

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, October 12, 2016

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:11 p.m. City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

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

Mayor Janakovic, on behalf of Council, read the following statement into the record:

On September 18, Officer William Sliz was found unresponsive in the roll call room of the Public Safety Building. Narcan was administered, and he was transported to Conemaugh Memorial Medical Center. Earlier this year it is alleged that the Police Chief was notified of a potential breach in the Department's evidence room. As a result of these incidents, the City Manager and Mayor have requested and are cooperating in an external investigation with the full support of the Cambria County District Attorney's Office and the Pennsylvania State Police Department. In response, motions have been put in place by the City Manager to address the breach, cameras, fobs, and entry locks. Johnstown Police Chief Craig Foust has been placed on paid administrative leave based on his alleged failure to take appropriate action to secure the evidence room.

Further administrative action will be determined based on the outcomes of an independent internal investigation into this incident. I would like to make it clear that the Mayor, City Council, administration and all the other city employees continue to provide 100 percent support to our officers of the Johnstown Police Department. Every day they risk their lives and protect and serve the City of Johnstown.

Next we need to modernize our police force with the best methods and tools available. Our police not only protect us, they are our neighbors and they are an important part of the fabric of this community. Community-based policing is a direction we all know we need to address. It affords an opportunity to the community and neighborhoods to build relationships with law enforcement and to the police to better interact with those whom they serve. I applaud the efforts of the Coffee Shops, the officers in the school, but we need to continue to expand patrols and police presence in our neighborhoods. It is easy to focus on the negative, instead of looking to the future. What we do today will mold our City's future. Together we must address what has happened and work together to once again make Johnstown a safe and friendly place to live.

Wednesday October 12, 2016  
Stated Meeting, continued

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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 Carl Beard, Solicitor, were also present.

#### APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Special Meeting Minutes of August 30, 2016. The motion was seconded by Mr. Vizza.

Mrs. Stanton questioned whether a tabled matter may be discussed at another meeting. Attorney Beard explained that council members are permitted to make comments relative to a tabled matter. But once that item is technically tabled, there should be no other banter or discussion.

The motion passed by the following vote:

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

Nays: None (0).

Present: Mrs. Stanton and Mr. Williams (2)

Mr. Vizza made a motion to approve the Regular Meeting Minutes of September 14, 2016. The motion was seconded by Mr. Vitovich.

Corrections to the Minutes were discussed. Mr. Williams made a motion to correct the Minutes to include Mr. Pasquerilla's comment "sexier than Mrs. Komar's prayer" during his Courtesy of the Floor comments. The motion was seconded by Mrs. Stanton.

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 made a motion that the Courtesy of the Floor discussions, both agenda and nonagenda, be recorded verbatim. The motion was seconded by Mrs. Stanton.

The motion failed by the following vote:

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

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

COURTESY OF THE FLOOR ON AGENDA ITEMS ONLY

Frank Gorgone, 130 Penrod Street, Johnstown, addressed Council with regard to his permit to perform work on his property at the corner of Horner and Hickory Streets. He stated that while waiting on his son to help perform the work, six months had passed and he was red-tagged to stop work because the permit had become illegal. Mr. Gorgone stated he was issued another permit, which he properly placed on his building but was then issued a stop permit sticker. He stated that all he is trying to do "is make improvements to his building". He stated if he is not permitted to finish remodeling the building, he will stop remodeling all his buildings in the City, which will end up in a dilapidated state. Mr. Gorgone stated he is being discriminated against.

Mrs. Komar asked that Mr. Gorgone telephone her for further discussions to resolve the matter. Mayor Janakovic stated Council will also work with him to resolve the matter.

There was discussion whether or not the issue was an agenda item. Attorney Beard explained his understanding was that codes complaints were on the agenda, and that "if you want to continue on to debate this issue all night, we can." He referred to the courtesy of the floor speaker list for further clarification.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to Ordinance for Final Read, No. 1456 and Ordinance for First Read, Resolution No. 8. He discussed wages and salaries, newly created positions and the indebtedness they create. He referred to these agenda items as nontransparent. Mr. DeBartola suggested that Council consider a state-controlled police department and a high ranking law enforcement specialist as a state-paid police commissioner. He suggested that Council "stand strong and firm and make decisions that are for the best interests of the community." He questioned whether this is the right time to create new positions as noted on the agenda. Mr. DeBartola submitted an application for a position on the planning commission. He noted he would be using Mr. Williams and Mrs. Mock as his references.

