



ACT Committee Meeting
August 12, 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. Announce Public Hearing on August 20 @ 6:30 PM to adopt the Humane Pet Shop Ordinance (attachment)

B. Special Meeting of Borough Council August 28 @ 6:30 PM to consider approval of the Gay St bid

III. Comments

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.)

IV. Reports

A. Quarterly Report: Will Williams, Sustainability Director (attachment)

V. Old Business

A. Approve the July 2025 minutes (attachment)

B. Discuss special event definition and procedures for discounted fee
Issue: Continue discussion on definition and process of public events

C. 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. New Business

A. Discuss the request from the Community Campus Committee to amend Chapter 3-38

(T) Community Campus Committee (attachment)

Issue: Discuss the revision of Committee name, clarify mission and membership changes

B. Motion to approve the Memorandum of Understanding between the Borough of West Chester and Pennsylvania Solar Center (attachments)

Issue: To collaborate on technical assistance to explore solar use at 401 East Gay Street

C. Motion to approve engagement letter with Cohen Law Group for Comcast franchise renewal. (attachment)

Issue: Review renewal and approve the engagement letter

D. Motion to appoint voting delegate and alternate delegate to serve on Resolutions Committee Meeting and Annual Business Meeting- Pennsylvania Municipal League. (attachment)

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.

NOTICE IS GIVEN that on **August 20, 2025 at 6:30 p.m.**, prevailing time, Council for the Borough of West Chester, Chester County, Pennsylvania, will hold a public hearing as part of the regularly scheduled public meeting at the Borough of West Chester's municipal building located at 401 East Gay Street, West Chester, Pennsylvania, to consider the adoption of, and if approved, Borough Council will adopt the following ordinance with the following title:

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 37, ANIMALS TO ADD A NEW ARTICLE VII TO BE ENTITLED "SALE OF DOGS, CATS AND RABBITS" TO PROVIDE FOR REGULATIONS AND RESTRICTIONS UPON THE SALE OF DOGS, CATS AND RABBITS WITHIN THE BOROUGH AND TO RENUMBER THE CURRENT ARTICLE VII. VIOLATIONS. TO BE ARTICLE VIII CONTINUING TO PROVIDE FOR THE SAME VIOLATION AND PENALTY PROVISIONS.

In summary, the Ordinance adopts a new Article VII to Chapter 37 of the Borough Code to add definitions for animal rescue organization, animal shelter, cat, dog, offer for sale, rabbit, retail pet store and sell and to prohibit the sale of dogs, cats and rabbits from a retail pet store in the Borough.

The full text of the Ordinance is available on the Borough's website www.westchester.com. In addition, a certified copy of the proposed Ordinance is on file at the offices of the *Daily Local News* by calling (215) 648-1066 and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 West Market Street, West Chester, Pennsylvania 19380.

Those individuals with disabilities and ADA accommodations for effective participation in the meeting should call 610-692-7574 at least two days prior to the meeting. All attempts will be made for reasonable accommodations.

Kristin S. Camp, Esquire
Borough Solicitor

PLEASE ADVERTISE ON AUGUST 11, 2025

ORDINANCE NO. ____ - 2025

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 37, ANIMALS TO ADD A NEW ARTICLE VII TO BE ENTITLED "SALE OF DOGS, CATS AND RABBITS" TO PROVIDE FOR REGULATIONS AND RESTRICTIONS UPON THE SALE OF DOGS, CATS AND RABBITS WITHIN THE BOROUGH AND TO RENUMBER THE CURRENT ARTICLE VII. VIOLATIONS. TO BE ARTICLE VIII CONTINUING TO PROVIDE FOR THE SAME VIOLATION AND PENALTY PROVISIONS.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by the authority of the Council of the Borough of West Chester that Chapter 37 of the Code of the Borough of West Chester, titled, "ANIMALS," shall be amended as follows:

SECTION 1. The current Article VII. Violations. and §37-19 titled "Violations and Penalties" shall be renumbered as Article VIII, §37-20.

SECTION 2. A new article entitled and numbered as Article VII. Sale of Dogs, Cats and Rabbits shall be adopted and read as follows:

"Article VII. Sale of Dogs, Cats and Rabbits.

§37-19. Sale of Dogs, Cats and Rabbits.

A. Definitions.

As used in this Part, the following terms have the meaning indicated, unless a different meaning clearly applies from the context:

ANIMAL RESCUE ORGANIZATION — A nonprofit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the Federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good, permanent homes. "Animal rescue organization" shall not include any entity that breeds animals or that: 1) is located on the same premises as; 2) has any personnel in common with; 3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or 4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

ANIMAL SHELTER — either:

1. A facility maintained or operated by a nonprofit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the Federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good, permanent homes; or
2. A facility maintained, operated by, or under contract with a political subdivision of any state for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.

CAT — Any member of the species *Felis catus*.

DOG — Any member of the species *Canis familiaris*.

OFFER FOR SALE — To display or proffer for acceptance.

RABBIT – any member of the species *Oryctolagus cuniculus domesticus*.

RETAIL PET STORE — A commercial establishment that sells or offers for sale animals on its premises. "Retail pet store" shall not include an animal shelter, an animal rescue organization, or an individual selling only animals that the individual has bred and raised.

SELL — To exchange for consideration, barter, trade, lease, or otherwise transfer.

B. Prohibition of Sale of Dogs, Cats and Rabbits.

1. It shall be unlawful for a retail pet store, as defined in this Article, to sell, offer for sale, deliver, barter, auction, or transfer a dog, cat or rabbit.
2. Nothing in this Article shall be construed to prohibit a retail pet store from providing space to either an animal shelter or to an animal rescue organization, whether such shelter or organization is located within or outside the Commonwealth of Pennsylvania, for the purposes of displaying dogs, cats or rabbits available for adoption.
3. In the event that an animal shelter or animal rescue organization is determined by the Borough of West Chester to be substantially out of compliance with animal welfare standards, laws or regulations, the retail pet store displaying dogs, cats and rabbits available for adoption will be precluded from offering animals from said organization until the organization's compliance is remediated to the satisfaction of the Borough.

4. This Article shall not apply to the display, sale, offer for sale, delivery, bartering, auction, giving away, or transfer of dogs, cats and rabbits from the premises on which they were bred and reared.”

SECTION 3. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2025.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Sean Metrick, Secretary

By: _____
Patrick McCoy, President

APPROVED THIS _____ DAY OF _____, 2025.

Lillian L. DeBaptiste, Mayor

Sustainability Director's Report August 2025





Energy & Facilities

Chestnut St. Solar

System inverter (which converts DC output of array to AC current necessary to backfeed electrical panel/grid) is past its expected useful life, and experiencing increasingly frequent outages. LCD screen no longer functions, making troubleshooting difficult. Collecting proposals for 2026 budget.

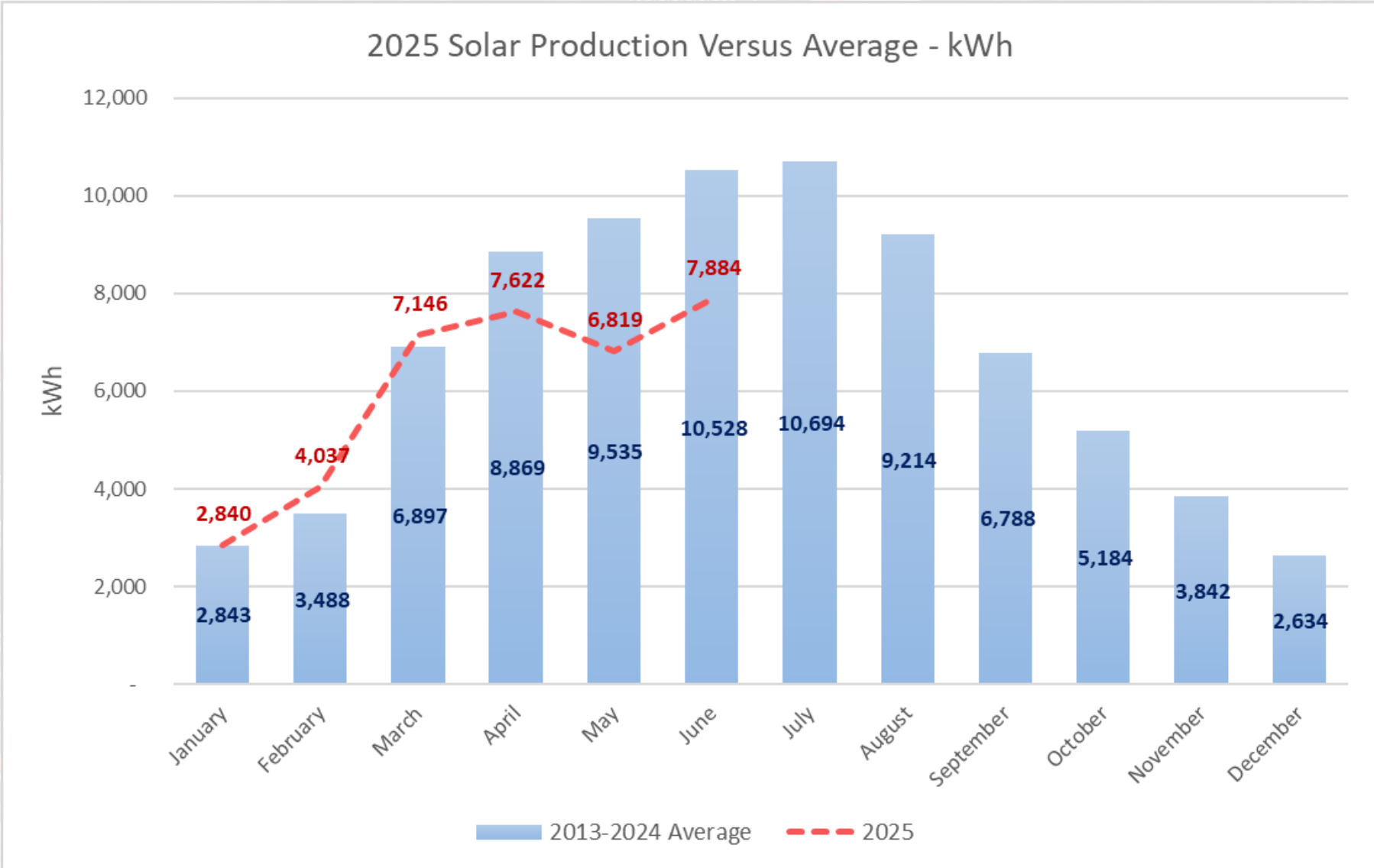
Borough Hall HVAC

Collecting quotes and prepping budget for capital replacement of 1-2 HVAC units at Borough Hall in 2026. There are 10 of various sizes serving different parts of the building. Several operate 24/7, and several are on borrowed time. No upgrades during 2018-2019 building rehab.

