

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, March 23, 2016

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. Reverend Sylvia King offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic noted that an Executive Session was held with regard to litigation prior to the start of the meeting.

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).

City Solicitor David Andrews and City Manager Melissa Komar were also present.

APPROVAL OF MINUTES

Mr. Williams made a motion to approve the February 10, 2016 and February 24, 2016 meeting minutes. The motion was seconded by Mr. Vizza. Mr. Williams requested that information submitted as Communications for the record be included in future minutes.

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

Nays: None (0).

COURTESY OF THE FLOOR

Mark Pasquerilla, 945 Menoher Boulevard, Johnstown, and 1 Pasquerilla Plaza, provided an update of Vision 2025. He stated that 500 people have signed up for the capture teams and described the programs, including neighborhood networking resource collaboration and the planting of trees. He noted that at least 5,000 people attended the Eggstravaganza recently held in Central Park. Mr. Pasquerilla discussed additional projects currently underway in the City as well as upcoming events. He urged Council to "get involved".

Mr. Pasquerilla addressed further City matters, including his support of City Manager Melissa Komar. He asked Council to support good government and good City employees.

John Allen, 501 Cypress Avenue, Johnstown, addressed Council regarding the community corrections center. Mr. Allen enjoys teaching a family

strengthening class at the center once a week. He does not fear these individuals and does not feel endangered by these individuals. Mr. Allen asked that the community not create resentment but to try to address their behavior issues and "not try to push it away".

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding local government. Mr. DeBartola discussed Council members who "instigate" or prevent the citizens from "speaking their mind about City issues". He believes there are Council members who continue to work to divide Johnstown, instead of uniting the City. Mr. DeBartola would like to put behind the separations, the hatreds and frustrations that have kept the community from working together. He offered his support for Ms. Komar.

Douglas Yonker, 80 K Street, Johnstown, President of the Laurel Highland Historical Building Society addressed Council with regard to the Honan hiking trail on Honan Avenue. He inquired as to the status of an issue between the City and the Commonwealth, and questioned whether the trail will be open for use as a hiking and biking trail.

Ms. Komar commented that once PennDOT reaches a decision, those questions will be answered. Mr. Yonker offered his support for Ms. Komar.

Ron Shawley, Johnstown, commended the efforts of Council and the City Manager. He inquired whether dump trucks could be provided to haul trash that would be gathered by the County workforce at 15 to 18 dumpsites north of Johnstown. He stated there would be no charge at the dump. Some of the sites are in Prospect, Minersville, and Coopersdale.

Mrs. Stanton suggested that the garbage be placed in specific locations for pickup by the City. Mayor Janakovic requested documentation referencing the locations and specifics on the pickups. After further discussion, it was agreed the City Manager would coordinate the matter.

Paulette Baker, 2398 Benshoff Hill Road, who is not a City resident, was not permitted to address Council with regard to the Honan Avenue trail.

Joseph Taranto, 426 Park Avenue, Johnstown, addressed Council with regard to events on National Arbor Day, which is the last Friday of April. He has partnered with Flood City Café, which has ambitious plans to clean up Clinton Street, and will also help to plant 11 Crimson King Maples along two blocks of Clinton Street. Mr. Taranto noted after completion of the cleanup, a celebration will take place at the Freight Station starting at 2:00 p.m.

Mr. Taranto noted the City Manager has included the Board and Commission applications to the Councilmembers. He further noted it is Council's duty to fill vacant positions on the Shade Tree Commission.

Melissa Bennett, owner of Oopsie Daisy Photography, 132 Gazebo Park, Johnstown, addressed Council and offered her support for City Manager Melissa Komar.

Camille Taylor, 566 Central Avenue, Johnstown, addressed Council and offered her support for the City Manager.

Joseph Warhul, 44 Clover Street, Johnstown, presented a photograph of a properties at 533 and 507-509 Horner Street littered with garbage, including vehicles not shown in the picture. He asked if Codes could become more proactive by visiting these sites that have code violations. Mr. Warhul suggested that appropriate ordinances be adopted to address these issues. He further recommended that landlords be required to obtain garbage receptacles for their tenants' use instead of the use of plastic garbage bags, which are often ripped open by animals.

