

**TOWN OF BETHANY**  
**REGULAR TOWN BOARD MEETING**  
**08 July 2024**

Supervisor Hyde opened the July 8, 2024 Regular Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Embt.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Jeffrey Fluker, Councilman
Timothy Embt, Councilman	Steve Wells, Councilman
Shauna Klump, Town Clerk	Diane Fowler, Councilwoman
Barbara Czworka, Highway Superintendent	

**Town Clerk Report – Shauna Klump**

- Presented the Minutes of the June 10, 2024 Regular Town Board meeting.

On **MOTION** made by Councilman Wells, duly seconded by Councilman Embt, to approve the Minutes of the June 2024 Regular Town Board meeting as presented. Motion passed with All In Favor.

On **MOTION** made by Councilman Fluker, duly seconded by Councilman Embt, to approve the Minutes of the June 2024 Town Board Public Hearing as presented. Motion passed with All In Favor.

- The Clerk's Monthly Report and Bank Statements for June were reviewed by the Town Board.

**Highway Superintendent Report – Barbara Czworka**

- We have helped Bergen, Byron, County and Pavilion
- 2 new tires on Pete 1202 plus front-end alignment
- Anti-freeze leak on 1203 Mack. Went the cheaper route first hoping it will fix the problem.
- Western Star 1201 had to replace the air chamber.
- New doors are up but, project is not done. Still need to do the tracks for the doors.

**Board Committee Reports**

**Councilman Fluker**

- Been Quiet only 6 calls

**NEW BUSINESS**

- Town Board discussed the Town of Bethany Going to one judge.
- Town board also discussed the Bond council please refer below.

**TOWN OF BETHANY**  
**RESOLUTION No. \_\_\_\_\_**  
**REDUCING THE NUMBER OF TOWN JUSTICE OFFICIALS IN THE TOWN OF**  
**BETHANY BY ONE SUBJECT TO PERMISSIVE REFERENDUM**  
 Adopted: July 8, 2024

The Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany on the 8<sup>th</sup> day of July, commencing at 7:00 p.m., at which time and place the following members were:

- |                 |            |                           |
|-----------------|------------|---------------------------|
| <u>Present:</u> | Supervisor | Carl Hyde, Jr.            |
|                 | Councilman | <del>Jeffrey Flaker</del> |
|                 | Councilman | Timothy Embt              |
|                 | Councilman | Steven Wells              |
|                 | Councilman | Diane Fowler              |
| <u>Absent:</u>  | _____      | <u>Left</u>               |

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, the Town Board of the Town of Bethany (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, that, pursuant to Town Law Chapter 62, Article 4, Section 60-A, with the retirement of one of their two Town Justices, consideration is being given to eliminate one of the two Justice positions, reducing the number to one Town Justice for the Town of Bethany; and

**WHEREAS**, the Town Board of the Town of Bethany, finding it difficult to find another person willing to run for the Office of Town Justice, after consideration, believes it would place no undue burden on the Town of Bethany, its residents or the Town Justice Court to move forward with one such elected official to continue to serve the Town in this capacity; and

**WHEREAS**, on the contrary, the Bethany Town Board finds that a reduction of the number of Town Justices from two and eliminating one position will result in a reduction of costs to the taxpayers and reduce the annual amount in the Town of Bethany Budget which is expended toward local judicial, and administrative matters; and

**WHEREAS**, the Bethany Town Board acknowledges that their resolution to eliminate one Elected Town Justice position will be subject to Permissive Referendum; and

**WHEREAS**, the Town Board further acknowledges that the decision to reduce the number of Elected Town Justice positions from Two to One need not be permanent, and that if desired, the Board may pass a resolution to restore the second Elected Justice seat, also subject to Permissive Referendum; and

**WHEREAS**, the Town Board of the Town of Bethany has determined that public safety will not be impacted by the reduction of the number of Town Justices from two to one and that such a decision would be in the best interests of the Town of Bethany residents.

**NOW ON MOTION OF** Tim \_\_\_\_\_ which has been duly seconded by Steve \_\_\_\_\_, therefore, it is

**ORDERED**, that the Town Board of the Town of Bethany, New York, hereby reduces the

number of Elected Officials serving as Town Justices from two to one; and it is further

**ORDERED**, that the Town Clerk of the Town of Bethany is hereby authorized and directed to: (1) post a copy of this Resolution on the Town’s website, (2) and also post a copy of this Resolution on the signboard of the Town of Bethany; and (3) Publish an abstract of this resolution in the official Town Newspaper within 10 days; and be it

**FURTHER ORDERED**, that if no petition is received within 30 days of the date of this resolution which prompts a referendum to be held, that this resolution will become effective, at which time the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller.

DATED: July 8, 2024

TOWN BOARD OF THE  
TOWN OF BETHANY

Approved on Roll Call as follows:

Supervisor	Carl Hyde Jr.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Jeffrey Fluker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent
Councilmember	Timothy Embt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Steven Wells	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Diane Fowler	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent



**NOTICE: TOWN OF BETHANY RESOLUTION No. \_\_\_\_\_  
REDUCING THE NUMBER OF TOWN JUSTICE OFFICIALS IN THE TOWN OF  
BETHANY BY ONE SUBJECT TO PERMISSIVE REFERENDUM**

Adopted: July 8, 2024

The Town Board of the Town of Bethany met at a regular board meeting at the Town Offices of the Town of Bethany on the 8<sup>th</sup> day of July, commencing at 7:00 p.m., at which time and place the following members were:

Present: Supervisor Carl Hyde, Jr., Councilman Jeffrey Fluker, Councilman Timothy Embt, Councilman Steven Wells, Councilman Diane Fowler; and

Absent: \_\_\_\_\_

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Bethany (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, that, pursuant to Town Law Chapter 62, Article 4, Section 60-A, with the retirement of one of their two Town Justices, consideration is being given to eliminate one of the two Justice positions, reducing the number to one Town Justice for the Town of Bethany; and

WHEREAS, the Town Board of the Town of Bethany, finding it difficult to find another person willing to run for the Office of Town Justice, after consideration, believes it would place no undue burden on the Town of Bethany, its residents or the Town Justice Court to move forward with one such elected official to continue to serve the Town in this capacity; and

WHEREAS, on the contrary, the Bethany Town Board finds that a reduction of the number of Town Justices from two and eliminating one position will result in a reduction of costs to the taxpayers and reduce the annual amount in the Town of Bethany Budget which is expended toward local judicial, and administrative matters; and

WHEREAS, the Bethany Town Board acknowledges that their resolution to eliminate one Elected Town Justice position will be subject to Permissive Referendum; and

WHEREAS, the Town Board further acknowledges that the decision to reduce the number of Elected Town Justice positions from Two to One need not be permanent, and that if desired, the Board may pass a resolution to restore the second Elected Justice seat, also subject to Permissive Referendum; and

WHEREAS, the Town Board of the Town of Bethany has determined that public safety will not be impacted by the reduction of the number of Town Justices from two to one and that such a decision would be in the best interests of the Town of Bethany residents.

NOW ON MOTION OF Diane Fowler which has been duly seconded by Jeff Fluker, therefore, it is

ORDERED, that the Town Board of the Town of Bethany, New York, hereby reduces the number of Elected Officials serving as Town Justices from two to one; and it is further

ORDERED, that the Town Clerk of the Town of Bethany is hereby authorized and directed to: (1) post a copy of this Resolution on the Town's website, (2) and also post a copy of this Resolution

on the signboard of the Town of Bethany; and (3) Publish an abstract of this resolution in the official Town Newspaper within 10 days; and be it

FURTHER ORDERED, that if no petition is received within 30 days of the date of this resolution which prompts a referendum to be held, that this resolution will become effective, at which time the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller.

DATED: July 8, 2024

TOWN BOARD OF THE  
TOWN OF BETHANY

Approved on Roll Call as follows:

Supervisor	Carl Hyde Jr.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Jeffrey Fluker	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Timothy Embt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Steven Wells	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember	Diane Fowler	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

**TOWN OF BETHANY  
RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN BOND COUNSEL  
LEGAL SERVICES AGREEMENT FOR TOWN OF BETHANY**

Adopted: July 8, 2024

**WHEREAS**, the Town Board of the Town of Bethany met at a regular board meeting at the Bethany Town Hall located at 10510 Bethany Center Road, Bethany, New York on the 8<sup>th</sup> day of July, 2024, commencing at 7:00 p.m. at which time and place the following members were:

Present:	Supervisor	<u>Carl Hyde</u>
	Council Member	<u>Jeff Fuller</u>
	Council Member	<u>Stew Wells</u>
	Council Member	<u>Diane Fowler</u>
	Council Member	<u>Tim Embt</u>
Absent:	_____	_____

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, the Town Board of the Town of Bethany is in receipt of a Proposal to Serve as Bond Counsel from the firm of Hawkins Delafield & Wood, LLP, attached hereto as EXHIBIT A; and

**WHEREAS**, the Town Board of the Town of Bethany finds the firm of Hawking Delafield & Wood LLP to be well-qualified to serve as Bond Counsel to the Town of Bethany in a particular Town Highway Barn Improvement project; and

**WHEREAS**, the Town Board of the Town of Bethany will be seeking grant funding said Highway Barn Improvement project; and

**WHEREAS**, the Town Board of the Town of Bethany finds it in the best interest of the Town of Bethany to enter into a Legal Services Agreement for Bond Counsel and believes the Town Supervisor is the appropriate person to contract for said Bond Counsel Services.

**NOW ON MOTION OF** Diane Fowler which has been duly seconded by Stew Wells, be it

**RESOLVED**, by the Town Board of the Town of Bethany who hereby authorizes and grants the power to enter the afore-mentioned Bond Counsel Agreement to Carl Hyde, Jr., Supervisor of the Town of Bethany, to execute the Legal Services Agreement.

Ayes: \_\_\_  
Nays: 0  
Abstain: 0  
Quorum Present: x Yes \_\_\_ No  
Dated: July 8, 2024

[SEAL]

Shauna Klump  
Shauna Klump, Clerk  
Town of Bethany

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 8th day of July, 2024 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Bethany, in the County of Genesee, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

SHAUNA KLUMP  
Town Clerk

BOND RESOLUTION OF THE TOWN OF BETHANY, NEW YORK, ADOPTED JULY 8, 2024, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$725,000 TO FINANCE THE CONSTRUCTION OF IMPROVEMENTS TO THE HIGHWAY GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$725,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

The object or purpose for which the bonds are authorized is the construction of improvements to the Highway Garage at the estimated maximum cost of \$725,000.

The maximum amount of obligations authorized to be issued is \$725,000.

The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued is fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, at the Town Hall, 10510 Bethany Center Road, East Bethany, New York.

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Adjournment

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Wells to adjourn the meeting at 7:27 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: July 08, 2024

Respectfully Submitted,  
Shauna Klump, RMC  
Bethany Town Clerk