

**Resolution Submission Form**

MEETING OF: MARCH 12, 2015

RESOLUTION NO. 2015-0196

MOVED BY SUPERVISOR:

EDWARD P. ROMAINE

REVISION

MARCH 9, 2015 3:54 PM

SHORT TITLE:

ADOPTION OF TOWN OF BROOKHAVEN LAND ACQUISITION AND MANAGEMENT POLICY, PROCESS AND BACKGROUND

DEPARTMENT:

LAW

REASON:

To formally adopt a policy for acquisition of open space and community parks for the Town of Brookhaven.

Financial Impact:

No Fiscal Impact

SEQRA REQUIRED:

PERMISSIVE REFERENDUM:

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Cartright					
		Councilmember Bonner	2				
		Councilmember LaValle					
		Councilmember Kepert					
		Councilmember Foley					
		Councilmember Panico					
		Supervisor Romaine	1				



**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2015-0196  
MEETING: MARCH 12, 2015

ADOPTION OF TOWN OF  
BROOKHAVEN LAND ACQUISITION  
AND MANAGEMENT POLICY,  
PROCESS AND BACKGROUND

WHEREAS, the Town Board of the Town of Brookhaven finds that preservation of farmland and undeveloped land, (through the purchase of fee title, purchase of development rights, and donation and clustering of development), which possess environmental, ecological, hydrological, geological, scenic, recreational, and historical significance, is a critically important governmental function and purpose which provides innumerable and important benefits to Town residents, therefore, playing a major contributory role in maintaining and enhancing their quality of life; and

WHEREAS, the attached Land Acquisition & Management Policy, Process and Background is to provide the framework and rationale by which such properties are valued, reviewed, evaluated, acquired, and utilized in order to provide the general public with a clear understanding of the process by which the Town of Brookhaven acquires and manages land which it owns; and

WHEREAS, this framework shall also serve to minimize ambiguity regarding appropriate and allowable activities and uses of lands acquired by the Town of Brookhaven.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the attached Town of Brookhaven Land Acquisition & Management Policy, Process and Background is hereby adopted.

**Town of Brookhaven Land Acquisition & Management  
Policy, Process, and Background**

**1. Introduction**

The Town of Brookhaven Town Board finds that the preservation of farmland and undeveloped land, (through the purchase of fee title, purchase of development rights, and donation and clustering of development), which possess environmental, ecological, hydrological, geological, scenic, recreational, and historical significance, is a critically important governmental function and purpose which provides innumerable and important benefits to town residents, therefore, playing a major contributory role in maintaining and enhancing their quality of life.

The purpose of this Land Acquisition & Management Policy is to provide the framework and rationale by which such properties are valued, reviewed, evaluated, acquired, and utilized in order to provide the general public with a clear understanding of the process by which the Town of Brookhaven acquires and manages land which it owns. This framework shall also serve to minimize ambiguity regarding appropriate and allowable activities and uses of lands acquired by the Town of Brookhaven.

**2. Benefits, Goals, and Purposes of Land Acquisition**

The Town Board recognizes that the acquisition of interests in land provides numerous benefits to communities throughout the town and the residents residing within them. These benefits, goals, and purposes include, but are not limited to, the following:

- A. Protection of green infrastructure which helps to: protect surface and groundwater quality; protect the estuarine and marine food chain; provide sediment, water pollution, and flood control; degrade and filter organic wastes and pollutants; buffer air pollutants; preserve habitat for countless plant and animal species and natural communities; moderate the effects of climate change; conserve soil and water and recharge of water supplies; provide medicine, building products, food products, and pigments through the preservation of genetic diversity; and pollinate food crops;
- B. Bolstering the local tourism and agricultural industries, two key sectors of the local economy and the overall Long Island economy;
- C. Protecting key scenic features and landscapes, helping to maintain the rural, bucolic, and natural character of the Town;

- D. Providing facilities for passive recreational activities for the enjoyment of town residents.
- E. Preservation of the town's historical heritage through the preservation of significant historical buildings, structures, landscapes, and features.
- F. Positive impact to town-wide property tax base through a reduction in demand for governmental goods and services such as police, fire, and ambulance protection, garbage collection, and public education.
- G. Enhancement in value of properties adjoining town-owned parks, open spaces and preserves.

