



Borough Council Meeting Work Session
June 16, 2026 @ 6:30 PM
This meeting is recorded for public record.

| | | |
|------------------------------|------------------|------------------------|
| Nicole Scimone, President | Member, 4th Ward | Term Expires: 12/31/27 |
| Bernie Flynn, Vice President | Member, 6th Ward | Term Expires: 12/31/27 |
| Bryan Travis | Member, 2nd Ward | Term Expires: 12/31/27 |
| Brian McGinnis | Member, 3rd Ward | Term Expires: 12/31/29 |
| Stephen Marvin | Member, 5th Ward | Term Expires: 12/31/29 |
| Lisa Kearns | Member, 7th Ward | Term Expires: 12/31/29 |
| Jerome Szczepaniak | Member, 1st Ward | Term Expires: 12/31/29 |

Mayor: Lillian L. DeBaptiste

Borough Manager: Sean Metrick

Borough Council Meeting:

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements
 - A. Announce the purpose of the June 11, 2026 Executive Session
 - B. Announce the Borough Administrative Offices will be closed on June 19, 2026 for the Juneteenth Holiday; and, July 3, 2026 for the 4th of July Holiday
 - C. A Public Hearing will be held June 17 at 6:30 PM: Chapter 104, titled “Vehicles and Traffic,” to prohibit parking on the north side of Wollerton Street on Monday and Thursday from 2:00 am to 5:00 am; Section 104-33, titled “Parking Time Limited At Certain Locations” and to amend Section 104-47 titled, “Parking Meter Zones Established.”
 - D. A Public Hearing will be held June 17 @ 6:30 PM amending Chapter 80 of the Borough Code titled “Peddling And Soliciting; Handbills And Posters; Street Performances”, to amend the regulations related to Peddling and Soliciting. (attachment)
 - E. WCU Master Plan Conditional Use Hearing to be continued to June 22, 2026 at 6:00 PM in Borough Council chambers.
 - F. A Public Hearing will be held on July 15, 2026 at 6:30 PM to amend Chapter 112 to allow Data Center and Data Center Campus as uses permitted by Conditional Use in the Industrial District (attachment)

- G. There will be a Public Meeting on July 9, 2026, 7:00-9:00 PM in Room #232 at Borough Hall for the National Foam Clean Up Plan - Presented by National Foam/Ramboll. The public is welcome to attend
- H. Announce the Revolutionary flag raising ceremony at Borough Hall on July 1st at 9:30 AM

IV. Comments

Comments, suggestions, petitions by residents, taxpayers and visitors in attendance regarding items that are not on the agenda. Please be advised there is a 5-minute time limit which is at the discretion of the Council President and/or Chair.

V. Reports/Presentations

- A. Borough Manager Report

VI. Old Business

- A. Approve the May 18 and 20, 2026 Borough Council Meeting Minutes

VII. New Business

- A. Interview for a vacancy on the West Chester Borough Pension Committee: Kadushin, David
- B. Public Works Committee
 - 1) Motion to approve COSTARS quote for relining of CMP Culvert on North Everhart Street
Issue: Culvert needs to be repaired. Will also appear on Finance agenda.
Committee Recommendation: 3-0
 - 2) Motion to approve the sale of the Wastewater F-250 vehicle on Municibid with the funds being deposited into the sewer fund.
Issue: sale of decommissioned Wastewater vehicle
Committee Recommendation: 3-0
- C. Public Safety
 - 1) Discuss drafting an Ordinance to prohibit the sale of kratom and 7-hydroxymitragynine (7-OH) in the Borough of West Chester (attachment)
Committee Recommendation 3-0 for further discussion
 - 2) Motion to approve a zoning Amendment to Chapter 112– Smoke/Vape Shops; and, schedule a public hearing on August 19, 2026 (attachment)
Issue: Review proposed amendments to Chapter 112
Committee Recommendation: 3-0
- D. Parking Committee
 - 1) Motion to approve considerations for upcoming amendment to Chapter 104: Vehicles and Traffic

Issue: Director has provided changes for inclusion in the upcoming ordinance update that require Council approval. Committee recommendations are listed in the attachment.

Committee Recommendation: 3-0

E. Finance & Revenue Committee

- 1) Motion to rescind the 2026 paving award to T. Schiefer Contractors; and, award the 2026 paving contract to Longs Asphalt for a total base bid amount of \$243,587.35 (attachment)

No Committee Recommendation

- 2) Motion to approve Budget Modification #2026-4 for capital improvements to splash pad at John O. Green Park (attachment)

Issue: increased costs for project exceed budget.

No Committee Recommendation

- 3) Motion to approve purchasing requests (attachment):

Issue: Review and recommend the approval of qualifying purchase orders:

1. VIPR Ai, LLC for \$11,200
2. Abel Recon- N.Everhart Street Stormwater Culvert Relining for \$198,000.00
3. McClure Company for \$17,985

Committee Recommendation: 3-0

F. Smart Growth

- 1) Motion to approve HARB applications

Issue: Consider a Motion to approve the May HARB Certificates of Appropriateness

2. 2026-10 21 W. Washington St-Door, window, trim-replace and paint change

3. 2026-11 104 E. Gay St-Sign

4. 2026-12 125 N. Church St-Sign

5. 2026-13113 W. Chestnut St-Exterior renovation, mural removal

6. 2026-14 129 e. Gay St-Exterior Renovation/sign

Committee Recommendation 3-0 to approve May HARB Applications #2 through #6

- 2) Motion to deny HARB application

Issue: Consider Motion to deny the May HARB Certificate of Appropriateness

1. 2026-09 20 W. Chestnut St-Garage demolition

Committee Recommendation 3-0 to deny

G. Administration, Communication & Technology

- 1) Discuss increasing the compensation for the Mayor and Borough Council pursuant to State law, Act 131 (attachment)

No Committee Recommendation

VIII. Other Business

IX. Adjournment

Visit www.west-chester.com for access to all attachments.

Agendas are posted to www.west-chester.com by noon 3 business days prior to the meeting.

ORDINANCE NO. ____ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 104, TITLED "VEHICLES AND TRAFFIC," SPECIFICALLY TO AMEND SECTION 104-32, TITLED "PARKING PROHIBITED DURING CERTAIN HOURS" TO PROHIBIT PARKING ON THE NORTH SIDE OF WOLLERTON STREET ON MONDAY AND THURSDAY FROM 2:00 AM TO 5:00 AM; SECTION 104-33, TITLED "PARKING TIME LIMITED AT CERTAIN LOCATIONS" AND TO AMEND SECTION 104-47 TITLED, "PARKING METER ZONES ESTABLISHED."

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 104 of the Code of the Borough of West Chester, titled, "Vehicles and Traffic," shall be amended as follows:

SECTION 1. Section 104-32, titled, "Parking prohibited during certain hours," is hereby amended **TO ADD** the following:

§ 104-32. Parking prohibited during certain hours.

The parking of motor vehicles is prohibited as follows:

| Highway | Side | Days/Hours | Location |
|------------------|-------|-------------------------------------|--|
| Wollerton Street | North | Mon. and Thurs. / 2:00 am – 5:00 am | From Darlington Street to South New Street |

SECTION 2. Section 104-33, titled, "Parking time limited at certain locations," shall be amended to read as follows:

§ 104-33. Parking time limited at certain locations.

A. Three-hour zone;

- (1) Except for such spaces as are or shall be designated as bus spaces, entrances to hotels and theaters, fireplugs or other places where parking is now or may hereafter be prohibited, it shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 8:00 a.m. and 10:00 p.m. on Monday, Tuesday and Wednesday, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays (except holidays), to park such vehicle for more than three hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as three-hour parking zones:

| Highway | Side | Location |
|------------------|-------|---|
| Chestnut Street | Both | From Darlington Street to Matlack Street |
| Church Street | Both | From Barnard Street to Union Street |
| High Street | Both | From Gay Street to Biddle Street |
| High Street | West | From Dean Street to a point approximately 45 feet south of Union Street as signed |
| Lafayette Street | North | From Church Street to High Street |
| Matlack Street | East | From Market Street to Cedar Alley |
| Miner Street | Both | From Darlington Street to New Street |
| Miner Street | Both | From High Street to Church Street |
| Miner Street | Both | From Railroad Avenue to Matlack Street |
| Railroad Alley | West | Cedar Alley to E Miner St |
| Walnut Street | West | From Prescott Alley to the end of 222 N Walnut St. |

SECTION 3. Section 104-47, titled, "Parking meter zones established," shall be amended to read as follows:

§ 104-47. Parking meter zones established.

- A. Three-hour zone; with rates to be established by resolution of Borough Council.
 - (1) Except for such spaces as are or shall be designated as bus spaces, entrances to hotels and theaters, fireplugs or other places where parking is now or may hereafter be prohibited, it shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 8:00 a.m. and 10:00 p.m. on Monday, Tuesday and Wednesday, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays (except holidays), to park such vehicle for more than three hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as three-hour parking meter zones with rates to be established by resolution of Borough Council:

| Highway | Side | Location |
|-------------------|-------|---|
| Chestnut Street | North | From Church Street to Matlack Street |
| Chestnut Street | South | From New Street to Matlack Street |
| Church Street | East | From Patton Alley to Barnard Street |
| Church Street | West | From Patton Alley to Barnard Street |
| Darlington Street | West | From Chestnut Street to Miner Street |
| Gay Street | Both | From Matlack Street to New Street |
| High Street | Both | From Washington Street to Dean Street |
| Market Street | North | From Entrance to 330 W Market Street to High Street |
| Market Street | South | From Darlington Street to Franklin Street |
| Matlack Street | East | From Market Street to Cedar Alley |
| Miner Street | North | From Church Street to Walnut Street |
| Miner Street | South | From Church Street to High Street |
| New Street | West | From Gay Street to Market Street |
| Walnut Street | East | From Chestnut Street to Cedar Alley |
| Walnut Street | West | From Prescott Alley to Gay Street |
| Wollerton Street | North | From Darlington Street to New Street |
| Wollerton Street | South | From New Street to Borough Parking Lot No. 9/Miner St Lot |

B. Four-hour zone; with rates to be established by resolution of Borough Council.

- (1) Except for such spaces as are or shall be designated as bus spaces, entrances to hotels and theaters, fireplugs or other places where parking is now or may hereafter be prohibited, it shall be unlawful and a violation of this article for the owner or operator of any motor vehicle, between the hours of 8:00 a.m. and 10:00 p.m. on Monday, Tuesday and Wednesday, between the hours of 8:00 a.m. and 12:00 midnight on Thursdays and Fridays, and between the hours of 5:00 p.m. and 12:00 midnight on Saturdays (except holidays), to park such vehicle for more than four hours at any time upon the streets in the Borough of West Chester hereinafter described, which are hereby established as four-hour parking meter zones with rates to be established by resolution of Borough Council:

| Highway | Side | Location |
|-------------------|-------|---|
| Church Street | Both | From Sharpless Street to Rosedale Avenue |
| High Street | West | From University Avenue to Rosedale Avenue |
| Linden Street | Both | From High Street to Sharon Alley |
| New Street | East | From Sharpless Street to Rosedale Avenue |
| Nields Street | Both | From New Street west to the entrance of the West Chester University Parking Garage (on the south side) and along McBratnie Park (on the north side) |
| Sharpless Street | South | From High Street to New Street |
| University Avenue | Both | From High Street to Church Street |

SECTION 4. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 5. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

ORDINANCE NO. ____ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 80 OF THE BOROUGH CODE TITLED “PEDDLING AND SOLICITING; HANDBILLS AND POSTERS; STREET PERFORMANCES”, ARTICLE I TITLED PEDDLING AND SOLICITING TO AMEND THE REGULATIONS RELATED TO PEDDLING AND SOLICITING.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester as follows:

SECTION 1. Chapter 80 of the Borough Code titled, “Peddling and Soliciting; Handbills and Posters; Street Performances”, Article I, titled, “Peddling and Soliciting” shall be amended in its entirety and replaced with the following new Article I:

“ARTICLE I. Peddling and Soliciting.

