

EMSWORTH BOROUGH COUNCIL  
171 Center Avenue, Pittsburgh, PA 15202  
Meeting Minutes – February 14, 2024

Resignation letter from Benjamin Nalevanko received at the borough office 1/31/2024.  
Resignation letter from William B. Bauer received at the borough office 2/12/2024.

The February 14, 2024, business meeting was called to order by William Bauer. The Pledge of Allegiance followed.

MOTION by Mr. Yurkovich, second by Ms. Donovan to accept resignation of William Bauer from Council. Yea: Ms. Donovan; Messrs. Mary, Yurkovich; Nay: Ms. Dine; Messrs. Lenz, Bauer; tie vote: Mayor Nalevanko voted nay. Motion failed.

MOTION by Mr. Yurkovich, second by Ms. Donovan to accept resignation of Benjamin Nalevanko from Council. Motion carried by roll call: Yea: Ms. Donovan, Ms. Dine, Messrs. Mary, Yurkovich; Nay: Messrs. Lenz, Bauer.

MOTION by Mr. Yurkovich, second by Ms. Donovan to reorganize council. Motion carried by roll call: Yea: Ms. Donovan, Ms. Dine; Messrs. Mary, Yurkovich; Nay: Messrs. Lenz, Bauer.

MOTION by Mr. Yurkovich, second by Ms. Donovan to appoint Kevin Wisniewski to the vacancy on Council. Motion carried by roll call: Yea: Ms. Donovan, Ms. Dine; Messrs. Mary, Yurkovich; Nay: Messrs. Lenz, Bauer.

Mr. Wisniewski received the Oath of Office from the Borough Secretary (notary). This is a two-year term until 2026.

MOTION by Ms. Donovan; second by Mr. Mary to nominate Kevin Yurkovich as council president. Motion carried by roll call: Yea: Ms. Donovan, Ms. Dine; Messrs. Mary, Wisniewski, Yurkovich. Nay: Messrs. Lenz, Bauer.

**ROLL CALL - Pres. Yurkovich**

Council Members Present – William Bauer, Kathleen Dine, Abigail Donovan, Daniel Lenz, Michael V. Mary, Kevin Wisniewski, Kevin Yurkovich

Others Present – Alexander Nalevanko, Mayor (left the meeting stating the meeting was illegal); Robert L. McTiernan, Esq.; Dennis J. Flynn, P.E.; Cathy Jones, Borough Secretary  
Pres. Yurkovich requested legal advice; and Sol. McTiernan stated the meeting was legal and it continued.

**MINUTES APPROVAL**

MOTION by Mr. Mary, second by Ms. Donovan to accept the January 13, 2024, Minutes as distributed. Discussion: Pres. Yurkovich requested public comments be reinstated to the January Minutes; Motion amended by Mr. Mary, second by Ms. Donovan. Motion carried by roll call: Yea: Ms. Donovan, Ms. Dine, Messrs. Bauer, Mary, Yurkovich; Nay: Mr. Lenz. Mr. Wisniewski abstained.

MOTION by Ms. Donovan, second by Mr. Wisniewski to appoint Mr. Mary as Vice President of Council. Motion carried by roll call: Yea: Ms. Donovan, Ms. Dine, Messrs. Bauer, Mary, Wisniewski, Yurkovich; Nay: Mr. Lenz.

MOTION by Mr. Mary, second by Ms. Dine to appoint Abigail Donovan as Pro Tempore. Motion carried by roll call: Yea: Ms. Donovan. Ms. Dine, Messrs. Bauer, Mary, Wisniewski, Yurkovich; Nay: Mr. Lenz.

### **PUBLIC COMMENTS**

Natalaya Staley - 222 Pennsylvania Ave. delivered an impassioned speech directed to Mr. Lenz that she disagreed and was infuriated by his recent Facebook comments and he does not represent her nor Emsworth and although the mayor left the meeting, he had no power over her and this was not a game.

Josie Ramsey, 240 Greenwood – reminded council the reason they were voted in was to work together.

Sister Linda Yankoski, 135 Allegheny Avenue – interested to move forward on the Nazareth Prep building project but facing challenges relative to parking on campus and how code enforcement is using the figure of 1K people in the gymnasium to equal parking spaces. Pres. Yurkovich stated a variance hearing would be required.

Fran Donovan, 8179 Ohio River Blvd - is concerned about the condition of the house and debris accumulation at the property next to the condos. The Harshman Group will be contacted for an update.

Alma Finke, 215 Bryson Avenue – is hopeful council can continue to make business decisions in a peaceable manner and although she does not agree with Mr. Lenz’s social media comments, she feels he has done a good job on council.

### **MAYOR REPORT – Reported by Pres. Yurkovich**

Public Safety: OTPD: 99 calls; EVFC: 34 calls

### **SOLICITOR REPORT – Robert L. McTiernan, Esq.**

No report

### **ENGINEER REPORT – Dennis J. Flynn, P.E.**

\$370K Grant received toward Consent Order work; an additional amount will be applied for through a GROW grant.

