



**CITY OF JOHNSTOWN**  
**CITY COUNCIL AGENDA**  
**ANTHONY C. TRUSCELLO**  
**COUNCIL CHAMBERS**  
**WEDNESDAY, OCTOBER 12, 2022**

**City Council**

Frank Janakovic, Mayor  
Michael Capriotti, Deputy Mayor  
Charles Arnone  
Ricky Britt  
Laura Huchel  
Rev. Sylvia King  
Marie Mock

REGULAR MEETING - 6:00 PM

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES:

1. Regular meeting minutes of September 14, 2022
2. Special meeting minutes of September 7, 2022

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

None

PUBLIC COMMENT - AGENDA ITEMS ONLY (Limit 5 minutes)

REPORTS:

1. CITY MANAGER
2. MAYOR
3. CITY SOLICITOR
4. CITY ENGINEER
5. COUNCIL UPDATES/ NEIGHBORHOOD LIAISONS

PETITIONS:

ORDINANCES FOR FINAL READ AND ADOPTION:

1. **Bill No. 15 of 2022 - Budget Amendment** - The budget amendment transfers five hundred thousand dollars of American Rescue Plan Act (ARPA) revenue from the home purchases account to the home repair account. This transfer will enable the City to continue the home repair/weatherization program for approximately fifty additional homeowners in the City. The initial two million dollars of ARPA home repair/weatherization funds was obligated by the end of September. Council approved first read of the amendment at the special Council meeting on October 5th.

AN ORDINANCE AMENDING ORDINANCE 5321 PASSED FINALLY ON DECEMBER 8, 2021, AND AMENDED ON JULY 13, 2022, AND SEPTEMBER 14, 2022, AS THE CITY OF JOHNSTOWN ANNUAL 2022 BUDGET, TO REFLECT ADDITIONAL INCOME AND EXPENDITURES OF THE GENERAL AND AMERICAN RECOVERY FUNDS, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING

Recommended Action - Make a motion to grant final approval to Bill No. 15 of 2022, amending the City's 2022 budget to subtract \$500,000 from the home purchases ARPA account and add those funds to the ARPA home repair account.

ORDINANCES FOR FIRST READ:

1. **Bill No. 16 of 2022 - Amusement Tax Amendment** - The City's amusement tax ordinance has become outdated and is in need of clarification and updates consistent with current state laws. The Act 47 team and City staff have worked together for over a year to compose an update to this ordinance.

The amusement tax is levied on performances such as concerts, theater shows and athletic events. The tax is proposed to be levied at a rate of 5% of the price of admission, or 5% of the gross revenue collected. The Finance Department is charged with the collection of this tax.

AN ORDINANCE TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 4374, PASSED FINALLY DECEMBER 11, 1985 AND AS AMENDED BY ORDINANCE 4417, PASSED FINALLY DECEMBER 31, 1986, AND AS AMENDED BY ORDINANCE NO. 4670 PASSED FINALLY JULY 13, 1994, AND AS AMENDED BY ORDINANCE NO. 4698 PASSED FINALLY DECEMBER 21, 1994, TITLED: AN ORDINANCE AMENDING PART EIGHT (BUSINESS REGULATION AND TAXATION CODE), TITLE FOUR (TAXATION) CHAPTER 870, AMUSEMENT TAX, TO PROVIDE CLARIFICATIONS AND UPDATES CONSISTENT WITH CURRENT LAW

Recommended Action - Make a motion to grant tentative approval to Bill No. 16 of 2022, amending the City's Amusement Tax ordinance.

2. **Bill No. 17 of 2022 - Budget Amendment** - This budget amendment transfers five hundred thousand dollars of American Rescue Plan Act (ARPA) revenue from the home purchases account to the home repair account. This transfer will enable the City to continue the home repair/weatherization program for approximately fifty additional homeowners in the City. The initial two million dollars of ARPA home repair/weatherization funds was obligated by the end of September. For clarification, Bill 15 of 2022 adds \$500,000 to the home repair program. This bill adds an additional \$500,000 to home repairs for a total of \$3 Million invested in the program.

