

# At Dockside

Protecting property values and the quality of life in Ballena Bay -  
February 2004

On The Waterside . . .

by *Shelley Bliss*

Below is the e-mail response of the final decision made by the Army Corp of Engineers regarding the BBTA violation. A check is being sent to East Bay Regional Park District. They have already confirmed that permits will be ready for delivery (copy will be faxed to me) upon receipt of check. Once I have a fax of this permit (probably by Feb 20), John Marty @ WDE (Western Dock) will be able to send a construction crew out to our site to begin assembling the docks on February 25th- 26th. The pile driving crew will be onsite on March 1st and the project will be in full swing.

**Sent:** Friday, February 13, 2004 3:19 PM

**Subject:** Resolving the Ballena Bay Townhouse Violation (USACE File #28246S)

Dear Shelley,

Coordination between representatives of the National Marine Fisheries Service (NMFS) and myself has resulted in the defining of conditions under which construction of the piers may re-commence. They essentially boil down to: the sound pressure levels associated with pile driving will be kept below a 180 decibel threshold to protect aquatic organisms in the area, the pile driving of the piers will be hydro acoustically monitored, and a report will be submitted to the Corps and NMFS detailing the sound profiles during pile installation. In addition, the docks that have not yet been constructed (but do contain chemically treated lumber) will be retrofitted by coating the lumber with an inert polymer layer before the docks are constructed and installed.

However, a significant component of the violation relates to the fact that docks have already been installed that contain chemically treated wood, which will over time leach heavy metals into the Bay during rains. As it is not cost effective to rebuild the docks that have already been installed, the most parsimonious solution is to have the Ballena Bay Townhouse Association pay an in-lieu fee that will contribute toward the cost of a project that is removing derelict, toxin-laden pilings from the Bay. The fee that will be required to resolve this component of the Ballena Bay pier installation violation will be \$12,000. This amount is based on the penalty amounts the Corps has levied for similar violations, but it is significantly less than most because I am taking into account the fact that wood is above water, and is partially protected by plywood planking. Please be aware that approximately 22,018 square feet of chemically treated wood has already been installed, which is a substantial quantity. The East Bay Regional Parks District has a project that is slated to remove creosote pilings from a tidal area near the Oakland airport in the very near future, and the funds that the Ballena Bay Townhouse Association furnishes will go entirely toward the removal of those pilings.

Please understand that the penalty amount is not negotiable, as it is only roughly one-third of what it would have been if the wood had been installed into the water. I believe that this amount is fair and commensurate with the impact that the project will have upon the aquatic environment. If arrangements are made by the Ballena Bay Townhouse Association to pay the in-lieu fee to the East Bay Regional Parks District, the Corps will issue you an after-the-fact permit promptly, and installation of the piers can re-commence. Thank you very much for your cooperation thus far. If I can be of further assistance please feel free to contact me.

### **Neighborhood Communications**

*By Mike Wokasch*

We will be updating the directory. Please check the Ballena.net website to review your information. If it is not correct or you would like different info listed, please forward changes to me no later than March 1. Please send new or updated info to me at my e-mail [mgw6@sbcglobal.net](mailto:mgw6@sbcglobal.net) or to 330 Tideway Drive.

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**Next Board Meeting**  
**Thursday, February 19, 7:30 PM**  
**At Ballena Bay Yacht Club**

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### **BBTA Board 2003 –2004**

**Elise Hall – (Insurance, & Disaster prep)**

Phone 523-8408 cell 823-7726 email [Elise.Hall@comcast.net](mailto:Elise.Hall@comcast.net)

**Dick Bacigalupi—(Financial & Legal)**

Phone 521-2426 email [dickb@champus.com](mailto:dickb@champus.com)

**Jim Nations — ( Architecture & Landscape)**

Phone 523-2294 cell 301-4004 email [jim@jimnations.com](mailto:jim@jimnations.com)

**Mike Wokasch — (Landside, Neighborhood Communication)**

Phone 521-3306 email [mgw6@sbcglobal.net](mailto:mgw6@sbcglobal.net)

**Shelley Bliss—(Waterside)**

Phone 864-7582 email [sailingbliss@alamedanet.net](mailto:sailingbliss@alamedanet.net)