### 3. Sources of Funds for Land Acquisition

The Town of Brookhaven has had an active and longstanding land acquisition program and has established numerous funding sources for the purchase of land. These are described below, with some of the past sources included to provide historical context:

- A. **Joseph P. Macchia Fund** - This fund, created by Local Law #13 in 1998 and Chapter 15 of the Brookhaven Town Code, was established in honor of former town councilman Joseph P. Macchia. Targeted areas under the fund include stream corridors along the South Shore, lands in the Central Pine Barrens, parcels in Special Groundwater Protection Areas, fresh- and tidal wetland, and other environmentally significant properties as identified by the Town Board. Revenue for the fund derives from a 25 cent per cubic yard fee on sand removed from development sites not needed for municipal purposes. Additionally, the fund is supplemented by fines collected by the Department of Law on violations of the town code, most particularly violations of the town's environmental laws. \*
- B. **Open Space and Drinking Water Protection Act of 1999** - In 1999 Brookhaven Town residents approved, by a 70%-30% margin, a bond authorization of \$10 million for the acquisition of open space throughout the town. Areas specifically targeted included environmentally significant open space, lands with watershed value to protect drinking water quality, and purchase of development rights of farmland. All of this funding has been expended.
- C. **Open Space Preservation Act of 2002** - In November 2002 Brookhaven Town residents approved, by a 71%-29% margin, a \$20 million Open Space Bond Authorization. Preservation of environmentally significant

open space and protection of farmland were the two primary goals of the Bond Act. All of this funding has been expended.

**D. Open Space Bond Act of 2004** This Bond Act, approved by voters in November of 2004, by a 70%-30% margin, authorized the town commit \$100 million for the purpose of buying open space and farmland development rights. All of the funding from this program has been expended.

**E. Town of Brookhaven Capital Budget – In addition to specific Bond Acts described above, the Town Board has the legal authority to commit, and has committed, open space funds through the Town’s annual Capital Budget. In this regard, the Town Board has committed \$54 million during the timeframe of 2009-2015 (\$10 million in 2009, \$10 million in 2010, \$10 million in 2012, \$9 million in 2013, \$10 million in 2014, and \$5 million in 2015). \***

**F. Long Island Power Authority – As a result of the construction of the Long Island Solar Farm at Brookhaven National Laboratory, LIPA committed \$2 million to the Town as a Natural Resources Benefit for the purchase of open space. These funds were, by agreement, earmarked for the acquisition of properties within the 0-5 year groundwater contributing area to the Carmans River; the Town subsequently acquired two properties within this area.**

**G. Land Use Intensification Mitigation Fee - Chapter 85-82 of the Town Code provides funding for the purchase of open space through the creation of a fee for development projects that are rezoned from a less intense use (a more restricted zone) to a more intense use (a less restricted zone). Said fee is \$750 per acre for each one percent difference in the intensification redemption schedule. Fees from such use of the program are deposited in the Joseph P. Macchia Fund described above. \***

**\*Still existing funds.**

### Partnerships

The Town Board recognizes there is significant value in partnering with other levels of government and private partners in acquiring farmland and open space. In this way town funds can be better leveraged to preserve more acreage. The Town of Brookhaven has productive partnerships with Suffolk County, the State of New York, The Nature Conservancy, the Post-Morrow Foundation, and the Peconic Land Trust and has worked with these partners in successfully completing a number of land acquisition projects. It is the intent of the Town Board to continue to share the acquisition costs of purchases with governmental partners and private organizations whenever feasible and appropriate.

## Eminent Domain

The Town Board recognizes that it has legal authority to exercise its power of eminent domain to acquire interests in land and further recognizes it has used it in past actions to safeguard farmland and natural resources and utilizes eminent domain for drainage purposes on a regular basis.

### **4. Land Evaluation, Approval, and Acquisition Process**

The following steps outline the Town of Brookhaven's Land Evaluation and Acquisition Process that shall be followed:

- A. Parcels for potential acquisition shall be nominated via a nomination form and submitted to Land Management Staff (LMS), assigned to the Department of Law. (Nomination Forms can be downloaded from the Town's website or obtained at the Planning Department customer counter; see Appendix 1).
- B. For each parcel nominated Land Management Staff (LMS), shall make a site visit and conduct research regarding the property's status and ownership.
- C. The parcel shall be logged into the Town's Open Space database.
- D. The parcel shall be rated using the Town's Parcel Rating Sheet (PRS) (see Appendix 2).
- E. Nominated parcels shall be presented to the Town's Open Space Advisory Committee (This Committee was reconstituted via resolution RN 2012-503 - see Appendix 3).
- F. If the Committee approves the property the following steps shall be undertaken, recognizing, however, that a property the Committee has disapproved may still be pursued by the Town Board subject to its existing legal authority.
- G. The project shall be logged into the Town's Open Space database as an "active project".
- H. An interest letter shall be sent to the owner and a follow-up phone call will be made if necessary. If the owner is not interested in considering a sale of the property the review process shall cease, recognizing, however, the Town may exercise its power of Eminent Domain as a strategy of last resort.
- I. If the owner is interested in considering a sale of his/her property to the town, LMS shall present the property to the Town Board in Executive Session and request permission to appraise the property for the purpose of establishing its market value. As part of the review process LMS shall provide to the Town Board the above-mentioned Parcel Rating Sheet for the subject property, aerial and ground photographs, and any other pertinent information that will assist the Town Board in making a decision. If the Town Board disapproves the request to appraise the property the acquisition process shall cease.

- J. If the Town Board approves the request to appraise the property the Town Attorney or his/her designee shall retain an appraiser(s) from the accepted Town Approved list of Real Estate Appraisers. LMS shall obtain two appraisals for properties estimated to be valued at more than \$500,000. In the case of partnerships the Town may utilize appraisals commissioned by partners as long as said appraisals are certified to the Town. The town form entitled: "Standards for Real Property Appraisals by Consultant Appraisers" (see Appendix 4) shall be included with each letter requesting an appraisal.
- K. Once an appraisal(s) is (are) received it (they) shall be reviewed in a timely fashion by LMS to ensure it (they) are factually correct, make(s) reasonable assumptions, and use(s) the most appropriate comparable properties.
- L. Based on the market value(s) of the appraisal(s) an offer shall be made to the property owner. Under no circumstance shall the offer exceed the highest value presented in a town-commissioned or certified appraisal. If the offer is accepted by the property owner, LMS shall present the offer to the Town Board in Executive Session to gain their approval to acquire the property.
- M. If approved by the Town Board the Law Department shall prepare for Town Board consideration the requisite acquisition resolution and SEQR Determination Resolution. Said resolution shall designate the category and use of the property and contain the allowable activities and amenities outlined in Section 5 of this policy.
- N. Once the Acquisition Resolution is adopted the Law Department shall send a contract to the property owner or his/her legal representative by the Town Attorney's office.
- O. After seller signs and returns the contract to the Town, the Law Department shall obtain a survey, title report, a Phase One Environmental Site Assessment (ESA) (or LMS site visit if appropriate in lieu of an ESA, as determined by the Town Attorney) and, any other reports or sources of information the Town Attorney may deem necessary.
- P. The Law Department shall send the survey to the Title Company and request a legal description be prepared from the survey. It shall review the Title Company's legal description and correct any mistakes.
- Q. The Law Department shall review property title report for problems and resolve them including, but not limited to, property encroachments shown on survey.
- R. LMS shall review any town-commissioned ESA. If a Phase One identifies actual or potential contamination, the Town shall commission a Phase II report to better characterize on-site conditions. Any contamination identified in the report shall be rectified prior to the town closing on the property. In the absence of evidence that on-site contamination has been rectified the Town shall not close on the property.
- S. The Law Department shall hold an Open Space Hearing required pursuant to Section 247(2) of the NYS General Municipal Law.
- T. The Law Department shall schedule a closing appointment with the seller to transfer title to the property.

## **5. Categories & Uses**

The Town of Brookhaven has been active in acquiring real property for a variety of public purposes pursuant to its Parkland, Open Space and Farmland Acquisition Programs. (The Town also obtains acreage that subsequently is used for park and open space purposes through the land development review/approval process by clustering the development on a portion of the property, enabling the remaining undeveloped portion to be kept in its natural state).

These purposes include providing passive outdoor recreational opportunities to town residents, protecting surface and groundwater quality, safeguarding key ecological resources including plant and animal species and communities, preserving habitat utilized by a wide variety of wildlife species including rare and endangered species, protecting significant geological features, protecting areas of high scenic quality, and protecting productive agricultural and farmland parcels in an effort to perpetuate agricultural operations, specifically, and support the Town's Agricultural economy, generally.

Given these numerous and varied purposes the town finds it is useful and important to categorize the nature of the acquisition to identify those public uses, activities, and amenities which are compatible and appropriate with those categories in order to prevent properties from being misused, compromised, or utilized in ways that are illegal or inappropriate.

