

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9805

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR A PROPERTY LOCATED AT MILEPOST PT-275.00

WHEREAS, the City of Johnstown wishes to install cure-in place lining into existing sewer pipes and lay a temporary 4-inch by-pass sewer pipe for five days on the overhead highway bridge William Penn Avenue, and

WHEREAS, the existing sewer pipe is located in an area that is under, across or near a right of way or property or any tracks near Milepost PT-275.00, and

WHEREAS, the Norfolk Southern Railway Company will allow this maintenance and construction to occur only after an agreement is signed with both parties legal counsel having the ability to review and compose a Right of Entry Agreement, and

WHEREAS, the Norfolk Southern Railway Company, the owner of this property is requesting a fee of \$1,000.00 to complete this transaction

NOW THEREFORE IT BE RESOLVED, that the CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZES THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR A PROPERTY LOCATED AT MILEPOST PT-275.00.

ADOPTED:

January 20, 2016

By the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,  
Mr. Williams. (7)

Nays: None (0)



Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST: I do hereby certify that the foregoing is a true and correct copy of Resolution No. 9805 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A GRANT AGREEMENT FOR A PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT INDUSTRIAL SITES ENVIRONMENTAL ASSESSMENT FUND GRANT OF FIFTY-SIX THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$56,250) TO BE IN THE ENVIRONMENTAL ASSESSMENT OF 641 MAIN STREET AS CONTRACT NO. C000062175.

WHEREAS, the Department of Community and Economic Development (DCED) of the Commonwealth of Pennsylvania has an Industrial Sites Reuse Program which provides funding for environmental assessments and remediation at/for former industrial sites; and

WHEREAS, the funding is provided as a grant to the City of Johnstown, as the applicant, and as a grant to the developer, Mainland Johnstown, LLC; and

WHEREAS, the Department of Community and Economic Development for the City of Johnstown is working alongside a developer to complete a commercial redevelopment project which requires and is eligible for Industrial Sites Reuse Program funding; and

WHEREAS, the Department of Community and Economic Development for the City of Johnstown desires to provide financial assistance to said commercial development project through the Industrial Sites Environmental Assessment Fund Grant Program, and

WHEREAS, the project developer will provide the required program matching funds; and

WHEREAS, the City of Johnstown is desirous of entering into a contract agreement for the grant of Industrial Sites Environmental Assessment Fund Grant in the amount of \$56,250 to Mainland Johnstown, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized and directed to sign a grant agreement for a Pennsylvania Department of Community and Economic Development Industrial Sites Environmental Assessment Fund Grant Program of fifty-six thousand, two hundred and fifty dollars (\$56,250) to be granted to Mainland Johnstown, LLC as Contract No. C000062175.


ADOPTED:

January 20, 2016

By the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,  
Mayor Janakovic. (7)

Nays: None (0)



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Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9806** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar, City Manager

City Solicitor's Review and Approval as to form

\_\_\_\_\_ Date: \_\_\_\_\_  
David P. Andrews, Esq.

RESOLUTION NO. 9807  
For consideration on January 20, 2016  
Submitted by Mrs. Stanton & Mr. Williams

RESOLUTION NO. 9807

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA REQUESTING THE CITY SOLICITOR TO PROVIDE A WRITTEN LEGAL OPINION REGARDING THE PROPERTY LOCATED IN THE CITY'S 18<sup>TH</sup> WARD WITH BOUNDRIES BETWEEN FAIRFIED AVENUE AND BARRON AVENUE, AND FORMERLY THE SITE OF THE HARRIS-BOYER BAKERY OPERATIONS, AND MORE SPECIFICALLY, DETAILS AND RECORDS OF THE GRANTING "PERMANENT STRUCTURE" STATUS TO WHAT CAN ONLY BE DESCRIBED AS MOTOR VEHICLE TRUCK FRAME MOUNTED BOX STORAGE AND HAULING CONTAINER.

WHEREAS, the city of Johnstown has permitted a truck frame mounted type box container to remain on the property formerly housing and known as the Harris-Boyer Bakery Operations and support buildings, and

WHEREAS, numerous questions and inquires as to this being permitted to be left standing, have resulted in City Officials stating that if has been declared or classified as a "permanent structure", and

WHEREAS, prior inquiries as to what official actions of the Zoning Hearing Board or any other Board, Authority or Commission was an application made, including dates of approval by any of the aforementioned Boards', Authority's or Commissions', have resulted in response of no records existing, and

WHEREAS, residents and neighboring property owners have been for many years subjected to the lack of City of Johnstown enforcement of numerous code violations at and on this property location, with the main Harris-Boyer Baking operation building having been demolished on/or about 2014.

THEREFORE BE IT RESOLVED, that the City Solicitor submit a written opinion on how this property was granted any such "PERMANENT STRUCTURE" status, and by what legal authority and statutory provisions was such status conveyed to what individuals, company, corporations, LLC or any other business or residential classified operations, including what legal operations, if any, are available to the City of Johnstown to remove and end any "PERMANENT STRUCTURE" status currently being extended to the responsible property owners

THIS REQUEST IS BEING MADE PURSUANT TO JOHNSTOWN'S HOME RULE CHARTER ARTICLE VIII. CITY SOLICITOR

§11.8-801. Duties.

(a) The City Solicitor shall be the chief lawyer of the City and may be required by Council to attend all regular Council meetings. **The City Solicitor shall review all ordinances and resolutions prior to final enactment and contracts prior to execution.** The City Solicitor shall advise the Council and City Manager on the need for specialized counsel in legal matters involving the Municipality.

