

**HORICON TOWN BOARD
SPECIAL MEETING OF THE BOARD**

**MAY 10, 2011
3:45 PM**

Present at meeting	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Joseph Dooris	Councilman

Krista Wood Town Clerk

Also: Matt Simpson and Gary McMeekin

Supervisor Bentley called the meeting to order at 3:45 PM.

The purpose of the meeting was to discuss obtaining a court order to test a septic system to determine if it has failed. This test needs to be done as soon as possible. The Board passed the following Resolution:

RESOLUTION #77-2011

Messrs. Hill and Higgins introduced Res. No. 77 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE TOWN COUNSEL TO SEEK COURT ORDER TO HAVE THE SEPTIC SYSTEM AT 183 DUELL HILL ROAD TESTED AND REPAIRED IF NECESSARY

WHEREAS, in September 2009, Gary Scidmore, the Town Health Officer, reported that there was E. Coli at the property of Walter Brownell at 183 Duell Hill Road, Brant Lake, in the Town of Horicon. Scidmore suggested that dye testing be done to determine if there was a failed septic system; and

WHEREAS, the Town tried to get the property owner to cooperate with voluntary testing; and

WHEREAS, Mrs. Brownell appeared at the Town Board meeting of August 20, 2009 and seemed to agree to the testing; and

WHEREAS, the Town Board gave the property owner ten (10) business days to have the test done but the property owner did not do so; and

WHEREAS, the Town Board passed Resolution 113 of 2009 to seek a Court Order to require testing in 2010 but due to site conditions last year this was not pursued and the testing still has not been done; and

WHEREAS, Gary McMeekin, the Zoning Administrator, recently visited the property and reported that there is standing water that appears to be polluted from a failed septic system; and

WHEREAS, this poses a considerable risk to public health and needs to be addressed immediately,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes Town Counsel to seek a Court Order from the Supreme Court: 1) allowing the Town to enter the property at 183 Duell Hill Road for the purpose of conducting dye testing of the septic system; 2) if the test reveals a failed septic system, requiring the septic system to be fixed within thirty days and if the property owner fails to do so, allowing the Town to have the work done and the cost charged to the property owner and make a lien against the property; and 3) awarding the Town the attorney fees and costs required by this action.

The Board also discussed a situation that has arisen where a landowner is allowing a relative to live on his property in a travel trailer/"construction trailer". The Board passed the following Resolution:

RESOLUTION #78-2011

Messrs. Olson and Hill introduced Res. No. 78 and moved its adoption:

**RESOLUTION TO AUTHORIZE ZONING ADMINISTRATOR TO NOTIFY LANDOWNER
THAT A TRAILER MUST BE MOVED**

WHEREAS, a landowner is presently allowing a relative to live on his property in a travel trailer/"construction trailer" without the proper permits which is in violation of the Town of Horicon Zoning Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Zoning Administrator to notify the landowner that the trailer can be used for thirty (30) consecutive days or forty-five (45) days aggregate in one year after which time it must be moved in order to be in compliance with the Zoning Ordinance. The Zoning Administrator will give a date by which the trailer is to be removed from the property.

Adjourn... There being no further business to attend to the meeting was adjourned at 4:10 PM by MOTION of Messrs. Olson and Dooris, all in favor.

Respectfully Submitted:

Town Clerk