Mayor Janakovic reiterated that Council will be conducting an internal investigation along with the District Attorney's office and the State Police. Mr. Williams agreed that Council "will sort through this." He stated he is proud of the Johnstown Police Department. Mayor Janakovic noted for the record that "this is one of the first times he and Mr. Williams appear on the same page."

Robin Kmetz, 125 Spring Street, addressed Council with regard to a few first read resolutions or ordinances. Ms. Kmetz expressed a concern for the \$3 million that was borrowed to pay bills for the rest of the year while at the same time creating a new captain position.

Ms. Kmetz is the grandmother of two children who are bullied every single day and noted her attendance at a recent school board meeting where she and Mr. DeBartola "almost got hit" by a board member. She stated a complaint was filed, but she was not sure it had "gone anywhere". Ms. Kmetz asked that Council not consider Chad Miller for the captain position due to events at this recent school board meeting.

Mayor Janakovic clarified that the choice for captain is the City Manager's recommendation. Mr. Vizza noted that council has the "utmost faith" in the City Manager to make that decision.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to Bill No. 29 concerning changes to the Administrative Code. Mr. Warhul stated that his communications to Council have gone unnoted, which he finds offensive. He referred to his recent code complaint regarding the Conrad Building and asked who on Council could tell him what it was concerning other than Mr. Williams and Mrs. Stanton. Mr. Warhul stated Council was elected to listen to what residents have to say. He took the time to fill out a code complaint and Council members should take the time to read it.

Mrs. Mock commented that she assumes that a code complaint gets resolved and in that sense does not need to see a copy of it. Mayor Janakovic noted he receives code complaints electronically. Mr. Williams noted that while some Council members pick up copies of code complaints and some receive them electronically, he receives copies in his packet.

Mr. Warhul expressed a desire for his communications to Council to be made a part of the record.

Attorney Beard explained he reads the complaints. He suggested that Deb Grass be afforded the opportunity to explain the process in place by which a complaint goes to a particular area to be acted upon. He stated that it goes through a

chain of command to be resolved. He stated that Ms. Grass believes that by the time a complaint gets to Council it should have already been resolved. Attorney Beard stated that Ms. Grass is attempting to streamline matters to make a more efficient agenda. There was further discussion regarding the matter.

Mayor Janakovic requested that Council members be advised as to how complaints are resolved.

Mr. Warhul again requested that his communications to Council be made a part of the record and meeting agenda.

Johanna Boratko, addressed Council with regard to the budget and the captain position. Ms. Boratko spoke regarding the budget being "in the red" and jobs being created. She stated that Officer Chad Miller is "not the candidate for the captain position." Ms. Boratko noted that Officer Miller wrongfully arrested her for a bogus charge and lied under oath and also had the wrong information on her complaint form. She further spoke of incidents that Attorney Beard explained could be slanderous in nature. She stated she has been attempting to contact the City Manager since March for further discussion.

Mr. Johncola stated Ms. Boratko is speaking of a personnel issue. He is a member of Council elected to help, and he further stated that in his opinion Ms. Komar has been a very good City Manager.

Mayor Janakovic stated he is not going to let one incident put a "black eye on our police department, fire department or public works."

Mrs. Mock stated that the past seven, eight months have been tremendous with the previous City Manager and the police situation. She stated everyone has to "stop looking at things independently that are going to tear whatever is left of this City apart." Mrs. Mock noted the city police have to be supported and "we've got to work together."

Mr. Vitovich commented, "It's time to pull together as a community and fight this together."

Mayor Janakovic commented, "There has been a misjustice in the way Mrs. Komar has been presented to the press and will be terribly missed if and when she leaves us."

Mr. Williams stated there should be no further comment from audience members regarding the police matter.

Attorney Beard explained, "These things are not easy because sometimes these things are like wolves in sheep clothing." He stated the Mayor is completely within his rights to view that and have a discussion, but at the same time we need to be mindful we are doing the best we can as to the agenda and nonagenda items. But as far as personnel issue, Attorney Beard noted they are not widely discussed out here, that it is really not the time and place.