AN ORDINANCE AMENDING ORDINANCE 5321 PASSED FINALLY ON DECEMBER 8, 2021, AND AMENDED ON JULY 13, 2022, SEPTEMBER 14, 2022 AND OCTOBER 12, 2022, AS THE CITY OF JOHNSTOWN ANNUAL 2022 BUDGET, TO REFLECT ADDITIONAL INCOME AND EXPENDITURES OF THE GENERAL AND AMERICAN RECOVERY FUNDS, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING.

RESOLUTIONS:

**Approving a Construction Contract for the Elk Run Basin Project** - Staff and the City Engineer opened bids at the end of September for the Elk Run Basin Debris Project. This project will clear accumulated sediment and vegetative debris from the bottom of the basin of Elk Run, which flows down from Stackhouse Park. Four qualified firms submitted bids for the project.

The low bidder on this project is Ligonier Construction with a low bid of \$213,000. City staff and the Public Works Department have reviewed all four bids and are recommending the low bid from Ligonier Construction be accepted. The project is funded through the American Rescue Plan Act (ARPA).

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY  
MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN  
AGREEMENT WITH LIGONIER CONSTRUCTION AWARDDING CONTRACT  
2022-03 FOR THE ELK RUN DEBRIS BASIN PROJECT

Recommended Action - Make a motion to approve the resolution approving a contract in the amount of \$213,000.000 with Ligonier Construction for the Elk Run Debris Basin Project.

**Five Year Agility Agreement with PennDot** - The agreement between PennDot and the City would run through October 2027. An agility agreement with PennDot is simply an agreement to exchange services. For this particular agreement, the City Public Works Department agrees to provide winter road maintenance on two PennDot roads, Fairfield Avenue and Strayer Street. In exchange, PennDot will conduct line painting on numerous City streets. The agreement was negotiated and is being recommended by the City Public Works Department.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA  
COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN AN  
AGILITY AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION FOR THE EXCHANGE OF SERVICES FOR A  
FIVE-YEAR PERIOD EFFECTIVE DATE OF OCTOBER 12, 2022 AND ENDING OCTOBER  
2027

Recommended Action - Make a motion to approve the resolution approving a five year agility agreement with PennDot.

**Memorandum of Agreement Between the City, JAHA and CamTran for the RAISE Grant** - Preconstruction activities for the RAISE grant, notably environmental clearances related to the National Environmental Policy Act (NEPA) and historic preservation clearances related to Section 106 cannot be paid for with RAISE grant funds. As the RAISE funds are federal funds, these two clearances are mandatory prior to design and construction. The Federal Transit Administration, the federal agency overseeing the RAISE program, made the determination that RAISE funds cannot be used to pay for these clearances.

Therefore, a Memorandum of Agreement is required between the three agencies that own projects within the RAISE grant. The three agencies have secured funding to pay for preconstruction clearance work, and collectively will be proceeding with a bidding process to hire a consultant to lead the three agencies through the environmental and historic preservation clearances. The estimated cost to each agency for this work is \$175,000. The City share will be paid for from the ARPA Main Street line item. The Request for Proposals for the clearance work will be issued October 5, 2022.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO TAKE ANY/ALL ACTIONS NECESSARY TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE JOHNSTOWN AREA HERITAGE ASSOCIATION (JAHA) AND CAMBRIA COUNTY TRANSITY AUTHORITY (CAMTRAN) TO DETAIL RESPONSIBILITIES FOR EACH AGENCY WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) PROJECT

Recommended Action - Make a motion to approve the Memorandum of Agreement between the City, CamTran and JAHA for the RAISE grant.

**Preconstruction Contract for Amtrak's Johnstown Train Station Rehabilitation Project** - Amtrak is currently working with the City to improve stormwater management at the Johnstown Train Station. Amtrak has asked the City to take the lead on the preconstruction activities and permitting necessary for the project, which will be funded by Amtrak. This contract will reimburse the City for all costs incurred with the engineering costs for this project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO TAKE ANY/ALL ACTIONS NECESSARY TO AWARD A CONTRACT TO THE EADS GROUP FOR PRECONSTRUCTION ACTIVITIES FOR AMTRAK'S JOHNSTOWN TRAIN STATION REHABILITATION PROJECT

Recommended Action - Make a motion to approve the resolution approving a contract with The EADS Group for Amtrak funded, preconstruction activities for the Johnstown Train Station Rehabilitation Project.