Mrs. Stanton noted that residents are not receiving responses to filed complaints.

Mr. Johncola commented the City Manager, Ms. Daly, and Mr. Barber spent a week cleaning up Prospect. Mr. Vizza commented that neighborhoods need to be more proactive.

Douglas Tanaka, Park Avenue, Johnstown, addressed Council with regard to the Moxham neighborhood and the property recently purchased by the Christian Home of Johnstown, Inc., at 517 Park Avenue and its intent to make it a group home. This would require a variance in an area currently zoned as R-1. Mr. Tanaka stated the residents have expressed opposition to the property being zoned with a variance. He provided Council with information relating to the group home and also a petition that was signed by 120 Moxham residents against the property use.

Chantay Jeffers, 414 Village Street, Johnstown, Director of the Christian Home of Johnstown, addressed Council with regard to the goals of the Christian Home. She indicated the home maintains as much normalcy as possible for youth who have been court ordered to be removed from their homes. She provided a description of the facility and distributed a pamphlet to Councilmembers.

Diane Makin of DuPont Street, Johnstown, an employee of the Christian Home, stated, "All the home wants to do is take our children and give them an opportunity."

Mayor Janakovic requested clarification as to the type of youth that live in the home. Ms. Makin noted that the children are deemed dependent, not juvenile delinquents, not criminals and not drug addicts. She stated, "They're dependent children who need a home to go to, to put their head down on a pillow."

#### REPORT BY THE CITY MANAGER

City Manager, Melissa Komar, reported that all officers were issued state of the art vests with 50 percent of the costs from the DOJ grant. She reported the saturation detail "went well" on March 11, 2016, which included a collaboration of the Johnstown Police Department, State Police, Sheriff, State Parole, Attorney General agents, as well as inspectors from the Cambria County Drug Task Force and FDIC task force.

Ms. Komar noted the City will take an active part in the "aging round table" pertaining to senior citizen scams with Senator Casey on Thursday, March 24, 2016, at the Senior Activities Center on Main Street.

Ms. Komar reported firefighters are currently training on the new ladder truck and pumper prior to being put into service.

She indicated copies of the City's updated emergency plan will be distributed at the next Council meeting.

Real estate taxes will be mailed by March 31, 2016. The City will receive \$712,000 from tax liens shortly after April 1st, 2016, with the deposit being made by the day of closing.

Ms. Komar indicated a settlement has been made on the Cambria City/Minersville/Coopersdale PennVEST project, which is 100 percent grant funded.

Ms. Komar indicated Public Works has been repairing and maintaining inlets throughout the City as well as maintaining all playing fields in preparation for upcoming sporting events. She further indicated the sweeper and the patch truck are also running daily and nightly routes.

Bid packets have been advertised and released to contractors for the first round of demolitions for 2016. The City Manager indicated she has been working with the Department of Health with regard to applying for a federal lead-based paint grant, which is due April 28, 2016. A flyer was distributed

prior to the start of this meeting announcing an April 7, 2016 public meeting regarding affordable housing in the City.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, commented on his attendance at numerous events in Johnstown. He noted the Pittsburgh Penguins Assistant General Manager, Bill Guerin, was in town to speak at the Boy Scouts Annual Dinner.

The Mayor noted that the 1889 Foundation announced a \$7.5 million five-year gift establishing the 1889 Foundation Jefferson Center for Population Health in Johnstown.

Mayor Janakovic noted his attendance at Unity in the Community - Understanding Race Relations along with the City Manager and Chief Foust.

The Mayor stated the Hanson Brothers were guest speakers at a recent Chamber of Commerce dinner. He stated the 2016 Cultural Affairs Award was presented to the Cambria County War Memorial.

Discover Downtown will be obtaining funds for renovations in the Central Park. The list of businesses is growing for the Taste and Tour scheduled for Saturday, May 28, 2016. Mayor Janakovic noted that Sunday, May 22, 2016, is the annual downtown cleanup.

The Mayor commented that 2,000 children and families visited downtown for the Easter Egg Hunt, which was held on Saturday, March 19, 2016, in Central Park.

