

EMERGENCY DECLARATION EMERGENCY REGARDING THE CORONAVIRUS

WHEREAS, the Mayor of the Borough issued an emergency Declaration that provides:

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention have declared COVID-19 a public health and pandemic emergency and the United States Department of Health and Human Services has declared that COVID-19 creates a public health emergency; and

WHEREAS, The President of the United States of America declared a National Emergency on March 13, 2020;

WHEREAS, people affected by COVID-19 experience influenza — like symptoms and causing illness and even loss of life, particularly to high-risk individuals, i.e. people over sixty and those individuals with preexisting conditions; and

WHEREAS, the Borough of Dickson City is home to a particularly high population of those who meet the Center for Disease Control and Prevention definition of high- risk persons who are more vulnerable to effects of COVID-19; and

WHEREAS, on March 16, 2020, the Office of the Governor of the Commonwealth of Pennsylvania issued a Proclamation of Disaster Emergency; and

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

WHEREAS, it is critical to prepare for and respond to cases of COVID-19 in the Borough of Dickson City and to implement measures to mitigate its spread; and

WHEREAS, the Borough will, during this period of this emergency, need to procure goods, property, and services to continue operations and to respond rapidly to this health crisis; and

WHEREAS, the Pennsylvania Borough Code requires bidding for the purchase, leasing or renting goods, supplies and services for all contracts subject to, inter alia, § 1402. Regulation of contracts of the Borough Code; and

WHEREAS, the Borough Code provides in pertinent part:

4) If the mayor considers that a state of emergency exists, the mayor may issue a proclamation, which shall be in writing and posted in one or more conspicuous places and the contents of which shall be made available to all news media, declaring a state of emergency for a period not to exceed seven days unless sooner rescinded, modified or ratified or extended by resolution of council. 8 Pa. Stat. and Cons. Stat. Ann. § 10A06

WHEREAS, the Governor of the State of Pennsylvania issued on March 16, 2020 a state-wide Declaration of Emergency, urging all political subdivisions affected by this emergency to meet the exigencies by employment of temporary workers, equipment rental and such contracts as may be required to meet this emergency, all without regard to those time consuming procedures and formalities normally proscribed by law, mandatory constitutional requirement excepted; and

WHEREAS, the Borough Code provides in part:

(d) Contracts or purchases.--The contracts or purchases made by council, which shall not require advertising, bidding or price quotations as provided in this part, are as follows:

...

(1.1) Those for emergency maintenance, repairs or replacements for water, electricity or public works of the Borough, if they do not constitute new additions, extensions or enlargements of existing facilities and equipment, but security may be required by council, as in other cases of work done. The actual emergency and the nature of the procurement shall be stated in a resolution by council and adopted at the next public meeting.

(1.2) Those for the mitigation of a real or potential emergency involving a clear and present danger to the health, safety and welfare of the residents of the Borough. For those contracts or purchases made in cases of emergencies, the actual emergency and the nature

of the procurement shall be stated in a resolution by council and adopted at the next public meeting. 8 Pa. Stat. and Cons. Stat. Ann. § 1402

WHEREAS, Emergency Management Services Code, 35 Pa. Stat. and Cons. Stat. Ann. § 7101 the provides:

(b) Declaration of disaster emergency.--A local disaster emergency may be declared by the governing body of a political subdivision upon finding a disaster has occurred or is imminent. The governing body of a political subdivision may authorize the mayor or other chief executive officer to declare a local disaster emergency subject to ratification by the governing body. The declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing body of the political subdivision. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the agency. The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local emergency management plans and to authorize the furnishing of aid and assistance thereunder.

(c) Contracts and obligations.--In carrying out the provisions of this part, each political subdivision shall have the power to enter into contracts and incur obligations necessary to disaster emergency management, response and recovery.