# At Dockside

**Protecting property values and the quality of life in Ballena Bay -  
May 2004**

## Presidents Report....

*By Elise Hall*

After grudgingly accepting Mike Wokasch's resignation from the board, the board was thrilled to unanimously accept an offer from Julie Wiard to finish out Mike's term. The board thanks everyone who graciously offered to fill the position. Julie has been a board member previously and has been acutely aware of the issues and activities surrounding the dock project. This made her an excellent choice at this time, because she was already up to speed. Please welcome Julie to the board and give Mike a thank you for a job well done during his eight months of service. Mike & Mary will be moving back to Wisconsin in order to be closer to family, as soon as their home is sold.

The Eastside docks are in, all the boats got transferred and the dredging is well under way on the Westside. We owe a thank you to Shelley Bliss for her diligence at solving all the issues and assuring that everything is in place to complete the project. She was aided by David Wiard, board members, other home owners, Curt Bolton with Clausen Engineering, Mike Cheney, and all the people at Western Dock, but she is the one who definitely carried the ball to the goal line in order to get the show back on the road. She definitely deserves a great big thank you. Information about the project will be included in her waterside report.

As the president, I occasionally get calls from homeowners when problems develop or something has gone astray. I do not mind receiving the calls, but often I am called because the person does not know whom they should call. The first line person to call is Rich Noble-the BBTA manager. He can be reached at 510 865-3003. If he is not available to answer the phone, he has an answering service that will be sure to make him aware of all issues so he can more readily address any urgent matters.

Now that spring has sprung and summer is just around the corner, we will see more activity even on the landside. Check out and note the dates of upcoming events and projects in the following reports.

### ***Waterside Report....***

*By Shelley Bliss*

I'm happy to report there has been measurable progress made by our contractors on the Westside. In 2+ months the demolition has been completed and dredging should be finished by the end of this week. We will have PLS, Inc. perform a post-dredge survey the following week to insure we've achieved the required depths and stay within the parameters of our permits. During the next 60-90 days Western Dock will be replacing landing piles, cross bracing and installing the new docks.

Please don't think we forgot about the Eastside... Next week Western Dock has schedule construction crews to begin attaching an 2<sup>nd</sup> railing on each new gangway, complete the retro-fit cross bracing on landings and finish attaching cleats to piers 9 & 14. I ask that you take a moment to inspect your landings and remove old plumbing and electrical wiring. Western Dock has notified me they will NOT complete cross bracing on landings until the old utilities are removed.

By the end of May (with Jeff Frankel's help) I hope to have the BCDC, City of Alameda, Army Corp of Engineering and National Marine Fishery Permits posted the BBTA website for all to enjoy. Throw away those sleeping pills you won't need them anymore. This bedtime reading is guaranteed to do the trick!

If you have any questions please feel free to call me (510) 864-7582.

Shelley Bliss

### **Notices**

Manager Bob Mullen at the Berkeley West Marine Store (7th & Ashby) is having a group sale for BBTA on Saturday evening, May 15, between the hours of 7-8 PM. He has agreed to provide a great discount for any items purchased during that time. I am available for questions about the sale. And it would be helpful if those interested would email or call me so I can give Bob an idea of the number interested. Phone 521-9480 evenings or weekends. Email "Leroy Pyle" <lpyle@2ampd.net>

### **BBTA Garage Sale**

It's that time of year again. The date for the annual BBTA garage sale has been set for Saturday June 19th. So, mark your calendar. More information will be forth coming.

Sincerely yours,

The Moore's & The Neil's

## **Neighborhood Communications**

*By Julie Wiard*

I would like to thank Mike for his 8 months of service to the BBTA Board. He has done a great job in keeping the homeowners informed through the Dockside. I will rise to the challenge to keep it as interesting as he has. I also look forward to my service on the board for the remainder of the 2003-2004 term.

Except for the monthly meetings, many of the issues the board deals with are discussed via email. At times, there are issues that need to be distributed to all the homeowners. If you would like to receive that information and even the dockside via email, please send your current email address to either [Elise.Hall@comcast.net](mailto:Elise.Hall@comcast.net) or Julie Wiard at [jwiard@alamedanet.net](mailto:jwiard@alamedanet.net) and indicate your name and address so you can be included in the email updates. This will allow you to receive updated information even before the dockside hits the street.

