



ACT Committee Meeting
July 8, 2026 @ 6:30 PM
This meeting is recorded for public record.

Committee Members:

Lisa Kearns, Chair
Jerome Szczepaniak
Stephen Marvin

Chief Information Security Officer: William Mann

Director of Human Resources: Christine Hines

Borough Manager: Sean Metrick

ACT Committee Meeting:

I. Call to Order

II. Announcements

III. 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.

IV. Reports

A. Quarterly Report - Human Resources Director

B. ACT Committee –Chair Report, workplan and issues raised at prior meetings

V. Old Business

A. Approve June 2026 meeting minutes (attachment)

B. Discuss Borough Council/Mayor compensation (attachment)

VI. New Business

A. Motion to approve endorsement of legislative bills in PA House and Senate and letters of support to Representative Pielli and Senator Comitta (attachment)

B. Motion to approve cable franchise agreement with Comcast (attachment)

C. Discuss conducting hybrid Borough Council Meetings

VII. Other Business

VIII. 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.



Borough of West Chester
401 East Gay St West Chester PA 19382

Borough Council

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

Mayor

Lillian L. DeBaptiste

Borough Manager

Sean Metrick

Quarterly HR Director Report

Date: July 8, 2026

Overview

This report provides a comprehensive overview of the HR activities and metrics for the West Chester Borough for the first quarter of 2026 with data listed for the first quarter of 2025 for comparison. It includes data on benefits, demographics, headcount, labor cost, and turnover.

Benefits

• **Health Insurance:**

- Employee Eligibility = 121 (98.4%)
 - *1st Quarter 2025 Employee Eligibility 124 (91.2%)*
- Employee Participation = 102 (84.3%)
 - Single 32.2%
 - Family 52.1%
- Family Members Enrolled = 140
 - *1st Quarter 2025 Family Members Enrolled = 156*
- Employees Waived Coverage = 19 (15.7%)
- 1st Quarter 2026 Costs for medical coverage = \$ 677,817.87
 - *1st Quarter 2025 Cost for medical coverage = \$ 691,105.99*
- Health Saving Account (HSA) 1st Quarter 2026 Cost= \$ 1008.90
 - *1st Quarter 2025 Cost for HSA= \$ 1,057.35*

• **Dental Insurance:** 100% employer paid through United Concordia

- Employee Eligibility = 121 (98.4%)
- Employee Participation = 103 (85.1%)
 - Single Coverage = 33.1%
 - Family Coverage = 52.1%
- Family Members Enrolled = 138
- Employees Waived Coverage = 18 (14.9%)
- 1st Quarter 2026 costs for dental coverage = \$ 25,536.01
 - *1st Quarter 2025 Cost for dental coverage= \$ 26,735.01*

- **Vision Insurance:** through Vision Benefits of America (VBA)
 - Employee Eligibility = 121 (98.4%)
 - Employee Participation = 104 (86%)
 - Single Coverage = 37.2%
 - Family Coverage = 48.8%
 - Family Members Enrolled = 123
 - Employees Waived Coverage = 17 (14%)
 - 1st Quarter 2026 costs for vision coverage = \$ 3,322.80
 - 1st Quarter 2025 costs for vision coverage= \$ 3,449.16

Demographics

- **Total Employees:** 123
- **Gender Distribution:** 82.1% Male, 17.9% Female
 - Gender Distribution 1st Quarter 2025 80.1% male, 19.9% female
- **Age Distribution:**
 - Baby Boomer (1945-1964) = 5.7% (Employees)/ 1st Quarter 2025 10.3%
 - Generation X (1965-1980) = 42.3% (Employees)/ 1st Quarter 2025 41.9%
 - Millennials (1981-1994) = 30.1% (Employees)/ 1st Quarter 2025 30.1%
 - Generation Z (1995-2010) = 22% (Employees)/ 1st Quarter 2025 17.6%

Headcount

- **Total Headcount:** 123, average tenure 12.8 years
 - Total headcount 1st quarter 2025- 136 average tenure 12.3

Labor Cost

- **Total Labor Cost:** 1st Quarter 26 = \$3.7m
 - 1st quarter 2025 3.4m
- **Total Labor Hours:** 1st Quarter 26 = 60.5k
 - 1st Quarter 2025 57.1k

Breakdown by Department:

