

Blue Sky Estates Association, Inc. Individual Water Supply Well Policy
Board Approved 8/31/24

Purpose: The purpose of this policy is to establish guidelines and procedures for the installation, maintenance, and operation of individual wells within the Blue Sky Estates Association, Inc. community, in alignment with NY State, NYS Dept. of Health (“DOH”), NYS Dept. of Env. Conservation “DEC” regulations as well as the **Town of Horicon Zoning Law**, while protecting and maintaining the integrity of the community Blue Sky Estates Association water system.

1. **Scope:** This policy applies to all Homeowners or Association Members, including all lot owners, homeowners, and residents within the Blue Sky Estates Association, Inc. (“HOA”).
 - a. Individual wells, i.e. a single well on a lot for the purpose of supplying water to that specific lot, will be allowed. However, shared wells, i.e. a well used to supply water to two or more lots, parcels, or dwellings are not allowed at this time, as they are considered to be a community water supply and distribution system¹ and we already have a Community Water System.
 - b. To protect the community's water system, Blue Sky Estates strictly prohibits hydrofracturing, fracking, chemical well stimulation, hydro jetting, explosive well stimulation, or other similar methods that might otherwise increase water flow for an individual well.
2. **Application & Approval Process:**
 - a. All approved Applicants who choose to construct an individual well acknowledge and agree that doing so does not exempt them from any current or future costs associated with the community water system. This includes but is not limited to any and all maintenance charges, dues increase, special assessments, or capital improvements.
 - b. Applicants must submit the following:
 - i. Their signed Application, with its attachments, which can be found at the end of this policy.
 - ii. Detailed plans and specifications of the proposed well which are outlined on the NYS DOH FACT SHEET #6 and the accompanying CHECKLIST attached to this document. By

¹ [Town of Horicon Zoning Law - Adopted October 20 2016.pdf](#)

submitting this document you are acknowledging that you have read and agree to the terms and requirements outlined in said document. [FACT SHEET & CHECKLIST](#)

1. Please note, any modifications to the original proposal must be submitted in writing to the Board. For example, if your new well is not getting your required water flow rate, there must be a new application submitted. Please note that fracking, hydrofracturing, chemical well stimulation, hydro jetting, explosive well stimulation, and similar methods for well stimulation or using any type of explosive in drilling your well are strictly prohibited due to the dangers to the community's water system.
- iii. A statement of compliance with all relevant building codes and regulations. (The form listed above with the homeowner/association member's signature and date will be sufficient.)
- iv. A submission of Certificate of Insurance from the DEC Well Contractor, and any other contractors hired in this endeavor, listing Blue Sky Estates Association Inc. and the homeowner as additionally insured.
- v. Applicants seeking to install individual water supply wells will submit a water retainer in the amount stated in our [Fee Schedule](#) found on our website (currently \$1,500).
- vi. Approval is granted with the understanding and acknowledgement that ALL expenses incurred, including any repairs to the Blue Sky Estates water system resulting from the drilling of an individual well, will be at the Applicant's expense.
- vii. The Board will approve or deny the application within 90 days based on compliance with the approval process, safety standards, any applicable regulations, potential negative impact on the Community's shared water system, zoning requirements, and HOA guidelines. Approval shall not be unreasonably withheld, and any denial will include a written explanation for

the denial with specific examples of the HOA's concerns, if applicable.

