

## AGREEMENT

This Agreement (this "Agreement") made as of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by and between WESTWOOD SWIMMING & TENNIS ASSOCIATION, INC., a New York not-for-profit corporation ("Association"), and \_\_\_\_\_ ("Member").

### WITNESSETH:

WHEREAS, the Association is the owner of that certain pool club known located at 592 Columbus Avenue, Thornwood, New York (the "Club"); and

WHEREAS, the Member desires to conduct a party at the Club which will include guests who are not members of the Club and the Association will allow such party subject to the terms and conditions of this Agreement.

NOW, THEREFORE, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed as follows:

1.     **Security Deposit.** Member shall pay to the Association upon the execution hereof the sum of One Hundred Fifty and 00/100 Dollars (\$150.00) ("Security Deposit") for the faithful performance and observance by Member of the terms, provisions and conditions of this Agreement. Provided that all of the terms and conditions of this Agreement have been satisfied by Member, the Security Deposit will be returned to the Member.

2.     **Conduct of Guests.** Member acknowledge that Member is responsible for the conduct of its guests at the Club, including but not limited to ensuring that the guest abide by all of the rules of the Club which are attached to this Agreement as Exhibit A ("Rules"). In the event that management determines that there are violations any of the Rules and/or this Agreement, management may (i) end the party in management's sole discretion; (ii) direct the Member and all guest to leave the Club; and (iii) the Association shall retain the Security Deposit.

3.     **Water Balloons/Water Guns.** The use of water balloons and/or water guns are expressly prohibited.

4.     **Damages.** Member is responsible for any damage to Club property caused by its guests. In the event of any property damage, the Association may draw upon the Security Deposit and apply the amount so drawn as reimbursement for the cost to repair such damage. In the event the cost of such repairs exceeds the Security Deposit, Member shall pay such balance to the Association within ten (10) days after written demand from the Association. Member may not enter the Club until such amount is paid in full.

5.     **Trash Removal.** Member is responsible for ensuring that all trash from the party is disposed of in the appropriate trash receptables. If additional receptable or trash bags are needed, Member should contact the Club office.

6.     This Agreement shall be governed by New York law. This Agreement may be executed in counterparts. Electronic signatures (including via PDF or DocuSign) shall be considered originals for all purposes.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date.

**WESTWOOD SWIMMING & TENNIS  
ASSOCIATION, INC.**, a New York not-for-  
profit corporation

By: \_\_\_\_\_  
Westwood Representative

**MEMBER**

\_\_\_\_\_

## EXHIBIT A

# Westwood Swimming and Tennis Association Thornwood, New York

### *Rules and Regulations*

The following is a compilation of state and county regulations and rules that have been established by the Board of Trustees. The purpose of the rules is to create a safe, healthy, attractive environment in which members are able to enjoy Association facilities to the utmost. Parents are requested to caution their children and inform guests to observe rules and follow instructions of the Pool Director, other employees and any Trustee who may be on the premises. Any failure to comply with these rules shall be considered sufficient cause for immediate suspension of all Association privileges for the offending member/family and can, in extreme cases, be considered sufficient cause for permanent cancellation of membership and loss of bond and its refund.

#### **I. RULES OF CONDUCT**

Members and their guests should conduct themselves at all times in a manner that will protect the rights of their fellow members and guests in their use and enjoyment of all the Associations facilities and grounds, and to act at all times in a manner to reflect only to the credit and welfare of the Westwood Swimming and Tennis Association. To ensure those rights, the following is **prohibited**:

- Intoxication
- Illegal activities
- Excessive displays of affection
- Fighting, scuffling or horseplay
- Use of abusive or offensive language
- Excessive volume on box radios
- Distributing, posting or removing literature on or from Association property; soliciting, collection or accepting contributions for non—Association activities without prior approval of the Board of Trustees.

#### **II. MEMBERS' OBLIGATIONS**

[The term Member includes spouse and children of bond holder.]

- The facilities and properties of the Association belong to the members and as such, safeguarding, preservation and protection are the direct responsibility of the entire membership (i.e., members are responsible for repair and/or replacement of property damaged by family members and/or guests).
- There will be absolutely no refunds on assignments of, loans or transfers of membership cards allowed. The use of members' cards by anyone other than named on the card is absolutely forbidden and the bond holder will be held responsible. Such member family could face permanent cancellation of membership and loss of bond refund.
- Members must show and swipe membership cards upon each entrance for all activities during swimming and/or tennis season.
- If requested by a Trustee, employee or any bona fide member, proof of membership must be shown, if using any Association facility.

