



Yardley Village News



June 2013

Message from the President

As you will recall, you were advised in last months Yardley Village News that the Yardley Village homeowner insurance policy specifically excludes coverage for any damage that occurs due to defects in design, specification, workmanship, construction, grading, compaction and materials. In addition, it specifically excludes damage due to "Continuous or repeated seepage or leakage of water that occurs over a period of time". Both of these exclusions have been stated as sufficient to deny any insurance claims for damage incurred due to similar water seepage through the walls in buildings in other villages in Hershey's Mill.

Council has had legal advice to the effect that Section 2.3.b.iv of our Declaration of Covenants and Easements can be interpreted to mean that the Homeowner Association would be responsible repair or replacement of the exterior walls and all the resulting damage from the failure of such walls. Since there is no insurance coverage, each of us as part of the Yardley Village Homeowner Association would be responsible for paying our share of the cost to repair or replace the entire wall including the interior wall, floors and also any other real or personal property that is damaged due to water seepage that occurs after expiration of our extended warranty on April 30, 2014. It should also be recognized that there have never been any reserve funds accumulated to cover the impact of the above events.

Council does not believe that this interpretation is either the intent of the Declaration or the original understanding of the association members. Council believes that this issue must be addressed as soon as possible in order to clarify the Declaration to reflect the intent and understanding of the homeowners based on the position approved by 67% of the individual homes represented by the Homeowner Association.

It is Council's opinion, that the pertinent Section 2.3.b.iv of the Declaration should be modified to delete the phrase "and the resulting damage

from a failure thereof". This change would hold the Homeowner Association responsible for the cost to repair any damage to the "exterior walls from the exterior frame surface out, including door and window frames, but excluding the doors and window sashes" and eliminate its responsibility for the cost to repair any other damage including personal property. Each of us as part of the Yardley Village Homeowner Association would therefore be responsible through an assessment for paying our share of the cost to repair the exterior walls, as defined above, of any and all walls in the village that fail due to water seepage.

In addition, it should be recognized that the above change to Section 2.3.b.iv would place responsibility in the above situation on the individual homeowner for the repair cost of the damaged exterior wall **from the exterior frame surface (the studs which form the framework of the building) into the that homeowner's individual house** and also any personal property damage.

While it is Council's opinion that the above approach would more likely reflect the understanding of the majority of the association members when they became owners and members of the Yardley Homeowners Association, it is recognized that there may be merit in considering an alternative approach.

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The alternative approach is to also delete the phrase "and the resulting damage from a failure thereof" from Section 2.3.b.iv and to also amend subsection A to read as follows:

- A. Exterior walls from the exterior frame surface out and, when caused by a failure of an exterior wall, from the interior face of the drywall out (except interior finish, and wiring and piping) and door and window frames but excluding the doors and window sashes.

This change would hold the Homeowner Association responsible for the cost to repair any damage, due to a failure of an exterior wall, to the entire wall including the drywall but excluding any wall covering. It would therefore eliminate the Homeowner Association's exposure to the cost to repair any damage to the interior of the home beyond the wall board. Each of us as part of the Yardley Village Homeowner Association would therefore be responsible through an assessment for paying our share of the cost to repair the walls, as defined above, of any and all walls in the village that fail.

In addition, it should be recognized that the alternative approach to Section 2.3.b.iv would place responsibility in the above situation on the individual homeowner for the repair cost of all of the damage **to the interior of the home from the wall board into that homeowner's individual house** and also any personal property.

The following is a brief summary of the result that will follow **due to damage caused by a non-insured event such as water seepage through walls based on each of the above options:**

Under the Current Declaration (Status Quo)

– Every homeowner will be required to pay their assessed share of the cost to repair all damage including personal property for any and all homes in the village.

Delete the phrase "and the resulting damage from a failure thereof" as proposed by Council – Every homeowner will be required to pay their assessed share of the cost to repair only the damage to the exterior wall portion as defined of any and all homes in the village. The individual homeowner will be responsible for the cost of all other damage to their individual home.

