

CITY OF JOHNSTOWN, PENNSYLVANIA  
RESOLUTION NO. 9855

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR CONTROL BOARD (BOARD'S) BY THE OWNER OF THE PROPERTY KNOWN AS 20 MATTHEW STREET FOR A THREE YEAR EXTENSION OF THE CITY OF JOHNSTOWN'S NOISE ORDINANCE FOR THE BOARD'S REGULATIONS THAT ARE DUE TO EXPIRE ON JULY 29, 2016.**

**WHEREAS,** The property owner of 20 Matthew Street, Johnstown, PA 15901, also known as The Freight Station, desires an extension from the ruling of July 29, 2015 from the Board's regulations regarding amplified music being heard off of the licensed premises, and;

**WHEREAS,** As per regulations set forth under section 493.1(b) of the Liquor Code (47 P.S. § 4-493.1(b)), a municipality may file a petition with the Board, requesting approval and said Board regulations for an identifiable area in the municipality, and;

**WHEREAS,** The City of Johnstown, Department of Community and Economic Development has been working with the property owner of said 20 Matthew Street in the development and creation of an outdoor music performance and event center, and;

**WHEREAS,** the municipality identifies the need for said project and is in support of the petition to substitute the municipal noise ordinance (Ordinance No. 3837 passed October 14, 1969) with that of the Board's regulations, and intends to fully enforce said municipal noise regulations in place of the Board's regulations, and;

**NO THEREFORE, BE IT RESOLVED** the City Manager of the City of Johnstown, is authorizing the Department of Community and Economic Development to submit to the Pennsylvania Liquor Control Board a petition for an extension from said Board noise regulations

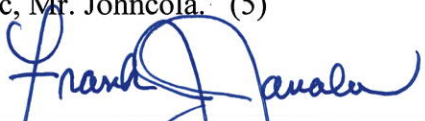
ADOPTED:

July 13, 2016

By the following vote:

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

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

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

ATTEST:

I do hereby certify that the following is a true and correct copy of Resolution No.9855 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

  
\_\_\_\_\_  
Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9856

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND APPROVING A PARKLET AND DONOR MEMORIAL TO BE BUILT AND LOCATED AT THE WASHINGTON STREET PARKING LOT.

WHEREAS, the Community Foundation of the Alleghenies needed a space for a donor memorial; and

WHEREAS, the City of Johnstown had proposed a greenspace use in the Washington Street Parking Lot; and

WHEREAS, the proposed greenspace will eliminate approximately nine parking spots; and

WHEREAS, the Community Foundation has secured the funding for the donor memorial; and

WHEREAS, free landscape architectural services have been provided to the City of Johnstown in order to design the parklet; and

WHEREAS this project will provide real estate improvement on City-owned property; and

WHEREAS, the City of Johnstown's Planning Commission has reviewed and approved the site plan; and

WHEREAS, the City of Johnstown wishes to pursue the project for purposes of improving the City-owned property, but likewise wishes to continue, for a brief period of time, to pursue and market the property for sale; and

WHEREAS, the City Council has determined that a period of six (6) months is a reasonable period in which to continue to market the property prior to commencing the project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Johnstown authorizes and approves, in advance, a parklet and donor memorial to be built and located at the Washington Street Parking Lot, with said work to commence on or after January 1, 2017, and with said approval of this Resolution being contingent upon confirmation of the City's inability to sell the Washington Square property on or before December 31, 2016.

ADOPTED:

July 13, 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. **9856** as the same adopted by the City Council of the City of Johnstown, Pennsylvania



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Melissa Komar, Interim City Manager

**CITY OF JOHNSTOWN, PENNSYLVANIA**  
**RESOLUTION NO. 9857**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO SIGN AN AGREEMENT WITH THE GREATER JOHNSTOWN SCHOOL DISTRICT TO PROVIDE TWO SCHOOL RESOURCE POLICE OFFICERS FOR A THREE-YEAR CONTRACT.