§ 80-1. Purpose.

This Article is intended to regulate soliciting and peddling in the Borough to ensure the public health, safety, and welfare; to protect against criminal activities, such as fraud and burglary; to minimize disruption and disturbance to residents and businesses and to maintain the public streets and sidewalks in a safe and passable condition.

§ 80-2. Definitions; word usage.

A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

GOODS

Any wares, foodstuffs, merchandise, or services offered for sale, whether or not displayed.

LEGAL HOLIDAY

New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

PEDDLER

Any Person who goes upon the premises of any private residence or business in the Borough, not having been invited by the occupant thereof, or any Person who goes upon the Borough streets, sidewalks, or other public place, carrying or transporting

Goods, wares, merchandise, personal property, or services of any nature, or offering the same for sale.

PEDDLING

All activities ordinarily performed by a Peddler as indicated under the definition of "Peddler" herein.

PERSON

Any natural Person, partnership, association, corporation, or other legal entity.

SOLICITING

All activities ordinarily performed by a Solicitor as indicated under the definition of "Solicitor" herein.

SOLICITOR

Any Person who goes upon the premises of any private residence or business in the or business in the Borough, not having been invited by the occupant thereof, or any Person who goes upon any or Borough street, sidewalk, or other public place, for the purpose of offering, taking or attempting to take orders for the sale of Goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future, or for the solicitation of support or donations where said support or donation is unsolicited by the Person or entity being solicited.

- B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 80-3. License required; fee.

No Person shall engage in Peddling or Soliciting within the Borough without first having obtained from the Borough a license, including any application fee or related fees, in an amount set by resolution of the Borough Council.

§ 80-4. Application for license.

- A. Every Person desiring a license under this article shall file an application with the Borough prior to commencing Soliciting or Peddling activities. The application shall include, at a minimum, the following:
 - (1) The applicant's full name, date and place of birth, local address, permanent address, telephone number, and copy of driver's license or other form of photo identification.
 - (2) The name, address, telephone number, and tax identification number of the applicant's employer or principal.

- (3) The nature of business or activity in which the applicant wishes to engage within the Borough and a description of the Goods to be sold or the service to be performed.
- (4) The days of the week and hours the applicant wishes to engage in such activity and the specific location where the peddling or soliciting shall occur.
- (5) If a vehicle is to be utilized, a description of the vehicle, the vehicle license number and expiration date, operator's driver's license number and expiration date and proof of automobile liability insurance.
- (6) An authorization from the applicant's employer or principal, which shall contain an agreement on the part of the employer or principal, in consideration for issuance of the license, to become liable for any and all acts of the applicant, while in the Borough.
- (7) An FBI clearance certificate that is dated within 12 months from the date of the application.
- (8) Proof of possession of any license or permit which the applicant is required to have under federal, state, county or other local law in order to conduct the proposed Peddling or Soliciting including proof of registration with the Commonwealth based on the Pa. Solicitation of Funds for Charitable Purposes Act.
- (9) An acknowledgement that the applicant is aware of and understands the regulations set forth in this article.
- (10) If the applicant intends to utilize other people to assist in the Peddling or Soliciting, all applicable information shall also be supplied for each person, and each person will be required to obtain his/her/their own license.

B. Licenses are not transferable to any other Person or entity.

§ 80-5. Exemptions.

The following Persons, although subject to all other provisions of this Article, are exempt from the license and application requirements when engaging in the activities described herein:

- A. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described below, when so engaged:
 - (1) Real estate broker.
 - (2) Insurance broker.

(3) Securities broker.

B. Political campaign workers.

C. Any organizations that are exempt from registration and licensing based on the Pa. Solicitation of Funds for Charitable Purposes Act.

§ 80-6. Issuance of license; display and exhibit.

A. Upon receipt of such an application and the prescribed fee, the Borough shall have 10 business days to review and verify the information provided.

B. The Borough may deny a license if: 1) the application is incomplete; 2) the FBI clearance certificate evidences that the applicant was convicted of a felony or misdemeanor involving dishonesty, deceit, fraud, theft, sexual offenses, or crimes of violence in the past 10 years; 3) there are misrepresentations in the application; 4) any fraud or deceit is identified in the application; 5) there is prior failure to comply with any law concerning Soliciting, Peddling or consumer sale; or 6) the sale or offering for sale of illegal merchandise or services is proposed.

C. If the application is otherwise in order and there are no grounds for denial of a license as set forth in 80-6.B above, the Borough shall issue the license to the applicant.

D. The license shall be valid for a period of one year from the date of issuance.

§ 80-7. Standards of conduct.

Every person to whom a license has been issued shall in the conduct of his/her activity comply with the following standards of conduct:

A. He/she shall carry his/her license at all times and exhibit it upon request to any police officer or ordinance officer of the Borough and to any person upon whom he/she shall call or with whom he/she shall talk.

B. He/she shall not permit any person to have possession of his/her license and shall immediately report its loss to the Borough Manager. He/she shall not cause or permit his/her license to be altered or defaced in any way.

C. He/she shall not enter or attempt to enter any dwelling or otherwise remain upon any private property without the invitation or permission of the occupant or property owner and shall immediately leave any premises upon request of the occupant or property owner.

D. He/she shall engage in soliciting only between the hours of 9:00 a.m. to 8:30 p.m. Monday through Friday, on Saturday and legal holidays, 12:00 noon to 4:00 p.m. and on Sunday only in the Town Center Zoning District.

- E. He/she shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Borough for the purpose of peddling or soliciting, with or without any sign, stand, counter, or cart.
- F. He/she shall not occupy or operate in a congested area where the activities may impede or inconvenience the public or block safe pedestrian access. He/she remain a minimum of five feet from all entrances to buildings.
- G. He/she shall inform the Borough Police Department, in writing, of any changes to information supplied on the then-current application within five days of such change.
- H. He/she shall immediately surrender his/her license to the Borough of West Chester Borough Manager upon suspension or revocation thereof.
- I. He/she shall maintain a valid driver's license, vehicle registration and automobile liability coverage valid for the duration of the license period.

§ 80-8. Denial, suspension, and revocation of license; appeals.

- A. The Borough is hereby authorized to suspend or revoke any license if the holder fails to comply with the standards of conduct or responsibilities set forth in this article. A license may also be suspended or revoked upon the basis of:
 - (1) Fraud, misrepresentation or false statements in the license application;
 - (2) Fraud, misrepresentation or false statements by the licensee in the course of Peddling or Soliciting;
 - (3) Peddling or Soliciting in violation of this article or in a manner that violates federal, state, or local law or regulations or the terms of any other license involved in the Peddling or Soliciting;
 - (4) Conviction of a felony or misdemeanor involving dishonesty, deceit, fraud, theft, sexual offenses, or crimes of violence.
 - (5) Peddling or Soliciting in a manner as to create a public nuisance, a breach of peace, or endanger the health, safety, or general welfare of the public.
- B. No part of a license fee shall be refunded to any Person whose license shall have been denied, suspended, or revoked.

§ 80-9. Peddling and Soliciting on Borough owned land.

- A. Any person licensed under this article or exempt under §80-5 hereof shall not occupy or use any street, alley, sidewalk or land owned by the Borough for the purpose of engaging in peddling or soliciting unless approved as part of a special

event pursuant to §80-9.B below or approved as a food truck in accordance with applicable food truck regulations in the Borough Code.

- B. Any person that has received approval from Borough Council to conduct a special event within the Borough shall be responsible for the vendors participating within the boundaries of that event. The organizer of the event shall register each vendor with the Borough Manager and supply information required by § 80-4 of this article. Registered vendors will receive permission to operate their stands for that special event only and will not be required to pay the registration fee required by this article. No other vendors will be permitted within the boundary area of such event during the time period designated for the special event. Existing businesses in the Borough will be permitted to sell merchandise in the area adjacent to the business, provided that such business complies with and conducts such sale in accordance with the vendors' responsibilities and guidelines applicable to such special event.

§ 80-10. Public collection.

Public collection (bucket brigades) shall be conducted in accordance with the provisions of § 80-7. Each person participating in the public collection shall identify on his or her body the name of the organization or cause which the funds are collected for. No public collection will be permitted on Sunday. Only one nonprofit or charitable organization will be permitted to conduct a public collection on any permitted day or within any permitted time period. A nonprofit or charitable organization shall be permitted to conduct a public collection twice per calendar year, provided that each collection is at least six months after the last public collection conducted by such nonprofit or charitable organization.

§ 80-11. Violations and penalties.

Any Person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$600, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.”

SECTION 2. Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 3. Effective Date.

This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

ORDINANCE NO. ___ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 112 TITLED "ZONING" TO AMEND SECTION 112-202 TO ADD DEFINITIONS FOR DATA CENTER, DATA CENTER ACCESSORY USE, DATA CENTER CAMPUS AND SENSITIVE RECEPTOR; SECTION 112-304.C TO ALLOW DATA CENTER AND DATA CENTER CAMPUS AS USES PERMITTED BY CONDITIONAL USE IN THE INDUSTRIAL DISTRICT; SECTION 112-311 TO ADD AREA AND BULK REGULATIONS FOR DATA CENTER AND DATA CENTER CAMPUS; TO ADD A NEW SECTION 112-917 TITLED "DATA CENTER AND DATA CENTER CAMPUS" TO ADD REGULATIONS APPLICABLE TO DATA CENTERS AND DATA CENTER CAMPUSES.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 112 of the Code of the Borough of West Chester, titled "Zoning" shall be amended as follows:

SECTION 1. Section 112-202, titled "Definitions", shall be amended to add the following definitions:

DATA CENTER

A building primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

DATA CENTER ACCESSORY USE

Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same lot or assemblage of lots developed as a unified development with a Data Center.

