

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
December 11, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Joe McDonough, Marty Shane and Carmen Battavio. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission & DMC), Phyllis Marron (Park & Rec), Linda Gordon (Historical Commission), and Jane Fava (Conservancy Board).

Mold Issues at Yardley Village, Hershey's Mill

Jim Swalm and Dave Woodley of Yardley Village were present to discuss water intrusion and mold issues in the homes of Yardley Village. Al Zuccarello joined them. They said builder K. Hovnanian has been cooperative so far, but some Yardley homeowners who have not had a mold problem yet are nearing the end of their warranty period and want to find out what is at the root of the problem and how to prevent it happening to them. The residents have been interviewing consultants to perform an independent analysis. One of the consultants recommended to them, Williams, was actually hired by K. Hovnanian, and they are impressed by the work being done so far. The homeowners are not ready to discuss legal action at this point, as they don't wish to jeopardize the working relationship they have with the builder.

Seven homes in the Village have been certified as having mold by Garden State Environmental. Several of these homes have already been opened up for remediation by Williams.

Rick said he heard it is the flashing around the windows that was done wrong, leading to the problem. It could also have been the tarpaper or the Tyvek. Al Zuccarello said that per Garden State Environmental, the water problem is coming down from the roofline in those homes without overhangs, but everyone has their own theory. Mr. Swalm said they recently had a home with overhangs develop a mold problem, and there was no visible water intrusion.

Rick asked if the Yardley HOA is responsible for the exteriors of the homes. Mr. Woodley said they are.

Don asked if the homeowners are documenting everything, and Mr. Swalm said they are.

Joe advised the Yardley representatives that similar mold problems have occurred in three other developments in the Township – the Applebrook carriage homes, Rossmore, and The Reserve. Pulte addressed the issue in the carriage homes. Joe volunteered to put Yardley in touch with his contacts at the carriage homes. Marty advised to it would be best to check with the other developments before giving out their information, for legal reasons.

Al Zuccarello asked if Rick could meet with representatives from Yardley and the building inspector. Don volunteered that a couple of the Supervisors could also attend, but noted that the Township is limited in what it can do in this kind of situation.

Marty suggested that Yardley test the homes that currently do not have a mold problem, and if something shows up, they could explore trying to get their home warranty for mold extended.

Rick will be contacting everyone to arrange the meeting.

Liaison Reports

Planning Commission – Marty reported that at their December 5 meeting the Planning Commission discussed the CTDI Land Development application, which is very straight forward. They also discussed a variance application for 915 Vista Drive. The homeowner wants to build an addition to their kitchen which will involve an intrusion into the setback on N. Chester Road.

Municipal Authority – Carmen reported that at the December 10 meeting Evan Andrews of Pennoni provided an updated spreadsheet showing the bidding status of the RCSTP, and the progress at Lochwood. He said the document was very detailed and professional. Marty asked if the project is on target. Rick said it is on time and on budget.

Chester County Planning Commission – Joe attended the December 7 meeting between CCPC, DVRCP, and PennDOT regarding the Route 322 & 202 interchange. The parties agreed to have a new study done within a year to explore funding alternatives. Joe noted that no one is taking ownership of this project or providing leadership.

Sewer Rates

The Board discussed the two sewer rate options as outlined in Rick's December 7 memo. Marty said Rick deserves a great deal of credit for putting all the data together for this project.

Marty noted that in both options the commercial rates have been adjusted to ensure those users pay their fair share, and in both cases Cider Knoll and Summit House have been included in the rate base. Thom said he is opposed to the addition of these two communities, and his preference is to only increase the rates of commercial users, not residents. Don polled the Supervisors and the decision was 4:1 to include Cider Knoll and Summit House.

One option is to impose a 12.5% rate increase in January 2008, and a 25% rate increase in January 2009.

The second option is to impose a 40% rate increase in January 2009.

Carmen noted there should be data on a third option: one where the Township puts no money into the Capital Reserve.

Joe and Thom wish to hold rates until the Township decides whether or not to sell the sewer system. However, if the rates are going to increase, Joe wants ratepayers to get a warning of the increase before it's enacted so they have time to respond.

Rick will prepare a spreadsheet showing the numbers for the third option – no Capital Reserve contribution. He will have it for the next meeting.

Marty asked Rick to find out from Jeff Sommer or Kristen Camp if the Township can bill metered customers at one rate and bill non-metered customers on an average-flow basis.

Refuse Rates

Carmen, Thom, and Don are opposed to changing refuse rates for 2008; therefore the Board did not discuss a rate change.

Bills

Current invoices were reviewed.