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**Next Board Meeting**  
**Thursday, May 20th, 7:30 PM**  
**At Ballena Bay Yacht Club**

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### **BBTA Board 2003 –2004**

**Elise Hall – (Insurance, & Disaster prep)**

Phone 523-8408 cell 823-7726 email [Elise.Hall@comcast.net](mailto:Elise.Hall@comcast.net)

**Dick Bacigalupi—(Financial & Legal)**

Phone 521-2426 email [dickb@champus.com](mailto:dickb@champus.com)

**Jim Nations — ( Architecture & Landscape)**

Phone 523-2294 cell 301-4004 email [jim@jimnations.com](mailto:jim@jimnations.com)

**Julie Wiard — (Landside, Neighborhood Communication)**

Phone 523-8702 cell 282-2766 email [jwiard@alamedanet.net](mailto:jwiard@alamedanet.net)

**Shelley Bliss—(Waterside)**

Phone 864-7582 email [sailingbliss@alamedanet.net](mailto:sailingbliss@alamedanet.net)

# At Dockside

Protecting property values and the quality of life in Ballena Bay -  
June 2004

## Presidents Report

*By Elise Hall*

There have been some inquiries to the board to the process and events that led up to the tree removal on the 1200 block of Ballena Blvd. The following response was given to one individual and we felt that it would benefit everyone.

After conferring with an arborist and more than one tree removal company, the decision to try and remove these pine trees was made during the previous boards term. The final decision was on hold until monies were readily available. Bids were obtained in 2003 and evaluated by the board members. As you know, tree removal does not come cheap and once a cost reasonable bid was obtained, we wanted to secure that price. Hence for the previous two board meetings it was mentioned that we need to take advantage of the small amount of monies available to be used in the landscape area before we loose this tree removal bid. The specific issue of tree removal was not brought up as an item on the agenda, as the tree removal had already been approved. If I am not mistaken, it was also mentioned in more than one dockside last year.

If you are aware of environmental impact studies in the bay area, then you are very aware that pine trees are not native to this area, and are considered to be very problematic to the environment as well as government and private services that have to deal with the maintenance costs that result from the damage pine trees cause.

The pine tree is the tree most often responsible for downed power lines and other damage during storms. They are often planted by developers as ours were, because they are extremely fast growing trees that make the landscape look less barren in a short period of time. Their biggest problem stems from the fact that they have a very shallow root system that becomes further problematic when they are planted near streets, sidewalks, and building foundations. This requires continued maintenance to all adjacent structures and surfaces. The maintenance further complicates the problem, because it results in some damage to the roots causing greater potential for complications that result in parts of the tree dying and limbs falling and often the whole tree falling, itself, because the roots becoming insufficient to maintain the tree in it's very tall stature. additionally, the acidity in the pine needles prevents many other plants from growing properly where ever the needles and pine sap fall to the ground. Unlike Coastal Oak, Redwood, Cypress, Sequoia, and other more desirable trees, the Pine and Eucalyptus are not a protected species in the California environment. In fact once they become problematic as these were, removal is your only option per the arborist.

Besides the pavement, we have continuously dealt with landscaping problems, sprinkler system problems, and actually had a very large liability issue from the roots protruding above ground. I personally tripped and fell because of the roots while crossing the common lawn area when I was delivering the dockside last year. I was pretty uncomfortable, but unlike some, feel that my own clumsiness played a part so I should not lay blame elsewhere. We can not afford higher insurance rates which would definitely result if someone tripped and fell and broke something as a result of a problem that we can reasonable eliminate through taking action when necessary.

On that note, let it not be said that I dislike trees. Having lost several 100 year old Oak trees in the Oakland fire of '91, I have been known to do almost anything to prevent tree removal for less than a just cause. It is the board's intent to replace the removed pine trees with trees that are more appropriate for that environment and much less problematic. If you have specific suggestions as to replacements, feel free to offer them.

### ***On The Waterside . . .***

*by Shelley Bliss*

After completing the Westside dredging, landing cross bracing and pilings, Western Dock will be offsite assembling the Westside piers. I've been informed that this is a three step process; framing, applying poly21 coating to the frame, and finally attaching the floats. I've been giving an estimated return date of July 10, 2004. At that time pile driving and dock placement will resume.