### **A. Categories.**

Following are the categories the town hereby establishes to classify properties the town acquires:

1. Farmland – the purchase of property, typically through the purchase of development rights rather than fee simple, on which there is an agricultural operation that meets the definition of agriculture pursuant to the NYS Agriculture & Markets Law. On occasion the Town may acquire fee simple ownership of farmland in order to preserve it and in such cases enters into a license agreement with a prospective farmer/tenant to continue agricultural operations.
2. Open Space – the purchase of property, typically fee simple, to preserve ecological/environmental resources, safeguard surface and groundwater quality, protect wildlife habitat, provide for or promote passive recreational activities, or to safeguard scenic landscape features.
3. Community Park - the purchase of property, typically fee simple, to provide opportunities for passive recreation, in a more developed, suburban setting. Purchased parcels are typically adjacent to, or in close proximity of, existing residential communities.

4. Historic Preservation - the purchase of property, possessing significant historical value. Purchased properties are usually, but not always developed, containing houses and other structures of historic value.

B. Activities and Amenities

For those properties for which the Town of Brookhaven acquires fee title the following activities, uses, and amenities are permitted. If an activity or amenity is not included it is not permitted in that category.

1. Farmland

- A. Permitted Uses & Activities – activities relating to farming and the growing of agricultural products. These include plowing, tilling, planting, seeding, weeding, irrigating, harvesting, the storage of farming equipment, and the construction of agricultural structures as described immediately below.
- B. Permitted Amenities & Improvements – structures typically related to farming activities including equipment and crop storage barns, silos, fencing, and irrigation systems.

2. Open Space

- A. Permitted Uses & Activities - hiking, jogging, photography, drawing, painting, bird watching, scientific research, nature study and appreciation, formal environmental education and interpretation activities, mountain biking (on a case-by-case basis), horseback riding (on a case-by-case basis), geocaching and orienteering activities, environmental and/or ecological restoration activities.
- B. Permitted Amenities & Improvements – To adequately safeguard the natural resource values of open space properties on-site amenities shall be limited to improvements which are necessary to provide public access. In specific terms, these amenities shall include: parking lots and kiosks, benches, unpaved hiking trails, and signage. Parking lots to provide access shall be designed and located in such a way as to minimize the clearing of vegetation and damage to soils.

3. Community Park

- A. Permitted Uses & Activities – walking, other exercise related activities, picnicking, community gardening, stargazing activities by individuals and groups, photography, painting, drawing.
- B. Permitted Amenities & Improvements – To adequately provide for recreational opportunities permitted amenities shall include parking areas (limited to the

greatest extent possible and may include bike racks), perimeter and internal fencing, bridges, exercise equipment, gazebos, flag poles, benches, limited picnic areas, plots for gardening, and walking and exercise paths which may be paved (approved on a case-by-case basis).

4. Historic Preservation

A. Permitted Uses & Activities - Interpretation activities designed to inform and educate the general public about the historic significance of and restoration activities designed to maintain, preserve, and/or restore the historic integrity and character of the historic feature(s) on site.

B. Permitted Amenities & Improvements – historic structures, signage, kiosks and exhibits designed for education and interpretation activities, equipment necessary for restoration activities.



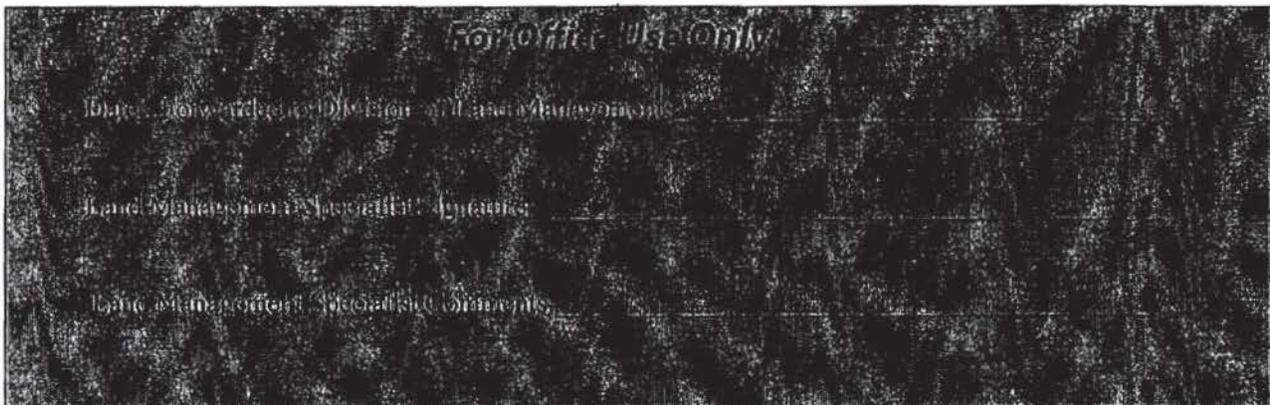
# Open Space and Farmland Parcel Nomination Form

