

**NOTICE OF PUBLIC HEARING  
TOWN OF BETHANY**

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Town Law § 193 will be held by the Town Board of the Town of Bethany at the Town Hall located at 10510 Bethany Center Road, East Bethany, New York on the \_\_\_ day of \_\_\_\_\_ 2024, commencing at \_\_:\_\_\_ p.m. to give citizens the opportunity to discuss the proposed Town of Bethany Water District No. 5 project.

Specific discussion will be relative to the proposed Water District No. 5, which will include a total of approximately 154,000 linear feet of 8-inch water main. The water main will be installed along portions of Ellicott Street Road (NYS RT 63), Bethany Center Road (C.R. 15), Broadway Road (NYS RT 20), Brown Road, Cackner Road, Clapsaddle Road, East Road (C.R. 35) East Bethany-LeRoy Road, Francis Road (C.R. 38), Fargo Road (C.R. 198), Jerico Road, Little Canada Road, Marsh Road, Mayne Road, McLennon Road, Sweetland Road, Silver Road, Paradise Road, and Paul Road. Note: portions of the project will be installed in the Town of Batavia, as that will be the primary water supply for the project.

The project has an estimated maximum cost of twenty one million, six hundred and eighty thousand dollars (\$21,680,000.00), which amount is to be financed by the issuance of serial bonds in an aggregate principal amount not to exceed twenty one million, six hundred and eighty thousand dollars (\$21,680,000.00) such amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, financing through United States of America – Rural Development Agency, and grant funds in an approximate amount of five million dollars (\$5,000,000.00) expected from the State of New York Water Infrastructure Improvement & Intermunicipal (“WIIA”) Grant, or other funding sources or offset by a reduction in project costs, and unless paid from other sources or charges (including, but not limited to, water rents), the cost of the Water Improvement will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just and interest on said bonds as the same shall become due and payable, except as provided by law; and

Pursuant to the July 22, 2020 Agreement by County of Genesee and Town of Bethany for Water Construction Payments, Genesee County will pay to Bethany annual payments based on the final terms identified at the time of financing is closed with the USDA-Rural Development. Per the Agreement, current projections are based on 38-year term at 1.25% interest, totaling one hundred fifteen thousand, one hundred fifty-four dollars (\$115,154.00) per year. The term will not change, however, the rate may decrease or increase;

The expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) will be approximately one thousand two hundred-eighteen dollars and sixty cents (\$1,218.60) (such amount includes construction financing costs [debt service] and estimated annual water usage costs); and each property will also have to provide for the first year, service from their home to the property line and internal plumbing modifications (as applicable) to set a meter and valves at an estimated one-time cost of approximately two thousand four hundred thirty three dollars and sixty cents (\$2,433.60) (actual

costs will vary depending on the actual length of the service line and the complexity of installation).

Water District No. 5 is more particularly described as follows:

All that tract or parcel of land situate in the Town of Bethany, County of Genesee, State of New York, being described as follows:

Beginning at a point on the center line of Francis Road (49.5 feet wide right-of-way) at the intersection of the center line of Batavia Bethany Townline Road (66 feet right-of-way), along the northerly Municipal Boundary Line of the Town of Bethany, and a northwesterly corner of the Existing Water District No. 1; thence,

1. Southerly, along the center line of Francis Road, and the Existing Water District No. 1, a distance of 333 feet, more or less, to the westerly extension of the northerly line of tax account number 1.-1-39, and the Existing Water District No. 1; thence,
2. Easterly, along the northerly line of tax account number 1.-1-39, and the Existing Water District No. 1, a distance of 835 feet, more or less, to the northeasterly corner of said tax account, and the Existing Water District No. 1; thence,
3. Southeasterly, along the northeasterly line of tax account number 1.-1-39, and the Existing Water District No. 1, a distance of 16 feet, more or less, to an angle point, and the Existing Water District No. 1; thence,
4. Southerly, along the easterly lines of tax account numbers 1.-1-39 and 1.-1-41, and the Existing Water District No. 1, a distance of 1,092 feet, more or less, to the southeasterly corner of tax account number 1.-1-41, and the Existing Water District No. 1; thence,
5. Easterly, along the northerly line of tax account number 1.-1-42.221 and the Existing Water District No. 1, a distance of 1,534 feet, more or less, to the northeasterly corner of said tax account, and the Existing Water District No. 1; thence,
6. Northerly, along the westerly line of tax account number 1.-1-43, the northerly extension of the westerly line of tax account number 1.-1-43, and the Existing Water District No. 1, a distance of 1,400 feet, more or less, to the northerly Municipal Boundary Line of the Town of Bethany, the center line of Batavia Bethany Townline Road, and the Existing Water District No. 1; thence,
7. Easterly, along the northerly Municipal Boundary Line of the Town of Bethany, and along the center line of Batavia Bethany Townline Road, the northerly lines of tax account numbers 2.-1-9 and 2.-1-94, the center line of Clapsaddle Road (49.5 feet wide right-of-way), and along the northerly lines of tax account numbers 2.-1-36.12, 2.-1-36.113, and 3.-1-1, a distance of 14,206 feet, more or less, to a northeasterly corner of tax account number 3.-1-1; thence,
8. Southerly, along an easterly line of tax account number 3.-1-1, a distance of 1,984 feet, more or less, to a northwesterly corner of said tax account number, and the Existing Water District No. 2; thence,

