



ACT Committee Meeting
July 8, 2025 @ 5:30 PM
This meeting is recorded for public record.

Committee Members:

Bryan Travis, Chair
Brian McGinnis
Shelia Vaccaro

Chief Information Security Officer: William Mann

Director of Human Resources:

Borough Manager: Sean Metrick

ACT Committee Meeting:

- I. Call to Order
- II. Announcements
 - A. Public Hearing, July 16 2025 @ 6:30 PM, to approve the five-year business plan with the West Chester Business Improvement District.
- III. Reports
 - A. Chief Information Security Officer, Monthly Report
 - B. *Quarterly Report:* Nicholas Fink, Manager of Data and Enterprise Applications
- IV. Old Business
 - A. Approve the July 2025 minutes
 - B. Discuss Christmas Parade process and procedures for discounted fees
- V. New Business
 - A. Approve Resolution to dispose of the following records
 - 1. Open Records Files prior to 2022
 - 2. Solicitors applications prior to 2021
 - 3. Building & Housing Residential Building Permits prior to 2020
 - 4. Rental Permit Receipts prior to 2017

Issue: Dispose of old records according to the Pennsylvania Records Retention and Disposal Schedule.

- B. Discuss interpretation of PA sunshine requirement for residents in attendance regarding items not on the agenda (section § 710.1. Public participation).

Issue: (1) The purpose of the agenda item, who it is for, and who it is not for; and, (2)
The reasonable amount of time allotted to this item.

VI. Other Business

VII. Adjournment

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

CISO – Monthly Report for June 2025

Information Technology Department



Information Technology Services Staff

The IT Team is:

William Mann, Chief Information Security Officer

Jeffrey Carbohn, Information Technology Manager



Prepared for:

Sean Metrick, Borough Manager

Lillian DeBaptiste, Mayor

Patrick McCoy, Council President

Nicole Scimone, Council Vice-President

Brian Travis, ACT – chair

Brian McGinnis, ACT – member

Sheila Vaccaro, ACT – member

Bernie Flynn, council member

Lisa Dorsey, council member



WM William Mann, CGCIO®
Chief Information Security Officer

wmann@west-chester.com

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EXECUTIVE SUMMARY

The information department's major responsibilities include, but are not limited to:

1. Manage and secure all networking services.
2. Ensure the availability, continuity, and security of technology services within the organization.
3. Manage software and security updates on all servers.
4. Manage all aspects of network and user security policies and procedures.
5. Manage physical firewall and VPN appliances at all locations, including the municipal building, public works, wastewater, and parking garage facilities.
6. Manage, monitor, respond and remediate all cybersecurity incidents.
7. Manage, configure, and respond to all Advanced Threat Protection services.
8. Manage, configure, and monitor all backup services, both on premises and offsite.
9. Manage, configure, and monitor all web traffic in respect to access configuration.
10. Provide regular cybersecurity awareness training for staff.
11. Conduct regular cybersecurity Department meetings.
12. Manage and monitor all digital (email and document) backup and archival services.
13. Maintain the "Cybersecurity Action Plan".
14. Manage employee onboarding and offboarding in respect to technical and security services.
15. Plan and coordinate activities, such as installation and upgrading of hardware and software including programming and systems design, development of computer networks, domains and VLAN scheme within the LAN.
16. Analyze the computer and technology needs of the organization from the operational and strategic perspective and determine immediate and long-range requirements.
17. Creating, maintaining, and enforcing written policies and procedures regarding computer operations in the Information Technology Department and throughout the organization.
18. Monitor and respond to network related service issues.
19. Managing all communication services, including traditional voice service and Microsoft Teams (VoIP) including Access Points relating to internal and public internet access.
20. Manage and maintain telecommunication services in police dispatch.
21. Manage Microsoft 365 and Adobe Creative Cloud services.
22. Manage and complete Right to Know and compliance reports relating to digital data retrieval including email and documents.
23. Manage workstations and related hardware services.
24. Manage organizational print, scanning and fax services.
25. Manage parking services, handhelds and portable radios.
26. Manage cameras at Public Works and parking garages.
27. Assist the police department with the municipal building's camera and security services.
28. Manage Help Desk services.
29. Managing the Information Technology Manager.
30. Manage audio, video, recording and streaming services for public meetings.
31. Manage the Borough's YouTube channel.
32. Manage website services.
33. Manage mobile services.
34. Maintain, and plan the operational and capital technology budget including day to day invoicing.
35. Assist the Chief Communication Officer with dispatch related and social media services.
36. Assist the department's Data Manager in respect to data related services, enterprise applications and related projects.

OTHER INITIATIVES, SERVICES AND VISIONING (highlights)

This work falls outside the scope of managed projects, project assistance and help desk tickets.

- Setup and (IT related) onboarded new Police Social Worker. *
- Setup and (IT related) onboarded new HR contractor. *
- Setup and (IT related) onboarded new Data Intern. *
- Worked with the PAC (Public Arts Commission) on updating their webpage.
- Modified Paylocity mobile app configuration for identified users.
- Created comments@west-chester.com email address for Administration.
- Assisted with Recreation with the setup of their virtual golf equipment for an event.
- Troubleshooting Smart Display in the administration conference room.
- Public works helped the IT Department troubleshooting and repairing the smart display in the Administration conference room. (pictured right)
- Repaired the Microsoft Teams phone and Display connection in the Executive Meeting Room.
- Modified the B&H Bookings page with Rental Inspection guidelines.



* Service includes setting up network access, Microsoft 365, Adobe, MFA, Security Access and more.

RIGHT TO KNOW

Each month this office helps gather digital data involving email and digital documents for submitted Right to Know requests.

Jan – 1	Feb – 0	Mar – 0	Apr – 0	May – 0	Jun - 1
Jul –	Aug -	Sep -	Oct -	Nov -	Dec -

MEETING MANAGEMENT

The IT Department moderated, streamed and recorded all Borough Council meetings this month.

- We continue to test the recording of our Planning Commission meetings.
- Both Planning Commission meetings were recorded and uploaded to our YouTube channel.

PROJECTS

Projects led and managed by the Information Technology Department. Project updates will be provided each month relating to each of these.

The major projects include:

1. Workstation Upgrades

This project includes the planned upgrades of computers throughout our organization.

2. Mobile Device Management

*We have partnered with **GoTo Resolve** for mobile device management. The adoption of this solution will provide mobile device management, support, and inventory controls.*

3. Parking Garage Security Access

Upgrade and replacement of identified cameras at the Chestnut Street Parking Garage. We are working on various options that will begin the process of replacing the existing surveillance system over the next 2-3 years. (Just under \$26,000 is budgeted in 2024.)