***Eastside*** - There has been a "punch list" generated of construction items for the contractor to complete. An item at the top of the list is the 2<sup>nd</sup> railing on the new ramps which I've been told will be completed when the contractor returns in July. I will inquire with Western Dock about applying non-skid to the ramps as many of you have expressed safety concerns when the tide is out and ramps are steep. Some homeowners suggested strips of teak or other material placed across the ramp pathway to ensure proper footing. I will explore this option as well.

Finally, the permits have been posted to the ballena.net website. (Thank you Jeff!)

If you have questions or concerns, please email me at: [shelley@ballena.net](mailto:shelley@ballena.net)

### ***Treasurer's Report***

*by Dick Bacigalupi*

After five months into the year and 60% of the waterside project completed, the association is essentially on budget, in spite of some unexpected expenditures. Year-to-date operating expenses are below budget due to a saving in legal expenses. Hopefully this will continue for the remainder of the year. As expected, our capital expenditures have been related to the waterside project. Unfortunately, the waterside expenditures have exceeded the budget by approximately \$100,000 primarily due to the unanticipated city permit fees and dock frame treatment (required by a new environmental law in January).

Fortunately, we will be able to pay these funds from the capital reserve.

At the beginning of the waterside project the association's financial plan had projected a capital reserve balance for future estimated needs. As you would expect, the amount of the reserve is difficult to estimate as it includes normal recurring maintenance as well as a contingency for unknown events. Currently, it is projected that the balance in the capital reserve at the end of the year will be approximately \$200,000. The good news is that this is after payment of the estimated remaining waterside project costs and the landside and home capital projects included in this year's budget. The \$200,000 will be available for future home and landside maintenance and repair as well as changes in the loan interest rate. Admittedly, this is like looking into a crystal ball but so far it appears bright considering the magnitude of the improvements the association has undertaken.

### ***Landscaping***

*By Julie Wiard*

I wanted to add a little to Elise's report. Below are the timelines, process & approved budget for tree removal carried over from the 2003 budget and approved for 2004 by the current board:

1. Sundance and Rich toured the area in 2003 and identified work that should be done for safety and maintenance Bids were submitted on 8/13/2003. They were reviewed by the board and it was decided to postpone the financial reasons. Bids covered ;

- A. Removal of three Pine trees at 1215-23 Ballena Blvd. \$3,780
- B. Remove dying Pine tree at 405 Cola Ballena \$3,000
- C. Remove dead wood in common area trees. \$2,000

2. The 2004 budget, approved by the current board in October, included the work above of \$8,780 plus \$5,000 for renovation after tree removals and \$15,000 for street paving. The bids were considered very reasonable in 2003 and even better in 2004. Accordingly, as a condition to renewing the Sundance contract for 2004 (which did not increase) they would honor the 2003 bids resulting in a significant savings to the association.

3. Timing of work - Work was done at this time because;

A. There was concern that as landscape work increases in the spring and it would be more difficult to schedule in 2004.

B. Parking lot on Ballena Blvd was budgeted to have cracks repaired (damage has incurred from the tree roots and cable TV line installation) and wanted to prevent tree removal from damaging the pavement work.

4. History - The association has had an ongoing plan to remove Pine trees because of their problems. The trees scheduled to be removal in the 2004 budget was a continuation of this program. (Rich Noble can give more details.)

5. Safety - There has been instances where branches have hit parked cars and the massive root growth in the adjoining lawn is a major trip hazard. The lawn sees a large pedestrian



use (in addition to adjoining homeowners) as there is no sidewalk on the north side of Ballena Blvd. In addition, as more roots are damaged from the lawn maintenance it weakens the tree, killing branches and increasing damage of the tree falling into a home.

### ***Neighborhood Communications***

*By Julie Wiard*

At times, there are issues that need to be distributed to all the homeowners. If you would like to receive that information and even the dockside via email, please send your current email address to either \_\_\_\_\_ or Julie Wiard at \_\_\_\_\_ and indicate your name and address so you can be included in the email updates. This will allow you to receive updated information even before the dockside hits the street.

