

**CHERRY TOWNSHIP
BOARD OF SUPERVISORS**
RESOLUTION NO. 2020-05

**A DECLARATION AND RESOLUTION OF CHERRY TOWNSHIP DECLARING
A LOCAL EMERGENCY.**

WHEREAS, 35 Pa. C.S.A. § 7501(b) authorizes the Chairman of the Board of Supervisors and the Board of Supervisors to declare a local disaster emergency upon finding that a disaster has occurred or is imminent;

WHEREAS, § 709(a) of the Pennsylvania Sunshine Act permits municipalities to hold an emergency meeting, without notice upon call of the Chairman when there exists a clear and present danger to life;

WHEREAS, the Chairman of the Cherry Township Board of Supervisors held an emergency meeting on April 1, 2020 for the purpose of declaring a local disaster emergency, and the Board met again on April 8, 2020 to reinstate the declaration, allowing for continuance of the declaration for an undetermined amount of time;

WHEREAS, the Governor of Pennsylvania has declared an emergency dated on March 6, 2020 and issued an Order on March 19, 2020, as from time to time amended, directing that certain businesses shut down due to an emergency, the emergency being the spread of the COVID-19/Coronavirus for the purpose of limiting the spread;

WHEREAS, § 301(b)(f) of the Emergency Management Act authorizes the Governor to utilize local resources when reasonably necessary;

WHEREAS, the Governor has not directed the use of local resources, nor has the Governor directed local government to be shut down;

WHEREAS, pursuant to the Federal Emergency Management Act Guidelines (<https://training.fema.gov/emiweb/downloads/is208sdmunit3.pdf>), local government is the primary responder to crises, and local government is to maintain the response and lead the recovery effort at the local level;

WHEREAS, local government must be ready to utilize the powers provided to it by the Pennsylvania legislature in the Second Class Township Code and the Pennsylvania Emergency Management Act; and

WHEREAS, the Township supports the war on Coronavirus declared by the President of the United States -- the silent oppressor must be defeated.

BE IT RESOLVED, THEREFORE as follows:

1. The recitals set forth above are made a part hereof.

2. COVID-19/Coronavirus constitutes a public health disaster which warrants a local disaster emergency.
3. The Chairman of the Board of Supervisors hereby declares a local disaster emergency.
4. The Board of Supervisors hereby ratifies and approves the Declaration of Emergency by the Chairman of the Board.
5. The Township and the Board of Supervisors specifically reserve all powers granted to them pursuant to the Second Class Township Code and the Emergency Management Act.
6. The Township and its employees and emergency management administrator shall exercise the Federal Emergency Management Act when and as necessary.
7. In the furtherance thereof, Cherry Township is authorized to exercise the powers vested under 35 Pa. C.S. § 7501, *et seq.*, 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.
8. The Board of Supervisors will use its best efforts to help contain the spread of the Coronavirus and respond to secondary effects by maintaining good order. The Police Department is hereby authorized to respond accordingly.
9. The Board approves any reasonable response to a neighboring municipality in the furtherance of this local disaster emergency.
10. The Board of Supervisors may, at its option, organize a committee of Supervisors to carry out the terms of this local emergency.
11. The Board of Supervisors declares this emergency without date of expiration, as permitted, by the State, for this particular pandemic. The Board will cancel this declaration at such time that the disaster declaration is lifted by the State.
12. The Board of Supervisors shall endeavor to hold a public meeting as soon as practical under reasonably safe conditions, at which time it will ratify this Declaration and Resolution.

SO DECLARED, ORDAINED AND ENACTED this 8th day of APRIL, 2020.

ATTEST:

Carolyn R. Yeager
Township Secretary



(SEAL)

CHERRY TOWNSHIP
BOARD OF SUPERVISORS:

By: Frank Frank
Chairman

By: David A. Mueller
Vice-Chairman

By: WS Smith
Supervisor

By: _____
Supervisor

By: _____
Supervisor