



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

TOWN BOARD LEGISLATIVE AGENDA

Wednesday, May 6, 2026 6:30 PM

Supervisor Berry, presiding

- I. Call to Order - Pledge of Allegiance - Roll Call
- II. Communications and Announcements
- III. Public Hearing:
- IV. Public Participation
 - a. Community Input on 2027 Sidewalk Priorities
 - b. Other Public Comments
- V. Additions and Deletions to Agenda
- VI. Approval of Minutes - April 1, 2026
- VII. Petitions
- VIII. Resolutions by Function

Law and Finance

- 26T-094 Authorize the Supervisor to sign an Intermunicipal Agreement with Monroe County for the Purchase of Fuel
- 26T-095 Appointment to Ethics Board
- 26T-096 Authorization to Construct Shade Pavilions in a Conservation Easement at 1068 Plank Rd.
- 26T-097 Adopt a Local Law to Amend Chapter 11 (Boards and Personnel) to Add Article X- Videoconferencing in Public Meetings
- 26T-098 Establishing the Town of Penfield Videoconferencing Policy
- 26T-099 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence Within a Sanitary Sewer Easement at 203 Timberbrook La - SBL#124.11-2-20
- 26T-100 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Storm Sewer Easement at 16 Glendonwood Dr - SBL#125.01-3-64

Public Works

- 26T-101 Authorization to Auction Surplus Equipment on May 7, 2026 at the Spring Municipal NetAuction

Public Safety

Community Services

- 26T-102 Authorization for Supervisor to Sign Recreation Contracts

- IX. Old Business:

TOWN BOARD LEGISLATIVE AGENDA

- X. New Business
- XI. Public Participation
- XII. Next Meeting: June 3, 2026
- XIII. Adjournment

This meeting will be video recorded and broadcast LIVE via the town's website 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. 26T-094

DATE: May 06, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

Name: Authorize the Supervisor to sign an Intermunicipal Agreement with Monroe County for the Purchase of Fuel

WHEREAS, the Monroe County Sheriff's Office would like to continue obtaining fuel from the Town's DPW facility, and

WHEREAS, the Town will be reimbursed monthly for this fuel along with an administrative fee, per the mutually accepted agreement,

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Intermunicipal Agreement with Monroe County for the term of September 1, 2026 through August 31, 2027, upon review and approval by the Town Attorney.

Moved: _____

Seconded: _____

Vote: Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T-095

DATE: May 6, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

NAME: Appointments to Ethics Board

WHEREAS, Town of Penfield Local Law #1 of 1970 provides for the establishment of an Ethics Board to perform duties as defined in this Local Law,

NOW, BE IT RESOLVED, that the following be appointed to the Ethics Board with a term expiring December 31, 2026:

Deborah Fredley

Michael Lingle

Mark Northrup

Jon Getz, Councilperson

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T-096

DATE May 6, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

NAME: Authorization to Construct Shade Pavilions in a Conservation Easement at 1068 Plank Road

WHEREAS, on April 17, 2026, the Applicant submitted an application to the Town Board to construct three (3) shade structures at 1068 Plank Road, for use in their agricultural operations; and

WHEREAS, this property has a conservation easement that was executed in 2025, which is filed in the Monroe County Clerk’s Office in Liber 10115, Page 563, that limits development on the parcel; and

WHEREAS, at its worksession on April 22, 2026, the Penfield Town Board concluded its review of the proposed use for the property, as required in the Easement. The Town Board, with legal counsel, found that the proposed use of the property for the requested shade structures does not violate the terms of the Easement; and

WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA), has classified this proposal as a Type II action, which concludes the SEQRA review.

NOW BE IT RESOLVED, that the Shade Structures are allowed within the Conservation Easement, pending the receipt of the required building permit(s) for the new structures.

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T- 097 DATE: May 6, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

NAME Adopt a Local Law to Amend Chapter 11 (Boards and Personnel) to Add Article X - Videoconferencing in Public Meetings

WHEREAS, recent amendment(s) to New York State Public Officers Law allows members of public bodies to participate in public meetings via videoconferencing under special circumstances; and

WHEREAS, the Town of Penfield wishes to consider an amendment to Chapter 11 (Boards and Personnel) to allow members of town public bodies to participate in public meetings to ensure consistent board member participation when extraordinary circumstances arise, which will help ensure town business is conducted in an efficient and timely manner; and

WHEREAS, the proposed regulations reference the Town of Penfield Video Conferencing Policy which will be adopted by the Town Board annually to ensure ongoing compliance with NYS Public Officers Law as amended or changed; and

