

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, September 14, 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. Interim City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

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).

Interim City Manager, Melissa Komar, and Elizabeth Benjamin, Esquire, Solicitor, were also present.

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

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Special Meeting Minutes of July 28, 2016 and the regular Council Minutes of August 11, 2016. 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, Mr. Williams (7).

Nays: None (0).

COURTESY OF THE FLOOR ON AGENDA ITEMS ONLY

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to code complaints and Bill 30. He questioned why there is "extra money for raises while borrowing money." He stated, "A little financial fiscal responsibility would be awesome to see."

Mr. Warhul discussed code complaints with regard to 5 and 7 Clover Street. He noted there still has been no maintenance on the blighted property.

Ms. Benjamin reminded Mr. Warhul that the comment period is for agenda items only. Mrs. Stanton noted that she and Mr. Williams sent code complaints in with regard to 5 and 7 Clover Street, so it was an agenda item.

Mr. Warhul continued by stating that nothing had been done on the property. He suggested that something be done before the roof "falls and kills the ten-year-old child who lives next door."

He discussed the ineffectiveness of the nuisance property ordinance. Mr. Warhul stated that a vacant property fee was not sought in the three years he had been addressing Council regarding the matter. He had further discussed his Right to Know and open record requests that remain unanswered. Mr. Warhul suggested that the owner of the Conrad Building be billed for the cleanup of the debris by the City Public Works.

Mrs. Stanton thanked Mr. Warhul for his persistence in filing the code complaints against 5 and 7 Clover Street. She agreed that action should be taken. She requested a copy of the owner's obituary column for reference.

Mrs. Komar indicated that Public Works will remove both garages and the roof off the back of the structure.

#### REPORT BY THE CITY MANAGER

Melissa Komar, Interim City Manager, congratulated Connie Solomon for 31 years of service to the City. Mrs. Komar reminded Council that severances for the retirement and resignation of employees continue to place a strain on the budget. She noted that \$200,000 has been paid out for severances just this year.

Mrs. Komar has worked with the banks, auditors and the Act 47 team to present the unfunded debt loan proposal.

She noted the Johnstown Fire Department recently participated in the observance of the 15 year anniversary of 911. She noted that Captain Penatzer and a selection committee will evaluate breathing apparatuses in light of a \$126,000 Federal Grant that was awarded to replace frontline SEBA. The Department will receive updates on hazardous materials and confined space training while on duty over the next two months, which will also be State Grant funded.

Mrs. Komar noted that Johnstown Police Department officers attended several Coffees With Cops over the last few months, which she stated were very well received. She congratulated the police officers and detectives who did an excellent job making arrests for the two recent robberies in the City.

Mrs. Komar noted a special thank you to Bishop McCort High School for its \$4,200 donation presented to the canines.

The Interim City Manager reported that Public Works recently met with the Army Corps of Engineers regarding Solomon Run and Griffith Run. It was recommended that vegetation be cut back and a maintenance log be created. The Corps will return to inspect the waterways.

Reimbursement has been negotiated with Peoples Gas in the amount of \$21,000 with regard to the damage to the traffic light at Franklin and Locust Streets.

A downtown cleanup will be held on Sunday, September 18, 2016, at 1:00 p.m. in Central Park.

Mrs. Komar noted further discussion would be necessary with regard to the installation of a new light pole in the amount of \$4,022 at the Somerset Street Playground.

Mrs. Komar and Ms. Daly met with DCED regarding future grants that will be submitted over the next few months relating to street scape enhancements, facade improvements, and light illumination.

Interim City Manager Komar stated CamTran held a ribbon cutting at the new compressed natural gas fueling station, which will be utilized by multiple agencies. She stated the Harvard fellows recently worked with Vision 2025.

Mrs. Mock suggested that a record be kept of every employee's accumulated time. She referred to this as a "silent drain" on the budget. Mr. Williams noted that in previous years there was a line item that included a termination pay.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, was honored as a guest speaker on September 11, 2016, at the Flight 93 Memorial Chapel in Shanksville.

Mayor Janakovic and Commissioner Chernisky testified before the PA House Transportation Committee on August 23, 2016, at the David Lawrence Convention Center in Pittsburgh in support of adding an additional two to three train stops in Johnstown to better connect with Pittsburgh.

