

JOHNSTOWN CITY COUNCIL MINUTES  
WEDNESDAY, APRIL 15, 2020

City Council met telephonically in a stated session for the general transaction of business. Mayor Janakovic called the meeting to order at 5:05 p.m.

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

The following members of Council were present for roll call:

Charles Arnone, Ricky Britt, Michael Capriotti, Mayor Frank Janakovic,  
Reverend Sylvia King, Marie Mock, David Vitovich (7).

John Trant, Jr., Interim City Manager; Steve Sewalk, EADS Group; John Dubnansky, Director of Economic Development; Robert Ritter, Finance Director; Jared Campagna, Public Works Director; Chief Johnson, City of Johnstown Police Department; and Elizabeth Benjamin, City Solicitor, were also present.

APPROVAL OF MINUTES

Mrs. Mock made a motion to approve the Workshop Session Minutes of March 4, 2020 and Special Meeting Minutes of April 1, 2020. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

None.

PUBLIC COMMENT - AGENDA ITEMS ONLY:

Mr. Trant explained that all public speakers would be called alphabetically and asked to provide the last four digits of their telephone numbers.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding Bill No. 6 of 2020, concerning the amendment of the Code of Ordinances as it pertains to the bidding procedures to be used in connection with the City's sale of real estate and personal property. He noted the matter was inappropriate for Council to be voting on at this time as City Hall was shut down due to the current pandemic crisis, which the City was not taking as seriously as it should. He indicated many of the matters to be voted on were not public or could be found on the website. The Right to Know requests could not be filed due to City Hall being shut down. He commented, Resolution No. 7 on the agenda, regarding the blight strategy plan and the Atlantic Broadband cable franchise, were two of the

many matters that should be tabled and Council should be focused on the emergency crisis. He stated, before any items should be voted on, a plan to reopen the City should be in place.

REPORTS:

**CITY MANAGER:**

John Trant, Jr., Interim City Manager, stated he and the Department Directors would communicate and meet regularly during this pandemic so operations could be adjusted accordingly. He noted the City was awarded additional CDBG funds through the latest round of COVID relief funding. The expenditures related to the pandemic should be tracked and funding sources for reimbursement identified as the City moves through the emergency crisis.

MAYOR:

Mayor Frank Janakovic thanked the efforts of Councilmembers, staff, and all who participated in the blight study. He indicated a CDBG grant in the amount of \$1,291,243 was received. The home improvement portion was for \$243,000, and the DCED grant was for \$759,000 to address the COVID crisis. Mr. Ritter would email all members the information regarding whether this amount was more or less than previously received. There was further discussion.

Mr. Janakovic participated in telephone meetings every Monday with the Department heads and the City Manager making sure to follow the rules for COVID as directed by the President and the Governor.

CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, had no report but was available to answer questions regarding the agenda items.

CITY ENGINEER

Steve Sewalk, EADS Group, referred Council members to his engineering report for review.

He noted, to date, five contracts had been closed out, five additional were due to be closed out, three remain open, three were under construction, and one was under design.

He noted correspondence received from the Governor's Office stating contractors working with utilities were considered essential and one contractor had received a waiver.

Kernville restoration should soon commence to complete the paving. Construction would also soon commence in the Old Conemaugh area.

There were no pressure testings and no small business contractors working on sewer upgrades for individual homes.

#### COUNCIL UPDATES/NEIGHBORHOOD LIAISONS

Mr. Arnone reported on no major work being performed currently at Johnstown Housing Authority. The crews were working only half days, but would be available for emergency and specialty work, and "things are working as he reported last month."

Mr. Britt had no report.

Mr. Capriotti reported on meeting with Fire Chief Statler numerous times regarding the pandemic crisis. It was noted the Department heads were forwarding any questions or concerns to the Chief. Mr. Capriotti obtained verification that Chief Statler was the official emergency management coordinator as part of his job description. A copy of the letter indicating the same would be forwarded to the Manager, Mayor, and Council members.

Reverend King reported that nothing was going on in the neighborhood with the stay at home order. She had received multiple calls regarding the Great American Cleanup Day and requested information as to whether or not that would be rescheduled.

Mrs. Mock had no report.

Councilman Vitovich reported, as he indicated last month, Public Works continues to work two shifts. He stated street sweeping had commenced and cars parked on the streets during street cleaning nights would be ticketed.

Mr. Trant mentioned the parking meters were not being enforced at this time, other than for extreme circumstance such as parking in an unsafe manner, as the parking staff was performing other duties, such as cleaning and repairing meters and cleaning parking garages. He noted the street sweeping signs were being updated and commented Public Works was coordinating with the parking office regarding the street sweeping schedule.

