

JOHNSTOWN CITY COUNCIL MINUTES
REORGANIZATION MEETING
Monday, January 4, 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. City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic announced that an Executive Session was held on December 22, 2015, relating to personnel issues.

Mayor Janakovic welcomed Mr. Williams and Mrs. Stanton to City Council.

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

Mrs. Mock made a motion to approve the Minutes of the December 9, 2015 regular meeting and the December 9, 2015 special meeting. The motion was seconded by Mr. Johncola and passed by the following vote:

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

Nays: None (0).

Present: Mr. Williams and Mrs. Stanton.

COURTESY OF THE FLOOR

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to City government. He asked if Council was going to unite in the New Year by making Johnstown "a great and wonderful place to live, and a place that doesn't tolerate hate." Mr. DeBartola "thanked" the two new Council members for "their efforts, their slander, their misinformation".

Mrs. Stanton called this a "verbal attack". Mr. DeBartola asked Mrs. Stanton and Mr. Williams to introduce the hate crime bill and nondiscrimination bill. Mr. Williams noted an objection on the record.

Mr. DeBartola noted that local politicians have been invited to Council meetings. He further noted the support of Representative Boyle and Senator Wozniak's nondiscrimination bill currently in the State Senate. He is questioning whether Council will fight to end hate.

Mr. Williams noted he will file a written Code Administration violation with regard to comments made by Mr. DeBartola. Mrs. Stanton noted she will add her name to that form as well.

Attorney Andrews explained that Mr. DeBartola speaking to the hate crimes bill is fine. He asked Mr. DeBartola to refrain from using the word slander when referring to a Council member.

Michael Kane, 116 Market Street, Johnstown, addressed Council with regard to the upcoming Vision 2025 work sessions. He thanked Council for supporting Carnegie Mellon University's Remaking Cities Institute framework. He recognized the Community Foundation professionals Wally Burlack and Ryan Kieta. Mr. Kane referred to three "circle groups" that were developed to engage various components as a result of the framework, including a vibrant and open local economy, life-sustaining landscapes and a strong sense of community, all overseen by good governance.

Mr. Kane noted the following meeting dates: Strong sense of community, January 19, 2016, at 5:30 at the JWFI training room; Vibrant local economy, January 21, 2016, at 5:30 at the Feeder Canal Building; Life-sustaining landscapes, January 26, 2016, at 5:30 at the Heritage Discovery Center. Another meeting will be held on January 28, 2016, at 10:00 at the Heritage Discovery Center. Mr. Kane encouraged members of the community to attend and participate in the Vision 2025 effort. Mr. Kane further noted that the meetings will discuss projects that fit within the above categories.

Mayor Janakovic also encouraged members of the community to become involved in Vision 2025.

Joseph Taranto, 426 Park Avenue, Johnstown, addressed Council with regard to being denied information on a Right to Know request concerning code complaints against his property that were given to Mr. Warhul and Mrs. Stanton to review. He emphasized his right to be made aware of any action taken against him. Mr. Taranto commented that Mrs. Stanton is not entitled to special privileges for being on Council. He stated that "bullying and yelling at

employees is against the rules and should be held accountable" listed under Article 3 of the Home Rule Charter.

Mr. Taranto commented that Mrs. Stanton and Mr. Warhul are members of a "closed selective internet group" whereby members of the community are degraded.

Mr. Williams noted that ten minutes are allowed for agenda items. Attorney Andrews explained that Mr. Taranto is signed up to speak to an ethics issue, which permits him to speak for a longer period.

Mr. Taranto spoke to Mrs. Stanton's lack of ethics commenting that a negative online business profile was done in his name. He provided a copy of the posting on that website. Mr. Taranto also noted that Mr. Warhul posts pictures of his family on the internet along with a copy of the code complaint he filed with the City with regard to Mr. Taranto's property.

Mr. Taranto requested that a formal complaint be filed against Mr. Warhul for harassing and stalking his family. He reminded Council members of Section 409.4, making unsworn falsifications to the authority which is a misdemeanor of the second degree. Mr. Taranto also requested that the City censor Mrs. Stanton for her abuse of authority.

Mayor Janakovic noted that Mr. Taranto spoke for his allowable five minute time limit.

Mrs. Stanton responded to Mr. Taranto by stating that Mr. Warhul's job as Chairman of the Committee to Elect Stanton/Williams has ended. She noted that she and Mr. Williams have removed themselves from the closed Facebook group noted by Mr. Taranto. Mrs. Stanton noted she is responsible for her own actions as is Mr. Williams. She further elaborated with regard to her actions concerning her Right to Know request with regard to Mr. Taranto's matter.