- a. *Installation continues with the 4 security access points.*
- b. *An additional high traffic access point was requested which has been ordered.*
- c. *The additional high traffic AP was installed.*
- d. *BSGI to complete installation in July.*

4. Agenda & Meeting Management Service

A new end-to-end solution from CivicPlus that will enable our organization to easily manage agendas, minutes, and public meetings, while providing the public with unparalleled transparency and access to the meeting process.

- a. *June 6 – Project Check-In*
- b. *June 15 – Meeting Template and Design Training*
- c. *The IT Department continued testing and building the new system with the Borough Council committee meetings as well as full council meetings.*

PROJECTS

5. Audio Upgrades in the Borough Council Chambers

New microphone solution for our Borough Council Chambers.

- a. Parts ordered.
- b. Project should kickoff in July.

6. Penetration Testing

This is an important addition to our cybersecurity strategy because it evaluates our communication protocols, identifying areas of modification against current cybersecurity threats. Next year this will become a regular part of our strategy.

- a. Testing was completed in April.
- b. Additional testing is scheduled for this fall.

7. Microsoft Copilot Integration (AI)

For the past few months the IT Department has been testing *Copilot for Microsoft 365*. Copilot is Microsoft's AI (artificial intelligence) engine. AI will eventually play an important part in how work gets done. We are planning to launch an **AI Exploration Team** in April where we will explore the benefits and perils of AI in the workplace.

- a. Testing and use case consideration continues with a small AI team.

8. Redesign of Building & Housing Website

In collaboration with Sean Metrick, Ramsey Reiner and Wendy Mecke.

Redesigning the many aspects of our Building and Housing website with a minimalist approach to improve visitor ease of use.

- a. Continued working with Ramsey and Sean Metrick redesigning all aspects of the Building & Housing website area.

9. Windows 11 Upgrades

Microsoft will be stopping security updates for the Windows 10 operating system. We are identifying all Windows 10 PC's and completing upgrades to Windows 11. This will take several months as the work needs to be coordinated with staff members. (process continued this month)

PROJECT ASSISTS

This department assists all departments with a diverse range of projects and initiatives.

FINANCE DEPARTMENT – Assisting with an automated ACH solution with Abila.
- Completed.

POLICE DEPARTMENT – Assisting with the body and car camera migration from Watchguard to Axon. Attended project meetings during the month. – Completed

CONTINUED EDUCATION & ENGAGEMENT

Cybersecurity and technology in general are continually evolving. One of the best ways to remain ahead is through engagement, education, new ideas and dialog with other professionals in the same sector.

June 10 - Unveiling of the New MS-ISAC Membership Model

June 12 - BarracudaONE: Discover the benefits of your new, integrated cybersecurity platform

June 23 - 2025 ISAC Annual Meeting Kickoff: The Future of the MS-ISAC

June 25- 2025 ISAC Annual Meeting Conclusion: MS-ISAC Executive Committee Town Hall Session



ONLINE ANALYTICS – COUNCIL MEETINGS

Below are the streaming analytics of our Borough Council meetings both on Facebook (live and afterward viewing) as well as on our YouTube channel.

Borough of West Chester YouTube Channel

YOUTUBE	VIEWS BY MONTH					
	Jan	Feb	Mar	Apr	May	June
ACT	30	28	13	94	26	7
Public Works	59	73	37	51	33	95
Parking	35	40	31	38	35	35
Finance & Revenue	62	28	41	13	49	11
Public Safety	35	46	42	39	45	11
Smart Growth	48	39	50	49	21	29
Worksession	81	57	86	96	119	63
Voting Session	55	51	64	54	77	42
Planning Commission WS	n/a	n/a	n/a	n/a	3	26
Planning Commission VS	n/a	n/a	1	1	23	28



Facebook Page – Streaming Council Meetings*

FACEBOOK	VIEWS BY MONTH					
	Jan	Feb	Mar	Apr	May	June
Committee Meetings	240	402	430	1204	587	522
Committee Meetings	382	365	361	973	565	610
Worksession	200	382	552	953	489	1762
Voting Session	312	229	446	536	554	689



* The “views” include watching the live stream and viewership afterward.

CYBERSECURITY

Our organization's cybersecurity effort consumes a large part of our day-to-day activities as well as requiring 24x7 monitoring, investigation, and remediation. This responsibility is managed with the utmost care and commitment.

These efforts include the management of several diverse hard and soft solutions. These include:

Barracuda™

- Email Gateway Defense – basic email flow security
- Content Shield (internet traffic monitoring, management, and control)
- Impersonation Protection – automated ATP services
- Incident Response – manual ATP response, investigation & response
- Cloud-to-Cloud Backup – Microsoft 365 services
- Security Awareness Training – phishing and email staff training & audits
- Physical Firewall & VPN services at all borough operated facilities.
- Data Inspector – liability protection, PII monitoring *upcoming

Other Partners

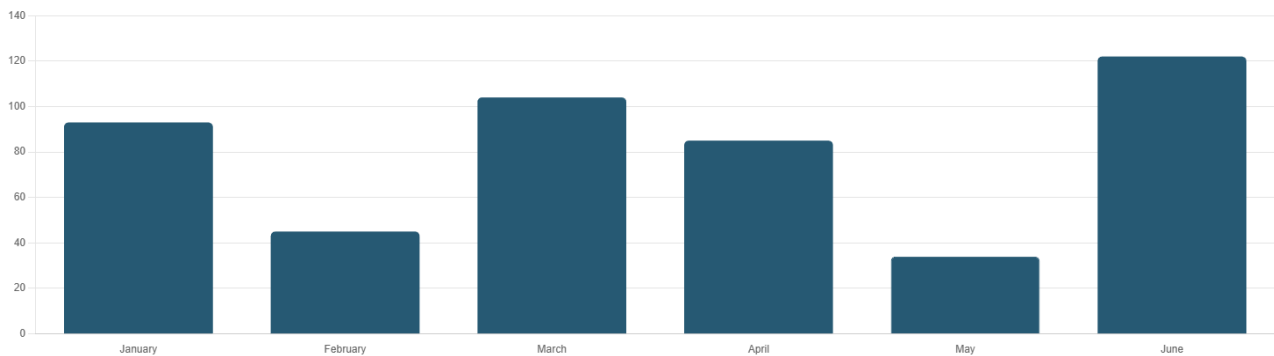
- Bitdefender – AV services
- Microsoft – Two Factor Authentication
- Duo – Two Factor Authentication *currently rolling out.
- Datto – Backup & Disaster Recovery (on premises and remote)
- LogMein – This allows the information technology to monitor and manage Windows Updates and Anti-Virus services on all the workstations. This solution also provides the ability to remotely assist employees with technical issues and manage servers.

CYBERSECURITY – EMAIL SECURITY

This is automated services using AI (artificial intelligence) and other internal solutions to proactively identify and prevent **phishing, impersonation, scamming, (new) conversation hacking & extortion** messages from landing in our employee's mailboxes.

