



# Town of Penfield

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## Physical Accessibility to Programs and Services

S9-24-39 | February 2025

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# Report Highlights

## Town of Penfield

### Audit Objective

Assess whether the Town of Penfield (Town) officials could take additional steps to increase physical accessibility to programs and services provided at selected Town facilities.

### Key Findings

Of the 679 applicable physical accessibility components (components) we reviewed, we identified 58 components (9 percent) where Town officials could consider taking additional steps to increase physical accessibility. Specifically:

- 27 components at the Town Hall, such as service counters at an accessible height.
- 12 components at the Community Center, such as accessible drinking fountains.
- 11 components at the Public Library, such as accessible doorways to study rooms.
- Eight components at the Town Court, such as signs identifying van accessible parking spaces.

### Recommendation

Town officials should assess the feasibility of taking additional steps to increase physical accessibility for the 58 components identified in this report. Town officials agreed with our findings and indicated they plan to initiate corrective action.

### Audit Period

January 1, 2023 - June 30, 2024

### Background

The Town is located in Monroe County and is governed by an elected Town Supervisor (Supervisor) and four-member Town Board (Board). The Supervisor is responsible for the overall administration of the Town government.

The Town provides various programs and services at the Town Hall, such as:

- The Town Clerk’s Office (various licenses and permits, records management, freedom of information act requests, etc.),
- The Tax Receiver’s Office (collection of County, Town and school taxes),
- Building Department (building permits, construction and electrical inspections, etc.),
- Public meetings of the Board, Planning Board, and other boards and committees.

The Community Center, which includes the Recreation Department and Senior Center, the Public Library and the Town Court are also accessible to the public.

### Quick Facts

Town	
Population	39,438
2023 General Fund Expenditures	\$20.1 million
Number of Employees	119

# Physical Accessibility to Programs and Services

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According to the Center for Disease Control and Prevention, more than one in four adults in the United States have some type of disability and more than one in 10 have a mobility disability with serious difficulty walking or climbing stairs.<sup>1</sup> It is important that someone with a disability can participate in their local government's decision-making process and be provided the same services and program opportunities as everyone else.

Title II of the 1990 Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by state and local governments. Generally, under the ADA's implementing regulations, a public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. While not required to make each existing facility accessible, public entities must operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and useable by individuals with disabilities.

The 2010 ADA Standard for Accessible Design (Standards) set minimum scoping and technical requirements for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities. For any new construction or alteration that began on or after March 15, 2012, the project must comply with the Standards. An alteration is defined as a change to a building or facility that affects or could affect the usability of the entire building or facility or a portion thereof.

Although the Standards apply to new construction and alterations that began on or after March 15, 2012, we used the Standards as a tool to help identify where Town officials could consider taking additional steps to increase physical accessibility to programs and services at selected existing structures within the Town, whether built before or after March 2012. The potential improvements to physical accessibility identified in this report, however, are intended for informational purposes only and should not be construed as the Office of the State Comptroller (OSC) providing a legal opinion on the Town's compliance with ADA requirements.

## Steps Identified to Potentially Increase Physical Accessibility to Programs and Services at Selected Town Facilities

We reviewed physical accessibility to programs and services provided at the Town Hall, Community Center (Senior Center and Recreation Department), Public Library and Town Court, including access to Town department offices, public meeting spaces and restrooms located within these buildings.