Collaboration with PA Solar Center

Requesting ACT committee and Borough Council approval of an MOU to collaborate with the Pennsylvania Solar Center on project feasibility, conceptual design, and bid package/advertising for solar PV at Borough Hall. There is still a small window to get a clean energy project done. Procurement would likely be through a “power purchase agreement” requiring no upfront capital costs.

Chestnut Street Solar

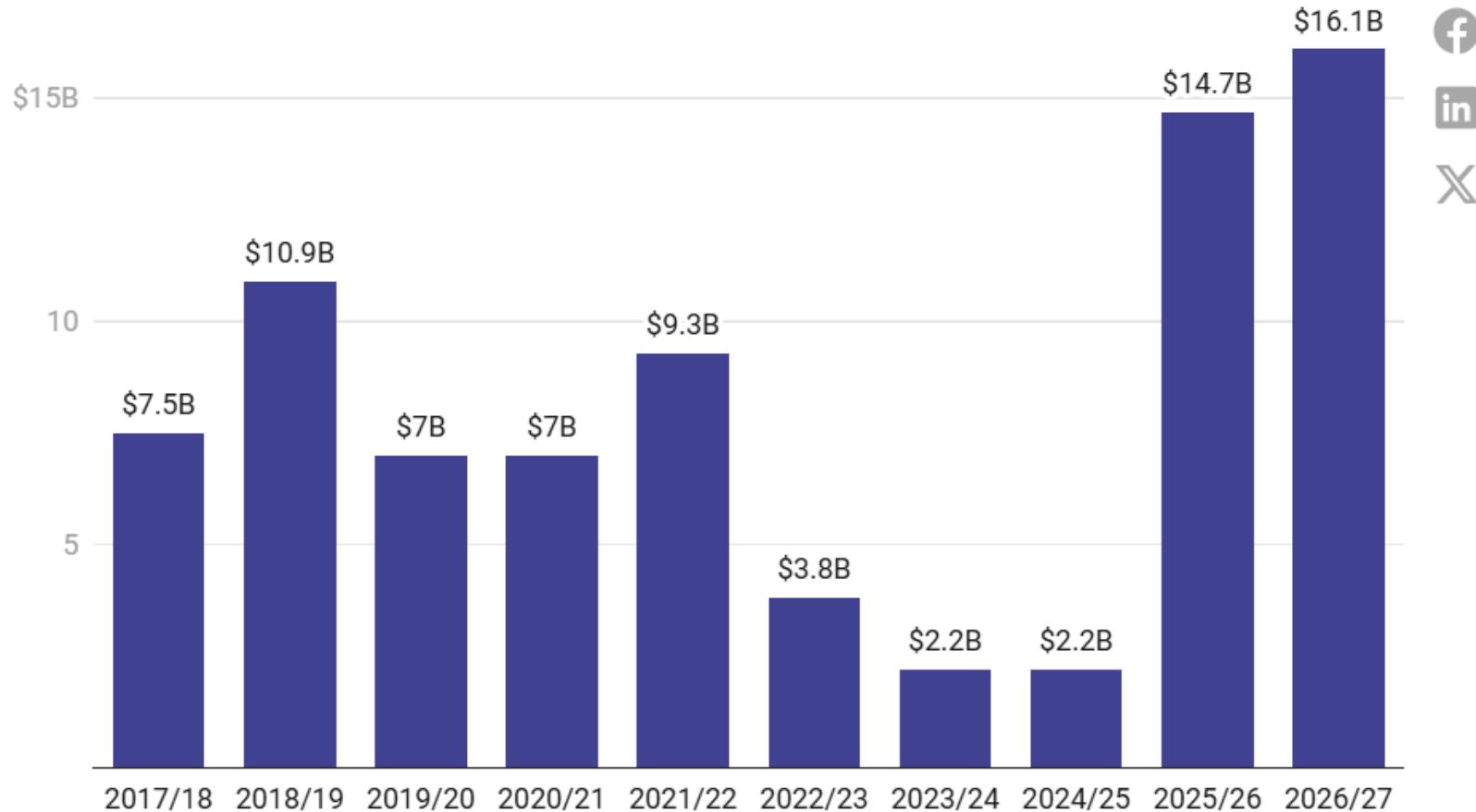


A word on energy prices

PJM capacity costs hit a record high



The cost of PJM's capacity auction in billions of dollars.



Another word on energy prices

US Renewable Tax Credits Severely Curbed



U.S. Wind and Solar Project Requirements for ITC and PTC Eligibility

Under construction (UC) start:	Current UC Start Treasury Guidance	New UC Start Treasury Guidance	Completion Deadline of 12/31/2027	Years to Complete After UC Start*	Subject to Material Assistance PFE Restrictions**
by 12/31/2024	Either starting "physical work of a significant nature" or meeting the 5% safe-harbor test (purchasing equipment or services ≥ 5% of the project total cost).	N/A	No	4	No
01/01/2025 to 12/31/2025		TBD; 07/07/2025 executive order directing Treasury to issue new guidance within 45 days)	No	4	No
01/01/2026 to 07/04/2026			No	4	Yes
after 07/04/2026			Yes	N/A	Yes

* Under current US Treasury Guidance. Certain projects have longer, notably offshore wind.

** One of several new rules related to Foreign Entities of Concern (FEOC), and that which will be the most complex for developers to navigate. To qualify for tax credits, developers must ensure that a certain percent of the manufactured products that go into a project are NOT "mined, produced or manufactured" by a "prohibited foreign entity" (an entity with ties to China, Russia, North Korea or Iran). The percent requirement increases over time. The US Treasury is required to release guidance to clarify and help companies navigate the test by the end of 2026. Until then, IRS tables for calculating domestic content percentages (to claim bonus tax credits) may be the best interim guide, as well as rigorous supplier documentation.

Notes: ITC=Investment Tax Credit ; PTC=Production Tax Credit; Treasury=US Treasury Department.

- Under the prior law, tax credits to wind and solar were available through the early 2030s, facilitating lower renewable PPA prices to utilities and corporate buyers.
- **The One Big Beautiful Bill** (signed into law July 4, 2025) will significantly restrict wind and solar project tax credit eligibility in the coming years. Restrictions come in two forms:
 1. Timing of project construction start and completion:
 - Projects that begin construction by July 4, 2026 are eligible without any placed in service (i.e., completion) deadline. What constitutes the start of construction is in flux, however, and is likely to become more restrictive.
 - Projects that begin construction after July 3, 2026 are eligible only if placed in service by December 31, 2027.
 2. Influence of, or sourcing materials from, Prohibited Foreign Entities (PFEs), most notably China.
 - Projects that begin construction after December 31, 2025, must meet increasing minimum levels of component and material sourcing from non-PFEs. This is likely the most complex eligibility requirement to navigate, and one for which further Treasury guidance will be issued in late 2026.
 - Projects where the taxpayer is a PFE or the project is influenced by one are in-eligible for credits.
- **Developers with significant project pipelines and purchased equipment will be eager to find off-takers and advance project activities as soon as possible** before new requirements take hold.



Sustainability Advisory Committee

Tabling – Come say Hi!

SAC Members are tabling at community events all summer long. Stop by to learn more about energy, EVs, stormwater management, recycling, composting, and more.

Waived Permit Fees

Committee deliberated and voted to recommend that Council waive permit fees for residential solar and EV charging projects. More to follow.

Bird Town Certification

Municipal certification program with goals of creating ecological balance in developed areas. Focuses on birds, but includes habitat restoration, invasive removals, pesticide reduction, green stormwater management, etc.



BIRD TOWN
PENNSYLVANIA

www.birdtown.org

Transportation Advisory Committee

Public Input Process

Collaboration with DVRPC and Connect the Dots. Developing program to collect wide-ranging and community-wide feedback on transportation needs and priorities, beginning fall 2025.

West Chester University Shuttle

WCU presented on their community shuttle program, which has eight existing routes in and around West Chester, providing 500,000+ rides per year.

Turks Head Trail

Volunteers from initiative presented to the committee. Discussed leveraging WCACOG for feasibility study, as a next step.

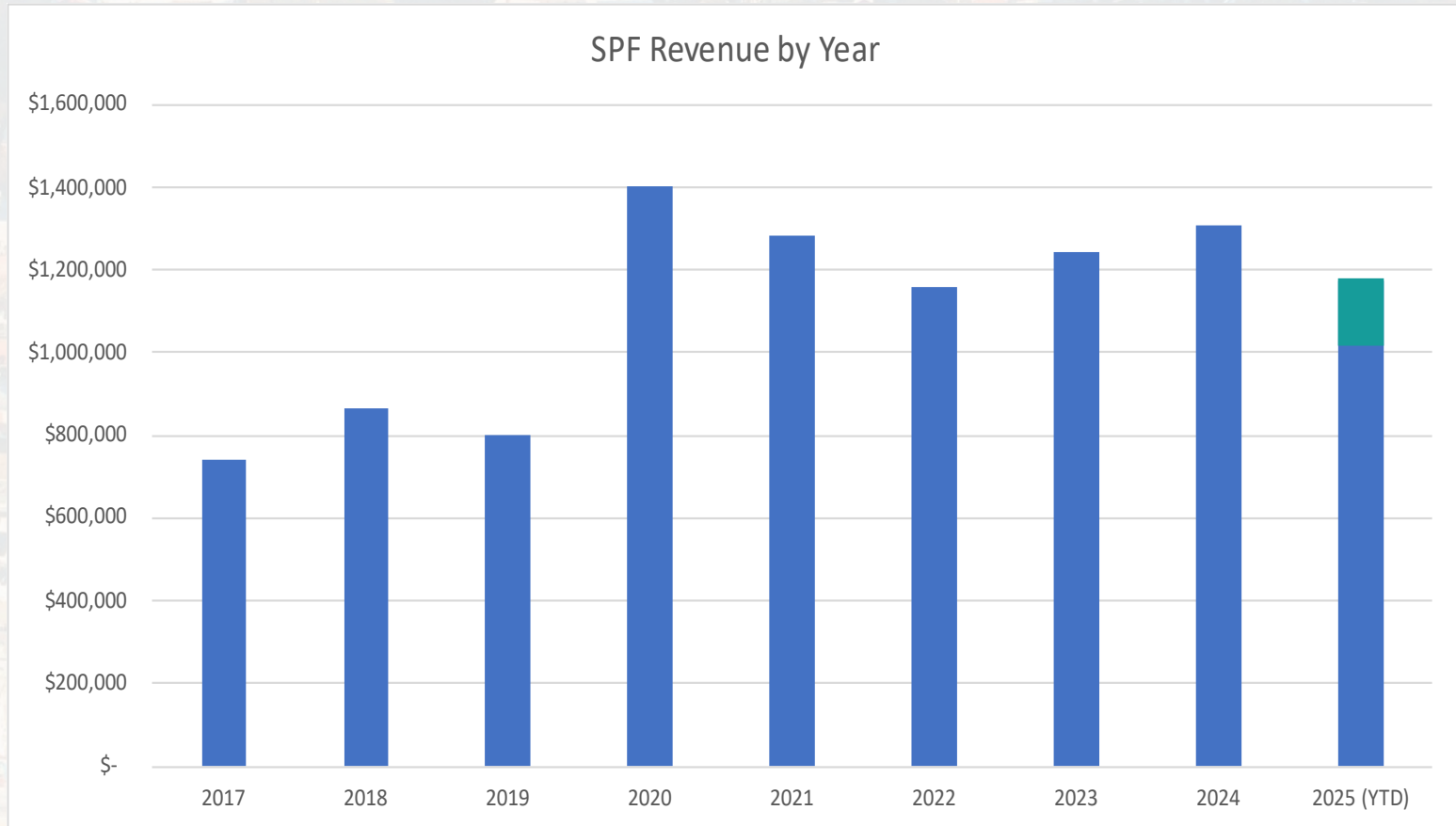
Missing Sidewalk Scoring Matrix

Developing a rubric to score and prioritize “segments” with missing sidewalks, to help complete pedestrian streetscape.