(For referral of possible open space acquisitions)

Date:

Submit by email

<b>Name of Person /Organization proposing nomination:</b>		<input type="text"/>
<b>Telephone #:</b>	<input type="text"/>	<b>Address:</b> <input type="text"/>
<b>Hamlet of Site:</b>	<input type="text"/>	<b>Council District:</b> <input type="text"/>
<b>Address of Site: (crossroads, landmarks, bordering streets)</b> <input type="text"/>		
<b>Parcel Name / Property Owner:</b>	<input type="text"/>	<b>Tax Map Number(s) If known:</b> <input type="text"/>
<b>Acreage if known:</b>	<input type="text"/>	
<b>Parcel Characteristics / Natural Resources:</b> <input type="text"/>		
<b>Any other information you would like to tell us about this parcel:</b> <input type="text"/>		



Department of Planning, Environment & Land Management  
 Division of Land Management  
 C/O John Lessler, Land Management Specialist III  
 One Independence Hill, Farmingville, NY 11738  
 email: jlessler@brookhaven.org



RESOLUTION NO. 64  
MEETING OF: MARCH 7, 2000

ADOPTION OF CRITERIA FOR  
THE ADVISORY COMMITTEE FOR  
THE OPEN SPACE AND DRINKING  
WATER PROTECTION ACT OF  
1999

WHEREAS, by resolution dated December 21, 1999, the Town Board of the Town of Brookhaven created and appointed an Advisory Committee to implement the mandates of the Open Space and Drinking Water Protection Act of 1999; and

WHEREAS, the resolution required the Committee to develop criteria for the expenditure of funds for the acquisition of ownership rights or interests in land for the purposes of drinking water and open space preservation, which shall be subject to Town Board approval; and

WHEREAS, the Committee has developed the required criteria as indicated on the attached "Parcel Ranking Sheet";

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that the criteria for expenditure of funds as set forth on the "Parcel Ranking Sheet" attached hereto is hereby approved and adopted as and for the criteria for the Advisory Committee for the Open Space and Drinking Water Protection Act of 1999.

Project Name: \_\_\_\_\_

SCTM No. \_\_\_\_\_

## Parcel Ranking Sheet

### (Evaluation)

Check if parcels have one or more of the following characteristics:

#### Environmental

- Parcel contains no desirable environmental features
  - No unique geologic features
  - No wetlands or surface waters
  - No unique/valuable habitat types; no rare, threatened, endangered species
- Parcel previously disturbed/ little or no natural vegetation or cover present  
or
- Parcel potentially/confirmed to be contaminated with some pollutant or hazardous waste or otherwise degraded
- Parcel isolated – not linked to any corridor or other open space
- Parcel has multiple street frontages (i.e. : corner lots)

#### Community values/development pressures

- Parcel has no unique/ outstanding desirable community values
- Parcel located on unimproved (not paved) road / no road, therefore little development pressure
- Parcel located in high density residential area – subject to infilling

#### Other

- Parcel would be better candidate for drainage acquisition – should be categorized separately and recommend to Highway for acquisition
- Other – specify \_\_\_\_\_

**If none of the above apply, go to Part II**

### Parcel Ranking Sheet Part II (Detailed)

#### I. Physical characteristics

Point Values:

- A. Does the property contain a unique geological landform such as a
- 1) a kettlehole ----- 5
  - 2) a dune ----- 5
  - 3) a bluff ----- 5
  - 4) other ----- 5
- Points \_\_\_\_\_

- B. Does the site contains wetlands identified as
- 1) intertidal marsh ----- 50
  - 2) freshwater wetlands ----- 50
  - 3) high marsh, or ----- 35
  - 4) adjacent area, within 150 feet of a wetland. ----- 25