9. Easterly, along a northerly line of tax account number 3.-1-1, and the Existing Water District No. 2, a distance of 516 feet, more or less, to a northeasterly corner of said tax account number, and the Existing Water District No. 2; thence,
10. Southerly, along an easterly line of tax account number 3.-1-1 and a southerly extension of the easterly line of tax account number 3.-1-1, and the Existing Water District No. 2, a distance of 2,117 feet, more or less, to the center line on Torrey Road (66 feet wide right-of-way), and the Existing Water District No. 2; thence,
11. Southwesterly, along the center line of Torrey Road, and the Existing Water District No. 2, a distance of 248 feet, more or less, to the center line of Little Canada Road (49.5 feet wide right-of-way), and the Existing Water District No. 2; thence,
12. Northwesterly, along the center line of Little Canada Road, and the Existing Water District No. 2, a distance of 138 feet, more or less, to the northeasterly extension of an easterly line of tax account number 3.-1-44.2, and the Existing Water District No. 2; thence,
13. Southwesterly, along an easterly line of tax account number 3.-1-44.2, and the Existing Water District No. 2, a distance of 702 feet, more or less, to an angle point, and the Existing Water District No. 2; thence,
14. Southeasterly, along a northerly line of tax account number 3.-1-44.2, and the Existing Water District No. 2, a distance of 583 feet, more or less, to an easterly line of said tax account number, and the Existing Water District No. 2; thence,
15. Southerly, along an easterly line of tax account number 3.-1-44.2, and the Existing Water District No. 2, a distance of 2,260 feet, more or less, to the northwesterly corner of tax account number 3.-1-43, and the Existing Water District No. 2; thence,
16. Southeasterly, along the northerly line of tax account number 3.-1-43, and the Existing Water District No. 2, a distance of 683 feet, more or less, to the northeasterly corner of said tax account number, and the Existing Water District No. 2; thence,
17. Southerly, along the easterly line of tax account number 3.-1-43, and the Existing Water District No. 2, a distance of 314 feet, more or less, to the southeasterly corner of said tax account number, and the Existing Water District No. 2; thence,
18. Easterly, along the northerly lines of tax account numbers 6.-1-21.2 and 6.-1-22, and the Existing Water District No. 2, a distance of 1,437 feet, more or less, to the northeasterly corner of tax account number 6.-1-22, and the Existing Water District No. 2; thence,
19. Southerly, along the easterly line of tax account number 6.-1-22 and the southerly extension of the easterly line of tax account number 6.-1-22, and the Existing Water District No. 2, a distance of 82 feet, more or less to the center line of East Bethany-LeRoy Road (66 feet wide right-of-way), and the Existing Water District No. 2; thence,
20. Easterly, along the center line of East Bethany-LeRoy Road, and the Existing Water District No. 2, a distance of 256 feet, more or less, to the northerly extension of the easterly line of tax account number 6.-1-24.1, and the Existing Water District No. 2; thence,

