



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

## SPECIAL TOWN BOARD LEGISLATIVE AGENDA

Wednesday, November 20, 2024 7:30PM

Supervisor Jeff Leenhouts, presiding

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- I. Call to Order - Pledge of Allegiance - Roll Call
- II. Communications and Announcements- None
- III. Public Participation - None
- IV. Additions and Deletions to Agenda
- V. Approval of Minutes - None
- VI. Petitions - None
- VII. Resolutions by Function

### **Law and Finance**

24T-170 Authorization to Settle New Monroe Real Estate LLC Tax Certiorari Proceedings

24T-171 Authorization to Settle Chase Manhattan Bank Tax Certiorari Proceedings

24T-172 Authorization to Settle Ellison Apartments LLC Tax Certiorari Proceedings

24T-173 Authorization to Settle Penfield Skyline Apartments Tax Certiorari Proceedings

24T-174 Authorization to Settle Penfield Place Properties LLC Tax Certiorari Proceedings

24T-175 Authorization to Settle Penfield TK Owner LLC Tax Certiorari Proceedings

### **Public Works**

24T-176 Purchase of one (1) 2025 Chevrolet Silverado 2500 HD

### **Public Safety - None**

### **Community Services - None**

- VIII. Old Business
- IX. New Business
- X. Executive Session
- XI. Next Meeting: December 4, 2024
- XII. Adjournment

*This meeting will be video recorded and broadcast LIVE via the town's website [www.penfield.org](http://www.penfield.org) and the Town's Government Access Cable Channel 1303.*

*Questions regarding video coverage contact Penfield TV at (585) 340-8661.*

PENFIELD TOWN BOARD RESOLUTION NO. 24T-170 DATE: Nov. 20, 2024

BY: Councilperson LEE COMMITTEE Law and Finance

NAME: Authorization to Settle New Monroe Real Estate LLC  
Tax Certiorari Proceedings

**WHEREAS, New Monroe Real Estate LLC**, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2018-2024 for the premises located at 1672 Penfield Rd, (tax map #139.05-1-57) located within the Town of Penfield, and

**WHEREAS**, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

**WHEREAS**, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

**WHEREAS**, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

**THEREFORE, BE IT RESOLVED**, that the proposed settlement of the Tax Certiorari proceedings brought by New Monroe LLC, for the year 2018-2024 be and hereby are approved.

**BE IT FURTHER RESOLVED**, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Berry \_\_\_\_\_

Lee \_\_\_\_\_

Leenhouts \_\_\_\_\_

Ockenden \_\_\_\_\_

Teglash \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 24T-171 DATE: Nov. 20, 2024

BY: Councilperson LEE COMMITTEE Law and Finance

NAME: Authorization to Settle Chase Manhattan Bank  
Tax Certiorari Proceedings

**WHEREAS, Chase Manhattan Bank,** heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2021-2024 for the premises located at 1950 Empire Blvd, (tax map #093.11-1-33.1/CHAS) located within the Town of Penfield, and

**WHEREAS,** negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

**WHEREAS,** after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

**WHEREAS,** upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

**THEREFORE, BE IT RESOLVED,** that the proposed settlement of the Tax Certiorari proceedings brought by Chase Manhattan Bank, for the year 2021-2024 be and hereby are approved.

**BE IT FURTHER RESOLVED,** that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Berry \_\_\_\_\_

Lee \_\_\_\_\_

Leenhouts \_\_\_\_\_

Ockenden \_\_\_\_\_

Teglash \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 24T-172 DATE: Nov. 20, 2024

BY: Councilperson LEE COMMITTEE Law and Finance

NAME: Authorization to Settle Ellison Apartments LLC  
Tax Certiorari Proceedings

**WHEREAS, Ellison Apartments LLC**, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2022-2023 for the premises located at 1200-A Penfield Rd, (tax map #123.19-1-26.11) located within the Town of Penfield, and

**WHEREAS**, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

**WHEREAS**, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

**WHEREAS**, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

**THEREFORE, BE IT RESOLVED**, that the proposed settlement of the Tax Certiorari proceedings brought by Ellison Apartments LLC, for the year 2022-2023 be and hereby are approved.