Mark Pasquerilla, 945 Menoher Boulevard, City business owner, addressed Council with regard to resolution to nominate Joe Warhul to the selection committee for the new City Manager. He stated, "Johnstown taxpayers need a resident of good will and good temperament mindful of the future of Johnstown, and unfortunately, Joe Warhul is not ---".

Mr. Warhul objected to Mr. Pasquerilla's comments. Attorney Beard explained that this is not an appropriate topic and suggested that Mr. Pasquerilla keep this as vanilla as possible without disparaging somebody. He noted that he does not believe Mr. Pasquerilla's comments with regard to Mr. Warhul are appropriate or positive for public comment.

Mr. Pasquerilla commented that he is entitled to his opinion, and there is a resolution on the agenda pertaining to the matter. Mr. Pasquerilla further commented that Mrs. Komar is an effective and dedicated public servant.

Mrs. Stanton noted Mr. Pasquerilla's comments with regard to Mrs. Komar has nothing to do with the resolution to appoint Mr. Warhul.

Mr. Pasquerilla further commented that in his opinion Mr. Warhul is unfit.

#### REPORT BY CITY MANAGER

Melissa Komar, Interim City Manager, reported that the Johnstown Fire Department did an excellent job of keeping damage to a minimum at a recent fire at Specialty Castings on October 8, 2016.

Mrs. Komar stated that Assistant Chief Brudzinski was activated by FEMA to respond with the Federal Urban Search and Rescue Team to North Carolina in response to Hurricane Matthew.

She noted that Johnstown firefighters union remains active in Operation Warm, which provides new coats for school-aged children in the Greater Johnstown School District.

It was noted that Johnstown Police had a successful resolution of a barricaded suicidal person on October 5, 2016. The Police continue to be involved in the community with various meetings, including JHS and JMS Walk to School Days. It was further noted that numerous officers attended the annual Sexual Assault Response Team Conference held at UPJ on October 10, 2016.

The City Manager stated the 2017 Budget is being finalized. She noted Finance and Fire are converting their payrolls into an electronic format. There have been ongoing discussions with regard to revenue sources.

Mrs. Komar stated that she and Ms. Daly met with Community and Economic Development representatives in Youngstown and Warren Ohio on September 23, 2016, to discuss land banks, community involvement projects, and neighborhood revitalization efforts. She noted that Ms. Daly also attended the Right to Know and Record Retention training on September 29, 2016, in Harrisburg.

The recent Brownstown Bridge inspection revealed a few defects resulting in the sidewalks being closed until repairs are made, which will commence on Monday, October 17, 2016.

Public Works refurbished inlets on Haynes, Stonycreek and Franklin Streets. The City's combination sewer vac is out with PennDOT through the agility program.

There was discussion regarding the garbage rate increase. Mrs. Komar will meet with Mr. Fergas on Friday, October 14, 2016, at 1:00 p.m.

Mr. Williams has not received a response regarding his communication to Mrs. Komar on September 12, 2016, concerning the Conrad Building. The City Manager noted that Ms. Daly will attend a meeting on Thursday, October 13, 2016, in Harrisburg regarding the matter. Mayor Janakovic stated the Harrisburg meeting will determine the future of the Conrad Building.

Mr. Vitovich commented that Mrs. Stanton's employer owns a building on Locust Street, which was surrounded by barricades for three years. Mrs. Stanton could not comment on the matter stating it would be a conflict of interest. Mrs. Komar will investigate whether any code complaints have been made against that building.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on presenting a proclamation addressing World Mental Health Day in Central Park on Monday, October 10, 2016. The Mayor noted he, the police, firemen and Public Works participated in the East Side Walk with the Students.

Mayor Janakovic noted the Chamber of Commerce, Discover Downtown and JARI Fund Growth Board is seeking to provide loans to small businesses in the area. He noted that Regional Partnership and Mr. Crocco continue to fund the grants received by the City in the amount of \$90,000.

Mayor Janakovic stated that Congressman Rothfus has been very supportive with regard to the drug and alcohol assistance support and grants available.

The Mayor met with a Pittsburgh-based contracting business to discuss the possibility of placing satellite offices in the Johnstown area.