- C. Do the wetlands or adjacent area encompass
- 1) 25% or less of the total property area ----- .25
  - 2) greater than or equal to 25% but less than 50% of the total property area ----- .50
  - 3) greater than or equal to 50% but less than 75% of the total property area ----- .75
  - 4) greater than or equal to 75% of the total property area. ----- 1.0

Value of B	X	Multiplier of C	Points B X C
_____		_____	1. _____
_____		_____	2. _____
_____		_____	3. _____
_____		_____	4. _____

Sum of 1-4 \_\_\_\_\_

- D. Are there surface waters within or adjacent to the property? If so, is the type of surface water
- 1) a stream, pond, lake, spring or river located within the property boundaries ----- 20
  - 2) a stream, pond, lake, spring or river located adjacent to the property boundaries ----- 10
  - 3) a tidally influenced body of water located within the property boundaries ----- 20
  - 4) a tidally influenced body of water located adjacent to the property boundaries ----- 10

Points \_\_\_\_\_

### Parcel Ranking Sheet Part II (Detailed)

E. Does the property contain any unique or rare ecological communities such as 10 points for each community present on site

- 1) an Old Field
- 2) a Cranberry Bog
- 3) a Scrub Oak Forest
- 4) a Red Maple Swamp
- 5) a Coastal Plain Pond
- 6) an overwash area (Fire Island)
- 7) other \_\_\_\_\_

Points \_\_\_\_\_

F. Is protection of the parcel expected to have a beneficial impact upon local surface water or ground water supplies, such as

- 1) acquisition of the parcel will create a natural buffer or corridor along a stream, creek or river ----- 20
- 2) acquisition of the parcel will preserve the quality of the local groundwater by preventing the installation of a septic system in an area where the depth to ground water or perched water table is less than 3 feet from the surface elevation.----- 20

Points \_\_\_\_\_

G. Does the property

- 1) contain within its boundaries any endangered, threatened species, or species of special concern as listed on New York State or Federal lists.----- 25
- 2) Contains one or more elements as defined by the New York State Natural Heritage Program ----- 10
- 3) Elements as identified in 2 above confirmed as present on site----- 10

Points \_\_\_\_\_

H. Does the project property in whole or in part have any archaeological or historical significance. ----- 25

#### Part I: Total Points A through H

\_\_\_\_\_

#### II. Size

A. Size of property in acres rounded up to the nearest acre (one point per acre) ----- points \_\_\_\_\_

#### Part II: Total Points A

\_\_\_\_\_

### Parcel Ranking Sheet Part II (Detailed)

#### III. Location

Point values:

- A. Is the property
- 1) adjacent to other publicly held lands ----- 20
  - 2) a component of larger open space acquisition ----- 20
  - 3) located in a FEMA "V" zone ----- 20
  - 4) located in a FEMA "A" zone (FF above elev. 9) ----- 10
  - 5) located along a town maintained improved road ----- 5
  - 6) a natural buffer between two noncompatible zoning  
classifications (i.e. Commercial/residential,  
industrial/commercial) ----- 5
  - 7) Within a watershed of a shallow well ----- 5
  - 8) Within the SGPA ----- 5
  - 9) Within a Town Historic District ----- 10

#### Part III: Total Points 1-9

#### IV. Community Values

- A. Does the property
- 1) provide an area for natural drainage ----- 25
  - 2) provide an opportunity for the establishment of a passive  
recreational area (nature preserve, greenbelt trail) ----- 15
  - 3) provide access to open space or surface waters ----- 20
  - 4) other: specify ----- 20
- points \_\_\_\_\_
- B. Will acquisition of the site
- 1) have community support ----- 10
  - 2) prevent development of an incompatible use with existing land  
uses. ----- 10
- points \_\_\_\_\_

#### Part IV: Total Points A and B

#### V. Aesthetic Values

- A. Does the site contain significant scenic vistas important to the local  
community? ----- 20
- B. Does the site contain important views located along the expressway  
and major road corridors? ----- 15
- C. Does the site have of have the potential for waterview, or public access  
to a waterview? ----- 20
- D. Is the site located within or adjacent to a historic pathway such as the  
Talmadge Trail? ----- 10

#### Part V: Total Points A - D

### Parcel Ranking Sheet Part II (Detailed)

#### VI. FARMLAND

Point values:

A.