Mayor Janakovic noted that PA State Senators and Congressmen will be attending the Showcase for Commerce. He and Council will continue to be proactive members of the community.

Mayor Janakovic reported the First Annual Ice Fest sponsored by the Tribune-Democrat recently held at the PNG Park was a huge success.

The Mayor noted he is currently working on grants for specialized summer programs for neighborhood children. He further noted if grants are obtained, he will focus on the Moxham area since those children do not have access to the Summer in the City programs at the East Side and Johnstown Middle Schools.

REPORT BY THE CITY SOLICITOR

David Andrews, Esquire, Solicitor, noted his report was provided during Executive Session.

Mrs. Stanton inquired as to whether a response was received from the Cambria County Redevelopment Authority regarding the blighted property at 605-607 Franklin Street. Attorney Andrews had not yet received a response but will investigate the matter further if necessary.

Mrs. Stanton requested an update as to whether the box storage trailer on Barron Avenue/Harris Boyer property has been removed. Attorney Andrews will discuss the matter with Ms. Daly.

Mr. Williams discussed a code complaint with regard to an abandoned vehicle being parked on a property. He questioned why the property owner would be responsible to remove it. Ms. Komar noted the police do become involved, and the property owner can sign off to have the car towed.

REPORT BY THE CITY ENGINEER

Dan Beyer referred Councilmembers to a copy of his written report while highlighting the sewer project. He noted the Hornerstown/Roxbury line tie-in to the sanitary sewer will soon be completed. Pavement restoration and punch list items will be completed this spring on the Oakhurst Project. With regard to Woodvale/ Prospect Project, Mr. Beyer indicated that Continental Construction will complete punch list items this spring.

Mr. Beyer indicated that Continental Construction is approximately 97 percent complete with regard to the pipe installation of Moxham Phase One, and Kukurin Contracting is approximately 92 percent complete with their part.

Concerning the Woodvale/Oakhurst laterals, Mr. Beyer reported that W.A. Petrakis is approximately 47 percent complete. Kukurin Contracting will be starting construction in April in the Woodvale section.

Mr. Beyer stated A. Liberoni has completed approximately 50 percent of the pipe installation in the Morrellville area.

As to upcoming projects, Mr. Beyer indicated the Cambria City/ Coopersdale/Minersville Project conducted two public meetings to discuss the upcoming projects.

Mr. Beyer stated that on the Horrocks Street grant project, \$105,750 was awarded to the City, and the City will have to match 15 percent for that project.

Allegheny Restoration was the lowest bidder for the Main Street Parking Garage in the amount of \$886,924.20. Mr. Beyer indicated this was a grant project, and the City will have to match 30 percent of the project costs.

Mrs. Stanton expressed her concerns regarding the sewage pipes laying on sidewalks and construction vehicles completely blocking a sidewalk in Moxham. She inquired who is making sure the sites are safe.

It was noted the contractors sign agreements with the property owners and inspectors do conduct site inspections.

Mrs. Mock noted damage to sidewalks, and Mr. Beyer noted damaged sidewalks will be replaced. It was also noted that the time period for the contractor's responsibility after construction has been increased, so any issues within a three-year period will be addressed. There was further discussion with regard to this matter.

In response to an inquiry by Mr. Williams regarding rebar and enforcement wire specifications in the concrete, it was stated that PennDOT does not require any rebar, but the City does require replacing the rebar.

Mr. Williams suggested that inquiries regarding sidewalks be referred to JRA for action.

#### REPORT ON PRIOR YEAR'S AUDIT FINDINGS

No report.

#### COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORT

Mr. Vitovich commented on the amount of construction commencing in the West End. He noted that construction will soon begin in Coopersdale, Minersville and Cambria City. He suggested that travelers allow additional time to get to their destinations during this time period.

Mr. Williams had submissions for Budget and Finance.

Mr. Johncola reported that plans are underway for the sidewalk and garbage cleanup.

Mrs. Mock reported that the West End Improvement Group has scheduled a yard sale for Saturday, April 9, 2016, with proceeds going towards the purchase of additional cameras.