The Mayor also met with the Harvard students to answer questions relating to Johnstown and its rivers and flood plains. He stated a grant will enable the Army Corps of Engineers to conduct a study to promote better use of the rivers, rather than just as a flooding system.

Mayor Janakovic congratulated the Sandyvale Memorial Cemetery Committee for another successful wine festival on the grounds this year.

The Mayor acknowledged Mr. Richard Truscello of EADS on his retirement for his many years of service to the City and EADS.

Mayor Janakovic was invited to attend Governor's Wolf's announcement and presentation of \$2 million in funding for the chemical engineering program at UPJ.

He noted his attendance at a Coffee With Cops session. The Mayor participated in the UPJ volunteer cleanup day cutting grass and weeds, painting and cleaning streets, sidewalks and vacant lots in the Moxham, downtown, Cambria City and Coopersdale sections of the City. He thanked Doctor Spectar, the support staff and students at UPJ for their assistance.

He noted another successful Ethnic Fest held on Labor Day Weekend in Cambria City. The Mayor thanked the Cambria City residents for opening their neighborhood to all the visitors.

Mayor Janakovic noted his attendance at an event announcing the formation of the Cambria County Drug and Alcohol Coalition sponsored by the 1889 Foundation, United Way of Laurel Highlands, Lee Initiations and Community Foundation of the Alleghenies.

He noted that an Operation SAVE (Suicide Awareness and Veteran Education) walk for veterans will be held on Saturday, September 17, 2016, 1:00 p.m. at Central Park.

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Esquire, noted that some of the ordinances submitted for first read will have amendments to be addressed prior to voting, specifically Bill No. 29. She stated that bill was tabled at the previous regular Council meeting and addressed at a workshop toward the end of August. The current version of Bill 29 reflects the amendments as discussed at the workshop. Action by Council would be required to officially amend the bill before approval. Ms.

Benjamin will take Council through the process to consider whether the bill should be tabled and then amended.

Ms. Benjamin noted that Bill No. 32's enacting clause and the agreement each have a typographical error to be corrected to reflect a term of five years for police services between the City and Dale Borough. She stated an amendment will be needed before Council's approval.

The Solicitor noted a question raised with regard to Bill Nos. 33 and 34 regarding whether the title was appropriately stated. She stated the title of both bills will be revised to reflect the amended ordinances. A motion to amend and combine will be addressed at the appropriate time.

Ms. Benjamin requested Council to note the City of Johnstown's Unfunded Capital Plan. She noted in addition that representatives of Wessel as well as the Act 47 Recovery Coordinator were present and encouraged Council to ask any questions regarding the resolution addressing the unfunded debt loan.

Ms. Benjamin answered questions from Mr. Williams regarding the effective date on Bill No. 30. Mrs. Stanton requested an update regarding the meeting with the Johnstown Housing Authority.

Mrs. Stanton made a motion that the Solicitor send another letter to the Johnstown Housing Authority requesting an evening meeting in Council Chambers. The motion was seconded by Mr. Williams.

Mayor Janakovic made a motion that the Solicitor schedule a meeting with the Board Members of the Johnstown Housing Authority at 4:00 p.m. or later. The motion was seconded by Mr. Williams.

Mr. Williams stated the Housing Authority never started any recycling program and stated, "They are bound by state law like everybody else is." He stated the City should have enforced the recycling. Mr. Williams and Mrs. Stanton have an appointment scheduled to further discussion on Section Eight. Mr. Vitovich will discuss the matter at the next Housing Authority meeting.

The motion was passed by the following vote:

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

Nays: None (0).

Mrs. Stanton discussed the partial roof collapse at the Conrad Building, noting the health and safety issue that need addressed. She indicated that a code complaint was submitted last year with regard to this property and stated that had the issue of the bricks falling off been dealt with at that time that maybe the roof collapse could have been prevented. Mayor Janakovic noted a representative's presence to speak and answer any questions regarding the matter. She also inquired regarding the taxes on the property.

Mrs. Stanton requested Ms. Benjamin provide an update regarding a Kernville resident interested in purchasing the dead-end alley off of Somerset Street. Ms. Benjamin will revisit and address the matter.