Mr. Capriotti suggested Jared Campagna, Public Works Director, provide details of the street sweeping schedule.

Mayor Janakovic noted the newspaper would provide weekly or biweekly updates of the activities in the City so the information could be provided to everyone, not just Council.

Mr. Campagna indicated an alternate sweeping schedule had been implemented as there was only enough staff to cover one street sweeper at this time. Mrs. Mock discussed complaints received regarding cars parked on narrow streets during street sweeping night. It was noted that currently the Parking Bureau was writing tickets regarding this matter.

#### COUNCIL UPDATES/NEIGHBORHOOD LIAISONS

1. Planning Commission Minutes - March 4, 2020.
2. April 8 letter from Jacob Zerby, Economic Development Specialist. Mr. Trant noted the letter is regarding a request for the appointment of a Councilmember to the Streets Committee, and that a motion at the end of the agenda would be necessary with regard to the matter.

#### PETITIONS

None.

#### ORDINANCES FOR FINAL READ:

**BILL NO. 6 OF 2020. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JOHNSTOWN, TITLE VI, CHAPTER 236 TO SET FORTH THE BIDDING PROCEDURES TO BE USED IN CONNECTION WITH THE CITY'S SALE OF REAL ESTATE AND PERSONAL PROPERTY.**

Mr. Arnone made a motion to approve the ordinance. The motion was seconded by Mrs. Mock.

A roll call was taken for each Councilmember to comment.

Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich, and Mr. Arnone had no comments.

The motion passed by the following vote:

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

ORDINANCES FOR FIRST READ:

BILL NO. 7 OF 2020, AN ORDINANCE AUTHORIZING EXEMPTIONS, DEDUCTIONS, ABATEMENTS AND CREDITS FOR REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN SPECIFIC GEOGRAPHIC AREAS IN THE CITY OF JOHNSTOWN DESIGNATED AS PROPOSED KEYSTONE OPPORTUNITY ZONES (KOZ) IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF CAMBRIA COUNTY, CITY OF JOHNSTOWN, AND GREATER JOHNSTOWN SCHOOL DISTRICT JURISDICTION, COMMONWEALTH OF PENNSYLVANIA, UNDER CERTAIN TERMS AND CONDITIONS.

Mr. Arnone made a motion to approve the ordinance. The motion was seconded by Mr. Vitovich.

A roll call was taken for each Councilmember to comment.

Mayor Janakovic commented this was the regular KOZ for the City of Johnstown just to open opportunities for businesses that may want to look at properties within the City

Mr. Capriotti, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone, and Mr. Britt had no comments.

The motion passed by the following vote:

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

RESOLUTIONS:

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO TAKE ANY AND ALL ACTIONS NECESSARY TO TERMINATE THE AGREEMENT WITH MUNICIPAL REVENUE SERVICE FOR THE SALE OF 2019 REAL ESTATE TAX CLAIMS.

Mr. Trant noted this matter was tabled at the March 11, 2020 meeting. There was discussion at that time and then the pandemic hit. He withdrew the resolution and noted that Council could reconsider the matter next year when the agreement was up as part of the budgeting process.

Ms. Benjamin recommended a motion to remove from table for the purposes of withdrawing and reconsidering the resolution next year.

Mr. Capriotti made a motion to remove from table. The motion was seconded by Mrs. Mock.

The motion passed by the following vote:

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

Nays: None (0).

Resolution No. 10278

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR THE FINANCIAL DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY IN THE AMOUNT OF \$10,900,000.00 TO BE USED TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM IN THE CENTRAL BUSINESS DISTRICT AREA OF THE CITY OF JOHNSTOWN (Tabled March 11, 2020).

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

Wednesday, April 15, 2020  
Stated Meeting, continued

7 of 13

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

Mrs. Mock made a motion to approve the resolution as read. The motion was seconded by Mr. Vitovich.

Mr. Trant explained this had been tabled at a prior Council meeting in light of the ongoing discussions regarding the potential sale of the sewer system. He stated it became apparent recently that Council should consider authorization to proceed with the application for the funding and move forward with the application for this project. Mr. Trant further explained, if there was a sale, the transfer of the application and/or loan or grant would be transferred to the buyer via the agreement of sale.

A roll call was taken for each Councilmember to comment.

Mrs. Mock, Mr. Vitovich, Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic, and Reverend King had no comments.

The motion passed by the following vote:

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

Resolution No. 10279

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY  
MANAGER TO SIGN A MEMORANDUM OF AGREEMENT  
(AGREEMENT) BETWEEN THE CITY OF JOHNSTOWN (THE CITY) AND  
CONEMAUGH VALLEY CONSERVANCY, INC. (CVC) FOR THE  
DEVELOPMENT OF THE INCLINED PLANE RIVERSIDE PARK.

