

## JOHNSTOWN CITY COUNCIL MINUTES

Tuesday, October 10, 2017

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:00 p.m.

Renee Daly, Acting City Manager, offered the invocation and the Pledge of Allegiance was recited.

Mayor Janakovic noted that prior to the commencement of the meeting, an Executive Session was held relating to real estate, personnel and litigation.

The following members of Council were present for roll call:

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

Elizabeth Benjamin, Esquire, City Solicitor, was also present.

### APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the August 28, 2017 Special Meeting Minutes. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Williams (6).

Nays: None (0).

Present: Mrs. Stanton (1).

### PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

None.

### PUBLIC COMMENT ON AGENDA ITEMS ONLY

Curt Davis, 345 Main Street, Loft 1, Johnstown, addressed Council with regard to the City Clerk position. He commented that with his 13 years as an elected official and 7 years as a manager he was aware of the challenges that City Council and the City Manager face. Mr. Davis provided a history of the City Clerk position starting in 1991, which included starting salaries.

Mr. Davis stated someone took the opportunity in his absence to misuse their public position and make derogatory comments about him. He voiced his displeasure with those comments when he had "nothing to do with the issue." He noted that the City Clerk position is very important and should be reinstated.

Mr. Williams noted that the City Clerk previously handled insurance, Workmen's Compensation claims, and additional duties now handled by the Finance Office.

Mrs. Stanton questioned the release of information regarding Mr. Williams' injury, noting the HIPAA and confidentiality regulations. It was noted an article regarding the injury was in the newspaper many years ago. She requested the City Solicitor provide additional information regarding proper protocol for injuries sustained at City Hall as well as an update on HIPAA violations and regulations.

Mr. Williams reserved his right to file a complaint against the City for the release of confidential information.

Tom Costa, 401 Brookside Way, Johnstown, owner of property at 136-138-140 Gazebo Park, addressed Council regarding Council's resolution to close Gazebo Park for approximately 90 days through the Christmas Season. He expressed his concerns for no access to the buildings other than the entrances on Gazebo Park and for deliveries being made to the businesses located there. Mr. Costa opposed the closing of the street for 90 days.

Mrs. Stanton noted additional opposition to the closure as well.

Pam Costa, 401 Brookside Way, Johnstown, downtown business owner, opposed the closing of Gazebo Park for 90 days but did not oppose the weekend closings.

Ms. Benjamin explained the City had the power to close Gazebo Park for no more than a period of 24 hours that the ordinance would be amended to reflect any changes.

Andrea Ryan, 190 Derby Street, Johnstown, addressed Council with regard to Resolution 13. Ms. Ryan first spoke on behalf of the Wissingers, her neighbors, who wanted to express their thanks to Public Works, City Hall and Leroy for resolving a matter for them.

Ms. Ryan stated the Northwood and Derby Street storm drains were completely cleaned out and water was flowing freely. She also expressed her

appreciation to Public Works for improvements made at Roxbury Park this past summer. She noted a problem with speeding along Berkley Road. She provided Council with photographs to serve as a reminder that the speed bumps need to be addressed along that road.

Ms. Ryan desired to see the Conrad Building razed and pointed out several confusing points regarding the wording in Task Order 42. She discussed EADS estimating future work and suggested Council obtain three independent bids for the project. She again requested Council to post all ordinances and resolutions online before the City Council meetings.

Ms. Ryan urged Council to vote no to Resolution 13.

Mrs. Mock commented that the Roxbury Civic Group also maintains Roxbury Park.

Ms. Benjamin clarified that the Task Order references owner of the project at issue or owner of the work to be had, that it was the City of Johnstown, not the owner of the property at issue. She could not provide additional information on the background for obtaining the task order.

Mr. Williams stated a task order was not put before Council authorizing the City Manager to have EADS perform any type of inspection. There was further discussion regarding EADS receiving a percentage of the cost of the demolition of the Conrad Building.

Wendy Penrose, 232 Sell Street, Johnstown, addressed Council regarding her previously filed complaint with the City concerning the condition of a property she previously lived in and the rubbish violations she has received. Ms. Penrose is not the homeowner and not responsible for any violations.

Mayor Janakovic requested that Nancy schedule an appointment with the City Manager or the Acting City Manager regarding a resolution of this matter.

There was discussion pertaining to providing residents' concerns to Council members for review.