3. **Installation Standards and Requirements:** Drilling the new well will require coordination between the homeowner, the well driller, and at least 1 plumber. If the Applicant is using their own plumber, a plumber selected by the Board will need to verify certain steps related to the Blue Sky Estate's community water system are done properly. However, Applicants can choose to use the Board's licensed plumber ("HOA Plumber") to complete any required work.
 - a. A **full disconnect** from the community water system is **mandatory** per the DOH and it must be done on the **Applicant's** side of the curb box in order to limit interruption to the Community's shared water system.
 - i. A licensed plumber must complete this process **and** the HOA Plumber must inspect all work at the Applicant's expense.
 - ii. **PRIOR** to the disconnect, a test of the Applicant's curb box must be done by the HOA Plumber to ensure that the house can be disconnected without interruption to the community's water system.
 - If the curb box is not in working order, a new curb box will be installed by a licensed plumber at the Applicant's expense and the installation inspected by the HOA Plumber **before** the disconnect can be completed.
 - The replacement will also include excavation of the curb box by a licensed contractor who shall submit a certificate of insurance with Blue Sky Estates Association, Inc. listed as additionally insured and will be at Applicant's expense.
 - b. **Any** crossing or traversing of the community's water lines is **strictly** prohibited.
 - c. The community's water lines must be marked by a member of our water committee prior to any digging.
 - d. Applicants must contact DigSafe (811) or go online to: [UDIG NY](#) before any digging commences.
 - e. All approved Applicants who choose to construct an individual well acknowledge and agree that doing so does not exempt them from any

current or future costs associated with the community water system. This includes but is not limited to the full amount of any and all maintenance charges, dues increase, special assessments, or capital improvements.

5. Maintenance and Repair:

- a. Applicants are responsible for the routine maintenance and repair of their individual well to ensure its safe and efficient operation at all times.
- b. Any modifications or repairs that alter the originally approved plan must receive prior written approval from the Board.
- c. If the well becomes non-operational or poses a safety hazard, the Applicant must take prompt action to repair or properly decommission the well.

6. Removal, Decommissioning, and Reconnection:

- a. If an Applicant wishes to abandon, remove, or decommission their individual well and/or reconnect to the community's water system, the Applicant must first notify the Board in writing using the same Application process as for applying for a new well in Section 3, but using the Decommissioning & Reconnection Application. The timeframes and requirements remain the same.
- b. Removal, decommissioning, and/or reconnection must be performed by a licensed professional in accordance with all applicable regulations and safety standards and inspected by the HOA Plumber all at the Applicant's sole expense.
- c. Specifically for reconnection, the reconnection must be performed by a licensed plumber and inspected by the HOA Plumber and all work will be on the Applicant's side of the curb box. The same steps outlined in Section 4 need to be followed and all expenses will be at the sole expense of the Applicant, including testing and potential replacement of the curb box, marking of water lines prior to any digging, notifying DigSafe, and disconnecting the well so the reconnection can occur.
 - i. In addition to the above costs and expenses for reconnections, there is a one-time "**tap fee**", currently \$1,000 but please refer to the HOA's [FEE SCHEDULE](#) for the most current amount. This is in addition to the water retainer (currently \$1,500) as outlined in our current [FEE SCHEDULE](#) and all expenses the Applicant might incur in reconnecting to the community water system. The **tap fee** grants the

right to reconnect to the community water system and is not refundable. All expenses related to excavation, plumbing work, maintenance, inspection, etc. will be the sole responsibility of the Applicant.

7. **Compliance:** Failure to comply with this policy may result in enforcement actions by the HOA, including fines, corrective measures, and/or legal action, as deemed appropriate by the HOA's Board. The HOA and its Board reserves the right to inspect the process of commissioning, decommissioning, or reconnecting a well to ensure compliance with this policy and will provide notice prior to any inspection.

8. **Dispute Resolution:** Any disputes arising from the interpretation or enforcement of this policy shall be resolved through the HOA's dispute resolution procedures.

9. **Amendments:** This policy may be amended by a majority vote of the HOA's Board.

10. **Contact Information:** For inquiries or assistance regarding this policy, Homeowners or Association Members may contact the HOA's Executive Board.

Application: Please submit the application and forms to the HOA President. Google Form to be filled out and submitted electronically AND a printed copy.

[Click Here](#)

[FACT SHEET AND CHECKLIST](#) also found above in 3bii.

To be printed, filled out and submitted.