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

Representatives Joel Valentine and Robert Eyer from Wessel and Company provided an update on the prior year's audit findings. There was further discussion regarding pensions and severance pays due to retirements and resignations. It was agreed a line item should be added to the budget for those monies. The current portion accruing back to 2015 was \$112,000; the long term portion is approximated \$1.2 million. For clarification purposes, it would be a separate subsection of the budget.

Various options with regard to refinancing for the rest of the 2016 fiscal year were discussed. Mr. Valentine referred Council to an analysis report for further discussion relating to the City's outstanding debt, including parking bonds which will fully mature in 2020, \$2,147,000; the Point Stadium which will fully mature in 2036, \$6.5 million; capital purchases, \$660,000; and capital line of credit, \$313,000. Mr. Valentine referred to a maturity schedule for each of the debts. He noted that the 2016 amount to be paid of \$1,268,000 and in 2017 and 2018, \$1.3 million. Mr. Valentine noted the above terms will put the City on the right track into the future.

#### COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

Mr. Vitovich commended Public Works on their tremendous job in cutting grass, trimming trees and cleaning sewers along with its other usual duties.

Mr. Vizza referred to a list of Atlantic Broadband service issues brought to his attention by some customers. He requested the list be made part of the record. Mrs. Komar hopes to voice the concerns of the City's residents.

Mr. Vizza thanked the Johnstown Police Department school resource officers, Chad Miller and Don Hess, for the active shooter training program presented at the high school on August 26, 2016.

Mr. Johncola thanked Chief Foust and the police department for patrolling the Prospect section of the City and noted the appreciation of the neighbors.

Mrs. Mock reported that she and Mrs. Komar recently attended the Seventh Ward Civic Association meeting. Mrs. Mock also attended the neighborhood collaboration meeting at Christ Centered Community Church.

She will be working with the Community Foundation on the plans to help fund projects for the neighborhoods. Mrs. Mock reported the West End Improvement Group will have a Coffee With Cops event the week of October 17, 2016.

Mrs. Mock noted the West End Community Garden is providing lots of fruits and vegetables.

Mrs. Stanton reported on complaints from Moxham area residents with regard to drug deals, vandalism to the handicapped swing, fights, and other activity at the Park Avenue Playground. Mrs. Stanton inquired where camera films can be reviewed. Chief Foust indicated different neighborhoods have different locations to access the recordings. Residents are urged to call the police with any suspicious activity.

Mrs. Stanton asked that photographs of sidewalk conditions on Sell Street be made a part of the record. She suggested that the Solicitor send a letter to the Johnstown Redevelopment Authority regarding the matter.

Mrs. Stanton provided photographs with regard to code complaints on Steele Street in Old Conemaugh Borough.

Mayor Janakovic urged the volunteer work groups to participate in these projects to assist the City.

Mrs. Stanton suggested that a list of non-owner properties be kept so that volunteers can help to keep those properties cleaned up.

COMMUNICATIONS

1. September 1 letter from Deborah Grass re: Municipalities Financial Recovery Act, Section 247.1, Annual Budget.
2. September 7 letter from Bill Gentile re: GJWA.
3. August 15 letter from Jack Williams and Charlene Stanton re: Project 2016 Operating Budget Shortfall.
4. August 22 letter from Jack Williams re: Honan Avenue liquid fuels.
5. September 14 letter from Jack Williams re: City Boards, Authorities and Commissions.
6. September 14 letter from Jack Williams and Charlene Stanton re: Extended Workshop Session.
7. Code complaints from: Charlene Stanton, 27; Kenneth Blough, 1; Jack Williams, 1; Wendy Penrose, 7; Homer Mattes, 3.

Mr. Williams discussed Mr. Gentile's letter for reappointment to the GJWA. Mayor Janakovic explained that anybody can submit an application at any time but will not be appointed until their term is over.

PETITIONS

None.

ORDINANCES FOR FINAL READ

BILL NO. 30 OF 2016, AS AMENDED, AN AMENDMENT TO ORDINANCE NO. 5193 PASSED FINALLY ON DECEMBER 22, 2015, FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2016.