Mr. Janakovic reminded everyone that Channel 14 broadcasts a schedule of the City's ongoing sewer project, which is also announced in the Tribune Democrat and Our Town newspapers.

The City Manager noted the Hornerstown interceptor project will commence on Monday, October 17, 2016. She noted that gas and water line replacements will be done along with the sewer work.

Mr. Williams noted for the record that Ordinance No. 5166 requires certain compliance with the sewage before the Conrad Building is transferred. The Mayor stated the last person who spoke regarding this matter was not permitted to finish his comments.

Mayor Janakovic commended JARI for its package promoting Johnstown as a positive City in which to bring a business.

REPORT BY THE CITY SOLICITOR

Carl Beard, Esquire, City Solicitor, noted another hearing will be held on November 22, 2016, with regard to the Duke LifePoint tax assessment issue. He noted the City is currently working on cost figures and payback as it relates to the matter.



Attorney Beard commented there are some issues related to the collective bargaining agreement with the FOP and AFSCME but is optimistic in light of the circumstances. He referred to Attorney Benjamin's outline concerning a motion to amend Bill No. 29 and Bill No. 32, which will be discussed later during Ordinances for Final Read.

Mrs. Stanton discussed concerns of residents regarding the City's advertisements for job vacancies, in particular for the construction coordinator position for the City of Johnstown advertised in the Tribune-Democrat. Attorney Beard indicated the matter can be addressed further with the Interim City Manager. He explained that unless the City Manager decided to do this exclusively on Facebook, then she has to be aware that that does not count as official advertising for the City. He also explained there is nothing wrong with somebody stating this job is available as long as it goes through the official postings of Mrs. Komar. There was further discussion regarding the matter.

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

No report.

#### COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

Mr. Vitovich reported repairs were completed on Haynes, Stonycreek and Franklin Streets. He noted a sanitary line was repaired on Clover Street, and a repair was made on Bedford Street. A garage on D Street was dye tested; sewer lines were cleaned on Strayer Street. The sweeper has been out daily. Work was done on the kennel at the Public Safety Building. The backyard of the highway garage was cleaned up and the scrap metal taken to Johnstown Scrap Metal. He noted additional repairs and replacements along with grass cuttings and street cleanings. Mr. Vitovich commended the work of the Public Works crew.

Mr. Vizza reported there was a nice crowd at the recent downtown cleanup.

Mr. Williams spoke concerning a September 26, 2016, code complaint with regard to backup of sewage at 22-24 Clover Street. Mike explained the pipe in the house behind this address actually tapped into Clover Street under this vacant structure. He explained the trap was cleaned out and snaked and now has a good flow. It was further noted this property behind 22-24 Clover is an illegal tap through someone else's parcel.

Mrs. Mock reported the West End Improvement Group is receiving donations for its Basket Party scheduled for November 6, 2016. She noted cash donations were received from residents for the camera project.

Mrs. Mock noted a Coffee with the Cops is scheduled for October 20, 2016, 6:00 p.m. at the Grace Lutheran Church. She invited all to attend.

Mrs. Mock spoke of efforts to organize the United Neighborhood Association, which is a group of all neighborhoods in the City working together to achieve the same goals. She noted there is a meeting scheduled for tomorrow, October 13, 2016, at 5:00 p.m. at the Christ Centered Community Church on Somerset Street. Mrs. Mock invited Council members to attend.

Mrs. Stanton asked for an update with regard to the poor condition of the sidewalks on Sell Street. Mrs. Komar indicated the one-year warranty has expired.

It was noted there is a walkthrough of all projects and a punch list is provided to the contractor's review before the warranty period expires. At the time of the walkthrough, if there were no cracked sidewalks, it would not have appeared on the punch list. It was noted that Continental Construction was the contractor. Mrs. Stanton noted that somebody should have "checked it out before just recently."

Mrs. Stanton made a motion that the City Manager send a letter to Continental Construction Company with regard to the matter. The matter was seconded by Mr. Williams and passed unanimously.

Mrs. Stanton reported on receiving complaints with regard to a rat infestation on Boyer Street in Coopersdale. It was noted the matter has been resolved.

Mayor Janakovic communicated with his neighbors to assure their work is being done properly.

