



Memorandum
Compliance and Remediation Plan

To: Town Board
Cc: Town Clerk, Town Attorney, Town Highway Superintendent
From: Code Enforcement Officer, Planning Dept.
Subject: Property Maintenance Violations at 473 Bone Plain Rd, Parcel ID # 30.-1-25.1
Date: April 17, 2018

This Compliance and Remediation Plan ("Plan") is prepared pursuant to Section 15 (e) of amended Local Law 1-2007, Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code and other Town of Dryden Local Laws and Ordinances.

The property had a fire of questionable origin on February of 2017 and is the source of numerous complaints concerning the amount of rubbish on the site and its appearance. Most of the entire structure was destroyed and the exterior of the property is filled with containers and rubbish throughout. The structure had been posted by this office since November 23, 2010 and numerous violation notices sent to the property owner. Electric was also disconnected sometime later when the electrical mast was bent during a storm. The town file contains photos and documentation of conditions.

It is estimated that to remove the rubbish and debris by Town of Dryden Highway employees would take about a week with 6 workers. The cost for the truck to haul away the debris is \$80 an hour and for 40 hours would be \$3,200. The cost per ton of debris at the County Solid Waste is \$80. The amount of tonnage there could exceed 20 tons. The wage for the workers is \$30-\$35 per hour. For 6 at \$35 at 40 hours each would be \$8,400. Administrative and Legal fees are to be included in the plan. A list of the items is provided:

1. Truck for 40 hours @ \$80 /hour =	\$ 3,200
2. 6 workers for 40 hours @ \$35 /hours =	\$ 8,400
3. 20 Tons of debris @ \$80 / ton =	\$ 1,600
4. Administrative Costs for 20 hours @ \$50 /hour =	\$ 1,000
5. Legal fees 25 hours @ \$200/hour =	\$ 5,000
6. Total	\$19,200

All the numbers provided are only estimates and are not contract numbers. It is assumed this could be less or more depending on involvement of community groups and the owner providing work.

Should another company be employed to remove the rubbish and debris, that process is dictated by Procurement Policy of the Town.

The process follows Local Law 1 of 2007 as amended by Local Law 4 of 2017 which reads in part:

Section 15 (e). Exterior Property Maintenance Violations

In the event that a Property Owner fails to comply with the Compliance Order of the Code Enforcement Officer to remedy violations of the provisions of the all applicable sections of the Uniform Code, the Energy Code or this local law pertaining to exterior property and the maintenance of exterior property, within the period stated in the Compliance Order, the Town shall have the following remedies in addition to all remedies set forth in State, local or other applicable law:

1. If the property owner fails to remedy the condition(s) constituting the violation within the period stated in the Compliance Order, the Code Enforcement Officer shall present a compliance and remediation plan (“the Plan”) to the Town Board. The Plan shall detail how the Town may cause the condition(s) to be corrected through reasonable measures and shall include an estimate of the direct cost of such measures, plus legal costs and administrative costs of the town for administering, supervising and handling such work in accordance with the provisions of this local law.

2. If the Town Board adopts the Plan, notice of the Town’s intent to remedy the violation will be provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules. The notice shall include the following:

- a. a copy of the proposed Plan;
- b. that the Town intends to remedy the conditions constituting the violation;
- c. that the property owner will be billed for the cost of implementing the Plan, in the amount set forth in the Plan, and that upon the property owner’s failure to do so, the cost will be added to the property tax bill for the property;
- d. that the property owner has 30 days from the date of service of the notice to remedy the condition or request a public hearing before the Town Board on the Plan and the estimated cost thereof.

3. If the property owner requests a public hearing in writing, the Town Board will conduct such hearing and shall publish notice of such hearing and provide a copy of the notice to the property owner by regular and certified mail at least 10 days before the hearing.

4. After such public hearing, the Town Board shall determine whether to modify the plan and/or the cost of measures to remedy the violation.

5. If the Town causes the violation to be remedied in accordance with the Plan, the property owner shall receive a bill for the cost of the remediation as set forth in the Plan, with a notice that if the cost remains unpaid after 30 days, the Town will take the necessary steps to have the cost added to the property owner’s next property tax bill. The bill shall be mailed to the property owner by regular and certified mail.

6. If the sum stated in the bill is not paid within 30 days after mailing thereof to the property owner, the Town may file a certificate with the Tompkins County Department of Assessment stating the cost of abatement and administrative and legal costs to the Town, as detailed in the bill, together with a statement identifying the property and property owner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Dryden. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.