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

Ms. Benjamin requested a motion be made to amend Bill No. 30 of 2016 by including a line at the bottom stating this ordinance will become effective September 19, 2016.

Mrs. Mock made a motion to amend as stated by the Solicitor. The motion was seconded by Mr. Johncola.



Wednesday, September 14, 2016 9 of 22  
Stated Meeting, continued

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

Mrs. Stanton noted that with this being a financially distressed City, "pay raises cannot be justified for anybody." Mrs. Komar offered an explanation.

Mrs. Mock called for a vote. Mr. Williams called for a question. There was further discussion regarding the matter.

The motion to approve as amended passed by the following vote:

Yeas: Mr. Vitovich, Mayor Janakovic, Mr. Johncola, Mrs. Mock (4).  
Nays: Mrs. Stanton, Mr. Williams, Mr. Vizza (3).

#### ORDINANCES FOR FIRST READ

BILL NO. 29 OF 2016, AS AMENDED, AN ORDINANCE AMENDING ORDINANCE 4654, THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED THEREAFTER BY FURTHER AMENDING CERTAIN SECTIONS OF ARTICLE II, ELECTED OFFICIALS, COUNCIL ORGANIZATION AND PROCEDURES AND ARTICLE IV, CITY MANAGER TO PROVIDE UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS. (Tabled August 11, 2016).

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

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

Ms. Benjamin noted the following amendments discussed at the August 30, 2016 Workshop session and added to the proposed Bill No. 29 of 2016 that was subsequently distributed to Council:

- 1) The title of Bill No. 29 was updated to include references to previous amending ordinance numbers.

- 2) Section 203 Council Meetings was updated to include the following “All regular meetings shall commence at 6:00 p.m. prevailing time on the Second Wednesday of the month.”
- 3) Section 204(a) Council Meeting Agenda was changed to show deletion of prior Agenda and addition of new Agenda, including an invocation; Section 204(a) was also verbally amended to state, at Agenda category 17 “recess/adjournment.”
- 4) Section 206 was amended to include the following opening sentence: “Council members shall attend all meetings of Council, and as a matter of courtesy are expected to remain present until the meeting is recessed/adjourned.” The reference to “recessed/adjourned” was added via verbal amendment at the September 14, 2016 meeting.
- 5) Section 210 Committees of Council was amended to remove strikeout and maintain the Committees of Council paragraph with the following addition: “The manner of appointment shall be specified in the motion to create the committee.”
- 6) Section 212(o) was updated to add subsection (2) “If a resolution, bill, ordinance, or motion is voted on by Council and fails twice within any six (6) month period, said resolution, bill, ordinance, or motion may not be brought before Council again for at least six (6) months from the last date from which it failed.
- 7) Section 215 was updated to include an addition of a new Paragraph 5, as follows, “In the event an individual member of Council has requested access to, inspection of, and/or copies of City information and/or records and has not received a response, the Council Member shall make any/all such further requests in accordance with the requirements of Pennsylvania’s Right to Know Law, 65 P.S. §67.101 et seq. on a City Right to Know Form.”
- 8) Section 405 was amended to include the following additional paragraph: “In the event the City Manager position is deemed vacant without any such authority having been previously delegated as described in the preceding sentence, a majority of the members of Council may appoint an Acting City Manager at any time during which the City Manager position remains vacant, for any reason.”

Mayor Janakovic noted there was not an opportunity to discuss invocation at the last meeting, because it had been tabled and by the Rules of Tabling it could not be discussed.

Wednesday, September 14, 2016 11 of 22  
Stated Meeting, continued

Mr. Williams clarified that meetings such as today's regular meeting will be recessed and special meetings and public hearings will be adjourned.

Mayor Janakovic asked Council to consider special presentations included under Number Six, Proclamations, Awards and Honors.

Ms. Benjamin noted that all such amendments and the additional verbal amendments made at the September 14, 2016 meeting were adopted.

Mr. Williams clarified that Subsection Five (a) through (f) is being deleted and adding Subsection Five to replace it.

Mr. Williams clarified that under Section 212, Enforcement of Ordinances and Procedures requires enforcement. Ms. Benjamin explained the ordinance applies to the City Manager as well as other City employees. She offered additional explanation of the language.