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**Next Board Meeting  
Thursday, July 15, 7:30 PM  
At Ballena Bay Yacht Club**

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#### **BBTA Board 2003 –2004**

**Elise Hall – (Insurance, & Disaster prep)**

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**Dick Bacigalupi—(Financial & Legal)**

Phone 521-2426 email [dickb@champus.com](mailto:dickb@champus.com)

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**Julie Wiard — (Landscape, Neighborhood Communication)**

Phone 523-8702 email [jwiard@alamedanet.net](mailto:jwiard@alamedanet.net)

**Shelley Bliss—(Waterside)**

Phone 864-7582 email [sailingbliss@alamedanet.net](mailto:sailingbliss@alamedanet.net)

# At Dockside

Protecting property values and the quality of life in Ballena Bay -  
July 2004

## ***Bringing Building Maintenance Costs Down ????????***

A concerned homeowner has been spending time doing quite a bit of research on alternative siding material for our buildings. His findings were presented at the July meeting, and the Board members feels this may have merit in reducing our on going annual maintenance costs and have decided to look into it further.

The story as may of you well know is that more than 25% of the Association's annual budget is consumed by a recurring cycle of replacing rotted siding and trim, caulking and paint. In the early 90's a professional consultant employed by the Board advised that the nature of our building construction and our waterside environment is forever going to be a source of heavy maintenance. But today there are alternatives. Like the many new synthetic deck materials people are using, many advanced products are now available as siding and trim material. Not only that, they look good too. What's under consideration is to re-side and trim our buildings in a phased replacement. This appears to cost not much more than what we do in a normal painting cycle, with the long-term benefit of not having to replace rotted siding and trim every 6-7 years. Controlling our future costs is key to preserving and enhancing our property values. **Please come to the next couple of Board meetings to hear more on this topic. Next meeting is August 19 @ 7:30 PM at the Ballena Bay Yacht Club.**

## ***Architecture & Landside***

*By Jim Nations*

While I presently have no active architectural issues to report on, I am looking for a few volunteers to serve on the Architectural committee. The main purpose of the committee is to review architectural applications of our homeowners and assist in presenting them to the Board. We meet on an "as needed" basis when fellow homeowners have submitted plan changes to their homes that require architectural review. Time commitment is probably two hours every other month on the average.

Please give me a call if you are interested in helping out. 523-2294.

## ***On The Waterside . . .***

*by Shelley Bliss*

I was notified by Western Dock on Monday July 12, 2004 that they are approximately 2 weeks behind spraying the Poly 21 coating on the dock framing.

Therefore, their estimated time of return will now be the first part of August 2004.

At that time they will begin installing piers closest to the bridge on the Tideway side.

***Eastside*** - Once the contactor is back onsite in August a meeting will be set up to discuss completion of outstanding change orders, unfinished construction items (includes 2<sup>nd</sup> railing on ramps, cleats, etc...), and non-skid on new ramps.

A new waterside issue has been brought to the Board's attention with regards to potentially hazardous electrical wiring individual homeowners have installed on landings and docks. Noble Management has been asked to ~~hire~~<sup>hire</sup> a contractor to inspect the common areas for any code violations and liability concerns for the Homeowner's Association. The results of this report will be reviewed first by the Board, then by the community at large. We hope to have a report by the September Annual Meeting.

### **Waterside Update – 7/29/04 3:56pm**

***This just in.....***

**Western Dock has confirmed they will be returning to Ballena Bay August 16, 2004.**

**At that time dock installation on the Westside will begin.**

If you have questions or concerns, please email me at: [sailingbliss@alamedanet.net](mailto:sailingbliss@alamedanet.net)

## ***Landscaping***

*By Julie Wiard*

A few trees are going to be replaced over the next month. At 412 Tideway Drive, the stump will be removed and replaced with a Fruitless Olive. On 1215-1223 Ballena Blvd, a Flowering Pear will be planted.

If you have some thing in the neighborhood as far as landscaping, please email me @ [jwiard@alamedanet.net](mailto:jwiard@alamedanet.net). I am also looking for some folks who would like to help out on the Landscape Committee.