WHEREAS, this was classified as a Type II action pursuant to Section 617.5 (c) (26) of the State Environmental Quality Review Act (SEQRA) and no further environmental review was required; and

WHEREAS, the Penfield Town Board conducted a public hearing to consider the local law on April 1, 2026; and

WHEREAS, this proposed change in regulation will allow consistent board member participation and ensure efficiency in government.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS:

Local Law No. 6 of 2026, set forth in attached Schedule A; and

BE IT FURTHER RESOLVED, after its adoption by the Town Board of the Town of Penfield, this local law shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T-098 DATE: May 6, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

NAME Establishing the Town of Penfield Videoconferencing Policy

WHEREAS, Chapter 11 of the Penfield Town Code will be amended to include a new article allowing videoconferencing under extraordinary circumstances, in accordance with New York State Public Officers Law; and

WHEREAS, the Town has established a video conferencing policy in support of these new regulations, which is included herein as Attachment A.

NOW, THEREFORE, BE IT RESOLVED the Town Board establishes the Town of Penfield Videoconferencing Policy; and

BE IT FURTHER RESOLVED, the Penfield Town Board will adopt this policy annually at it's the Town Board Organizational Meeting.

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T- 099

DATE: May 6, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

NAME: Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence Within a Sanitary Sewer Easement at 203 Timberbrook Lane – SBL#124.11-2-20

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Michael and Morgan Mulligan, owners of property of 203 Timberbrook Lane, to permit a portion of a fence to encroach into the sanitary sewer easement to the Town of Penfield located at 203 Timberbrook Lane in a form and substance acceptable to the Town Attorney.

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T- 100

DATE: May 6, 2026

BY: Councilperson Getz

COMMITTEE: Law and Finance

NAME: Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence Within a Storm Sewer Easement at 16 Glendonwood Drive – SBL#125.01-3-64

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Igor and Nicolle Light, owners of property of 16 Glendonwood Drive, to permit a portion of a fence to encroach into the storm sewer easement to the Town of Penfield located at 16 Glendonwood Drive in a form and substance acceptable to the Town Attorney.

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

Getz _____

Lang _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 26T-102

DATE 5/6/2026

BY LINDA TEGLASH

COMMUNITY SERVICES COMMITTEE

NAME AUTHORIZATION FOR SUPERVISOR TO SIGN RECREATION CONTRACTS

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following recreation contracts:

Young Explosives Corporation, PO Box 18653, Rochester, NY 14618, to provide fireworks display for the Independence Day Event at Harris Whalen Park on Saturday, June 27, 2026 for a fee of \$20,000. Rain date for event scheduled for Sunday, June 28, 2026. Voucher to be submitted on 6/5/2026.

Northeastern Productions Systems, Inc, PO Box 23199, Rochester, NY 14692, to provide stage, sound, lighting, engineering, and crowd control barriers for the Independence Day Event at Harris Whalen Park on Saturday, June 27, 2026 for a fee of \$8,200. Rain date for event scheduled for Sunday, June 28, 2026. Voucher to be submitted on 6/5/2026.

Moved: _____

Seconded: _____

Vote:

Berry _____

Dean _____

Getz _____

Lang _____

Teglash _____

Town of Penfield Video Conferencing Policy

This policy outlines circumstances and procedures applicable to the use of videoconferencing to conduct public meetings, in accordance with Public Officers Law § 103-a.

A. Defined Terms.

Except as provided within this policy, defined terms shall have the same meaning as ascribed to them in Article 7 of the New York State Public Officers Law.

Extraordinary Circumstances

Includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at a meeting.

Town Public Body

The Town of Penfield Town Board, the Town of Penfield Planning Board, the Town of Penfield Zoning Board of Appeals, the Town Historic Preservation Board, of and/or any other Town of Penfield entity for which a quorum is required in order to conduct public business, and which consists of two or more members, and which is subject to the New York State Open Meetings Law.

B. Use of videoconferencing by Town public body.

If all conditions established herein can be met, members of a Town public body are hereby permitted to participate in public meetings remotely by videoconference from a location that is not open to the public.

- (1) A quorum of members of the Town public body is gathered in person at a physical location open to the public.
- (2) This policy is conspicuously posted on the Town's website.
- (3) Members of the Town public body shall be physically present at meetings unless such member is unable to be physically present due to extraordinary circumstances.
- (4) Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the Town public body ensures that members of the Town public body can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and other matters formally discussed or voted upon.

