



Town of Brookhaven

Physical Accessibility to Programs and Services

S9-24-45 | March 2025

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Report Highlights

Audit Objective

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

Key Findings

Of the 1,022 applicable physical accessibility components (components) we reviewed, we identified 66 components (6 percent) where Town officials could consider taking additional steps to increase physical accessibility at selected Town facilities. Specifically:

- 48 components at the Town Hall, such as at least one van accessible parking space and an accessible route with openings in the pavement no larger than one half inch.
- 11 components at the Airport, such as accessible parking spaces with marked access aisles and an accessible route to the main entrance with an even surface.
- Four components at the Senior Center, such as ramps with a barrier to prevent wheelchair castors and crutch tips from falling off and restroom towel dispensers mounted at an accessible height.
- Two components at the Animal Shelter, including at least one van accessible parking space and mats with secured edges at the main entrance.
- One component at the Parks and Recreation Administration building (Parks Administration); interior doors that open with five pounds maximum force.

Recommendation

Town officials should assess the feasibility of taking additional steps to increase physical accessibility for the 66 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 Suffolk County and is governed by an elected seven-member Town Council (Council) composed of the Town Supervisor (Supervisor) and six Council members. The Supervisor is responsible for the overall administration of the Town government.

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

- The Town Clerk’s Office (various licenses and permits, freedom of information act requests, etc.),
- The Planning, Engineering and Land Management Office (permit issuance, land use applications and related inquiries),
- The Tax Receiver (tax payments), and
- Public meetings of the Council and other Boards and Committees.

The Airport, Senior Center, Animal Shelter, and Parks Administration facilities are also accessible to the public.

Quick Facts

Town	
Population	485,773
2023 General Fund Expenditures	\$102.6 million
Number of Employees	757

Physical Accessibility to Programs and Services

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.¹ 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 usable 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) opining as to the legality of the Town's compliance with ADA requirements.

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

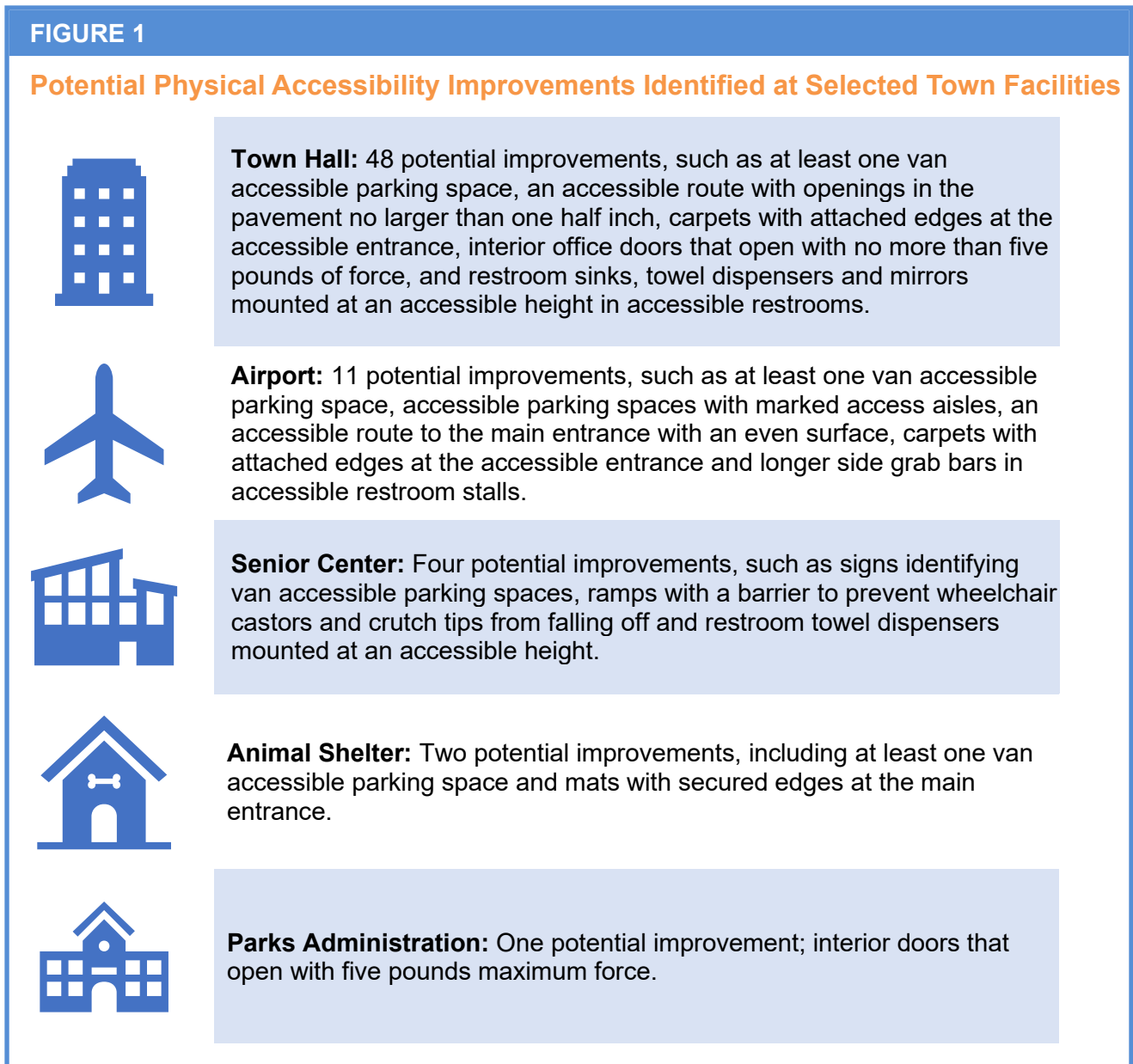
We reviewed physical accessibility to programs and services provided at the Town Hall, Airport, Senior Center, Animal Shelter and Parks Administration, including access to Town department offices, public meeting spaces and restrooms located within these buildings.

