

## MEMORANDUM

TO: All Homeowners  
Guard Hill Manor

DATE: April 27, 2021

FROM: Barhite & Holzinger, Inc.

RE: 2021 Pool Usage

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We write on behalf of the Board of Directors to advise you that the swimming pool will be open this year and will generally follow the typical season schedule despite ongoing concerns and regulations related to the COVID-19 pandemic. The Board is pleased to make this announcement after reviewing a wealth of information, including advice and ideas shared by a group of residents who acted as a committee to explore the prevailing NY State guidelines and requirements for operating swimming facilities. As of this writing, various restrictions remain in place, so we provide herewith some crucial points to keep in mind should you wish to use the Guard Hill pool during the season:

- The pool will be available to Guard Hill residents only. Due to space, liability and contact tracing issues, guests will not be permitted this season.
- A full-time pool attendant will be on site in addition to the lifeguard.
- Proof of residency with photo ID is required for all adults and must be presented to the pool attendant to gain entry. No exceptions.
- The pool schedule will be allocated into three reservation sessions as follows:
  - **May 29 through June 25:** The pool will be open on weekends only (Saturday and Sunday). Three sessions available: 11:00am – 1:15pm; 1:45pm – 4:00pm; and 4:30pm – 6:45pm. Requisite CDC cleaning will be conducted during each half-hour break between the first two sessions, and at the conclusion of the third session.
  - **June 26 through September 6:** The pool will be open daily. Sessions Monday through Friday will be 12:00pm – 2:15pm; 2:45pm – 5:00pm; 5:30pm – 7:45pm. Saturday and Sunday sessions will be the same as the above weekend schedule.

- Reservations: A sign-up list will be maintained on site by the pool attendant. Advance registration for pool use will be required using the following guidelines:
  - **Weekends May 29 through June 25:** Saturdays: First session (11:00am – 1:15pm) will be on a first-come, first-served basis up to capacity; Second & Third Sessions and all Sunday Sessions may be reserved beginning Saturday morning at 11:00am.
  - **Daily & Weekends June 26 through September 6:** (1) 3-day advance reservation; (2) no repeat reservations in each 3-day cycle; (3) Reservations must be made in person during regular pool hours; and (4) Same day access may be granted absent reservation demand subject to occupancy/space limitations.
- Each adult pool user must complete and sign a one-page COVID-19 health questionnaire (waiver) each time the pool is used – no exceptions. Children under the age of 18 must have the form completed and signed by a parent/guardian before entering the pool area.
- Masks/face coverings must be worn at all times except when in the pool or in your designated pod area.
- Safely distanced “pod” spaces will be delineated on the pool deck and pod groups must stay within these identified spaces when not using the pool. The number of swimmers in the pool at any time may be limited at the lifeguard’s discretion.
- No pool deck furniture will be provided. Residents must bring and remove their own chairs for each pool use. No overnight furniture storage will be permitted on the deck or at the pool area. Due to space limitations, lounge chairs/chaises will NOT be permitted.
- Pool users must remove all personal trash/refuse to help keep pool area clean.
- Storms, weather or other unforeseeable circumstances which warrant pool closure may require cancellation of advance reservations. In such event, a new reservation will be necessary.

Flexibility will be a guiding principle this year as the HOA must follow CDC guidelines at all times. The HOA must be able to provide accurate “contact tracing” information in the unlikely, but possible, event of a COVID-19 transmission or outbreak.

If there is availability, the pool attendant will exercise reasonable flexibility regarding extended access or other accommodations for residents. However, when necessary, the attendant will be responsible for the enforcement of the rules and regulations. Residents are advised that violations of the rules and regulations or disruptive behavior may result in the police being summoned. The HOA may also issue fines or take other appropriate action against violators including rescission of pool privileges for the remainder of the pool season.

Please remember that the regular HOA pool rules must also be followed as applicable. A copy of the rules and the 2021 Schedule is attached herewith.

Thank you and have a great summer.