- (5) For meetings that utilize videoconferencing, the minutes will identify which member(s) of the public body participated via videoconference.
- (6) When videoconferencing is used at a meeting, public notice will be given on the Town's website and reflected on the published agenda prior to the meeting time. The Town will continue its existing protocols for notifying the public how and where the public can view and/or participate in such meeting where required documents and records will be posted or available and identifying the physical location for the meeting where the public can attend.
- (7) The Town public body will continue its existing protocols to ensure that public body meetings are recorded, and such recordings posted or linked on the public webpage of the Town public body within five business days following the meeting and shall remain so available for a minimum of two years thereafter.
- (8) If videoconferencing is used to conduct a meeting, the Town public body will continue its existing protocols that allow the public to view meetings via video, and to participate in proceedings in real time in circumstances where public comment and/or participation is authorized. Videoconferencing will continue to allow the same public participation and/or testimony as in-person participation and/or testimony.
- (9) Open meetings of the Town public body that are broadcast and/or that use videoconferencing will continue to utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act, as amended.
- (10) The Chairperson of each Town public body shall have discretion over the use of videoconferencing as outlined in this policy.

CONTRACT RENEWAL

THIS CONTRACT RENEWAL (" Renewal #2"), which shall be deemed to be dated as of the date the last party executed this Renewal, by and between the COUNTY OF MONROE, a municipal corporation with offices at the County Office Building, 39 West Main Street, Rochester, New York 14614 (the "County"), the Monroe County Sheriff's Office, with offices at 130 South Plymouth Avenue, Rochester, New York 14614 (the "Sheriff") and Town of Penfield , with an address at 3100 Atlantic Ave , Penfield, New York, 14526, hereinafter referred to as the "Contractor".

WITNESSETH:

WHEREAS, the parties previously entered into an Agreement (the "Agreement"), dated as of October 7, 2024, whereby the Contractor agreed to provide the services set forth in Section II SCOPE OF SERVICES of said Agreement; and

WHEREAS, the parties previously renewed the Agreement ("Renewal #1"), dated July 18, 2025; and

WHEREAS, the parties wish to renew said Agreement for an additional term in accordance with Section III TERM OF CONTRACT of said Agreement and Resolution No. 218 of 2024, adopted by the Monroe County Legislature on August 13, 2024; and

WHEREAS, the Supervisor of the Town of Penfield is authorized to execute this Agreement pursuant to Resolution No. ____, adopted by the Penfield Town Board on _____.

NOW, THEREFORE, it is mutually covenanted and agreed by and between the parties hereto as follows:

1. The Agreement shall be renewed for the period of **September 1, 2026** through **August 31, 2027**.
2. Except as expressly stated herein, all terms and conditions of the aforesaid Agreement between the parties shall remain in full force and effect.

IN WITNESS WHEREOF, Adam J. Bello, County Executive of the COUNTY OF MONROE, Todd Baxter, Monroe County Sheriff, and Kevin Berry, Supervisor of Town of Penfield , hereto have executed this Renewal #2 as of the day and year appearing opposite their respective signatures below. By electronically approving this Renewal, both parties agree to all terms and conditions listed in this Renewal document, as well as all attachments included with the document.

Schedule A

Town of Penfield Local Law No. 6 of 2026

A Local Law to Amend Chapter 11 (Boards and Personnel) of Penfield Town Code to Allow Videoconferencing at Public Meetings

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. Purpose.

In keeping with recent amendment(s) to New York State Public Officers Law, the Town of Penfield is adopting new regulations that would allow board members to participate in public meetings via videoconferencing under special circumstances, which are defined herein. This amendment would allow consistent board member participation when extraordinary circumstances arise, which will help ensure town business is conducted in efficient and timely manner.

Section 2. Amendments.

The following regulations shall be added to Chapter 11 of the Penfield Town Code:

Article X, Videoconferencing in Public Meetings

§ 11-38 Legislative intent.

It is the intent of this article to authorize the use of videoconferencing to conduct public meetings, in accordance with Public Officers Law § 103-a.

§ 11-39 Defined Terms.

Defined terms used in this chapter shall have the same meaning as ascribed to them in Article 7 of the New York State Public Officers Law, except as set forth herein.

TOWN PUBLIC BODY

The Town of Penfield Town Board, the Town of Penfield Planning Board, Town of Penfield Zoning Board of Appeals, Historic Preservation Board, and/or any other Town of Penfield entity for which a quorum is required in order to conduct public business, and which consists of two or more members, and which is subject to the New York State Open Meetings Law.

§ 11-40 Use of videoconferencing by Town public body.

Members of each public body are authorized to participate in public meetings using videoconferencing technology in a manner consistent with the Town's videoconferencing policy adopted by the Town Board and on file with the Penfield Town Clerk.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. Effective date.

This chapter shall take effect immediately upon filing with the Secretary of State.