Mayor Janakovic suggested Council vote on the Bill as amended with the clarifications before the second reading.

Mrs. Stanton noted that under 204(a) communications is deleted and not replaced. It was noted that communications are welcome but will not be part of the agenda.

Mrs. Mock made a motion to amend the bill so it appears in the form presented to Council including the verbal amendments as stated this evening regarding changes to reflect language of recess/adjournment on the agenda. The motion was seconded by Mr. Johncola and passed by the following vote:

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

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

**BILL NO. 31 OF 2016, AN ORDINANCE AMENDING ORDINANCE 4856  
PASSED FINALLY ON MAY 10, 2000 AND AMENDING CHAPTER 832  
OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN AS  
ESTABLISHED BY ORDINANCE 4321 PASSED FINALLY IN COUNCIL  
NOVEMBER 22, 1093 AND FURTHER AMENDED BY ORDINANCE  
4782 AND 4832 REGULATING THE CONSTRUCTION AND  
MAINTENANCE OF PARKING LOTS TO PROVIDE A LIMITED  
EXCEPTION TO THE WASHINGTON STREET PARKING LOT IN  
LIGHT OF ITS PENDENCY FOR SALE AND/OR PARTIAL**

Wednesday, September 14, 2016 12 of 22  
Stated Meeting, continued

REDEVELOPMENT AND TO AVOID UNNECESSARY EXPENSE OF  
CITY RESOURCES.

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

Mrs. Stanton inquired whether any advertisement had been published with regard to the parking lot. Mrs. Stanton made a request with regard to the matter and had not received a response.

Interim City Manager Komar noted the matter was advertised.

The motion 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. 32 OF 2016, AN ORDINANCE ADOPTING AND RATIFYING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF JOHNSTOWN AND THE BOROUGH OF DALE PROVIDING FOR THE CITY OF JOHNSTOWN TO PROVIDE POLICE SERVICES TO AND WITHIN THE BOROUGH OF DALE RELATIVE TO ENFORCEMENT OF ALL STATUTES AND LAWS OF THE COMMONWEALTH OF PENNSYLVANIA AND ORDINANCES OF THE BOROUGH, INCLUDING BUT NOT LIMITED TO PENNSYLVANIA MOTOR VEHICLE (75 P.S. 101 ET SEQ.) MUNICIPAL ORDINANCES AND PENNSYLVANIA CRIMES CODE (18 Pa. C.S.A. 101 ET SEQ.

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

Ms. Benjamin inquired if Council would be willing to entertain a motion to amend Bill No. 32 as follows: By revising and replacing the reference to the Borough of Dale, the enacting clause on page one to be replaced with the reference to the City of Johnstown. And also, in paragraph 16 of the attached agreement, to reflect a term of five years commencing October 1, 2016 through September 30, 2021, currently it states 2029. And also, replacing any and all references to the word Township with the word Borough.

Mrs. Mock made a motion to amend the bill. The motion was seconded by Mr. Johncola.

Wednesday, September 14, 2016 13 of 22  
Stated Meeting, continued

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

Mr. Vizza made a motion to approve as amended. The motion was seconded by Mr. Johncola.

Mrs. Stanton commented that the safety of the residents comes first and she would rather have the police officers in the City.

Mrs. Komar explained that the City is reaching out to other municipalities in an attempt to partner with them as requested by Council previously. Mr. Williams commented, "How the City can justify letting two other municipalities continue at \$20,000 and charging Dale \$70,000 is beyond me."

Chief Foust explained the amount charged resulted by taking into consideration the amount of calls and population and the types of calls from Dale Borough as opposed to the other small more rural municipalities. The Chief noted there is a mutual aid agreement with the surrounding municipalities when incidents do occur that require additional police help.

Mr. Vizza credited the Chief for "brokering that deal" and called it a "smart move".

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).

**BILL NO 33 OF 2016, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5201 OF 2016 CITY OF JOHNSTOWN BUDGET TO INCLUDE THE REVENUE AND EXPENSES FOR POLICE GRANTS RECEIVED IN THE GENERAL FUND.**

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

Yeas: Mrs. Stanton, Mr. Vizza, Mr. Williams (3).  
Nays: Mrs. Mock, Mr. Vitovich, Mayor Janakovic, Mr. Johncola (4).