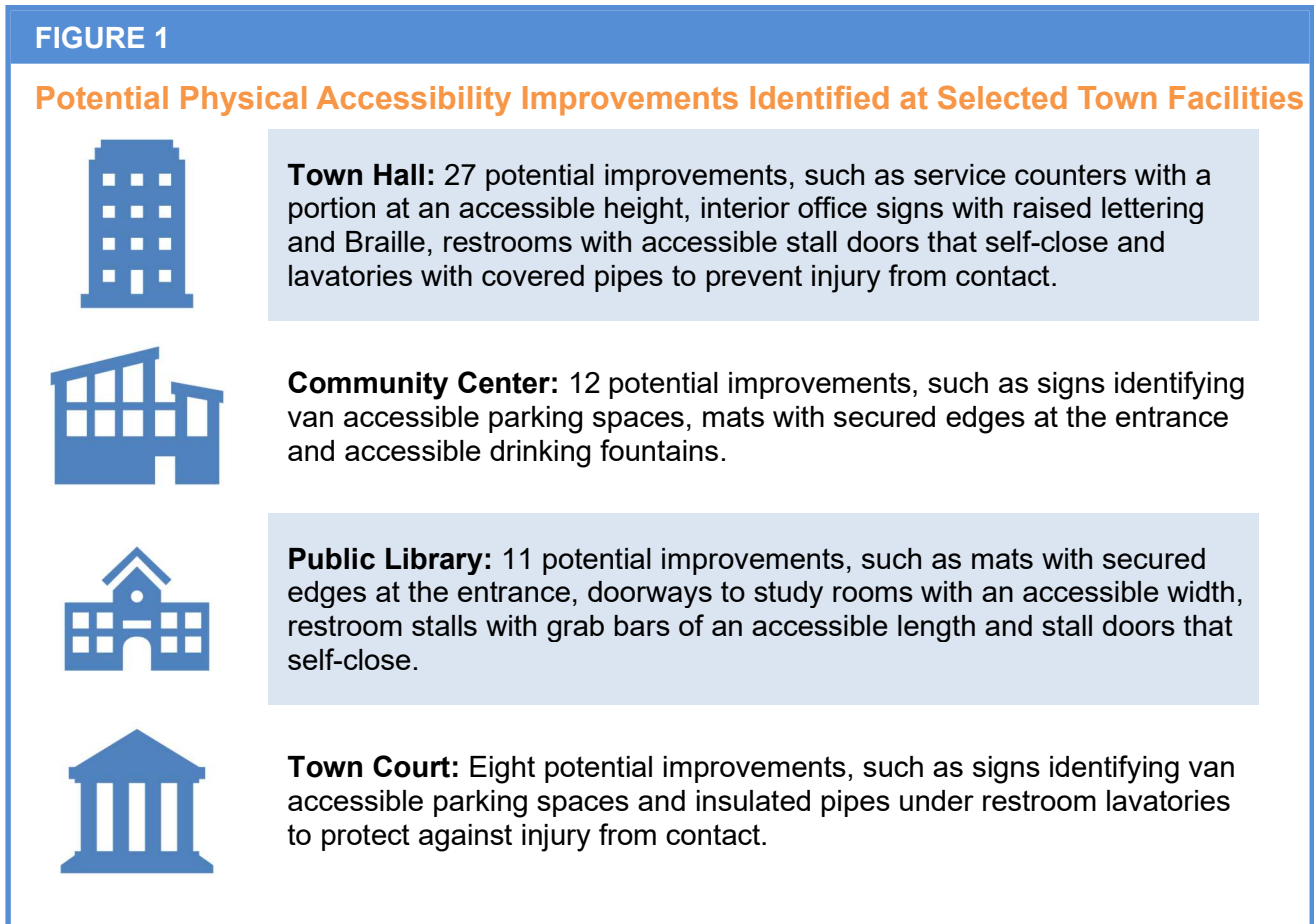
We performed site visits at each of these buildings and their respective parking lots (together "facilities") and used the ADA Checklist for Existing Facilities<sup>2</sup> (ADA Checklist), which incorporates the Standards, as a tool to assess the accessibility of the sampled facilities.

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<sup>1</sup> [https://www.cdc.gov/disability-and-health/articles-documents/disability-impacts-all-of-us-infographic.html?CDC\\_AAref\\_Val=https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html](https://www.cdc.gov/disability-and-health/articles-documents/disability-impacts-all-of-us-infographic.html?CDC_AAref_Val=https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html)

<sup>2</sup> Produced by the New England ADA Center, the checklist was created to review existing facilities using the 2010 Standards for Accessible Design: <https://www.adachecklist.org/checklist.html>. Similar to the use of the Standards, the checklist was used as a tool to identify potential improvements to physical accessibility. The use of the checklist, however, is for informational purposes only and should not be construed as OSC opining on the legality of the Town's compliance with ADA requirements.