21. Southerly, along the northerly extension of the easterly line of tax account number 6.-1-24.1 and the easterly lines of tax account numbers 6.-1-24.1 and 6.-1-25.11, and the Existing Water District No. 2, a distance of 1,448 feet, more or less, to a southeasterly corner of tax account 6.-1-25.11, and the Existing Water District No. 2; thence,
22. Westerly, through the lands of tax account number 6.-1-25.11, and along the southerly lines of tax account numbers 6.-1-19.1 and 6.-1-16.2, a distance of 1,699 feet, more or less to the easterly line of tax account number 6.-1-76.1; thence,
23. Southerly, along the easterly lines of tax account numbers 6.-1-76.1 and 6.-1-65, a distance of 815 feet, more or less, to a northeasterly corner of tax account number 6.-1-65; thence,
24. Easterly, along northerly lines of tax account numbers 6.-1-65, 6.-1-66, and 6.-1-67, a distance of 1,683 feet, more or less, to a northeasterly corner of tax account number 6.-1-67; thence,
25. Southerly, along the easterly lines of tax account numbers 6.-1-67 and 6.-1-41, a distance of 1,557 feet, more or less, to the northwesterly corner of tax account number 6.-1-40; thence,
26. Southeasterly, along a northerly line of tax account number 6.-1-40, a distance of 757 feet, more or less, to an angle point of said tax account number; thence,
27. Northeasterly, along a northerly line of tax account number 6.-1-40, a distance of 284 feet, more or less, to the northeasterly corner of said tax account number; thence,
28. Southwesterly, along an easterly line of tax account number 6.-1-40, a distance of 504 feet, more or less, to an angle point of said tax account number; thence,
29. Southwesterly, along the easterly line of tax account number 6.-1-40, and the southwesterly extension of the easterly line of tax account number 6.-1-40, crossing Ellicott Street Road (66 feet wide right-of-way), and through the lands of tax account number 6.-1-33.11, a distance of 844 feet, more or less, to a point, 500 feet southwesterly of and parallel to the center line of Ellicott Street Road; thence,
30. Northwesterly, through the lands of tax account number 6.-1-33.11, along a line 500 feet southwesterly of and parallel to the center line of Ellicott Street Road, a distance of 520 feet, more or less, to a point on the easterly line of tax account number 6.-1-44.2; thence,
31. Southerly, along the easterly lines of tax account numbers 6.-1-44.2, 6.-1-44.1 and 6.-1-46, a distance of 2,893 feet, more or less, to the southeasterly corner of tax account number 6.-1-46; thence,
32. Westerly, along the southerly line of tax account number 6.-1-46, a distance of 1,114 feet, more or less, to the northeasterly corner of tax account number 9.-1-2.11; thence,
33. Southerly, along the easterly line of tax account number 9.-1-2.11, a distance of 1,996 feet, more or less, to a southeasterly corner of said tax account number; thence,
34. Westerly, along a southerly line of tax account number 9.-1-2.11, a distance of 1,095 feet, more or less, to a southwesterly corner of said tax account number; thence,

35. Northerly, along a westerly line of tax account number 9.-1-2.11, a distance of 1,311 feet, more or less, to a southwesterly corner of said tax account number; thence,
36. Westerly, along a southerly line of tax account number 9.-1-2.11, a distance of 1,036 feet, more or less, to a point 500 feet easterly of and parallel to the center line of East Road (49.5 feet wide right-of-way); thence,
37. Southerly, through the lands of tax account number 9.-1-3, along a line 500 feet easterly of and parallel to the center line of East Road, a distance of 2,953 feet, more or less, to a point 500 feet southerly of and parallel to the center line of Broadway Road (66 feet wide right-of-way); thence,
38. Westerly, through the lands of tax account numbers 9.-1-19 and 8.-1-44.214, along a line 500 feet southerly and parallel to the center line of Broadway Road, a distance of 3,063 feet, more or less, to a point on the southeasterly line of tax account number 8.-1-43.11; thence,
39. Southwesterly, along a southeasterly line of tax account number 8.-1-43.11, a distance of 116 feet, more or less, to a southeasterly corner of said tax account number; thence,
40. Westerly, along the southerly line of tax account number 8.-1-43.11, a distance of 1,581 feet, more or less, to a southwesterly corner of said tax account number; thence,
41. Southerly, along an easterly line of tax account number 8.-1-51.114, a distance of 1,182 feet, more or less, to a southeasterly corner of said tax account number; thence,
42. Westerly, along the southerly line of tax account number 8.-1-51.114, a distance of 333 feet, more or less, to the northeasterly corner of tax account number 8.-1-50; thence,
43. Southerly, along the easterly line of tax account number 8.-1-50, a distance of 655 feet, more or less, to the southeasterly corner of said tax account number; thence,
44. Easterly, along the northerly line of tax account number 8.-1-49.21, a distance of 333 feet, more or less, to the northeasterly corner of said tax account number; thence,
45. Southerly, along the easterly lines of tax account numbers 8.-1-49.21 and 8.-1-48.1, a distance of 1,968 feet, more or less, to the southeasterly corner of tax account number 8.-1-48.1; thence,
46. Westerly, along the southerly lines of tax account numbers 8.-1-48.1 and 8.-1-72.1, and crossing Bethany Center Road (66 feet wide right-of-way), a distance of 6,081 feet, more or less, to a point; thence,
47. Northerly, through the lands of tax account number 8.-1-72.1 and 8.-1-70, a distance of 2,619 feet, more or less, to the midpoint of the northerly line of tax account number 8.-1-70; thence,
48. Westerly, along the southerly lines of tax account numbers 8.-1-68, 8.-1-73, 8.-1-75.2, and along the westerly extension of the southerly line of tax account number 8.-1-75.2, crossing Marsh Road (49.5 feet wide right-of-way), and through the lands of tax account number 7.-1-32, a distance of 3,699 feet, to a westerly line of tax account number 7.-1-32; thence,