It is important to note that although this is an automated solution each event is also investigated immediately by the information technology staff. This is because, from time to time some of the messages may not be removed from a user's mailbox or this action can be delayed.

Automated Cybersecurity Responses – Year to Date



There was a total of **121** automated email protection incidents during the month.

There was a large Impersonation attack on June 16, where an attempted delivery was made to **41** mailboxes between 12:14PM & 12:33 PM. None of these messages were successfully delivered.

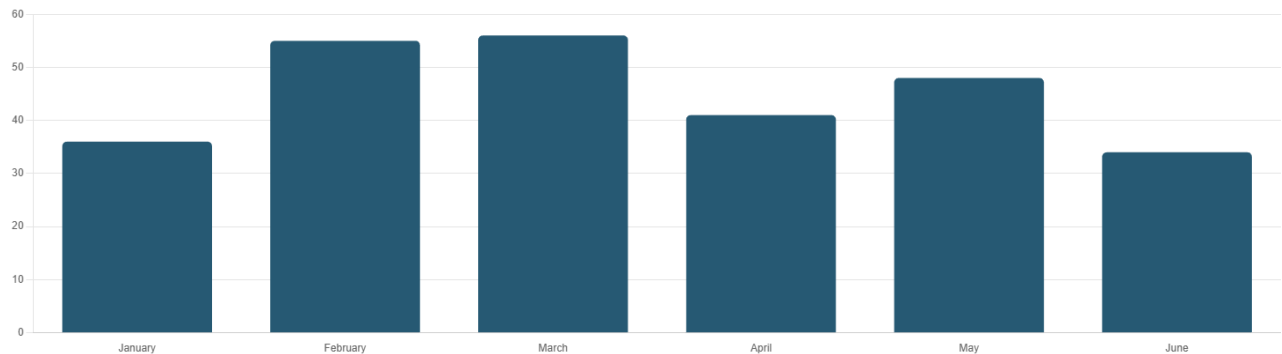
Year to Date: **462**.

CYBERSECURITY – INCIDENT RESPONSE

These are incidents that are either discovered by the information technology staff during regular audits or **reported by our staff as “suspicious”**.

These incident types are often the result of our security awareness training and our effort of continually communicating with staff regarding cybersecurity – and their important role in helping to protect the organization.

Incidents Created & Remediated (reported by staff) – Year to Date



There was a total of **34** investigations and remediations during the month.
Year to Date: **262**. (see above graph)

CYBERSECURITY – ACCOUNT TAKEOVER

This is where Microsoft or Barracuda identifies a suspicious login attempt for any of our employees. These suspicious attempts can be the result of an unusual geographic login location, a suspicious device, or an outdated operating system.

There were **0** reported account takeover *attempts* this month.

Year to Date: **0**

CYBERSECURITY – SECURITY AWARENESS TRAINING

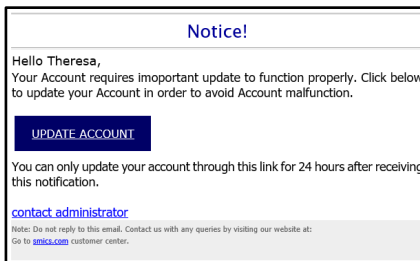
Security Awareness Training is a diverse responsibility. This includes actual regular classes with our staff, conducting and evaluating monthly phishing (email) campaigns and publishing a weekly Cybersecurity [Friday] newsletter.

Staff training is critical to our organization in respect to cybersecurity because even with state-of-the-art solutions and day-to-day management of those solutions, nothing is 100% and threats will make it to our employees from time to time. The cybersecurity landscape is continually changing and becoming more complex. Training is essential.

This month's phishing test was a message requesting the recipient to "update your account."

Many went out of their way to report the email to the IT Department.

Total Emails Sent: 108
 Bounced Emails: 9
 Out of Office Replies Received: 0
 Users Who Clicked a Link: 0 (0%)
 Users Who Replied to Email: 0 (0%)
 Users Who Logged In: 0 (0%)
 Users Who Reported Email as a Potential Phish: 24



CYBERSECURITY – EDUCATION & ENGAGEMENT

CYBERSECURITY FRIDAY

Each Friday morning, we distribute, through Constant Contact, our *Cybersecurity Friday* newsletter to staff, stakeholders and those interested in our community.

Each issue has a theme surrounding cybersecurity, cybersecurity news and shoutouts to our Cybersecurity All-Stars.

 <p>Cybersecurity Friday phishing - scamming impersonation - viruses - trojan horses malware - oh my!</p> <p>staying cybersafe one week at a time</p>	<p>June 6 – Issue 143</p> <p>June 13 – Issue 144</p> <p>June 20 – Issue 145</p> <p>June 27 – Issue 146</p>
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CYBERSECURITY DAILY – YOUTUBE CHANNEL

This month we continued providing short daily Cybersecurity videos for our staff, stakeholders and the community.

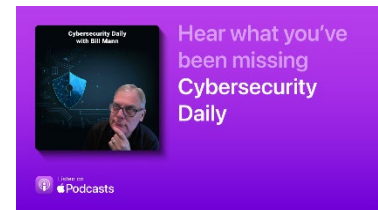


The mission here is to provide additional daily training for staff in very short videos which are under 5 minutes. Each week contains a cybersecurity theme.

You can visit [Cybersecurity Daily](#) on YouTube. Be sure to hit that subscribe button.

CYBERSECURITY DAILY – APPLE PODCAST

In February we launched the **Cybersecurity Daily** podcast on Apple Podcasts. This is simply an audio only version of the YouTube Channel, making it easy for listening while on the go.

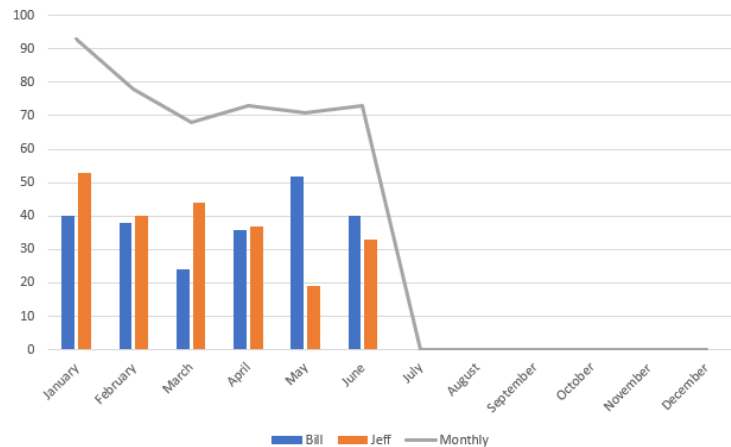


You can subscribe on Apple Podcasts by searching *Cybersecurity Daily* or clicking [here](#).