We reviewed 679 applicable physical accessibility components at the selected facilities and identified 58 components (9 percent) where Town officials could consider taking additional steps to increase physical accessibility, including 27 components at Town Hall, 12 components at the Community Center, 11 components at the Public Library and eight components at the Town Court (Figure 1).



Examples of the potential improvements we identified and photographed at the facilities, along with a complete table of potential accessibility improvements, are included in Appendix B.

### What Do We Recommend?

1. Town officials should assess the feasibility of taking additional steps to increase physical accessibility for the 58 components identified in this report.

# Appendix A: Response From Town Officials

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**TOWN OF PENFIELD**  
*3100 Atlantic Avenue, Penfield, NY 14526-9798*

January 28, 2025

Office of the New York State Comptroller  
Statewide Audit Unit  
110 State Street  
Albany, NY 12236

The Town of Penfield has reviewed the New York State Comptroller Division of Local Government and School Accountability Physical Accessibility to Programs and Services draft report, S9-24-39, conducted to identify steps to potentially increase physical accessibility to programs and services at Town of Penfield facilities.

The Town of Penfield agrees with the recommendations outlined in the report, acknowledging the improvements identified will enhance accessibility and support the Town's efforts to provide excellent, inclusive service to all in the Penfield community.

Based on the findings, the Town will review its policies and establish a plan to meet its goal of removing accessibility barriers. The plan will include outlining the roles and responsibilities of Town staff in remedying accessibility impediments.

The Town is committed to improving accessibility at all its facilities. It will continue to advance its strategies for identifying and addressing potential accessibility barriers and make necessary changes to comply with the 2010 ADA Standards for Accessible Design.

Sincerely,

Jeff Leenhouts  
Town Supervisor

cc: Town Board

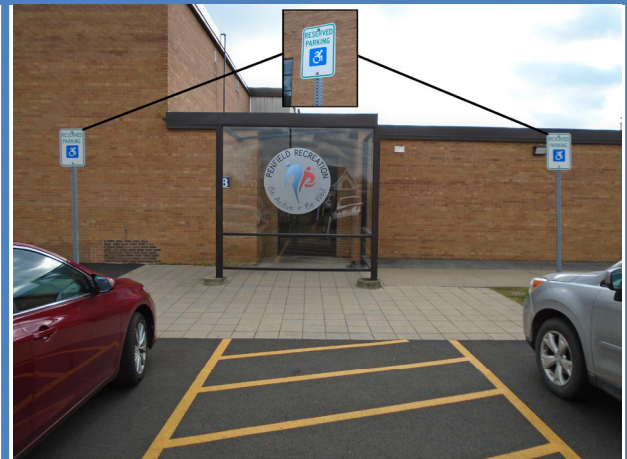
# Appendix B: Potential Physical Accessibility Improvements

FIGURE 2

## Potential Physical Accessibility Improvement Examples<sup>a</sup>



Service counter in the Town Hall without an accessible portion no higher than 36 inches.



Signs do not identify van accessible parking spaces at the Community Center.



Interior doors to the study rooms at the Public Library with an opening width of less than 32 inches.



Pipes under lavatories in the Town Court restrooms were not insulated to prevent potential injury from contact with hot or cold pipes, as well as sharp or abrasive surfaces.

a) Photos taken by OSC auditors in October 2024 with permission from local officials.