49. Southerly, along the easterly line of tax account number 7.-1-34, a distance of 2,636 feet, more or less, to the southeasterly corner of said tax account number; thence.
50. Westerly, along the southerly line of tax account number 7.-1-34, a distance of 687 feet, more or less, to the southwesterly corner of said tax account number; thence,
51. Northerly, along the westerly line of tax account number 7.-1-34, a distance of 3,487 feet, more or less, to a point 500 feet southerly of and parallel to the center line of Broadway Road; thence,
52. Westerly, through the lands of tax account numbers 7.-1-35.1 and 7.-1-39.11, crossing Silver Road (49.5 feet wide right-of-way), along a line 500 feet southerly and parallel to the center line of Broadway Road, a distance of 2,111 feet, more or less, to a point 500 feet westerly of and parallel to Francis Road (49.5 feet wide right-of-way); thence,
53. Northerly, through the lands of tax account numbers 7.-1-39.11 and 7.-1-40.11, along a line 500 feet westerly of and parallel to the center line of Francis Road, a distance of 2,572 feet, more or less, to the southerly line of tax account number 7.-1-24; thence,
54. Westerly, along the southerly lines of tax account numbers 7.-1-24 and 7.-1-23, a distance of 1,249 feet, more or less, to the southwesterly corner of tax account number 7.-1-23; thence,
55. Northerly, along the westerly line of tax account number 7.-1-23, a distance of 722 feet, more or less, to the northwesterly corner of said tax account number; thence,
56. Easterly, along the northerly line of tax account number 7.-1-23, a distance of 888 feet, more or less, to the southwesterly corner of tax account number 7.-1-22.11; thence,
57. Northerly, along the westerly lines of tax account numbers 7.-1-22.11 and 7.-1-22.12, and the northerly extension of the westerly line of tax account number 7.-1-22.12, a distance of 1,235 feet, more or less, to the center line of Brown Road (49.5 feet wide right-of-way); thence,
58. Easterly, along the center line of Brown Road, a distance of 147 feet, more or less, to the southerly extension of the westerly line of tax account number 4.-1-24.2; thence,
59. Northerly, along the southerly extension of the westerly line of tax account number 4.-1-24.2 and the westerly line of tax account number 4.-1-24.2, a distance of 469 feet, more or less to the northwesterly corner of said tax account number; thence,
60. Westerly, along the southerly line of tax account numbers 4.-1-26, a distance of 1,501 feet, more or less to the southwesterly corner of said tax account number; thence,
61. Northerly, along the westerly lines of tax account numbers 4.-1-26, and 4.-1-37.1, a distance of 1,301 feet, more or less, to a southerly line of tax account number 4.-1-27.112; thence,
62. Westerly, along a southerly line of tax account number 4.-1-27.112, a distance of 734 feet, more or less, to an angle point; thence,
63. Southwesterly, along a southerly line of tax account number 4.-1-27.112, a distance of 634 feet, more or less, to an angle point; thence,