Department	Labor Costs 1 st Quarter 2026	Labor Costs 1 st Quarter 2025
Police Department	\$ 1,639,839.17	\$ 1,433,089.34
Streets Department	\$ 597,654.51	\$ 607,135.31
Sewer Department	\$ 329,614.40	\$ 329,248.25
Police Chief/LT's	\$ 230,092.64	\$ 228,948.84
Clerical Police	\$ 238,365.09	\$ 203,359.08
Parking Services	\$ 191,418.32	\$ 180,921.73
Administration	\$ 176,718.34	\$ 171,996.69
Building & Housing Department	\$ 142,477.41*	\$ 103,636.54
Finance	\$ 77,166.86	\$ 66,724.15
IT Department	\$ 54630.02	\$ 52,831.49
Parks & Recreation Department	\$ 51271.60	\$ 49,037.48
Mayor & Council	\$ 8,936.41	\$ 8,936.41

*\$1,717.61 is for rental licensing fees. Beginning in January 2026, employees in the Building and Housing department who work on rental licensing fees clock in and out in a new cost center code to track how much time they spend on rental licensing fees.

- **Overtime Costs:** 1st Quarter 2026 = \$161.2k for 2.7k hours worked. One reason for the increased overtime is the snowstorms in January and February.
 - *Overtime costs for 1st quarter 2025 \$ 123,026.09 for 1.9k hours worked*

Turnover

- **Turnover Rate 1st Quarter 2026= 4%.** 5 terminations (2 retirements, 2 voluntary resignations, 1 involuntary termination)
 - *Turnover rate 1st quarter 2025= <1%*

Training/Events

Presented training on Progressive Discipline to leadership in April. Held an Ice Cream truck employee event on July 1st.

Kris Hines
Human Resources Director
Borough of West Chester

MEETING MINUTES

Administration, Communication, and Technology

Date: Wednesday ,June 10, 2026 @ 6:30 PM

Committee Members: Lisa Kearns, Chair
Stephen Marvin
Jerry Szczepaniak

Staff: William Mann, Chief Information Security Officer
Nicholas Fink, Manager of Data and Enterprise Applications
Sean Metrick, Borough Manager

II. Announcements

Announce the Revolutionary flag raising ceremony at Borough Hall on July 1st at 9:30 AM

III. Comments, suggestions, petitions by residents, property owners, and visitors in attendance regarding items not on the agenda. (Please be advised that all public comments have a 5-minute time limit.)

IV. Reports

- A. ACT Committee –*Chair Report, workplan and issues raised at prior meetings (attachment)*
- B. Data Manager Quarterly Report – Nick Fink - **completed**

V. Old business

- A. Approve May 2026 meeting minutes (attachment) – **Approved 3-0**

VI. New business

- A. Discuss increasing the compensation for the Mayor and Borough Council pursuant to State Law, Act 131. - **Moved to discussion at the Worksession. No recommendation.**

VII. 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.

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

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

Home (index.php) / Notice

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.

Select Language | ▼

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)

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:

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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.



Borough of West Chester
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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

Memo to ACT Committee of Borough Council
July 8, 2026

Motion to draft letters of support to Representative Pielli and Senator Comitta for the following PA House and Senate legislation.

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.

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.

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.

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.

RESOLUTION NO. _____

RESOLUTION OF THE BOROUGH OF WEST CHESTER AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND COMCAST OF SOUTHEAST PENNSYLVANIA LLC.

WHEREAS, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996 and any future amendments thereto (hereinafter collectively referred to as the "Cable Act"), the regulations of the Federal Communications Commission (hereinafter referred to as the "FCC") and Pennsylvania law, the Borough is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Comcast currently holds a cable franchise from the Borough issued pursuant to Ordinance No. 21 of 1966; and

WHEREAS, Comcast has requested that the Borough renew Comcast's franchises to maintain, construct, operate, and upgrade its cable system over, under and along the aforesaid rights-of-ways for use by the Borough's residents; and

WHEREAS, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Borough on behalf of the citizens of the Borough, and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Borough desires to protect and manage the aforesaid rights-of-way, establish standards of customer service, maintain a technologically advanced cable system, receive franchise fees for Comcast's use of the Borough's rights-of-ways as provided by federal law, reserve the use of an educational and governmental channel, establish certain reporting requirements, reserve certain services and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Borough has determined that Comcast has the financial, legal, and technical ability to provide cable services to subscribers located in the Borough; and

WHEREAS, the Borough, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing a franchise with Comcast according to the terms and conditions contained in the

Cable Franchise Agreement (“Agreement”), and that the process for consideration of these documents complies with all applicable federal, state and local laws and regulations.