Modify the section as in the alternative approach – Every homeowner will be required to pay their assessed share of the cost to repair the damage to the entire wall including the wallboard excluding wall covering for any and all homes in the village but will not share in the cost of damage to any other property including personal property. The individual homeowner will be responsible for all costs of damage to their individual home for all other property including personal property,

In order to ensure that the village residents have an opportunity to ask questions and better understand the issues involved and the proposed solutions, **a meeting is scheduled to be held on June 18, 2013 at 7 PM at the Hershey's Mill Community Center.** At that time, Council will attempt to answer questions and to further explain and discuss the need for such changes and their ramifications. Immediately thereafter, a ballot will be sent to all residents requesting their vote for modifications to the existing Yardley Village Declaration of Covenants and Easements.

It is imperative that a vote is received from each homeowner regarding this issue. A 67% vote (92) of the village homeowners on the basis of one vote per home is required in favor of any one approach in order to amend the current Declaration. **Remember a failure to vote is in fact a vote for the status quo and retention of the existing language in Section 2.3.b.iv.**

There were two other things that were recently brought to my attention that each of us should make an effort to address in the future. One is that there is a set of Rules and Regulations that have been established for Yardley Village residents to follow in order to ensure that we maintain the uniformity and careful attention to appearance resulting from each homeowner's adherence to them. Before you take any steps regarding the outside area of your home please read this material and ensure that you are acting in accordance with them. If for some reason you do not have these Rules & Regulations please contact CSK Mgmt. at 610-337-3500 and request a copy.

The second item regards the need for residents to ensure that their trash doors are closed securely. The replacement of a trash door is a significant cost to the village that could easily be avoided with a little attention by the residents. If the return chain is loose or broken, it only takes a telephone call to CSK Mgmt. to get one of our

committee members to correct the problem before it turns into a large problem.

There are a small number of people who put their own time into working on various village committees to help make Yardley Village a nice place to live. I am asking each of you to take the limited steps necessary to help in this effort by paying attention to ensure that minor problems are attended to before they become major ones.

*Joe Ciasullo, Council
President*

Architecture Committee

No report this month.

Tony Bruno, Chairman

Landscape Committee

Landscaping Policy

Weekly mowing, edge trimming and once a month weed removal are part of our on-going contract that takes place regularly as long as the weather conditions warrant such. Lawns are fertilized in the Spring and Fall. Weed control is performed, the most recent application in May, has been granular grub control application to all maintained turf area within the village. Our landscape policy provides for the removal of all dead trees and anything that interferes with the structure of the home, driveway, walkway etc. One boulevard tree, per home (tree closest to the driveway) is removed when dead, diseased or interfering in some way with a structure. A five to six foot tree is offered as an appropriate replacement. Homeowners have the option to upgrade to a larger tree at their own expense. Trees and or shrubs along the perimeter walls of the village are not included in the village replacement policy. These plantings came with the common ground and are not specific to any particular home. These trees are not usually replaced. Homeowners are encouraged to report any weather related or disease damage to any tree near their home. Notifying CSK will initiate a work order to HMLD to evaluate the condition and suggest appropriate action. If the issue is included within the contracted services, HMLD will perform the work. If the work is outside the terms of the contract, HMLD will provide an estimate that will guide you in correcting the issue.

Our thank you to homeowners who continue to monitor their home surroundings to keep aware of vines/ground covers, climbing up stucco, supporting vines on mailbox posts to allow for number visibility and all your efforts in general to keep your mulched areas well maintained.

The annual walk through report, (5/2/13), is now available and will be presented to council this month. Certain deficient turf conditions were noted and cost estimates have been received. Turf repair usually takes place in the Fall when there is a more reasonable chance for survival of new seed and involved homeowners can make a commitment to water until seeds germinate. This decision will be made by HMLD and council. A few Liriope plants under village signs will be replaced, under warranty, and we may ask certain homeowners to help with watering one or two plants for a couple of weeks until roots are established or when extreme heat conditions exist. Nine locations or fewer throughout the village may be involved.