HELP DESK SERVICES

Help desk services are a core function of the information technology staff. Every department, every employee relies on the diverse soft and hard solutions that they rely on to get their job done. From hardware of all types, software solutions, cloud services and more, it is through help desk services that our organization can function.

Help desk services are also a 24x7 service as many of our departments, including the police department, rely on information technology regardless of the day of the week or time of day. Both Jeff Carbohn and I are on-call for these services.



A note regarding statistics

It should also be noted that **only about 70%** of actual requests for help or assistance are documented by our help desk solution. This is because employees will *call us directly, email us or stop into the office* when they need help. We of course respond as quickly as possible and help the employee. The result, however, is that these service requests are often not documented. We are working to improve this.

- Total Resolved Tickets for the month: **73**
- Monthly Average: **76**
- Year to Date: **456**

UNSCHEDULED EVENTS

These are organizational wide events involving infrastructure and services that are not scheduled or expected.

The smaller the number, the better!

There were **0** unscheduled (related) service events this month.

Year to Date = **1**

Updates and Upgrades

- All Servers were updated and patched.
- Workstation updates and patches.

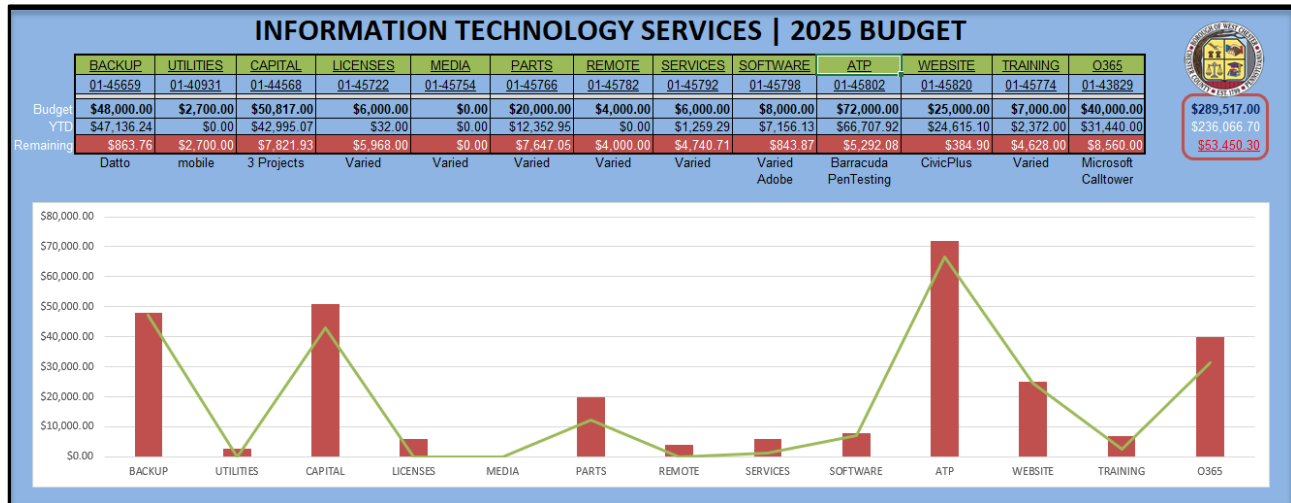
2025 BUDGET

In addition to our continued mission to provide the best technology services possible, *in a budget responsible for the entire organization*, there are several exciting initiatives that we will be working on throughout 2025.

- AI Exploration and Adoption (Microsoft CoPilot™)
- Semi-Annual Network Penetration Testing
- Upgrades to the audio services in the BCC.
- Enhances to our Website services. (Meetings & Agendas)
- Scheduled workstation upgrades throughout the organization.
- Windows 11 Upgrades



Below is the adopted 2025 Information Technology Budget, including capital costs, including spending trends.



2025 Budget = \$289,517.00
 YTD = \$236,066.70
 Balance = 53,450.30

* This includes contracted and projected spending for the year.



IT Manager Monthly Report

Jeffrey Carbohn | Borough of West Chester | May-June 2025

*** Combined monthly report for May and June due to being out on personal time. ***

Projects

Parking Garage Network Upgrade



Execution Phase

Organization was done inside of the High Street cabinet. Additional shelving is being purchased so I can put the other Flash equipment inside the cabinet so it's neatly organized.

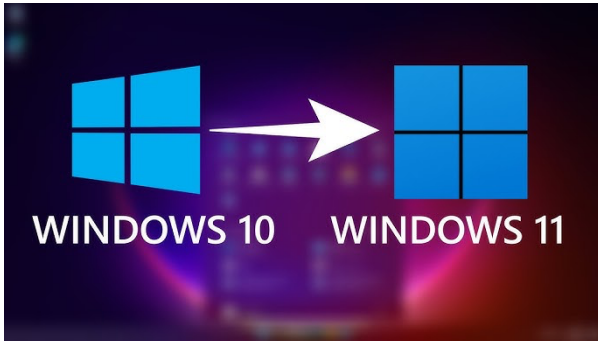
Axon Body / In-Car Camera Migration



Completed

Axon is completed and in full production for the police department. An access point has been installed to replace an old unit that was used by the old solution Watchguard. This will support the police lot to assist the cars with internet access to upload all the video to Axon's cloud storage.

Windows 10 to Windows 11 Upgrades



Execution Phase

Microsoft has declared its support for Windows 10 to stop at the end of October 2025. I'm working on a scheduled upgrade plan for each department that still have Windows 10 device.

Building and Housing	Completed
Parking	Completed
Finance	Incomplete
Borough Administration	Incomplete
Police Administration	Incomplete
Police Dispatch	Incomplete
Police Squads	Incomplete
Police Detectives	Incomplete
Public Service Devices	Incomplete

Genetec Replacement and Installs

Execution Phase

A replacement job turned into an extended project. We've been working with Genetec on two fronts.

- Fixing the cell 5 doors access panel. - **Completed**







After I did some network testing, it was found that there was a broken wire inside the door assembly that was keeping the door reader from working. The jack was fixed, and the replacement reader is now working. Fixed as of June 17th.





- Installing and configuring new door access controllers on the Chestnut Street garage doors. – **Work in Progress**

Genetec has installed the door readers on the Chestnut Street garage doors, but we have discovered through troubleshooting that stronger Wi-Fi is needed for the door readers to function. I have ordered an additional outside access point to be mounted outside of the garages office area. Public works has been made aware, and they will install it when the product is delivered.