Mrs. Stanton noted that North American Hoganas keeps getting a water bill for the water fountain on the Park Avenue Playground which it had installed with the understanding the water would be paid by the City. There will be an investigation of the matter.

Mrs. Stanton reported the Roxbury St. Paul's United Methodist Church on Derby Street is having a late stage and end stage of life seminar scheduled for October 22, 2016. An attorney will be present to discuss advance directives, living wills and will offer legal advice. Also present will be representatives from the Area Agency on Aging, Assisted Living, nursing homes, in-home

assistance and hospice as well as a representative from a local funeral home. She distributed pamphlets on the event.

Mayor Janakovic will provide copies of the JARI information to anyone interested in receiving the same.

SHORT RECESS TAKEN

COMMUNICATIONS

1. September 19 letter from Jack Williams re: Resolution/Unfunded Debt Borrowing.
2. September 19 letter from Jack Williams re: Dedicated Real Property Taxes
3. September 19 letter from Jack Williams re: Home Rule Charter, Article X, Financial Procedures.
4. September 20 letter from Jack Williams re: Motion for Solicitor's Written Legal Opinion.
5. October 3 letter from Jack Williams re: Conemaugh Health/Duke Life Point.
6. October 4 letter from Jack Williams and Charlene Stanton re: Ordinance No. 5166 Compliance.
7. Code Complaints from: Joe Warhul-1; Dennis Callahan-1; Virginia Shook-1; Richard Shook-1; Betty?-1; Helen Mangos-1; ? Mangos-1; Charlene Stanton-6; Charlene Stanton and Jack Williams-5; Jack Williams-1.

ORDINANCES FOR FINAL READ:

Attorney Beard discussed amendments to Bill No. 29 of 2016, Section 212(i), (j) and (o), Enforcement of Ordinances and Procedures as follows: The insertion of when instituted actions, et cetera, "shall be instituted" to "shall be pursued."

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

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

Nays: None (0).

BILL NO. 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 UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS.

Mrs. Mock made a motion to approve the ordinance as amended. The motion was seconded by Mr. Vitovich.

Mrs. Stanton noted for the record her opposition to removing Communications from the agenda. She noted she welcomes all resident complaints and concerns. She would like the residents to be given the opportunity to speak at Council meetings. Mrs. Stanton requested a clarification regarding the amount of meetings a Council member could miss. It was noted the ordinances does not include special meetings.

Mrs. Stanton referred to the ordinance concerning any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks can be removed from the audience. She noted this is ineffective unless this type of person is actually removed.

Attorney Beard explained a little common sense must be exercised under the circumstances. He cautioned against improvidently not understanding the law and the parameters and removing somebody where there could be a spinoff ramification leading to litigation. There was further discussion regarding the matter.

Mrs. Stanton referred to another portion of the ordinance concerning resolutions.

Mr. Williams made a motion to table the amendment for further clarification. The motion was seconded by Mrs. Stanton.

Mayor Janakovic stated there is currently a motion on the floor to vote on the amended ordinance. There was further discussion concerning the motion.

Mrs. Stanton noted the issue is whether this Council can dictate the actions of a future Council.

Attorney Beard explained that if a new Council would decide it does not like this ordinance or Bill No. 29, their first order of business could be to either get purge or modify the ordinance.

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Mr. Williams made a second motion to table for further clarification. The second motion was seconded by Mrs. Stanton.

Mayor Janakovic again explained that there was a motion to vote on the amended ordinance. It was noted that motion would go away if the matter is tabled.

Attorney Beard will provide a legal opinion to Mrs. Komar concerning the matter.

The motion passed by the following vote:

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

Nays: None (0).

**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, 1983, AND FURTHER AMENDED BY ORDINANCE 4782 AND 4832, REGULATING THE CONSTRUCTION AND MAINTENANCE OF PARKING LOTS TO PROVIDE A LIMITED EXCEPTION FOR THE WASHINGTON STREET PARKING LOT IN LIGHT OF ITS PENDENCY FOR SALE AND/OR PARTIAL REDEVELOPMENT, AND TO AVOID UNNECESSARY EXPENSE OF CITY RESOURCES.**

Mrs. Mock made a motion to approve the ordinance. The motion was seconded by Mr. Vitovich 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. 32 OF 2016, AS AMENDED, AN ORDINANCE ADOPTING AND RATIFYING AND INTERGOVERNMENTAL COOPERATION AGREEMENT BY PROVIDING FOR 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 THE PENNSYLVANIA MOTOR VEHICLE (75 P.S. 101 ET SEQ.), MUNICIPAL ORDINANCES AND PENNSYLVANIA CRIMES CODE (18 PA. C.S.A 101 ET SEQ).)