Sonia Wilson, Highland Avenue, Johnstown, addressed Council regarding a garage falling down at 627 Linden Avenue. She stated neighbors throw trash inside the garage, causing rats to inhabit the structure, which has caused a problem for her and her children. Ms. Wilson asked Council's help to resolve the problem. No response were received from the numerous code complaints.

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Mayor Janakovic requested that Ms. Daly respond to the matter as soon as possible.

Ms. Stanton questioned whether a resident should attend a Council meeting in order to receive a resolution to a complaint.

Ms. Daly will update Council on the resolution of Ms. Penrose and Ms. Wilson's complaints.

#### REPORT BY THE CITY MANAGER

Deborah Grass, Act 47 Coordinator, was asked to provide her presentation under the City Manager Report.

Mr. Williams made a motion requesting that Ms. Grass report under the agenda for ten minutes. The motion was seconded by Mrs. Stanton.

Mrs. Stanton made a motion requesting that Ms. Grass report during the discussion period when resolutions are read. The motion was seconded by Mr. Williams and failed by the following vote:

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

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

#### PRESENTATION

Deborah Grass, Grass Roots Solutions, the City's Act 47 coordinator, addressed Council regarding the upcoming manager and finance director vacancy. She stated her firm would provide resources, technical support, and assistance to the City in the recruitment process. The firm requested to assist in the advertisement to assure the ads get to the professional publications for access to those individuals with the proper credentials.

Ms. Grass discussed additional ways to assist Council and facilitate the process as quickly as possible. Due to the timeframe, an appointment would not be made until January 2018.

Mr. Williams noted his opposition to outside public figures being involved in the search committee. He noted that Council was not involved in any interviews previously and that any confidentiality would be destroyed under the Sunshine Act if interviewing was done prior to January 1 or 2, 2018 and if "outside

people are involved." Mr. Williams commented that he "would use every available whiplash he can to stop it."

Mayor Janakovic would not breach Executive Session and agreed with Mr. Williams that Council should be involved in the applicant process. He stated all of Council, two citizens and one businessperson were previously involved in the interview process. Mr. Janakovic noted no problem with Council conducting the interview process prior to January 1, 2018, and the New Council appointing the City Manager after January 1, 2018.

Ms. Grass added advertising, recruiting and interviewing could commence to move the process along.

Mr. Williams reminded members that per the personnel ordinance, the only person entitled to an employment agreement is the City Manager. Stipulations within the employment agreement for an at-will employee and online job descriptions were discussed.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on presenting a proclamation declaring Mental Illness Awareness Week at a recent event in the City.

He provided a presentation to a government class at St. Francis College relating to local government.

A proclamation was presented on October 1, 2018, to Johnstown Bethel AME in celebration of its 100th Anniversary on New Street in Prospect.

The Mayor noted that the City Police Department received \$150,000 from the 1889 Foundation, \$50,000 from Lee Initiatives, and \$50,000 from the Community Foundation for the Alleghenies, for a total of \$250,000.

Chief Johnson explained the funds would be used to purchase in-car offices, meaning the officers can make reports and access real-time police data in their police vehicles. Video recorders for each car and license plate readers will also be purchased. He noted that down the road several new cars would also be acquired. Mrs. Mock commented that Ameriserv, on behalf of Jack Babich, would be purchasing tasers for the officers.

Mayor Janakovic attended the recent Slavic Fest in Cambria City sponsored by JAHA.

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The Mayor presented a proclamation to the University of Pittsburgh at Johnstown on behalf of its 90th Anniversary. It was noted that Pennsylvania Highlands Community College would be moving into the former Pennsylvania State Tax Offices.

Discover Downtown will be sponsoring Scarecrows in the Park and the Christmas Parade. The Chamber of Commerce was working on completion of the Bridge to Pittsburgh in partnership with the Pittsburgh Technology Council, youth initiatives and a future small business summit.

Mayor Janakovic, on behalf of himself and Council, offered condolences to Pete Vizza on the recent loss of his father.

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, City Solicitor, will provide comments regarding the various resolutions later in the meeting.

#### DISCUSSION

Mrs. Stanton requested an update with regard to financial contributions from nonprofits. It was noted that approximately 90 letters were sent out and one response received.

Mrs. Stanton discussed a parking lot at the corner of Osborne Street and McKinley Avenue that had not complied with the ordinance that requires parking lots to be paved and a storm water management system to be installed. It was noted that Bishop McCort informed the codes department that the lot would be a potential basketball court and a small amount of blacktop.

