

BOROUGH OF LEMOYNE

“The little town that has it all!”

Lemoine Borough Council Public Hearing Minutes—November 17, 2022

A Public Hearing regarding an appeal of the Sewage Enforcement Office (SEO) order to replace the septic tank at 631 Lowther Street was held at 6:00 p.m. on Thursday, November 17, 2022 at the Borough Office. Present were Councilmembers Joe Gargiulo, Gene Koontz, Mike Kostukovich, Jesse Monoski, Sue Yenchko and Council President Gale Gallo. Councilmember Rebecca Coleman was absent. Also present were Borough Manager Cindy L. Foster, Borough Secretary Jenn Erickson, and Borough Solicitor Naveen Nadipuram. Wastewater Treatment Plant Superintendent Bob Oakes participated remotely via Zoom/

Council President Gallo called the meeting to order at 6:04 p.m. Borough Solicitor Nadipuram then provided an overview of hearing protocols. Mr. Nadipuram then opened the floor to the applicant, Ken Bolinger (current owner of 631 Lowther Street), and his attorney, Mr. John Ogden, for their testimony. Mr. Oakes was also sworn in to offer clarification and answer any questions in response to Mr. Bolinger’s testimony.

Ms. Gallo opened the floor to comments from Councilmembers.

1. **Ms. Yenchko** asked for clarification regarding several cracks found in the concrete surrounding the tank.
2. **Mr. Kostukovich** stated his concern about how many people can reside in the dwelling and the stress that will place on the system.
3. **Mr. Koontz:**
 - a. asked for clarification on the initial report of there being exposed rebar
 - b. made sure Mr. Bolinger was aware the new tank would need to be 900-gallons vs the current 600-gallon tank currently in use.
4. **Ms. Gallo:**
 - a. asked Mr. Bolinger for clarification regarding the reasons for the failure of the last inspection of the tank.
 - b. Inquired with Mr. Oakes about his tenure as SEO and if he was present at the previous inspections during the ten years Mr. Bolinger has owned this dwelling.
 - c. Asked for clarification on cracks found in the tank from the most recent inspection.
 - d. Clarified the initial approval for repair was conditional, noting the Borough Sewage Enforcement Officer was to be onsite during all work, and contingent upon no other repairs being needed to the tank.
5. **Ms. Yenchko** inquired about the requirements for a larger tank based on the number of bedrooms. Mr. Oakes confirmed that the requirement is 900 gallons for three-bedroom homes and Mr. Bolinger’s property is listed on Realtor.com as a three-bedroom home.
6. **Mr. Gargiulo** noted that it would be possible for more than two people to reside in this home. He then inquired with Mr. Bolinger if he would put a stipulation on future use of this home, restricting to two residents only or the tank would need to be replaced and brought up to code.

Public Comment- None

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Motion by Mr. Gargiulo, second by Mr. Kostukovich, to approve a request from Ken Bolinger to waive the Sewage Enforcement Officer's order to replace the septic tank at 631 Lowther Street. Motion was denied by roll call vote with Mr. Koontz and Ms. Yenchko voting yes, and Mr. Gargiulo, Mr. Kostukovich, Mr. Monoski and Council President Gallo voting nay.

Being no further comment, following a motion by Mr. Gargiulo, second by Ms. Yenchko, the hearing was unanimously adjourned at 6:55 pm.

Respectfully submitted,

Jenn Erickson
Borough Secretary