Mr. Capriotti made a motion to approve the resolution. The motion was seconded by Mrs. Mock.

A roll call was taken for each Councilmember to comment.

Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King, and Mrs. Mock had no comments.

The motion passed by the following vote:

Yeas: Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic,  
Reverend King, Mrs. Mock (6).

Nays: None (0)

Abstention: Mr. Vitovich (1).

Mr. Vitovich abstained from voting on the motion as he sits on the the Cambria County Transit Authority Board.

Resolution No. 10280

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR THE FINANCE DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES IN THE AMOUNT OF \$147,000 THROUGH THE COMMUNITY RECREATION AND CONSERVATION PLANNING PROGRAM TO BE USED TOWARDS THE ROXBURY PARK IMPROVEMENT PROJECT WITHIN THE CITY OF JOHNSTOWN.

Mr. Vitovich made a motion to approve the resolution. The motion was seconded by Chuck Arnone.

A roll call was taken for each Councilmember to comment.

Mr. Arnone, Mr. Britt, Mr. Capriotti, and Mr. Vitovich had no comments.

Mayor Janakovic inquired as to what projects would be affected by the funding assistance. Mr. Dubnansky explained this funding would complete funding already in place for the replacement of the playground structure. He noted the plans call for a larger swing set area. Reverend King inquired if the basketball courts would also be renovated. Mr. Dubnansky responded that none of this grant money was designated for that area. Mr. Campagna commented the work was done to the walls in that area. There would be some painting and options being explored to redo the flooring of the area as well.

Mrs. Mock commented the hockey rink project was at a standstill. A grant due April 3, 2020, was delayed due to the current health crisis. Reverend King noted other grant funds were diverted to other causes.



Wednesday, April 15, 2020  
Stated Meeting, continued

9 of 13

The motion passed by the following vote:

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

Nays: None (0)

Resolution No. 10281

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND CONFIRMING A TEMPORARY EXTENSION OF THE PAYMENT DEADLINE FOR THE CITY OF JOHNSTOWN 2020 BUSINESS PRIVILEGE AND MERCANTILE TAX FROM APRIL 15, 2020 TO JULY 15, 2020 CONSISTENT WITH THE EXTENSION GRANTED BY THE UNITED STATES FEDERAL GOVERNMENT AND INTERNAL REVENUE SERVICE TO FEDERAL TAXPAYERS AND THE COMMONWEALTH OF PENNSYLVANIA FOR STATE TAXPAYERS IN RESPONSE TO THE STATE OF EMERGENCY CURRENTLY IN EFFECT AND AUTHORIZING THE INTERIM CITY MANAGER AND HIS DESIGNEES TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE SAME.

Mr. Capriotti made a motion to approve the resolution. The motion was seconded by Mr. Vitovich.

A roll call was taken for each Councilmember to comment.

Mr. Britt, Mr. Capriotti, Reverend King, Mrs. Mock, Mr. Vitovich, and Mr. Arnone had no comments.

Mayor Janakovic commented, "This would be the minimum we could do for our City" due to the hardships we're facing as a result of COVID.

The motion passed by the following vote:

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

Nays: None (0).

Resolution No. 10282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING A SIDEWALK MAINTENANCE AGREEMENT WITH

PENNDOT AND FURTHER AUTHORIZING THE INTERIM CITY MANAGER AND ANY OF HIS DESIGNEES TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE SAME.

Mr. Capriotti made a motion to approve the resolution. The motion was seconded by Mr. Arnone.

A roll call was taken for each Councilmember to comment.

Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone, and Mr. Britt had no comments.

The motion passed by the following vote:

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

Nays: None (0).

Resolution No. 10283

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND ADOPTING THE CITY OF JOHNSTOWN COMPREHENSIVE BLIGHT STRATEGY PLAN AS PRESENTED IN THE BLIGHT TASK FORCE REPORT OF MARCH 2020 AND AUTHORIZING THE INTERIM CITY MANAGER AND HIS DESIGNEES TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT SAME.

Mr. Arnone made a motion to approve the resolution. The motion was seconded by Mr. Vitovich.

A roll call was taken for each Councilmember to comment.

Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone, and Mr. Britt had no comments.

Mayor Janakovic commented that he and several Councilmembers had been working on a strategic plan for at least a year. He requested the approval of the matter be posted on the website as soon as possible. Mr. Dubnansky explained the approval would be posted on the website after Council's approval.