Stream Protection Fee – 2Q Results

- 2Q revenue of \$148,968
- YTD Revenue (Jun 31) \$1,172,397
- Strong collections activity (prior years fees, placed with Portnoff Law Associates and paid off)
- 64 properties transferred
 - 25% YoY increase
- 31 properties reassessed, appealed, or applied for credits towards the annual fee
- Outstanding third quarter payments due September 30



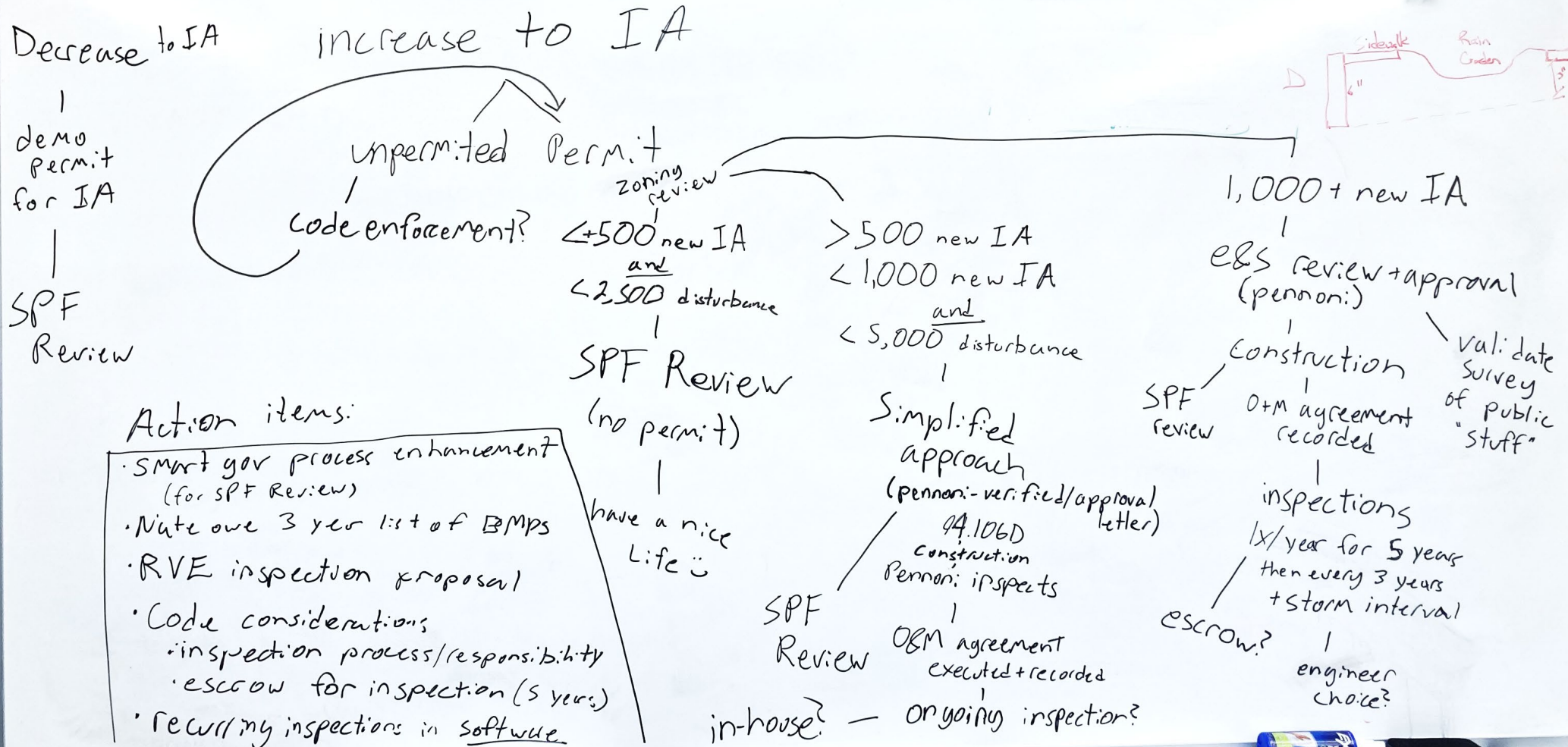
Goose Creek PRP & TMDL Amendments

- Update to DEP-mandated Pollution Reduction Plan (PRP) addressing sediment and Total Daily Maximum Load plan (TMDL) addressing phosphorous in Goose Creek
- Consists of proposed project location and location types, and rough calcs on pollutant load reduction
- Preliminary approval by BC in 2024
- DEP approval, with slight changes, in spring 2025
- Public review/input process – underway until 8/31
- Open House and presentation on August 5th
- Final approval by BC in late 2025

Take the survey!



Stormwater Ordinance Process Improvement



Action items:

- Smart gov process enhancement (for SPF Review)
- Nite over 3 year list of BMPs
- RVE inspection proposal
- Code considerations
 - inspection process/responsibility
 - escrow for inspection (5 years)
- recurring inspections in software



Grant Activity

Submitted Applications:

- DCED Flood Mitigation- \$500,000
 - Brick Storm Sewer Rehabilitation – Phase II
- DCED Greenways, Trails, and Recreation - \$250,000
- PPC Foundation - \$30,000
 - John O. Green Park Improvements
- FEMA Staffing Adequate Fire/Emergency Response - \$960,000
 - Recruitment and retention of WCFD volunteers

Grants Awarded:

- Chester County Community Revitalization Program - \$425,000
 - Gay Street – Phase II

Project/Grants in closeout:

- Recycling Truck
 - DEP 902 Program – \$200,000
- Goose Creek Stormwater BMPs
 - DCED Small Water & Sewer (ARPA) - \$118,008
 - DEP Growing Greener - \$200,747
- Hoopes Park Racquet Center
 - DCED Greenways, Trails, Recreation - \$100,000
 - DCNR Parks & Open Space - \$137,300

Open Grants

<i>Grantor/Program</i>	<i>Project</i>	<i>Award</i>
Chester County ARPA	Goose Creek Electrical Substation Rehab	\$ 600,000
DEP 904 Program	Recycling Performance Grant	\$ 55,020
PA H20 - ARPA	Taylor Run Stream Restoration	\$ 500,000
DCED - Small Water & Sewer - ARPA	Goose Creek Stormwater BMPs	\$ 118,008
Chester County CRP	Gay Street Open-Air Market - Phase I	\$ 677,798
DCNR Parks/Open Space	Hoopes Park Tennis/Pickleball Court Rehab	\$ 137,300
DCED Watershed Restoration and Protection	Taylor Run Stream Restoration	\$ 150,000
DCED Greenways, Trails & Recreation	Hoopes Park Tennis/Pickleball Court Rehab	\$ 100,000
DEP Growing Greener	Goose Creek Stormwater BMPs	\$ 200,747
DCED MTF	High Street Streetscape/Ped Improvements	\$ 750,000
Chester County VPP	Parks Master Plan	\$ 38,000
Local Share Account	Goose Creek Conveyance	\$ 750,000
DEP 904 Program	Recycling Performance Grant	\$ 79,386
PCCD Justice Assistance Grant (JAG)	Police body and in-vehicle cameras	\$ 250,000
Chester County Bus Shelter	Bus Shelter	\$ 12,500
DEP 902 Recycling Grant	Recycling Truck	\$ 200,000
DCED Flood Mitigation	Brick Sewer Relining	\$ 200,000
DCED ARPA Pandemic Response Grant Program	WCFD Fire Hoses	\$ 30,000
EPA Compost	Compost Site Planning/Permitting	\$ 50,000
Chester County CRP	Gay Street Phase II	\$ 425,000
		\$ 5,323,759

Looking Ahead

Grant/Project Closeout

Generating reimbursement packages and final reporting for several projects in WCFD, parks, and stormwater

2026 budget and 2026-2030 CapEx

Drafting, presenting, and finalizing next year's SPF budget, and assisting all departments with 5-year capital planning

Green Building Checklist

Ongoing revisions to the West Chester Sustainable! Building Checklist – required piece for new development submissions, tied to Borough's zoning code.

Staff wide MS4 Training

Borough staff will participate in 2-hour training on MS4 regs, issue reporting, and compliance in September 2025

Dark Skies Initiatives

Slate of policies/procedurals/code updates to consider, for addressing light pollution/light trespass in West Chester

Idling Policy for Admin Vehicles

Generating personnel policy to address unnecessary vehicle operation runtime in light-duty, non-emergency vehicles

Birdtown Certification

Watch out Phoenixville



Local Share Account Grant Application

Annual \$1M max grant program with almost no limitations on project criteria. Due late 2025, 2024 awards anticipated in 3Q

Administration, Communication & Technology Committee of Borough Council

Date: Tuesday, July 8, 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

MEETING MINUTES

- 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. – **Approved 3-0**
- III. 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.)
- IV. Reports
 - A. Chief Information Security Officer, Monthly Report – **Completed**
 - B. Quarterly Report: Nicholas Fink, Manager of Data and Enterprise Applications - **Completed**
- V. Old business
 - A. Approve the July 2025 minutes – **Approved 3-0**
 - B. Discuss Christmas Parade process and procedures for discounted fees - **TABLED**
- VI. New business
 - A. Approve Resolution to dispose of the following records – **Approved 3-0**
 - 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). - **TABLED**

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.

