

JOHNSTOWN CITY COUNCIL
REGULAR MEETING MINUTES
Wednesday, October 9, 2019

City Council met in a stated session for the general transaction of business.
Mayor Frank Janakovic called the meeting to order at 6:01 p.m.

Reverend King offered the invocation. The Pledge of Allegiance was recited.

The following members of Council were present for roll call:

Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Williams (7).

Carl D. Beard, Esquire, City Solicitor; Robert Ritter, Finance Director; Chief
Johnson, City of Johnstown Police Department; and Chief Statler, City of
Johnstown Fire Department, were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the August 28, 2019 Special Meeting
Minutes. Mrs. Mock seconded the motion.

There was discussion regarding the Minutes.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Williams (6).

Nays: None (0).

Abstention: Mr. Britt (1).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

Mayor Janakovic noted a Proclamation will be presented on Saturday, October 12,
2019, at the NAACP Freedom Fund Banquet and a Proclamation will be
presented for Red Ribbon Week, which is the week of October 22, 2019.

PUBLIC COMMENT-AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, came before Council for discussion of
appointments and the City Manager. He inquired why bias is preventing
citizens from serving on city boards, and commented, "Corruption continues"
when appointing people that are like-minded.

Mr. DeBartola commented that it was time to dissolve the City Manager form of government, that "we need a strong leader to set the pace for the community." He asked that a resolution be introduced tonight dissolving the City Manager form of government and replaced with a strong Mayor at the next election.

Mrs. Stanton agreed with the need for new appointments. She stated she and Councilman Williams previously proposed the strong Mayor form of government. She explained the process to make the change.

REPORTS:

CITY MANAGER

It was noted that George Hayfield, City Manager, was not present and had announced at the last meeting that he would be on vacation. Robert Ritter, Acting City Manager, was asked to join Council at the table. Mr. Ritter had no report.

Mrs. Stanton stated it was noted previously by the City Manager that past CDBG funds had been spent improperly. She inquired as to how much money the City had spent improperly.

Mr. Ritter stated Mr. Hayfield did not state that money was spent improperly, that he did state that a new regulation by HUD indicated that only one code officer would be paid using CDBG funds.

Mr. Williams commented that the HUD regulation was from 2014, and the City was in violation of using CDBG money for grass cutting. Mrs. Mock recalled that there was no violation, no fine. The money was not improperly used; it was just making the City aware that this money cannot be used for that. There was further discussion regarding the matter and the HUD report.

MAYOR

Mayor Janakovic reported on his recently serving on a panel discussion at the University of Pittsburgh at Johnstown Campus along with the entire Board of Trustees with regard to the importance of a branch campus to Johnstown and to the university.

The Mayor met with the new Director of the 1889 Foundation.

He noted his attendance at the regional partnership Chamber of Commerce meetings.

Mr. Janakovic commended the Chief and the Johnstown Police Department on its \$300,000 marijuana bust.

(Round of Applause)

Chief Johnson stated a traffic stop Sunday evening led to a search warrant Tuesday evening and the eventual arrest of an individual in Ferndale Borough.

CITY SOLICITOR

Carl D. Beard, Esquire, City Solicitor, introduced himself on behalf of the Beard Legal Group. He acknowledged for the record the Stipulation of Settlement entered with respect to the recent Petition for Contempt Sanctions that was previously approved by Council. He explained that at the time his office first received confirmation of the signed Order by Judge Tulowitzki, it was very shortly before the last Council meeting and after the agenda had been issued. Therefore, in the absence of the September meeting Minutes being available, he offered the following motion be entered into the Minutes of this meeting:

Mr. Beard requested a motion to acknowledge and enter into the Minutes of this meeting the adoption of a Stipulation of Settlement and Release and joint motion for agreed Order as approved by City Council in relation to all parties named in the Civil Action pertaining to the Petition Seeking Contempt Sanctions filed at Civil Action No. 2017-4061 that was filed on February 4, 2019, and to enter said Order into the Minutes of this meeting.

Mayor Janakovic made a motion to approve. Mrs. Mock seconded the motion.

Mr. Williams noted for the record that the City seal and the signature of the city clerk should be placed on the Order.

Mrs. Mock made a motion to place the City seal and signature of the City clerk on the Order. Mr. Vitovich seconded the motion.

Mr. Beard explained that the Order, consisting of eight pages, related to an action that was filed in the Court of Common Pleas, is public domain, and open for public comment.

John DeBartola stated he did not understand the Stipulation and Settlement. He inquired if this was a "secret settlement" and requested an answer as to what Council was agreeing to.

Mr. Williams made a motion that the entire Stipulation be read into the record. Mrs. Stanton seconded the motion.

The motion to place the City seal and City clerk signature on the Order passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Britt (5).

Nays: None (0).

Abstentions: Mrs. Stanton, Mr. Williams (2). Mrs. Stanton and Mr. Williams
abstained due to current litigation.

The motion to read the entire Stipulation into the record failed by the following vote:

Yeas: None (0).

Nays: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,
Mayor Janakovic (5)

Abstentions: Mrs. Stanton, Mr. Williams (2). Mrs. Stanton and Mr. Williams
abstained due to current litigation.

Mr. Beard requested a motion to authorize the City Solicitor to file an Entry of Appearance to proceed in defense of all Respondents named in the Petition for Contempt Sanctions filed at Docket No. 2017-4061 on September 30, 2019 in the Cambria County Court of Common Pleas entitled John "Jack" Williams, Councilman; Charlene Stanton, Councilwoman V. Frank J. Janakovic, Mayor; Richard Britt, Councilman; Sylvia King, Councilwoman; Marie Mock, Councilwoman; David Vitovich, Councilman; George Hayfield, City Manager; and Robert Ritter, Director of Finance.

Mr. Beard explained the motion would authorize the Beard Legal Group to move forward with the filing and entry of appearance in any defense work as it pertains to the Petition for Contempt Sanctions filed September 30, 2019.

Reverend King made a motion to approve. Mr. Vitovich seconded the motion.

Mr. Beard explained the Entry of Appearance is public domain and open for public comment. There was no public comment regarding the matter. Mr. Beard read the authorization for Entry of Appearance into the record once again.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (5).