Mrs. Mock reported that she and Mrs. Stanton recently attended a meeting in Hornerstown. She indicated there are plans to purchase additional cameras for the Wood Street Playground.

Mrs. Mock reported on a discussion with Mary Borkow regarding the Roxbury Roller Rink. Mrs. Borkow indicated the adult probation workers from the County will reset the rink at some point in the near future.

Mrs. Mock noted a discussion with the Commander from the Somerset County Prison. Workers will commence sweeping the sidewalks in Prospect, on Haynes Street, and the bottom of Millcreek Road on April 4 and 5, 2016, with an alternate date of April 11 and 12, 2016, and in the Maple Avenue/Conemaugh Borough area in May.

Mrs. Stanton discussed the sewage compliance dates for the neighborhoods. She indicated Roxbury residents are contacting her regarding those dates. She suggested that "something" be placed on the sewage bill to correct the information.

Mr. Williams commented on conflicting reports. Ms. Komar indicated that if she does not have an answer, she will refer any questions to the EADS Group for clarification. There was further discussion with regard to an informational mailing.

Mr. Beyer indicated a variety of letters have gone out regarding the pressure testing and the start of construction in their area. He suggested that maps be included with the above letters. Mayor Janakovic further suggested that letters of clarification be drafted either by the City or the EADS Group.

Mrs. Stanton reported on recently attending the Moxham Neighborhood Watch Meeting where concerns including curfew times and vandalism at the Park Avenue Playground were addressed. Mayor Janakovic suggested that residents in that area report incidents to the 911 or the police department so the matters can be handled.

Mrs. Stanton commented on the amount of garbage being found on the Mayer Trail. She has been in contact with North American Hoganas, who has offered to



install a wheelchair/handicapped swing for persons with disabilities. She asked Council to approve the installation of the swing. Ms. Komar will contact the insurance company with regard to the matter. Mrs. Stanton thanked North American Hoganas for their efforts to help keep the playground safe with the installation of lights and the swing if approved by Council.

Mr. Williams made a motion that a proclamation be presented to North American Hoganas. The motion was seconded by Mr. 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).

Mayor Janakovic suggested that more proclamations be presented to other entities throughout the City during regular meetings of Council.

Mrs. Stanton reported North American Hoganas has installed light poles for halogen lights in the Hornerstown area. She discussed the "deplorable" condition of Old Conemaugh Borough, including blighted buildings, abandoned vehicles and sidewalks littered with garbage.

Mr. Vitovich noted that at one time that area was a beautiful part of Johnstown, but one that has been "let go".

Mrs. Stanton reported that six feral cats were captured during trap/neuter/release program. She stated that a corner of the cat's ear is cut or squared off, which is an indication that the animal has been spayed or neutered and has had rabies shots. She noted that Mr. Hoover can be contacted via Facebook.

Mr. Williams made a motion for a five-minute recess. The motion was seconded by Mrs. Stanton.

#### SHORT RECESS TAKEN

Mayor Janakovic stated he was requested to provide a proclamation for child abuse by Beginnings and local agencies on Friday, April 1, 2016. Mr. Williams made a motion to approve. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: None (0).