## ***Neighborhood Communications***

*By Julie Wiard*

At times, there are issues that need to be distributed to all the homeowners. If you would like to receive that information and even the dockside via email, please send your current email address to either [Elise.Hall@comcast.net](mailto:Elise.Hall@comcast.net) or Julie Wiard at [jwiard@alamedanet.net](mailto:jwiard@alamedanet.net) and indicate your name and address so you can be included in the email updates. This will allow you to receive updated information even before the dockside hits the street.

# At Dockside

Protecting property values and the quality of life in Ballena Bay -  
September 2004

## *From the President*

*by Elise Hall*

Once again our neighborhood was awakened after a silent spell with wonderful activity on the water as the pile driver proceeds to install the final portion of the dock system. They will be completing the final stages of the dock project when we will be electing and installing new board members for the 2004-2005 term. Replacements will be needed for Dick Bacigalupi and myself as we are completing our second year. At this time Shelley Bliss, after doing such a fantastic job of pulling us through all the hurdles to get the dock system project completed, feels she wants to take a break and not run for a second year. We have some individuals who have expressed an interest of being on the board, but I would like to request that anyone interested present Jim Nations or me with a brief biography that states your interest and the experience that you would bring to the board if you were elected. We will then be able to distribute the information to homeowners prior to the annual meeting.

As the end of my term on the board draws near I am pleased to have had the opportunity to interact with so many of my wonderful neighbors and work with such fantastic board members. I will give a summary of the past year at the annual board meeting on September 16, 2004. See you there!

## *Treasurer's Report*

*by Dick Bacigalupi*

I am happy to announce the association's operating expenses are under budget after seven months. Overall expenses are \$18,500 less than the budget of which \$11,600 reflects a savings in legal expenses. The balance of \$6,900 are expenses that will need to be paid the future so is not a true savings. Other than payments of interest on the loan, the Reserve Budget is essentially unchanged since the last report. With the arrival of the docks on the West Side we will now begin incurring costs. From the last projection of the total project costs we anticipate there will be additional expenditures for dredging and wave maze pilings. The actual mud removed was more than anticipated and we were unable to use the old wave maze pilings as planned. The additional cost should be covered by the reserve based on the estimates we have received.

In an effort to reduce our home repair and maintenance costs Tom Bliss suggested that we use the artificial siding in place of the current plywood. Compared to our current siding, the new siding is less expensive and has proven record of a longer life, resisting dry rot

and termites. He took the time to obtain an estimate of the cost for replacing the siding for a complete unit, which was used to evaluate the impact on our future cash flow. Unfortunately, while the financial analysis showed savings over 30 years, at this time we are unable to finance the additional costs until the waterside loan is paid down. As an alternative we are evaluating using the material for current repairs. Material samples need to be reviewed Architectural Committee and, if found acceptable in appearance, we can begin using it immediately. The Board wants to thank Tom for the suggestion and his time in bringing the cost savings idea to our attention.

I look forward to seeing everyone at the upcoming annual meeting where I can address any questions you may have.

### ***On The Waterside . . .***

*by Shelley Bliss*

Work has resumed in Ballena Bay and our project is moving along as scheduled. Westside residents have been hearing the sweet sounds of pile driving as our contractors' complete assembly of the piers.

#### ***Eastside...***

As crews begin pile driving on the Westside I've been informed that carpenters will begin attaching the 2<sup>nd</sup> railing to your ramps, and complete outstanding items on the Eastside in preparation for a final walk-thru.

At my meeting with Western Dock, a recommendation for a non-skid made from a marine grade epoxy paint mixed with crushed walnut shells could be applied to each new timber-tech ramp. The contractor has recently used this application at the Alameda Marina with very positive results. Details of the proposal were presented to Board members at the August BBTA Meeting.

If you have questions, concerns, or comments please email me at:  
[sailingbliss@alamedanet.net](mailto:sailingbliss@alamedanet.net)

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*by Julie Wiard*

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# **ANNUAL HOMEOWNERS MEETING & Next Board Meeting Thursday, September 16, 7:30 PM At Ballena Bay Yacht Club**

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### **BBTA Board 2003 –2004**

**Elise Hall – (Insurance, & Disaster prep)**

Phone 523-8408 cell 295-5978 email [Elise.Hall@comcast.net](mailto:Elise.Hall@comcast.net)

**Dick Bacigalupi—(Financial & Legal)**

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