VII. Adjournment

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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.
- 707. Exceptions to open meetings.
- 708. Executive sessions.
- 709. Public notice.
- 710. Rules and regulations for conduct of meetings.
- 710.1. Public participation.
- 711. Use of equipment during meetings.
- 712. General Assembly meetings covered.
- 713. Business transacted at unauthorized meeting void.
- 714. Penalty.
- 714.1. Attorney fees.
- 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.

ORDINANCE OF THE BOROUGH OF WEST CHESTER,
CHESTER COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 3, TITLED "ADMINISTRATIVE CODE" OF THE
CODE OF THE BOROUGH OF WEST CHESTER,
SPECIFICALLY SECTION 3-38, TITLED "ADVISORY
COMMITTEES AND COMMISSIONS" TO AMEND SECTION 3-
38.D AND TO ADD A NEW SECTION 3-38.T TO ESTABLISH
WEST CHESTER TOGETHER

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

SECTION 1. Chapter 3 of the Code of the Borough of West Chester, titled "Administrative Code," Section 3-38, titled, "Advisory Committees and Commissions" ", Section 3-38.D shall be amended as follows:

"D. Appointment. The Borough Council shall appoint the members of advisory boards and commissions. Except for the **West Chester Together**, no member of Borough Council, nor any person holding any other office in the Borough, shall be appointed as a member of an advisory board or commission. Appointments to fill vacancies shall be only for the unexpired portion of the term."

SECTION 2. Chapter 3 of the Code of the Borough of West Chester, titled "Administrative Code," Section 3-38, titled, "Advisory Committees and Commissions", is hereby amended by adopting a new Subsection T, titled, "COMMUNITY CAMPUS COMMITTEE, as follows:

"T. **WEST CHESTER TOGETHER.** Pursuant to the authority in § 3-38A, there is hereby established for the Borough of West Chester an Advisory Committee known as "**West Chester Together**" which shall be organized for the purposes hereinafter set forth.

(1) Mission. The purpose of **West Chester Together** is to promote and increase communication and collaboration between Borough of West Chester community leaders and residents and West Chester University officials and students on issues that affect health, safety, and quality of life for the campus and Borough community.

(2) Responsibilities of Committee. The Committee shall serve in an advisory capacity to Borough Council and to West Chester University administration and shall perform the following duties:

- (a) Partner in community engagement and conduct regular meetings with Borough and University community members to discuss issues and concerns about University activities, events, policies and affairs.
- (b) Promote and encourage cooperation and planning for University events

that will have an impact on Borough residents such as move in and move out days, homecoming, graduation and other functions or events that impact the residents of the Borough in and around the University Campus.

(c) Develop and foster relationships and liaise with leaders and committees of the Borough and University.

(d) Promote and encourage cooperation and planning for Borough events that encourage engagement between permanent residents and students.

(e) Identify issues of mutual concern to the Borough and University while maintaining open and transparent communications with all relevant parties and departments within both the Borough and the University.

(f) Initiate and implement solutions for issues or problems that impact the quality of life for Borough residents.

(g) Provide reports to Borough Council on the activities and accomplishments of the Committee either by submission of a written report sent to Council members or by a Committee member presenting an oral report at Council meetings. The Committee shall submit at least one report per University semester to Borough Council.

(3) Membership and Terms of Office. The Committee shall consist of four members representing the Borough (the "Borough members") who are appointed by Borough Council. The Borough members shall consist of the following:

(a) The West Chester Borough Mayor or designee;

(b) A representative from the West Chester Borough Police Department;

(c) A member of Borough Council (committee agnostic); and

(d) A borough employee

In addition to the Borough Members, the Committee shall consist of five members representing the residents of the Borough (the "resident members") who are appointed by Borough Council. The resident members shall consist of the following:

(a) A Borough resident from the 2nd Ward;

(b) A Borough resident from the 4th Ward;

(c) An at-large Borough resident;

(d) A student rental permit holder within the Borough; and

(e) A Borough business member

In addition to the members appointed by Council, the Committee shall include five representatives from West Chester University (the "University members") who shall be selected by the University and represent one of the following departments:

(a) Student Affairs;

- (b) Civic Engagement and Social Impact;
- (c) External Relations;
- (d) Fraternity and Sorority Life;
- (e) Student Government Association;
- (f) Off Campus and Commuter Services;
- (g) Public Safety;
- (h) Student Conduct; and
- (i) Wellness Promotion.

Borough Council shall appoint the Borough members to serve on the Committee at the reorganizational meeting of Council held in January of 2022. The University administration shall appoint the University members to serve on the Committee on or before January 1, 2022. Members shall be appointed to serve a three-year term except for the initial terms which shall be staggered so that the terms of at least three members shall expire every year.

The first term of the Committee shall commence on January 1, 2022 and continue until Borough Council elects to abolish the same.

The Committee shall have Co-Chairpersons. One Chairperson shall represent the Borough members and be selected by the Borough members of the Committee. The second Chairperson shall represent the University members and be selected by the University members of the Committee. **A Secretary will also be appointed as selected by the full membership. The Co-Chairpersons and Secretary will serve a 2-year term for a maximum of up to two consecutive terms.**

Vacancy. A vacancy on the Committee shall be filled in the same manner as the original appointment by the Borough Council for Borough members and by the University for University members.

SECTION 2. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. EFFECTIVE DATE. as provided by law.

ENACTED AND ORDAINED THIS 20TH DAY OF This Ordinance shall become
effective upon enactment
OCTOBER __, 2021.

ATTEST:

By:

Michael A. Perrone, Secretary
COUNCIL FOR THE BOROUGH
OF WEST CHESTER

iff t h

Michael Galey, Esquire Presider

administrative and executive authority. Appeals of such decisions may be made in accordance with the laws of the Commonwealth of Pennsylvania.⁴

§ 3-38. Advisory boards and commissions. [Amended 1-17-1996 by Ord. No. 3-1996; 3-15-2000 by Ord. No. 4-2000; 8-20-2003 by Ord. No. 18-2003; 3-19-2008 by Ord. No. 5-2008; 9-21-2011 by Ord. No. 17-2011; 5-25-2011 by Ord. No. 9-2011; 7-17-2013 by Ord. No. 6-2013; 3-19-2014 by Ord. No. 2-2014; 11-17-2015 by Ord. No. 16-2015; 10-19-2016 by Ord. No. 12-2016; 7-19-2017 by Ord. No. 10-2017; 8-16-2017 by Ord. No. 13-2017; 8-21-2019 by Ord. No. 10-2019; 9-18-2019 by Ord. No. 14-2019; 6-16-2020 by Ord. No. 03-2020; 6-16-2020 by Ord. No. 04-2020; 10-20-2021 by Ord. No. 11-2021; 5-17-2023 by Ord. No. 04-2023; 10-16-2024 by Ord. No. 06-2024; 1-15-2025 by Ord. No. 01-2025]

The advisory boards and commissions specified in this Administrative Code have been or are hereby established for the proper and efficient conduct of municipal affairs. The purpose of these boards is to perform duties of a continuing nature in specific areas as designated by this Administrative Code, the Home Rule Charter or other ordinances of the Borough.

- A. The boards and commissions designated in the following subsections have been previously established by ordinance or are established by this Administrative Code. Additional boards shall, from time to time, be established by ordinance as deemed necessary by the Borough Council. However, no additional boards may be created until the Borough Council has determined that the functions of the proposed board cannot be feasibly performed by one or more of the existing boards.
- B. The boards and commissions specified as being advisory boards or commissions in this Administrative Code have been or are hereby established within the requirements of the statutes of the Commonwealth of Pennsylvania and the laws of the Borough of West Chester to provide advice, guidance and recommendations to the Borough Council. No advisory board shall perform administrative duties or have executive authority.
- C. No advisory board or commission shall have the authority to spend Borough funds unless provided for in the budget, specifically approved by the Borough Council and subsequently approved by the Borough Manager or a member of the administrative staff authorized so to do by the Manager. The Manager shall assign employees of the Borough to serve as liaison to and provide staff services to the boards and commissions where necessary. No advisory commissions or boards shall have the authority to enter into contracts of any nature.
- D. **Appointment. The Borough Council shall appoint the members of advisory boards and commissions. Except for the Community Campus Committee, no member of Borough Council, nor any person holding any other office in the Borough, shall be appointed as a member of an advisory board or commission. Appointments to fill vacancies shall be only for the unexpired portion of the term."**
- E. **Removal. Any member of an advisory board or commission may be removed prior to the expiration of his/her appointed term by the Borough Council and in accordance with the laws of the Commonwealth of Pennsylvania applicable to such board or commission.**

4. Editor's Note: Former Subsection L, Building, Housing and Fire Codes Appeals Board, which immediately followed this subsection, was repealed 8-21-2019 by Ord. No. 10-2019.

- (4) Membership and terms of office. The membership of the Public Arts Commission shall:
- (a) Consist of a minimum of seven members, all of whom shall be appointed by the Borough Council.
 - (b) Serve a three-year term of office, except for the initial term, in which four members shall serve three-year terms, and three members shall serve two-year terms.
 - (c) Consist of a majority of Borough residents.
 - (d) Be comprised of a minimum of two artists. For purposes of this requirement, the term "artist" shall be defined as: a person engaged in an activity or activities related to creating art, practicing the arts, or demonstrating an art, who make their primary living through such artistic endeavor(s).
 - (e) Be comprised of a minimum of one professional, licensed architect or certified urban planner.
 - (f) Elect a Chair and Vice Chair who shall be elected annually from amongst and by the members of the Commission.
 - (g) Elect a Secretary, who shall be elected by the members of the Commission but need not be an appointed member of the Commission.
 - (h) Serve without compensation, but may be reimbursed for expenses necessary to conduct the duties and responsibilities of the Commission, when authorized by Borough Council.
- (5) Vacancy. A vacancy on the Commission shall be filled by appointment by Borough Council for the unexpired term. The Commission may make recommendations for appointees to the Borough Council for unfulfilled terms and for full terms. The Commission may have the right to establish appropriate committees to assist with research, to lend expertise, and to perform other duties as assigned by the Commission. Each committee shall be chaired by a member of the Public Arts Commission.
- (6) Meetings. Meetings shall be held as-needed and/or at intervals deemed appropriate by the Commission. The Commission shall keep records of its meetings and activities and submit periodic reports to Borough Council, as deemed necessary and requested by the Council.
- (7) In order to carry out its responsibilities, the Public Arts Commission may, with the prior consent of Borough Council, utilize any funds, personnel or other assistance made available by the Borough, County, the Commonwealth, or federal government, or any of their agencies, or from private sources. Borough Council may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accordance with Borough procedures. The Borough of West Chester Public Arts Commission shall submit a proposed budget to the Borough Council during the regular Borough budget process.

T. Community Campus Committee. Pursuant to the authority in § 3-38A, there is hereby established for the Borough of West Chester an Advisory Committee known as the

"Community Campus Committee" which shall be organized for the purposes hereinafter set forth.