Infrastructure

Issue	Category	Severity	Location	Issue Description
Restart	CODY Server		Borough Hall	
Updates	UniFi		Borough Hall	<p style="text-align: center;">May 4th Updated our UniFi Server Manager from 4.1.11 to 4.1.22 Updated our Protect application from 5.3.38 to 5.3.45</p> <p style="text-align: center;">May 5th Updated 5 network switches from version 7.0.44 to 7.1.26 Updated 15 access points (AP) from version 6.6.65 to 6.7.17</p> <p style="text-align: center;">June 28th Updated our UniFi Server Manager from 4.1.22 to 4.2.12</p>
Updates	UniFi		Public Works	<p style="text-align: center;">May 4th Updated 2 access points (AP) from version 6.6.78 to 6.7.17</p>
Updates	Unifi		Goose Creek Waste Water	<p style="text-align: center;">May 4th Updated 2 network switches from version 7.0.44 to 7.1.26 Updated 4 access points (AP) from version 6.6.65 to 6.7.17</p> <p style="text-align: center;">Updated our Protect NVR operating system from 3.2.12 to 4.1.22 Updated our Protect NVR application from 3.0.22 to 5.3.45 Updated the firmware version of 11 cameras from 4.75.43 to 4.75.62</p> <p style="text-align: center;">June 28th Updated our Protect NVR operating system from 4.1.22 to 4.2.12 Updated our Protect application version from 5.3.45 to 6.0.41 Updated the firmware version of 11 cameras from 4.75.62 to 4.75.106</p>
Updates	Unifi		Taylor Run Waste Water	<p style="text-align: center;">May 4th Updated our Protect NVR operating system from 4.1.11 to 4.1.22 Updated our Protect application version from 3.0.22 to 5.3.45</p> <p style="text-align: center;">June 28th Updated 1 access point (AP) from version 6.6.78 to 6.7.17 Updated our Protect NVR operating system from 4.1.22 to 4.2.12 Updated our Protect application version from 5.3.45 to 6.0.48 Updated the firmware version of 11 cameras from 4.75.43 to 5.0.118</p>
Failover Test	Firewalls		Borough Hall	<p style="text-align: center;">May 5th As routine maintenance we did a failover of our</p>

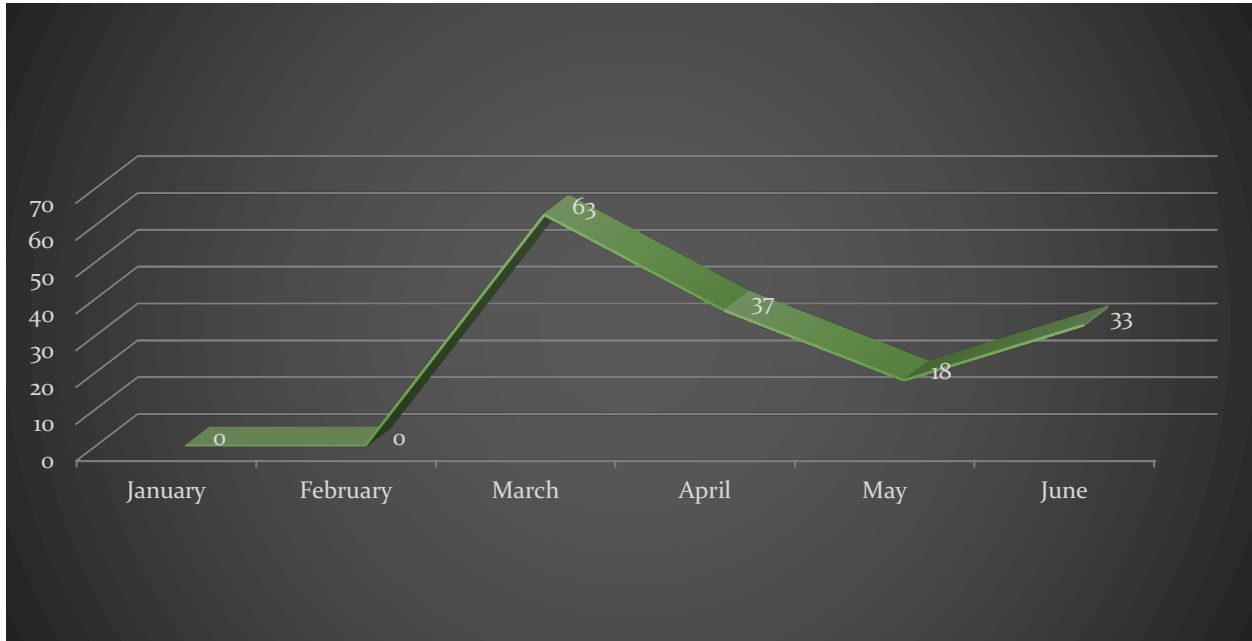
				primary firewall to insure the functionality of our backup in an emergency.
Damaged Wire	Police Cell Block		Borough Hall	June 17 th After network testing it was discovered that the network wire inside the door assembly was damaged, and it was replaced to restore service. (See project section for more information)
	Unscheduled downtime impacting services to users or infrastructure.			
	Noticeable service degrades effecting some services to users or infrastructure.			
	Scheduled maintenance or downtime for users.			

Other Notable Servicing

- Setup the computer and workstation for the new social worker starting in the police department.
- With the help of public works, an access point was moved from the Chestnut Street garage network room and mounted on the ceiling in the office for better Wifi access for staff and the wireless door access panels being install on all the doors.
- With the help of public works, an access point was installed and configured to give the police lot internet access to help the cars with wireless needs.
- A bad transmitter box was replaced in the staff meeting room to restore laptop display ability from the tabletop to the rooms monitor.

Help Desk Ticket Review

May-June Ticket Count (Self): 51



Trainings

No training for 2025



Data Quarterly Report

July 2025

Nick Fink, Manager of Enterprise Data and Applications

Summer Intern

- Mikey Clements started 6/2
 - WCU Urban Planning Student
- Current Projects
 - 2016 Comprehensive Plan Retrospective
 - Tree inventory
 - Goose Creek PRP/TMDL survey
 - Ad hoc data entry as needed

Day to Day

- Granicus SmartGov support and customer service
 - Rental season
- OpenGov Asset Management support
- Tree data has been delivered by Mike Dunn, will be integrated into Asset Management system
- Pull data for grant applications as needed
- Update Travel Advisory map

Land Development & Zoning Map

- Data export has been automated from SmartGov, web app design is in process
- Subdivision/Land Development, Conditional Use, & Special Exception/Variance Applications
- Wendy Mecke is backfilling applications submitted prior to SmartGov as time allows

The screenshot displays a web application interface for land development and zoning applications. On the left, a legend titled "Land Development & Zoning Applications" defines three categories: "LAND DEVELOPMENT APPLICATION" (red square), "CONDITIONAL USE" (teal square), and "VARIANCE/SPECIAL EXCEPTION, ZONING APPEAL" (yellow square). The main area features a map of West Chester, PA, with various colored overlays corresponding to the legend. A pop-up window titled "WEST CHESTER UNIVERSITY" provides details for a specific application. The table below contains the data from this pop-up window.