Council member received complaints regarding the condition of the City-owned golf course along Goucher Street. Mr. Vitovich stated the greens were recently certified. He noted a hole in the maintenance shed would need repaired as well as some of the maintenance equipment. Mr. Vitovich stated the City-owned equipment was in need of repair. Mr. Vizza stated the City was responsible for the maintenance of the buildings only.

Mr. Vitovich commented on skunks, coyotes and foxes, as well as deer, in the area damaging the greens. Mr. Calpin, Public Works Director, will investigate the matter further.

Mrs. Stanton referred to comments in a publication of Our Town by Councilwoman Mock, budget chair, that there are "unfabricated, unsubstantiated complaints of hostile work environments being created." Mr. Williams distributed information regarding the definition of harassment as defined by the U.S. Department of Labor, Pennsylvania Crimes Code and EEOC. There was further discussion regarding those comments, which Mrs. Mock commented, "were absolutely true."

Mr. Williams made a motion for a 15-minute recess. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

Mrs. Stanton explained, with regard to proper procedure, all communication must go directly through the City Manager's Office per the Administrative Code and the Home Rule Charter.

#### REPORT BY THE CITY ENGINEER

Steven Sewalk, EADS Group engineer referred Council to his report for further discussion. He highlighted key points in his report and answered questions.

Mr. Sewalk noted the Eighth Ward project was approximately two-thirds complete at this point and the Moxham Phase II project was 50 to 60 percent complete.

It was noted that the Ohio Street joint project with JRA received funding and bids.

A funding offer was forthcoming with regard to the Kernville Project that is due to begin construction next year.

The Old Conemaugh and central business districts designs were being drafted.

The MS-4 Program continues. Mr. Sewalk noted that approximately 40 percent of the pressure testing was completed in the areas of construction.

Mr. Sewalk discussed an Engineer Joint Contract Document Committee (EJCDC), to address a concern of Mr. Williams. He explained the contract was a very common engineering contract with language standard in the

industry. He further interpreted the section that states that a contractor cannot be directed on the method or sequence of his work.

Mr. Williams noted the contract was between EADS and the City of Johnstown and that any claims should be filed with the City, which will then forward the claim to the insurance carrier. Mr. Sewalk noted that information regarding an insurance claim was provided to the contractor for further action.

Mr. Vizza commented on a problem in Hornerstown that was resolved by EADS. Mrs. Mock commented that the City should be contacted for a codes issue, but the contractor or EADS should resolve a contractor issue.

Mrs. Stanton inquired for the record if Mrs. Mock was "okay with violating City ordinances and City laws," and Mrs. Mock responded, "Sure, why not." Mrs. Mock later noted it was a sarcastic response.

Mrs. Stanton discussed sidewalk obstruction, car damages and manhole covers being left off by the contractors as well as a porta potty that toppled over. Mrs. Stanton commented further that she "is in favor of following the law, the Home Rule Charter and the Administrative Code," and will "contact the City Manager's Office and not EADS" with regard to any concerns.

### COUNCIL UPDATES

1. September 6, 2017 Planning Commission Minutes.

Mr. Vitovich made a motion to approve the Minutes from the September 6, 2017 Planning Commission Meeting. The motion was seconded by Mr. Johncola and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,  
Mayor Janakovic, Mr. Johncola, Mrs. Mock (7).  
Nays: None (0).

2. Code complaints: J. Williams-2; C. Stanton-32; W. Penrose-1.

Mrs. Stanton requested a response to all 32 code complaints she had submitted.

Mr. Vitovich made a motion to take all 32 code complaints at once. Mr. Vizza seconded the motion.

Mrs. Stanton requested a response to the complaints.



Mr. Vitovich clarified that the motion was that he was in agreement with Mrs. Stanton that she had 32 complaints, and that the motion was seconded.

Mayor Janakovic made a motion to move on to the ordinances. Mrs. Mock seconded the motion.

Mr. Williams noted there was no vote on Mr. Vitovich's motion. Acting City Manager, Renee Daly, noted that a majority of Mrs. Stanton's code complaints were not on the proper form as created and adopted by Council. Mrs. Stanton noted her form sent to the City Manager was entitled, Council Update, Meeting Agenda. She stated it was completely ridiculous "for people's safety to be put to the rear," because a code complaint was not put on the proper form.