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WHEREAS, the Greater Johnstown School District desires the help of the City of Johnstown in providing a safer environment; and

WHEREAS, the City of Johnstown has established mutually agreed upon guidelines for the placement of a City Police Officer in the schools; and

WHEREAS, the Greater Johnstown School District and the City agree as to the selection process; and

WHEREAS, the Greater Johnstown School District and the City agree as to the hours and days for the Officer; and

WHEREAS, the Greater Johnstown School District and the City agree as to the calculation and method of payment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Johnstown, Pennsylvania, that the City Manager is authorized and directed to sign an agreement with the Greater Johnstown School District to provide two School Resource Officers beginning with the 2016-2017 school year. \*

ADOPTED:

July 13, 2016

By the following vote:

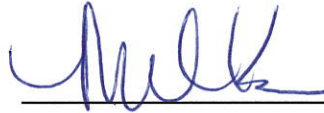
Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,

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. 9857 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar

Interim City Manager

**RESOLUTION** NO. 9858

**BE IT RESOLVED**, by authority of the Johnstown City Council  
(Name of governing body)

of the City of Johnstown, Cambria County, and it  
(Name of MUNICIPALITY)

is hereby resolved by authority of the same, that the Interim City Manager  
(designate official title)

of said MUNICIPALITY is authorized and directed to submit the attached Application for Traffic

Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the MUNICIPALITY.

**ATTEST:**

City of Johnstown  
(Name of MUNICIPALITY)

Nancy J. Cushing  
(Signature and designation of official title)

By: Frank Janakovic  
(Signature and designation of official title)

I, Melissa Komar,  
(Name)

Mayor  
(Official Title)

of the Johnstown City Council and the City of Johnstown, do hereby certify that the foregoing  
(Name of governing body and MUNICIPALITY)

is a true and correct copy of the Resolution adopted at a regular meeting of the

Johnstown City Council, held the 13th day of July, 2016.  
(Name of governing body)

DATE: July 13, 2016

Mel Ka  
(Signature and designation of official title)

**ADOPTED:**

July 13, 2016

By the following vote:

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

NAYS: None (0)

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9859

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 34 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, PREPARATION OF FUNDING APPLICATIONS, PREPARATION OF PERMIT APPLICATIONS, ADMINISTRATION OF FUNDING, AND INSPECTION SERVICES OF THE KERNVILLE SANITARY/STORM SEWER SEPARATION PROJECT.

WHEREAS, City Council of the City of Johnstown has entered into an agreement with the EADS Group, Inc. for professional services dated April 10, 2012; and

WHEREAS, City Council of the City of Johnstown has entered into a Consent Order and Agreement with the Pennsylvania Department of Environmental Protection, and

WHEREAS, City Council of the City of Johnstown desires to maintain compliance with Consent Order and Agreement; and

WHEREAS, the Kernville Sanitary/Storm Sewer Separation Project, is a recommended capital improvement project for 2018; and

WHEREAS, it is the judgement of City Council that The EADS Group, Inc. be authorized to pursue the design, bidding, construction administration, preparation of funding applications, preparation of permit applications, administration of funding, and inspection services of the Kernville Sanitary/Storm Sewer Separation Project, for a total estimate of compensation for services of \$1,412,500.00.

NOW THEREFORE BE IT RESOLVED, CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZES THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY FOR THE EXECUTION OF TASK ORDER NO. 34 TO THE EADS GROUP, INC. FOR ENGINEERING SERVICES RELATED TO THE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, PREPARATION OF FUNDING APPLICATIONS, PREPARATION OF PERMIT APPLICATIONS, ADMINISTRATION OF FUNDING, AND INSPECTION SERVICES FOR THE KERNVILLE SANITARY/STORM SEWER SEPARATION PROJECT.

ADOPTED:

July 13, 2016

By the following vote:

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

Nays: Mrs. Stanton, Mr. Williams. (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. **9859** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar

Interim City Manager



SOLICITOR

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9860

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPOINTING BEARD LEGAL GROUP, P.C, AS CITY SOLICITOR EFFECTIVE AUGUST 1, 2016, AND CONTINUING THROUGH DECEMBER 31, 2017.

WHEREAS, the City of Johnstown previously appointed Andrews & Beard Law Offices to serve as City Solicitor through December 31, 2017; and

WHEREAS, the City of Johnstown has received notice that Andrews & Beard Law Offices will cease to exist effective August 1, 2016 following the departure of Attorney David P. Andrews; and

WHEREAS, the firm currently known as Andrews & Beard Law Offices will continue, absent Attorney Andrews, as Beard Legal Group, P.C., effective August 1, 2016; and

WHEREAS, Council desires to continue to utilize the firm previously known as Andrews & Beard Law Offices, and currently known as Beard Legal Group, P.C., effective August 1, 2016.