WEST CHESTER UNIVERSITY	
APPROVAL OF WEST CHESTER UNIVERSITY MASTER PLAN	
Address	700 S HIGH ST
Parcel	1-12-242(1-12-244)(1-12-244.1)(1-12-250)(1-12-250.1
Application ID	CU-0001
Application type	CONDITIONAL USE
Applicant	COMMONWEALTH OF PA
Owner	COMMONWEALTH OF PA
Status	COMPLETENESS REVIEW
Submitted	3/31/2025
Last Activity	6/22/2025
Approved	

Below the table, there is a placeholder text: "place your text or html here".

Finance RFI

- Requested responses from about ten companies
- Received five responses
- Setup costs range from ~ \$50k – \$225K
- Annual subscription costs range from ~ \$32k - \$94k
- Cost of initial investment could be cut down by removing utility billing (AQUA currently handles)

MINUTES

Administration, Communication & Technology Committee of Borough Council

Date: Tuesday, June 10, 2025 @ 5:30 PM

Committee Members: Bryan Travis, Chair
Brian McGinnis
Sheila Vaccaro

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

Call to order

I. Announcements

- A. Public Hearing for ordinance amendment Chapter 54, 72, 82 relative to license requirements for electric, mechanical, and plumbing contractors June 18, 2025 at 630pm

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

II. Reports

- A. Chief Information Security Officer, Monthly Report – *COMPLETED*

III. Old business

- A. Approve the May 2025 minutes – *APPROVED 3-0*
- B. Motion to schedule a Public Hearing, July 16 2025 @ 6:30 PM, to approve the five-year business plan with the West Chester Business Improvement District. – *APPROVED 3-0*

IV. New business

- A. *The Borough Manager, Sean Metrick provided updates on the HR & Building & Housing Director positions.*

V. 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.



RESOLUTION #2025-

WHEREAS, Council of the Borough of West Chester intends to follow the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued for Local Government Records Committee by Pennsylvania Historical and Museum Commission, division of Archives and Manuscripts, Harrisburg, May 17, 1992; approved December 16, 2008, and amended March 28, 2019, and;

WHEREAS, said Schedule and Legislation require that each individual act of disposition be approved by said Resolution of the Council of the Borough of West Chester; and,

WHEREAS, the Borough of West Chester desires to dispose of various unnecessary records;

1. Open Records Files prior to 2022
2. Solicitors applications prior to 2021
3. Building & Housing Residential Building Permits prior to 2020
4. Rental Permit Receipts prior to 2017

NOW, THEREFORE BE IT RESOLVED, this 16th day of July, 2025 the Council of the Borough of West Chester hereby resolves to approve the individual acts of disposition for the records as attached to this document:

Be it Resolved this 16th Day of July, 2025



Sunshine Act

65 Pa. C.S. §§ 701 et seq.
As amended by Act of June 30, 2011, No. 56

CHAPTER 7 OPEN MEETINGS

Sec.

- 701. Short title of chapter.
- 702. Legislative findings and declaration.
- 703. Definitions.
- 704. Open meetings.
- 705. Recording of votes.
- 706. Minutes of meetings, public records and recording of meetings.
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- 709. Public notice.
- 710. Rules and regulations for conduct of meetings.
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- 712. General Assembly meetings covered.
- 713. Business transacted at unauthorized meeting void.
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- 715. Jurisdiction and venue of judicial proceedings.
- 716. Confidentiality.

§ 701. Short title of chapter.

This chapter shall be known and may be cited as the Sunshine Act.

§ 702. Legislative findings and declaration.

(a) Findings.--The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(b) Declarations.--The General Assembly hereby declares it to be the public policy of this Commonwealth to insure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.

§ 703. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Administrative action." The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. The term does not, however, include the deliberation of agency business.

"Agency." The body, and all committees thereof authorized by the body to take official action or render advice on matters of agency business, of all the following: the General Assembly, the executive branch of the government of this Commonwealth, including the Governor's Cabinet when meeting on official policymaking business, any board, council, authority or commission of the Commonwealth or of any political subdivision of the Commonwealth or any State, municipal, township or school authority, school board, school governing body, commission, the boards of trustees of all State-aided colleges and universities, the councils of trustees of all State-owned colleges and universities, the boards of trustees of all State-related universities and all community colleges or similar organizations created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the performance of an essential governmental function and through the joint action of its members exercises governmental authority and takes official action. The term shall include the governing board of any nonprofit corporation which by a mutually binding legal written agreement with a community college or State-aided, State-owned or State-related institution of higher education is granted legally enforceable supervisory and advisory powers regarding the degree programs of the institution of higher education. The term does not include a caucus or a meeting of an ethics committee created under rules of the Senate or House of Representatives.

"Agency business." The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.

"Caucus." A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare

the members for taking official action in the General Assembly.

"Conference." Any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities.

"Deliberation." The discussion of agency business held for the purpose of making a decision.

"Emergency meeting." A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

"Executive session." A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.

"Litigation." Any pending, proposed or current action or matter subject to appeal before a court of law or administrative adjudicative body, the decision of which may be appealed to a court of law.

"Meeting." Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

"Official action."

(1) Recommendations made by an agency pursuant to statute, ordinance or executive order.

(2) The establishment of policy by an agency.

(3) The decisions on agency business made by an agency.

(4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

"Public notice."

(1) For a meeting:

(i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.

(ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(iii) Giving notice to parties under section 709(c) (relating to public notice).

(2) For a recessed or reconvened meeting:

(i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(ii) Giving notice to parties under section 709(c).

"Special meeting." A meeting scheduled by an agency after the agency's regular schedule of meetings has been established.

§ 704. Open meetings.

Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).

§ 705. Recording of votes.

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

§ 706. Minutes of meetings, public records and recording of meetings.

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present.
- (3) The substance of all official actions and a record by individual member of the roll call votes taken.
- (4) The names of all citizens who appeared officially and the subject of their testimony.

§ 707. Exceptions to open meetings.

(a) Executive session.--An agency may hold an executive session under section 708 (relating to executive sessions).

(b) Conference.--An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.

(c) Certain working sessions.--Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.

§ 708. Executive sessions.

(a) Purpose.--An agency may hold an executive session for one or more of the following reasons:

- (1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.
- (2) To hold information, strategy and negotiation sessions related to the

negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.

(4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.

(5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

(6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.

(b) Procedure.--The executive session may be held during an open meeting or at the conclusion of an open meeting or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a future specific time, members of the agency shall be notified 24 hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) Limitation.--Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).

§ 709. Public notice.

(a) Meetings.--An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.

(b) Notice.--With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give the notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.

(c) Copies.--In addition to the public notice required by this section, the agency holding a

meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.

