

**BOROUGH OF WEST READING,
BERKS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2020-5

**A RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF WEST READING, BERKS
COUNTY, PENNSYLVANIA, EXTENDING THE LOCAL
DISASTER EMERGENCY PROCLAIMED BY THE
MAYOR OF THE BOROUGH ON MARCH 17, 2020**

WHEREAS, a novel coronavirus (now known as “COVID-19”) emerged in Wuhan, China, began infecting humans in December 2019, and has since spread to eighty-nine (89) 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; 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 ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health’s Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and

WHEREAS, as of March 18, 2020 there are one hundred thirty-three (133) 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 one hundred thirty-three (133) presumed positive cases of COVID-19 in the Commonwealth as of March 18, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Borough of West Reading, Berks County, Pennsylvania ("Borough"); and

WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Borough; and

WHEREAS, this threat of imminent disaster and emergency has already caused schools, including but not limited to Wyomissing 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 Borough of West Reading, Berks County, Pennsylvania ("Borough") by implementing measures to mitigate the spread of COVID-19 and to permit the Borough 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 Borough is of such magnitude and severity as to require the activation of the West Reading Pandemic Response Plan and any and all other applicable Borough emergency management and emergency response plans; and

WHEREAS, Andrew Kearney, the Mayor of the Borough ("Mayor"), issued a Proclamation of Local Disaster Emergency on March 17, 2020 ("Proclamation") pursuant to the provisions of Subsection 10A06(b) of the Pennsylvania Borough Code, 8 Pa.C.S.A. §§101, et seq., as amended, and Subsection 7501(b) of the Pennsylvania Emergency and the Pennsylvania Management Services Code, 35 Pa. C.S. § 7101, et seq., as amended, and authorized Nicholas Imbesi, the Borough Manager ("Borough Manager"), or his designee, for a period of seven (7) days from the date of the Proclamation, to assume command and control of all Borough emergency operations, and authorized and directed that all Borough departments and agencies utilize all available resources and personnel as is deemed necessary by the Borough Manager 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 West Reading Pandemic Response Plan and any and all other applicable local emergency management and emergency response plans and to authorize the furnishing of aid and assistance thereunder; and

WHEREAS, pursuant to the Proclamation, the Mayor transferred to the Borough Manager, or his designee, such amounts of Borough unused funds as may be approved by Borough Council of the Borough of West Reading ("Borough Council") from time to time during this emergency situation for Emergency Management Assistance expenses related to this emergency, as conditions

require, which funds shall be used for expenses authorized by Borough Council and incurred related to this emergency. The Mayor further directed that any funds transferred pursuant to the Declaration that remain unused after all costs related to this emergency have been satisfied shall be returned to the Borough's general fund. The Mayor further declared that the Proclamation shall serve as the written determination of the basis for such emergency; and

WHEREAS, pursuant to the Proclamation, the Mayor suspended all or any provisions of any Borough 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 Mayor authorized the Borough Manager to implement emergency assignments without regard to procedures required by other Borough 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 Borough 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; and

WHEREAS, pursuant to the Proclamation, the Mayor authorized the Borough Manager to use all available Borough resources and personnel in whatever manner the Borough Manager 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 the Proclamation, as may be extended by Borough Council; and

WHEREAS, pursuant to the Proclamation, the Mayor authorized Stephen D. Powell, the Borough Chief of Police ("Police Chief") to use all available Borough Police Department resources and personnel in whatever manner the Police Chief reasonably deems necessary during this emergency to assist the actions of the Borough Manager 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 the Proclamation; and

WHEREAS, pursuant to the Proclamation, the Mayor directed that the West Reading Pandemic Response Plan and any and all other applicable Borough 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 Borough-owned properties and Borough parks, all of which shall be coordinated and implemented through the Borough Manager; and

WHEREAS, pursuant to the provisions of Subsection 10A06(b) of the Pennsylvania Borough Code, 8 Pa.C.S.A. §§101, et seq., as amended, and Subsection 7501(b) of the Pennsylvania Emergency and the Pennsylvania Management Services Code, 35 Pa. C.S. § 7101, et seq., as amended, the Proclamation may be extended by resolution of Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council, and IT IS HEREBY RESOLVED by the authority of the same, that the Proclamation, and all rights granted therein, be extended until the next regularly scheduled meeting of Borough Council on April 22, 2020, at which time the Proclamation may be extended by Borough Council if deemed necessary by Borough Council.

FURTHER RESOLVED, that the Borough Manager is hereby authorized to coordinate with Thomas S. Bausher, the Borough Emergency Management Coordinator, in order to coordinate the activities of the emergency response, to take all appropriate action 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 responds to this emergency.

RESOLVED at a duly constituted meeting of Borough Council this 23rd day of March, 2020.

BOROUGH OF WEST READING,
BERKS COUNTY, PENNSYLVANIA

By: [Signature]
Jack Gombach, President of Borough Council

By: [Signature]
Philip Wert, Vice President of Borough Council

By: [Signature]
Christopher Lincoln, Pro-Tem

By: [Signature]
Nicholas Gardecki, Member

By: [Signature]
Patrick Kaag, Member

By: [Signature]
Jennifer Bressler, Member

By: [Signature]
Samantha Kaag, Member

Attest: [Signature]
Secretary

[SEAL]

Examined and approved this 23rd day of March, 2020.

[Signature]
Andrew Kearney, Mayor