Joe Warhul, 44 Clover Street, Johnstown, addressed Council with regard to code violations on Mr. Taranto's property at 426 Park Avenue. He referred to photographs of the property depicting piles of wood on the property which he referred to as construction waste which he stated should not be allowed to pile up on the property.

Mr. Warhul commented with regard to the PHADA trip to South Beach, Miami. He feels the money spent on officials who attend this meeting could be better spent on crime prevention and security.

Mr. Warhul also referred to a blighted house on his block from which Mr. Palov removed the baseboard heating units. He feels that Mr. Palov abused his power and "nothing is being done." Mr. Warhul noted that if the City is responsible for this property, he would like to have the debris cleaned up on the property. Mr. Warhul commented on the resignation of Mr. Gunby. He further remarked on Public Works' assistance to the West End Improvement Group with regard to placement of a Christmas tree on the Bheam School property.

Mayor Janakovic explained the City Manager was not given a pass, that all information was turned over to the District Attorney and will be handled in the legal system.

Mr. Williams suggested the City Manager investigate Mr. Palov's actions with regard to 5-7 Clover Street. Mayor Janakovic requested that the matter be further investigated.

Ms. Daly noted that a bid of \$8,000 was received to demolish the property and the City is awaiting funding to do same.

Mrs. Stanton commented that money spent to attend the PHADA meeting in South Beach could be better spent on lighting and private security.

Mayor Janakovic encouraged Mrs. Stanton and others to attend Johnstown Housing Authority's public meetings and express those concerns.

Stephen Hoover, 1167 Shaffer Street, Johnstown, addressed Council with regard to an antiquated Health and Sanitation law, Code No. 3599, Section 1810.04, which in part states no person shall be allowed to place out food on private property. He is concerned about the feral cat population getting out of hand. Mr. Hoover commented that trap, neuter, release (TNR) is the only effective means to control this cat population but food must be placed out on the property in order for the plan to be effective. He noted that bigger cities have funds in place regarding this matter. He suggested an amendment be added to the above code with regard to trapping feral cats without prosecution. Mr. Hoover explained that a pet food bank was started at his church, which he noted has helped over 500 families in the last three years.

Attorney Andrews was asked to investigate the matter further.

Mark Pasquerilla, 945 Menoher Boulevard, Johnstown, wished all a Happy New Year and noted his attendance at the inauguration of Commissioners Chernisky, Smith and Wissinger. Mr. Pasquerilla highlighted Mr. Chernisky's speech by indicating he spoke about "connecting the dots and moving the County forward". Mr. Pasquerilla found it to be a very inspiring speech and encouraged City Council members to "connect dots" and move the City forward. He noted ethical issues in Pittsburgh did not deter that city from "moving on" to create one of the greatest cities in America. Mr. Pasquerilla encouraged City members to work together to "move the City forward".

Mayor Janakovic thanked the business community for their support and for working together on projects.

Eddie Taylor, 632 Fronheiser Street, Johnstown, a coach for the last nine years with the City's summer youth programs, more recently those at Roxbury Park. He encourages keeping these programs to give the youth "something to do" in the summer. Mr. Taylor noted the JHA had offered him assistance in the past.

Mr. Johncola commented that in the past, the City had the Johnstown Boys League, which has since "gone by the wayside". He commended Mr. Taylor for his efforts and noted his support as well as Council's.

Mayor Janakovic noted his support for the summer playground programs to keep kids busy and out of trouble. The Mayor will ask the City Manager and Recreation for further updates regarding these programs. He noted the hospital and Community Foundation have grants available for such a purpose.

COMMUNICATIONS

1. Planning Commission Minutes of December 2, 2015.

Mrs. Mock made a motion to approve. 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: None (0).

Present: Mr. Williams and Mrs. Stanton.

2. Citizen Code Complaints.

Mr. Williams explained these are submitted as communications by individuals and should be recognized on the Agenda. The City Manager noted the complaints are before her and she can provide copies if necessary. Mr. Williams noted the complaints should also be dated and a description provided.

Mrs. Mock suggested emailing the complaints to save paper. Mayor Janakovic agreed that emails are acceptable by Council members.

3. Citizen Complaints

Mrs. Stanton requested that the West End Citizens Group letter be read into the record. Mayor Janakovic cautioned reading something where somebody is just being vindictive and not being truthful and has not signed the letter.

4. Agenda submissions - Reorganization.

Mr. Williams requested his and Mrs. Stanton's submissions with regard to Executive Sessions, Courtesy of the Floor and information with regard to the past Acting City Manager be made part of the record.