Ms. Benjamin explained the changes to the amendment at Council's last meeting and noted there was no amendment made to the form.

Mrs. Stanton requested that the Acting City Manager "show concern for the residents of this City who are faced with problems there's no remedy being had to them." She discussed a neglected broken fence at the Park Avenue Playground that she and other residents help to fix.

Mr. Vitovich made a motion to withdraw his motion. Mr. Vizza seconded the motion.

Ms. Benjamin explained that the code complaint forms are on the website and the form does not make exceptions for City Council members.

Mr. Williams made a motion to table 31 of 32 Council Updates submitted by Mrs. Stanton. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

### PETITIONS

None.

ORDINANCES FOR FINAL READ AND ADOPTION:

BILL NO. 25 OF 2017, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$500,000.00 PROVIDE FOR THE NECESSARY FUNDS FOR DEMOLITION PURPOSES; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,  
Mr. Vizza (5).  
Nays: Mr. Williams, Mrs. Stanton (2).

BILL NO. 26 OF 2017, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,580,0000 FOR PURPOSES OF REHABILITATING THE INNER CITY SANITARY SEWER SYSTEM.

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,  
Mr. Vizza (5).  
Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 27 OF 2017 AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE NO. 5214, PASSED FINALLY ON DECEMBER 29, 2016 AND THEN AMENDED BY ORDINANCE NO. 5227 PASSED FINALLY APRIL 12, 2017 AND THEN AMENDED BY ORDINANCE NO. 5235 PASSED FINALLY AUGUST 9TH, 2017, CITY OF JOHNSTOWN 2017 WAGE AND SALARY

ORDINANCE TO AMEND THE 2017 WAGE AND SALARY  
ORDINANCE TO BE PAID ALL ELECTED OFFICIALS AND  
EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF  
THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR WITH AN  
EFFECTIVE DATE THE DAY AFTER FINAL APPROVAL OF CITY  
COUNCIL.

Mrs. Mock made a motion to approve the ordinance.

Mr. Williams noted no provision in the budget to pay for this and no budget appropriations have been made or introduced. He stated five members of this Council would be in violation of the stipulation agreement and in contempt of court.

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

Ms. Benjamin explained the bill was to create the position of a City Clerk.

Mr. Williams pointed out there had been no advertising for the position. He inquired if Council decided to forego the requirement that City residents should be given preference. Mayor Janakovic reiterated this bill would just be to create the position.

Mrs. Mock made a motion to withdraw her motion to table. Mr. Vitovich withdrew his motion to second.

Ms. Benjamin explained the bill could be voted on, but that Council would not have the ability to fill the position as of yet.

After further discussion, Mayor Janakovic made a motion to table. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

Mr. Williams suggested that a budget amendment be prepared for this position for the next meeting.

BILL NO. 28 OF 2017, AN ORDINANCE AMENDING CHAPTER 1048 OF THE  
CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED  
"INNER CITY SEWAGE SYSTEM" BY AMENDING SECTION 1048.03

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AS AMENDED BY ORDINANCE NOS. 4626, 4921, 5033, 5070, 5079 AND 5108 TO CONFORM TO ACTUAL BILLING RATES AND TO DELETE AND REPEAL AN INCREASE IN SEWER RATES SCHEDULED FOR THE IMPLEMENTATION IN JANUARY OF 2018.

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

After further discussion, the motion passed by the following vote:

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

Nays: None (0).

ORDINANCES FOR FIRST READ:

BILL NO. 29 OF 2017, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4392 PASSED FINALLY SEPTEMBER 10, 1986 AND KNOWN AS THE "TRAFFIC CONTROL ORDINANCE" TO REVISE AND FURTHER ESTABLISH SPECIFIC PROVISIONS TO ADDRESS TEMPORARY CLOSURE PROCEDURES AND THE DESIGNATION OF STREETS.

Mr. Williams made a motion to table until responses are received to Mrs. Stanton's Council Updates. The motion was seconded by Mrs. Stanton and passed by the following vote:

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

Nays: None (0).

BILL NO. 30 OF 2017, AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "INNER CITY SEWAGE SYSTEM" AND SPECIFICALLY SECTION 1048.03 AS PREVIOUSLY AMENDED BY ORDINANCE NOS. 4626, 4921 AND 5033 TO PERMIT TEMPORARY TRANSFERS AND/OR BORROWING IN LIMITED CIRCUMSTANCES SPECIFIED BELOW.