**(b) When a formal opinion is requested by Council or the City Manager, the same shall be in writing citing legal precedents if available.**

ADOPTED:

January 20, 2016

By the following vote~

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic,  
Mr. Johncola . (7)

Nays: None (0)

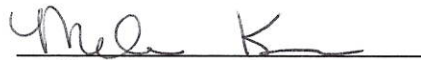


Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 9807 as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, City Manager

City Solicitor's Review and Approval

\_\_\_\_\_ Date: \_\_\_\_\_

David P. Andrews, Esq.

RESOLUTION NO. 9808  
Submitted by Mrs. Stanton & Mr. Williams  
January 20, 2016

A RESOLUTION, AS AMENDED, OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DESIGNATING RENEE DALY OF THE CITY OF JOHNSTOWN AS THE CITY'S OPEN-RECORDS-OFFICER UNDER PROVISIONS AND MANDATES OF THE COMMONWEALTH OF PENNSYLVANIA'S RIGHT-TO-KNOW LAW, SENATE BILL 1 OF 2007, EFFECTIVE JANUARY 20, 2016

WHEREAS, the Commonwealth of Pennsylvania's Legislative Assembly has passed "Act 1 of 2007 and shall be known as may be cited as the Right-To-Know law, and

WHEREAS, the law was signed by Governor Edward G. Rendell on February 14, 2008 and with all provisions of the law becoming effective January 1, 2009, and

WHEREAS, the "Act" stipulates that the "local agency" shall designate an official or employee to act as the Open-Records-Officer, and

WHEREAS, the Open-Records-Officer shall receive requests submitted to the "local agency" under this act, and

WHEREAS, under provisions contained in the "Act" the City of Johnstown is defined as a "local agency", and

Now therefore be it ordained that Johnstown City Council hereby designates Renee Daly as the City of Johnstown's Right-To-Know Officer, effective January 20, 2016, and under provisions and requirements of "Act 1 of 2007 also known as the Commonwealth of Pennsylvania's Right-To-Know Law, and that the required notification be forwarded to the Commonwealth's Office of Open Records.


PASSED FINALLY IN COUNCIL:

January 20, 2016

By the following vote:


Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,  
Mr. Williams. (7)

Nays: None (0)

  
\_\_\_\_\_  
Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 9808 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

  
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Melissa Komar, City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9809

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND MELISSA KOMAR FOR A ONE (1) YEAR TERM AT A SALARY OF \$75,000.00.

ADOPTED:

January 20, 2016

By the following vote:

Yeas: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich. (5)

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



Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9809** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, City Manager

RESOLUTION NO. 9810

CITY OF JOHNSTOWN  
PENNSYLVANIA

A RESOLUTION OF THE CITY OF JOHNSTOWN PENNSYLVANIA TO DEVELOP  
TRAINING PROCEDURES AND GUIDELINES FOR ETHICS STANDARDS AND  
PROCEDURES

WHEREAS, the City Council of Johnstown is covered by the Pennsylvania Public Official and Employee Ethics Act (Chapter 11), and

WHEREAS, the City Council members of Johnstown are dedicated to maintaining high ethical standards for the Council and City employees, and

WHEREAS, THE State Ethics Commission operates as an independent and objective investigative body concerning State Ethics violations, and

WHEREAS, the City Council wants to assure that its members are aware of the tenants and procedures of the Public Official and Employee Ethics Act, and

WHEREAS, the City Council of Johnstown requests that an Ethics training be scheduled for all city council members

WHEREAS, the City Council of Johnstown will receive training in the Commonwealth's Ethics Standards and Financial Disclosure cited as "The Public Officials and Employees Ethics Act"

WHEREAS, the City Council of Johnstown shall sign an attestation that the have been duly trained and understand the standards and procedures of the Commonwealth's Public Official and Employee Ethics Act

THEREFORE BE IT RESOLVED, that the all City Council Members of Johnstown will be trained and responsible to answer to the Commonwealth's State Ethics Commission established under the act of October 4, 1978 (P.L.883, No. 170), referred to as the Public Official and Employee Ethics Law.




ADOPTED:

January 20, 2016

By the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza. (5)

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



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Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9810** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar, City Manager

RESOLUTION NO. 9811

CITY OF JOHNSTOWN  
PENNSYLVANIA

A RESOLUTION OF THE CITY OF JOHNSTOWN PENNSYLVANIA TO DEVELOP REPORTING PROCEDURES AND GUIDELINES FOR THE LOAN PROGRAMS ADMINISTERED THROUGH THE CITY OF JOHNSTOWN DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, the City's Economic Development Bureau operates a number of loan programs to stimulate and maximize business development opportunities, and

WHEREAS, the City operates such programs to grow and diversify the City's tax base and the local economy, and

WHEREAS, the City offers technical assistance to businesses looking to relocate or expand within the City limits concerning site selection, financing, and business development, and

WHEREAS, the City loan programs have specific criteria depending on the source of funding and the requirements of such funding, and

WHEREAS, the City of Johnstown has a working relationship for the dispersing of such funds with local financial institutions, and

WHEREAS, the City's current Loan Review Board is being used to assess the applications for the City's Loan Programs, and

WHEREAS, the Loan Review Board was established to assure sound business practices to the review process and maintain financial confidentiality where necessary, and

WHEREAS, the City Council of Johnstown is ultimately responsible for the overview of such funding.

THEREFORE BE IT RESOLVED, that the Department of Community and Economic Development prepare and submit a report to City Council on the following information: (1) How many loans were applied for in each program, (2) How many loans were awarded for each program and in what amount, (3) What are the terms and conditions of repayment or forgiveness of each loan, (4) Number of delinquent loans and any loans turned over to 3<sup>rd</sup> party collection agencies. The report should not contain any confidential financial information.

ADOPTED:

January 20, 2016

By the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza. (5)

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



Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9811** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, City Manager