

TRUESDALE CORPORATION WATER SYSTEM

Rules and Regulations Governing the Installation and Operation of Service Lines and the Supply of Water

**Approved on September 14, 1955, and revised in September 1984, April 1992,
June 2000, and June 2008**

The following rules and regulations established by the Board of Governors (Directors) of the Truesdale Corporation, (herein called the "Corporation"), apply to each and every party taking and/or using water furnished by the Corporation, or making connections with its mains. The Board reserves the right to make such changes in these rules and regulations, as it may from time to time deem desirable. The word "Board" as used herein shall mean the Board of Governors (Directors) of the Corporation. The word "system" shall mean the water system of the Corporation. The word "Commissioner" shall mean the Commissioner or Commissioners duly appointed by the Board to supervise the operation of the water system, or other person(s) so designated performing such functions. The words "owner," "consumer," and/or "user" shall mean the person or persons owning the premises connected with the mains and/or using water therefrom.

SECTION 1. – GENERAL

The Corporation shall promote the social welfare of members of Truesdale Lake Property Owners' Association by distributing water thereto as herein provided and shall not sell water to others nor supply water to the inhabitants as such of any civil division of the state.

Every consumer or taker of water from the system shall be in all respects bound by and shall be considered to have assented to the rules, regulations and requirements of the Board, as herein set forth or as hereinafter amended, as a condition precedent to the rights to service from the system.

There shall be no extensions of the water mains beyond the present points of termination. To be entitled to water from the system, a property must:

1. Be part of the original Truesdale subdivision.
2. Have deeded rights to connect to the system, substantiated back to the original subdivision.
3. Have an existing water main in the street directly in front of the property.

SECTION 2. - LIABILITY OF CORPORATION

The Corporation shall not be liable for any damages that may result to consumer's pipes, pumps, appliances, etc., from the failure to supply water in adequate volume or pressure for any purpose whatever, whether previous notice has been given or not. In cases where boilers are directly supplied with water, a suitable valve or other device should be provided by the consumer to prevent collapse or explosion in case the water is shut off in the street mains. Low-pressure cutout switches should be provided by the consumer on any pumps. No deductions from water bills will be made for periods when the service is shut off due to system malfunctions, accidents or repairs. The Corporation shall not be held liable for any damage sustained by reasons of its failure to supply water to any consumer at any time or for any cause and reserves the right to control the amount of water supplied in the event that the supply becomes limited for any reason.

The Corporation does not guarantee any service, including service from curb cock (or property line) to house or through any piping, valves or connections therein. Repairs to faulty service between curb box (or property line) and house, changes in inadequate piping, valves or connections to increase the water supply or pressure must be made by the owner at his or her own expense.

The Corporation reserves to itself the control of all taps, mains, curb cocks and meters. The Corporation also reserves the right whenever it deems it proper, or whenever there is a violation of the rules and regulation, to take charge of and control the service pipes. The Corporation will not be responsible for any breaks or obstructions caused by frost damage or otherwise, or any damage arising by leakage from service pipes, fixtures or pipes owned by consumers. The Corporation will not thaw out or pay for the thawing out of frozen service lines.

SECTION 3. - LIABILITY OF THE OWNER

The owner must keep the service pipes from curb valve (the shut-off outside the house, usually near the edge of the property) to the building (if there is no curb valve then owner responsibility begins at the property line) and his plumbing fixtures in good repair, and, at his own expense, must prevent all unnecessary waste of water. Water consumers shall be liable for such repairs as may be deemed necessary to prevent water waste. Upon failure of the consumer to comply with this rule, the Commissioner may turn off the water and not turn on again until the repairs are made. Should the owner desire higher water pressure at owner's property, the installation and maintenance of pressure-increasing pumps shall be the responsibility of the owner.

SECTION 4. – BILLS

Bills for water charges will be mailed to the owner, and payments shall be made to the Treasurer of the Corporation or other authorized representative. The Corporation will not bill tenants renting from the owner, but may send renters a copy of the bill as a courtesy. The owner is liable for all water charges incurred by the renter.

All water bills not paid within 30 days of the date of billing shall be subject to an interest charge or penalty as determined by the Board from time to time, in no event higher than the greatest amount permitted by the current law.

If water bills remain unpaid at the end of 30 days after they become due, or if the owner does not remain a member in good standing of Truesdale Lake Property Owners' Association, Inc., the water may be shut off, and not turned on again until the bill is paid, or membership in good standing in said Corporation is re-established as the case may be.

The amount of the administrative fee and service charge that must be paid in order for water service to be restored after shut-off shall be equal to twice the cost to the Corporation for the restoration of services as well as the earlier termination. In addition, in the event that the Corporation is required to engage in collection efforts against an owner, including litigation, and the Corporation is successful, the owner shall pay to the Corporation the costs of collection and/or suit, including a reasonable attorney's fee, except as otherwise prohibited by law. The term "litigation" shall include responses by the Corporation to complaints by an owner to any federal, state or local administrative agency.

Any payment of water bills received will be applied to-the oldest outstanding balance.

SECTION 5. – NOTIFICATION

Service of any notice authorized or directed by, or on behalf of, the Corporation may be made upon the owner or consumer personally or by leaving the same at the premises where the water is supplied or by sending the same by registered mail, except for emergency, to such party at the last address shown on the records of the Corporation.

SECTION 6. – METERS

Meters will be paid for, furnished and installed by the Corporation and remain the property of the Corporation. The consumer shall provide a suitable shut-off valve on the inlet side (good quality ball valves are recommended) and shall install meter connection fittings supplied by the Corporation to facilitate installation of the meter by the Corporation. No tee connections or hose connections of any type shall be installed before the water meter.

