

**RESOLUTION R-21-21**

**RESOLUTION OF THE TOWNSHIP OF NORTHAMPTON  
DECLARING A STATE OF EMERGENCY**

**WHEREAS**, the Township of Northampton, Bucks County, Pennsylvania, is a township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Northampton, in the exercise of its lawful powers, is vested by the Second Class Township Code of Pennsylvania, 53 P.S. 65101, et seq., with the responsibility, among other things, for the maintenance of peace, good government, health and welfare of the Township and its citizens, for the safety of persons and property within the Township, and to assure the proper and adequate collection, transportation, storage and disposal of municipal waste which is generated or present within its boundaries, to assure adequate capacity for the disposal of municipal waste generated within its boundaries; and

**WHEREAS**, in accordance with, and in furtherance of, its rights, duties and responsibilities for the collection, transportation, storage and disposal of solid waste, yard waste, recyclable materials, and other refuse materials, as set forth more fully in the Second Class Township Code of Pennsylvania, 53 P.S. 67101-67108, and in the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, 53 P.S. 4000.101, et seq., 4000.304, the Township entered into a Residential Solid Waste and Recyclable Materials Collection Agreement, dated July 27, 2017, with Solid Waste Services, Inc. d/b/a J.P. Mascaro & Sons (hereinafter "Mascaro"); and

**WHEREAS**, beginning in April, 2020, the Township began to experience interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and

yard waste by Mascaro, which interruptions and occasions of non-performance have continued unabated, and increased in frequency of occurrence, through to the date of this Resolution; and

**WHEREAS**, such interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and yard waste by Mascaro have currently resulted in notification of missed collections from Township residents in some cases totaling as many as three hundred such complaints and notices in a single day, representing over 15,000 missed collections; and

**WHEREAS**, such notices and complaints of interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and yard waste by Mascaro advise the Township that the collection of household solid waste and recyclable materials have lasted for as much as two weeks at a time, and in the case of yard waste have lasted for up to four weeks at a time; and

**WHEREAS**, Mascaro has represented to the Township that resource shortages within its company and within the solid waste collection industry are the cause of the interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and yard waste by Mascaro, and Mascaro has further represented to the Township that such resource shortages are likely to continue into the foreseeable future; and

**WHEREAS**, the current and ongoing interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and yard waste by Mascaro have resulted in the accumulation of household solid waste, recyclable materials and yard waste along the streets and roads within the Township, as well as on many of the residential properties located within the Township, which such accumulations create, among other things, 1) unsightly, littered, and blighted roadways and properties within our community; 2) unsanitary conditions

that attract and result in insect, rodent and vermin infestation; 3) water pollution from household solid waste, yard waste, the byproducts of the same, and other various contaminants, flowing into storm sewers, streams, tributaries, and other bodies of water, as well as infiltrating into the soils and groundwater of the Township; and 4) the risk of disease and other various unhealthy conditions resulting from the same; and

**WHEREAS**, the Township may become subject to penalties and enforcement by the Pennsylvania Department of Environmental Protection should Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988) should the current and ongoing interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and yard waste by Mascaro result in violations of that Act; and

**WHEREAS**, for all of the reasons set forth above, the current and ongoing interruptions in, and/or non-performance of, the collection of household solid waste, recyclable materials and yard waste by Mascaro has endangered the health, public safety and general welfare of the residents of Northampton Township, and accordingly, in the lawful exercise of its powers and discretion, the Township has determined it necessary, at this time, to declare a state of local emergency within its borders,

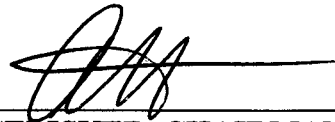
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Northampton Township, that pursuant to the applicable provisions of the Pennsylvania Emergency Management Services Code, 35 Pa.C.S.A. 7101, et seq., the Second Class Township Code of Pennsylvania, 53 P.S. 65101, et seq., and the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. 4000.101, et seq., a State of Emergency is hereby declared in and within Northampton Township, effective September 22, 2021, and for a period of ninety (90) days until renewed or rescinded; and

**FURTHER RESOLVED**, that the Township Coordinator of Emergency Management is hereby authorized and directed to give prompt and general publicity to this Declaration, to file it promptly with the Bucks County Emergency Management Agency, to coordinate with the Township Manager, and/or his designee, all activities of response to this emergency so as to alleviate, and where possible eliminate, the effects of the same, and to take any other emergency response action deemed necessary to respond to this disaster emergency; and

**FURTHER RESOLVED**, that all other officers of the Township are hereby authorized and directed to take any and all steps necessary to respond to this disaster emergency and to otherwise carry out the purposes of this Resolution.

**ADOPTED** at a regular meeting of the Board of Supervisors of the Township of Northampton this 22<sup>nd</sup> day of September, 2021.

**BOARD OF SUPERVISORS  
NORTHAMPTON TOWNSHIP**



---

**ADAM SELISKER, CHAIRMAN**

**ATTEST:**



---

**FRANK O'DONNELL, SECRETARY**