Nays: None (0).

Abstentions: Mrs. Stanton, Mr. Williams (2). Mrs. Stanton and Mr. Williams
abstained due to current litigation.

CITY ENGINEER

No Report.

COUNCIL UPDATES /NEIGHBORHOOD LIAISONS

Mrs. Mock reported that the West End Improvement Group would be having a basket party/fundraiser November 10, 2019, at St. Therese Social Hall to raise additional money for cameras.

The flower boxes in the West End will be put away for the winter.

Reverend King reported the Kernville Community Meeting would be held October 10, 2019, at Christ Centered Community Church.

She noted that Chief Statler would meet with the United Neighborhood Group on October 16, 2019, at 5:30 p.m. at Johnstown High School. The group is planning an emergency preparedness seminar that will be held November 12, 2019, at the high school.

Reverend King noted the Woodvale Community Meeting would be held on October 17, 2019, at the CamTran Building at 6:30 p.m.

Mayor Janakovic reiterated that the NAACP Freedom Fund Banquet would be held on Saturday, October 12, 2019, at the Holiday Inn.

Mr. Williams stated he reviewed the Consent Orders and the City Ordinances and could not find where Certificates of Compliance can be issued for three partial pressure testing as indicated in inspection reports signed by Don Buday of the EADS Group. Mr. Williams commented that this might be regarding "favoritism and special consideration." There was further discussion regarding the matter. Council requested a formal explanation from EADS regarding the matter.

Mrs. Mock made a motion that the City Solicitor contact The EADS Group to request copies of the inspection reports and clarification of what is meant by partial pressure testing. Mrs. Stanton seconded the motion.

Mrs. Stanton commented that there had been no representation by The EADS Group at a Council meeting for a long time.

Mrs. Stanton made a motion to amend the original motion to include all properties that were pressure tested in 2018.

Mr. Beard suggested that it may be in the best interest of the City to entertain a motion to have his office contact EADS regarding why a partial Certificate of Compliance for pressure testing may be awarded using the three examples, that if there is a rationale that they can cite and say this is the reason why this was done in this manner, then it may be a situation where Council would request their presence to review the matter before Council.

Mr. Williams suggested that EADS be required to cite by what authority the term partial pressure testing exists.

Mrs. Mock made the motion. The motion was seconded by Mr. Williams and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock (7).

Nays: None (0).

Mr. Vitovich reported that Public Works was conducting routine maintenance cleaning inlets, patching holes, fixing the collapsed storm drains, and picking up yard waste. He noted the staff was in the process of getting the machines ready for leaf cleanup

Mrs. Stanton continues to volunteer with the Moxham Walking Group, meeting every Wednesday at Moxham Lutheran Church to pick up litter throughout the neighborhood.

The chain link fencing at the rear of the Park Avenue Playground was ripped down and torn apart, fixed by Public Works, and ripped down again. She suggested the fence be taken down altogether.

Mrs. Stanton stated PennDOT responded to her concern regarding the poor road conditions on Franklin Street in Roxbury and stated there would be roadwork starting from the intersection at Route 985 (Somerset Pike) and Franklin Street to the intersection of Southmont Boulevard and Franklin Street. A project in the design phase that will pave the rest of Franklin Street from Southmont Boulevard would commence in two years.

Mrs. Stanton noted the Roxbury roads have been a concern of hers for a long time, and that "something needs to be done." Mrs. Mock noted that Mr. Dubnansky, the new Director of Community Development, is very "well-versed" with grant writing and may be able to help with that matter.

Mr. Vitovich had discussed the matter with Liberoni who informed him it was less expensive to bring in a miller to do that job all at one time than come in and do one road at a time, but would do as much as possible before either the plant closes or snow falls.

Mrs. Stanton further reported on organizing a Halloween House Decorating Contest for the Roxbury neighborhood. She thanked Tony's Sub Shop and Roxbury Tire Center who agreed to be sponsors in the matter. Further details will be provided.

Mrs. Mock further reported that Coptoberfest would be held on Saturday, October 12, 2019, at PNG Park, which benefits Camp Cadet and the Distressed Officers Fund.

She also reported that a group of physicians and staff of Conemaugh Hospital remulched the Eighth Ward Playground. The group will continue to help as much as possible.

Mayor Janakovic further reported that Discover Downtown was sponsoring the Scarecrow Contest in the park. He noted that the Halloween Parade would be held October 22, 2019, downtown. The Budget Meeting would be rescheduled.

PLANNING COMMISSION MINUTES - SEPTEMBER 4, 2019

1. Code complaints from J. Williams - 8.
2. Code complaints from C. Stanton - 33.
3. Code complaints from L. Yutzy - 4.
4. Code complaints from D. Callahan - 11.
5. 10/2/19 code complaints letter - D. Callahan.
6. 9/25/19 code enforcement letter - C. Stanton.

Mrs. Stanton read a letter written by D. Callahan into the record as follows:

I'm requesting these complaints and letter be on Council agenda and send this letter to all City Councilmember. Does the City have a codes department? If so, why can't I get an answer to these code complaints? I've been sending these to the codes department and the manager, some since January. No answers and the problems are still there. Does the City have anybody who checks on code complaints? Does anybody care? Is anybody doing their job?

Mrs. Stanton responded by noting that she cares and agreed with the letter writer. She will provide the information to Mr. Ritter as Acting City Manager for his attention. There was further discussion regarding the matter.

Mr. Ritter indicated that a third codes officer was recently hired and that the department now has a director.

Mrs. Stanton noted a response to her inquiry about the crumbling sidewalks along Valley Pike, which indicated a letter was sent to the property owner regarding the matter. She indicated that per City Ordinance, if the sidewalk is not corrected by the owner, that will cause the Public Works Department to go out, fix the sidewalk, and send a bill to the property owner. She noted that Mr. Williams had reported the same thing occurring to a property owned by HUD and inquired why Public Works would pave a sidewalk at a HUD house. Mr. Williams noted that HUD would be billed for the repairs. There was further discussion.