**GUARD HILL HOMEOWNERS ASSOCIATION, INC.**  
**2021 POOL RULES AND REGULATIONS**

1. The lifeguard must be obeyed at all times. The lifeguard has the authority to restrict pool privileges to anyone in violation of the pool rules. The lifeguard has the authority to close the pool for inclement weather conditions with the approval of the management company.
2. The pool is open for swimming ONLY when a lifeguard is on duty. Swimming is prohibited while the lifeguard is on break.
3. There will be a \$100 fine imposed on anyone found at the pool site if there is no lifeguard on duty.
4. No diving.
5. No alcoholic beverages are allowed in the pool and no smoking is permitted inside the fence.
6. No beverages of any kind are allowed inside the fence except water in **non-glass** containers.
7. For health and safety reasons, food is not permitted in the pool area. Glass objects are prohibited at the pool.
8. No pets are permitted in the pool area.
9. Children under the age of twelve (12) must be supervised by a parent or guardian at all times.
10. Babies in diapers are not permitted in the pool. (Fibers damage the filter system.) Carriages are not permitted in the pool area.
11. Unit owners will use their own discretion as to the number of guests they will bring to the pool, especially on weekends and holidays. Guests must be accompanied by unit owners or tenants of Guard Hill.
12. Rafts, floats, tubes or snorkels will not be allowed.
13. Behavior which annoys or endangers pool users is not permitted in the pool area.
14. Persons with infections of any kind are not permitted in the pool.
15. Swimmers must wear appropriate swim attire. (jeans, shorts, tee shirts are prohibited.)
16. Weekends -- Adult swim (over 18) 6:00 p.m. - 7:00 p.m.  
Weekdays -- Adult swim (over 18) 7:00 p.m. - 8:00 p.m. **NO ADULT SWIM FOR 2021 SEASON**
17. The Association, Board, Managing Agent, and lifeguard are NOT responsible for personal property in and around the pool area.
18. Chaise lounges provided by the Association are available on a first come, first served basis. Lounges unattended for 30 minutes or more will be made available to other residents or their guests. **NOT APPLICABLE FOR 2021 SEASON**

Please pick up and dispose of all trash (including cigarette butts) in the pool area and the parking lot.

As with the other facilities in the recreation area, please remember that the pool is not to be used after posted hours.

### **2021 POOL HOURS**

**Memorial Day Weekend, Saturday, May 29th** 11:00 AM to 7:00 PM

**Saturdays and Sundays only**  
**Starting Saturday, May 29<sup>th</sup> through June 25th** 11:00 AM to 7:00 PM

**Daily**  
**Starting Saturday, June 26<sup>th</sup> through Monday, September 6<sup>th</sup> (Labor Day)**

**Weekdays** 12:00 PM to 8:00 PM

**Weekends** 11:00 AM to 7:00 PM

**NOTE: The county imposes rules and regulations on us. The County has the authority to and will close the pool for the entire season if violations occur.**

GUARD HILL HOMEOWNERS ASSOCIATION, INC.

COVID-19 HEALTH SCREENING QUESTIONNAIRE & WAIVER

CIRCLE THE APPROPRIATE ANSWER TO THE FOLLOWING QUESTIONS:

Within the past 14 days, have you come into close contact (within 6 feet) with someone who has tested positive for or showed symptoms of COVID-19? YES NO

Within the past 14 days, have you had fever (greater than 100.4F / 38.0C) OR symptoms of lower respiratory illness such as cough, shortness of breath or difficulty breathing? YES NO

Are you currently experiencing a fever (greater than 100.4F / 38.0C) OR symptoms of lower respiratory illness such as cough, shortness of breath or difficulty breathing? YES NO

Have you tested positive for COVID-19 in the past 14 days? YES NO

Have you been fully vaccinated for COVID-19? YES NO

Print Name: \_\_\_\_\_ Unit: \_\_\_\_\_ Date: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