Wednesday, September 14, 2016 14 of 22  
Stated Meeting, continued

Mr. Johncola made a motion to approve as read. The motion was seconded by Mr. Vitovich.

Ms. Benjamin explained there was a revision required for the title of Bill No. 33 to reference Ordinance 5201 amendment by Ordinance 5203 on August 11 of 2016. She stated Council can make that amendment now for Bill No. 33 or consider combining it with Bill No. 34 or amend Bill No. 33 to include the added language.

**BILL NO. 34 OF 2016, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5201 OF 2016 CITY OF JOHNSTOWN BUDGET TO AMEND THE 2016 BUDGET TO PROPERLY ALLOCATE REVENUE AND EXPENSES RELATING TO THE MAIN STREET EAST PARKING GARAGE PROJECT. WHEREAS THE REVENUE AND EXPENSES WERE ORIGINALLY BUDGETED WITHIN THE CAPITAL FUND, THEY SHOULD BE BUDGETED FOR WITHIN THE PARKING FUND AS INDICATED IN THE 2015 FINANCIAL AUDIT PERFORMED BY WESSEL AND COMPANY.**

Mrs. Mock made a motion to consolidate Bill No. 33 and No. 34 into an amended Bill No. 33, the title of which shall read as follows:

An Ordinance of City Council of the City of Johnstown amending Ordinance No. 5201 of 2016 as amended by Ordinance No. 5203 passed finally on August 11, 2016, setting forth the 2016 City of Johnstown Budget Exhibit A to include General Fund Revenue and Expenses for the police grants received in the General Fund.

The motion was seconded by Mr. Vitovich.

After further discussion, Mrs. Mock withdrew her motion.

The motion to consolidate Bill No. 33 and Bill No. 34 into Bill No. 33 will then be amended to read as follows:

An Ordinance of City Council of the City of Johnstown amending Ordinance No. 5201 of 2016 as amended by Ordinance No. 5203 passed finally on August 11, 2016 setting forth the 2016 City of Johnstown Budget to amend Exhibit A to include General Fund Revenue and Expenses for the police grants and to amend the Main Street East Capital Budget Fund and the Parking Fund as per the 2015 independent audit of Wessel and Company's recommendations.

Wednesday, September 14, 2016 15 of 22  
Stated Meeting, continued

Mrs. Stanton made a motion to combine Bill No. 33 and Bill No. 34 into one ordinance as Bill No. 33. 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).

Mr. Williams made a motion to place on the calendar Bill No. 33 as amended. The motion was seconded by Mrs. Stanton 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).

## RESOLUTIONS

### Resolution No. 9876

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE ALLOCATION OF THE 2016 FUNDS FROM THE COMMONWEALTH OF PENNSYLVANIA UNDER ACT 147 OF 1988.

Mr. Williams 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. 9877

A RESOLUTION OF THE GOVERNING BOARD OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL TAXES FOR THE DISTRICT FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

Wednesday, September 14, 2016 16 of 22  
Stated Meeting, continued

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

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

Resolution No. 9878

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AMENDMENT TO TASK ORDER NO. 29 TO THE EADS GROUP, INCORPORATED, FOR ADDITIONAL BASIC ENGINEERING SERVICES ASSOCIATED WITH ADDITIONAL CONSTRUCTION WORK UNDER CONTRACT 2016-09, MAIN STREET EAST PARKING GARAGE REHABILITATION PROJECT, PHASE II.

Mr. Vitovich made a motion to approve the resolution. The motion was seconded by Mr. Vizza 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 No. 9879

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE THE AGREEMENT WITH TURJAN ENTERPRISES, INCORPORATED, FOR THE AWARD OF BID FOR CONTRACT NO. 2016-16 FOR CONSTRUCTION OF SANITARY AND STORM SEWER MAINTENANCE - MISCELLANEOUS SERVICES.

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

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



Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR AND THE CITY MANAGER TO GIVE THIRTY (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 PROVISION OF SAID AGREEMENT, ARTICLE 6, GENERAL CONSIDERATION; 605 SUSPENSION AND TERMINATION (B)(1) FOR CAUSE A.