DATA CENTER CAMPUS

All of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as a Data Center, including (i) Data

Centers; (ii) Data Center Accessory Uses; and (iii) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance and/or protection of the Data Center or the Data Center Campus.

SENSITIVE RECEPTOR

Buildings used for residences (including institutional uses with a residential component), schools, day cares, institutional uses, nursing homes, parks and hospitals.

SECTION 2. Section 112-304.C and the table of uses permitted in the ID Industrial District shall be amended to add the following uses by conditional use:

8. Data Center and Data Center Campus subject to the provisions of Section 112-917.

SECTION 3. Section 112-311.B shall be amended to adopt the following revised area and bulk chart:

B. Dimensional requirements.

| | All Uses Except Data Center and Data Center Campus: | Data Center: |
|--|--|-------------------------------|
| Lot area, minimum | 40,000 square feet | See §112-917.A |
| Lot width, minimum | 100 feet | No minimum lot width required |
| Build-to line/front yard | 20 feet from curb | See §112-917.B |
| Side yard, minimum | 20 feet | See §112-917.B |
| Adjacent to residential use | 30 feet | See §112-917.B |
| Rear yard, minimum | 10 feet | See §112-917.B |
| Adjacent to residential district or use | 30 feet | See §112-917.B |
| Height, maximum | 60 feet | 60 feet |
| Impervious coverage, maximum | 85% | 75% |
| Building coverage, maximum | 50% | 50% |
| Where the ID District is adjacent to a residential district or use, parking and loading facilities shall be prohibited in the minimum yard setbacks. | | |

SECTION 4. A new Section 112-917 titled “Data Centers and Data Center Campus” shall be adopted and provide as follows:

“§ 112-917. Data Center and Data Center Campus. The following standards shall apply to all Data Centers and Data Center Campuses. If any standard in Section 112-311 differs from the requirements in this Section 112-917, the provisions in this Section 112-917 shall control.

- A. Minimum Lot Size. The minimum lot area for a Data Center and Data Center Campus shall be as follows:

Lot with a Data Center building with a footprint of 100,000 square feet or less in area - 5 acres

Lot with a Data Center building with a footprint greater than 100,000 square feet in area- 10 acres.

Data Center Campus- regardless of the size of the buildings used for Data Centers on the campus- 10 acres.

- B. Minimum Setbacks. Data Centers and Data Center Accessory Uses shall be set back a minimum of 250 feet from all property lines.

- C. Screening of mechanical equipment. Data Center Accessory Uses, including ground level and roof top mechanical equipment used for cooling, ventilating, or otherwise operating the Data Center, shall be screened from view on all sides or setback adequately from the building edge so as to not be visible from adjoining properties and public roads. Such screen may incorporate perforated surfaces as necessary to permit ventilation of the equipment.

- D. Building Design Requirements. A building used as a Data Center shall adhere to the following design requirements. The applicant shall submit elevations/renderings of all buildings used for a Data Center with the conditional use application.

(1) No more than 80 percent of a Principal Building Facade shall consist of one building material or one color, texture, or pattern.

(2) The Principal Building Facade shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the facade.

- E. Energy Usage. The applicant shall submit an energy usage plan with the conditional use application prepared by a professional engineer which provides the following information:

(1) Annual electricity demand for the Data Center.

(2) Source of energy supply for the Data Center.

(3) Energy storage capacity (if applicable).

(4) Proposed sources of back-up power to be installed.

- (5) Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to reduce the need for new electric generation by incorporating the best available energy efficiency into the design of Data Center servers, cooling units, and the building structure. Examples include:
 - (a) Cover unused roof space with solar arrays to offset a portion of the demand on the electric grid and reduce onsite emissions.
 - (b) Explore battery storage as a backup energy source for 50-100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.
 - (c) Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation.
- (6) If interconnecting to the energy grid, the applicant shall provide documentation of the energy utility interconnection approval process, including the following:
 - (a) Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.
 - (b) Documentation that a transmission security agreement has been signed by all necessary parties.
 - (c) The date that the electric utility provider provided for the proposed energization of the Data Center.
- (7) If the Data Center intends to use backup generators, the following criteria shall apply.
 - (a) Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.
 - (b) Diesel generators shall undergo annual testing and reports shall be provided to the Borough to ensure that the generators are performing as designed and that emissions do not exceed permitted limits.
 - (c) Emergency energy generation that is diesel, gasoline, or similarly fueled shall be used only at the following times:
 - (i) When the primary source of energy is not available due to an emergency outage.

- (ii) During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.
 - (iii) Routine maintenance testing of back-up fossil fuel-powered generators shall be restricted to the hours of 10:00 am through 4:00 pm Monday through Friday.
 - (iv) Use for peak shaving or supplying power to the grid is prohibited.
- (d) The applicant shall design and locate the emergency energy generation systems to limit noise and visual impacts as much as possible.
- (e) The operator shall maintain a public website announcing the times when the generators will be in operation. Any operation of the backup generators for testing purposes shall be announced on the website at least 24 hours in advance. The operator shall also notify the Borough at least 24 hours in advance of a test. The operator shall provide the address of the website where the notices required by this Section are published.

F. Noise and Vibration.

- (1) The applicant shall submit a pre-construction noise and vibration study with the conditional use application prepared and sealed by a qualified professional. Such qualified professional shall be an engineer licensed in the Commonwealth of Pennsylvania or other environmental or technical professional with demonstrated education, training and experience in acoustical noise or vibration analysis applicable to the scope of work being performed (defined herein as “Qualified Professional”) to include the predicted noise and vibration levels from the operation of the Data Center.
- (2) Simultaneous Operation Assumption. All noise evaluations, studies, modeling, and compliance determinations shall assume the concurrent operation of all generators, cooling systems, mechanical equipment, and other noise-producing devices operating at maximum rated capacity (“Simultaneous Operation”), unless a more restrictive operating condition is required by approval.
- (3) Within 180 days following issuance of a use and occupancy certificate and commencement of operations at the Data Center, the applicant shall submit to the Borough an as-built post-construction noise and vibration study.

The study shall:

- (a) Be conducted by a Qualified Professional using applicable ANSI standards and generally accepted criteria.
 - (b) Demonstrate compliance with all applicable noise regulations set forth in the Data Center Noise Standards Tables at the end of this section. Compliance shall be demonstrated using objective sound level limits expressed in A-weighted decibels (dBA), measured and evaluated in accordance with standardized methodologies acceptable to the Borough.
 - (c) Include sound measurements taken at all property lines.
 - (d) Include measurements taken during normal operations, peak cooling load, during operation of emergency generators under load and assuming Simultaneous Operation.
 - (e) Address low-frequency noise impacts, including compliance with applicable dBC limits set forth in the Data Center Noise Standards Tables.
 - (f) Vibration Standards to be used in the study. Vibration shall be evaluated using two distinct criteria: (a) Building Damage: Ground vibration shall not exceed 0.2 to 0.5 inches per second peak particle velocity (PPV), measured in accordance with USBM RI 8507 or successor standard; and (b) Human Perception: Vibration levels shall not exceed 65 VdB, measured in accordance with ISO 2631-1 or successor standard.
 - (g) Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.
- (4) If the post construction study demonstrates non-compliance with any applicable noise or vibration standard, the applicant shall, within 30 days of written notice from the Borough, submit a corrective action plan prepared by a Qualified Professional. All violations shall be fully remediated within a timeframe approved by the Borough, but in no event later than 90 days following Borough notice of non-compliance, unless extended by the Borough for good cause shown.
- (5) If the pre-construction noise study establishes a baseline sound level in excess of the maximum sound level permitted under Data Center Noise Standards Tables, the post-construction study shall demonstrate that operations of the proposed use do not increase baseline ambient sound levels. Sound levels within 1 dBA of the ambient sound levels will meet this requirement.

- (6) Objective Noise Standards. Noise limits shall be established by land use category, measurement location, time-of-day, and averaging period, and shall include provisions for instrumentation and low-frequency noise evaluation.
- (7) The Borough may require additional noise and vibration testing upon receipt of substantiated complaints or following material modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment.
- (8) If initial monitoring or complaints indicate a probable violation, the Borough may require interim mitigation measures, which may include operational modifications, equipment limitations, or temporary curtailment of specific noise producing activities until compliance is demonstrated.
- (9) Data Center Noise Standards Tables.

Data Center Noise Standards Tables

The following tables establish objective noise limits, modeling requirements, and enforcement procedures applicable to Data Center use. These standards shall supersede noise standards set forth in Chapter 73 of the Borough Code.

Table 1: Data Center Noise Limits, Measurement, and Compliance Requirements

| Category | Requirement |
|---------------------------------------|--|
| Applicable Uses | Data Centers, including all accessory mechanical equipment, generators, cooling systems, and substations |
| Measurement Basis | A-weighted sound levels (dBA), unless noted otherwise for low-frequency noise |
| Receptor Locations | Measurements and modeling shall be conducted at or beyond the nearest property line and at Sensitive Receptors , when present |
| Operating Condition Assumption | All compliance evaluations shall assume simultaneous operation of all generators, cooling equipment, and other noise-producing devices at maximum rated capacity |

Table 2: Numeric Noise Limits by Zoning Use

| Receiving Land Use | Daytime (7:00 AM – 10:00 PM) | Nighttime (10:00 PM – 7:00 AM) |
|-----------------------------------|------------------------------|--------------------------------|
| Residential or Sensitive Receptor | 55 dBA Leq (1-hour) | 45 dBA Leq (1-hour) |
| Mixed-Use / Commercial | 60 dBA Leq (1-hour) | 50 dBA Leq (1-hour) |
| Industrial | 65 dBA Leq (1-hour) | 55 dBA Leq (1-hour) |

Short-term tonal or impulsive noise exceeding the above limits by 5 dBA or more shall constitute a violation.

