

## Debra Thompson

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**From:** Rikki McKay <rikkimckaymalone@gmail.com>  
**Sent:** Monday, November 15, 2021 10:06 AM  
**To:** Assembly  
**Subject:** Proposed Ordinance 2021-20

Thank you for taking the time to pass ordinance 2021-19, implementing a temporary masking requirement in public buildings in the borough in response to rapidly escalating case numbers. While mandates are rarely useful in changing behavior, the establishment of community norms is supported, in part by laws, codes and mandates. I appreciate living in a community where the response to an outbreak of highly contagious disease is mitigation. However, the proposed ordinance 2021-20 is an ill-conceived, ugly step in the wrong direction and contains multiple layers of harm to our most vulnerable citizens while presenting ongoing enforcement problems.

First by requiring businesses and building occupants to deny admission of unmasked persons to buildings, the borough is placing enforcement duties squarely on the shoulders of front-line workers. These workers rarely make more than minimum wage, are not armed, nor equipped with a means to prevent entry of said unmasked individuals. In addition to all the economic, emotional and medical harms of the pandemic these workers have already endured, the borough is looking for them to provide free enforcement of their mandates. Particularly upsetting about this is that assembly members themselves are already expressing fatigue and emotional distress from dealing with people unwilling to mask and now this mandate passes that distress along to minimum wage employees who did not choose to run for public office. I don't appreciate living in a community that takes advantage of it's hard working businesses and their staff in this manner.

Additionally, the ADA modification portion of this mandate is also placing a burden unfairly on persons with disabilities and again, business owners. The "allowance" of a face shield as the only ADA modification a business may provide requires business to have face shields on hand and grossly misunderstands the multitude of disabilities that may prevent a person from masking. For many who cannot mask due to disability, face shields are equally as impossible. Forcing community members to disclose disabilities in public spaces is not in any way acting in the spirit of ADA law. Fines for parents of disabled children who cannot mask or wear a face shield seems like a sticky legal situation. Once again, passing the duty to determine these issues off to a retail worker is irresponsible and reckless. I don't appreciate living in a community that additionally burdens people who already deal with disabilities on a daily, minute by minute basis.

The current masking mandate requires developmentally inappropriate masking of children aged 3-5. This ordinance would allow fines for toddlers who can't safely wear masks in the first place. Placing a financial burden on young families at this time is unconscionable. It also doesn't align with additional portions of this mandate that exempt child care centers from following this mandate. How can the borough justify allowing children to be unmasked all day long in their primary care settings and then turn around and fine their parents when they cannot manage a mask at the grocery store for 20 minutes? I don't appreciate living in a community that places excessive stressors and financial burdens on families who care for young children.

My final concern is more of a question really. Google deep dive could not even answer, "can a local government fine the federal government?" One of the few places in town I actually see a risk from unmasked people is the post office. There isn't room to spread out, there is limited ventilation and the length of time required in the space is usually at least an hour. Further, one cannot simply not go to the post office, as one could decide not to attend a large indoor gathering that was unmasked. These conditions prompted me to consider how nice it would be to have enforcement of a masking mandate. However, according to proposed mandate 2021-20 the enforcement would be issuing a fine to the US Postal Service and would require a postal employee to receive the service of the fine. I have a hard time justifying any

borough official waiting in that postal line just to serve masking violation fines to an agency that I'm guessing isn't going to be paying them anyway. Along these same lines, what is going to happen to businesses that don't pay their \$100 fines? Will the borough be taking them to small claims court? What is the financial impact of fighting those battles? I don't appreciate living in a community that utilizes taxpayer funds in inefficient ways.

If the assembly's response to these concerns is "Well that's not what this is for. We wouldn't do those things. This is for other situations." My concerns are not relieved, they are intensified. Any mandate within this community should be universally enforced and if a mandate cannot be universally enforced, it probably should not exist. I don't appreciate living in a community that contributes to systemic inequalities.

In conclusion, I urge assembly members to pass on these modifications to the existing ordinance. Please continue to support public health directives. Be an example of the behavior we wish to see from all our community members. The temporary masking mandate makes sense during a rapidly spreading outbreak. Wearing a mask is not a difficult act for many people and I deeply appreciate all those community members who are able to take this extra step when we are seeing case numbers increase. However, a poorly designed, punitive adjustment to the mandate will not achieve the masking compliance the assembly is hoping for and will only serve to burden those who have already borne so much cost.

Thank you.

Rikki McKay