ASSUMPTION OF RISK/WAIVER/RELEASE/INDEMNIFICATION

I hereby assume all risk of loss, danger, property damage or injury (including death) to myself, my children and guests from COVID-19 infection or other illnesses or injuries arising from the use of the pool, and I hereby agree that I am solely responsible for any resulting illness or personal injury, including death, to myself, my children, or anyone who accompanies me, as a result of using the pool. In consideration of being able to use the pool during this time of the threat of COVID-19, I, for myself, my heirs, personal representatives and assigns, do hereby release, waive, discharge and covenant not to sue Guard Hill Homeowners Association, Inc. its directors, officers, employees, agents, volunteers and pool contractors (collectively referred to as "Released Parties") from any and all claims or liabilities, including but not limited to, illness, personal injury (including death), and property loss, which may result from my use of the pool or arising from the negligence or fault of the Released Parties. I further save and hold harmless and indemnify the Released Parties from any and all claims, actions, suits, damages and liabilities, including attorney's fees, made as a result of my use of the pool, whether caused by the negligence of the Released Parties or otherwise and to reimburse the Released Parties for any such expenses incurred by them from my use of the pool. I further acknowledge that I have read and understand all the posted pool rules.

PARENT/GUARDIAN WAIVER FOR MINORS (Under 18 years old) The undersigned parent or legal guardian does hereby represent that he/she has consented to his/her child's use of the pool, and has agreed on behalf of the child, to the terms of this waiver and release of liability and to save and hold harmless and indemnify the Released Parties from any and all claims, actions, suits, damages and liabilities, including attorney's fees, made as a result of my use of the pool, whether caused by the negligence of the Released Parties or otherwise and to reimburse the Released Parties for any such expenses incurred by them from the child's use of the pool.

I HAVE READ THIS DOCUMENT AND UNDERSTAND ITS TERMS. BY SIGNING THIS DOCUMENT, I AM WAIVING ANY RIGHT I OR MY CHILDREN OR SUCCESSORS MIGHT HAVE TO BRING A LEGAL ACTION OR ASSERT A CLAIM AGAINST THE ASSOCIATION, ITS DIRECTORS OR AGENTS FOR ANY INJURY OR DEATH SUSTAINED. I expressly agree that the foregoing waiver and release of liability, indemnity agreement and assumption of risk is intended to be as broad and inclusive as is permitted by the law of the State of New York and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

Signature

Signature

To All Guard Hill Manor Homeowners,

Please see the new pool guidelines per the Department of Health and the pool management company:

- CDC mask and vaccination guidance continues to apply to pools and beaches:
  - Anyone Unvaccinated Must Maintain Social Distance or Wear a Mask at the Pool;
  - Anyone Unvaccinated Must Wear a Mask When Using the Restrooms.
- The pool management company no longer needs to have a safety monitor or maintain a log for cleaning.
- The pool's capacity is limited to the same number of people as it was pre-COVID.
- The pool management company is still required to follow **pre-COVID** sanitary codes for the pool.
- Guests are allowed as long as the pool capacity is not exceeded at any given time.

Thank you and enjoy the Summer Season.

Guard Hill Manor Owners,

In light of Governor Cuomo's adoption of CDC guidance as it relates to mask usage, vaccination status and social distancing, there will no longer be a requirement for the use of pool monitors at locations where the pool operator/owner can confirm that social distancing, capacity limitation requirements, etc. can be achieved through proper signage, markers, barriers etc. in order to comply with the most up to date guidance requirements that are in place.

This means that the HOA is no longer required to have on site pool monitors to enforce COVID requirements.

American Pool Management's (APM) plan based on their discussions with the Mount Kisco Office of the Westchester County Department of Health is the following:

1. APM will be posting appropriate COVID-19 signage at each pool. The language has been reviewed and approved by the County.
2. Each pool sign-in book will have a copy of a series of standard COVID screening questions. As a condition of using the pool and by signing in at the table, residents are attesting that they answer no to each question. APM is no longer required to take patron's temperatures.
3. The lifeguard will still need to clean the high touch surfaces 3x per day, e.g. all ladders and handrails, and keep a record of the same in a written log.
4. All HOA pool furniture will remain stored away until future clarification or guidance can be confirmed. Under the current rules, it would still need to be cleaned in between each use. Residents are to stay six feet apart from each other if they choose to bring their own chair.
5. No outside guests at this time.
6. No reservation system. With 50% capacity, the HOA can have 30 bathers in the water at one time. Guard Hill has never achieved that, so there is no longer a need for the reservations.

The goal of the state is to open pools to 100% capacity by July 4th. APM will keep the managing agent apprised of any changes as we will update by email to all as we learn more.

Thank you.