Attorney Beard discussed amendment to Paragraph 19 of the Police Services Agreement attached to Bill No. 32 as follows: To reflect the City as the party responsible for court appearances concerning the City. There was further discussion regarding the amendment.

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

BILL NO. 33 OF 2016, AS AMENDED, 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, AND TO AMEND THE MAIN STREET EAST CAPITAL BUDGET FUND AND THE PARKING FUND AS PER THE 2015 INDEPENDENT AUDIT OF WESSEL AND COMPANY RECOMMENDATIONS.

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

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

Nays: None (0).

BILL NO. 35 OF 2016, AS AMENDED, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$6,000,000.00 FOR REFINANCING OF EXISTING OBLIGATIONS ELIGIBLE TO BE REFINANCED AND TO PROVIDE THE NECESSARY FUNDS TO MEET EXPECTED YEAR-END OBLIGATIONS; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT

OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

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

Mr. Williams noted that whatever net proceeds this includes requires a budget amendment.

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. 36 OF 2016, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, AMENDING ORDINANCE 5193 OF 2015 AS AMENDED BY ORDINANCE 5204, PASSED FINALLY ON SEPTEMBER 14, 2016, 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. Vitovich made a motion to approve the ordinance. The motion was seconded by Mr. Vizza.

Mr. Williams discussed the justification for a second police department captain position in light of the hiring freeze. Mrs. Komar noted the matter has been discussed. She stated the plan is to have a police substation location.

Mr. Williams made a motion to amend the ordinance to include an effective date of October 16, 2016.

Mrs. Komar noted that with all the recent resignations and retirements the matter will have to be revisited.

The motion passed by the following vote:

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

ORDINANCES FOR FIRST READ

BILL NO. 37 OF 2016, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,090,300.00 FOR THE PURPOSES OF:

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

Mrs. Komar stated the ordinance is acceptance of the PennVEST funds.

The motion passed by the following vote:

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

BILL NO. 38 OF 2016, OBLIGATION TO PAY REASONABLE COSTS INCURRED BY THE TAX COLLECTOR FOR COLLECTION OF DELINQUENT MUNICIPAL TAXES, PENALTIES AND INTEREST; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mrs. Komar indicated this ordinance regards the mercantile tax delinquency.

Attorney Beard believed the person's name is Attorney Susan Robertson, who spoke to his office with regard to the matter. It was explained that time was of the essence to get this in place in order to move forward with the various collections.

Mayor Janakovic read into the record a portion of a memo from Mr. Williams as follows: As I do not remain of the opinion that the JRA Regional Sewage are under any obligation to inform the City of Johnstown and more specifically,



the Council, what policies and procedures are or those which may be implemented by JRA Regional Sewage. There was further discussion regarding the matter.

Mrs. Stanton made a motion to table. There was no second.

Attorney Beard explained that his office was advised there were certain things that Turnkey needed to have in place before they undertook certain collection efforts. One of them was to be able to bring in 100 percent of delinquencies as opposed to 75 percent and to establish costs and reasonable fees for the efforts to collect the monies. He further explained that discussions were undertaken with Susan Robertson of Turnkey at which time his office drafted this particular resolution for passage.

There was discussion regarding tabling a matter. Mayor Janakovic noted he had called for the vote before Mr. Williams requested to table. Attorney Beard explained he will review Roberts Rules and provide an answer at the next meeting. But he stated if that is the case, that means all business of the City of Johnstown "will come to a complete screeching halt, nothing will ever get done if two people continuously on every motion, every ordinance, every resolution table everything."

The motion failed by the following vote:

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

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

Bill No. 38 was reread into the record as follows:

**BILL NO. 38 OF 2016, OBLIGATION TO PAY REASONABLE COSTS  
INCURRED BY THE TAX COLLECTOR FOR COLLECTION OF  
DELINQUENT MUNICIPAL TAXES, PENALTIES AND INTEREST;  
REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF  
INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE  
AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Mock made a motion to approve the ordinance. 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).