PETITIONS

None

REORGANIZATION APPOINTMENTS

1. Appointment of Deputy Mayor.

Mr. Williams made a motion to nominate Mr. Vizza. The motion was seconded by Mrs. Mock 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).

Mayor Janakovic requested that the first Resolution be with regard to Mr. Vizza's appointment as Deputy Mayor. Mr. Williams requested clarification of such a

request. Mayor Janakovic noted this was based on advice of the Solicitor. Mr. Vizza thanked members for their support.

Resolution No. 9800

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, TO ELECT A COUNCILMEMBER AS DEPUTY MAYOR FOR THE CALENDAR YEARS 2016-2017 VIA A NOMINATION AND VOTE

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

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

2. Appointment of City Solicitor

Resolution No. 9801

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING THE ANDREWS AND BEARD LAW FIRM AS THE SOLICITOR FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEARS 2016-2017.

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

Attorney Andrews thanked Council for their vote of support. He noted his job as City Solicitor goes way back even to a little bit of the Pfuhl term. Attorney Andrews looks forward to working with the City going forward.

3. Appointment of City Council Committee Chairs

Resolution No. 9802

A RESOLUTION OF THE CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ESTABLISHING COUNCIL COMMITTEES AND APPOINTMENT COMMITTEE CHAIRPERSONS FOR THE CALENDAR YEARS 2016-2017.

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

Mr. Williams declined and is reserving the right to attend the meetings. Mayor Janakovic clarified that oftentimes Committee Reports are combined with Neighborhood Reports. The Mayor suggested that Mr. Williams correspond with each committee member or chair on particular issues.

Attorney Andrews explained that a vote will be taken on the motion as amended by Mr. Williams to have his name withdrawn.

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

BOARDS, AUTHORITIES AND COMMISSION APPOINTMENTS

1. Appointment of Board vacancies - Shade Tree Commission, Planning Commission, Stackhouse Park Board.

Mr. Williams made a motion to table. He noted that in January 26, 2011 Council passed a resolution where all applications submitted regardless of date shall remain active unless withdraw. The motion was seconded by Mrs. Mock and failed by the following vote:

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

City Manager Melissa Komar noted applications received are enclosed in the packet. Mr. Williams noted that everybody on Council with the exception of Mr. Johncola and Mr. Vitovich voted for this resolution which also provides for the advertisement.

Mayor Janakovic noted that Council was given updated lists throughout the year. Attorney Andrews explained that there has not been a motion to actually introduce any person at this point and the motion can wait until the next meeting.

Mrs. Stanton requested information with regard to the Stackhouse Board of Directors. Ms. Komar noted that Board meets the first Monday of every month at seven o'clock. Mrs. Stanton noted for the record that in regard to the application from Mr. John DeBartola, her name is listed as a reference. She noted she was not asked to be a reference for him and asked not to be considered as a reference for this person. Mr. Williams also noted for the record his name is listed as a reference, but he will certainly not want to be considered as a reference on Mr. DeBartola's application.

ORDINANCE FOR FINAL READ

None.

ORDINANCE 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.

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

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

Nays: Mr. Vizza (1).

Mr. Williams requested further information. Mr. Vitovich requested further information on the overlay of the parking lot and where the alley runs.

BILL NO. 02 OF 2016, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN TO PROVIDE THAT ANY RESOLUTION OR ORDINANCE MAY NOT BE VOTED UPON AT A MEETING OF CITY COUNCIL UNLESS THE PROPOSED RESOLUTION OR ORDINANCE IS LISTED ON THE PROPOSED AGENDA PRIOR TO

THE MEETING BY FRIDAY AT NOON BEFORE THE NEXT
SCHEDULED MEETING.

Attorney Andrews asked Council to consider a motion to table. It needs to be in a different form to show where it amends and releases the prior ordinance. He suggested resubmitting this at the next meeting.

Mrs. Mock made a motion to table. The motion was seconded by Mr. Vizza 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).

BILL NO. 03 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 5102
PASSED 3-28-12 AND/OR ANY AND ALL SUBSEQUENT
AMENDMENTS AND CODIFIED ORDINANCES OF THE CITY OF
JOHNSTOWN; CHAPTER 1484 TITLED RESIDENTIAL RENTAL
PROPERTY REGISTRATION AND MORE SPECIFICALLY,
SUBSECTION 1484.05 REGISTRATION AND LICENSING OF
RESIDENTIAL RENTAL PROPERTIES BY ADDING SUBSECTIONS.

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

Mrs. Mock expressed her concern about the wording of the language that indicates something will be put on the door indicating it is not fit for occupancy. She inquired if someone living there would be evicted. Mr. Williams suggested amending the language to address that issue.