Mrs. Stanton further noted code violations at commercial properties located on Barron Avenue in the West End. She noted a response from ABD indicated that code enforcement would need to be contacted concerning the matter. There was discussion regarding the creation of a new position in-house that would be addressed during budget talks.

PETITIONS

None

ORDINANCE FOR FINAL READ

BILL NO. 29 OF 2019, AN ORDINANCE TO PARTIALLY VACATE FULMER ALLEY FROM 1-3 CAMPBELL TOWARDS THE END OF FULMER ALLEY IN JOHNSTOWN, PENNSYLVANIA AS A PUBLIC THOROUGHFARE.

Mr. Vitovich made a motion to approve the ordinance. The motion was seconded by Mr. Britt and passed by the following vote:

Yeas: Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic,
Reverend King, Mrs. Mock, Mrs. Stanton (7).

Nays: None (0).

BILL NO. 30 OF 2019, AN ORDINANCE TO VACATE JONES PLACE FROM NAPOLEON STREET TO ROBB AVENUE IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

Mr. Vitovich made a motion to approve the ordinance. The motion was seconded by Mr. Britt and passed by the following vote:

Yeas: Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock, Mrs. Stanton, Mr. Vitovich (7).

Nays: None (0).

ORDINANCE FOR FIRST READ

BILL NO 32 OF 2019, AN ORDINANCE TO VACATE VON ALT PLACE FROM HORNER STREET TO BAUMER STREET IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

Mr. Vitovich made a motion to approve. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (7).

Nays: None (0).

BILL NO. 33 OF 2019, AN ORDINANCE REPEALING ORDINANCE NO. 4667, PASSED FINALLY ON 7/13/1994 AS AMENDED BY ORD. 4910 PASSED FINALLY ON 4/9/2003 AND AS CODIFIED IN THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, CHAPTER 278, VACANT PROPERTY REVIEW COMMITTEE AS TO BEING NON-COMPLIANT WITH COMMONWEALTH OF PENNSYLVANIA "URBAN DEVELOPMENT LAW" (1945 ACT 385, AS AMENDED) SECTION 12.1, BLIGHTED PROPERTY REMOVAL (B) SUCH POWER ON THE PART OF ANY REDEVELOPMENT AUTHORITY SHALL BE CONDITIONED UPON THE CREATION OR EXISTENCE OF A BLIGHTED PROPERTY REVIEW COMMITTEE BY ORDINANCE OF THE GOVERNING AUTHORITY OF THE MUNICIPALITY. THE COMMITTEE SHALL BE MADE UP OF MEMBERS AS DETERMINED IN THE SAID ORDINANCE BUT SHALL INCLUDE AT LEAST ONE MEMBER OF THE GOVERNING BODY, A REPRESENTATIVE OF THE REDEVELOPMENT AUTHORITY, A REPRESENTATIVE OF THE APPROPRIATE PLANNING COMMISSION, AND A REPRESENTATIVE TO BE DESIGNATED BY THE CHIEF EXECUTIVE OFFICER OR OFFICERS FROM THE EXECUTIVE BRANCH OF GOVERNMENT OF THE MUNICIPALITY.

Mrs. Mock made a motion to table. The motion was seconded by Reverend King and passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Britt (5).

Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 34 OF 2019, AN ORDINANCE AMENDING ORDINANCE NO. 5265, PASSED FINALLY ON JANUARY 16, 2019, AND AS AMENDED BY BILL 18 OF 2019 ON AUGUST 14, 2019 (ORDINANCE NO. 5272) TITLED: AN ORDINANCE ESTIMATING THE AMOUNT OF REVENUE TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS AND PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, BUDGET EXHIBIT "A" DETAILS, AND MORE SPECIFICALLY, AMENDING THE FOLLOWING CITY OF JOHNSTOWN FUNDS:

SECTION 1

- 1.(FUND (A) GENERAL FUND-EXHIBIT "A"-(01).
- 2.(FUND (C) COMMUNITY DEVELOPMENT - EXHIBIT "A"-(04).
- 3.(FUND (H) CAPITAL FUND-EXHIBIT "A"-(18).
- 4.(FUND (K) RECREATION FUND-EXHIBIT "A"-(22).
- 5.(FUND (M) SEWER UPGRADE MAINTENANCE REPAIR FUND - EXHIBIT "A"-(24).

Mr. Vitovich made a motion to table. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,
Mayor Janakovic (5).

Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 35 OF 2019, AN ORDINANCE REPEALING ORDINANCE NO. 5272 PASSED FINALLY ON AUGUST 14, 2019, TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 5265 ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND

OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR
THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, BUDGET
EXHIBIT "A" DETAILS TO AMEND THE 2019 UDAG FUND.

Mr. Vitovich made a motion to approve. Mrs. Stanton seconded the motion.

Mr. Williams commented this ordinance was tabled at the last meeting. He stated this would need to be repealed and the UDAG budget would require an amendment to bring it back into balance. There was further discussion.

Mr. Beard explained his office had been in discussions with City administration to determine what exactly transpired as it pertained to the discrepancy that Councilman Williams highlighted between the document that was initially attached as passed versus what was provided via the memo from Mr. Hayfield that all of Council had received. He noted that in discussion it was relayed to his office that the information provided to Council for the initial readings, at the hearing, final reading, and all points in time was an accurate and balanced attachment. In the process of it being then taken and uploaded to the digital platform, there was somewhere along the line a clerical or processing error that resulted in this discrepancy. Based on that information provided to his office, it was recommended that that information be provided to Council in order to identify that the discrepancy had been identified and that it was being rectified, because it was simply a processing or clerical error and that the document that is attached digitally is the one that was provided by Mr. Hayfield in Council's packet.

Mr. Beard noted the intent of Mr. Hayfield was not to amend what Council passed, but to rectify a clerical error. He further noted that based on information provided to his office, at all points in time Council was provided with a true and accurate copy that had the balanced budget information. Moreover, somewhere between when it was signed and when it was uploaded, the uncorrected attachment was attached.

There was further discussion regarding the matter.