RESOLUTIONS

Resolution No. 9886

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SUBMIT APPLICATIONS FOR A TRAFFIC SIGNAL APPROVAL TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND TO SIGN THIS APPLICATION ON BEHALF OF THE MUNICIPALITY FOR THE MOXHAM BRIDGE PROJECT.

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

Mr. Williams made a motion to table. There was no second.

The motion passed by the following vote:

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

Nays: Mr. Williams (1).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER TO PLACE CORRECTED AND ACCURATE REQUEST FOR PROPOSALS FROM INTERESTED PARTIES, FIRMS, BROKERS, AGENTS FOR THE LISTING AND SALE OF THE CITY OF JOHNSTOWN PROPERTY LOCATED ON WASHINGTON STREET AND LOCUST STREET, FORMERLY THE SITE OF THE WASHINGTON STREET PARKING GARAGE, WITH THE STIPULATION THE PROPERTY WILL BE SOLD AND TRANSFERRED TO PARTIES, FIRMS AND INDIVIDUALS FOR COMMERCIAL USE AND WITH EXPECTATIONS THAT PROPERTY BE PLACED IN FULL PROPERTY TAXATION FOR CITY OF JOHNSTOWN, GREATER JOHNSTOWN SCHOOL DISTRICT AND CAMBRIA COUNTY PROPERTY TAX PURPOSES AND COLLECTION, AND TO TERMINATE THE EXCLUSIVE LISTING CONTRACT WITH CNN PROPERTIES, LLC, EXECUTED ON JULY 27, 2016.

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

Mr. Williams further discussed the resolution.

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 No. 9887

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO 35 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, CONSTRUCTION, ADMINISTRATION, PREPARATION OF FUNDING APPLICATIONS, PREPARATION OF PERMIT APPLICATIONS, ADMINISTRATION OF FUNDING AND INSPECTION SERVICES OF THE CENTRAL BUSINESS DISTRICT SANITARY/STORM SEWER SEPARATION PROJECT.

Mr. Vitovich made a motion to approve the resolution. The motion was seconded by Mr. Johncola 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. 9888

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE ALLOCATION OF 2016 FUNDS FROM THE GENERAL MUNICIPAL PENSION SYSTEM STATE AID PROGRAM.

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

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

Resolution No. 9889

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO  
SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR A GRANT  
THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A  
GRANT TO ASSIST WITH SEWER REHABILITATION IN THE  
AMOUNT OF \$425,000.

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

Mrs. Stanton made a motion to remove Stephen Keith from the resolution. Attorney  
Beard discussed the matter with Mrs. Komar.

The motion passed by the following vote:

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

Resolution No. 9890

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, TO  
ESTABLISH A ONE YEAR SUNSET TIMELINE FROM THE DATE OF  
RECEIPT ON APPLICATIONS FOR CONSIDERATION FOR  
APPOINTMENT TO CITY BOARDS AND COMMISSIONS

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

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Mayor Janakovic stated appointments have never been made via a resolution, but always by nomination and then vote by Council. Attorney Beard opined that per the Administrative Code appointments cannot be made via a resolution.

There was further discussion with regard to voting on the resolutions as presented. Mr. Williams stated that per the charter all resolutions and ordinances are reviewed and approved by the Solicitor prior to submission. He stated they appear on the agenda and he "is entitled to have them read."

There was no motion on the floor. Mrs. Stanton seconded the motion.

After further discussion, Council will vote on the appointments as resolutions against the objection by Mayor Janakovic.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MRS. LINDY YUTZY TO THE JOHNSTOWN ZONING HEARING BOARD FOR THE EXPIRED TERM OF MR. ANTHONY PIRO, JANUARY 31, 2016, AND FOR TERM OF (4) FOUR YEARS BEGINNING JANUARY 31, 2016 AND TO EXPIRE ON JANUARY 31, 2020.

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

Mr. Williams referred to a letter from Mr. Gallagher. It was noted that matter would be addressed at the appropriate time.