(1) **Mission.** The purpose of the Community Campus Committee is to promote and increase communication and collaboration between Borough of West Chester community leaders and residents and West Chester University officials and students on issues that affect health, safety, and quality of life for the campus and Borough community.

(2) **Responsibilities of Committee.** The Committee shall serve in an advisory capacity to Borough Council and to West Chester University administration and shall perform the following duties:

(a) Partner in community engagement and conduct regular meetings with Borough and University community members to discuss issues and concerns about University activities, events, policies and affairs.

(b) Promote and encourage cooperation and planning for University events that will have an impact on Borough residents, such as move in and move out days, homecoming, graduation and other functions or events that impact the residents of the Borough in and around the University Campus.

(c) Develop and foster relationships and liaise with leaders and committees of the Borough and University.

(d) Identify issues of mutual concern to the Borough and University while maintaining open and transparent communications with all relevant parties and departments within both the Borough and the University.

(e) Initiate solutions for issues or problems that impact the quality of life for Borough residents.

(f) Provide reports to Borough Council on the activities and accomplishments of the Committee either by submission of a written report sent to Council members or by a Committee member presenting an oral report at Council meetings. The Committee shall submit at least one report per University semester to Borough Council.

(3) **Membership and terms of office.**

(a) The Committee shall consist of 10 members representing the Borough (the "Borough members"). The Borough members shall consist of the following:

[1] The West Chester Borough Mayor;

[2] A representative from the West Chester Borough Police Department who is selected by the Mayor;

[3] A member of Borough Council's Public Safety, Events and Quality of Life Committee who is selected by Council;

[4] A Borough resident from the 2W and 4th Wards who is appointed by Borough

Council;

[5] Two at-large Borough residents who are appointed by Council;

[6] A member of the West Chester Apartment Housing Association or a property owner in the Borough who owns student rental units who is appointed by Council;

[7] A member of the West Chester Restaurant Association or a business owner in the Borough who owns an establishment with a liquor license who is appointed by Council; and

[8] The Director of the Department of Building, Housing and Code Enforcement.

(b) In addition to the members appointed by Council, the Committee shall include 10 representatives from West Chester University (the "University members") who shall be selected by the University and represent various departments selected by the University administration such as the following:

[1] Student Affairs;

[2] Civic Engagement and Social Impact;

[3] External Relations;

[4] Fraternity and Sorority Life;

[5] Student Government Association;

[6] Off Campus and Commuter Services;

[7] Public Safety;

[8] Student Conduct; and

[9] Wellness Promotion.

(c) Borough Council shall appoint the Borough members to serve on the Committee at the reorganizational meeting of Council held in January of 2022. The University administration shall appoint the University members to serve on the Committee on or before January 1, 2022. Members shall be appointed to serve a three-year term except for the initial terms which shall be staggered so that the terms of at least three members shall expire every year.

(d) The first term of the Committee shall commence on January 1, 2022, and continue until Borough Council elects to abolish the same.

(4) The Committee shall have Co-Chairpersons. One Chairperson shall represent the Borough members and be selected by the Borough members of the Committee. The second Chairperson shall represent the University members and be selected by the University members of the Committee.

(5) Vacancy. A vacancy on the Committee shall be filled in the same manner as the original

appointment by the Borough Council for Borough members and by the University for University members.

U. Transportation Advisory Committee (TAC). Pursuant to the authority in § 3-38A, there is hereby established for the Borough of West Chester an advisory committee known as the "Transportation Advisory Committee (TAC)" which shall be organized for the purposes hereinafter set forth.

- (1) Mission. The purpose of the Transportation Advisory Committee (TAC) is to advise Borough Council on transportation planning and capital projects, including roads, rail, trail, bus, and shared rides, and any other practical modes of transportation to, from, and within West Chester Borough. The TAC is formed to address the present and future transportation needs of Borough residents, visitors and commuters.
- (2) Responsibilities of Committee. The TAC's duties shall include, but not be limited to, the following:
 - (a) Advise Borough Council about current transportation modes available in the Borough and evaluate awareness and effectiveness of current transit options.
 - (b) Provide recommendations regarding gaps or overlap in current transportation options.
 - (c) Propose effective means of communication to advise the community about transit options.
 - (d) Identify and focus on capital projects and transportation plans that meet the needs of Borough residents and are within the scope and capability of the Borough based on management, jurisdiction, and resources.
 - (e) Submit an annual report to Borough Council summarizing the work that the TAC completed with a focus on gaps in transportation services and recommended capital projects and partnerships to fill those gaps.
 - (f) Make recommendations to Borough Council on long-range regional planning for transportation projects which may be sent to regional planning organizations such as Chester County Planning Commission and Delaware Valley Regional Planning Commission (DVRPC).
 - (g) Make recommendations to Borough Council for proposed transportation projects to be included in the annual capital budget.
 - (h) Cooperate and partner with governmental and related agencies such as the Chester County Commissioners and adjacent municipalities to improve transportation modes for Borough residents.
- (3) Membership and terms of office. The Transportation Advisory Committee shall be organized as follows:
 - (a) The TAC shall consist of five to seven members, comprised of West Chester area residents who utilize public transportation in the Borough or have experience in the

MEMORANDUM OF UNDERSTANDING (MOU)

Between

Borough of West Chester

and Pennsylvania Solar Center for partnership on the
GET SOLAR PROGRAM

This document describes the agreed-upon responsibilities and expectations between **Borough of West Chester** [ENTITY], with offices located at **401 E Gay St, West Chester, PA 19380, USA** and Pennsylvania Solar Center [PA SOLAR], a nonprofit 501(c)(3) organization with offices located at 1435 Bedford Avenue, Suite 140, Pittsburgh, PA 15219 to collaborate on technical assistance through PA SOLAR's GET Solar Program [PROGRAM] to help ENTITY explore solar for use on ENTITY's own property(properties) located at: **401 E Gay St, West Chester, PA 19380, USA**

Under this agreement, ENTITY and PA SOLAR mutually agree to:

- Collect and share relevant information between the organizations to enable PA SOLAR to create a well-informed estimate with the eventual goal to solicit proposals/bids from qualified solar developers for ENTITY that provides ENTITY the opportunity to make an educated decision about if, and how, they choose to move forward with a solar installation.
- Meet on a regular basis to review strategy and results.
- Work towards the goal of installing a minimum of one solar project on an ENTITY-owned property.
- Acknowledge that all materials, analyses, strategies, tools, or other information provided by PA SOLAR in connection with the PROGRAM are proprietary and may not be disclosed, reproduced, distributed, or used by ENTITY outside the scope of this agreement without the express written approval of PA SOLAR.

Under this agreement, ENTITY agrees to:

- Abide by the feasibility scope of work that is agreed upon at the beginning of the PROGRAM in the attached FEE SCHEDULE & SCOPE OF WORK.
- Provide PA SOLAR with all the documents necessary to create a complete and transparent feasibility analysis, including but not limited to electric bills, interval data, maps and surveys of land designated for ground mount systems, existing structural and electrical drawings for buildings, pictures of electrical service infrastructure.
- Provide PA SOLAR with either a decision to move forward into the financing and procurement phase with a selected financing and procurement strategy or with a NO GO decision within **two months** of receiving the final feasibility study from the GET Solar Team.
- Work solely within the GET Solar process to acquire feasibility studies, quotes, services, and eventually proposals/bids. If ENTITY chooses to get additional quotes or services

outside of the feasibility process or solicit additional quotes or services beyond the GET Solar process, ENTITY chooses to do so without support from the GET Solar Team. At that point, the GET Solar Team is under no obligation to continue providing support and assistance. PA SOLAR is committed to running a fair and feasibility study and procurement process with the ENTITY and with quality developers. This provision is necessary to preserve the integrity of the PROGRAM

- Communicate only with the GET Solar team and the ENTITY's staff about the feasibility process and not directly with developers during the feasibility process to preserve an unbiased and fair analysis and to assure a fair bidding process should ENTITY decided to move into that phase;
- Include mention of PA SOLAR and the GET SOLAR program involvement on all media and press communications, including social media and press releases for all solar projects that have materialized as result of the PROGRAM

Under this agreement, PA SOLAR agrees to:

- Meet virtually with ENTITY to explain benefits of going solar and the PROGRAM process and fees, to gather needed information and documentation to complete an accurate feasibility study, and to provide guidance to ENTITY about the benefits and obstacles of going solar at each of ENTITIES identified property locations.
- Complete a preliminary solar feasibility and cashflow analysis for each potential solar property identified above **within 10 to 15 business days** of receiving all relevant information, depending on the complexity of the project. Estimates will include:
 - solar production and potential solar layout
 - the cost to purchase the solar system
 - savings and return on investment over the first 25 years of the solar generation
 - cost of not going solar over the next 25 years
 - cash flow that incorporates operation and maintenance costs, inverter replacement, and estimated SREC income, available tax credits, grants, loans, or refunds available from the federal government, state, or other sources, and other relevant financing opportunities as known by PA SOLAR
- Be available virtually to discuss the findings of the feasibility and financial analysis and recommendations to move forward within one week of completing the analysis
- Provide ENTITY with regular updates on the progress of projects and report on the activities and results until the end of the agreement term.
- Review the bidding/RFP process, if appropriate, for ENTITY to secure qualified bids from solar industry developers
- Review all potential financing options with ENTITY
- Provide communications support via PA SOLAR communications consultant as approved by PA SOLAR
- Obtain prior approval from ENTITY when using ENTITY'S name on any public or media communications that reference the involvement of the PROGRAM for which PA SOLAR may be involved to provide technical assistance.

Scope of this agreement:

This agreement is inclusive of a feasibility study and cashflow estimates only, and does not include an RFP or bidding process, which would necessitate an additional agreement and possibly additional fees, if ENTITY chooses to proceed with that process. Those fees may include a flat fee to PA Solar from the ENTITY to run an RFP/bid process and/or a solar developer fee which would be assessed on final signed contracts for projects that were the result of the PROGRAM. If included, the developer fee is required of the developer who bids and wins the project, not the ENTITY. The fee is typically assessed based on the size of the project (e.g., \$0.025 per watt of solar capacity).

In addition, PA SOLAR CENTER will provide its best understanding of relevant laws and regulations; however, ENTITY understands that the PA SOLAR CENTER does not provide legal, tax, or accounting services or advice and that if desired, ENTITY will seek out those and other professional services to verify compliance with relevant laws.

Fees:

PA SOLAR will invoice ENTITY \$100.00 for feasibility analysis and cash flow estimating services. Payment is due 30 days after receiving the invoice; however, feasibility analysis cannot begin until the fee is paid. See 'Fee Schedule' attachment for more information. In some cases, the fee will be waived or reduced.