Meeting with Infrastructure should be scheduled soon to get the road list finalized to bid in March and award in April.

DCNR Meeting for the \$99,800 grant for Marmo Park will be held next week via zoom.

### **COMMITTEE REPORTS**

#### **INFRASTRUCTURE – Daniel Lenz**

235-237 Center Avenue Tap-In - MOTION by Mr. Lenz, second by Mr. Mary to adopt Res. No. 2024-01, Sewer Tap-In agreement for 235-237 Center Avenue land development. Motion carried by roll call: Yea: Ms. Donovan Ms. Dine, Messrs. Lenz, Bauer, Mary, Yurkovich; Abstain: Mr. Wisniewski.

Middletown Tractor – MOTION by Ms. Donovan, second by Mr. Mary to authorize \$2500 in maintenance repairs to Middletown Tractor. Discussion: Mr. Lenz questioned why the repairs were not being done in-house. Mr. Mary replied the tractor had not had proper maintenance and repairs with the

public works turnover. Motion carried by roll call: Yea: Ms. Donovan. Ms. Dine. Messrs. Bauer, Mary, Wisniewski, Yurkovich; Nay: Mr. Lenz.

**SHACOG Consent Order Work/MS4 Survey Non-Binding Participation:**

MOTION by Mr. Lenz, second by Mr. Mary to participate in SHACOG Joint Bid, O&M Repairs, Year 13. Motion carried by roll call. Yea: Ms. Donovan, Messrs. Lenz, Bauer, Mary, Wisniewski, Yurkovich. Ms. Dine abstained.

MOTION by Mr. Lenz, second by Ms. Donovan to participate in SHACOG Joint Bid, O&M CCTV Inspection & Cleaning Year 14. Motion unanimously carried by roll call.

MOTION by Mr. Lenz, second by Mr. Mary to participate in SHACOG Joint Bid, Pipe Cleaning Year 18. Motion unanimously carried by roll call.

**COMMUNITY EVENTS – Abigail Donovan**

Ms. Donovan announced the annual Easter Egg Hunt will be held Saturday, March 30, 10 a.m. at Marmo Park. Pre-registration at the borough office is required; additional details in March.

**QVCOG – Abigail Donovan**

Cohen Law/Comcast Renewal - Ms. Donovan reported the Cohen Law Group cable franchise agreement has been distributed for consideration to adopt at the March 13 meeting. If seven QVCOG communities agree, a 20% discount in services will be realized.

**PUBLIC WORKS – Daniel Lenz**

Mr. Lenz will meet with Mr. Fashian (DPW) regarding the skid steer and trucks.

**FINANCE/PERSONNEL – Michael V. Mary**

Bill List - MOTION by Ms. Dine, second by Mr. Mary to approve the bill list with the addition of \$158.89 to Advance Auto. Motion unanimously carried by roll call.

Audit Proposal - MOTION by Mr. Mary, second by Ms. Donovan to approve the three-year proposal by borough auditor, Hosack, Specht, Muetzel and Wood for financial audit years ending 2023, 2024, 2025. Motion unanimously carried by roll call.

Mr. Mary set a limit of \$500 before purchases/repairs would need approval by the finance committee.

**PERSONNEL –Michael V. Mary**

MOTION by Mr. Mary, second by Ms. Donovan to approve Mr. Fashian as the call-out contact for the snow removal team. Motion unanimously carried by roll call.

**OLD BUSINESS**

Zoning Hearing - Pres. Yurkovich reported the Zoning Hearing Board met February 20, 2024, and denied the request from the owner of 204 Superior Avenue to operate a short-term rental at this property.

**NEW BUSINESS**

ACBA – Mr. Mary requested an update from Mr. Bauer on the recent banquet meeting he attended. Mr. Bauer reported that he met many people at this networking evening and enjoyed doing so.

Pres Yurkovich reiterated the borough has two active grants to be worked on for the consent order and Marmo Park upgrades.

**PUBLIC COMMENTS**

Fran Donovan, 8179 Ohio River Blvd., acknowledged as she, and perhaps others in attendance, did not know the council, requested council members introduce themselves, mention how long they have served on council and the committees they have served on. Council members obliged.

Brian Willis – Kilbuck Street, questioned why the washboard section of Plumer Avenue was not paved in 2023 when the rest of Plumer was paved, as this is the worse portion. Mr. Flynn explained all borough roadways receive a rating number which determines the paving program for a given year. That particular section of roadway was paved a few years ago when Pittsburgh Street was on the list.

Dave Wexler, 78 Courtney, thanked Mr. Bauer and Ms. Dine for staying on council and is hopeful that the borough never has a person running unopposed and cautioned voters to check out candidates before voting.

Pres. Yurkovich requested council communicate with each other for the betterment of the borough.

**ADJOURN**

MOTION by Mr. Yurkovich, second by Ms. Donovan to Adjourn the February 14, 2024, meeting at 7:30 p.m.

Respectfully, Submitted,

CATHY JONES  
Borough Secretary