(d) Meetings of General Assembly in Capitol Complex.--Notwithstanding any provision of this section to the contrary, in case of sessions of the General Assembly, all meetings of legislative committees held within the Capitol Complex where bills are considered, including conference committees, all legislative hearings held within the Capitol Complex where testimony is taken and all meetings of legislative commissions held within the Capitol Complex, the requirement for public notice thereof shall be complied with if, not later than the preceding day:

(1) The supervisor of the newsroom of the State Capitol Building in Harrisburg is supplied for distribution to the members of the Pennsylvania Legislative Correspondents Association with a minimum of 30 copies of the notice of the date, time and place of each session, meeting or hearing.

(2) There is a posting of the copy of the notice at public places within the Main Capitol Building designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(e) Announcement.--Notwithstanding any provision of this chapter to the contrary, committees may be called into session in accordance with the provisions of the Rules of the Senate or the House of Representatives and an announcement by the presiding officer of the Senate or the House of Representatives. The announcement shall be made in open session of the Senate or the House of Representatives.

§ 710. Rules and regulations for conduct of meetings.

Nothing in this chapter shall prohibit the agency from adopting by official action the rules and regulations necessary for the conduct of its meetings and the maintenance of order. The rules and regulations shall not be made to violate the intent of this chapter.

§ 710.1. Public participation.

(a) General rule.--Except as provided in subsection (d), the board or council of a political subdivision or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting **for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment on matters of concern**, official action or deliberation which are or may be before the board or council prior to taking official action. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.

(b) Limitation on judicial relief.--If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized

meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.

(c) Objection.--Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.

(d) Exception.--The board or council of a political subdivision or of an authority created by a political subdivision which had, before January 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of subsection (a).

§ 711. Use of equipment during meetings.

(a) Recording devices.--Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).

(b) Rules of the Senate and House of Representatives.--The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.

§ 712. General Assembly meetings covered.

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

§ 713. Business transacted at unauthorized meeting void.

A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which this chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.

§ 714. Penalty.

(a) Fines and costs.--Any member of any agency who participates in a meeting with the intent and purpose by that member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay:

(1) For a first offense, the costs of prosecution plus a fine of at least \$100 and, in the discretion of the sentencing authority, of not more than \$1,000.

(2) For a second or subsequent offense, the costs of prosecution plus a fine of at

least \$500 and, in the discretion of the sentencing authority, of not more than \$2,000.

(b) Payment.--An agency shall not make a payment on behalf of or reimburse a member of an agency for a fine or cost resulting from the member's violation of this section.

§ 714.1. Attorney fees.

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

§ 715. Jurisdiction and venue of judicial proceedings.

The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgments or to enforce this chapter by injunction or other remedy deemed appropriate by the court. The action may be brought by any person where the agency whose act is complained of is located or where the act complained of occurred.

§ 716. Confidentiality.

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter, excepting those statutes which specifically provide for the confidentiality of information. Those deliberations or official actions which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matter related to the investigation of possible or certain violations of the law and quasi-judicial deliberations, shall not fall within the scope of this chapter.

ARTICLE IX
Citizen Participation

Section 901. General Provisions.

Council and the Mayor shall protect and promote the right of the citizens of the Borough to participate in a positive and constructive manner in the government of the Borough. Subject to and in accordance with the provisions of this Charter, any citizen of the Borough may participate in the government of the Borough by:

- A. Seeking elected office as Mayor or Member of Council and by voting for the elected officials of his or her choice;
- B. Serving on boards, commissions, authorities, committees or other agencies of the Borough;
- C. Attending and being heard at public meetings of Council and other boards, commissions, authorities, committees or agencies of the Borough.
- D. Addressing suggestions to the Council, the Mayor, and others to provide guidance for their actions; and,
- E. Exercising the right of initiative, referendum and recall as provided in this Charter or General Law.
- F. All officers and departments shall make provisions for reasonable access by citizens to all information except pertaining to personnel matters, ongoing investigations and other matters to which access is restricted by General Law.

Section 902. Participation Encouraged.

Council shall appoint citizens to boards, commissions, authorities or other agencies of the Borough, making the greatest possible use of the talents and interests of such citizens, thereby promoting the public interest and welfare of the Borough.

Section 903. Initiative and Referendum.

- A. Registered voters of the Borough shall have the following powers:
 - (1) Initiative - to propose ordinances to Council which are consistent with this Charter and General Law, and to adopt or reject the same at a primary, municipal or general election if Council fails to adopt and the Mayor fails to approve an ordinance so proposed without any change in substance; and
 - (2) Referendum - to require repeal by Council of any adopted ordinance and, if Council fails to repeal said ordinance, to repeal it at a primary, municipal or general election.
- B. Petition papers circulated for the purpose of an initiative or referendum shall:
 - (1) Contain the names and addresses of five (5) registered voters of the Borough designated as a Committee of the Petitioners;

- (2) Contain or have attached thereto throughout the circulation the full text of the ordinance proposed or sought to be repealed;
- (3) Bear the date, signatures, and addresses in ink of registered voters of the Borough equal in number to at least 10% of the number of votes cast for all candidates for the Office of Governor in the last gubernatorial general election in the Borough;
- (4) When filed, have attached to it an affidavit executed by the circulator thereof, stating that he or she personally circulated the paper, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the person whose name appears thereon, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be repealed;
- (5) Be filed within 30 days after the date of the first signature;
- (6) Be filed with the Borough Manager as one instrument as provided herein.

C. Procedure after Filing.

- (1) Within twenty (20) days after the petition is filed, the Borough Manager shall examine the petition for compliance with the provisions of this Charter and General Law and certify the results of his or her examination to the Committee of Petitioners and the President of Council by registered mail.
- (2) If the Borough Manager certifies the petition as valid.
 - a) The ordinance proposed shall be introduced at the next regular or special meeting of Council and be subject to the other provisions of Article III of this Charter pertaining to the enactment of ordinances, not inconsistent with the provisions of this Charter.
 - b) In the case of an ordinance which has not yet gone into effect and is sought to be repealed, such ordinance shall be immediately suspended from taking effect until:
 1. The referendum petition is withdrawn by the Committee of Petitioners; or
 2. It is repealed by the vote of Council and its repeal is either approved by the Mayor or if vetoed, such veto is overridden by Council in accordance with Section 304(B); or
 3. It is approved or disapproved by the registered voters of the Borough, upon the certification of election results according to the provisions of the Pennsylvania Election Code.
- (3) If the Borough Manager determines that the petition is invalid:
 - a) He or she shall certify the results of his or her examination to the Committee of Petitioners and the President of Council by registered mail describing the particulars in which it is defective.
 - b) The Committee of Petitioners shall have ten (10) days after the date of receipt of such notification to correct the said deficiencies and to file the corrected petition

with the Borough Manager.

- c) Within five (5) days after the corrected petition is filed, the Borough Manager shall examine the corrected petition, as aforesaid, and the procedures in the case of an original petition shall be followed.
- d) A petition may only be corrected once, but a new petition may be filed for the same purpose at any future time.