We also performed site visits at each of these buildings and their respective parking lots (together "facilities") and used the ADA Checklist for Existing Facilities² (ADA Checklist), which incorporates the Standards, as a tool to assess the accessibility of the sampled facilities.

¹ 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

² 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 1,022 applicable physical accessibility components at the selected facilities and identified 66 components (6 percent) where Town officials could consider taking additional steps to increase physical accessibility, including 48 components at the Town Hall, 11 components at the Airport, four components at the Senior Center, two components at the Animal Shelter, and one component at Parks Administration (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 66 components identified in this report.

Appendix A: Response From Town Officials



Town of Brookhaven Long Island

Daniel J. Panico, Supervisor

February 28, 2025

Please see below the Audit Response Letter to the Town of Brookhaven Report of Examination # S9-24-45.

What Do We Recommend?

1. Town officials should assess the feasibility of taking additional steps to increase physical accessibility for the 66 components identified in this report.

Appendix A – Response From Town Officials

The Town of Brookhaven agrees with the findings in the report and thanks the OSC for their comprehensive review and reporting. The Town is committed to ensuring equal physical access to all residents and visitors to Town facilities and will continue to strive for full ADA compliance.

The Town Board has approved \$200,000 in appropriations to address the findings in the report, half of which is to address issues at the Airport, where a handicap accessible ramp needs to be rebuilt.

The Town already has corrected for compliance 27 of the 48 improvements identified in the report for Town Hall, with the remaining targeted for no later than May 1, 2025. One improvement has been corrected for compliance at the Airport, with nine expected to be corrected for compliance by May 1, 2025, and two by September 1, 2025. The one finding at Parks Administration has been corrected for compliance, and one of the two items at the Animal Shelter has been corrected for compliance. The four findings at the Senior Center will be corrected for compliance by June 1, 2025

Sincerely,

Daniel J. Panico
Supervisor

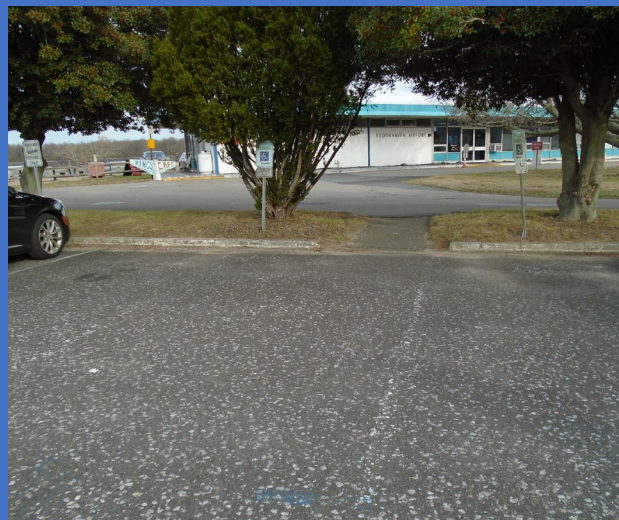
Office of the Supervisor

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Appendix B: Potential Physical Accessibility Improvements

FIGURE 2

Potential Physical Accessibility Improvement Examples^a



Accessible parking spaces at the Airport do not have marked access aisles and the accessible route is uneven.



An opening in the pavement along the accessible route to Town Hall is more than one half inch.



Access ramp at the Senior Center without a curb or barrier to prevent wheelchair castors and/or crutch tips from falling off.



Intercom at the Town Supervisor's Office mounted higher than 48 inches; potentially inaccessible from a wheelchair.

a) Photos taken by OSC auditors in December 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	66	3	5%
Controls	4	2	50%
Curb Ramps	9	0	0%
Drinking Fountains	16	1	6%
Elevators	7	0	0%
Entrance	158	9	6%
Food Service Lines	2	0	0%
Interior Doors	127	9	7%
Lavatories	109	2	2%
Parking	35	5	14%
Ramps	20	1	5%
Rooms and Spaces	45	0	0%
Sales and Service Counters	44	0	0%
Seating	31	0	0%
Signs	27	15	18%
Soap Dispensers and Hand Dryers	28	5	18%
Toilet Compartments (Stalls)	106	2	2%
Toilet Rooms (Bathrooms)	58	3	5%
Water Closets (Toilets)	130	9	7%
Totals	1,022	66	6%

Appendix C: Audit Methodology and Standards

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 Council 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 Council 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 Council to make the CAP available for public review in the Town Clerk's office.

Appendix D: Resources and Services

Regional Office Directory

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

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

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

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

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

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

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

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

Contact

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Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: 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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