Agreement Term:

This agreement applies to the project(s) identified above and shall remain in effect until the project(s) is (are) either completed, terminated by either party, or designated as inactive by PA SOLAR, at which point this MOU will be considered void. If the ENTITY wishes to reengage in the PROGRAM after a project is deemed inactive or wishes to significantly amend the original scope of the project, a new agreement must be executed, which may incur additional fees.

Termination:

This MOU may be modified, amended, or extended upon the agreement of all parties hereto. Failure to honor any of the obligations stated above may also result in the termination of this Agreement by either party. The terms of the MOU may be terminated by either party with 30 days' notice in writing.

ENTITY

SIGNATURE

Sean Metrick

NAME

Borough Manager Borough of West Chester

TITLE AND ORGANIZATION

DATE

PENNSYLVANIA SOLAR CENTER

SIGNATURE

NAME

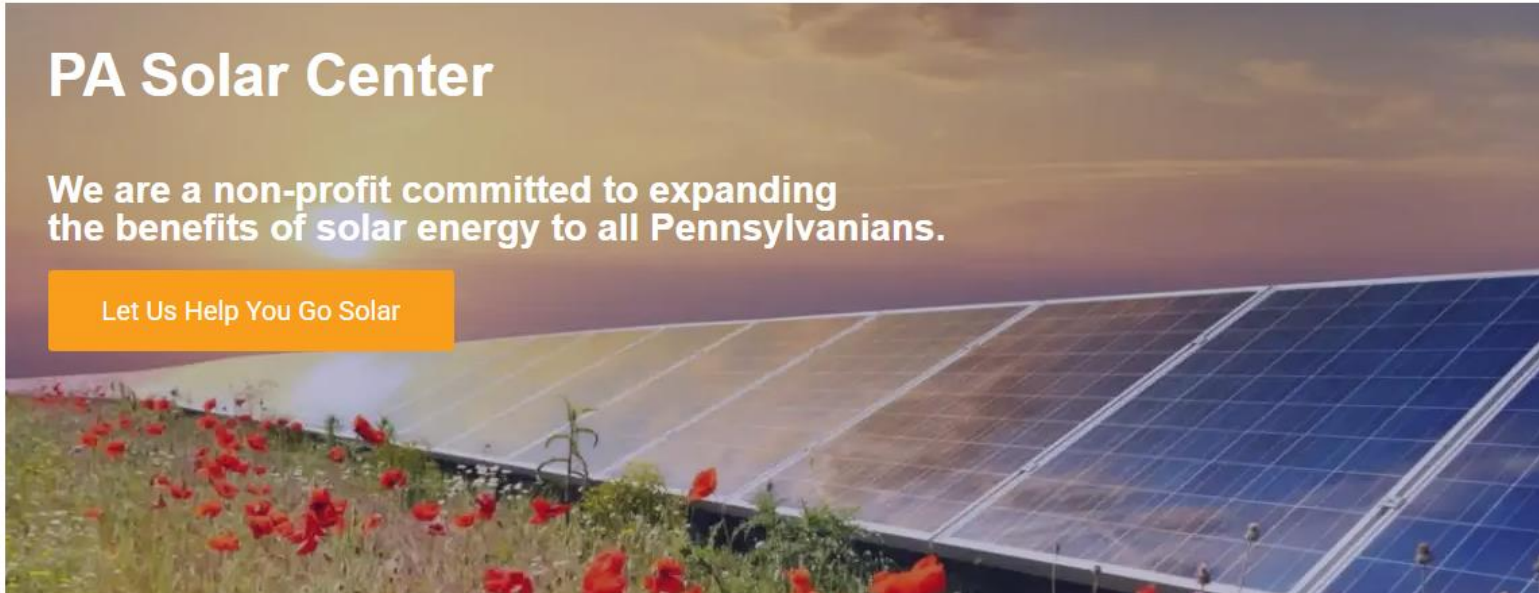
TITLE AND ORGANIZATION

DATE

PA Solar Center

We are a non-profit committed to expanding the benefits of solar energy to all Pennsylvanians.

Let Us Help You Go Solar



How We Can Serve Your Organization

Solar expertise and experience.



Solar Resource Hub

[Learn More](#)



Technical Support for Non-Profits, Schools, Municipalities, & Businesses

[Learn More](#)



PA Solar Advocacy Network

[Learn More](#)

GET Solar Process

1

Basic solar feasibility and high-level savings analysis

2

Competitive bids from qualified solar developers for each organization interested in solar

3

Review and compare solar proposals with *GET Solar* team using apples-to-apples comparison tools

4

Develop a financing strategy and work with solar developer to complete the project

US Renewable Tax Credits Severely Curbed



U.S. Wind and Solar Project Requirements for ITC and PTC Eligibility

Under construction (UC) start:	Current UC Start Treasury Guidance	New UC Start Treasury Guidance	Completion Deadline of 12/31/2027	Years to Complete After UC Start*	Subject to Material Assistance PFE Restrictions**
by 12/31/2024	Either starting "physical work of a significant nature" or meeting the 5% safe-harbor test (purchasing equipment or services ≥ 5% of the project total cost).	N/A	No	4	No
01/01/2025 to 12/31/2025		TBD; 07/07/ 2025 executive order directing Treasury to issue new guidance within 45 days)	No	4	No
01/01/2026 to 07/04/2026			No	4	Yes
after 07/04/2026			Yes	N/A	Yes

* Under current US Treasury Guidance. Certain projects have longer, notably offshore wind.

** One of several new rules related to Foreign Entities of Concern (FEOC), and that which will be the most complex for developers to navigate. To qualify for tax credits, developers must ensure that a certain percent of the manufactured products that go into a project are NOT "mined, produced or manufactured" by a "prohibited foreign entity" (an entity with ties to China, Russia, North Korea or Iran). The percent requirement increases over time. The US Treasury is required to release guidance to clarify and help companies navigate the test by the end of 2026. Until then, IRS tables for calculating domestic content percentages (to claim bonus tax credits) may be the best interim guide, as well as rigorous supplier documentation.

Notes: ITC=Investment Tax Credit ; PTC=Production Tax Credit; Treasury=US Treasury Department.

- Under the prior law, tax credits to wind and solar were available through the early 2030s, facilitating lower renewable PPA prices to utilities and corporate buyers.
- **The One Big Beautiful Bill** (signed into law July 4, 2025) will significantly restrict wind and solar project tax credit eligibility in the coming years. Restrictions come in two forms:
 1. Timing of project construction start and completion:
 - Projects that begin construction by July 4, 2026 are eligible without any placed in service (i.e., completion) deadline. What constitutes the start of construction is in flux, however, and is likely to become more restrictive.
 - Projects that begin construction after July 3, 2026 are eligible only if placed in service by December 31, 2027.
 2. Influence of, or sourcing materials from, Prohibited Foreign Entities (PFEs), most notably China.
 - Projects that begin construction after December 31, 2025, must meet increasing minimum levels of component and material sourcing from non-PFEs. This is likely the most complex eligibility requirement to navigate, and one for which further Treasury guidance will be issued in late 2026.
 - Projects where the taxpayer is a PFE or the project is influenced by one are in-eligible for credits.
- **Developers with significant project pipelines and purchased equipment will be eager to find off-takers and advance project activities as soon as possible** before new requirements take hold.

Paying for Solar



Cash Purchase

- Solar paid for with reserve funds
- ROI can be as low as 4 years depending on electricity prices and IRA benefits
- Maximum financial benefit from solar over life of system



Financing

- C-PACE
- Many banks and nonprofit lenders have experience with solar loans
- 30% of the loan is paid off with IRA benefits
- Loans are often structured so solar savings are greater than cost of loan **from the first payment**

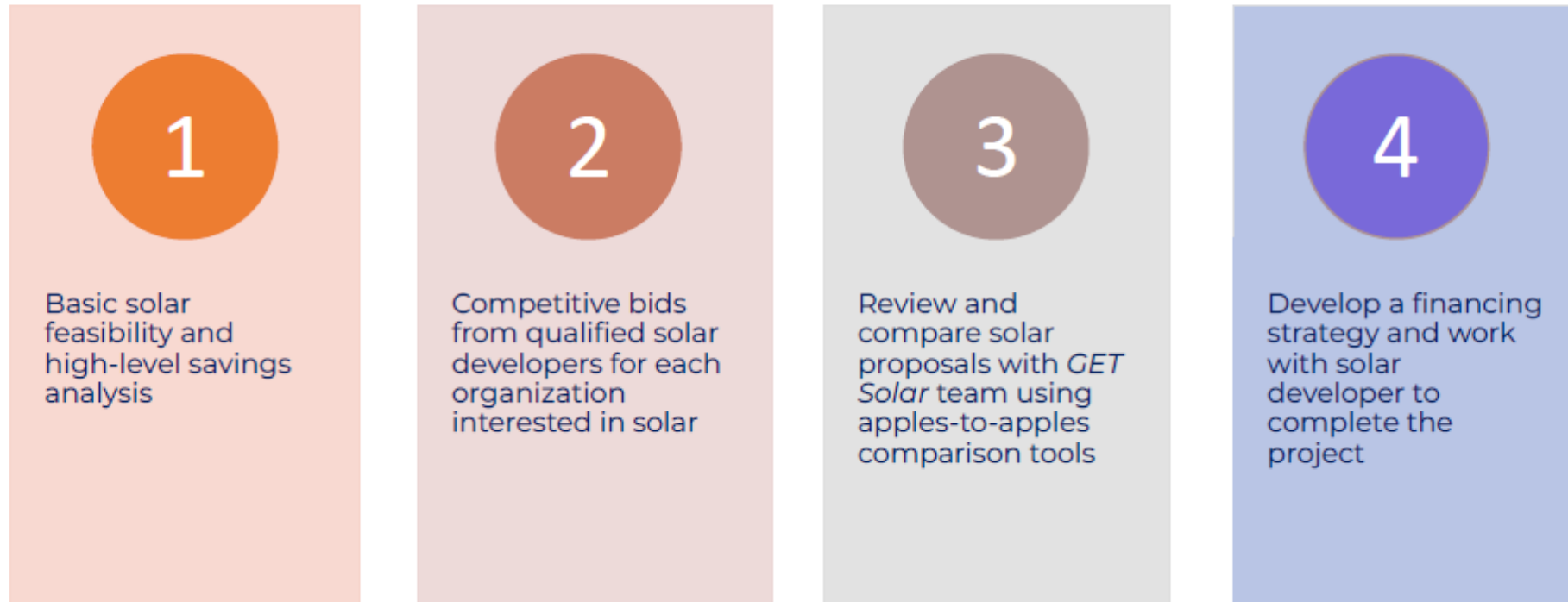


Power Purchase Agreement (PPA)

- Not available for every project (typically min. of 50kW)
- Three-party agreement with you, solar developer, and investor, who owns and operates the system)
- You lease your property and buy solar electricity at discounted price

Action Item: Approve MOU with PA Solar Center, to collaborate on below process, for \$150

GET Solar Process





**PROPOSAL TO PERFORM
COMCAST CABLE FRANCHISE RENEWAL SERVICES**

submitted to the

CHESTER COUNTY CABLE CONSORTIUM

by the

COHEN LAW GROUP

**413 South Main Street
Pittsburgh, PA 15215**

www.cohenlawgroup.org

(412) 447-0130

APRIL 21, 2025

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I. INTRODUCTION

The Cohen Law Group (“CLG”) welcomes this opportunity to submit a proposal for legal services to assist the participating municipalities of Chester County (“Chester County Consortium” or “Consortium”) in a franchise fee audit and cable franchise renewal negotiations with Comcast of Southeast Pennsylvania LLC (“Comcast”). Based on our records and communications with municipalities in the Consortium, we believe that at least twelve (12) municipalities are eligible for franchise renewal with Comcast.¹ Managers of several of these municipalities have advised us that they are interested in joining together for this project.