Table 3: Low-Frequency Noise Criteria

| Parameter | Requirement |
|--------------------------------------|--|
| Frequency Sensitivity | C-weighted sound levels (dBC), capturing enhanced sensitivity to low-frequency noise |
| Measurement Metric | Equivalent continuous sound level (Leq, 1-hour) in dBC |
| Measurement Locations | At the nearest property line and at Sensitive Receptors, when present |
| Daytime Limit (7:00 AM – 10:00 PM) | 70 dBC Leq (1-hour) |
| Nighttime Limit (10:00 PM – 7:00 AM) | 60 dBC Leq (1-hour) |
| Tonal / Narrowband Noise | Clearly perceptible low-frequency tonal noise shall require mitigation regardless of overall dBC compliance, as determined by the Qualified Professional or the Borough based on clearly perceptible tonal characteristics |
| Applicability | Limits apply under simultaneous operation of all generators, cooling systems, and mechanical equipment |

Table 4: Modeling and Study Requirements

| Requirement | Standard |
|--------------------------------|--|
| Pre-construction Study | Required with conditional use application |
| Post-construction Verification | Required within 180 days of commencement of operations |
| Prepared By | Qualified Professional with demonstrated noise expertise |
| Modeling Methodology | ISO 9613-2, CadnaA, SoundPLAN, or equivalent accepted industry model |
| Meteorological Assumptions | Downwind propagation, ISO-conservative conditions |
| Equipment Data | Manufacturer sound power levels and octave-band spectra |
| Low-Frequency Evaluation | Required where large generators or cooling systems are used |

Table 5: Measurement Procedures

| Element | Requirement |
|----------------------|---|
| Instrumentation | Type 1 or Type 2 ANSI-certified sound level meter |
| Calibration | Pre- and post-measurement field calibration required |
| Measurement Duration | Minimum 15 minutes per location unless otherwise specified. Sound level limits expressed as hourly equivalent levels (Leq, 1-hour) may be evaluated using shorter-duration measurements, including the minimum durations identified in this table, where such measurements are conducted under steady-state operating conditions and are representative of normal operations. |
| Operating Conditions | Measurements shall include peak cooling load and generator operation under load |
| Background Noise | Baseline ambient levels documented prior to construction |

Table 6: Compliance

| Item | Requirement |
|------------------------------|--|
| Material Increase Definition | An increase of ≥ 3 dBA above baseline ambient sound level |
| Violation Determination | Exceedance of numeric limits or material increase |
| Retesting Authority | Borough may require additional testing following substantiated complaints or equipment changes |

G. Water.

- (1) A Data Center shall be connected to public water.
- (2) The applicant shall provide detailed estimates of daily and annual water usage.
- (3) The applicant shall provide documentation from the public water provider that there is sufficient water available to serve the Data Center without impacting water pressure or availability of water to other users in the Borough. No Data Center shall be approved unless the applicant demonstrates that the anticipated water supply yield is sufficient for the Data Center and will not adversely impact water pressure or availability of water to other users in the Borough.
- (4) The Data Center shall not use groundwater or direct withdrawals from surface watercourses as its primary source of water for cooling purposes.
- (5) The Data Center shall be designed to include air-cooled or closed-loop water circulation systems to cool processing equipment. An applicant may propose an alternative cooling system that is demonstrated to use less water and energy than closed loop systems which alternative cooling system must be approved by the Borough.
- (6) If cooling towers are utilized, the applicant shall submit a plan for mitigating the risk of legionella.
- (7) The applicant shall submit a drought response plan to demonstrate compliance with state, water supplier and local drought declaration requirements.

H. Wastewater Disposal.

- (1) A Data Center shall be connected to public sewer.

- (2) The applicant shall submit an analysis of wastewater disposal needs with the conditional use application which indicates the quantity of wastewater generation expected from sewage and water discharge as part of the Data Center's HVAC system.
- (3) Any untreated discharge of wastewater generated at the Data Center may not be discharged to stormwater systems or surface waters.
- (4) The applicant shall submit documentation certified by the public sewer provider that the provider can support the conveyance and treatment needed.

I. Power Generation Facilities.

- (1) Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data center principal buildings shall be located between energy generation systems and residential districts or any other sensitive receptors.
- (2) Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- (3) Data Center electric utility substations visible from an arterial roadway must include a combination of year-round opaque landscaping and screening walls to minimize visual impact.
- (4) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.
- (5) Substations abutting a district boundary other than industrial and/or a parcel containing a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.
- (6) The Data Center electric utility substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the

enclosure containing the substation to the property boundary of the lot it occupies.

J. Emergency management.

- (1) The applicant shall submit an emergency response plan (ERP) with the conditional use application prepared by a qualified professional. The ERP shall:
 - (a) Be reviewed and accepted by the local fire department, emergency management services and Borough emergency management coordinator as part of the conditional use process.
 - (b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - (c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - (d) Ensure that all first responders receive adequate training specific to the installed system.
 - (e) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- (2) Costs incurred, including specialized training for fire and EMS personnel, shall be reimbursed by the applicant, including future ongoing training specific to the Data Center's ERP.
- (3) Any Data Center proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or an equivalent nationally recognized standard and must include fire suppression systems designed specifically for battery storage.
- (4) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.
- (5) Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

- (6) The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.
- K. Construction Plans. Applicant shall coordinate with the Borough and develop a construction plan which shall be adhered to by all vehicles and equipment involved in the construction of the Data Center including construction deliveries, equipment and contractors, to minimize disruption to the traffic in the vicinity of the subject property. This plan shall include appropriate times and locations for access by construction vehicles and anticipated delivery of large equipment. This construction plan shall be approved by the Borough as part of final land development plan approval. The Borough shall have the authority to require more detailed information be added to the plans as well as consistent updates as the project progresses.
- L. Electronic Waste. An Electronic Waste Plan shall be submitted with the conditional use application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The report shall be subject to review and approval by the Borough.
- M. Decommissioning.
- (1) The applicant shall submit with the conditional use application a decommissioning plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.
 - (2) The owner of the Data Center must submit a notification of closure if operations are permanently ceased.
 - (3) Decommissioning must begin within one year of cessation of Data Center operations, or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within 18 months thereafter, unless extended by the Borough for good cause.
 - (4) Standards for Decommissioning.
 - (a) All above-ground structures, equipment, and accessory facilities shall be removed.
 - (b) Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

- (c) Disturbed soils shall be stabilized and re-vegetated.
 - (d) Any utility connections shall be safely disconnected and capped
 - (e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.
- (5) The Borough may require financial security (with related agreements) to be posted to cover the full cost of decommissioning and site restoration if not done in a timely fashion by the operator/owner of the Data Center.”

SECTION 5. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS _____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor



Borough of West Chester
401 East Gay St West Chester PA 19380
www.west-chester.com
(610)-692-7574

Borough Council

Nicole Scimone, President
Bernie Flynn, Vice President
Jerome Szczepaniak
Bryan Travis
Brian McGinnis
Stephen Marvin
Lisa Kearns

Mayor

Lillian L. DeBaptiste

Borough Manager

Sean Metrick

Borough Manager's Report
June 16, 2026

State House and Senate Legislation of Interest to West Chester

From May 31, 2026 to June 3, 2026, I attended the Pennsylvania Association of Boroughs annual conference in Hershey, PA. With over 400+ people, this year's event was the largest gathering of elected and appointed officials serving in Boroughs in Pennsylvania the organization has ever done. The topic of data centers – what they are and how to regulate them fueled attendance and dominated group sessions. The PSAB voting delegates approved a slate of legislative ideas that the association will pursue through lobbying efforts in Harrisburg. The legislative session also focused on active bills in the House and Senate that are of particular interest to West Chester. While the PSAB Director of Legislative Affairs spoke of more than 20 bills, I focus on the most relevant below.

PA Budget – Although not law, the budget proposed by Governor Shapiro includes a dedicated transit funding increase of \$300 million as well as \$565 million for public education in the Commonwealth. The \$53.3 billion total budget contains a structural deficit of \$4.5 billion or about 8% of total spending. That means the Commonwealth has a significant planned funding gap that requires delaying work, putting off maintenance, and drawing down financial reserves to balance the books. With one of the few split legislatures in the United States, between Republican and Democrats, any bill or budget that passes must have bipartisan support. The transit funding piece is good news for Chester County and the whole Philadelphia metro area-home to 5+ million people, many of whom rely on SEPTA to get them where they need to go. Even if you don't ride SEPTA regularly, all who drive benefit from the congestion relief that public transit provides, especially during peak commute times.

House Bill 985 – The Tax-exempt Property Municipal Assistance Act

Sponsor Rep Robert Freeman, Cosponsors include Rep Chris Pielli

Link to text: <https://www.palegis.us/legislation/bills/2025/hb985>

The Tax-exempt Property Municipal Assistance Act – The act would establish a fund that would assist municipalities with more than 15% of their total assessed value as tax exempt with certain qualifications and limits. Funding would be sourced from statewide liquor tax.

Current status – on the table – Local Government Committee

Senate Bill 790 – Relief from vexatious or commercial right to know requests

Sponsors – Dush, Brooks, Laughlin, Fontana, Stefano

Link to text: <https://www.palegis.us/legislation/bills/text/PDF/2025/0/SB0790/PN0845>

Permits municipalities to petition for relief from right to know requests that are too numerous or mine and monetize information for commercial purposes. While all municipalities should strive to make information accessible and/or machine-readable on their websites, the Borough is often hampered by these types of requests and suffers loss of opportunity to work on other more important matters.

Current status – passed State government Committee – laid on table by Senate

Senate Bill 1318 –

Sponsor – Laughlin, Cosponsor Stefano

Link to text: <https://www.palegis.us/legislation/bills/text/PDF/2025/0/SB1318/PN1673>

A bill raising the required minimum bid threshold to \$100,000 and the need to obtain 3 quotes to \$50,000.

Current status – referred to Committee on Local Government

House Bill 1308 – Amendments to Chapter 33 Storm Water Management

Sponsor Rep Justin Fleming, Cosponsors include Rep Chris Pielli

Link to text: <https://www.palegis.us/legislation/bills/text/PDF/2025/0/HB1308/PN1903>

Together with HB 990, the law would provide legislative powers to local municipalities and authorities to assess fees based on “reasonable and uniform rates” that “shall be based on property contribution to storm water runoff” among other things. This law, if in place at the time, would have made the Commonwealth’s case against the Borough’s stormwater fee program moot.

Current status – passed Local Government Committee – On the table in House

I recommend Council consider adopting a motion to support these and any other important state legislative bills and send letters of support to local representatives, senators, and bill sponsors.

Sean Metrick, Borough Manager





A photograph of a stream restoration project. The stream is bordered by a stone wall on the right and a concrete wall on the left. The water is clear and reflects the sky. The background shows trees and a building under a blue sky with white clouds.