**Accepting a Grant from the US Department of Justice** - Through the office of Congressman John Joyce, the City of Johnstown was awarded a federal grant in the amount of \$79,000 to fund technology upgrades in the Johnstown Police Department. The funds are awarded from the US Department of Justice's Byrne Discretionary Grant Program. The City must pass a resolution accepting the funds for the funding to be formally awarded and released to the police department.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO TAKE ANY/ALL ACTIONS NECESSARY TO ACCEPT A GRANT IN THE AMOUNT OF \$79,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE FY 2022 BYRNE DISCRETIONARY GRANT PROGRAM FOR CITY OF JOHNSTOWN POLICE DEPARTMENT TECHNOLOGY UPGRADES

Recommended Action - Make a motion to approve the resolution accepting a \$79,000 grant from the US Department of Justice for technology upgrades for the Johnstown Police Department.

**Including the MMO in the 2023 Budget** - Pennsylvania law requires the inclusion of Minimum Municipal Obligations (MMO) for municipal employee pension funds for budgetary planning purposes. Mockenhaupt Benefits Group, the City's pension administrator, calculated the MMO for each of the City's Pension funds as follows: Fireman's Pension Fund - \$633,672; Officers and Employees Pension Fund - \$281,394; Sewage Pension Fund - \$14,827; Police Pension Fund - \$1,280,105.

Upon approval, these calculated figures will be used for the purposes of budgeting for pension expenditures in the City's 2023 budget.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACKNOWLEDGING RECEIPT OF AND AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEE TO TAKE ANY AND ALL ACTIONS NECESSARY TO INCLUDE THE CALCULATIONS OF THE MINIMUM MUNICIPAL OBLIGATION FOR EACH OF THE CITY'S PENSION FUNDS IN THE 2023 BUDGET

Recommended Action - Make a motion to approve the resolution acknowledging receipt of the minimum MMO contributions for inclusion in preparation of the 2023 budget.

**Rock Salt Purchase for Winter Road Maintenance** - The Public Works Department proposes to purchase rock salt from American Rock Salt for the 2022-23 winter season. The contracted price is \$84.47 per ton delivered and is good through July 2023.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH AMERICAN ROCK SALT DEPARTMENT OF GENERAL SERVICES COSTARS PROGRAM, TO PROVIDE AND DELIVER TO THE CITY, ROCK SALT FOR THE CALENDAR YEAR THROUGH JULY 2023

Recommended Action - Make a motion to approve the resolution authorizing the City Manager to execute documents necessary for the Public Works Department to purchase rock salt for the 2022-23 winter season at the proposed contracted price of \$84.47 per ton.

**Anti Skid Purchase for Winter Road Maintenance** - The Public Works Department proposes to purchase anti skid material from Ligonier Stone and Lime for the 2022-23 winter season. The contracted price is \$23.10 per ton delivered and is good through 2023.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LIGONIER STONE AND LIME D/B/A DERRY STONE AND LIME, TO PROVIDE AND DELIVER TO THE CITY, ANTI-SKID MATERIAL, AS2 ANTI SKID FOR THE CALENDAR YEAR 2022-2023

Recommended Action - Make a motion to approve the resolution authorizing the City Manager to execute documents necessary for the Public Works Department to purchase anti skid material for the 2022-23 winter season at the contracted price of \$23.10 delivered.

NEW BUSINESS:

OLD BUSINESS:

DEPARTMENT REPORTS:

1. Public Works
2. Police Department
3. Fire Department

4. Finance
5. Community Development
6. Code Enforcement

PUBLIC COMMENT - NON-AGENDA ITEMS (LIMIT 3 MINUTES):

RECESS/ADJOURNMENT:

NEXT REGULARLY SCHEDULED COUNCIL MEETING - November 9, 2022 at 6:00 p.m.

*Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Friday before each regularly scheduled meeting at City Hall, located at 401 Main Street, Johnstown, Pa.*

*In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall (814) 539-2504 ext. 102. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*