Mrs. Mock made a motion to table for further clarification. The motion was seconded by Mr. Britt and passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams,
Mr. Britt, Mayor Janakovic, Reverend King (7).

Nays: None (0).

BILL NO. 36 OF 2019, AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, ESTABLISHING THE USE OF TARPAULINS WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTIONS ON THE USE OF TARPAULINS WITHIN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Vitovich made a motion to approve. Mr. Williams seconded the motion.

Mrs. Stanton commented on tarpaulins on roofs and in people's yards for covering up junk, as well as abandoned vehicles. Reverend King commented that maybe a resident cannot afford a new roof and is using tarpaulin to cover it. Mrs. Mock suggested that information be given to residents regarding who would be able to help them obtain a new roof.

The motion failed by the following vote:

Yeas: Mrs. Stanton, Mr. Williams (2).

Nays: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock (5).

RESOLUTIONS

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, GIVING WRITTEN NOTICE OF TERMINATION FOR CAUSE, OF GEORGE HAYFIELD AS JOHNSTOWN CITY MANAGER EFFECTIVE UPON PASSAGE OF THIS RESOLUTION FOR CAUSE AND WITH AN EFFECTIVE TERMINATION DATE OF NO LATER THAN FRIDAY, SEPTEMBER 6, 2019, FOR INCLUDING BUT NOT LIMITED TO:

1. FAILURE TO COMPLY WITH TERMS OF THE JULY 1, 2018 EXECUTED EMPLOYMENT AGREEMENT.
2. FAILURE TO COMPLY WITH REQUIREMENTS OF THE CITY OF JOHNSTOWN HOME RULE CHARTER, ARTICLE VI, CITY MANAGER, 11.6-602 DUTIES: ARTICLE X, FINANCIAL PROCEDURES, 11.10-1010 ADMINISTRATION OF THE BUDGET; 11.10.1005 BUDGET.
3. FAILURE TO COMPLY WITH REQUIREMENTS INCLUDING THE ENFORCEMENT AND COMPLIANCE WITH THE ADMINISTRATIVE CODE OF HE CITY OF JOHNSTOWN, ORDINANCE NO. 4654 AS AMENDED;

4. FAILURE TO COMPLY WITH CERTAIN PROVISIONS CONTAINED IN THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN.
5. FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CAMBRIA COUNTY COURT OF COMMON PLEAS APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4061) UPON ASSUMING THE POSITION OF CITY MANAGER EFFECTIVE JULY 1, 2018.

Mr. Williams made a motion to remove from table for the purpose of withdrawal. The motion was seconded by Mrs. Stanton and Mayor Janakovic and passed by the following vote:

Yeas: Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton (7).
Nays: None (0).

Mr. Williams made a motion to remove from table Resolutions 2, 3 and 4 for the purpose of withdrawal. The resolutions are combined and read as follows:

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP - CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO CODIFIED ORDINANCES 484.10 PARKING IN MUNICIPAL METERED AREAS; WAIVER FINE AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES (i) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (j) PENALTIES (Tabled 9/11/19.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP - CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO ORDINANCE NO. 5265 PASSED FINALLY ON JANUARY 16, 2019, SUBSECTION 1.A AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES (i) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (j) PENALTIES (Tabled 9/11/19.)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP - CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO CODIFIED ORDINANCES 233.09 CIT INVENTORY AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES (i) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (j) PENALTIES (Tabled 9/11/19).

The motion was seconded by Reverend King and passed by the following vote:

Yeas: Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock, Mr. Vitovich (6).
Nays: Mrs. Stanton (1).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH AMERICAN ROCK SALT DEPARTMENT OF GENERAL SERVICES COSTARS PROGRAM, 5520 NY-63 MT. MORRIS, NEW YORK, 14510 TO PROVIDE AND DELIVER TO THE CITY ROCK SALT FOR THE CALENDAR YEAR AUGUST 2019 THROUGH AUGUST 2020.
(EXPENSE BY LIQUID FUELS FUND 05.432.37.155.00)

Mr. Vitovich made a motion to approve.

Mrs. Mock made a motion to table but withdrew that motion.

Mrs. Stanton seconded the motion.

Mrs. Stanton commented that not all bids for the contract were attached. Mrs. Mock stated that was why she made the motion to table.

Mr. Vitovich withdrew his motion to approve.

Mrs. Mock repeated her motion to table. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).

Nays: None (0).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH HOMER R. SLEEK AND SONS, INC., 132 MOSSY LANE, JOHNSTOWN, PA, 15905, TO PROVIDE AND DELIVER TO THE CITY ANTI-SKID MATERIAL, AS4 SLAG FOR THE CALENDAR YEAR 2019-2020.

Mrs. Mock made a motion to table noting the contract was not attached. The motion was seconded by Reverend King and passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt (7).

Nays: None (0).

Resolution No. 10219

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NO. 10198 PASSED ON AUGUST 14, 2019 TITLED: A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS ATTACHED DUE TO NONCOMPLIANCE WITH HOME RULE CHARTER ARTICLE X FINANCIAL PROCEDURES; 11.10.1009 LAPSE OF APPROPRIATIONS AND 11.10.1010 ADMINISTRATION OF THE BUDGET (D) TRANSFER OF APPROPRIATIONS, AND FURTHER, IN NONCOMPLIANCE OF THE APRIL 18, 2018 ORDERED STIPULATIONS OF SETTLEMENT AND RELEASE OF JOINT MOTION (DKT 2017-4061) AND FURTHER CONFIRMED BY THE SEPTEMBER 4, 2019, APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4016).

Mrs. Mock made a motion to table. Mr. Vitovich seconded the motion.

Mr. Williams commented that these were transfers after the first of the year when the appropriation lapsed, that it was tabled in January, and then Council passed it.

Mrs. Mock withdrew her motion to table for discussion.

Mr. Williams stated these transfers could not occur in 2019 from the 2018 budget. He further stated any transfers and adjustments needed to be made by December 31, 2018, but that funds were transferred in March of 2018. There was further discussion regarding the matter.