Attorney Andrews explained a motion has been put on the table and there can always be a motion to table after that.

Mayor Janakovic had a concern with regard to the legality of posting on someone's private property. Mrs. Mock inquired whether landlords would be informed of this ordinance. Mr. Williams suggested an effective date will be added to the ordinance.

Attorney Andrews noted the ordinance can be voted on as a first read. Changes can be brought back for Council's consideration for a final read at the next meeting.

The motion passed by the following vote:

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

BILL NO. 04 OF 2016, ESTABLISHING THE ETHICS CODE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR ALL ELECTED AND APPOINTED OFFICIALS AND APPOINTEES TO AGENCIES BY JOHNSTOWN CITY COUNCIL BY ESTABLISHING STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS, MEMBERS OF BOARDS, AUTHORITIES AND COMMISSIONS OF THE CITY OF JOHNSTOWN, THE CITY MANAGER, ASSISTANT CITY MANAGER, AND DEPARTMENT HEADS AND ESTABLISHING THE ETHICS BOARD. AND FURTHER BY AMENDING ORDINANCE NO. 4654, AS AMENDED BY ORDINANCE NO. 4693, 4731, 4894 AND 4902 TITLED AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF CITY COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVE BY THE VOTERS ON MAY 18, 1993, BY ADDING A NEW SECTION 1200 TITLED ETHICS CODE.

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

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

Mrs. Mock suggested that Attorney Andrews draft guidelines and conduct a seminar inclusive to educating all City employees on the subject who can then sign off on it.

Mr. Williams noted this was introduced to Council in 2013 at which time it was rejected. He noted it was also rejected at the courthouse to be placed on the ballot as a referendum as it was not a municipal election.

Mr. Johncola noted he was under investigation by the State Ethics Commission in the past. He stated he did nothing wrong, but his name was "put out there and nothing was valid." He agreed with Mrs. Mock. Mr. Vitovich also noted the Ethics Committee visited his home.

Mayor Janakovic suggested that Attorney Andrews conduct a clear-cut ethics training. He also requested that Attorney Andrews review Mr. Williams' policy and also that it be professionally looked at.

Mr. Williams stated that if a compromise is not reached with regard to the above bill, he will place same on the ballot and let residents decide whether or not they want a local ethics commission.

Attorney Andrews will compare the City's proposed Ethics Code with the State Ethics Code to see what can be incorporated or added to the City's Ethics Code. Mr. Williams welcomes input from all Council members.

BILL NO. 05 OF 2016, CREATING A LOAN REVIEW COMMITTEE AND ESTABLISHING PROCEDURES FOR THE APPROVAL OF ALL ECONOMIC DEVELOPMENT LOANS ADMINISTERED BY THE CITY'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND POLICIES FOR WRITING OFF LOANS DEEMED TO BE UNCOLLECTABLE AND ESTABLISHING A LOAN REVIEW COMMITTEE BOARD CONSISTING OF SEVEN (7) AS RECOMMENDED BY THE CITY MANAGER AND CONFIRMED BY CITY COUNCIL FOR TERMS OF THREE (3) YEARS. AND FURTHER, BY ESTABLISHING CHAPTER 295, LOAN REVIEW COMMITTEE UNDER THE TITLE EIGHT, BOARDS, AUTHORITIES AND COMMISSIONS OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN.

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

Mrs. Mock indicated there is already a committee in place. She noted it needs to be conducted properly at a physical meeting with a Council member present to report back. Mr. Williams indicated no records can be found.

Mayor Janakovic noted from what he has read, the HUD direction was that it be a group of local bankers, JARI's representative and JRA representative to keep it out of the political arena. He further noted reorganization is also necessary.

Mr. Williams reiterated the Board is recommended by the City Manager and confirmed by Council.

Monday, January 4, 2016
Stated Meeting, continued

13 of 16

The motion was 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 CONTINUED

Resolution No. 9803

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT THE SMALL, NO-BID LEAD-BASED PAINT GRANT TO THE PENNSYLVANIA DEPARTMENT OF HEALTH FOR AN AMOUNT UP TO AND INCLUDING TEN THOUSAND (\$10,000).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR AND THE CITY MANAGER TO GIVE A THIRTY (30) DAY NOTICE TO THE EADS GROUP OF THE CITY OF JOHNSTOWN'S INTENT TO TERMINATE A 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. Vizza made a motion to approve. The motion was seconded by Mr. Williams.

Attorney Andrews explained there has to be cause to terminate an agreement.