Taylor Run Stream Restoration

- **Construction Sep 2025 – May 2026**
- **\$266,013 construction costs**
- **\$49,130 design/bid/permit/construction management**
- **Outstanding costs <\$10,000**
- **Estimated Final Costs \$325,143**
- **Remaining *ARPA* grant funds: \$233,987**

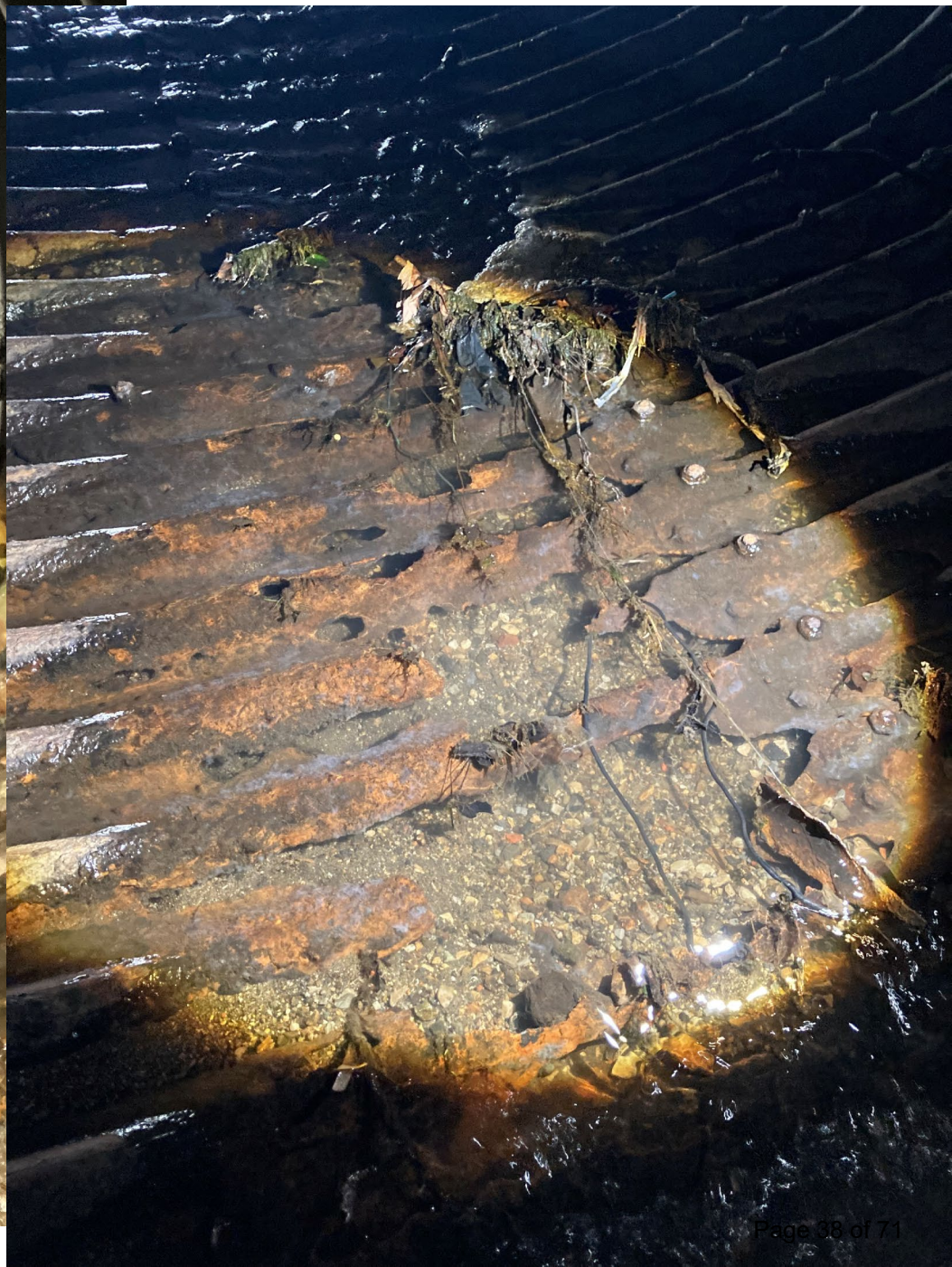




Taylor Run Site











Taylor Run/N. Everhart Culvert Repair

- **Remaining *ARPA* grant funds: \$233,987**
- **Culvert rehabilitation: \$198,000 – COSTARS quote from Abel Recon**
- **Grant Match 25%**
- **Net costs to West Chester Borough: \$49,500**

Caveat: Must obtain DEP permit AND complete work by September 30, 2026

BOROUGH OF WEST CHESTER

Finance Department Use Only
Purchase Order Number



PURCHASE ORDER REQUEST

TO: Sean Metrick, Borough Manager

FROM: Will Williams, Sustainability Director

SUB: PURCHASE ORDER REQUEST

DATE: 6/5/2026

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor Abel Recon

Contact Howad Myers, GM

Address PO Box 476
Mountville, PA 17554

Phone (717) 285-3103

Email info@abelrecon.com

Fax

Justification

COSTARS quote for Taylor Run culvert rehabilitation on N. Everhart Street, by Abel Recon
\$400,000 in relining work budgeted in 2026 SPF CIP
Grant-eligible under Taylor Run stream project grants, closing out 3Q 2026

| | |
|---------------------------------|----------------------|
| TOTAL AMOUNT TO BE PAID: | \$ 198,000.00 |
|---------------------------------|----------------------|

Reference (select one) Quote SOW SA State Contract

ORDINANCE NO. XX- - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY,
PENNSYLVANIA, TO PROHIBIT THE SALE, MANUFACTURE, AND PUBLIC USE OF
KRATOM, KRATOM-DERIVED PRODUCTS, AND CONCENTRATED 7-OH SUBSTANCES
WITHIN THE BOROUGH**

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester as follows:

WHEREAS, the Borough of West Chester is a home-rule municipality organized under the laws of the Commonwealth of Pennsylvania and governed by an elected Borough Council vested with legislative authority over municipal policy, appropriations, and the use of Borough resources pursuant to the Borough's Home Rule Charter; and

WHEREAS, the FDA has labeled Kratom as "the next wave of the opioid epidemic" and stated, "There are no FDA-approved uses for kratom [and the FDA] continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine."

WHEREAS, Kratom is not lawfully marketed in the U.S. as a drug product, a dietary supplement, or a food additive (FDA)

WHEREAS, the U.S. Drug Enforcement Administration (DEA) has listed kratom as a "drug of concern"

WHEREAS, there has been a 1,200% jump in Kratom-related calls to Poison Control Centers over the last decade, according to the US Centers for Disease Control, with 167 cases reported to PA Poison Control Centers between Jan 1, 2022 and June 30, 2025

WHEREAS, Coroners in multiple PA counties, including Chester County, have confirmed Kratom-related fatalities

WHEREAS, All branches of the US Military completely ban Kratom use in all forms – active duty or reserves – on or off duty

WHEREAS, 7-OH is a concentrated synthetic version of Kratom and is 13 or more times more potent than morphine, acts on the same brain receptors as opioids, and is engineered to be addictive and there are no prescription or over-the-counter drug products containing kratom or its known alkaloids that are legally on the market in the U.S.

WHEREAS, Kratom affects babies during pregnancy. The baby may be born with symptoms of withdrawal and need treatment

WHEREAS, West Chester has always prioritized public safety, responsible commerce, and the well-being of our residents.

NOW THEREFORE, be it ordained and enacted by the Borough Council of the Borough of West Chester, Chester County Pennsylvania, as follows:

SECTION 1. DEFINITIONS. For purposes of this Ordinance:

A. “Kratom Product” means any product, compound, mixture, preparation, extract, derivative, concentrate, resin, or substance containing any part of the plant *Mitragyna speciosa*, including its leaves, alkaloids, extracts, or synthesized equivalents, whether marketed for human consumption or otherwise.

B. “7-Hydroxymitragynine Product” or “7-OH Product” means any product containing 7-hydroxymitragynine, whether naturally derived, chemically synthesized, converted, concentrated, isolated, or otherwise produced, including analogs, derivatives, salts, isomers, or compounds substantially similar in chemical structure or effect.

C. “Sell” or “Sale” means to offer for sale, barter, exchange, transfer, distribute, deliver, furnish, provide, advertise for sale, or otherwise dispense for consideration or without consideration.

D. “Possession with Intent to Distribute” means possession of a prohibited product in quantities, packaging, labeling, marketing, or circumstances indicating an intent to sell, transfer, distribute, or deliver the product to another person.

E. “Manufacture” means to produce, prepare, process, compound, convert, package, repack, label, or otherwise create a prohibited product.

F. “Person” means any individual, firm, partnership, corporation, company, association, business entity, organization, estate, trust, governmental entity, or other legal entity.

G. “Use” means to ingest, inhale, smoke, vape, chew, consume, apply, or otherwise introduce a prohibited product into the human body.

SECTION 2. PROHIBITED ACTS.

It shall be unlawful for any person within the Municipality to:

A. Sell or offer for sale any Kratom Product or 7-Hydroxymitragynine Product;

B. Manufacture, process, package, distribute, or deliver any Kratom Product or 7-Hydroxymitragynine Product;

C. Possess any Kratom Product or 7-Hydroxymitragynine Product with intent to distribute;

D. Use or consume any Kratom Product or 7-Hydroxymitragynine Product in any public place or private property open to the public;

E. Maintain, operate, or knowingly permit any establishment or premises to be used for the purpose of selling or distributing Kratom or 7-Hydroxymitragynine Products within the borough

SECTION 3. EXEMPTIONS.

This Ordinance shall not apply to:

A. Any federally approved pharmaceutical product lawfully prescribed and dispensed by a licensed healthcare provider or pharmacy;

B. Possession or handling of prohibited products by law enforcement personnel, emergency responders, forensic laboratories, or government agencies acting within the scope of official duties;

C. Research activities conducted by accredited educational or scientific institutions in compliance with applicable federal and state law.

SECTION 4. ENFORCEMENT.

A. This Ordinance may be enforced by the Police Department, Code Enforcement Officers, Health Department, or any other official authorized by the Municipality.

B. Authorized officials may inspect commercial premises open to the public during normal business hours to ensure compliance with this Ordinance.

C. Any prohibited products found in violation of this Ordinance may be seized and destroyed in accordance with applicable law.

D. The Municipality may seek injunctive relief, license suspension, license revocation, or any other remedy authorized by law.

SECTION 5. PENALTIES.

A. Civil Penalties.

The Municipality may impose:

1. Civil fines not exceeding \$100 for a first offense;

2. A fine not exceeding \$200 for a second offense; and \$500 for a third and subsequent offenses
3. Suspension or revocation of municipal business licenses;
4. Administrative enforcement costs;
5. Closure orders for businesses operating in violation of this Ordinance.

Each day a violation continues shall constitute a separate offense.

SECTION 6. NUISANCE DECLARATION.

Any property, business, establishment, or premises used in violation of this Ordinance is hereby declared to be a public nuisance and may be subject to abatement proceedings and other lawful remedies.

SECTION 7. NON-PREEMPTION.

This Ordinance shall be interpreted and applied to the fullest extent permitted under state and federal law. Nothing herein shall be construed to permit conduct prohibited by state or federal law.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final enactment as provided by law. Compliance date is 60 days after enactment.