COMMUNICATIONS

1. Planning Commission minutes of March 2, 2016.
2. Jack Williams, Feb. 26, 2016 re: two resolutions passed on Feb. 4, 2016
3. Jack Williams, Mar. 1, 2016 re: Administrative Code violations.
4. Dennis Callahan re: code complaints: Feb. 22, 2016-240 Sell St.; 836 Napoleon St.; Mar.3, 2016-210 Sell St.
5. Charlene Stanton, Feb. 24. 2016 re: code complaints: Ore St.-no visible address; 740 Meade St; DM Venture properties at 408 Ebensburg Rd., 410 Ebensburg Rd; 373 Wm. Penn Ave.; 411 Ebensburg Rd.; 389 Wm. Penn Ave.; 406 Ihmsen Ave.; 395-397 Ihmsen Ave.; 416 Ebensburg Rd.; March 1, 2016-190 New St; 229 New St.; 191 1/2 New St.; 218 New St.; across from 218 New St.; green house across from 218 New St.; 179/181 New St.
6. Wendy Penrose, March 1, 2016 re: code complaints: between 619 & 625 Highland Ave; 608 Cypress Ave.; 5/7 Clover St.; 533-535 Highland Ave.; corner Linden & Wheat St.
7. Linda Yutzey, March 5, 2016 re: code complaints: 152-154-156 Barron Ave.; corner of I St. and alley; apartment building Decker Ave.; 457 Daniel St; 64 Fairfield Ave; Union St. by Incline Plane entrance; Coconut St. by bypass & War Memorial; R. Hawk Pl.; 299 Strayer St.; 79 Fairfield Ave.; R. 171 Fairfield Ave.; 185 Fairfield Ave.
8. Charlene Stanton, March 7, 2016 re: code complaints: 95 Fairfield Ave.; 226-228 Barron Ave.; 248 Barron Ave.; property across railroad tracks at Boyd Ave. and Akers St.; 233 Fairfield Ave.; 226-228 Barron Ave.; 101/103 Fairfield Ave.; Blenny Alley close to 95 R. Fairfield Ave.; 1303 Franklin St.; construction site at Grove Ave.
9. Joe Warhul, March 24, 2016 re: code complaints: corner of Hudson and Steel; 511 Horner St.; vacant lot next to 511; 507-509 Horner St.; 533 Horner St.; next to Dale Oxygen Horner St.
10. Charlene Stanton, March 15, 2016 re: code complaints: 1320 Franklin St.; Steel St. - no address; 821 Steel St.; 836 Steel St.; Steel St.; Steel St.; Steel St.; Steel St.

Mr. Williams referred to his communication dated February 26, 2016, concerning the language in the resolutions regarding the advertisement of the Point Stadium and Roxbury. He noted there are restrictions with regard to the type of advertising, and that monies cannot be used for General Fund purposes.

Ms. Perrachino noted that a revenue expense account was originally submitted with it specific to Roxbury, and the Point Stadium was its own separate fund.

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Mayor Janakovic on behalf of himself and Councilmembers thanked Ms. Perrachino and wished her well.

### PETITIONS

Citizen Petitions to terminate EADS Group.

### ORDINANCES FOR FINAL READ

BILL NO. 12 OF 2016, AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF ORDINANCE 5070, 5079 AND 5108, TITLED AN ORDINANCE AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED INNER CITY SEWER SYSTEM BY AMENDING SECTION 1048.03 AS AMENDED BY THE ORDINANCE 4626, 4921 AND 5033 TO CONFORM TO ACTUAL BILLING RATES, COLLECTION PROCEDURES AND INCREASE SEWER RATES.

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

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

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

### ORDINANCES FOR FIRST READ

BILL NO. 01 OF 2016, AN ORDINANCE VACATING PAPER STREET NAMED WIDMANN PLACE IN THE THIRD WARD OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE  
(Tabled 1/4/16)

Mr. Vizza made a motion to remain tabled. The motion was seconded by Mrs. Mock. The motion remained tabled.

BILL NO. 13 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 4390, PASSED SEPTEMBER 10TH, 1986; ORDINANCE 4670, PASSED JULY 13, 1994; ORDINANCE 4698, PASSED DECEMBER 21, 1994; ORDINANCE 4937, PASSED APRIL 28, 2004; AND ORDINANCE 5148, PASSED MAY 14, 2014 AS "CHAPTER 834 PEDDLERS AND

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SOLICITORS TO REVISE AND UPDATE THE REQUIREMENTS IN THE CITY OF JOHNSTOWN.

Mr. Vitovich made a motion to approve. The motion was seconded by Mrs. Mock.

Mr. Williams inquired as to why some of the requirements are being "relaxed".

City Manager indicated that many of the vendors do not want to participate to pay a monthly fee for a one-day event. She indicated background checks will still be included in the ordinance.

Mr. Williams commented on out-of-town peddlers last year going into neighborhoods selling meat. The City Manager noted codes enforcement is aware of the matter.

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).