NOW THEREFORE, BE IT RESOLVED THAT

SECTION 1: Grant of Franchise

The Borough Council does hereby approve the Agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Agreement. A copy of the Agreement is attached hereto as Exhibit A.

SECTION 2: Repealer

All resolutions inconsistent with the attached Cable Franchise Agreement by and between the Borough of West Chester and Comcast of Southeast Pennsylvania LLC, are hereby repealed.

SECTION 3: Severability

If any section, subsection, sentence, clause, phrase or word of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Resolution invalid.

SECTION 4: Effective Date

This Resolution shall become effective as provided by law.

RESOLVED this ____ day of _____, 2026.

ATTEST:

BOROUGH OF WEST CHESTER:



PRIVILEGED ATTORNEY-
CLIENT COMMUNICATION

April 21, 2026

Sean Metrick
Borough Manager
West Chester Borough
401 East Gay Street
West Chester, PA 19380

RE: Executive Summary of Cable Franchise Agreement with Comcast

Dear Mr. Metrick:

I am pleased to inform you that we have reached tentative agreement with Comcast regarding cable franchise renewal for the Borough of West Chester. The following is an executive summary of the major provisions of the Cable Franchise Agreement (the “Agreement”) negotiated with Jessica Sibley of Comcast. While there are many other important provisions contained in the Agreement, I have limited this summary to the major items outlined herein. The Agreement is, of course, subject to the approval of the Borough Council.

1. Franchise Fees (Sections 1(p) and 6)

Municipalities are entitled under federal law to assess a franchise fee of up to five percent (5%) of the cable operator’s “gross revenues” for cable services provided within the municipality. The Borough currently assesses a five percent (5%) fee and this remains the same in the Agreement. The definition of “gross revenues” in the Agreement includes an itemized list of 25 separate revenue sources that will maximize the Borough’s franchise fee revenue. This list includes all current eligible revenue sources as well as all foreseeable future sources and a “catch all” item to capture any other future revenue sources that are not foreseeable. The list adds several new revenue sources that Comcast has added in the past few years.

While several relevant variables such as rate changes, subscriber activity, subscriber penetration, and related issues can and will impact the Borough’s franchise fees, the

Agreement is intended to maximize the Borough's franchise fee revenue. Please note that all franchise fees are passed through to Comcast cable subscribers as a separate line item on their bills. Franchise fees will be paid to the Borough on a quarterly basis.

In addition to franchise fee revenue, the Agreement ensures franchise fee accountability. It permits the Borough to conduct an independent audit of Comcast's records to determine whether Comcast has paid franchise fees accurately. Should the audit reveal that franchise fees have been underpaid, then Comcast must pay the underpaid amount plus "interest from the due date equal to the then-current prime rate of interest as published by *The Wall Street Journal*" on the underpayment. Furthermore, should the audit reveal that franchise fees have been underpaid by five percent (5%) or more, then Comcast also must contribute up to \$3,000 toward the cost of the audit.

Finally, the Agreement includes "bundled services" protection. If a subscriber purchases more than one of Comcast's three services (i.e. cable, internet and phone) and receives a bundled services discount, this provision ensures that the discount does not apply only to cable services. If it did, franchise fee revenue to the Borough would be reduced. Section 6.5 of the Agreement states that "allocation of revenue shall not be structured for the purpose of evading franchise fees applicable to cable services."

2. Customer Service Standards (Section 4)

The Agreement establishes a set of comprehensive, quantifiable, and enforceable customer service standards. These standards adopt the relevant recommendations of the Federal Communications Commission ("FCC"), which are not enforceable unless they are included in a franchise agreement, and also add certain additional requirements. The customer service standards include, but are not limited to, the following:

- Telephone answering time limits for customer service representatives, including the requirement that Comcast to perform surveys to measure compliance with the standards upon receipt of subscriber complaints;
- Time limits for commencing installation, service interruption, and repair work, including limits on technicians cancelling appointments with subscribers;
- A four-hour "appointment window" for service calls;
- Requirements for notices to subscribers;
- Requirements that bills be clear, concise, and fully itemized;
- Customer complaint procedures, including that Comcast may not impose late fees on a subscriber who disputes a bill in good faith until the investigation is completed;

- Requirements to be met prior to disconnecting service;
- Credits for service interruptions of six or more hours upon request; and
- Standards of subscriber privacy.