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

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER AND CITY SOLICITOR TO PREPARE/DRAFT A WRITTEN CORRESPONDENCE FOR SIGNATURES OF ALL MEMBERS OF JOHNSTOWN CITY COUNCIL TO THE SURROUNDING MUNICIPALITIES KNOWN TO BE PART OF THE GREATER JOHNSTOWN AREA TO DETERMINE IF THERE EXISTS INTEREST BY THE RESIDENTS AND ELECTED OFFICIALS OF THE RESPECTIVE MUNICIPALITIES AS TO THE FEASIBILITY OF ANY POSSIBLE MUNICIPAL CONSOLIDATION.

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

Mayor Janakovic noted this is contradictory to earlier comments with regard to the police force. Mrs. Mock called for the question.

The motion was defeated by the following vote:

Wednesday, September 14, 2016 18 of 22  
Stated Meeting, continued

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

Resolution No. 9880

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.

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

Council was referred to Mrs. Komar's Memo with regard to budget transfers

Ms. Benjamin explained this is required to be in the Minutes and that Council needs  
to acknowledge that the memo was distributed to Council.

The motion was 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. 9881

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO  
PROCEED WITH ACCEPTING THE TERMS OF THE CONSOLIDATING  
LOAN AS PROPOSED BY FIRST SUMMIT BANK IN THEIR TERM  
SHEET SUMMARY DATED AUGUST 24, 2016.

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

Mrs. Mock noted there should be changes made to the signature page.

Wednesday, September 14, 2016 19 of 22  
Stated Meeting, continued

Mrs. Mock made a motion to correct the signature line to appear consistent with other resolutions. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

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

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

#### PUBLIC COMMENT ON NONAGENDA ITEMS

Mayor Janakovic reminded all speakers that any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or become boisterous or makes threats against any person or against public order in Council Chambers shall be barred by the presiding officer, myself, from further attendance in the meetings.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to City government. He reminded City Council that Revitalize Johnstown is sponsoring a cleanup this Sunday, September 18, 2016, at 1:00 p.m. downtown in Central Park. He thanked First Commonwealth who will be providing supplies and also thanked volunteers, especially Mrs. Komar and Mrs. Mock, who have volunteered their time.

Mr. DeBartola expressed his concerns with regard to rumors that Walnut Grove and Hornerstown have failed the first phase of sewage overflows. He referred to a campaign by certain Council members to have pressure testing removed. Mr. DeBartola noted that pressure testing had not been removed and would like honest answers from Council members as to the truth of the matter. Mr. DeBartola referred to a certain Council member's lawsuit which is creating division in the community. He asked if these unnamed Council members are willing to resign stating the community will hold them accountable.

Mark Pasquerilla, 945 Menoher Boulevard, City business owner, addressed Council with regard to the Central Park Christmas Tree and the issue of prayer. He wrote a prayer for Council and read it into the record as follows: Oh,

Heavenly Father, please give our Council persons the wisdom to gather manna from heaven or to accept million dollar PennVEST grants from Harrisburg. Give our Council persons respect for the lowliest of the low, Johnstown City administrators and other Johnstown City employees. Our Johnstown City staff are God's children, too, and we're all a people that the Lord has delivered from slavery in Egypt. Deliver us, Lord, from false prophets, wolves in sheeps clothing, and one of you are to the City of Johnstown and its taxpayers, protect us from all unfortunate and accidental discharges from our concealed weapons. Give us, Oh, Lord, our daily bread and deliver us and this City from all evil, Amen. Thank you.

Homer Mattes, 1160 Milford Street, Johnstown, addressed Council with regard to codes officers. He discussed the grass and weeds at that vacant property of 448 Boyer Street. Mr. Mattes stated the codes officers are not properly doing their jobs. He referred to a neighbor on Barnett Street with high grass and hedges and mail in his mailbox. Mr. Mattes noted the property has not complied with the sewage ordinance.