Reasons to Prohibit Kratom and Kratom-related Products in West Chester

LAK 10 May 2026

There are compelling reasons to follow the lead of our state lawmakers and fellow municipalities like Scranton and make it unlawful for any person within the borough to:

1. Sell or offer for sale any Kratom or 7-Hydroxymitragynine Product;
2. Manufacture, process, package, distribute, or deliver any Kratom or 7-Hydroxymitragynine Product;
3. Possess any Kratom or 7-Hydroxymitragynine Product with intent to distribute;
4. Use or consume any Kratom or 7-Hydroxymitragynine Product in any public place or private property open to the public;
5. Maintain, operate, or knowingly permit any establishment or premises to be used for the purpose of selling or distributing Kratom or 7-Hydroxymitragynine Products within the borough

The FDA has labeled Kratom as "the next wave of the opioid epidemic".

Kratom and Kratom-related products (high-potency 7-OH) are unapproved and unregulated products being sold in WC vape stores, including one in the middle of an NC2 neighborhood.

Without additional regulation, Kratom and Kratom-related products can currently be sold and marketed to children in PA.

Coroners in multiple PA counties, including Chester County, have confirmed Kratom-related fatalities

"Vape stores are popping up in every neighborhood in America, and many are selling addictive products... After the last wave of the opioid epidemic, we cannot get caught flat-footed again."

- FDA Commissioner Marty Makary, M.D., M.P.H.

Current Local, Regional, National, and International Legislative Action:

Legislative Action

- **Scranton (Lackawanna County):** City Council has introduced ordinances to ban the sale and possession of kratom within city limits, driven by reports of addiction and high-dose toxicity.
- **Doylestown Borough (Bucks County):** Officials have moved to ban 7-OH (7-hydroxymitragynine), a potent, synthetic component of some kratom products.
- **Radnor Township (Delaware County):** In 2022, the township passed an ordinance regulating the sale of kratom, specifically aiming to restrict its availability near schools.
- **PA Senate Bill 233:** Passed the Senate Health and Human Services Committee in late 2025, focusing on banning synthetic kratom (specifically products with high concentrations of 7-hydroxymitragynine). Also prohibits the sale of any Kratom products to individuals under 21 and requires proper labeling and testing.

- **PA House Bill 2058:** Similar to the Senate bill, this legislation aims to regulate the industry by prohibiting sales to those under 21, banning synthetic products, requiring testing and clear labeling, and prohibiting marketing to children.
- **Senate Bill 899:** Another vehicle for regulating kratom as part of the state's Controlled Substance, Device, and Cosmetic Act.
- **Countries that have banned Kratom include:** Australia, Denmark, Finland, Israel, Japan, New Zealand, Sweden, Russia, Singapore, Poland, Romania, South Korea, Thailand, Vietnam, Malaysia, Latvia, Lithuania, Myanmar
- **More than 36 states** have some form of Kratom regulation
- **More than 10 states** have imposed a complete, statewide ban on Kratom, including California

All branches of the US Military ban Kratom use in all forms – active duty or reserves – on duty or off

Basic Facts About Kratom:

Kratom, or *Mitragyna Speciosa*, is a psychoactive substance made from tree leaves that grow in Indonesia, Malaysia, Papua New Guinea, and Thailand.

- The FDA has labeled Kratom as **"the next wave of the opioid epidemic"**.
- FDA: *"There are **no FDA-approved uses for kratom** [and the FDA] continues to warn consumers not to use any products labeled as containing the botanical substance kratom **or its psychoactive compounds**, mitragynine and 7-hydroxymitragynine."*
- Kratom is **not lawfully marketed in the U.S.** as a drug product, a dietary supplement, or a food additive (FDA)
- Mayo Clinic has called Kratom **"Unsafe and Ineffective."**
- The U.S. Drug Enforcement Administration (DEA) has listed kratom as a **"drug of concern"**
- There has been a **1,200% jump in Kratom-related calls to Poison Control Centers** over the last decade, according to the US Centers for Disease Control, with **167 cases reported to PA Poison Control Centers** between Jan 1, 2022 and June 30, 2025
- **PA Dep of Health issued a Kratom-related health advisory** in August 2025, citing Poison Control Center cases ranging from **infants (12 months old) to seniors (80 years old)**
- Kratom **reacts with other medicines, including common OTC medications**, resulting in serious health consequences, such as liver damage and death.
- People who took kratom for more than six months **reported withdrawal symptoms like those from opioid use** and may need treatments given for opioid addiction
- **Kratom affects babies during pregnancy.** The baby may be born with symptoms of withdrawal and need treatment

"There are no FDA-approved uses for Kratom...or its psychoactive compounds" - FDA

- Kratom products have been found to have heavy metals, such as lead, and harmful germs, such as salmonella, which has been fatal. **The FDA has linked more than 35 deaths to salmonella-tainted kratom**

Basic Facts About 7-OH:

7-OH (formally known as 7-Hydroxymitragynine) is a powerful, psychoactive, concentrated derivative of the naturally occurring compound in Kratom.

- **13 or more times more potent than morphine**
- **Acts on the same brain receptors as opioids**
- The FDA says Kratom is "**the next wave of the opioid epidemic**". 7-OH is a concentrated synthetic version of Kratom
- **7-OH is Engineered to be Addictive.** It is a Potent Opioid by Design. (FDA)
- **Can be legally sold to children in PA**
- There are **no prescription or over-the-counter drug products** containing kratom or its known alkaloids **that are legally on the market in the U.S.**
- DEA has officially classified it as a "**drug of concern.**"
- The **PA health department has issued a health advisory** citing an increased volume of calls related to Kratom and 7 – OH to Pennsylvania poison centers
- A 100 mg dose of isolate 7-OH (which is **being sold in WC** vape stores) is many times higher than the standard "strong" dose. It carries a **severe risk of addiction, respiratory depression, overdose, and potentially fatal consequences**
- 7-OH Products are Designed to Look Like Everyday Treats Like Gummies, Candies, and Ice Cream (FDA). West Chester shops **sell flavors including Bubble Gum, Strawberry, Mint Chocolate, Blueberry, etc.**

7-OH is a powerful, psychoactive opioid; a concentrated derivative of Kratom

7-OH is engineered to be addictive

13 or more times more potent than morphine

Child-friendly flavors include Bubble Gum, Mint Chocolate, Blueberry, etc.

This dangerous opioid is sitting on store shelves, making gas stations and convenience stores **risky places where kids can purchase these drugs as easily as buying candy**

“Even better than rolling back a public health crisis would be never having one in the first place.

Let’s not allow 7-OH to drive the next wave of the U.S. opioid epidemic.”

- Marty Makary, M.D., M.P.H., FDA Commissioner

ORDINANCE NO. ___ - 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 112 TITLED "ZONING" TO AMEND SECTION 112-202 TO AMEND THE DEFINITION FOR RETAIL STORE OR SHOP AND TO ADD A DEFINITION FOR TOBACCO STORE/SMOKE SHOP; SECTION 112-304.C TO ADD A TOBACCO STORE/SMOKE SHOP AS A USE PERMITTED BY CONDITIONAL USE IN THE CS COMMERCIAL SERVICE DISTRICT; AND TO ADD A NEW SECTION 112-917 TO ADOPT REGULATIONS FOR TOBACCO STORE/SMOKE SHOPS.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 112 of the Code of the Borough of West Chester, titled "Zoning" shall be amended as follows:

SECTION 1. Section 112-202, titled "Definitions", shall be amended to amend the following definition:

RETAIL STORE OR SHOP

An enterprise engaged in the sale of goods or merchandise to the general public, and the rendering of services incidental to such sale, for items such as antiques, books, beverages, confections, dry goods, flowers and plants, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, paint, periodicals, stationary, ~~tobacco~~ or wearing apparel, including a dispensary. A retail store or shop which maintains 20% or more of its total display area for the sale of tobacco, tobacco products or vaping products shall be considered a tobacco store/smoke shop for the purposes of this Chapter.

SECTION 2. Section 112-202, titled "Definitions", shall be amended to add the following definition:

TOBACCO STORE/SMOKE SHOP- A retail store or shop primarily engaged in selling tobacco and/or tobacco products and/or vaping products. A retail store or shop which maintains 20% or more of its total display area for the sale of tobacco and/or tobacco products and vaping products shall be considered a tobacco store/smoke shop for the purposes of this Chapter. A retail store or shop which holds itself out as a "tobacco store", a "smoke shop", a "vape shop" or similar establishment, shall also be considered a "tobacco store/smoke shop" for the purposes of this Chapter. Examples of vaping products referred to in this Chapter include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any

other electronic nicotine delivery systems (“ENDS”). ENDS shall be deemed noncombustible tobacco products. Tobacco products as referred to in this Chapter shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe accessories.

SECTION 3. Section 112-304.C and the table of uses permitted by conditional use in the CS Commercial Service District shall be amended to add the following use:

8. Tobacco Store/Smoke Shop.

SECTION 4. A new Section 112-917 titled, “Standards for tobacco store/smoke shop” shall be added and provide as follows:

“§112-917. Standards for tobacco store/smoke shop.

- A. In addition to the requirements in § **112-1008** that apply to all uses permitted by conditional use, tobacco stores/smoke shops shall also comply with the standards and criteria in this section.
- B. The following standards shall apply to a tobacco store/smoke shop which is permitted by conditional use in the CS Commercial Service District.
 - (1) A tobacco store/smoke shop shall be located a minimum of 500 feet from another lot where there is a building or structure used as a tobacco store/smoke shop, as measured from the property line.
 - (2) A tobacco store/smoke shop shall be located a minimum of 500 feet from another lot where there is a building or structure or the lot is used as a school, religious use, public recreation facility, day care center or library, as measured from the property line.
 - (3) A tobacco store/smoke shop shall not be permitted on a lot or within a building that is improved with a residential dwelling or dwellings.
 - (4) Persons under the age of 18 shall not be permitted to enter a tobacco store/smoke shop without a parent or legal guardian. Businesses shall be responsible for verifying the age of consumers. Exterior signage shall be provided stating that minors are prohibited from entering the facility without a parent or legal guardian.
 - (5) Tobacco stores/smoke shops shall not employ persons under the age of 18.
 - (6) The sale of tobacco and vape products through self-service displays in a tobacco store/smoke shop shall be prohibited.

(7) Smoking shall be prohibited within a tobacco store/smoke shop.

(8) Food sales shall be prohibited within a tobacco store/smoke shop.

SECTION 5. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS ____ DAY OF _____, 2026.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Nicole Scimone, President

APPROVED THIS ____ DAY OF _____, 2026.

Lillian L. DeBaptiste, Mayor

CHAPTER 104 UPDATE

June 9, 2026

CONSIDERATIONS

1. Forward Facing Vehicle Parking

Intention to include update that requires all vehicles parked in lots/garages to be forward facing. Many parkers reverse close to the wall with the intention of blocking their license plates. This is hazardous for employees.

Committee Recommendation: Approved to include in update

2. Loading Zones

- Parking team has audited existing loading zones. We will be consolidating into 2 types of zones: 15-minute free parking zones and truck loading zones. Map will be presented in July that illustrates consolidation and addition of 15-minute free parking zones on every block and in Borough lots in Town Center.
- Truck loading zone update will be in conjunction with BID.
- Removal of ride share spaces. Not being used/enforced.