Mr. Beard explained that his office had been in contact with Mr. Hayfield regarding this resolution and had no qualms about it being repealed or this resolution going forward to repeal that item so long as there was no adverse effect through the finance department. Mr. Hayfield was requested to confirm as much with the auditors. As long as there had been no dispute from the auditors as to any type of adverse "ripple effect," there would be no issue with the resolution as proposed.

Mrs. Mock made a motion to approve as presented. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams, Mr. Britt, Mayor Janakovic (7).
Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH LECKEY'S DEMOLITION SERVICE IN THE AMOUNT OF \$160,531.95 FOR CONTRACT NO. 2019-25, CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH SEVENTEEN (17) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN (Tabled 9/30/19)
(EXPENSE FROM CDBG FUND 04.609.29.290.17)

The City Manager submitted a letter that the above matter be withdrawn for rebidding.

Mrs. Mock made a motion to remove from table and withdraw. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams,
Mr. Britt, Mayor Janakovic, Reverend King (7).
Nays: None (0).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN ALL AGREEMENTS MORTGAGES,
GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR
ONE CANDLE INVESTMENTS, LLC.
(EXPENSE FROM UDAG 08.676.00.365.00)

Mrs. Mock made a motion to table. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Williams (7).

Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN ALL AGREEMENTS, MORTGAGES,
GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR
BELLA BARRITA
(EXPENSE FROM JOB DEVELOPMENT 04.607.29.281.19)

Mrs. Mock made a motion to table. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Williams, Mr. Britt (7).

Nays: None (0).

Mrs. Mock noted a clerical error on the notary acknowledgement page.

Mr. Williams commented that Council was not required to approve resolutions to execute contract, which should be done by the loan committee. Mr. Beard will review the matter further.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ALL AGREEMENTS, MORTGAGES, GUARANTEES AND OTHER LOAN CLOSING DOCUMENTS FOR INTRIGNIA, INC.

Mrs. Mock made a motion to table. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams, Mr. Britt, Mayor Janakovic (7).
Nays: None (0).

Mr. Williams made a motion authorizing the Beard Legal Group to verify that there was no requirement for Council to pass the three previous resolutions, that if that were the case, the loans would proceed without coming back before Council again. The motion was seconded by Mayor Janakovic and passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,
Mayor Janakovic, Reverend King (7).
Nays: None (0).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH SNYDER ENVIRONMENTAL SERVICES, INC. AWARDED CONTRACT 2018-02 FOR THE CONSTRUCTION OF THE OLD CONEMAUGH BOROUGH SANITARY/STORM SEWER SEPARATION PROJECT.
(EXPENSE FROM SEWER UPGRADE/2020 PENNVEST CONEMAUGH 24.437 02.341.19)

Mr. Vitovich made a motion to approve. Mrs. Mock seconded the motion.

Mrs. Stanton made a motion to table this motion and the following motion, as not all bids were attached. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic,
Reverend King, Mrs. Mock (7).

Nays: None (0).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH A. LIBERONI, INC. AWARDED CONTRACT 2018-01 FOR THE CONSTRUCTION OF THE OLD CONEMAUGH BOROUGH SANITARY/STORM SEWER UPGRADE/FY 2020 BUDGET/PENNVEST/CONEMAUGH 24.437.02.341.19)

Mrs. Stanton made a motion to table, as not all bids were attached. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock (7).

Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, AUTHORIZING THE BEARD LEGAL GROUP - THE CITY SOLICITORS, TO PROCEED WITH LEGAL ACTION AGAINST PROPERTY OWNERS WHICH ARE NON-COMPLIANT AND IN VIOLATION OF THE CITY OF JOHNSTOWN'S VACANT PROPERTY ORDINANCE.

Mr. Vitovich made a motion to approve. Mrs. Stanton seconded the motion.

Mrs. Stanton commented that she and Mr. Williams had proposed this resolution many times before. She had further discussion regarding the matter noting that the City has the obligation to enforce the existing ordinances.

Mr. Beard explained that the way this resolution was worded is kind of a "blanket statement" that does not give the opportunity for either the City's administration or his office to have discretion to consider the facts and circumstances on a case-by-case basis to determine potentially which cases are likely to result in a favorable outcome and which instance might be something that has very little opportunity for a favorable outcome that would just then become a financial burden to the City. That as worded it created an obligation on his office to pursue any and every complaint that comes forth, which could potentially result in burdensome litigation.

Mr. Beard had no problem with the City enforcing existing ordinances, but the way the resolution was worded did not give his office the opportunity to look at a property that would still be owned by the estate or family member. If that property owner is deceased, action could still be pursued against that estate or family member. As it pertains to property owners in another jurisdiction or are far away, that is something that would be right for a subjective analysis as to whether it would be a financially-wise decision to pursue legal action.

Mr. Beard further stated his office was not opposed to being involved with any type of code compliance issues, but the way the resolution was worded it would create a financial burden for the City.

The motion failed by the following vote:

Yeas: Mr. Williams, Mrs. Stanton (2).

Nays: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock (5).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITORS TO ADVISE AND ISSUE A FORMAL OPINION TO THE CITY COUNCIL OF THE PROCEDURES FOR THE ENFORCEMENT OF ORDINANCES, THE PENALTIES FOR NON-ENFORCEMENT; AND THE OBLIGATION AND REQUIREMENT OF ALL CITY EMPLOYEES, INCLUDING THE CITY COUNCIL AND CITY MANAGER, TO ABIDE BY AND TO ENFORCE DULY ENACTED ORDINANCES OF THE CITY OF JOHNSTOWN.

Mrs. Vitovich made a motion to approve. Mrs. Stanton seconded the motion.

Mrs. Stanton commented that anyone employed by City Hall is obligated to abide by and enforce the City ordinances. She referred to the ordinances pertaining to the matter for further discussion.

Mr. Vitovich called for the question.

Reverend King inquired as to the estimated cost. Mr. Beard explained that it would be something that may require reviewing the ordinances that are codified and also looking at current procedures and doing an analysis, which he could not speculate as to a number.

Reverend King called for the question.

The motion failed by the following vote:

Yeas: Mr. Williams, Mrs. Stanton (2).