The cable franchise agreements for these municipalities are all set to expire within the next 1-3 years. As such, now is the time to begin the franchise renewal process. Franchise renewal is the best opportunity for municipalities to obtain benefits and to assert their legal rights with their cable operator. In addition, a multi-municipal negotiation increases each municipality’s negotiating leverage and, as detailed in Section V below, reduces its attorneys’ fees. Our law firm is currently privileged to represent nearly all of these municipalities in the franchise renewal project with Verizon. We would welcome the opportunity to represent the eligible municipalities of the Consortium again in the upcoming franchise renewal negotiations with Comcast.

There have been dramatic changes in video technology since the inception of the Consortium’s current franchise agreements, including the enhancement of digital technology,

¹ We reviewed Comcast agreements in our possession and sought Comcast agreements not in our possession for 35 municipalities in the Consortium. Our firm assisted 6 of these in a joint Comcast renewal in 2022-23 and we were unable to obtain the Comcast agreements from 7 municipalities. Comcast also declined to provide these agreements.

Of the remaining 22, it appears that at least the following 12 municipalities are eligible for renewal: Birmingham Township, East Bradford Township, East Coventry Township, East Pikeland Township, East Whiteland Township, Modena Borough, Uwchlan Township, Valley Township, West Bradford Township, West Caln Township, West Pikeland Township and West Vincent Township. There also may be other municipalities that are eligible of which we are not aware.

increased high definition (HD) format, expansion of video-on-demand, and, most important, the emergence of internet-based programming (also referred to as video streaming). There have also been major changes in the franchise operations of Comcast as well as the federal regulations applicable to cable franchising. The most consequential regulatory development was the Federal Communications Commission's ("FCC's") 2019 Third Report and Order (and the related 2021 Court of Appeals decision), which made fundamental changes to cable franchising.

As described in this proposal, we recommend that the municipalities: 1) perform a franchise fee audit to ensure that each municipality has received all the franchise fee revenue to which it is entitled; and 2) negotiate a new franchise agreement with Comcast that addresses the changes since the last franchise and secures new financial and legal benefits for the municipalities.

CLG is uniquely qualified to represent the Chester County Consortium in cable franchise renewal negotiations. For over 27 years, our firm has specialized in cable franchise matters on behalf of local governments, and our attorneys have negotiated more franchise agreements than any other law firm in Pennsylvania and surrounding states. We have represented over 500 municipalities in six states in negotiations with their cable companies. With respect to Comcast, our firm has negotiated more agreements with this cable operator than any other. We know Comcast's negotiators and we know the company's current franchise policies.

The principal of the firm is Dan Cohen. He has assisted local governments in cable, wireless, and broadband issues for over 27 years. He served as Board Member (2017-21) and as Co-Chair of the Legal Committee (2021-22) of the National Association of Telecommunications Officers and Advisors ("NATOA"), which is the national organization that advocates for local governments in these fields. Mr. Cohen was recently named as a 2025 Best Lawyer in Government Relations for his work in representing local governments in telecommunications matters.

Mr. Cohen is especially qualified to represent municipalities because he was a municipal official himself. As a member of the Pittsburgh City Council for 12 years prior to founding CLG, he understands the practical needs and financial constraints facing municipalities. In addition, the CLG includes a strong team that includes attorney Phil Fraga, attorney Stacy Browdie, attorney Mike Roberts and Office Manager Victoria Novak.

II. POTENTIAL FRANCHISE BENEFITS

There are significant benefits available to municipalities in a cable franchise renewal agreement. The key to receiving these benefits is to know the law and regulations relating to each benefit and to negotiate firmly to obtain them from the cable operator. The following is a list of some of the more important potential benefits:

- 1. Franchise Fee Revenue.** Under federal law, municipalities may assess a franchise fee of up to five percent (5%) of the cable company's "gross revenues" for cable services derived from the municipality. The central subject of negotiation with the cable operator is the specific revenue sources to be included in the definition of "gross revenues." CLG has developed a comprehensive list that now includes 27 cable operator revenue sources to which municipalities may apply the franchise fee. **This list includes several revenue sources that Comcast currently charges but are not in the municipalities' current agreements. The inclusion of these new revenue sources will increase their franchise fee revenue.**² Please

²Note that the decrease or increase in the number of cable subscribers in each municipality will also impact franchise fee revenues.

note that franchise fees are passed through to cable customers as a separate line item on their bills.

- 2. Franchise Fee Accountability.** In addition to franchise fee revenue, it is also essential for municipalities to require franchise fee protection and accountability. In a franchise agreement, these include detailed franchise fee reports with each payment, the right to conduct franchise fee audits with penalties for underpayments, and protections against franchise fee reductions due to bundled service packages (referred to as the “triple play” of internet, television, and telephone services).
- 3. Legal Protections of the Rights-of-Way.** Because cable companies place wires and equipment in the public rights-of-way, it is critical that a franchise agreement include legal protections for the municipality. These protections include, but are not limited to, repair and restoration of property damage, removal of hanging wires and “double poles”, emergency removal of equipment, indemnification and full insurance coverage.
- 4. Customer Service Standards.** In a franchise agreement, municipalities may impose customer service standards to which the cable operator must adhere. It is important to include comprehensive and enforceable standards. Examples include refunds for service interruptions, time frames for home visits by technicians, rules for resolving customer billing disputes, privacy standards, and a prohibition against early application of late fees.

- 5. Free Services.** It is common in a franchise agreement for cable companies to provide complimentary cable service to community facilities, including municipal facilities, schools, and libraries. The major subject of negotiation is the number of community facilities that will receive the service and the level of service received. Please note, however, that this benefit will be impacted by the FCC’s 2019 Third Report and Order (and the related 2021 Court of Appeals decision).
- 6. Reporting Requirements.** It is helpful to obtain information from the cable operator related to financial and customer service issues. A franchise agreement may require the operator to provide periodic written reports on such matters as franchise fee verification, customer complaints against the cable operator and construction activity in the public rights-of-way.
- 7. PEG Channels.** Municipalities have a legal right under to dedicated channel space for public, educational and governmental (“PEG”) programming. PEG Channels may be used to inform citizens by broadcasting government meetings, public safety alerts, and/or announcements regarding local events. Depending on whether your municipality currently administers a PEG channel, the new agreement may require improvements such as high definition (HD) format, or it may reserve the right for a future channel. A cash grant may also be available from Comcast for capital costs related to the channel.

- 8. Competitive Equity.** Cable operators typically request that, if the municipality grants a franchise to another cable operator (e.g. Verizon), then that franchise agreement cannot be more favorable to the competitor than the new agreement is to Comcast. While in theory this is a fair principle, in practice it can impede competition. We will ensure that any such provision does not result in such an outcome.
- 9. Enforcement.** Once the cable operator agrees to provide certain benefits to the municipalities, they must be able to enforce these obligations. This includes strict and practical enforcement tools to ensure the company's performance of its obligations. These tools may include monetary fines (liquidated damages), a performance bond, and the right to revoke the franchise in extreme circumstances.
- 10. Length of Term.** Because telecommunications technology changes so rapidly, municipalities typically seek a shorter length of franchise term. Cable companies typically seek longer terms to protect their capital investment in the cable system. The difference between these two positions is resolved through negotiation.

III. SCOPE OF SERVICES

The following is the scope of services that the Cohen Law Group will perform if hired to assist the Chester County Consortium in cable franchise renewal with Comcast.

A. Preliminary Setting of Priorities

We will first arrange a kickoff meeting (virtual) with at least one representative from each municipality in the Consortium. During the meeting, we will describe the franchise fee audit and

the franchise renewal processes, including both the formal and informal process prescribed by the federal Cable Act. We will inform the officials regarding their legal rights, including the substantive areas in which they have legal authority over the cable operator and those areas in which their legal authority is limited. We will outline the potential benefits available to the Consortium, as well as solicit the concerns of the officials with respect to Comcast.

Finally, we will provide each municipality with a recommended public notice and written talking points for a public hearing on cable franchise renewal. Section 626 of the Cable Act includes a “notice and comment” requirement, and we typically recommend that this requirement be satisfied by a public hearing inviting citizen input.

During this preliminary phase, we recommend that the municipalities perform a franchise fee audit to determine whether Comcast has been paying them all the franchise fee revenue to which they are legally entitled. Franchise renewal is the best time to perform such an audit, because, if underpayments are found, the municipalities have greater leverage to collect the underpayments. The scope of services for a franchise fee audit is discussed below.

B. Franchise Fee Audit

CLG conducts franchise fee audits on a regular basis, including many audits of Comcast. In 2022-24, we performed over 120 franchise fee audits and discovered underpayments approximately 60% of the time. Section 626 requires that municipalities, as part of cable franchise renewal, review the cable operator’s past performance and identify their future cable-related needs. A franchise fee audit is a key component of assessing the cable operator’s past performance. It is the best method to hold the operator accountable for past franchise fees and to ensure that the municipality receives the future revenues to which it is entitled.