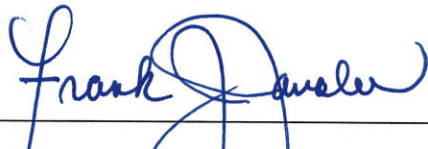
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Johnstown hereby appoints Beard Legal Group, P.C. as City Solicitor, effective August 1, 2016 and continuing through December 31, 2017.

ADOPTED: July 13, 2016

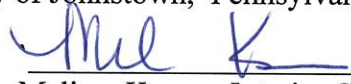
By the following vote:

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

Nays: Mr. 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. 9860 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

  
\_\_\_\_\_  
Melissa Komar, Interim City Manager

LABOR

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9861

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPOINTING BEARD LEGAL GROUP, P.C., AS INTERIM LABOR NEGOTIATOR EFFECTIVE AUGUST 1, 2016, AND CONTINUING THROUGH COMPLETION OF RFP PROCESS.

WHEREAS, the City of Johnstown previously appointed Andrews & Beard Law Offices to serve as Labor Negotiator through December 31, 2017; and

WHEREAS, the City of Johnstown has received notice that Andrews & Beard Law Offices will cease to exist effective August 1, 2016 following the departure of Attorney David P. Andrews; and

WHEREAS, the firm currently known as Andrews & Beard Law Offices will continue, absent Attorney Andrews, as Beard Legal Group, P.C., effective August 1, 2016; and

WHEREAS, Council desires to continue to utilize the firm which will become known as Beard Legal Group, P.C., effective August 1, 2016, as Interim Labor Negotiator pending the completion of a process in which a Request for Proposals ("RFP") from candidates interested in the labor negotiator position is completed.


NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Johnstown hereby appoints Beard Legal Group, P.C. as Interim Labor Negotiator, effective August 1, 2016 and pending completion of RFP process.

ADOPTED: July 13, 2016

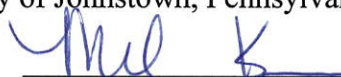
By the following vote:

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. 9861 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

  
\_\_\_\_\_  
Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9862

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA ESTABLISHING PROCEDURES AND SETTING DATES FOR THE CITY MANAGER SEARCH PROCESS, AND THE POSITION LISTING.

1. Placement of advertisements on or before July 15, 2016 deadline for all submissions by August 31, 2016. Advertisements to be placed in and with ICMA publications and any ICMA website services offered: Pittsburgh Post-Gazette, Tribune-Review; Harrisburg daily news publications, and the Tribune-Democrat. In addition, the Pennsylvania Municipal League offered advertising.
2. A period of review by the "City Manager Search Advisory Committee," DCED Representative, and the Act 47 Recovery Coordinator of all submissions until September 9, 2016.
3. The City Manager Search Advisory Committee members to include City Council Members, citizens and business leaders.
4. A period of review by the full Council of up to 7 recommended finalists through September 30, 2016, and selection of applicants for interviewing.
5. Schedule initial interviews for week of October 17<sup>th</sup>.
6. Schedule second round interviews for week of October 31<sup>st</sup>.
7. Request background checks on applicants considered for appointment and hiring with results due on or before November 10, 2016.
8. Negotiate terms of agreement with selected candidate.
9. Council Meeting by end of November 2016 to officially name a City Manager.
10. Dates may be changed to accommodate all parties involved in the search, review, selection and hiring of a City Manager.

Adopted:

July 13, 2016

By the following vote:

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,  
Mr. Vitovich, Mr. Vizza. (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. **9862** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar  
Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA  
RESOLUTION NO. 9863

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA AUTHORIZING THE INTERIM CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2016 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS DETAILED BELOW:

<u>GENERAL FUND</u>				ADJ BUDGET
<u>DEPARTMENT</u>	<u>TR. TO LINE ITEM</u>	<u>TR FROM LINE ITEM</u>	<u>AMOUNT</u>	<u>BALANCE</u>
Legislative Body	01-400-34-013-00	01-401-14-000-00	\$7,500.00	\$10,000.00
Culture Recreation	01-451-35-033-00	01-401-14-000-00	\$789.00	\$2,589.00
Culture Recreation	01-451-42-000-00	01-401-14-000-00	\$1,000.00	\$2,000.00
Employer Paid N/D`	01-481-35-033-00	01-401-14-000-00	\$13,000.00	\$428,000.00
Employer Paid N/D	01-481-35-123-00	01-401-14-000-00	\$5,000.00	\$26,000.00
Fire	01-412-28-075-00	01-401-14-000-00	\$9,142.00	\$9,142.00
PW – Highway	01-440-19-005-00	01-401-14-000-00	\$400.00	\$8,797.00
Police	01-410-19-004-00	01-401-14-000-00	\$2,000.00	\$27,742.00
 <u>PARKING FUND</u>				
Washington St Park	02-446-31-000-00	02-444-26-105-00	\$500.00	\$500.00
 <u>CAPITAL FUND</u>				
Central Park Capital	18-441-28-489-00	18-489-28-196-00	\$81,000.00	\$81,000.00

ADOPTED:

July 13, 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. 9863 as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.

  
\_\_\_\_\_  
Melissa Komar,  
Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9864

A RESOLUTION ESTABLISHING AN ASSISTANCE AND REIMBURSEMENT PROGRAM FOR REPLACEMENT AND REPAIR OF PRIVATE SEWER LATERALS

WHEREAS, The City of Johnstown places the responsibility for maintaining private sewer laterals on the owner of the property it serves; and

WHEREAS, old collapsing and leaky private sewer laterals contribute to the inflow and infiltration problem in the Greater Johnstown Wastewater Treatment System; and

WHEREAS, The City of Johnstown would like to encourage the timely repair and replacement of private sewer laterals; and

WHEREAS, The City of Johnstown would like to modify the existing lateral assistance program to include reimbursement.

THEREFORE, BE IT RESOLVED THAT The City of Johnstown establishes a Sewer Lateral Replacement Assistance Program and a Sewer Lateral Replacement Reimbursement Program.

Section 1. A new Private Sewer Lateral Replacement Assistance Program is hereby established. Funding for this program shall be provided at \$50,000 from the Urban Development Action Grant Program and \$50,000 from the Community Development Block Grant. The program will continue each year to the extent that funding is available.

Section 2. The property owner of the residential structure which the lateral serves shall be assisted or reimbursed for 50% of the cost of the lateral replacement up to a maximum of \$1,000.00. Said reimbursement shall not include the cost of obtaining private or public utility access easements.

Section 3. This program shall also require the owner of the residential structure which the lateral serves to occupy the residence for a period of one year after assistance is received.

Section 4. The program will only apply to those laterals which are replaced in their entirety from the public sewer main to the residential structure. Exceptions to this Section may be granted by the City Manager at the recommendation of The EADS Group.

Section 5. This program will only apply to those lateral replacement projects occupied by the property owner as their primary residence.

Section 6. This program will only apply to private single or two family residential properties.

Section 7. This program will be available to those residents that do not exceed 80% of the area median income established by The Department of Housing and Urban Development's (HUD) current low/moderate income guidelines.

Section 8. This resolution shall be effective as of July 13, 2016.


ADOPTED:

July 13, 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 Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 9864 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN - PENNSYLVANIA

RESOLUTION NO. 9865

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC.

WHEREAS, THE CITY OF JOHNSTOWN WISHES TO CONSTRUCT, USE AND MAINTAIN THE BELOW DESCRIBED FACILITY(IES), HEREINAFTER CALLED "FACILITIES", OVER, UNDER OR ACROSS PROPERTY OWNED OR CONTROLLED BY CSX TRANSPORTATION, INC. AT THE BELOW DESCRIBED LOCATIONS.