Nays: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER TO GIVE PUBLIC NOTICE OF THE CITY OF JOHNSTOWN SEEKING REQUEST FOR PROPOSALS (RFP) FOR THIRD PARTY SOURCES FOR ALL CODE ENFORCEMENT, INCLUDING BUT NOT LIMITED TO INSPECTIONS, RESPONDING TO SUBMITTED CODE ENFORCEMENT COMPLAINTS, AND ISSUANCE OF FINES, PENALTIES, PURSUANT TO CITY OF JOHNSTOWN CODIFIED ORDINANCES IN ACCORDANCE WITH APPLICABLE COMMONWEALTH OF PENNSYLVANIA STATUTES RE: RULES OF CIVIL AND/OR CRIMINAL COURTS.

Reverend King made a motion to table. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).

Nays: Mrs. Stanton, Mr. Williams (2).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE FACILITY ENCROACHMENT AGREEMENTS 1269338 AND 1274790 WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR THE PROPERTY LOCATED IN JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA. (EXPENSE BY/SEWER UPGRADE/24.431.02.341.00)

Mr. Vitovich made a motion to approve. Mrs. Mock seconded the motion. Mr. Williams questioned why this would involve the "Expense by Sewer Upgrade."

Mrs. Stanton made a motion to table pending further information. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Williams, Mr. Britt 7).

Nays: None (0).

NEW BUSINESS

Mayor Janakovic noted West Hills Wildlife Management Committee requested permission to conduct wildlife management by way of a controlled hunt, particularly with the deer population in Stackhouse Park. Mrs. Stanton requested additional information regarding the matter.

Mayor Janakovic noted that Robert Eyer and Veterans Memorial Monument requested permission to place 5 to 6, 30 inch by 44 inch signs at the entrances to the City that state Home of Michael Strank with the image of the flag raising at Iwo Jima, to place banners along Main Street with the image of Michael Strank through November, and a Proclamation announcing November as Sergeant Michael Strank Month in the City of Johnstown.

Mrs. Mock made a motion to approve. Mr. Vitovich seconded the motion.

Mrs. Stanton stated signs along the roadway and on City property was in violation of the City Ordinances.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Williams, Mr. Britt,
Mayor Janakovic, Reverend King (6).

Nays: Mrs. Stanton (1).

PUBLIC COMMENT-NON-AGENDA ITEMS (LIMIT 3 MINUTES)

John DeBartola, 1197 Bedford Street, Johnstown, requested updates from Council regarding the Board appointments and ABD Construction. It was noted that the City Manager would provide an ABD report.

He invited Councilmembers to court with the District Attorney on October 28, 2019, noting he had filed an objection to her preliminary objections and would be asking the Judge to dismiss it. Mr. DeBartola stated he finds it "shocking" that there were no drug arrests for 19 months and no DUIs for a three-year

period and who would know "what's going on." He commented that Council has an obligation to look into the matter.

Mr. DeBartola asked that Councilmembers respectfully pay attention to the public speakers when they approach to make comments.

APPOINTMENTS

Civil Service Board

Reverend King noted that Clyde Williams' term would be expiring in October.

Mr. Williams and Mrs. Stanton nominated Sue Bopp.

Mr. Williams made a motion to close the nominations for Civil Service Board appointments. Mrs. Stanton seconded the motion.

Mrs. Mock nominated Clyde Williams.

Mr. Britt made a motion to table. Mr. Vitovich seconded the motion, and the motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock (5).

Nays: Mrs. Stanton, Mr. Williams (2).

Johnstown Housing Authority

Mr. Vitovich nominated Charles Arnone.

Mr. Williams made a motion to nominate John DeBartola.

Mr. Britt noted Wayne Triplin had submitted his application also.

Councilmembers voted as follows:

Charles Arnone: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock (5).

John DeBartola; Mrs. Stanton, Mr. Williams (2).

Charles Arnone received majority vote.

Shade Tree Commission

Mr. Williams made a motion to table pending further action. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock, Mrs. Stanton, Mr. Vitovich (7).

Nays: None (0).

Board of Appeals, Code Hearing Board

Two current members are Mr. Buday and Mr. Truscello.

Expired members not requesting reappointment include Mrs. Tanaka, Mr. Carthew, and Mr. Wilson.

It was noted that none had been contacted regarding their appointments.

Mr. Britt made a motion to table. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).

Nays: None (0).

Ethics Commission

Mr. Johncola and Mr. Musselman requested to be retained.

Mrs. Mock nominated Lindy Yutzy to replace Andrea Ryan. Councilmembers voted as follows:

Yeas: Mayor Janakovic, Mrs. Mock, Mrs. Stanton, Mr. Williams (4).

Nays: Reverend King, Mr. Vitovich, Mr. Britt (3).

Mr. Williams made a motion to nominate Mr. Musselman and Mr. Johncola for reappointment. The motion was seconded by Mayor Janakovic and passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams, Mr. Britt, Mayor Janakovic (7).

Nays: None (0).

Wednesday, October 9, 2019
Stated Meeting, continued

25 of 25

Loan Review Committee

The City Manager will review nominations upon his return.

Mr. Williams and Councilmembers had a discussion regarding the blighted vacant property matter.

RECESS/ADJOURNMENT

There being no further business, the meeting adjourned at 8:33 p.m.

NEXT SCHEDULED MEETING

2020 Budget Meeting Presentation, Wednesday, October 30, 2019 at 5:00 p.m.

Regular Meeting, Wednesday, November 13, 2019 at 6:00 p.m.

Elizabeth Benjamin

Court of Common Pleas County of Cambria, Pennsylvania-Civil Division

John Jack Williams, Councilman- Co-Petitioner
Charlene Stanton, Councilwoman-Co-Petitioner
V.