**BE IT FURTHER RESOLVED**, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Berry \_\_\_\_\_

Lee \_\_\_\_\_

Leenhouts \_\_\_\_\_

Ockenden \_\_\_\_\_

Teglash \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 24T-173 DATE: Nov. 20, 2024

BY: Councilperson LEE COMMITTEE Law and Finance

NAME: Authorization to Settle Penfield Skyline Apartments  
Tax Certiorari Proceedings

**WHEREAS, Penfield Skyline Apartments,** heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2022-2023 for the premises located at 1730 Penfield Rd, (tax map #139.05-1-46) located within the Town of Penfield, and

**WHEREAS,** negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

**WHEREAS,** after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

**WHEREAS,** upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

**THEREFORE, BE IT RESOLVED,** that the proposed settlement of the Tax Certiorari proceedings brought by Penfield Skyline Apartments, for the year 2022-2023 be and hereby are approved.

**BE IT FURTHER RESOLVED,** that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Berry \_\_\_\_\_

Lee \_\_\_\_\_

Leenhouts \_\_\_\_\_

Ockenden \_\_\_\_\_

Teglash \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 24T-174 DATE: Nov.20,2024

BY: Councilperson Lee COMMITTEE Law and Finance

NAME: Authorization to Settle Penfield Place Properties LLC  
Tax Certiorari Proceedings

**WHEREAS**, Penfield Place Properties LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2023 for the premises located at 1700 Penfield Rd, (tax map #139.05-1-51) located within the Town of Penfield, and

**WHEREAS**, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

**WHEREAS**, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

**WHEREAS**, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

**THEREFORE, BE IT RESOLVED**, that the proposed settlement of the Tax Certiorari proceedings brought by Penfield Place Properties LLC, for the year 2023 be and hereby are approved.

**BE IT FURTHER RESOLVED**, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Berry \_\_\_\_\_

Lee \_\_\_\_\_

Leenhouts \_\_\_\_\_

Ockenden \_\_\_\_\_

Teglash \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 24T-175 DATE: Nov. 20, 2024

BY: Councilperson LEE COMMITTEE Law and Finance

NAME: Authorization to Settle Penfield TK Owner LLC  
Tax Certiorari Proceedings

**WHEREAS, Penfield TK Owners LLC**, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2022-2023 for the premises located at 1601 Penfield Rd, (tax map #138.08-1-2./PLZA) located within the Town of Penfield, and

**WHEREAS**, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

**WHEREAS**, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

**WHEREAS**, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

**THEREFORE, BE IT RESOLVED**, that the proposed settlement of the Tax Certiorari proceedings brought by TK Owner LLC, for the year 2022-2023 be and hereby are approved.

**BE IT FURTHER RESOLVED**, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:  
Berry \_\_\_\_\_  
Lee \_\_\_\_\_  
Leenhouts \_\_\_\_\_  
Ockenden \_\_\_\_\_  
Teglash \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 24T-176 DATE: November 20, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Purchase of One (1) 2025 Chevrolet Silverado 2500HD

WHEREAS, the Deputy Director of Public Works desires to purchase one 2025 Chevrolet Silverado 2500HD double cab, 4WD, long-bed pickup truck from DeNooyer Chevrolet, 127 Wolf Road, Albany NY, through Franklin County's piggyback contract (# 23-0908-01), for a total cost of \$68,229.10; and

WHEREAS, funds for said purchase were allocated in the 2025 Highway Department Budget (DA0-5130) for said vehicle;

NOW, THEREFORE, BE IT RESOLVED, that the Deputy Director of Public Works be, and hereby is, authorized to purchase said vehicles.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Berry \_\_\_\_\_

Lee \_\_\_\_\_

Leenhouts \_\_\_\_\_

Ockenden \_\_\_\_\_

Teglash \_\_\_\_\_