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

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Mr. Williams noted the sewer rental act would not permit those monies to be used for any other purpose other than what had been stipulated previously and provided a history of sewer monies that were transferred to other funds without approval.

Ms. Benjamin will provide a formal opinion but did comment that the state does permit a third-class city to temporarily transfer funds as long as the funds are repaid within the fiscal year.

The motion passed by the following vote:

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

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

## RESOLUTIONS

### Resolution No. 9997

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH CARGILL, INC. DEPARTMENT OF GENERAL SERVICES COSTARS PROGRAM, 24950 COUNTRY CLUB BOULEVARD, SUITE 450, NORTH OLMSTED, OHIO, 44070 TO PROVIDE AND DELIVER TO THE CITY ROCK SALT FOR THE CALENDAR YEAR AUGUST 2017 THROUGH AUGUST 2018.

Mr. Johncola made a motion to approve the resolution. The motion was seconded by Mr. Vizza and passed by the following vote:

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

Nays: None (0).

### Resolution No. 9998

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, EXONERATING THE CITY OF JOHNSTOWN FROM ANY AND ALL LIABILITY FOR BACK REAL ESTATE TAXES APPLICABLE TO TAX YEARS 2001-2007 AND INCURRED BY A PRIOR OWNER ON CITY PROPERTY LOCATED

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AND KNOWN AS 617/619 SOMERSET STREET WITH THE CAMBRIA COUNTY MAP NO. 76-001-105.00.

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

Mr. Williams commented that years ago the Solicitor told the City it had no authority to forgive or exonerate property taxes, only penalty and interest.

Ms. Benjamin explained the City purchased the property in 2007 without an appropriate title search and any back taxes remained with the property.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,  
Mr. Vitovich, Mr. Vizza (6).

Nays: Mr. Williams (1).

Resolution No. 9999

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO EXECUTE AN AGREEMENT WITH BERKHEIMER WHEREUNDER BERKHEIMER IS APPOINTED AS THE DEPUTY TAX COLLECTOR FOR THE COLLECTION OF REAL ESTATE TAXES FOR THE TERM HEREIN DEFINED, TOGETHER WITH SUCH EXTENSIONS AS MAY BE AGREED UPON, SAID TAX ENACTMENT HAVING BEEN ADOPTED UNDER AND PURSUANT TO THE AUTHORITY OF THE PENNSYLVANIA LOCAL TAX COLLECTION LAW.

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

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

Nays: None (0).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER AND THE CITY SOLICITORS TO TAKE THE REQUIRED ACTIONS TO PLACE PUBLIC NOTICE OF THE CITY COUNCIL SEEKING QUALIFIED APPLICANTS FOR SELECTION AND APPOINTMENT AS CITY MANAGER EFFECTIVE ON OR ABOUT JANUARY 2018.

Mr. Williams made a motion to approve the resolution. The motion was seconded by Mrs. Stanton and defeated by the following vote:

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

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

Resolution No. 10000

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 FURTHER AUTHORIZING THE ADVERTISEMENT OF SAID POSITION TO BE FILLED ON AN EFFECTIVE DATE ANTICIPATED FOR JANUARY 2018 WITH A DEADLINE FOR ALL SUBMISSIONS TO BE RECEIVED BY NOVEMBER 6, 2017.

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

Mr. Williams made a motion to amend. Mrs. Mock seconded the motion.  
After further discussion, the amended motion reads as follows:

A motion to amend Resolution No. 5 to replace all references to November 6, 2017 to November 17, 2017, to replace the fourth bulleted paragraph on the first page with the following: "A period review by the current City Solicitor, DCED Representative and the Act 47 Recovery Coordinator of all submissions until November 24, 2017" and to replace the first bulleted paragraph on the second page with the following: "A period of further review by the City Manager Search Advisory Committee and all 7 sitting members of Council (if not

included in the Search Advisory Committee to date) of all applications through November 30, 2017 in selection of applicants for interviews.

Mayor Janakovic made a motion to approve the resolution as amended. The motion was seconded by Mrs. Mock and passed by the following vote:

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

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

Resolution No. 10001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, PROVIDING FOR THE DISPOSITION OF CERTAIN MUNICIPAL GOVERNMENT RECORDS ACCORDING TO THE SCHEDULE AND PROCEDURES AS SET FORTH IN THE MUNICIPAL RECORDS MANUAL ESTABLISHED ON DECEMBER 16, 2008 AND ADOPTED BY THE CITY OF JOHNSTOWN ON MAY 24, 2017.