D. Action on Petition.

If, within sixty (60) days after the submission of a petition certified as valid by the Borough Manager to the President of Council, Council fails to adopt or repeal the ordinance as requested by the initiative or referendum petition, the Borough Manager, within ten (10) days thereafter, or the Committee of Petitioners within fifteen (15) days thereafter (if the Borough Manager fails to act), shall file the petition with the Board of Elections of Chester County, Pennsylvania, to be voted upon by the qualified voters of the Borough at the next primary, municipal or general election to be held not less than sixty (60) days thereafter. The Board of Elections shall frame the question to be placed upon the ballot. An initiative or referendum election shall be held by special election according to the provisions of the Pennsylvania Election Code.

E. Results of Election.

- (1) Initiative - If a majority of the registered voters of the Borough voting on a proposed ordinance vote in favor thereof, such ordinance shall become a valid and binding ordinance of the Borough upon certification of election results according to the provisions of the Pennsylvania Election Code.
- (2) Referendum - If a majority of the registered voters of the Borough voting to repeal an ordinance vote in favor thereof, such ordinance shall be considered repealed upon certification of the election results according to the provisions of the Pennsylvania Election Code.
- (3) Multiple Questions - If two (2) or more questions appear on the ballot at the same election and such questions are in conflict and more than one receives the approval of the voters, the question which receives the largest number of affirmative votes shall prevail over the others.

F. Limitations on Initiative and Referendum.

Initiative and referendum powers shall not extend to the budget or capital programs in their entirety, zoning, nor to any emergency ordinance. However, such exception shall not apply to specific projects of the budget or capital program. Any proposed ordinance which requires the expenditure of Borough revenues shall provide for the funding thereof.

Section 904. Community Bill of Rights. [Added 11-3-2015 by referendum]**A. Statement of Law – A Community Bill of Rights.**

- (1) **Governmental Legitimacy.** All legitimate governments in the United States owe their existence to the people of the community that those governments serve, and governments exist to secure and protect the rights of the people and those communities. Any system of government that becomes destructive of those ends is not legitimate, lawful, or constitutional.
- (2) **Right of Local Community Self-Government.** The people of West Chester Borough possess both a collective and individual right to self-government in their local community, a right to a system of government that embodies that right, and the right to a system of government that protects and secures their human, civil, and collective rights.
- (3) **Right to Assert the Right of Self-Government.** The people of West Chester Borough possess the right to use their local government to make law, and the making and enforcement of law by the people through a municipal corporation, or any other institution, shall not eliminate, limit, or reduce their sovereign right to local community self-government.
- (4) **Rights of Ecosystems and Natural Communities.** Ecosystems and natural communities within West Chester Borough possess the right to exist, flourish, and naturally evolve.
- (5) **Right to Water.** All residents, natural communities and ecosystems in West Chester Borough possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Borough.
- (6) **Right to Clean Air.** All residents, natural communities and ecosystems in West Chester Borough possess a fundamental and inalienable right to breathe air untainted by toxins, carcinogens, particulates, and other substances known to cause harm to health.
- (7) **Right to Peaceful Enjoyment of Home.** Residents of West Chester Borough possess a fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances, or impediments to access and occupation.
- (8) **Right to a Sustainable Energy Future.** All residents of West Chester Borough possess a right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable fuel sources, and the right to be free from any form of non-sustainable energy extraction and distribution which threatens to cause harm to the people and natural environment of West Chester Borough.
- (9) **Rights as Self-Executing.** All rights secured by this law are inherent, fundamental, and inalienable, and shall be self-executing and enforceable against both private and public actors. Further implementing legislation shall not be required for the Borough, the residents of West Chester Borough, or the ecosystems and natural communities protected by this law, to enforce all of the provisions of this law.

B. Statements of Law – Prohibitions Necessary to Secure the Bill of Rights.

- (1) It shall be unlawful for any corporation, business or government to engage in the extraction of natural gas within West Chester Borough, with the exception of gas wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas from those existing wells does not involve any practice or process not previously used for the extraction of gas from those wells.
- (2) It shall be unlawful for any corporation, business or government to deposit, store, or transport waste water, "produced" water, "frack" water, brine, or other materials, chemicals, or by-products from the unconventional development of natural gas from shale formations, within, upon, or through, the land, air, or waters of West Chester Borough.
- (3) It shall be unlawful for any corporation, business or government to engage in the creation of fossil fuel, nuclear, or other non-sustainable energy production and delivery infrastructures, such as pipelines, processing facilities, compressors, or storage and transportation facilities, within West Chester Borough.
- (4) It shall be unlawful for any corporation, business or government to violate the rights recognized and secured by this law.
- (5) No permit, license, privilege, charter, or other authorization issued to a corporation or business, by any state or federal entity, that would violate the prohibitions of this law or any rights secured by this law, shall be deemed valid within West Chester Borough.

C. Enforcement.

- (1) Any corporation, business or government that violates any provision of this law shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this law, shall count as a separate violation.
- (2) The Borough, or any resident of the Borough, may enforce the rights and prohibitions of this law through an action brought in any court possessing jurisdiction over activities occurring within the Borough. In such an action, the Borough or the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (3) Ecosystems and natural communities within the Borough may enforce their rights, and this law's prohibitions, through an action brought by the Borough or residents of the Borough, in any court possessing jurisdiction over activities occurring within the Borough, in the name of the ecosystem or natural community as the real party in interest. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to the Borough to be used exclusively for the full and complete restoration of the ecosystem or natural community.

D. Enforcement – Corporate Powers.

- (1) Corporations and businesses that violate this law, or that seek to violate this law, shall

not be deemed to be "persons" to the extent that such treatment would interfere with the rights or prohibitions enumerated by this law, nor shall they possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or prohibitions enumerated by this amendment, the power to assert state or federal preemptive laws in an attempt to overturn this law, or the power to assert that the people of West Chester Borough lack the authority to adopt this law.

- (2) All laws adopted by the legislature of the State of Pennsylvania, and rules adopted by any State agency, shall be the law of West Chester Borough only to the extent that they do not violate the rights or prohibitions of this law.
- E. **People's Right of Self-Government.** Use of courts or the Pennsylvania legislature in attempts to overturn the provisions of this amendment shall require community meetings focused on changes to local governance that would secure the people's right of local community self-government.
- F. **State and Federal Constitutional Changes.** Though the adoption of this amendment, the people of West Chester Borough call for amendment of the Pennsylvania Constitution and the federal Constitution to recognize a right of local community self-government free from governmental preemption and nullification by corporate "rights."
- G. **Severability.** The provisions of this amendment are severable. If any court decides that any section, clause, sentence, part, or provision of this amendment is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the amendment. This amendment would have been enacted without the invalid sections.
- H. **Repealer.** All inconsistent provisions of prior laws adopted by the Borough are hereby repealed, but only to the extent necessary to remedy the inconsistency.