

TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020-6

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA PROCLAIMING A LOCAL DISASTER EMERGENCY

WHEREAS, a novel coronavirus (now known as “COVID-19”) emerged in Wuhan, China, began infecting humans in December 2019, and as of March 18, 2020 has since spread to one hundred forty-five (145) countries, including the United States; and

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared COVID-19 a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency (“Pandemic”); and

WHEREAS, Donald J. Trump, President of the United States, by authority of the Constitution and the laws of the United States of America, including Sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601, et seq.) and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, Thomas W. Wolf, Governor of the Commonwealth of Pennsylvania (“Commonwealth”), pursuant to the provisions of Subsection 730(c) of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., proclaimed the existence of a disaster emergency throughout the Commonwealth on March 6, 2020; and

WHEREAS, the Commonwealth, in collaboration with the CDC, HHS and local health agencies, to monitor and plan for the containment and subsequent mitigation of COVID-19, activated its Department Operations Center and the Pennsylvania Emergency Management Agency’s headquarters to conduct public health and medical coordination for COVID-19 throughout the Commonwealth; and

WHEREAS, on March 4, 2020 the Director of the Pennsylvania Emergency Management Agency (“PEMA”) ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health’s (“DOH”) Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and

WHEREAS, on March 12, 2020, the Board of Commissioners of the County of Berks, Pennsylvania (“County”), issued a Declaration of Disaster Emergency, declaring a disaster emergency in the County, directing the Berks County Emergency Management Coordinator to coordinate activities of the emergency response to alleviate the effects of the Pandemic and authorized the County to act as necessary to meet the current exigencies; and

WHEREAS, as of March 23, 2020 there are four hundred seventy-nine (479) confirmed and/or presumed positive cases of COVID-19 in the Commonwealth; and

WHEREAS, while it is anticipated that a high percentage of those affected by COVID-19 will experience mild influenza-like symptoms, COVID-19 is a disease capable of causing severe symptoms or loss of life, particularly to older populations and those individuals with pre-existing conditions; and

WHEREAS, with four hundred seventy-nine (479) confirmed and/or presumed positive cases of COVID-19 in the Commonwealth as of March 23, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Township; and

WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Township of Tulpehocken, Berks County, Pennsylvania (“Township”); and

WHEREAS, this threat of imminent disaster and emergency has already caused schools, including but not limited to Tulpehocken Area School District, to close and will likely prompt additional local measures, including the declaration by other local municipal governments to declare local disaster emergencies because of COVID-19; and

WHEREAS, it is critical to prepare for and to be ready to respond to cases of COVID-19 in the Township by implementing measures to mitigate the spread of COVID-19 and to permit the Township to be eligible for any and all federal, state and county disaster emergency funds that may become available; and

WHEREAS, this threat of imminent disaster and emergency situation throughout the Township is of such magnitude and severity as to require the activation of the Township's applicable Township emergency management and emergency response plans.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Subsection 7501(b) of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., as amended, the Board of Supervisors does hereby authorize Lester Feick, the Tulpehocken Township Emergency Management Coordinator ("EMC"), or his designee ("Designee"), for an indefinite period of time to assume command and control of all Township emergency operations and authorize and direct that all Township departments, employees and agencies utilize all available resources and personnel as is deemed necessary by the EMC or his Designee from time to time to cope with this emergency situation, for such length of time as may be necessary to respond to this emergency situation, in order to activate the response and recovery aspects of the Township of Tulpehocken applicable local emergency management and emergency response plans and to authorize the furnishing of aid and assistance thereunder.

FURTHER RESOLVED, the Board of Supervisors does hereby transfer to the Township EMC, or his Designee, such amounts of Township unused funds as may be approved by the Township Board of Supervisors from time to time during this emergency

situation for Emergency Management Assistance expenses related to this emergency, as conditions require. The aforementioned funds shall be used for expenses authorized by the Township Board of Supervisors and incurred related to this emergency. The Board of Supervisors does hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the Township's general fund. This Resolution shall serve as the written determination of the basis for such emergency.

FURTHER RESOLVED, the Board of Supervisors does hereby authorize the Township EMC or his Designee to coordinate with the County of Berks Emergency Management Coordinator or his designee, in order to coordinate the activities of the emergency response, to take all appropriate actions necessary to alleviate the effects of this emergency, to aid in the continuation of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

FURTHER RESOLVED, the Board of Supervisors does hereby authorize the Township EMC or his Designee to coordinate with the Fire Chiefs of the Rehrersburg Fire Company and the Mt. Aetna Fire Company or their designee, in order to coordinate the activities of the emergency response affecting the Fire Company, to take all appropriate actions necessary to alleviate the effects of this emergency, to aid in the continuation of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

FURTHER RESOLVED, the Board of Supervisors does hereby suspend all or any provisions of any Township ordinance or resolution if strict compliance with the provisions thereof would in any way prevent, hinder or delay necessary action in coping with this emergency. The Township EMC or his Designee may implement emergency assignments without regard to procedures required by other Township ordinances or resolutions, except mandatory constitutional requirements, pertaining to performance of public work, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of Township public funds, as may be necessary to meet this emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

FURTHER RESOLVED, the Board of Supervisors does hereby authorize the Township EMC or his Designee to use all available Township resources and personnel in whatever manner the Township EMC or his Designee reasonably deems necessary during this emergency to assist in addressing the consequences of this emergency for such length of time as may be necessary to respond to this emergency and as authorized by this Resolution.

FURTHER RESOLVED, the Board of Supervisors does hereby direct that the Township of Tulpehocken emergency management and emergency response plans be activated and that any and all actions be taken as may be necessary to implement such plans, including but not limited to implementing curfews and closing Township owned properties and Township parks, all of which shall be coordinated and implemented through the Township EMC or his Designee.

FURTHER RESOLVED, the Board of Supervisors hereby ratifies, authorizes and approves the Proclamation of Local Disaster Emergency issued by the Chairman of the Board of Supervisors on March 23, 2020 and the activities conducted pursuant thereto.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Township of Tulpehocken that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

FURTHER RESOLVED, that this Resolution shall take effect immediately, or as soon as legally permissible thereafter.

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 23rd day of March, 2020.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA



By:

Dan A. Dech
Chairman

Richard A Kramer
Vice Chairman

Robert Feick
Member

Attest:

Christy Flaherty
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 23rd day of March, 2020.


Secretary of Tulpehocken Township

Dated: March 23, 2020