1. ONE (1) EXISTING EIGHT INCH (8") DIAMETER SUB-GRADE PIPELINE PARALLEL, SOLELY FOR THE CONVEYANCE OF RAW/TREATED SEWAGE, LOCATED AT OR NEAR JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BALTIMORE DIVISION, S & C SUBDIVISION, BEGINNING AT MILEPOST BFC - 43.34 AND ENDING AT MILEPOST BFC - 43.36;
2. THREE (3) EXISTING WIRELINE CROSSINGS, MISCELLANEOUS ENCROACHMENT - MANHOLE/HANDHOLE, LOCATED AT OR NEAR JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BALTIMORE DIVISION, S & C SUBDIVISION, BEGINNING AT MILEPOST BFC - 43.34;
3. ONE (1) EXISTING EIGHT INCH (8") DIAMETER PIPELINE PARALLEL, SOLELY FOR THE CONVEYANCE OF RAW/TREATED SEWAGE, LOCATED AT OR NEAR JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BALTIMORE DIVISION, S & C SUBDIVISION, BEGINNING AT MILEPOST BFC - 43.35 AND ENDING AT MILEPOST BFC - 43.36
4. TWO (2) EXISTING WIRELINE CROSSINGS, MISCELLANEOUS ENCROACHMENT - MANHOLE/HANDHOLE, LOCATED AT OR NEAR JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BALTIMORE DIVISION, S & C SUBDIVISION, BEGINNING AT MILEPOST BFC - 43.35; AND

WHEREAS, THE CSX TRANSPORTATION, INC. WILL ALLOW THE MAINTENANCE AND CONSTRUCTION TO OCCUR ONLY AFTER AN AGREEMENT IS SIGNED WITH BOTH PARTIES LEGAL COUNSEL HAVING THE ABILITY TO REVIEW AND COMPOSE A FACILITY ENCROACHMENT AGREEMENT.

NOW THEREFORE IT BE RESOLVED, THAT THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZES THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A RIGHT OF WAY AGREEMENT WITH CSX TRANSPORTATION, INC. FOR PROPERTY AT THE ABOVE DESCRIBED LOCATIONS.



ADOPTED:

July 13, 2016

By the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola. (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. **9865** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA  
RESOLUTION NO. 9866  
Submitted by Mayor Frank J. Janakovic

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE WITHDRAWAL OF ITS APPEAL OF THE COURT OF COMMON PLEAS DECISION IN WILLIAMS & STANTON V. CITY OF JOHNSTOWN, ET AL., CASE NO. 2016-0332, FILED AT APPEAL NO. 681 CD 2016 WITH THE COMMONWEALTH COURT OF PENNSYLVANIA

WHEREAS, on March 30, 2016, the Court of Common Pleas of Cambria County issued a decision in the above-reference case which, in pertinent part, declared the hiring of Melissa Komar as City Manager on December 9, 2015 as well as her contract with the City to be "void ab initio," on grounds that she does not possess a Master's Degree; and

WHEREAS, on April 20, 2016 the majority of City Council approved Resolution Number 9835 appointing Melissa Komar as Interim City Manager effective December 9, 2015; and

WHEREAS, on April 20, 2016, the majority of City Council approved Resolution Number 9840 authorizing the filing of an appeal of the March 30, 2016 decision in order to protect the validity of previous action of the City of Johnstown taken since December 9, 2015 to the present; and

WHEREAS, on April 28, 2016, the City Solicitor filed the appeal of the March 30, 2016 Decision with the Pennsylvania Commonwealth Court at Appeal No. 681 CD 2016; and

WHEREAS, on May 11, 2016, Council approved the final adoption of Ordinance 5199, which amended Ordinance 4654, the Administrative Code of the City of Johnstown, in pertinent part, by eliminating the requirement that the City Manager hold a Master's Degree; and

WHEREAS, the adoption of Resolution No. 9835 and the final adoption of Ordinance No. 5199 together eliminated the need to pursue the above-referenced appeal to the Commonwealth Court, by accomplishing the purpose for which it was authorized, i.e., to protect the validity of any actions taken by Melissa Komar that could be otherwise asserted as invalid based on the Court's March 30, 2016 decision; and

WHEREAS, on/around June 11, 2016 it became apparent that the final adoption of Ordinance No. 5199 would not be challenged or disturbed, and

WHEREAS, continued pursuit of the appeal after June 11, 2016 would have required the City of Johnstown to incur additional court and litigation expenses that were unnecessary; and

WHEREAS, the City Solicitor took actions necessary to avoid the incurrence of any such additional costs and expenses by initiating the withdrawal of the appeal on June 13, 2016;

NOW, THEREFORE, be it resolved that the City Solicitor is granted authorization to withdraw the Commonwealth Court appeal filed at 681 CD 2016, with said authorization having an effective date of June 13, 2016.

ADOPTED:

July 13, 2016

By the following vote:

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

Nays: Mrs. Stanton, Mr. Williams. (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. **9866** as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



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Melissa Komar, Interim City Manager