3. Right-of-Way Protections (Section 3)

The Agreement provides many protections of the Borough's public rights-of-way. For example, Comcast agreed to repair any damage to public or private property by Comcast or any of its contractors or subcontractors within 20 business days. In addition, the Agreement includes safety standards, the provision of service area maps to the Borough upon request, requirements for disconnection and relocation of Comcast's wires and equipment, removal of equipment in the event of an emergency, and the need for Borough approval for cutting down any trees in the public rights-of-way.

4. Reporting Requirements (Sections 5.7 and 6.3)

The Agreement includes three reporting requirements to the Borough to be met by Comcast. The first is a detailed franchise fee report to accompany each quarterly franchise fee payment. The report must contain line items for sources of revenue received by Comcast and the amount of revenue received from each source.

Second, upon written request, Comcast must submit a customer complaint report stating the date, nature and resolution of all subscriber complaints that have generated a work order or have necessitated a response. The term "complaint" is defined as any written (including email) or oral communication by a subscriber expressing dissatisfaction with Comcast's operation of the cable system that is within Comcast's control and requires a corrective measure. In addition, and upon request, the Borough may obtain from Comcast specific information regarding service repair requests and service interruptions.

Third and finally, Comcast must, upon written request, provide to the Borough copies of reports or other communications to any federal or state regulatory agencies relating to Comcast's cable system within the Borough.

5. Cable System Requirements and Service Area (Section 3)

The Agreement provides technical requirements for the cable system serving the Borough. It requires the system to be built for digital television standards and meet or exceed all technical performance standards of the FCC, the National Electric Code and the National Electrical Safety Code. It also requires that Comcast perform tests on the cable

system upon request, report to the Borough regarding the results of the tests, and take corrective measures if the results show non-compliance with applicable standards. \

Furthermore, the Agreement requires that Comcast make cable service available to every area in which there is a minimum of 25 residential dwelling units per linear aerial plant mile (50 units per mile underground) subject to certain conditions. Any home that is within 275 feet from Comcast's main distribution line is considered a "dwelling unit." Upon Borough request, Comcast must conduct a survey to determine the number of dwelling units per mile in the requested area. Any unit within 125 feet of the main distribution line is entitled to a standard installation rate. For any unit beyond 125 feet, Comcast must connect it if the unit owner pays the incremental cost beyond the installation costs for the initial 125 feet.

6. Educational and Governmental ("EG") Channel (Section 7.2)

Federal law grants municipalities the right to dedicated public, educational and governmental ("PEG") channels. In the Agreement, Comcast agrees to continue to make available a single educational and/or governmental ("EG") channel to be used for programming related to educational and/or governmental activities. The Borough or its designee would have complete control over the content, scheduling, and administration of the channel, and the Borough may delegate these functions, or a portion of these functions, to a designated access administrator, such as the School District.

Comcast agrees to provide and maintain the wires and other signal distribution equipment so that programming can originate from the selected video origination location and be distributed over the cable system. Comcast is required to cablecast the EG channel to all Comcast subscribers and the technical quality of the channel must be comparable to the technical quality used for commercial channels.

7. Services to Community Facilities (Section 7.1 and Exhibit A)

The Agreement requires Comcast to provide Basic level television service to various public buildings, including the Borough Municipal Building, schools, fire companies, public works buildings, and water and sewer authorities. Notwithstanding the foregoing, the FCC Section 621 Report and Order of September 2019 ("Order") has injected a major new restriction that previously did not exist. The Order states that "costs attributable to franchise terms that require a cable operator to provide free or discounted cable services to public buildings" may be offset against franchise fees. The FCC found that these services are in-kind contributions and fall within the 5% franchise fee cap.¹

¹ For those municipalities that assess a franchise fee percentage that is lower than 5%, they may receive free cable services for public facilities, provided the services have a fair market value that, combined with franchise fee revenue, is less than 5% of gross revenues.