BILL NO. 14 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 4654 ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993, AND AS AMENDED BY ORDINANCES NO. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177) by deleting Section 808; Department Codes and Permits and further amending Section 807; Department of Community and Economic Development (a) Department Director; by adding and incorporating these duties and responsibilities to the Director of the Community & Economic Development and requiring monthly reports of Code Complaints and disposition records to City Council.

Mr. Williams noted the Director of Codes position has been eliminated, and those duties have been assigned to the Community Development Director. Mr. Williams is requesting a monthly report on code violations.

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

Yeas: Mr. Vizza, Mr. Williams, Mrs. Stanton (3)

Nays: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich (4).

## RESOLUTIONS

### Resolution

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR AND CITY MANAGER TO GIVE 30 DAYS' NOTICE TO THE EADS GROUP OF THE CITY OF JOHNSTOWN'S INTENT TO TERMINATE THE PROFESSIONAL SERVICE AGREEMENT EXECUTED ON APRIL 10, 2012 AND TO EXPIRE ON APRIL 10, 2017 UNDER PROVISIONS OF SAID AGREEMENT, ARTICLE 6, GENERAL CONSIDERATION; 605 SUSPENSION AND TERMINATION (B)(1) FOR CAUSE (a). (Submission by Mrs. Stanton and Mr. Williams.)

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

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

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

### Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE OFFICE OF THE CITY MANAGER AND/OR THE DIRECTOR OF FINANCE TO PLACE THE PUBLIC NOTICES/ADVERTISEMENTS AS TO THE CITY OF JOHNSTOWN SEEKING AND ACCEPTING RESUMES AND/OR LETTERS OF APPLICATION FOR THE POSITION OF CITY MANAGER.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton.

Mrs. Stanton commented this is for the new City Manager position that is due to expire in December. She stated that Council needed over 200 days to appoint the next City Manager when former City Manager Denne resigned.

Mayor Janakovic stated there was discussion with DCED, Michael Foreman, Act 47 Director, at which time the consensus of Council was to wait six months or July 1, 2016, to advertise. Mrs. Stanton indicated she did not remember voting on that decision.

Mr. Williams requested a copy of the resolution or the minutes where Council actually voted on the matter. Mayor Janakovic indicated there was no resolution, but the decision was made.

Mr. Williams requested a clarification of the minutes with regard to any action that Mayor Janakovic had requested.

Mr. Williams commented that actions by Council are held by a vote at the meeting, unless they are provided in Executive Session.

Mayor Janakovic stated Council voted a one-year contract for Melissa Komar as the City Manager, and stated, "We don't have to do any stipulations as to when we advertise." He reminded Mr. Williams that it took two months to hire former City Manager Denne, and stated, "Half the people weren't involved in that interview process."

Mayor Janakovic and Mr. Williams further discussed the matter.

Attorney Andrews noted there was a motion and a second.

Mr. Williams requested that the resolution be read again. Mayor Janakovic complied with the request.

The motion failed by the following vote:

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

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

### Resolution

A RESOLUTION OF THE CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REAFFIRMING THE DIRECTION AND PROVISIONS STIPULATED IN RESOLUTION NO. 9384 PASSED ON JANUARY 13, 2010, which directed that "Request for Proposals" be advertised and by requesting the Pennsylvania Department of Community and Economic Development (DCED) for assistance in preparation an developing

said "Request for Proposals" for the exclusive rights for event promotions, scheduling and management of the Point Stadium facilities, and by including concessions operations at Point Stadium and Roxbury Park.

Mr. Williams made a motion to approve. The motion was seconded by Mr. Johncola.

Mr. Williams inquired if the Resolution No. 9384 passed on January 13, 2010, and never amended is still in effect.

Attorney Andrews explained the resolution was passed and never appealed. He explained the stipulations in that resolution are binding unless overruled by Council's subsequent vote.

The motion failed by the following vote:

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

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

Mr. Williams called for the enforcement of Resolution 9384 unless Council prohibits a resolution to repeal.