Mr. Williams noted he provided the Solicitor and Mrs. Komar. He is taking the position the EADS agreement contracts were not properly vetted and approved by the Solicitor. Mr. Williams had discussion with regard to testimony in

court concerning the Repak case. Another example he noted was in regard to an EADS representative promoting his own business to do work. Mr. Williams stated he has no trust or confidence in the group.

Mayor Janakovic had concerns with what the plan is moving forward if the contract is terminated. Mr. Johncola stated that most residents in the Prospect area were "happy and pleased with what they (EADS) did".

There was further discussion with regard to City residents' experiences with regard to the Group's actions. Mrs. Stanton noted she "does not trust EADS either".

Mayor Janakovic suggested that a public workshop be scheduled for further discussion with the EADS Group.

The motion failed by the following vote:

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

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

Resolution No. 9804

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER TO CONTACT THE COMMONWEALTH OF PENNSYLVANIA'S DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REQUESTING AN OPEN AND PUBLIC MEETING WITH (DEP) PERSONS WITH KNOWLEDGE OF THE CITY OF JOHNSTOWN'S INNER CITY SEWER UPGRADE AND THE CONSENT ORDERS DEFINING AND TO EXPLAIN AND CLARIFY ALL MANDATED REQUIREMENT TO THE CITY OF JOHNSTOWN AND THE RESIDENTS AND RESPONSIBLE PROPERTY OWNERS.

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

Mayor Janakovic noted a meeting had been held previously on June 16 and further noted this resolution is with regard to scheduling another meeting to clarify some issues and also to see if there's additional funding available for the City's sewage project. It was suggested that this meeting and the meeting with the EADS Group both be scheduled at the same time.

The motion passed by the following vote:

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

Nays: None (0).

Mayor Janakovic announced the Local Service Tax was recently approved by the Court. Also, he noted the Mayor's appointment to the JRA Board will be Mr. Bruce Haselrig, Sr.

NEW BUSINESS

Mr. Williams noted that he and Mrs. Stanton drafted a letter on December 10, 2015, that was sent to Dennis M. Davin, Secretary, DCED, and a reply letter dated December 16, 2015, was received by him and Mrs. Stanton. Mr. Williams stated that a copy of this letter was attached to the agenda received on December 31, 2015. He noted the letter was personal mail. He contacted the postal inspector to determine if any law had been broken with regard to this opened mail who indicated it was personal mail. Mr. Williams stated that Ms. Benjamin indicated it was opened by a college intern by mistake. Mrs. Komar indicated the letter was also addressed to the City of Johnstown. Mr. Williams then inquired why the letter was held in the clerk's office before it was sent to Mr. Williams and Mrs. Stanton. There was discussion with regard to Mrs. Stanton receiving the original letter or a copy of the letter.

Attorney Andrews explained that the situation is confusing, and that the letter should have gone to a home address. Attorney Andrews suggested that a policy be put in place with regard to mail addressed to Councilmembers.

Mayor Janakovic indicated that as Mayor he authorizes all his mail be opened, that "he has nothing to hide when it comes to City Hall".

Mrs. Stanton stated that any mail addressed to her at City Hall should not be opened.

Mrs. Mock indicated the situation was a mistake and was not to offend anybody. There was further discussion with regard to the matter.

Attorney Andrews explained that each Councilmember should contact the City Manager with regard to where personal mail should be directed.

Mr. Williams and Mayor Janakovic had further discussion with regard to the strong mayor form of government.

Mr. Vitovich congratulated Mr. Sprincz on his retirement.

Mrs. Mock commented that Mrs. Komar has "done an absolute yeoman's job" stepping into the City Manager position. She asked for patience as the staff tries to do the best job they can. She will compose a resolution with regard to employee rights on the job.

Mrs. Stanton requested that the private letter addressed to her and Mr. Williams be read into the record.

Mrs. Komar read the following published notice into the record:

Notice is hereby given that the City of Johnstown is considering entering into a contract with Robert Gunby under the first-time home buyer loan program. Mr. Gunby wishes to publicly disclose that he is the brother of past employee, Carlos Gunby, of the City of Johnstown who served as the City Manager. Regulations which govern the Federal Community Block Grant Program requires the City to provide full public disclosure to CDBG expenditures which may constitute conflicts of interest. Accordingly, the City will request HUD to issue an exemption to the regulatory conflict of interest prohibition.

Mayor Janakovic commented the next regular meeting will be held January 20th, 2016 at 6:00 p.m. He noted at 5:30 p.m. an Executive Session will be held with regard to personnel litigation.

Mayor Janakovic made a motion to adjourn. 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).

There being no further business, the meeting was adjourned at 8:05 p.m.