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

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

Nays: None (0).

Resolution No. 10002

A RESOLUTION OF 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 EARLY INTERVENTION PROGRAM GRANT IN THE AMOUNT OF \$32,400.00 TO BE USED FO PROJECTS SUCH AS BLIGHT PLANNING, LAND BANKS AND CODE ENFORCEMENT AS CONTRACT NO. C000066537 AND FURTHER AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE SAME.



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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,  
Mr. Vitovich, Mr. Vizza (6).

Nays: Mr. Williams (1).

Resolution No. 10003

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A RENEWED LEASE AGREEMENT BETWEEN ESCAPE ROOMS JOHNSTOWN, LLC AND THE CITY OF JOHNSTOWN FOR A ONE-YEAR TERM.

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

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

Nays: None (0).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING AND DIRECTING THE CITY MANAGER AND FINANCE DIRECTOR TO TAKE ANY AND ALL ACTIONS NECESSARY TO SEEK AND OBTAIN PROPOSALS FOR THE BORROWING OF GENERAL OBLIGATION NOTE TO BE FUNDED THROUGH OBLIGATED FUNDS FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND FROM PUBLIC IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$620,000 FOR PURPOSES OF ENGINEERING INSPECTIONS, CONSTRUCTION, CONTINGENCIES AND INTEREST ON THE LOAN OF THE WASHINGTON STREET PARKING LOT AND LOCUST STREET PARKLET.

Mr. Vitovich made a motion to approve the resolution. Mr. Johncola seconded the motion.

Mrs. Stanton commented that she "sees neighborhoods rotting while this amount of money is being placed downtown."

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The motion failed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola (2).

Nays: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,  
Mr. Williams (5).

Resolution No. 10004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACKNOWLEDGING AND APPROVING THE ACTUAL EFFECTIVE DATE OF THE EMPLOYMENT AGREEMENT ENTERED BETWEEN THE CITY OF JOHNSTOWN AND CITY MANAGER, ARCH LISTON, CLARIFYING THE NUMBER OF VOTES REQUIRED FOR APPROVAL, AND AMENDING RESOLUTION NO. 9915 TO INCORPORATE AND ATTACH THE EMPLOYMENT AGREEMENT AS APPROVED AND UPDATED.

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

Ms. Benjamin referred to the updated posting on the website for discussion.

The motion passed by the following vote:

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING NANCY CUSHING TO SERVE AS CITY CLERK EFFECTIVE OCTOBER 10, 2017.

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

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

Nays: None (0).

Resolution No. 10005

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, ACKNOWLEDGING AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO ACCEPT AND ACKNOWLEDGE THE FINANCIAL REQUIREMENT AND MINIMUM MUNICIPAL OBLIGATIONS APPLICABLE TO THE CITY OF JOHNSTOWN PENSION PLANS FOR THE 2018 CALENDAR YEAR AND 2018 MUNICIPAL BUDGET AS ATTACHED.

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

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

Nays: None (0).

Resolution No. 10006

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 42 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, PERMITTING, ABATEMENT SERVICES COORDINATION, CONSTRUCTION, ADMINISTRATION AND INSPECTION SERVICES OF THE CONRAD BUILDING DEMOLITION PROJECT.

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

Mayor Janakovic requested information regarding estimate amounts received.

Steven Sewalk, EADS Group engineer noted the receipt of drawings and a formal investigation conducted on the building. He discussed the complications with razing the building because the river wall was pinned through the foundation wall of that building. The river wall and foundation are the same. He explained the PennDOT bridge abutment was in very close proximity to the foundation and currently awaiting information from PennDOT regarding the construction of the bridge. Regarding the Vine Street side, Mr. Sewalk reported on a large sanitary sewer siphon vault as part of the foundation on that side so the building will have to be disassembled floor by floor.

Mr. Sewalk noted the original cost estimate for the abatement of asbestos and other materials were roughly \$90,000 to \$100,000, and Earthmovers estimate was in the neighborhood of \$200,000. He estimated the total cost will likely increase due to the building being tied into all the structures in that area.

Mrs. Mock requested a more detailed cost estimate. Mr. Sewalk explained a contract would be provided regarding the demolition, the required DEP and Army Corps of Engineers permits, the shutting down of Vine Street and Franklin Street for days or weeks, and a PennDOT bridge protection plan.

