Village retains copyright on the Village Seal, all text, graphic images, and other content, unless otherwise noted. No person or entity may use the Village Seal without approval of the Board of Trustees. No person or entity shall engage in any of the following conduct without written permission from the Board of Trustees or its designee: a)

modify and or use the text, images or other Village Web site content from a web server, b) distribute the Village's web content, and c) "mirror" the Village's information on a non-Village server.

10. Notice to the Village. Communications through the Village Web site, by e-mail or otherwise, shall in no way be deemed to constitute legal notice to the Village of Victory or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the Village or any of its agencies, officers, employees, agents, or representatives. No communication through the Village Web site shall be deemed to constitute legal or official notice for any purpose.

11. Errors, Omissions, Warranty, Damages. The Village of Victory is neither responsible nor liable for any viruses or other contamination of a user's system due to access of the Village Web site, nor for any delays, inaccuracies, errors or omissions arising out of the user's access of the Village Web site or with respect to the material contained on the Village Web site, including without limitation, any material posted on the Village Web site. The Village Web site and all materials contained on it are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The Village is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the Village Web site and/or the materials contained on the Village Web site, whether the materials contained on the Village Web site are provided by the Village of Victory or a third party.

12. Indemnification. To the extent permitted by applicable law, by using the Village Web site, the user agrees to defend, indemnify, and hold harmless the Village of Victory, its agencies, officers, employees, representatives, and agents from and against all claims and expenses, including attorney's fees, arising out of the user's use of the Village Web site and or materials and information contained on the Village Web site.

13. Authority of Village Clerk. The Village Clerk or his designee shall have the authority and responsibility for the implementation of this Policy. The Village Clerk may also make interpretations on issues that are not clearly articulated or not included in this Policy, so long as the Village Clerk's discretion is exercised in a manner consistent with the stated purposes of the Village Website.

This Policy will be posted on the Village website for review by the public at any time. Questions or comments regarding any subjects or issues addressed in this Policy may be directed to:

Village of Victory  
Attn: Village Clerk  
P.O. Box 305  
Victory Mills, New York 12884  
E-mail: [kemmetmaureen@yahoo.com](mailto:kemmetmaureen@yahoo.com)

And be it

**FURTHER RESOLVED**, that the Clerk/Treasurer is hereby authorized and directed to take appropriate steps and to prepare and file all appropriate forms and statements in order to carry out the purpose and intent of this resolution; and be it

**FURTHER RESOLVED**, that this resolution shall take effect immediately.

Moved by Tr. Healy, seconded by Tr. Dewey and adopted as follows:

Mayor Sullivan, voting:	<u>Absent</u>
Trustee Healy, voting:	<u>Aye</u>
Trustee Dewey, voting:	<u>Aye</u>

**CERTIFICATION**

I, MAUREEN KEMMET, Clerk of the Village of Victory, Saratoga County, New York, do hereby certify that the foregoing resolution was duly passed and adopted by the Village Board of the Village of Victory, Saratoga County, New York, at a special meeting of the Village Board duly held on the <sup>July</sup> ~~5<sup>th</sup>~~ day of ~~June~~ <sup>July</sup>, 2012 in the Village Office Building, 23 Pine Street, Victory Mills, New York, and that said ~~11<sup>th</sup>~~ resolution is now in full force and effect.

DATED: ~~June 4, 2012~~  
July 11<sup>th</sup>

MAUREEN KEMMET  
MAUREEN KEMMET, Village Clerk/Treasurer  
Village of Victory