

JOHNSTOWN CITY COUNCIL
SPECIAL MEETING MINUTES
Monday, January 29, 2018

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 5:00 p.m.

Curt Davis, Interim City Manager, offered the invocation, and the Pledge of Allegiance was recited.

The following members of Council were present for roll call:

Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).

Interim City Manager, Curt Davis, Elizabeth Benjamin, Esquire, City Solicitor, were also present.

COURTESY OF THE FLOOR

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council by reading into the record that per the Home Charter, no official action can be taken during an Executive Session or enclosed gathering, and that all official action must be taken during the public portion of the meeting. He read into the record the definition for official action as being "recommendations made by an agency, establishment of policy by an agency, decision on agency business of the agency or vote taken by agency on a motion, policy, et cetera."

Mr. DeBartola inquired if Council had removed candidates applying for the City Manager position "behind closed doors."

Mr. Williams commented this had been a concern of his and Mrs. Stanton.

Ms. Benjamin had no reason to believe that any action taken by Council was improper. She explained that Council may request a legal opinion on matters. It is not normal practice to issue legal opinions in response to a question from the public. She would require additional information before issuing any opinion on the matter.

DISCUSSION:

FOR CONSIDERATION, REVIEW AND DISCUSSION OF
APPLICATIONS RECEIVED FROM INTERESTED APPLICANTS FOR
THE POSITION OF JOHNSTOWN CITY MANAGER.

Mrs. Mock explained the candidates were screened on the requirements as noted in the ad for the City Manager.

Mayor Janakovic noted that both Mr. Williams and Mrs. Stanton were not in attendance for the interviews.

Mrs. Stanton commented, if the City was not interviewing all of the applicants who meet the requirements for the City Manager position, that it would be "in violation of the Equal Opportunity Employment laws." She further commented that all members of Council should be aware of the names of those being interviewed, and that it was Council's decision to interview and hire a manager and not the Act 47 coordinator. Mrs. Stanton added that it was important that Council have an employment agreement in place for the City Manager.

Mrs. Mock commented that all the questions by Mrs. Stanton were addressed previously.

Mr. Williams referred Council to resolutions for distribution.

Mayor Janakovic stated resolutions must be submitted before the meeting per the rules. He commented that the wage being offered may not get the best-qualified candidates, and there may be an opportunity through DCED and the state to supplement that wage with additional monies.

The Mayor further stated there was no offering of a contract this evening.

Mr. Britt acknowledged the valid points but stated, "Time is running out."

Reverend King inquired whether a standard benefit package was in place. She suggested that Council "take it all off the table and start from scratch."
Mrs. Mock agreed with Reverend King.

Ms. Benjamin reminded Council that discussions regarding the candidates should be held during Executive Session. She noted that the narrowing down of candidates was not in violation of the Sunshine Law, that there was case law that decided that the selection process of narrowing down candidates may appropriately take place during Executive Session. She stated the idea was to give Council the best opportunity to privately deliberate and talk amongst themselves about their different feelings and beliefs with regard to the candidates.

Ms. Grass responded to an article in the Tribune-Democrat in which she stated that she did "research" on the candidates. Ms. Grass noted she probably used the wrong terminology, "that what was done was just a review of the resumes during Executive Session and there was information that Council reviewed that informed them as to whether they were interested in inviting candidates to be interviewed, period." She stated, "There was no independent research."

Mrs. Mock made a motion to move to Executive Session. The motion was seconded by Reverend King and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).

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

There was a motion to invite Act 47 into Executive Session.

Mr. DeBartola commented that Council looks "chaotic, unorganized and ridiculous" to the public watching this meeting on Facebook. He hoped that all matters would be resolved during Executive Session. Mayor Janakovic stated a contract was not being signed tonight, but that Council was "simply doing an interview."

The motion passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Britt (5).

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

EXECUTIVE SESSION

There being no further business, the Special Meeting was adjourned at 5:36 p.m.