Court of Common Pleas
County of Cambria
No. 2017-4061

Frank J. Janakovic, Mayor
Richard Britt, Councilman
Sylvia King, Councilwoman
Marie Mock, Councilwoman
David Vitovich, Councilman
and
George Hayfield, City Manager
Robert Ritter, Director of Finance
Serving in positions within the
City of Johnstown, Cambria County
a Pennsylvania Municipal Government
Respondent(s)

COPIES

RE: PETITION SEEKING CONTEMPT SANCTIONS;
April 18, 2018 Ordered Stipulation of Settlement and
Release and Joint Motion (Dkt 2017-4061)

ORDER

AND NOW, this 4th day of September, 2019, upon Stipulation of Settlement and Release and
Joint Motion for Agreed Order it is DECREED and ORDERED as follows:

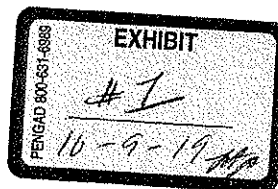
- 1) The City of Johnstown shall adhere to the provisions and requirements contained in Article X, Financial Procedures of the City of Johnstown Home Rule Charter, as it exists as of today's date and/or as it may be amended in the future.
- 2) The City of Johnstown will reimburse the Petitioners in the amount of \$172.40, for costs incurred in this matter.
- 3) The Co-Petitioners have released all named Respondents from any and all claims that could have arisen in this matter and agree that this Order fully and finally resolves all such claims.
- 4) Accordingly, this matter is hereby DISMISSED, with prejudice.

The parties' Stipulation of Settlement and Release and Joint Motion for Agreed Order dated August 28, 2019 is incorporated herein.

By the Court:

1st Zubowitzyki

Nancy J. Cushing
City Clerk



PROthonotary CAMBRIA
COUNTY, PA
2019 SEP -4, PM 2: 02
FILED FOR RECORD

Court of Common Pleas County of Cambria, Pennsylvania-Civil Division

John Jack Williams, Councilman- Co-Petitioner
Charlene Stanton, Councilwoman-Co-Petitioner
V.

Court of Common Pleas
County of Cambria
No. 2017-4061

Frank J. Janakovic, Mayor
Richard Britt, Councilman
Sylvia King, Councilwoman
Marie Mock, Councilwoman
David Vitovich, Councilman
and
George Hayfield, City Manager
Robert Ritter, Director of Finance
Serving in positions within the
City of Johnstown, Cambria County
a Pennsylvania Municipal Government
Respondent(s)

PROTHONOTARY CAMBRIA
COUNTY, PA
2018 SEP -3 AM 10:49
FILED FOR RECORD

RE: PETITION SEEKING CONTEMPT SANCTIONS;
April 18, 2018 Ordered Stipulation of Settlement and
Release and Joint Motion (Dkt 2017-4061)

**STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION FOR AGREED
ORDER**

The parties in the above-captioned litigation hereby agree to resolve the matter as follows:

1. On/or about April 11, 2018, the named elected Respondents, (Frank J. Janakovic, Mayor Richard Britt, Councilman; Sylvia King, Councilwoman; Marie Mock, Councilwoman; David Vitovich, Councilman); approved and agreed to an Ordered Stipulation of Settlement and Release and Joint Motion (Dkt 2017-4061) during a regularly scheduled Johnstown City Council.

2. This was then approved and Ordered by the Honorable David J. Tulowitzki on April 18, 2018, and so filed in the Office of the Cambria County Prothonotary, on that date, and stated.

"The City of Johnstown, and to extent applicable, all named respondents in this matter, agree that the City will adhere to all provisions and requirements contained in ARTICLE X. FINANCIAL PROCEDURES of the City of Johnstown Home Rule Charter, in current form and/or as may be amended in the future.

3. Non-Elected Respondents City Director of Finance Robert Ritter, was appointed on/or about May, 2018; and George Hayfield, City Manager was appointed on July 1, 2018, and in their respective capacity serving in positions within the City of Johnstown, Cambria County, a Pennsylvania Municipal Government were/are subject to the terms and conditions of the April 18, 2018 Ordered Stipulation of Settlement and Release and Joint Motion (Dkt 2017-4061) effective with the date of assuming positions of Director of Finance and City Manager for the City of Johnstown.

4. It is acknowledged that Co-Petitioners filed a Petition on February 4, 2019 seeking Contempt Sanctions for Non-Compliance with the April 18, 2018 Ordered Stipulation of Settlement and Release and Joint Motion (Dkt: 2017-4061

a) Further supplemental filings were made on/or about (1) February 22, 2019; (2) March 13, 2019; (3) March 14, 2019; and (4) May 17, 2019, and properly served on The Beard Legal Group-City Solicitors, and more specifically, to Elizabeth A. Benjamin, Esq.

5. Conversations and discussions between Attorney Benjamin and Co-Petitioner to determine if these matters could be resolved in compromise of all disputed claims that were or could have been raised in this action to date, in this or any other Court or tribunal, and has occurred in order to avoid the expense and inconvenience of further litigation.

6. Co-Petitioners have expressed a willingness to pursue a compromise Settlement Agreement upon the acknowledgement and/or admission by the named Respondents that compliance with the April 18, 2018 Ordered Stipulation of Settlement and Release and Joint Motion (Dkt: 2017-4061 has not been in compliance with said April 18, 2018 Order, and the City of Johnstown's Home Rule Charter, Article X, Financial Procedures, in its entirety, as to the mandated Administration and Legislative actions and/or inactions.

7. Named Respondents, including the (5) five named Elected Members of Council, (Frank J. Janakovic, Mayor Richard Britt, Councilman; Sylvia King, Councilwoman; Marie Mock, Councilwoman; David Vitovich, Councilman) have agreed, and approved a Settlement Stipulation at the City Council Meeting held on Wednesday, August 28, 2019.

8. All parties, by signing this Stipulation as reflected below, hereby attest and affirm that they have read, understand, and accept the terms and conditions of the April 18, 2018 Order, the City of Johnstown's Home Rule Charter, Article X, Financial Procedures, and this Stipulation.

9. All named respondents in this matter, agree that this STIPULATION OF SETTLEMENT, upon execution will be included in the official minutes of the next timely scheduled meeting of Johnstown City Council.