The weather pattern has varied in the extremes. Our weather related issues have been minor relative to weather disasters occurring throughout our country. Consistent watering and perhaps including once a month liquid fertilizer are good for your plantings, rewarding you with long-lasting performance and increased value to you and to your home.

*Mary Ellen Marra, Landscape
Chair*

Maintenance Committee

The question of matching the paints used by our builder, K Hovnanian, in Yardley Village has come up a number of times. You can go to any Sherman Williams store and obtain the paint.

The Colors are:

- Forest Green - Duron 973 exterior gloss can be purchased in quart or gallon
- Alcoa Pebblestone Clay exterior gloss - (the tan around the front door frame and over the garage door) can be purchased in quarts or gallons

- Interior flat - Duron 733 Princeton white - gallon (close match) for an exact match - Painters Edge Princeton white flat DU1618000 - 5 gal. Sold only at the Sherwin Williams stores at 202 and route 3 (1003 West Chester Pike) and the store in Exton - Lionville at 191 Eagleview Rd
- Interior Semi-gloss - Duron 917 shell white - gallon or larger

The following are the two acceptable decks stains that are specified by the Architecture Committee:

- Flood - Cedar Tone CWF - UV5 (This is available from the Home Depot)
- Wolman Rain Coat - Water Repellent with Toner - cedar raincoat toner

Jim DiCarlo
484 885 4590

Social Committee

The Yardley/Zephyr Social Committee plans to welcome eagerly our friends and neighbors to the "Spring Fling" on June 10th in the Community Center from 6 - 8 P.M. This has always been a favorite event where neighbors can gather together and catch up on all doings while enjoying some delicious food in a pleasant venue. It is a great mixer for new residents to meet the "oldies" and for all of us to interact with neighbors we do not have an opportunity to see as often as we would like. Hopefully, everyone has seen the e mail flyer (those without e mail, flyers were delivered to mailboxes). The cost: \$5.00 per person. Bring an appetizer to share, utensils to serve it and please write your name on the plate. This is a BYOB including soda or any other beverage of choice. If you have not responded as yet there is still time before June 5th. On any piece of paper, please write your Name/s, House #, Number of people attending, appetizer you are bringing and, together with your check, drop off to Janet Day 1707 Yardley, or Susan Bronner, 1752 Zephyr. Let's bid adieu to Spring and welcome Summer as we gather with a fun loving group of Yardleyites and Zephyrites, who, incidentally, have been known to bring yummy food!

Joane McNamara, Social Committee Co-Chair

Yardley Activity Corner

Yardley Village ROMEO Club

The *ROMEO Club* meets for breakfast the first Monday of the month except on Holidays.

Gentlemen:

Our next meeting will be in July

Look forward to seeing you all.

Same place-Nudy's.....9:00AM.

Gordon D and Jim Swalm

Yardley and Zephyr Ladies Luncheon

YARDLEY/ZEPHYR LADIES LUNCHEON

MONDAY, JUNE 24, 2013

12 NOON

GENERAL WARREN INNE

9 OLD LANCASTER ROAD

MALVERN, PA 19355

www.generalwarren.com

They have agreed to give us separate checks. If you have cash it will make the checkout process quicker.

Please respond to DORIS MORTIMER at tokeym@verizon.net (610-918-8235) by JUNE 20.

Please notify anyone you know who does not have e-mail.

HOPE TO SEE YOU THERE!

Doris Mortimer

Yardley Village Web Site

Send your data and suggestions in an email to webmaster@yardlevillage.com

Letters to the Editor

Please submit questions or comments to Lgamma1937@aol.com.

Yardley Village Council and Committee Members

Yardley Village Council

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Joane McNamara, Vice President
Al Zuccarello, Secretary
Art DiGiuseppe, Treasurer
Dick Mortimer, Member at Large

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