Mr. Capriotti noted the plan would be adopted, but anything with regards to actions taken as a result of this would have to come before Council and voted on as a group.

The motion passed by the following vote:

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

Nays: None (0).

NEW BUSINESS:

1. Atlantic Broadband cable franchise agreement renewal discussion.

Interim City Manager Trant stated Council's franchise agreement had expired with Atlantic Broadband and the purpose of the discussion was related to where the City stands in the process.

Mr. Ritter stated he, Mr. Trant, and Phillip Fraga, Atlantic Broadband representative, had discussions regarding the matter. He indicated, per the agreement, the City would receive a 3 percent franchise fee. Mr. Fraga noted the information packets based on those discussions would be submitted for Council's consideration and approval.

Mr. Fraga provided an overview of how the Public Access Channel would affect the new agreement. He noted, with regard to Channel 9, there would be certain content under the responsibility of the City, including all production and related efforts. He further explained the public access content on the local origination Channel 9 would be discontinued, unless the City managed it. The agreement would also call for the ability of Channel 14 to be reactivated at any time during the term.

Mr. Fraga provided an overview of the current fee rate, the maximum percentage, the maximum per minute per law, and the add-ons to be subtracted. He discussed the FCC requirements that Atlantic Broadband would be offsetting and a three-pronged choice the City would be required to consider if it opted to have cable at different City locations.

Mr. Trant stated the agreement would be on the May 13, 2020 agenda for further review and discussion. Council would be provided the information beforehand.

Mayor Janakovic inquired if the consumer had any control over the fees being charged or was it based on cost and revenue. Mr. Fraga responded, the rates

were outside of the purview of any city or municipality. There was further discussion.

OLD BUSINESS:

Mrs. Mock commented on still receiving complaints regarding a notice enclosed in the Pro Disposal garbage bill that noted that residents were to place garbage out front for pickup. She suggested either the City or Pro Disposal place an ad on the back page of the newspaper informing residents, if placing garbage out front was not possible, to keep the garbage in the back and place house numbers on the cans or garages or someplace nearby.

Mr. Trant noted his continued discussions on the matter with Pro Disposal and will follow up on the matter. He further noted the collection issue was theirs and not the City's. He and Mr. Ritter put the collector on notice that they have yet to pay their fee per the contract initiated in September of 2019. A friendly reminder would be sent.

Mr. Capriotti agreed the house numbers were convenient from a public safety standpoint, but unpaid bills was not the City's issue. Garbage should be collected regardless. He suggested a notice be included with the next billing regarding the placement of garbage as Mrs. Mock suggested and further suggested that bulk item collection should be clarified.

In response to a question regarding the existing curfew, Chief Johnson explained that no new curfew policy has been initiated. Everybody had been doing their part. He did state any juvenile outside past 9:00 would be warned and/or cited by the police. There was further discussion regarding the stay at home order by the Governor.

MOTION:

Mr. Trant noted the City had received grant funding to conduct a study. He asked Council to consider a motion in response to an April 8, 2020 letter from Jacob Zerby, Economic Development Specialist, requesting Council appoint a Councilmember to sit on the complete streets committee. The purpose of the committee would be to advise the EADS Group of design guidelines for the City's street and sidewalk projects outside of the right of way zones and in between buildings.

Mrs. Mock nominated Reverend King. The nomination was seconded by Mayor Janakovic.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Mr. Trant again explained all public speakers would be called alphabetically and asked to provide the last four digits of their telephone numbers.

John DeBartola, 1197 Bedford Street, Johnstown, voiced his agreement regarding the garbage issue and was glad the matter was going to be handled. He acknowledged Council's robust conversation regarding the curfew and inquired as to when the position of a full-time City Manager position would be advertised. Mr. DeBartola noted Council members had no comment on the bidding procedure for the personal property sale and inquired why they were moving forward at this time with the sewer line sale as well as the sale of the asset while in the midst of a pandemic, which would not allow for public comment on the matter. He inquired as to the status of the public interview that was promised regarding the lifetime appointment to the GJWA Board. He noted disappointment there had not been any discussion on when the City would be re-opened ending the 90-day emergency order that was passed.

Mr. Britt inquired as to the status of the tires left behind at an old tire shop that went out of business in the Coopersdale area. Mr. Dubnansky stated several letters were written to the property owner providing a 30-day time period for the removal of the tires. If the tires were not removed before that time, the City would take action with regard to removal of the same and then go after the owner to recoup costs.

There being no further business, the meeting was adjourned at 6:45 p.m.

The next regular meeting is scheduled for May 13, 2020.

Council held a closed session until 7:15 p.m. immediately followed by a Public Works Session.