- |                                                                            |    |
|----------------------------------------------------------------------------|----|
| 1. Site is contiguous to farmland properties on more than 1 side-----      | 20 |
| 2. Site is contiguous to farmland properties on 1 side-----                | 10 |
| 3. Site has long frontage along major roadway-----                         | 20 |
| 4. Site contains soil types suitable for high agricultural production----- | 20 |
| 5. Site is actively farmed-----                                            | 10 |

**Part VI: Total Points A 1 - 5**

\_\_\_\_\_

**Parcel Ranking Sheet  
Part II (Detailed)**

**Tally Sheet**

	Total Points	X	Multiplier	=	Score
Part I:	_____	X	.40	=	_____
Part II:	_____	X	.15	=	_____
Part III:	_____	X	.20	=	_____
Part IV:	_____	X	.15	=	_____
Part V:	_____	X	.10	=	_____
Part VI:	_____	X	.15	=	_____
<b>Total Score (sum of all scores)</b>					_____

**Recommendations:**

APPENDIX 3

RESOLUTION SUBMISSION

MEETING OF: June 26, 2012

RESOLUTION NO. 2012-503

MOVED BY COUNCILMEMBER: Steve Fiore-Rosenfeld

REVISION

SHORT TITLE: TO CHANGE THE TITLE OF THE ENVIRONMENTAL BOND ACT ADVISORY COMMITTEE (EBAAC) TO THE "OPEN SPACE AND FARMLAND ACQUISITION ADVISORY COMMITTEE" AND SET OUT SPECIFIC RESPONSIBILITIES

DEPARTMENT: Town Council

REASON: Open Space and Farmland Acquisition Advisory Committee better describes the duties and responsibilities of this specific committee. This resolution will also lay out in more detail all responsibilities, terms and duties of said committee.

PUBLIC HEARING REQUIRED: No

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: None

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED: No

AE:dlm

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld	1	1			
		Councilmember Bonner	2	1			
		Councilmember Walsh		1			
		Councilmember Kepert		1			
		Councilmember Mazzei		1			
		Councilmember Panico		1			
		Supervisor Lesko		1			

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2012-503  
MEETING OF June 26, 2012

TO CHANGE THE TITLE OF THE ENVIRONMENTAL BOND ACT ADVISORY COMMITTEE (EBAAC) TO THE "OPEN SPACE AND FARMLAND ACQUISITION ADVISORY COMMITTEE" AND SET OUT SPECIFIC RESPONSIBILITIES

WHEREAS, pursuant to Resolution No. 38 of December 21, 1999, in response to the Town of Brookhaven's adoption of a \$10,000,000.00 Bond Act to acquire interests in Open Space and Farmland, the Town of Brookhaven established the "Environmental Bond Act Advisory Committee"; and

WHEREAS, said resolution charged the Committee with "developing criteria for the expenditure of funds for the acquisition of ownership rights or interests in land for the purposes of drinking water preservation and open space preservation which shall be presented to the Town Board for approval" and making "recommendations to the Town Board based on the established criteria for acquisition of ownership rights or interests in land for open space and drinking water protection"; and

WHEREAS, said resolution appointed a number of individuals to serve on the Committee, including the establishment of officers, and through subsequently adopted resolutions other individuals have been appointed to serve on the Committee; and

WHEREAS, the Committee has been meeting periodically for the past thirteen years to provide important expertise and advice to the Town Board on various aspects of the Town's open space acquisition and farmland protection program;

NOW, THEREFORE, BE IT RESOLVED, the Committee is hereby officially to be known as the "Open Space and Farmland Acquisition Advisory Committee"; and be it further

RESOLVED, the Committee shall have the following responsibilities:

- 1) To evaluate and recommend approval/ disapproval of open space and farmland properties proposed for acquisition by the Town of Brookhaven;
- 2) To review, and amend as appropriate, criteria used by the Division of Land

Management to rank and value proposed properties;

- 3) To actively and continually explore and research potential open space and farmland acquisition funding opportunities as well as other methods, mechanisms and/or partnerships to preserve open space and farmland preservation and make related recommendations to the Town Board;
- 4) To leverage our Town's funding sources and actively advocate, in conjunction with the Town Board, for additional open space and farmland preservation funding support from the County, State and Federal governments as well as the private sector, inclusive of trusts and non-profit organizations;
- 5) In consultation with the Divisions of Planning and Land Management to review development applications (subdivisions and site plans) and make recommendations pertaining to the pattern and layout of development to maximize the extent of preserved open space, provided, however, the Committee shall consult with the Town Planning Commissioner to establish property criteria for triggering Committee review, taking into consideration the size and location of the property proposed to be developed;
- 6) Serve as an advisory body to the Town Planning Commissioner on land use plans and studies; and be it further