Mr. Mattes also noted a property owned by Representative Bryan Barbin with dead trees hanging over onto another property owner's lot and nothing has been done about it. Mr. Mattes referred to the condition of the Conrad Building. He noted it is time to do something or "do we have to wait until somebody's killed". He suggested that property owners with code violations be taken to court. Mr. Mattes discussed a past Council meeting that Mr. Williams carried a firearm. He noted the Mayor was wrong in reprimanding Mr. Williams for leaving that Council meeting before it was adjourned and suggested the Mayor apologize to Mr. Williams.

Mrs. Stanton thanked Mr. Mattes for sending in code complaints. Mr. Mattes offered to help clean up the properties.

Michael Sahlaney, Esquire, Johnstown attorney representing the Johnstown Business District Development Corporation (JBDDC), addressed Council with regard to the Conrad Building. Attorney Sahlaney provided a history of the JBDDC nonprofit. He noted the Conrad Building is owned by 303 Franklin Street Limited Partnership with the general partner being Boundary Waters, LLC. Attorney Sahlaney noted that currently JBDDC has the option to purchase the property and discussed JBDDC's future plans for the building.

Mr. Williams inquired as to why the owner is not present to offer an explanation rather than Attorney Sahlaney on behalf of JBDDC.

Wednesday, September 14, 2016 21 of 22  
Stated Meeting, continued

Attorney Sahlaney explained the current owner is an entity which owns the Conrad Building and has few if any other assets. He does not see the current owner ever being able to "cure the code defects".

Mayor Janakovic stated the five-minute limit had expired and asked Council to let Attorney Sahlaney finish speaking on the matter.

Mrs. Stanton opposed giving Attorney Sahlaney additional time to offer explanation.

Mayor Janakovic called for order.

Ms. Benjamin explained the Administrative Code states five minutes for nonagenda items. She noted Council could return to the Agenda as Old Business or New Business and then take a vote.

Attorney Sahlaney responded that what would be fair is when a Council member states something he has a right to respond.

Ms. Benjamin explained that Council can take action to identify something on the Agenda and add it to the Agenda at the meeting, that the NonAgenda items portion of the meeting states five minutes and that should be applied uniformly as adopted by a vote of referendum. She noted there is no such expressed specific restriction of that nature implied with other portions of the Agenda. Ms. Benjamin further explained that if Council erupts into debate during a speaker's time, that time needs to be afforded back to that speaker.

Attorney Sahlaney requested to conclude his presentation at this point. He indicated that JBDDC has commitments for a \$1,983,000 grant from the Economic Development Administration; \$454,000 in other grants; commitments for loans in the amount of \$350,000 from the Enterprise Fund; \$800,000 from the Community Foundation. He noted a meeting scheduled with EDA on October 13, 2016, after which the group will know if it will be able to move forward with the project.

Mr. Johncola thanked Attorney Sahlaney for taking the time to explain the matter to Council and apologized for being disrespected and "hopes it never happens again in this Council".

Mayor Janakovic encouraged Mr. Williams to contact the property owner to come in and speak on the matter.

Mrs. Stanton noted she filed a Right to Know Request on the property and that the maintenance fee had been paid on the property, which has nothing to do with the JBDDC group.

Teresa Cunningham, a resident of Solomon Homes, addressed Council's bickering and fighting at Council meetings and social media as well as the many groups trying to "better the City". Ms. Cunningham called it "ridiculous and childish". She stated that many times she has reported suspected drug activity and noted that "nothing was done about it". She stated she felt compelled to attend tonight's meeting to ask Council to stop the fighting.

Mayor Janakovic commented on upcoming events in the City such as the after-school programs, free breakfasts, backpack projects and the thriving gardens. He stated "there's a lot of good in the City" that gets buried by the issues that Ms. Cunningham just noted.

#### NEW BUSINESS

Mrs. Stanton expressed a concern regarding the garbage rates being raised and inquired if the contract allows for such a raise. The matter will be reviewed.

#### OLD BUSINESS

None.

Mayor Janakovic requested business people, citizens and neighbors that would like to be part of a City Manager selection committee to present written correspondence to City Hall by Monday, October 3, 2016. Ms. Benjamin explained the appointment will be made at the October 12, 2016 Council meeting.

There being no further business, the meeting was adjourned at 8:52 p.m.