



Dear HHMA Homeowners,

After consulting with Legal Counsel, Imperial Pool, Access Property Management, and, in the review of the CDC and NJ State Guidelines for opening pools in New Jersey, the Board of Trustees having exercised their fiduciary responsibilities to protect the assets of the Association, have made the decision to close the Hills Highlands pools for the 2020 season. A formal vote of this decision will be taking at the next Board of Trustees meeting scheduled for July 14, 2020 at 7:00 PM.

For the past few months, we have faced a very unfortunate situation as it relates to the COVID-19 pandemic. There are many factors that went into the decision to close the pools, but the most important consideration was for the health, safety, and welfare of our residents, the on-site staff members, and our contractors.

**Facts:**

We received notification from our insurance provider that Association's policy has an exclusion for viruses and diseases. If someone would sue the HHMA Association claiming exposure to COVID-19, we are not covered by insurance.

*With regard to the First Party Property Coverage, there is no coverage available for losses attributable or related to COVID-19 as the policy requires "direct physical loss" to "covered property" from a "covered cause of loss". "Biological hazard" is an excluded cause of loss. Further, CAU has no obligation to pay for any loss caused by the "acts, decisions" of any person, group, or governmental body.*

Our Legal Counsel provided their professional opinion that the Association's exposure and liability is too great to open the pools.

Our pool management company has advised that they have received multiple letters from attorneys representing the Associations where they manage pools. As a result, they do not recommend the opening of pools for the 2020 season.

and...

The State of New Jersey has established standards that are exhaustive and comprehensive which places significant responsibility on our non-profit Association. One lawsuit could literally bankrupt the Association, jeopardizing all the Reserve dollars that have been collected through the years for asset replacement and repairs. We also needed to consider that a monetary award for a claim could result in a special assessment to all homeowners.

**State of New Jersey Standards:**

Here are a few of the standards set forth by the State of NJ that are required to avoid any threat of violating the law:

- Develop and implement a COVID-19 Pool Operation Prevention Plan that complies with the Standards.
- Train and equip an ambassador and COVID-19 contact person on COVID-19 awareness, cleaning, and sanitizing.
- Establish protocols for Personal Protective Equipment (PPE) acquisition and distribution.

- Document COVID-19 awareness training and risk reduction strategies for all personnel.
- Develop notification and reporting policies.
- Maintain a sign-in sheet for all staff and patrons to facilitate potential contact tracing efforts.
- Establish procedures for isolating and transporting anyone showing signs of COVID-19.
- Develop and implement enhanced cleaning and disinfection procedures using Environment Protection Agency (EPA) approved disinfectants and following CDC guidance that includes frequent cleaning and disinfecting of high traffic areas, major touch points, furniture, and rentals. The procedures must include, at a minimum: (i) providing sanitizer stations throughout and pool facility (ensure a sufficient quantity of cleaning supplies); ii) Requiring frequent sanitization of any areas opened to the public, routine cleaning and disinfecting of often touched areas; and (iii) sanitizing and disinfecting daily.
- Facilities must develop and implement an outreach plan that includes, but is not limited to, methods to ensure a continuous public outreach campaign, including visible signage, website, and mobile apps, to communicate restrictions and set expectations.
- Revise emergency evacuation procedures to ensure social distancing protocols allow for safe evacuation.

These standards are now a part of the Health Inspection that is performed before the pool can operate.

The cost of this implementation also is factored into this decision. Hiring two people for both pools to enforce the social distancing and for the sanitizing of the pool areas is expensive. Access to purchasing cleaning products and PPE is difficult, if not impossible at this time, as healthcare facilities have the priority for the goods and services. The signage required will also be costly to the Association. The estimated cost of these requirements is \$42,000.00.

This has been one of the most difficult decisions the HHMA Board of Trustees have ever had to make. We are not alone in our decision to close the pools our surrounding Association neighborhoods are also making the same decision.

We all share in the feeling of loss and disappointment of closing the pools. They are one of the most coveted amenities, however, we know it is the right decision to protect our residents, on-site staff, our contractors, and the Association.

The BOT appreciates the understanding and words of encouragement that so many of you have offered during this wait and see period of discernment. Imperial Pool will continue to manage the pools from an operational standpoint. It may be too early in the season to close the pools and cover them. We will remain on schedule to winterize the pools as soon as possible.

Thank you for your patience and understanding as we pivot and navigate through a new way of living in the world of COVID-19.

Regards,  
The Hills Highlands Master Association Board of Trustees