Resolution No. 9825

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN  
AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS  
NECESSARY TO SUBMIT THE NECESSARY PAPERWORK ON  
BEHALF OF KUKURIN CONTRACTING, INC. TO THE  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ORDER  
TO SUPPLY THE HIGHWAY RESTORATION AND MAINTENANCE  
BOND FOR THE MOXHAM SANITARY/STORM SEWER SEPARATION  
PROJECT PHASE I, KNOWN AS CONTRACT 2015-02.

Mr. Vitovich made a motion to approve. 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. 9826

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO SUBMIT THE NECESSARY PAPERWORK ON BEHALF OF SNYDER ENVIRONMENTAL SERVICES, INC. TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ORDER TO SUPPLY THE HIGHWAY RESTORATION AND MAINTENANCE BOND FOR THE CAMBRIA CITY/COOPERSDALE/MINERSVILLE SANITARY/STORM SEWER SEPARATION PROJECT KNOWN AS CONTRACT 2016-05.

Mrs. Mock made a motion to approve. The motion was seconded by Mr. Vitovich and 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. 9827

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE CITY MANAGER TO SIGN ALL PAPERWORK ON BEHALF OF SIPPEL DEVELOPMENT COMPANY, INC. TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ORDER TO SUPPLY THE HIGHWAY RESTORATION AND MAINTENANCE BOND FOR THE CAMBRIA CITY/COOPERSDALE/MINERSVILLE SANITARY/STORM SEWER SEPARATION PROJECT KNOWN AS CONTRACT 2016-06.

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

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

Resolution No. 9828

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS



NECESSARY TO SUBMIT THE NECESSARY PAPERWORK ON BEHALF OF SIPPEL DEVELOPMENT COMPANY, INC. TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ORDER TO SUPPLY THE HIGHWAY RESTORATION AND MAINTENANCE BOND FOR THE CAMBRIA CITY/COOPERSDALE/MINERSVILLE SANITARY/STORM SEWER SEPARATION PROJECT KNOWN AS CONTRACT 2016-07.

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

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

Resolution No. 9829

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. 5 AMENDMENT TO THE EADS GROUP, INC. FOR THE ADDITIONAL INSPECTION OF THE HORNERSTOWN/WALNUT GROVE SANITARY/STORM SEWER SEPARATION PROJECT, PHASE II.

Mr. Vizza made a motion to approve. 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).

Resolution No. 9830

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. 6 AMENDMENT TO THE EADS GROUP, INC. FOR THE ADDITIONAL INSPECTION OF THE ROXBURY SANITARY/STORM SEWER SEPARATION PROJECT.

Mrs. Mock made a motion to approve. 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: Mrs. Stanton, Mr. Williams (2).

#### Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND THE DIRECTOR OF FINANCE TO ADVERTISE AND SEEK "REQUEST FOR PROPOSALS" FOR ALL INSURANCE COVERAGES FOR ALL CITY OF JOHNSTOWN FUNDS, DEPARTMENTS, PROPERTIES AND FACILITIES , FURTHER TO SEEK "REQUEST FOR PROPOSALS" FOR ALL HEALTH CARE COVERAGES FOR CITY EMPLOYEES SUBJECT TO PROVISIONS AND AGREEMENTS BY COLLECTIVE BARGAINING AGREEMENTS WITH POLICE, FIRE AND NON-UNIFORMED UNION PERSONNEL.

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

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

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

Mr. Williams stated, "We're not interested in budgetary constraints for 2017 so the City can save some money on insurance, thank you, move on."

#### Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, INITIATE AND INQUIRY AND/OR INVESTIGATION INTO THE JOHNSTOWN HOUSING AUTHORITY, INCLUDING THE DAILY ADMINISTRATION AND THE ACTIONS, DUTIES AND RESPONSIBILITIES OF THE APPOINTED BOARD OF HOUSING COMMISSIONERS. PURSUANT TO THE CITY OF JOHNSTOWN'S HOME RULE CHARTER; ARTICLE III, COUNCIL --- POWERS, DUTIES, LIMITATIONS AND LEGISLATION; 11.3-301. POWERS.

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Mr. Williams made a motion to approve. The motion was seconded by Mr. Vizza and failed by the following vote:

Yeas: Mrs. Stanton.

Nays: Mrs. Mock, Mr. Vitovich.