The Cable Act authorizes municipalities to assess up to five percent 5% of the cable

operator's "gross revenues" for cable services derived from the municipality. "Gross revenues" consists of numerous revenue sources, including both subscriber and non-subscriber revenues, that the cable operator collects from cable customers. We will prepare a written Request for Information and Documents ("RFID") to Comcast for specific franchise fee information and worksheets relevant to each municipality. CLG will then undertake the following activities:

- Make a determination of all eligible revenue sources for each municipality based upon the municipality's current definition of "gross revenues." There are currently 27 eligible revenue categories and many sub-categories.
- Review Comcast's supporting documentation for franchise fee revenue, including quarterly spreadsheets, worksheets, and other revenue reports for each municipality.
- Identify the revenue sources that Comcast has included in its franchise fee documentation for each municipality. Determine whether the cable operator has applied the fee to all eligible revenue sources. Identify any revenue sources that the cable operator did not include in calculating "gross revenues".
- Ensure that all eligible revenues recorded in Comcast's financial records are accurately included in the franchise fee payments in accordance with each municipality's franchise agreement.
- Determine whether non-subscriber revenues, such as advertising and home shopping commissions, which are typically recorded on a regional rather than a local basis, have been properly calculated and properly apportioned to each municipality.
- Review certain special revenue sources, such as "trouble call" fees, video downgrade fees, broadcast retransmission fees, franchise fee-on-fees, and others to determine proper inclusion in the determination of franchise fees for the time period under review.
- Ensure that "bundled service" revenues (i.e. revenues applied to cable, internet, and phone services) have been accurately apportioned to cable service, which is the only service that may legally be subject to the franchise fee.
- Obtain a "homes passed list" from Comcast for each municipality to determine whether the cable operator is properly coding all cable customers to the correct municipality. This includes asking each municipality to compare the homes passed database against its residential database for possible errors.
- Re-perform certain cable operator calculations determining franchise fee revenues. These include, but are not limited to, figures underlying amounts reported for certain revenue sources and calculations on specific items comprising general fee categories

such as “miscellaneous revenues” and “installation revenues” (which include installation, disconnection, reconnection, relocation and change-in-service fees).

- Ascertain trends of major revenue categories to spot discrepancies and/or inconsistencies in the reporting of revenues over time and making inquiries with the cable operator to explain such discrepancies and/or inconsistencies.
- Report trends in the number of Comcast subscribers in each municipality throughout the period under review.
- Determine whether there are franchise fee underpayments for each municipality for the period under review, the amount of any underpayment, and whether any penalties and/or interest apply in accordance with each municipality’s franchise agreement.

We expect to review five (5) years of financial information, which we understand to be the period permitted by the current franchise agreements. We will then prepare a written report that summarizes the results of the audit, including any underpayments, describes the procedural history and areas of inquiry, and includes charts showing key subscriber and revenue trends.

C. Drafting of Proposed Agreement

At the same time as the franchise fee audit is underway, our attorneys will draft a proposed franchise agreement with Comcast that provides the municipalities with all of the benefits and legal protections to which they are entitled under current law and current technology. The agreement will include the results of the setting of priorities stage, as well as our judgment as to the legal provisions that would protect the interests of the Consortium and meet its future cable-related needs. We will then submit the agreement to the municipal representatives for informal review and comment before presenting it to representatives of Comcast.³

³ As noted in Section II above, a cash grant might be available from Comcast to any municipality that has an active PEG channel. We will work with officials from any such municipality to prepare a PEG needs assessment report to present to Comcast to obtain a PEG grant. Any PEG grant must be used for capital costs related to PEG channels. There would be an additional fee for preparing the PEG needs report.

D. Negotiation with Cable Operator

The most important stage in the process is negotiating a master franchise renewal agreement with representatives of Comcast. CLG has negotiated hundreds of agreements with Comcast on behalf of Pennsylvania municipalities. We know Comcast's negotiators assigned to the Consortium from Comcast's Freedom Region. We also know the company's franchise policies as well as its negotiating tactics.

The working document for these negotiations will be the franchise agreement drafted by CLG and informally approved by the clients. We will preserve the municipalities' legal rights under the formal process, but proceed to negotiate with Comcast under the informal process outlined in the federal Cable Act. The negotiation typically consists of multiple conference call negotiations with representatives of Comcast, status conferences with the clients, multiple revisions of the proposed franchise agreement, redrafting specific franchise agreement provisions, and editing the final draft of the cable franchise agreement.

E. Consideration by the Local Governing Bodies

After tentative agreement with Comcast has been reached on a master franchise agreement, CLG will customize the agreement for each of the participating municipalities. We will then report to the clients on the substantive provisions of the deal. Specifically, we will present each municipality with its own final cable franchise agreement (and any side agreements) negotiated by the parties. We will also draft an executive summary of the major provisions of the final agreement. Finally, we will draft a recommended short-form ordinance or resolution authorizing approval of the agreement for consideration by the local governing body for each municipality.⁴

⁴ The PA Second Class Township Code requires that cable franchise agreements be approved by ordinance. Other categories of municipalities may approve franchise agreements by resolution.

IV. PROFESSIONAL BACKGROUND

The Cohen Law Group specializes in representing municipalities in cable, wireless, and broadband matters. Collectively, our attorneys have worked on cable franchise issues on behalf of municipalities for over 80 years. CLG has represented over 500 local governments in six states in negotiations with cable companies. Our firm has negotiated with major national companies as well as smaller regional companies to obtain benefits for our clients. We have negotiated hundreds of franchise agreements with Comcast. CLG's full array of legal services includes the following:

- Drafting cable franchise agreements
- Review of current and proposed franchise agreements/ordinances
- Cable franchise renewal negotiations with cable companies
- Franchise fee audits
- Transfer or sale of cable company ownership or control
- Cable compliance reviews
- Development of wireless facilities ordinances and design guidelines
- Negotiation with cellular tower and antenna companies
- Drafting of right-of-way ordinances and development of right-of-way fees
- Drafting pole attachment agreements
- Pole attachment negotiations with cable and telephone companies
- Broadband expansion planning and implementation
- Broadband digital equity planning and implementation

As an active member of the National Association of Telecommunications Officers and Advisors (NATOA) and other professional organizations, CLG stays current with frequent changes in cable, wireless, and broadband law. Dan Cohen served on the NATOA Board of Directors (2017-21) and was Co-Chair of its Policy and Legal Committee (2021-22). CLG attorneys have written articles on cable and wireless matters that have been published in the *Pennsylvania Municipal Reporter*, *Pennsylvania Township News*, *Pennsylvania Borough News*, and *Public Management Magazine*. They are also frequent speakers at municipal conferences.

Prior to representing municipalities on telecommunications matters, Mr. Cohen served as an elected official on the Pittsburgh City Council for 12 years. He served as Chair of City

Council’s Cable Television Committee and also served on the Mayor’s Telecommunications Committee. Mr. Cohen led Pittsburgh’s efforts to regulate cable rates, which resulted in a refund ordered by the FCC for all cable customers. He graduated from Yale University and Stanford Law School. In addition to Mr. Cohen, CLG includes a strong team that includes attorney Stacy Browdie, attorney Phil Fraga, attorney Mike Roberts and Office Manager Victoria Novak.

V. COST OF SERVICES

The following is CLG’s cost of services to perform both franchise fee audits and franchise renewal negotiations with Comcast on behalf of the eligible municipalities of the Chester County Consortium. We propose to perform these services on a flat fee basis, because our experience with these projects lends predictability to our efforts on behalf of the Consortium. A flat fee also provides “price certainty.” As shown below, we offer our services at a discounted rate depending on the number of municipalities that participate. The following are our standard flat fees based on population, followed by our discounted fees to the Consortium.

FLAT FEE SCHEDULE FOR FRANCHISE FEE AUDIT AND FRANCHISE RENEWAL NEGOTIATIONS WITH COMCAST

Standard Single Municipality Fee (by population prior to discount)

< 7,000	\$9,500
7,001 – 10,000	\$11,000
> 10,000	\$12,500

Consortium Discounted Fees (by population and number of participating municipalities)

10+ Municipalities 20% Discount

< 7,000	\$7,600
7,001 – 10,000	\$8,800
> 10,000	\$10,000

6-9 Municipalities 15% Discount

< 7,000	\$8,075
7,001 – 10,000	\$9,350
> 10,000	\$10,625

2-5 Municipalities 10% Discount

< 7,000	\$8,550
7,001 – 10,000	\$9,900
> 10,000	\$11,250

The flat fee amounts above include all expenses. They do not include the highly unlikely possibility of services requested outside the scope of services in this proposal or any significant unforeseeable developments. In the event of such extraordinary or unforeseeable development, CLG will contact each applicable municipality to discuss such developments prior to rendering services related to such developments. If such services are authorized, CLG would charge our standard hourly rate of \$340 per hour. It is not expected that we will need to travel for this project; however, if travel is requested by the Consortium or a municipality, we would charge a fee of \$170 per hour. We do not charge for mileage.

Please note that our normal billing policy is to bill one-third of the fee for each project at the commencement of the project, one-third at the middle of each project, and one-third at the conclusion of each project. Thank you for the opportunity to submit this proposal.

_____, 2025

Daniel S. Cohen
Cohen Law Group
413 South Main Street
Pittsburgh, PA 15215

RE: Chester County Consortium: Engagement of Cohen Law Group to Perform Comcast Cable Franchise Renewal Services

Dear Mr. Cohen:

This is to inform you that _____ has decided to engage the services of the Cohen Law Group to assist in a franchise fee audit and cable franchise renewal negotiations with Comcast of Southeast Pennsylvania LLC (“Comcast”). This engagement is made pursuant to the Proposal to Perform Cable Franchise Renewal Services (“Proposal”) submitted to the eligible municipalities of the Chester County Consortium (the “Consortium”) on April 21, 2025. The Proposal includes the scope of services for the project and the cost of services on a flat fee basis. The flat fee includes discounts for the Consortium and also includes all expenses. We understand that CLG will bill one-third of the total fee by invoice upon engagement, one-third at the middle of each project, and one-third at the end of each project.

While our municipality is engaging the Cohen Law Group individually and, upon conclusion of the project, we will obtain our own individual franchise fee audit report and franchise renewal agreement with Verizon, we understand that the franchise renewal negotiations will be in conjunction with other participating municipalities in the Consortium. This joint effort increases our negotiating leverage and reduces our attorneys’ fees. As described in the Proposal, our fee is discounted based on our municipality’s population and the number of municipalities that participate. We look forward to working with your firm on this project and obtaining all of the financial and other cable-related benefits to which we are entitled.

Sincerely yours,

Name: _____

Title: _____

Municipality: _____

2025 Municipal Leadership Summit – October 1-4, 2025

Voting Delegate / Resolutions Committee Appointment

Please use the fill and sign tool to complete the form and add the appropriate signatures.

(Member Municipality)

Voting Delegate / Resolutions Committee Appointment:

Name and Title: _____

E-mail: _____

Signature: _____

Alternate Voting Delegate / Resolutions Committee Appointment:

Name and Title: _____

E-mail: _____

Signature: _____

This form certifies that the officials listed above have been selected to represent our municipality at the 2025 Municipal Leadership Summit October 1-4, 2025.

Appointed by: _____

Title: _____

Signature of Chief Elected (required): _____

_____ Unfortunately, our municipality will not be represented during the 2025 Summit.

Please return this form to Kaitlin Errickson by Friday, August 29 by email
kerrickson@pml.org