Treasurer's Report

The Treasurer's Report for December 11, 2007:

| | RECEIPTS | EXPENDITURES |
|-------------------------|------------------------|---|
| GENERAL FUND | | |
| Real Estate Tax | \$ 2,011.42 | |
| Earned Income Tax | \$ 978,970.31 | |
| EMS TAX | \$ 11,000.00 | Accounts Payable \$ 107,727.29 |
| Transfer Tax | \$ 0.00 | Debt Service \$ 231,121.00 |
| Codes, Park & Rec, Etc. | \$ 62,879.93 | Payroll \$ 40,000.00 |
| Total Receipts | \$ 1,054,861.66 | Total Expenditures \$ 385,848.29 |
| Zoning Hearing Fund | \$ 0.00 | \$ 0.00 |
| State Fund | \$ 0.00 | \$ 0.00 |
| Capital Reserve | \$ 0.00 | \$ 98,376.34 |
| Transportation Fund | \$ 0.00 | \$ 0.00 |
| Sewer Operating | \$ 10,699.56 | \$ 2,179.97 |
| Refuse | \$ 7,289.76 | \$ 69,646.00 |
| Capital Projects | \$ 0.00 | \$ 0.00 |

Marty moved to accept the Treasurer's Report and to approve the expenditures (except one for a \$58 finance charge), as reviewed by the Board. Joe seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Minutes

The draft minutes of December 4 were reviewed and corrected.

Line Road Trail

Don noted that as of now, the only party opposed to the trail is the Applebrook Golf Club. Thorncroft is still in favor of building the trail. Rick will be meeting with representatives from the carriage homes this week to find out where they stand.

Carmen noted that if the Township decides to deviate from the approved plan (i.e. not build the trail), the County will have to be notified.

Joe believes it's not feasible to build the trail due to the terrain on Line Road. Marty is in favor of building the trail but wants Mark Miller, or someone qualified, to determine if it can be built and be safe for use. Jim McRee of the Planning Commission noted that Line Road is currently unsafe for walkers, so adding a trail would be the wise thing to do.

Don asked Rick to locate the original plan and review the approved placement of the trail. Carmen said he would like the trail to be physically staked out.

Request from Thorncroft

Marty shared a request he received from Peter Hausmann. Thorncroft wishes to purchase 30 acres south of their development. In order to finance the purchase, they want to sell the development rights to their existing property. They would like the state, the county, and East Goshen to each contribute \$1M toward the purchase of their development rights. The Natural Lands Trust would be involved in protecting the new purchase as open space.

Peter Hausmann has asked Marty to find out if this is something the Board would be willing to discuss. Don said he would like a legal opinion. Carmen and Marty said the issue is worth exploring. Thom had numerous questions about the proposal.

Don and Marty will plan to meet with Thorncroft after the holidays for an exploratory discussion.

Park & Rec Recognition for Fireworks Sponsors

This issue was briefly discussed. No action was taken.

Township Newsletter

Marty gave a rave review of the Winter newsletter, and said Diane Degnan did an outstanding job putting it together.

Emails

Don reminded the Board not to engage in deliberations via email. Email is to be used only to share information. Items for deliberation should be put on the agenda and addressed in public meetings.

Subdivisions/Land Developments/ZHB Applications

Rick said the Township may be receiving another application to put an antenna on the water tower.

WCASD Post-Prom Party

The Board has learned that Township contributions to the East High School post-prom party are actually being allocated among all the high schools in the district.

Public Hour – Hearing of Residents – Receipt of Petitions

Jim McRee asked if there has been any progress on creating a Township email distribution list for residents. Rick said the consultant from Trident is looking into it.

Linda Gordon asked if BOS emails are considered public record. Don said they are not, and emails are used only for information exchange, not for discussion. Linda requested that items the Board discusses be put on the agenda, or if not, that the Board brief the public on what they are talking about when they discuss email items during meetings.

Resident Bill Egan wondered why residents from Yardley Village were present tonight to discuss their mold issue, when other residents or resident groups with issues aren't asked to attend Township meetings. He said it would make sense for parties such as Hank Belber, or representatives from Thorncroft, for example, to attend a public meeting and make the discussion a matter of public record, rather than the Board trying to guess what they are thinking.

Mr. Egan then asked if there are any flows to the RCSTP from outside East Goshen. Rick said there are a handful. Mr. Egan said he would like the Township to pay to meter all the residents on the public sewer system.

Adjournment

There being no further business, the workshop adjourned at 9:55pm.

Respectfully submitted,

Anne Meddings
Recording Secretary

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