RESOLVED, the Committee shall meet not less than once a month; and be it further

RESOLVED, the Committee shall consist of 15 members selected in the following manner: each councilmember shall nominate two individuals, and three members at large nominated by the Town Supervisor, one of whom shall represent the interests of the Town's Agricultural Advisory Board; and be it further

RESOLVED, one member nominated by each councilmember and the Supervisor shall have demonstrable interest, involvement, or experience in one of the following areas: open space protection, community planning, natural resource planning, land use planning, or open space or ecological management; and be it further

RESOLVED, the other member nominated by a councilmember and the two other Supervisor appointments shall have at least general awareness, interest and some involvement in local community affairs which could include but are not limited to: participation in civic associations, or other local non-profit organizations, or a background

in local real estate markets and valuation; and be it further

RESOLVED, that the term of a Committee member shall run for three (3) years, provided, however, that six members nominated by councilmembers shall serve an initial one-year term, another six members nominated by councilmembers shall serve an initial two-year term, and the remaining three members nominated by the Supervisor shall serve an initial three-year term; and such initial terms shall be considered as though they had commenced at the first Town Board meeting of the year in which they were appointed and ends at the first Town Board meeting of the year in which their term concludes; one year being defined as running from the first Town Board meeting of the year until the first Town Board meeting of the following year; and any future appointments shall maintain those same staggered terms in perpetuity; and be it further

RESOLVED, that due to the sensitive and confidential nature of the work of the Committee each appointed member of the Committee shall have administered by the Town Clerk a Sworn Oath.

APPENDIX 4

**MEMORANDUM**

TO: Real Property Appraisers Retained by the Town of Brookhaven

FROM: Town of Brookhaven Division of Land Management

DATE: March 9, 2015

RE: Standards for Real Property Appraisals

Please be aware that all appraisals certified to the Town of Brookhaven must conform with the "Standards for Real Property Appraisals by Consultant Appraisers", a copy of which is attached.

These standards are in addition to the Uniform Standards of Professional Appraisal Practice (USPAP). Their purpose is to communicate the Town's needs and expectations for thorough analysis and well supported value conclusions.

## Town of Brookhaven 2015 Standards for Real Property Appraisals by Consultant Appraisers

In addition to the Uniform Standards of Professional Appraisal Practice, consultant appraisals submitted to the Town of Brookhaven must comply with the following standards unless prior approval is granted:

### **General**

1. Appraisals must be full narrative (self-contained)
2. A certified general appraiser must sign and certify the appraisal
3. The appraiser must acknowledge any and all assistance received.

### **Required Background Information**

1. The appraiser **must** obtain a yield map, certified by the Brookhaven Town Commissioner of Planning or representative, establishing the zoning and yield of a parcel before proceeding with the appraisal.
2. To more closely estimate current market value, an appraisal should reflect the full range of regulatory and/or environmental constraints that affect a particular property and the relevant permits and approvals that have been issued. Appraisers are strongly encouraged to carefully review the relevancy of these issues as they relate to the property they are appraising
3. Describe at least five year sales history (include grantor, grantee, date of sale, purchase price)
4. Include a copy of the current deed of record
5. Include occupancy and lease data where applicable (agricultural, hunting clubs, other).

### **Subject Property Inspection**

1. The property owner must be given the opportunity to accompany the appraiser during property inspection. Describe the owner's response such as "owner declined invitation because of..." or the "owner and appraiser discussed the property by telephone" or "the owner accompanied appraiser on inspection".
2. Features that significantly affect or diminish value, such as buildings or water frontage, must be viewed and photographed.

### **Comparable Sales**

1. Sales must be verified with someone with reliable knowledge of transaction, preferably grantee or grantor. A representing attorney or family member familiar with the sale is acceptable. Assessor or MLS is not sufficient.
2. Sales must have been field viewed within one year of writing of the appraisal report.
3. Sales must be thoroughly described on a sales data page. The Suffolk County Tax Map number must be included, as well as all relevant information including the status of approvals, permits, etc. at the time of sale.
4. An area map accurately showing sales locations relative to the subject property must be shown, including enough information to identify the area (major road names, hamlet names, etc.)

### **Appraisal Due Date:**

Time is of the essence for most Brookhaven appraisal assignments. Appraisals must be completed in 45 days, unless an alternate time frame has been discussed and agreed upon.