Committee Recommendation: Approved to include in update.

3. 104-54 First Fridays

Does Council want to include:

- *Gallery Walk (twice a year, beginning at 4pm)*
- *Black Friday*
- *Small Business Saturday*

Committee Recommendation: Do not include in ordinance update. Consider an annual resolution for all parking fee requests to be approved by current councils.

4. 104-66 Metered or leased lots

- Update the names to match wayfinding
- Add Borough Hall Lot

Committee Recommendation: Approved to include in update.

5. 104-67 Parking time limits, charges for and hours of operation for various parking lots

- Include Borough Hall & allow for employee parking/Borough Hall use. Does not need to be enforced right away but reserving the right in preparation for future nearby development.
- Lot 3/New Street Lot: Change permits to monthly permits from 8am-5pm and raise the rate to match leased spaces/garage monthly daytime permit parking costs.

Committee Recommendation: Approved to include in update.

6. Information needed from Police

- Abandoned/warehousing of vehicles
- Expired inspections
- Trucks
- Oversized vehicles

No action needed.

7. Other items from Council?

None noted at this time.

Memorandum

TO: Don Anderson, Public Works

FROM: Nate Cline, PE, Borough Engineer

DATE: June 4, 2026

SUBJECT: **Road Program**
PennDOT Prequalification of Bidders

As discussed, the low bidder (T. Schiefer Contractors, Inc.) provided a PennDOT pre-qualification certificate as part of their bid however, upon our review, this contractor is only prequalified as a subcontractor and not prime contractor. The PennDOT pre-qualification specifications require the contractor to be pre-qualified as a prime contractor. We have been in contact with PennDOT and they have confirmed that they cannot waive this requirement.

Below is a summary of results from the May 19th bid opening. After discussion with the Borough Solicitor, it was confirmed that the Borough can select the second low bidder and award the contract to Long's Asphalt at their base bid of \$243,587.35. We have confirmed Long's Asphalt is pre-qualified as a prime contractor.

| Contractor | Base Bid | Alternate 1 | Base Bid Plus Alternate |
|-------------------------------|-----------------|--------------------|--------------------------------|
| T. Schiefer Contractors, Inc. | \$ 233,993.20 | \$ 22,204.40 | \$ 256,197.60 |
| Long's Asphalt | \$ 243,587.35 | \$ 25,988.00 | \$ 269,575.35 |
| Marino Corporation | \$ 244,196.60 | \$ 32,247.40 | \$ 276,444.00 |
| Glasgow Inc. | \$ 260,954.62 | \$ 24,808.84 | \$ 285,763.46 |

If you agree, we recommend a motion be made at the next meeting to rescind the award to T. Schiefer Contractors and award to Long's Asphalt at the total base bid amount of \$243,587.35, contingent upon their execution of the Contract and supply of the required Bonds and Insurance.

We will contact both T. Schiefer Contractors and Long's Asphalt to notify them of the change in award.

If you have any questions please contact me.

Budget Modification Request

| | |
|------------------------|--------|
| Budget Year: | 2026 |
| Modification #: | 2026-4 |

Justification:

Budget modification is needed for capital projects in the Recreation Department. Budgeted revenues for capital projects are below expectations by \$50,532 and expenses are over budget by \$45,339.

Requesting reallocations from the following capital projects to complete John O. Green park upgrades:

| | |
|-------------------------|------------------|
| Hoopes Park Renovations | 20,000.00 |
| Gay Street project | 75,871.00 |
| Total | 95,871.00 |

| Vendor | Invoice # | Date | G/L | Increase | Decrease |
|--|------------------|-------------|-------------|------------------|------------------|
| Recreation Capital Project- JOG splashpad | | | 10-43013-07 | 95,871.00 | |
| Recreation Capital Project- Hoopes Park | | | 10-43013-07 | | 20,000.00 |
| PW Capital Project- Gay Street (net savings) | | | 10-43013-80 | - | 75,871.00 |
| Total | | | | 95,871.00 | 95,871.00 |

BOROUGH OF WEST CHESTER



PURCHASE ORDER REQUEST

TO: Sean Metrick, Borough Manager

FROM: Joshua B. Lee, Chief of Police

SUB: PURCHASE ORDER REQUEST

DATE: 5/26/2026

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor VIPR ai, LLC.

Contact Sean Petty

Address 600 Eagleview Blvd.
Suite 300
Exton, PA 19341

Phone

Email accounts@vipr.ai

Fax

Justification

VIPR Annual Subscription for cameras
(VIPR.ai, LLC was formerly known as Platelogiq)
CoStars #033-033

| | |
|---------------------------------|--------------|
| TOTAL AMOUNT TO BE PAID: | \$ 11,200.00 |
|---------------------------------|--------------|

Reference (select one) Quote SOW SA

BOROUGH OF WEST CHESTER



PURCHASE ORDER REQUEST

TO:

FROM:

SUB: PURCHASE ORDER REQUEST

DATE:

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor

Contact

Address

Phone

Email

Fax

Justification

TOTAL AMOUNT TO BE PAID:

Reference (select one) [] Quote [] SOW [] SA State Contract

BOROUGH OF WEST CHESTER



PURCHASE ORDER REQUEST

TO:

FROM:

SUB: PURCHASE ORDER REQUEST

DATE:

IT IS REQUESTED THAT A PURCHASE ORDER BE ISSUED TO:

Vendor

Contact

Address

Phone

Email

Fax

Justification

TOTAL AMOUNT TO BE PAID:

Reference (select one) [] Quote [] SOW [] SA [] State Contract

Borough of West Chester, PA
Wednesday, June 3, 2026

Chapter C. Home Rule Charter of the Borough of West Chester and Its Government

Article II. The Borough Council

Section 207. Salaries.

8 Pw-CAS 1001

- A. Each Member of Council may receive compensation to be fixed by ordinance, which shall be enacted prior to the fifteenth day of February of any year in which Members of Council are normally elected, as prescribed in Section 204(B). Such compensation shall not exceed the maximum established by **Section 1001 of the Borough Code**. No ordinance shall change the salary of any Member of Council after his or her election or appointment.
- B. Members of Council shall receive no other compensation from the Borough, direct or indirect. They may, however, receive reimbursement of expenses actually incurred in the performance of their duties. The Administrative Code shall prescribe the procedure for the authorization and approval of such expenses.
- C. In no case shall the compensation for any Member of Council exceed that of the Mayor. However, wherever the Mayor's compensation exceeds that authorized by this section for Members of Council, the President of Council may receive compensation not to exceed that of the Mayor.

Borough of West Chester, PA
Wednesday, June 3, 2026

Chapter C. Home Rule Charter of the Borough of West Chester and Its Government

Article IV. Mayor

Section 405. Salary.

8 Pa CSA § 1025

- A. The Mayor may receive compensation to be fixed by ordinance, which shall be enacted prior to the fifteenth day of February of any year in which the Mayor is normally elected, as prescribed in Section 402(B). Such compensation shall not exceed the maximum established by Section 1025 of the Borough Code. No ordinance shall change the salary of the Mayor after his or her election or appointment.
- B. The Mayor shall receive no other compensation from the Borough, direct or indirect. He or she may, however, receive reimbursement of expenses actually incurred in the performance of his or her duties. The Administrative Code shall prescribe the procedure for the authorization and approval of such expenses.

*Borough of West Chester, PA
Wednesday, June 3, 2026*

Chapter 3. Administrative Code

Article IV. Borough Council/Mayor

§ 3-11. Compensation: Council and Mayor.

{Amended 12-19-2001 by Ord. No. 18-2001}

- A. Salary of Council members. Each member of Council shall be paid an annual salary as compensation for the duties imposed by Act No. 581 of 1965, as amended, known as the Borough Code, as follows:
 - (1) Commencing January 1, 2006, each member of Council shall be paid the sum of \$4,000, payable quarterly.
 - (2) Commencing January 1, 2008, each member of Council shall be paid the sum of \$4,125, payable quarterly.


- B. Salary of Mayor. The Mayor of the Borough of West Chester shall be paid an annual salary as compensation for the duties imposed by Act No. 581 of 1965, as amended, known as the Borough Code, as follows:
 - (1) Commencing January 1, 2006, the Mayor shall be paid the sum of \$4,000, payable quarterly.
 - (2) Commencing January 1, 2008, the Mayor shall be paid the sum of \$4,125, payable quarterly.

8 Pa.C.S. § 1001

Pa.C.S. documents are current through 2026 Regular Session Act 17; P.S. documents are current through 2026 Regular Session Act 17

Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Consolidated Statutes (§§ 101 — 9901) > Title 8. Boroughs and Incorporated Towns (Pt. I) > Part I. Boroughs (Chs. 1 — 35) > Chapter 10. Powers and Duties of Elected Officials. (Subchs. A — F) > Subchapter A. Council. (§§ 1001 — 1016)

Notice

 This section has more than one version with varying effective dates.

§ 1001. Organization of council, quorum, participation by telecommunication device, voting, compensation and eligibility.

(a) Organization. The council shall organize on the first Monday of January of each even-numbered year by electing one member as president and one member as vice president, who shall hold the offices at the pleasure of the council. If the first Monday is a legal holiday, the meeting and organization shall take place the following day. Any action taken by any council at any time between 12:01 a.m. on January 1 of an even-numbered year and the organization of council in that year shall be subject to reconsideration by the new council at any time within ten days after organization. The council may, at the organizational meeting, appoint other officers as may be provided for by law or ordinance, or as may be deemed necessary for the conduct of affairs of the borough, and may transact any other business as may come before the meeting. The president, and, during the president's absence or incapacity, the vice president, shall preside over the meetings of council and perform other duties as are prescribed by this part or by ordinance.

(b) Quorum. A majority of the membership of council then in office shall constitute a quorum. Except as provided in subsection (c), only council members physically present at a meeting place within the borough shall be counted in establishing a quorum.

(c) Telecommunication. Council may provide for the participation of council members in council meetings by means of telecommunication devices, such as telephones or computer terminals, which permit, at a minimum, audio communication between locations, if the following apply:

(1) A majority of the membership of council then in office is physically present at the advertised meeting place within the borough and a quorum is established at the convening or reconvening of the meeting. If, after the convening or reconvening of a meeting, a member has been disqualified from voting as a matter of law, but is still physically present, council members participating by telecommunication device in accordance with this section shall be counted to maintain a quorum.

(2) The telecommunication device used permits the member or members of council not physically present at the meeting to:

- (i)** speak to and hear the comments and votes, if any, of the members of council who are physically present, as well as other members of council who may not be physically present and are also using a telecommunication device to participate in the meeting; and
- (ii)** speak to and hear the comments of the public who are physically present at the meeting.