64. Westerly, along a southerly line of tax account number 4.-1-27.112, a distance of 596 feet, more or less, to a westerly line of said tax account number; thence,
65. Northerly, along a westerly line of tax account number 4.-1-27.112, a distance of 496 feet, more or less, to a northerly line of said tax account number; thence,
66. Easterly, along a northerly line of tax account number 4.-1-27.112, a distance of 503 feet, more or less, to a westerly line of said tax account number; thence,
67. Northerly, along the westerly lines of tax account numbers 4.-1-27.112, 4.-1-4, 4.-1-35, 4.-1-5, and 4.-1-7, a distance of 5,233 feet, more or less, to the northwesterly corner of tax account number 4.-1-7; thence,
68. Easterly, along the northerly line of tax account number 4.-1-7, a distance of 486 feet, more or less, to the southwest corner of tax account number 4.-1-8.1; thence,
69. Northerly, along the westerly line of tax account number 4.-1-8.1, a distance of 715 feet, more or less, to the northwesterly corner of said tax account number; thence,
70. Easterly, along the northerly line of tax account number 4.-1-8.1, a distance of 1,566 feet, more or less, to a southwest corner of tax account number 1.-1-51.113; thence,
71. Northerly, along the westerly line of tax account number 1.-1-51.113, a distance of 1,445 feet, more or less, to the northwesterly corner of said tax account number; thence,
72. Easterly, along the northerly line of tax account number 1.-1-51.113, a distance of 395 feet, more or less, to a southwest corner of tax account number 1.-1-52.2; thence,
73. Northerly, along the westerly lines of tax account numbers 1.-1-52.2, 1.-1-54, and 1.-1-55, a distance of 2,429 feet, more or less, to the northwesterly corner of tax account number 1.-1-55; thence,
74. Westerly, along the southerly line of tax account number 1.-1-25 and the Existing Water District No. 4, a distance of 1,323 feet, more or less, to a point 500 feet southeasterly of and parallel to the center line Putnam Road (49.5 feet wide right-of-way), and the Existing Water District No. 4; thence,
75. Northeasterly, through the lands of tax account number 1.-1-25, along a line 500 feet southeasterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4, a distance of 1,475 feet, more or less, to the northerly line of said tax account, and the Existing Water District No. 4; thence,
76. Easterly, along the northerly line of tax account number 1.-1-25, and the Existing Water District No. 4, a distance of 1,731 feet, more or less, to a southwest corner of tax account number 1.-1-27.22, and the Existing Water District No. 4; thence,

77. Northwesterly, along a westerly line of tax account number 1.-1-27.22, and the Existing Water District No. 4, a distance of 1,638 feet, more or less, to the northerly line of said tax account number, and the Existing Water District No. 4; thence,
78. Easterly, along the northerly line of tax account number 1.-1-27.22, and the Existing Water District No. 4, a distance of 101 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4; thence,
79. Northeasterly, through the lands of tax account numbers 1.-1-28.1 and 1.-1-30, along a line 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4, a distance of 1,205 feet, more or less, to the southerly line of tax account number 1.-1-33, and the Existing Water District No. 4; thence,
80. Westerly, along the southerly line of tax account number 1.-1-33, and the Existing Water District No. 4, a distance of 21 feet, more or less, to the southwest corner of said tax account number, and the Existing Water District No. 4; thence,
81. Northerly, along the westerly line of tax account number 1.-1-33, and the Existing Water District No. 4, a distance of 240 feet, more or less, to the southerly line of tax account number 1.-1-34, and the Existing Water District No. 4; thence,
82. Easterly, along the northerly line of tax account number 1.-1-33, and the Existing Water District No. 4, a distance of 254 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4; thence,
83. Northeasterly, through the lands of tax account number 1.-1-34, along a line 500 feet easterly of and parallel to the center line of Putnam Road, and the Existing Water District No. 4, a distance of 427 feet, more or less, to the northerly line of said tax account number, the northerly Municipal Boundary Line of the Town of Bethany, and the Existing Water District No. 4; thence,
84. Easterly, along the northerly line of tax account number 1.-1-34 and the easterly extension of the northerly line of tax account number 1.-1-34, and the northerly Municipal Boundary Line of the Town of Bethany, a distance of 86 feet, more or less, to the point of beginning.

Town of Bethany Water District No. 5, as described above contains approximately 9,885 acres of land.

All as shown on a map prepared by CPL, "Water District No. 5 – Water District Map", Drawing Numbers WD-05A, WD-05B, and WD-05C, dated September 24, 2019.

The Town Board will consider and determine, by resolution at this Public Hearing, that there are no adverse environmental impacts through New York State Environmental Quality Review Act (SEQR), with the assistance of the Engineer of the project, and participation of the public.

Business relative to bonding for said project may also be addressed at this meeting by the Town Board.

**ALL PERSONS INTERESTED IN THE SUBJECT MATTER OF THIS HEARING**

**WILL BE ENTITLED TO BE HEARD AT THE TIME AND PLACE THEREOF**

Written comments may be submitted to the Town Board prior to the public hearing. Any written comments that are received prior to the public hearing shall be read aloud at the public hearing. All written comments must be received by the Town Board by \_\_\_\_\_, 2024.

A copy of the map, plan, and report describing such improvements is also available for review at the Town Clerk's Office and on the Town website (<https://townofbethany.com/>) during regular office hours.

Please take notice, the Town Board of the Town of Bethany has determined the establishment of Water District No. 5 to be best completed through a Resolution subject to Permissive Referendum, due to the current water emergency.

By order of the Town Board,

Shauna Klump, Clerk  
Town of Bethany