**Figure 3: Potential Physical Accessibility Improvements by Component**

Accessibility Checklist Component Category	Applicable Checklist Components Reviewed	Potential Improvements Identified	Percentage With Potential Improvements Identified
Accessible Route	47	1	2%
Controls	0	0	0%
Curb Ramps	0	0	0%
Drinking Fountains	27	2	7%
Elevators	7	0	0%
Entrance	109	5	5%
Interior Doors	60	1	2%
Lavatories	70	5	7%
Parking	44	3	7%
Ramps	5	1	20%
Rooms and Spaces	5	0	0%
Sales and Service Counters	22	4	18%
Seating	16	0	0%
Signs	25	4	16%
Soap Dispensers and Hand Dryers	20	4	20%
Toilet Compartments (Stalls)	69	6	9%
Toilet Rooms (Bathrooms)	47	1	2%
Water Closets (Toilets)	106	21	20%
<b>Totals</b>	<b>679</b>	<b>58</b>	<b>9%</b>



## Appendix C: Audit Methodology and Standards

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We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We selected the Town from a list of all cities, towns and villages (excluding NYC) not currently in OSC's audit process at the time of selection. We divided the list into seven regions and used expenditure data reported in the 2023 fiscal year to judgmentally select cities, towns and villages from these regions for an even representation across the State for this multi-unit audit.
- We reviewed applicable laws and regulations, as well as any policies and procedures the Town had regarding accessibility. The potential improvements to physical accessibility identified in the report, however, are intended for informational purposes only and should not be construed as OSC opining as to the legality of the Town's compliance with ADA requirements.
- We interviewed Town staff and reviewed Board meeting minutes to gain an understanding of accessibility for the Town's programs and services.
- We reviewed accessibility to programs and services provided at Town facilities, excluding recreational programs and services provided by third parties. We used the ADA Checklist for Existing Facilities, which uses the 2010 ADA Standards, as a tool to review accessibility at the facilities. We reviewed the accessibility components applicable at each sampled facility including accessible parking, approaches to buildings, building entrances, accessibility within buildings including to meeting rooms, offices providing programs and services, restrooms, and water fountains.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

The Board has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Board to make the CAP available for public review in the Town Clerk's office.

## Appendix D: Resources and Services

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### **Regional Office Directory**

[www.osc.ny.gov/files/local-government/pdf/regional-directory.pdf](http://www.osc.ny.gov/files/local-government/pdf/regional-directory.pdf)

**Cost-Saving Ideas** – Resources, advice and assistance on cost-saving ideas

[www.osc.ny.gov/local-government/publications](http://www.osc.ny.gov/local-government/publications)

**Fiscal Stress Monitoring** – Resources for local government officials experiencing fiscal problems

[www.osc.ny.gov/local-government/fiscal-monitoring](http://www.osc.ny.gov/local-government/fiscal-monitoring)

**Local Government Management Guides** – Series of publications that include technical information and suggested practices for local government management

[www.osc.ny.gov/local-government/publications](http://www.osc.ny.gov/local-government/publications)

**Planning and Budgeting Guides** – Resources for developing multiyear financial, capital, strategic and other plans

[www.osc.ny.gov/local-government/resources/planning-resources](http://www.osc.ny.gov/local-government/resources/planning-resources)

**Protecting Sensitive Data and Other Local Government Assets** – A non-technical cybersecurity guide for local government leaders

[www.osc.ny.gov/files/local-government/publications/pdf/cyber-security-guide.pdf](http://www.osc.ny.gov/files/local-government/publications/pdf/cyber-security-guide.pdf)

**Required Reporting** – Information and resources for reports and forms that are filed with the Office of the State Comptroller

[www.osc.ny.gov/local-government/required-reporting](http://www.osc.ny.gov/local-government/required-reporting)

**Research Reports/Publications** – Reports on major policy issues facing local governments and State policy-makers

[www.osc.ny.gov/local-government/publications](http://www.osc.ny.gov/local-government/publications)

**Training** – Resources for local government officials on in-person and online training opportunities on a wide range of topics

[www.osc.ny.gov/local-government/academy](http://www.osc.ny.gov/local-government/academy)

## Contact

Office of the New York State Comptroller  
Division of Local Government and School Accountability  
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: [localgov@osc.ny.gov](mailto:localgov@osc.ny.gov)

<https://www.osc.ny.gov/local-government>

Local Government and School Accountability Help Line: (866) 321-8503

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