- When a member is aware that non—members are using Association facilities without permission or without having been admitted as a guest, such member is expected to report this matter to the Board of Trustees either directly or through the Pool Director. A list of the current Trustees and their phone numbers will be posted on the main bulletin board.

### III. GUESTS

- Each member family shall be allowed twenty (20) guest privileges during the season. A single guest privilege shall include use of the pool, tennis courts (subject to tennis regulations) and other facilities for a single day. During that day, the guest may come and go at will.
- All guests must be registered at the entrance booth by a member sixteen (16) years or older. (Sitters shall be classified as guests.)
- All guests under the age of sixteen (16) must have a member of at least that age with them during their visit.
- Members caught sneaking in guests will forfeit their bond and lose all membership.

### IV. HEALTH

- No food or drinks to be consumed except in the areas designated by the Trustees. The assigned areas are the space adjoining the entrance, the grass on the shallow end of the pool and the picnic area on the north side. **No food or beverage is allowed on the pool decks or the hill on the far side of the pool building.**
- No littering. Trash and butt cans are conveniently placed for disposal of waste.
- No smoking.
- No pets allowed inside the fenced area.
- Expectorating, urinating or blowing of nose in pool is prohibited.
- No person having skin lesions, sore or inflamed eyes, mouth, nose or ear discharge, or who is known to local health officer to be a carrier of the micro—organisms of any communicable disease, shall use the swimming pool.
- **Children who are not toilet trained are allowed in the Kiddie pool only.** No disposable diapers allowed. The Board of Health recommends use of cloth diapers and plastic pants to prevent contamination of the water.
- Beach shoes are not allowed in the water.

### V. SAFETY

- Children eight and under are not permitted at the pool unless supervised by an adult, brother, sister or baby sitter over the age of sixteen.
- Children nine and ten years of age are permitted at the pool unaccompanied by an older person (until 5 P.M.) only if they have passed the deep water test.

- All members and guests, ages ten and under, must complete a deep-water test in order to swim in the two deeper sections of the pool. Upon successful completion of the test, the child's name and bond number will be taken and posted on a list in the office.
- No sunbathing or sitting in chairs around deck of main pool. You must be behind drain and permanent benches.
- During electrical storms, everyone must clear the entire facility.
- There must be a ½ hour wait after the last thunder or lightning before re-opening the pool.
- No diving permitted around any area of the pool deck. Diving is only permitted from the diving boards.
- Divers must swim directly to the closest ladder after diving.
- Use of the kiddie pool shall be limited to small children. No metal toys shall be allowed there.
- No air—inflated tubes, jackets, masks, snorkels, beach balls, toys or other paraphernalia shall be allowed in the main pool. Under conditions determined by the Pool Director, goggles and floats will be permitted in the shallow end of the pool. Flippers are allowed to be worn by adults in the lap lane only.
- Swimmies will be permitted in the main pool if the parent is in the water within arm's reach of the child.
- No running or causing undue disturbance in or about the pool area. Nerf balls will be allowed only at the discretion of the Pool Director or staff.
- Use of glass containers is forbidden.
- Gas grills should be turned off when not in use and are to be used only for cooking. Malfunctioning grills should be reported to the staff immediately.
- No batting, throwing or kicking baseballs, footballs or soccer balls in or about the premises, including driveways and parking areas during swimming season.
- All members and their guests shall drive slowly and carefully entering and exiting the parking area. Entrance is accessible from the Valhalla— side driveway only. Exiting is from the Thornwood— side driveway only.
- Unless specifically authorized, no member or guest is allowed in or about the pool and surrounding grounds outside of normal operating hours.
- No skate boards or roller blades.

#### **VI. OTHER RECREATION DURING SWIMMING SEASON**

- Special events will be announced as season progresses.
- Recreation activities such as basketball, volleyball, horseshoes, shuffleboard and Ping-Pong are available. Competitions will be offered at the discretion of the Pool Director and supervised by the staff.
- Members and their guests using recreational equipment will be required to make a monetary deposit for use of such equipment (which will be refunded upon its return).
- Volleyball permitted only in the area adjoining the picnic area.
- Swimming instruction is available and a schedule will be posted on-the main bulletin board.