(3) The telecommunication device used permits the members of council and the members of the public who are physically present at the meeting to speak to and hear the comments and the vote, if any, of the member or members of council who are not physically present at the meeting.

(4) Physical absence of a council member. Council may only authorize participation by telecommunication device for one or more of the following reasons:

- (i)** illness or disability of the member of council;
- (ii)** care for the ill or newborn in the member's immediate family;
- (iii)** emergency; and
- (iv)** family or business travel.

(5) Nothing in this subsection shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.

(d) Voting. A member of the council shall not be disqualified from voting on any issue before the council solely because the member has previously expressed an opinion on the issue in either an official or unofficial capacity.

(e) Compensation. Members of council may receive compensation to be fixed by ordinance as follows:

- (1)** In boroughs with a population of less than 5,000, a maximum of \$3,145 per year.
- (2)** In boroughs with a population of 5,000 or more but less than 10,000, a maximum of \$4,190 per year.
- (3)** In boroughs with a population of 10,000 or more but less than 15,000, a maximum of \$5,450 per year.
- (4)** In boroughs with a population of 15,000 or more but less than 25,000, a maximum of \$6,915 per year.
- (5)** In boroughs with a population of 25,000 or more but less than 35,000, a maximum of \$7,335 per year.
- (6)** In boroughs with a population of 35,000 or more, a maximum of \$8,385 per year.

The salaries shall be payable monthly or quarterly for the duties imposed by this part. Benefits provided to members of council under section 1202(26) (relating to specific powers) shall not be considered pay, salary or compensation, but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1202(26). Any change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the member of council.

(e.1) Alternative compensation. Notwithstanding subsection (e), the council may provide that members of the council shall receive compensation on a per-meeting basis based on attendance of members of council. Total annual compensation may not exceed the amounts specified in subsection (e). Compensation shall only be payable for duly advertised public meetings in which a member of council participated, except compensation is not payable if a member of council is absent from a meeting and the absence is not excused. Excused absence from a meeting shall be determined by council and shall include, but not be limited to, an emergency or illness of the member of council or the member's immediate family, as well as family or business travel. Council may require documentation to support an excused absence.

(f) Eligibility for compensation. The population shall be determined by the latest available official census figures, except that a borough shall not be required to reduce the salary of a mayor or member of council as a result of a decrease in population. In no case shall the compensation for any member of council exceed that of the mayor in any given borough, but, if the mayor's compensation exceeds that authorized by this section for members of council, the president of council may receive compensation not to exceed that of the office of mayor.

History

[Act 2014-37](#) (H.B. 1719), , § 1, approved Apr. 18, 2014, eff. in 60 days; [Act 2024-131](#) (H.B. 2265), P.L. 1120, § 1, approved October 31, 2024, effective December 30, 2024.

Annotations

Notes

Editor's Notes

Section 1 of [Act 2014-37](#) added new Chapter 10, "Powers and Duties of Elected Officials", including Subchapter A, "Council", on April 18, 2014, effective in 60 days.

Amendment Notes

The 2024 amendment substituted "\$3,145" for "\$1,875" in (e)(1); substituted "\$4,190" for "\$2,500" in (e)(2); substituted "\$5,450" for "\$3,250" in (e)(3); substituted "\$6,915" for "\$4,125" in (e)(4); substituted "\$7,335" for "\$4,375" in (e)(5); substituted "\$8,385" for "\$5,000" in (e)(6); added (e.1); and in (f), added "except that a borough shall not be required to reduce the salary of a mayor or member of council as a result of a decrease in population" at the end of the first sentence.

Research References & Practice Aids

Hierarchy Notes:

[8 Pa.C.S.](#)

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End of Document

8 Pa.C.S. § 10A04

Pa.C.S. documents are current through 2025 Regular Session Act 38; P.S. documents are current through 2025 Regular Session Act 38

Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Consolidated Statutes (§§ 101 — 9901) > Title 8. Boroughs and Incorporated Towns (Pt. I) > Part I. Boroughs (Chs. 1 — 35) > Chapter 10A. Mayor. (§§ 10A01 — 10A08)

§ 10A04. Salary of *mayor*.

(a) General rule. The salary of the mayor shall be established by ordinance and shall not exceed the following:

- (1)** In a borough with a population of less than 5,000, a maximum of \$4,190 per year.
- (2)** In a borough with a population of 5,000 or more but less than 10,000, a maximum of \$8,385 per year.
- (3)** In a borough with a population of 10,000 or more but less than 15,000, a maximum of \$12,575 per year.
- (4)** In a borough with a population in excess of 15,000, a maximum of \$840 per year per 1,000 residents or fraction of 1,000, the population to be determined by the latest official census figures.

(a.1) Treatment of benefits. Benefits provided to the mayor under section 1202(26) (relating to specific powers) shall not be considered pay, salary or compensation, but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1202(26).

(b) Change in salary. A change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the mayor.

History

[Act 2014-37](#) (H.B. 1719), , § 1, approved Apr. 18, 2014, eff. in 60 days; [Act 2024-131](#) (H.B. 2265), P.L. 1120, § 2, approved October 31, 2024, effective December 30, 2024.

Annotations

Notes

Amendment Notes

The 2024 amendment substituted “\$4,190” for “\$2,500” in (a)(1); substituted “\$8,385” for “\$5,000” in (a)(2); substituted “\$12,575” for “\$7,500” in (a)(3); and substituted “\$840” for “\$500” in (a)(4).

Research References & Practice Aids

Hierarchy Notes:

[8 Pa.C.S.](#)

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NOTICE

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Bill to Increase Borough Compensation Maximums Signed into Law

November 4th, 2024

House Bill 2265 ([https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?](https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2023&sInd=0&body=H&type=B&bn=2265)

[sYear=2023&sInd=0&body=H&type=B&bn=2265](https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2023&sInd=0&body=H&type=B&bn=2265)), sponsored by Representative Kyle Donahue (D-Lackawanna), was signed by Governor Josh Shapiro after the bill was passed with a bipartisan vote of 49-1 by the Pennsylvania Senate on Tuesday October 22, 2024. Act 131 will increase the maximum allowable compensation for borough council members and mayors. The maximum allowable compensation for borough officials had not been updated since 1995.

Act 131 does not directly increase any official's compensation since boroughs must set compensation locally through ordinance. Commensurate with the Pennsylvania Constitution, any changes to a borough official's compensation cannot take effect until the beginning of the official's next term of office.

In addition to raising the compensation maximums, Act 131 allows boroughs to pay officials on a per meeting basis and provides for excused absences from meetings.

Act 131 also clarifies that if a future federal census pushes a borough below a certain population threshold, the borough would not be required to lower borough officials' compensation.

Listed below are the current compensation maximums for **council members** and the new increase under Act 131.

- Boroughs with a population of less than 5,000, are currently capped at a maximum of \$1,875 per year. Act 131 sets the new maximum at \$3,145 per year.
- Boroughs with a population of 5,000 or more but less than 10,000, are currently capped at a maximum of \$2,500 per year. Act 131 sets the new maximum at \$4,190 per year.
- Boroughs with a population of 10,000 or more but less than 15,000, are currently capped at a maximum of \$3,250 per year. Act 131 sets the new maximum at \$5,450 per year.
- Boroughs with a population of 15,000 or more but less than 25,000, are currently capped at a maximum of \$4,125 per year. Act 131 sets the new maximum at \$6,915 per year.

Listed below are the current compensation maximums for **mayors** and the new increase under Act 131.

- Boroughs with a population of less than 5,000, are currently capped at a maximum of \$2,500. Act 131 sets the new maximum at \$4,190 per year.
- Boroughs with a population of 5,000 or more but less than 10,000 are currently capped at a maximum of \$5,000. Act 131 sets the new maximum at \$8,385 per year.
- Boroughs with a population of 10,000 or more but less than 15,000 are currently capped at a maximum of \$7,500. Act 131 sets the new maximum at \$12,575 per year.
- Boroughs with a population in excess of 15,000 are currently capped at a maximum of \$500 per year per 1,000 residents or fraction of 1,000. Act 131 sets the new maximum at \$840 per year per 1,000 residents or fraction of 1,000.

Act 131 takes effect on December 30, 2024. New compensation will not take effect until a local ordinance is enacted, and the new compensation applies to the next term of office after the ordinance is enacted.

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Borough Planner / Calendar (calendar.php)

14 U.S. Army Birthday (calendar.php)
JUN

14 Flag Day (calendar.php)
JUN

15 Local Highway Finance Report (FHWA 536) Due to PennDOT (calendar.php)
JUN

Calendar - Print/Flip Version (/PSAB 2026 Calendar/index.html)

Article IV Borough Council/Mayor

§ 3-10 General provisions.

The powers, composition, terms, election, eligibility, authority, prohibitions and other matters concerning the elected Borough Council are set forth in Article II of the Home Rule Charter for the Borough of West Chester.

§ 3-11 Compensation: Council and Mayor.

{Amended 12-19-2001 by Ord. No. 18-2001}

- A. Salary of Council members. Each member of Council shall be paid an annual salary as compensation for the duties imposed by Act No. 581 of 1965, as amended, known as the Borough Code, as follows:
- (1) Commencing January 1, 2006, each member of Council shall be paid the sum of \$4,000, payable quarterly.
 - (2) Commencing January 1, 2008, each member of Council shall be paid the sum of \$4,125, payable quarterly.
- B. Salary of Mayor. The Mayor of the Borough of West Chester shall be paid an annual salary as compensation for the duties imposed by Act No. 581 of 1965, as amended, known as the Borough Code, as follows:
- (1) Commencing January 1, 2006, the Mayor shall be paid the sum of \$4,000, payable quarterly.
 - (2) Commencing January 1, 2008, the Mayor shall be paid the sum of \$4,125, payable quarterly.

§ 3-12 Indemnification and personal liability insurance.

To protect the Borough Council and the Mayor from personal liability in the performance of their duties, indemnification and personal liability insurance shall be provided by the Borough. The amounts and limits of said insurance will be determined by the Borough Council. Each Council person and the Mayor shall be indemnified against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him/her in connection with any adverse action by reason of the fact that he/she is or was a Council member or Mayor, if they acted in good faith and in a manner he/she reasonably believed to be in the best interests of the Borough and, with respect to any criminal action or proceeding, had no reasonable cause to believe their conduct was unlawful.

- A. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that the Council member or Mayor did not act in good faith and in a manner which he/she reasonably believed to be in the best interests of the Borough and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was unlawful.
- B. To the extent that the Council member or Mayor has been successful on the merits or otherwise in defense of any adverse action, he/she shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him/her in connection therewith as of right. In all other instances, indemnification should be made by the Borough only as authorized in a specific case upon a determination that the indemnification is proper in the circumstances because he/she has met the applicable standard of conduct set forth above. Such determination shall be made by the Borough Council by a majority vote of a quorum consisting