(d) Temporary suspension of formal requirements.--Each political subdivision included in a declaration of disaster emergency declared by either the Governor or the governing body of the political subdivision affected by the disaster emergency is authorized to exercise the powers vested under this section in the light of the exigencies of the emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the

employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. 35 Pa. Stat. and Cons. Stat. Ann. § 7501

Pursuant to Pennsylvania Borough Code Section 10A06 (b), I, Robert W. MacCallum, Mayor of the Borough of Dickson City, do hereby PROCLAIM AND DECLARE A STATE OF EMERGENCY due to a Public Health Emergency due to the pandemic affecting the health, welfare and safety of residents of the Borough of Dickson City, said emergency period beginning for a period of seven (7) days starting at 12:00 A.M. March 18,2020, or as rescinded or extended by Council of the Borough of Dickson City, and hereby authorize the Borough officials and designees , to take all appropriate action needed to alleviate the effects of the public health emergency, and to provide essential services deemed necessary to respond to this emergency requiring personnel, property, services, and supplies.

I hereby declare the following public properties of the Borough of Dickson City to be "RESTRICTED AREAS" to wit;

- Dickson City Borough Building, 901 Enterprise Street;*
- Dickson City Police Station, public access to the Dickson City Police Department, 901 Enterprise Street, will be will be limited to emergencies only, until further notice, if you have an emergency and need a police officer immediately call 911. Otherwise, call the non-emergency number at 570 489-3231 or 570 342-9111.*
- Dickson City Community Center, 935 Albert Street St*

And furthermore, effective 12:00 A.M. on Wednesday March 18, 2020 entry by the general public to these areas is hereby restricted until further notice;

And furthermore, the Borough Manager shall post the affected areas with the appropriate notice, and shall provide copies to each member of the Borough Council, news media and the Dickson City Police Department who shall enforce this directive pursuant to the Pennsylvania Borough Code, Section 10A06 (b) with regards to penalties for violation;

And furthermore, this Declaration of Emergency shall remain in effect until March 25, 2020 at 12:00 A.M., until lifted, modified or suspended by action of the Dickson City Borough Council.

WHEREAS, the elected Tax Collector for the Borough of Dickson City (“Borough”) , Jerri Prushinski, has requested in writing that the Borough appoint, Cesare Forconi as Deputy Tax Collector for the tax year 2020 and 2020.

WHEREAS, the Borough of Dickson City has the authority to make such appointment under the Local Tax Collection Law, 72 P. S. 5511.22.

NOW THEREFORE, BE IT RESOLVED, that the Declaration is modified and extended as follows:

Section 1. RESTRICTED AREAS is hereby ratified and extended by Council with the addition of the Eagle Hose building located at 1 Eagle Lane.

Section 2. Further, during the current crises, Tax payments, by check only, may be made by deposit into the receptacle at the Borough Building, 901 Enterprise Street, Dickson City, Pa (when allowed by further order of the Governor) or mailed to the Tax Collector at as indicated on the tax bill. Nothing herein is intended to vary the tax collection laws of the Commonwealth. It remains the responsibility of the taxpayer to ensure the payment has been received and applied.

Section 3. Cesare Forconi is hereby appointed Deputy Tax Collector for the tax years 2020 and 2020 subject to the securing of a bond and at no additional cost, charge or expense to the Borough of Dickson City other than the cost of the bond. Further pursuant to the Local Tax Collection Law the Tax Collector, Jerri Prushinski , appointing the deputy collector, shall be responsible for and account to the Borough for all taxes received or collected by his deputy, serving until revoked in writing by the Tax Collector, resignation or action by Council

Section 3. AND FURTHER, this Declaration shall remain in effect until April 14,2020 modified or terminated by the Mayor of Dickson City or Governor of Pennsylvania or such other action by Council.

Adopted this 27th day of March, 2020.

ATTEST:

THE BOROUGH OF DICKSON CITY

By:_____

Donna Sosik, Secretary

Jeffrey R. Kovaleski, President

Approved this 27th day of March, 2020

Robert MacCallum, Mayor