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).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MR. JOHN A. DEBARTOLA TO THE JOHNSTOWN PLANNING COMMISSION FOR THE EXPIRED TERM OF MS. NANCY MALLOY, JANUARY 31, 2016

AND FOR TERM OF (5) FIVE YEARS BEGINNING JANUARY 31, 2016  
AND TO EXPIRE ON JANUARY 31, 2021.

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. Vitovich, Mr. Williams (3).

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MS. CONNIE  
MARTIN TO THE JOHNSTOWN PLANNING COMMISSION FOR THE  
EXPIRED TERM OF MR. CHARLES HARTNETT JANUARY 31, 2016  
AND FOR TERM OF (5) FIVE YEARS BEGINNING JANUARY 31, 2016  
AND TO EXPIRE ON JANUARY 31, 2021.

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

Mr. Williams referred to a communication from Mr. Gallagher. Mr. Williams inquired whether Mr. Vitovich could vote on the resolution as a member of the planning commission.

The motion failed by the following vote:

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MR. JOSEPH  
WARHUL TO THE CITY MANAGER SEARCH COMMITTEE AS BEING  
A RESIDENT AND REGISTERED VOTER IN THE CITY OF  
JOHNSTOWN.

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MRS. LINDY  
YUTZY TO THE CITY MANAGER SEARCH COMMITTEE AS BEING A  
RESIDENT AND REGISTERED VOTER IN THE CITY OF JOHNSTOWN.

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA DIRECTING THE INTERIM  
CITY MANAGER AND THE 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 EXIST INTEREST BY  
THE RESIDENTS AND ELECTED OFFICIALS OF THE RESPECTIVE  
MUNICIPALITIES AS TO THE FEASIBILITY OF ANY POSSIBLE  
MUNICIPAL CONSOLIDATION.

Mrs. Mock made a motion to table the resolution. 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. 9891

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT THE \$400,000 EPA BROWNFIELD ASSESSMENT GRANT ON BEHALF OF THE CITY OF JOHNSTOWN DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

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

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

Resolution No. 9892

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, RESOLVES AND CERTIFIES THAT IT WILL PROVIDE THE CAMBRIA COUNTY TRANSIT AUTHORITY LOCAL FUNDS IN THE AMOUNT OF \$46,244.10 TO MATCH STATE FUNDS PROVIDED PURSUANT TO 74 PA. C.S. SECTION 1513 IN FISCAL YEAR 2016-2017.

Mr. Johncola 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).

PUBLIC COMMENTS ON NONAGENDA ITEMS

Joseph Taranto, 426 Park Avenue, Johnstown, updated Council regarding the Shade Tree Commission. He discussed the City's vacant property issue. He urged Council to take appointments to boards and commissions seriously and in a timely fashion. Mr. Taranto noted, "He has been forced to file suit with the City to make an appointment to the vacancies."



Mayor Janakovic commented on an ad for all of the commissions. The Mayor indicated that a "concerted effort" is being made to clean this up so recommendations can be made for the board vacancies.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding local government. He thanked Mrs. Stanton and Mr. Williams for their motion and Mr. Vitovich for his vote to appoint him to the planning commission. Mr. DeBartola stated there are applications before Council for the boards and that "Council should call for a motion, someone second it, get the four votes, appoint somebody" in a timely fashion.

### NEW BUSINESS

Mrs. Mock made a motion to nominate Michele Beblar to the manager search committee. The motion was seconded by Mr. Johncola and passed by the following vote:

Yeas: Mrs. Mock, Mr. Vizza, Mayor Janakovic, Mr. Johncola (4).

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

Mr. Vitovich abstained from voting on the motion.

Mr. Vitovich made a motion to nominate Ms. Liz White to the manager search committee. The motion was seconded by Mrs. Mock and passed by the following vote:

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

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

Mr. Williams made a motion to nominate Joseph Warhul. The motion was seconded and failed by the following vote:

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

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

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

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

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

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Mayor Janakovic made a motion to nominate Dave Layman, business person, in the manager search committee. The motion was seconded by Mr. Johncola.

Mrs. Stanton made a motion to advertise.

Mayor Janakovic withdrew the nomination for Dave Layman pending notification to City business owners.

### OLD BUSINESS

None.

There being no further business, the meeting was adjourned at 9:06 p.m.