## VII. OPERATING SCHEDULE

- POOL -ordinarily opens part-time Memorial Day weekend and full-time the first weekend after local schools close for summer vacation. Closes for winter on Labor Day weekend. Hours are posted on the main bulletin board.
- Pool operation closure due to bad weather (e.g. cold/rain) is at the discretion of the Director.
- TENNIS - Ordinarily from April 15 to November 15; sunrise to 10 P.M.
- BASKETBALL COURTS - During pool hours
- LAP SWIMMING - **Adult Only** lap swimming time will be posted.

## VIII. TENNIS REGULATIONS

- Prime playing time: weekends, holidays and evenings after 5 P.M. on all courts.
- Reservations **must be** made by members for use of either the tennis courts. Reservation schedules are available on Saturdays at 12:00 noon for the following week during the season.
- Each member is entitled to sign to play each week per type of tennis:
  - A maximum of 4 hours per week
  - A maximum of 1 hour per day
  - Not more than two days at the same hour
- Making reservations: Members must enter their name and bond number legibly and indicate name of guest with a "G". Only one guest per member per hour is allowed. **Guest fees must be paid at the time of registration.** Member cards must be available should players be questioned.
- Unsportsmanlike conduct, such as striking the court surface with the racket or throwing the racket, will cause the player to be removed from the court.
- Tennis players only on court. Children, babies, playpens, carriages, etc. must be outside fence.
- No radios on courts.
- If, for any reason, member cannot play at hour reserved, the member must remove his name from Reservation Schedule.
- If member reserving court fails to appear within 10 minutes after reserved hour begins, court is forfeited.
- Weekends are restricted to doubles only unless no one else wishes to play at a specific hour.
- Any time courts are not reserved they are available on a "first come" basis unless you have already played or are going to play in a reserved time that day.
- Players under 17 must give way to adults on an unreserved court.
- Players under 17 must be accompanied by an adult if playing in prime time.

- Tennis attire is mandatory. Shirts must be worn.
- Tennis sneakers or white rubber—soled sneakers are mandatory. All other footwear prohibited on courts.
- No gum chewing, food or beverage on courts.
- Tokens are available for night play from the office during the season or Charles Keller (946-1999) in off—season. Tokens are \$4.00/each or 6/\$20.00

#### **IX. BASKETBALL COURT**

- Full court play is only allowed if no one is waiting to use the court.
- Hanging on the rim is prohibited, except on the 8ft. dunking basket.
- Glass is not allowed on or around the court.
- Proper footwear is required.
- Radios are prohibited.

#### **X. MISCELLANY**

- Membership cards should be safeguarded against loss or theft. The Pool Director should be advised immediately if this should occur.
- Replacement of cards will be issued by the Pool Director when he is satisfied as to such loss. Replacement of lost cards will cost \$5.00. There is no charge for replacement of worn out cards which must be turned in at time of request.
- Lost articles, such as towels, clothing, etc., will be deposited in "Lost and Found" receptacle outside the office for such articles. Such articles, if not claimed, will be removed while the pool is open. Items of value, such as keys, wallets, jewelry, etc., may be claimed and/or reported at the office.
- The NYS Department of Health requires that the entire facility be closed at the first sound of thunder or flash of lightning. Members must clear the facility in its entirety at the announcement of thunder and/or lightning. The facility will remain closed for one half hour after the last sound of thunder or flash of lightning. There will be no refunds for guests due to weather, no exceptions.

#### **XI. GENERAL**

- The Association will not be responsible for loss or damage to personal property.
- All complaints must be in writing, signed and mailed to:

**Board of Trustees  
Westwood Swimming and Tennis Assoc., Inc.  
Box 100  
Thornwood, NY 10594**

**\*\* These rules and regulations may be revised at any time deemed advisable by the Board of Trustees.**

**EQUIPMENT DEPOSITS**

| <u>EQUIPMENT</u>        | <u>DEPOSIT</u> |
|-------------------------|----------------|
| Paddles/balls           | \$ 1.00        |
| Shuffle Board equipment | 1.00           |
| Tennis racquets/balls   | 1.00           |
| Horseshoes              | 5.00           |
| Volleyball              | 5.00           |
| Basketball              | 5.00           |