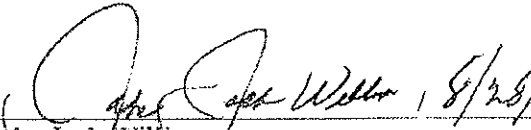

10. Petitioners agree that they shall promptly file the foregoing Stipulation of Settlement and Release and Joint Motion for Agreed Order with the Cambria County Court of Common Pleas in order to terminate this proceeding with prejudice, upon receipt of a signed copy of this Stipulation of Settlement and Joint Motion for Agreed Order by all parties identified below, and in exchange shall receive reimbursement their Court costs, including the filing of said Motion upon submission of said costs to counsel for the City of Johnstown, the Beard Legal Group-City Solicitors.

11. Named respondents in this matter, agree and hereby authorize the City of Johnstown to reimburse Co-Petitioners, John Jack Williams, and Charlene Stanton the amount of One Hundred and Seventy-Two Dollars and Forty Cents (\$172.40) dollars for the aforementioned costs comprised of filing fees and copying costs in this matter.

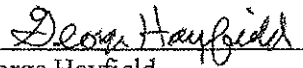
12. The parties further agree that their Agreement to this Stipulation of Settlement is made in compromise of all disputed claims that were or could have been raised in this action to date, in this or any other Court or tribunal, and has occurred in order to avoid the expense and inconvenience of further litigation.


13. The parties understand, agree and hereby jointly move for this Court to enter the attached proposed Order incorporating the terms of this Stipulation of Settlement and Release and Joint Motion for Agreed Order and further dismissing this matter, with prejudice.

CO-PETITIONERS:



John Jack Williams, 8/28/2019

Charlene Stanton

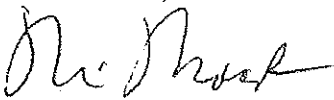
RESPONDENTS:

 8/28/19
George Hayfield

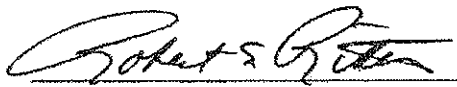

Frank J. Janakovic, Mayor


Richard Britt, Councilman


Sylvia King, Councilwoman


Marie Mock, Councilwoman


David Vitovich, Councilman


Robert Ritter, Director of Finance

Court of Common Pleas County of Cambria, Pennsylvania-Civil Division

John Jack Williams, Councilman- Co-Petitioner
Charlene Stanton, Councilwoman-Co-Petitioner
V.

Court of Common Pleas
County of Cambria
No. 2017-4061

Frank J. Janakovic, Mayor
Richard Britt, Councilman
Sylvia King, Councilwoman
Marie Mock, Councilwoman
David Vitovich, Councilman
and
George Hayfield, City Manager
Robert Ritter, Director of Finance
Serving in positions within the
City of Johnstown, Cambria County
a Pennsylvania Municipal Government
Respondent(s)

RE: PETITION SEEKING CONTEMPT SANCTIONS;
April 18, 2018 Ordered Stipulation of Settlement and
Release and Joint Motion (Dkt 2017-4061)

Requested Reimbursements of Costs/Fees

a. 2/4/2019 Petition Filing Fees: Cambria County Prothonotary	\$ 102.50
b. Copying Fees	234 pages @ \$.25 per page \$ 58.50
d. Postage Fee	Mailings (4) 1st Class @ \$ 11.40
Total Requested Reimbursements	\$ 172.40

Court of Common Pleas County of Cambria, Pennsylvania-Civil Division

John Jack Williams, Councilman- Co-Petitioner
Charlene Stanton, Councilwoman-Co-Petitioner
V.

Court of Common Pleas
County of Cambria
No. 2017-4061

Frank J. Janakovic, Mayor
Richard Britt, Councilman
Sylvia King, Councilwoman
Marie Mock, Councilwoman
David Vitovich, Councilman
and
George Hayfield, City Manager
Robert Ritter, Director of Finance
Serving in positions within the
City of Johnstown, Cambria County
a Pennsylvania Municipal Government
Respondent(s)

RE: PETITION SEEKING CONTEMPT SANCTIONS;
April 18, 2018 Ordered Stipulation of Settlement and
Release and Joint Motion (Dkt 2017-4061)

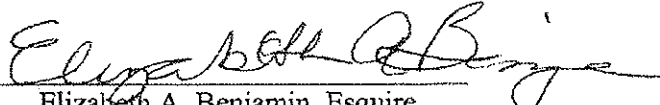
CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August 2019, a copy of the foregoing Stipulation of Settlement and Release and Joint Motion for Agreed Order was served on following persons by email:

Jack Williams
360 Corinne Street
Johnstown, PA 15906
jwms@atlanticbb.net

Charlene Stanton
184 Sell Street
Johnstown, PA 15905
cstanton184@atlanticbb.net

Respectfully submitted,

By: 
Elizabeth A. Benjamin, Esquire
Pa I.D. 206994
BEARD LEGAL GROUP, P.C.
3366 Lynnwood Drive, P.O. Box 1311
Altoona, PA 16603-1311
(814) 940-8671/ Fax: (814) 283-7050
ebenjamin@beardlegalgroup.com

IN THE COURT OF COMMON PLEAS OF
CAMBRIA COUNTY, PENNSYLVANIA

John Jack Williams, Councilman-Co-Petitioner
Charlene Stanton, Councilwoman-Co-Petitioner

V.

Frank J. Janakovic, Mayor
Richard Britt, Councilman
Sylvia King, Councilwoman
Marie Mock, Councilwoman
David Vitovich, Councilman
and

George Hayfield, City Manager
Robert Ritter, Director of Finance
Serving in positions within the
City of Johnstown, Cambria County
a Pennsylvania Municipal Government

Court of Common Pleas
County of Cambria
No. 2017-4061

Re: ANSWER TO PETITION
SEEKING CONTEMPT SANCTIONS
April 18, 2018 Ordered Stipulation
of Settlement and Release and Joint
Motion (Dkt 2017-4061)

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted on behalf of Respondents:

By: 

Elizabeth A. Benjamin, Esquire
Pa I.D. 206994
BEARD LEGAL GROUP, P.C.
3366 Lynnwood Drive, P.O. Box 1311
Altoona, PA 16603-1311
(814) 940-8671/ Fax: (814) 283-7050
ebjames@beardlegallgroup.com