The Order outlines the new options for local governments: (1) continue to receive the existing cable services and reduce franchise fee revenue by the “marginal cost” value of those services; (2) discontinue all the services and continue receiving franchise fees at their current level; or (3) terminate the service to certain buildings and reduce franchise fees by the value of the reduced service. These options are reflected in Section 7.1 of the Agreement. At this time, Comcast does not intend to begin charging the Borough for such services. Should Comcast elect to do so in the future, the Agreement requires that Comcast provide the Borough 120 days’ written notice of the commencement of any such charges. The Borough will then have 30 days to notify Comcast of its decision to opt for either (1), (2), or (3) above with respect to each facility. The Agreement also reserves the right for the Borough to change any Public Building designated to receive such service upon 90 days’ written notice to Comcast, so long as the Public Building is within 125 feet of existing Comcast cable distribution plant.

8. Liquidated Damages for Violations (Section 8.2)

Once Comcast has agreed to the obligations described in this executive summary and the other obligations contained in the Agreement, it is critical for the Borough to be able to enforce these obligations. Section 8.2 of the Agreement allows for monetary fines, also known as “liquidated damages,” in the amount of \$250 per day for each violation of the Agreement. The Borough may assess such monetary fines after providing Comcast with written notice and allowing Comcast forty-five (45) days to correct the violation, unless the nature of the violation is such that it cannot be cured within forty-five (45) days, in which case the cure period may be extended. Liquidated damages may be assessed for 120 days, after which the Borough may commence revocation proceedings or initiate a lawsuit.

9. Length of Franchise Term (Section 2.2)

Due to the fact that cable technology is constantly changing and we cannot predict the state of this technology in the future, we recommend the shortest possible length of term for the Agreement. For Comcast, this is 10 years. We know from our extensive dealings with Comcast over the past 22 years that this is a policy position from which Comcast will not deviate.

10. Competitive Equity Provision (Section 2.6)

Pursuant to the 1992 Cable Television Consumer Protection and Competition Act, cable franchise agreements may not be exclusive. The Borough may award more than one franchise to different cable operators. In large part due to the emergence of Verizon as a competitor in the cable industry, Comcast insisted upon including a competitive equity provision, also known as “level playing field” provision, in the Agreement. These

provisions relate to the prospect of another cable operator providing cable services in the Borough in the future.

The competitive equity provision negotiated with Comcast states that, if the Borough grants another cable franchise and the material terms of the new franchise agreement, when taken as a whole, are more favorable to the competitor than the terms in this Agreement are to Comcast, then Comcast may request an amendment to this Agreement to include such favorable terms. Only if the Borough agrees with Comcast that there is a lack of competitive equity will the Borough and Comcast enter into discussions to amend the Agreement. This provision keeps control with the Borough and assesses the Agreement in the aggregate rather than on an issue-by-issue basis. In our experience, an issue-by-issue analysis can be misleading by focusing on singular issues in a vacuum without taking into account the totality of the negotiations.

This concludes the executive summary of the major items contained in the Agreement. There are many other provisions in the Agreement, but we have highlighted the major items. Thank you for your cooperation in this effort. Should you have any questions or concerns regarding this matter, please do not hesitate to contact me directly.

Sincerely yours,

Michael D. Roberts

Michael D. Roberts



April 21, 2026

Sean Metrick
Borough Manager
West Chester Borough
401 East Gay Street
West Chester, PA 19380

RE: Franchise Agreement with Comcast

Dear Mr. Metrick:

I am pleased to inform you that we've reached a proposed final agreement (the "Agreement") with Comcast regarding a cable franchise for the Borough of West Chester. Accordingly, enclosed please find the following:

1. The Agreement;
2. An executive summary of the Agreement; and
3. A recommended resolution (the "Resolution") for Borough Council, approving and adopting the Agreement.

Should Borough Council approve the Agreement and Resolution, please have the Council President sign the Agreement and scan/email same to me along with the signed Resolution. I will then forward the documents to Comcast for signing of the Agreement and will return a fully-executed original of same to you upon receipt from Comcast.

Should you or any of your elected officials have any questions or concerns regarding this matter, please don't hesitate to contact me at (412) 447-0130.

Sincerely yours,

Michael D. Roberts

Enclosures