The Commissioner or any of the Corporation employees (including within the "employees" as used herein any person, whether independent contractor or otherwise doing work for the Corporation) in the performance of their duties, shall be permitted to enter the premises of any consumer, upon appropriate notice, between the hours of 8 A.M. to 6 P.M. to examine, repair or replace the Corporation's meter.

Instead of having the water meters read, the Corporation may mail a meter reading card to each owner. This card must be filled out by the owner and returned promptly. Delinquent meter reading cards may be subject to a late penalty and/or meter reading charges.

SECTION 7. - WATER TAPS

Whenever it is necessary to tap the lines of the Corporation, the following regulations will be strictly adhered to:

1. Written application shall be made to the Board. The Board shall then determine if the applicant's property meets the entitlement criteria set forth in Section I hereof. The Board shall notify the applicant in writing of the determination. If the applicant is entitled to water service, applicant must pay the tapping/system access fee (currently \$12,500 and subject to increases as may be determined by the Board from time to time) before the main is tapped.
2. All taps shall be made at the point deemed best by the Board as certified by their agent (Water Commissioner) and the Commissioner or his selected representative shall be present when the tapping is done. Before tapping shall be done, there shall be in the possession of the Board proof of insurance of the contractor on the job, proof of the use of proper tools for the job, and assurance that said tap shall be made by competent mechanics, skilled in their trade. The Corporation reserves the right to require that a contractor, selected by the Corporation, does the tapping.
3. The finished job shall be left open for the inspection by the Commissioner or designee, whose approval shall be necessary before any backfill is permitted.

SECTION 8. - ROAD OR PROPERTY CROSSING

Any time it shall be necessary to cross any of the streets within the Association or any adjacent Association property, the following rules shall be strictly complied with:

1. Permission shall be obtained from the Board. A bond guaranteeing that all work will be completed in a satisfactory manner will be posted with the Board, in an amount determined by the Board.
2. Certificates of insurance shall be obtained from the contractor and presented to the Board in amounts designated by the Board, in no event less than \$500,000 property damage, \$1,000,000 personal injury, and compulsory Workers Compensation.
3. All excavation shall be kept as narrow as possible and trenches shall run at right angles to the bed of the road.
4. If it is at any time necessary to open the entire width of the road at one given time, then special permission is needed together with the proper posting of guards at each end of the intersecting streets to reroute traffic. In the normal course of making water taps, one-half shall be excavated, run, and backfilled before opening the other half, so as to facilitate the flow of traffic.
5. When backfilling the trench, it shall be filled to a depth 8 inches from the finished grade with clean bank run gravel, firmly compacted in one-foot lifts per NYSDOT specifications. A 6-inch layer of 2-inch trap rock with filler shall be firmly rolled in place on top of this.
6. If in the normal course of events, the patched area of roadbed shall settle more than one inch in the following six months, the owner is required to resurface the area to grade with hot patch blacktop.
7. The performance bond shall not be released by the Board until six months after the satisfactory completion of the job and, in the case of any default or delay on the part of the owner in the performance of this work, the Board shall proceed with any necessary work to return the road to its proper shape, upon completion of which, only those moneys not expended in such work will be refunded the owner from the original bond.

SECTION 9. - SEALING OF WATER METERS

All water meters within the jurisdiction of the Corporation shall be sealed by an agent of the Corporation and shall remain thus. Any breakage of this seal shall be promptly reported to the Board by the member (consumer).

If there exists any water faucets, which are ahead of the water meter, these shall be removed or sealed the same as the meters to prevent their use. Such before-meter taps may be considered illegal and subject the offender to legal action.

If, in reviewing yearly water bills, the Board finds usage, which is inconsistent with the average for a family of the size occupying a particular home, the meter will, at the option of the Board, be replaced and returned to the factory for rebuilding. In the case of a low or high reading meter, an adjustment bill going back two years may be submitted to a customer on the basis of a two-month reading of the new meter.

Should any customer of this Corporation think that his meter is high reading, then, at the customer's request, such meter shall be replaced and sent to a qualifying facility for testing. Should the meter prove defective, said customer shall not be liable for any charge for this service; however, should the meter prove to register accurately, the customer shall be liable for all charges arising from replacement and test.

SECTION 10. - USE OF WATER

Under certain conditions of drought or due to other natural and mechanical reasons, at times it may become necessary, in the judgment of the Board, to curtail the use of the water for certain nonessential uses. Upon written notice to the Membership, such regulations shall become binding and the infractions thereof shall subject the member to the same penalties levied by the Board under other articles of the By-laws.

SECTION 11. - BREAKAGE OF WATER LINES

If, in the course of work, any water line of the Corporation or member thereof is damaged, it shall promptly be reported to the Commissioner or nearest Board member. It shall be the responsibility of the owner of the property involved to pay all costs for repair of same and the same regulations, which govern the making of a new tap, shall apply to the repair of the same.

Due to the inherent possibility of damage to the lines, if there is any doubt in the minds of members as to possibility of damage due to excavation, they should consult the Board first.

No excavation whatsoever shall be undertaken upon Association property, including the right of way between an owner's house and the street, without the approval of the Board.

No property shall be served by more than one water tap, nor shall more than one property be served by one tap.

SECTION 12. – SPRINKLER SYSTEMS

In order to prevent excess usage of water and to protect our water supply, no owner or consumer of water shall install nor operate an in-ground or underground sprinkler or lawn watering system. This regulation shall take effect on June 1, 2008, and shall not apply to the operation of such systems installed and in operation prior to that date.