The voting ceased. Mr. Williams stated there was a conflict. Attorney Andrews explained it is up to Mr. Vitovich to make a decision.

Mr. Williams wanted his objection to his vote noted for the record.

Voting continued as follows:

Yeas: Mr. Vizza, Mr. Williams (3)

Nays: Mayor Janakovic, Mr. Johncola (4)

#### Resolution No. 9831

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY  
MANAGER AND SOLICITOR TO SIGN ALL DOCUMENTS  
NECESSARY ACCEPTING THE CAPITAL EQUIPMENT LEASE  
FUNDING OFFER OF KS STATE BANK.

Mrs. Mock made a motion to approve. 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).

#### Resolution

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE FINANCE  
DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO ACCEPT  
THE ATTACHED EQUIPMENT RENTAL AGREEMENT WITH FOSTER  
F. WINELAND, INC. TO RENT A 650K CRAWLER DOZER AT THE  
AGREED UPON RATE OF \$3,800 PER MONTH, WITH 90 % RENTAL  
APPLIED TO A FUTURE PURCHASE.

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Stated Meeting, continued

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Mrs. Mock made a motion to remove from table. 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 (6)  
Nays: Mr. Williams (1)

Resolution No. 9832

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE FINANCE DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO ACCEPT THE ATTACHED EQUIPMENT RENTAL AGREEMENT WITH FOSTER F. WINELAND, INC. TO RENT A 650K CRAWLER DOZER AT THE AGREED UPON RATE OF \$3,800 PER MONTH, WITH 90 % RENTAL APPLIED TO A FUTURE PURCHASE.

Mrs. Mock made a motion to approve. The motion was seconded by Mr. Vitovich.

Mrs. Stanton inquired if the contract could be amended to hold the contractor responsible to level the site. The City Manager explained the contractor pays to dispose of materials and that the City pays Turjan. She indicated \$4,840 is saved by renting the machine.

The motion passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,  
Mr. Vizza, Mayor Janakovic (6)  
Nays: Mr. Williams (1)

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ESTABLISHING AND APPROVING FEES FOR CERTAIN RECREATIONAL FACILITIES WITHIN THE CITY OF JOHNSTOWN EFFECTIVE APRIL 1, 2016.

Attorney Andrews recommended that the above matter be tabled and brought back as an ordinance at a later meeting.

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

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,  
Mr. Johncola (6)  
Nays: Mr. Williams (1)

### NEW BUSINESS

Mayor Janakovic noted the receipt of communication regarding the amount of Right to Knows and Communications and other commentary coming through City Hall. He suggested a Right to Know to determine whether additional staff support would be necessary to address these issues in a timely fashion to meet requirements and stay compliant.

It was noted that Ms. Daly and staff do take time to address and respond to the requests. Ms. Daly has been keeping track on her timesheet since January 21, 2016, and that this does fall under a General Fund expense. She indicated her most recent pay logged 13 hours spent on Right to Know matters.

Mrs. Stanton discussed her Right to Know requests.

Mayor Janakovic inquired of the Solicitor that if one Councilmember requests such information, that all Councilmembers should be entitled to the same.

Attorney Andrews explained that under the Administrative Code provisions, the material has to be turned over to Council, and that being turned over to that Council person, there could be a communication from the City Manager stating the following information has been requested by blank, and if any member wished to have a copy of that information, they should contact that office.

Mr. Williams indicated that years ago when a request was made, it was in fact provided to all members of Council by the City clerk. Mayor Janakovic questioned the need for a City clerk again. There was further discussion on the matter.

Mayor Janakovic commented that at previous meetings Councilwoman Stanton and Councilman Williams made an issue over a letter that was distributed to Council and made public. He inquired of the Solicitor if the same scenario would apply to the finance director's resignation letter that was passed out to

news media. Mayor Janakovic questioned that since the letter was distributed before the resignation was accepted.

Attorney Andrews explained that generally letters of personnel would not be public until the entire Council has accepted the resignation. He stated it is preferable that a resignation be accepted by full Council before becoming public knowledge. There was further discussion as to the confidentiality of the matter.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 8:44 p.m.