Mrs. Stanton made a motion to table pending receipt of additional information. The motion was seconded by Mr. Williams and failed by the following vote:

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

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

There was further discussion on the matter. Ms. Daly stated a motion was made last month to authorize the City Manager to apply for the Industrial Site Reuse Program (ISRP) that will pay for 75 percent of the abatement cost.

The motion passed by the following vote:

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

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

#### NEW BUSINESS:

Mrs. Stanton commented that Roxbury St. Paul's United Methodist Church will hold a Trunk or Treat event on trick or treat night. There will be a haunted trail walk at the James Mayer Trail on October 28, 2017, from 4:00 p.m. until dusk. She thanked Joe Warhul for reaching out to the proper entities. Mrs. Stanton attended the Moxham crime watch meeting with guest speaker Coroner Jeff Lees.

#### OLD BUSINESS

Mr. Vitovich stated, with regard to the former Roxbury School apartment complex for senior citizens, the property owner could decide whether to accept Section Eight applicants.

Mr. Vizza stated, on behalf of himself, Mayor Janakovic and City Council, a proclamation was presented to Mr. Chuck Wyatt, Jr. on September 30, 2017. He congratulated Mr. Wyatt for being honored by the Deborah Grand Chapter, Order of Eastern Star, Prince Hall Adopted, Commonwealth of Pennsylvania for his dedication and commitment to youth.

Mrs. Mock noted that Friday, October 13, 2017, NAACP would celebrate its 100 Year Anniversary Event at FWHM on Lincoln Street.

#### PUBLIC COMMENT-NONAGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council requesting that Council pass a motion to "work together." He requested that a meeting be held between City Council, the Johnstown Redevelopment Authority and the Housing Authority to discuss job opportunities and businesses to "end the concentration of poverty in the community."

Mr. DeBartola discussed an article in Our Town concerning action by animal control officer Larry Crespo and the death of two dogs. He suggested that Council read the article and cancel the contract.

Mr. Vitovich made a motion to schedule a meeting between the Johnstown Redevelopment Authority, the Johnstown Housing Authority, and Johnstown City Council with an agenda established ahead of time. Mrs. Mock seconded the motion.

There was further discussion regarding the motion. Mr. DeBartola stated he would protest if the three entities do not meet.

The motion passed by the following vote:

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

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

Paul Ricci, 130 Palm Avenue, Johnstown, addressed Council regarding the City addressing its problems, including the creation of free WiFi zones throughout the City and body cameras for the police department. Mr. Ricci noted he is an independent candidate for City Council. He suggested that a public forum be held to address all concerns.

Dr. Catherine Anne McCloskey, Johnstown, offered condolences to Mr. Vizza on the death of his father. She stated her lost wallet was found and given to the police, who then returned it to her. She will soon be ordained a Quaker minister and was recently offered a job in California in March.

Mark Pasquerilla, 945 Menoher Boulevard, Johnstown business owner, addressed Council regarding his concerns about the City's "toxic" work environment and stated, "No Council member is going to destroy this city, and it just isn't going to happen on my watch." Mr. Pasquerilla suggested that Council openly discuss this "toxic work environment" that potential City Manager candidates should be aware of when being interviewed for the City Manager position.

Mrs. Mock noted she is confident that whoever fills the position will be well informed "by their own choice and their attempt to see what the City is about."

Mrs. Stanton excused herself as being part of any sexual harassment against Mrs. Komar. Mr. Pasquerilla commented he never accused her of sexual harassment, but rather sexual discrimination. He suggested that this kind of environment has to be stopped.

Gregory Jones, 300 Golde Street, retired U.S. Army, asked Council to honor Mark J. Jefferson, Johnstown native, by awarding him a proclamation on November 18, 2017, along with an award that will be given by the NAACP. Mr. Jones stated that Mr. Jefferson had 28 years of active duty service when he was hit by a bomb in 2007. It was noted his actions when the bomb went off saved others, but he is now starting to have adverse effects from the bombing. A copy of a proposed proclamation was written by Mr. Jones and given to Ms. Cushing.

A special meeting regarding the 2018 budget is scheduled for Monday, October 30, 2017 at 5:00 p.m.

The next regular meeting is scheduled for November 8, 2017

There being no further business, the meeting was adjourned at 9:40 p.m.