

Shelter Island Heights Property Owners Corporation

Water and Waste Water Pipes Policy

Purpose & Scope

The purpose of this Memo is to clarify the respective responsibilities in Shelter Island Heights (the “Heights”) between the Shelter Island Heights Property Owners Corporation (the “Heights” and sometimes “POC”) and the members owning houses or businesses in the Heights (the “Members” or a “Member”).

Unlike most communities on Long Island, the Heights owns the water & waste water pipes that run to and from Members’ houses and buildings, even the internal pipes that run between primary homes and cottages or garages. Pursuant to the Heights’ By-Laws and this Policy, Members grant to the Heights an easement for access to all pipes, even when they are laid across a Member’s yard or property as opposed to alongside the road.

Installation

The Heights is responsible for the installation of water pipes throughout the Heights and Waste Water pipes within the existing waste water system.

Unlike many communities on the East End of Long Island where the Suffolk County Water Authority delivers water to houses pursuant to Rules promulgated by the Suffolk County Health Services (SCHS) and where most houses use buried septic systems for waste water, the Heights delivers water to houses and buildings in the Heights and collects waste water from most of the Heights houses and buildings and treats the waste water in the Heights sewerage treatment plant. However, the Heights has no intention and no obligation to expand the outer geographical limits of the current sewer collection system (e.g., to include Serpentine Drive where properties are larger and individual septic systems are easily accommodated).

The Heights delivers water and provides waste water services via pipes to/from a Member’s house and/or building. The cost of running the pipes will be borne by the Heights to a Member’s property line and the balance of the required piping will be borne by the Member. A reasonable rate for water and waste water service will apply since the Heights owns and maintains the equipment and employs skilled staff to provide such services.

The current 2015 charge for a new installation or reconnection of water and/or waste water pipes is \$4,000 for each service, subject to change as the POC Board of the Heights may so decide. Additional charges for time and materials may be added if the necessary piping is excessively long, such as in the upper Heights. In those situations, the Heights will submit an estimate to a Member for time and materials and charge a Member for such additional costs.

Repairs

The Heights is responsible for the repair and maintenance of the water and waste water mains. Members are **responsible for their household or personal plumbing.** The service lines from a Member’s property line to a Member’s building are the financial

responsibility of the Member. However, in the event of a problem, the Heights is typically first contacted to diagnose the issue. If the Heights has incurred the expense of an onsite visit to a Member's building, the Heights typically finishes any necessary repair. If it is discovered that the problem was not the responsibility of the Heights, the Member will be charged a daily rate of approximately 75% of the recognized published source cost (RS Means). The 2015 current daily rate for: (i) an operator with heavy equipment; and, (ii) a laborer is \$325 and \$150, respectively, subject to change by the POC Board.

Multiple Use Sources on a Member's Property - Installation & Repair.

The Heights further maintains the responsibility for both the installation and repair of pipes running between a Member's structures on one piece of property.

However, if a Member seeks to use the services of an independent contractor to run pipes between two structures on a Member's property, such Member shall seek prior written approval from the Heights. A contractor's proposed installation plans and materials (e.g., pipe sizes, etc.) shall be taken into consideration during the approval and oversight process. Notwithstanding the private installation of pipes between two structures on a property, the Heights shall retain an easement over the Member's property to access all pipes per the Heights' By-Laws. In the event that there is a back-up of waste water or a water leak that is repaired by the Heights, the Heights will charge the above-referenced daily rates.

Repositioning Water & Waste Water Pipes

The Heights is not responsible for the cost of repositioning water or waste water pipes by a Member for discretionary purposes, such as the installation of a pool or the extension of such utilities to an accessory building. The Heights Board reserves the right to approve or disapprove any proposed repositioning. Further, the Heights reserves the right to approve or disapprove any pipe repositioning being proposed by a Member's contractor. If a Member requests that the Heights staff perform such pipe repositioning, the Member will be billed at the daily rates specified above. Regardless of who repositions the pipes for a Member, the Heights will maintain a utility easement over the Member's property allowing access to those pipes, in accordance with the Heights By-Laws.

New Construction

Before a Member engages in a significant renovation or new construction project the Member must provide the Heights with evidence of insurance from the Member's contractor, listing the Heights as an additional insured party (as indicated on the attached *Evidence of Insurance*). The Heights will prescribe the insurance limits and the Member and its Contractor must enter into an Agreement with the Heights indemnifying and holding the Heights harmless from any damages and out-of-pocket costs. Such insurance and indemnification will protect the Heights in those situations where a contractor inadvertently: (i) severs a water or waste water pipe; (ii) creates a drainage problem; (iii) damages a road; or, (iv) causes some other damage in the course of excavation and installation.

Water charges

Until such time as the POC Board decides that Members should be billed for water through metered usage, the Heights shall bill Members a base rate established by the

POC Board and calculated based on the number of appliances or devices using water in a Member's house, building or property (such as sinks, toilets, dishwashers, showers, washing machines, pools, hot tubs and the like). In the event that metered usage is enacted by the POC Board, and in the interest of fairness, the Heights shall be responsible for water use up to a Member's meter. Thus, in the event of a water leak in a service line between a water main and a meter, for example, a Member shall not be charged for such water use.

Conservation

Cisterns and dry wells are strongly encouraged and must be installed in new construction. Cisterns and dry wells are universally recommended to conserve and recharge water into Shelter Island's fragile aquifer.

Deposit Prohibitions into the Sewer System.

The following are prohibited from being flushed into the sewer system: (i) wipes and other hygiene products even if characterized as "flushable", (ii) drainage from the roofs of Members' buildings from gutters and leaders; and, (iii) any chemicals, paints or other toxic materials. Gutter drainage causes excessive flow through the system and petrochemicals and the like cannot be effectively disinfected by the waste water treatment plant and have the potential for killing the live, microbiological process of the treatment plant. Member violations can result in fines imposed on the Heights by the DEC, which will be borne by all Heights Members.

Originally approved by the POC Board of Directors on April 5, 2004
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