

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
November 12, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Jim Ehrlich at 7:30 p.m.

Present were Jim Ehrlich, Jeff Frankel, Mel Schwartz and Carl Wohltmann. Absent was Bob Kenyon (excused). Also present were Rich Noble of Noble Community Management, Archie and Ida Stone, Audrey Ehrlich, Joan Albin and Ann Kenyon.

MINUTES

- a. Minutes of the October 10, 1991 Regular Board Meeting - There were two corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the regular Board meeting of October 10, 1991 as corrected.

- b. Minutes of the October 10, 1991 Annual Membership Meeting - No corrections noted.

TREASURER'S REPORT - Dr. Schwartz reviewed his October 31, 1991 report, including the status of delinquent homeowner accounts. Mr. Noble provided an update on delinquent account activity since preparation of Dr. Schwartz's report.

MANAGER'S REPORT

1. Renovation Project - Mr. Noble reported that painting had been completed at 1223-1237 Ballena Boulevard, with the exception of four decks and some touch-up. He stated that final inspection would take place during the week. Mr. Noble reported that renovation of the three homes at 344, 348 and 354 Tideway Drive by Lexus Construction should be completed by the end of the week. He stated that R. E. Broecker had submitted a bid for complete painting of 344, 348 Tideway, as well as the painting of repairs at 354 Tideway and partial painting of 342, which had not been completed previously due to conflict with the adjacent resident.
2. 1992 Budget - Mr. Noble that the budget has been copied and will be sent to all homeowners by the end of the week.
3. Annual Audit - Mr. Noble stated that it was time to select an accountant to perform an annual audit or review. He presented the quote submitted by Edward Riback, CPA, noting that it was at the same price charged the previous year.

MOTION: It was moved, seconded and passed to hire Edward Riback, CPA to perform the annual audit at a cost of \$1,750.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Ehrlich reported that he had asked Mr. Noble to explore the possibility to obtaining bids as early as possible for the renovation of the remaining homes this year.
2. Waterside Maintenance - Carl Wohltmann reported that the Flaherty's dock was repaired and that the repair design can be used as a prototype for repairs of other docks. He reported that the float cable off the end of the 300 block of Tideway was replaced. He thanked Messrs. Ehrlich, Stone and Kenyon for their assistance.

3. Finance and Insurance - Mel Schwartz stated that he had called Andrew Duncan insurance three times to request a certificate of insurance and a simple explanation of the Association's coverage, but that he has been unable to make contact. Mr. Noble stated that Mr. Duncan advised him a letter is en route to the Association confirming attorney Scholtez' opinion that individual homeowners can purchase coverage to insure them against the earthquake insurance deductible. He stated that he would provide each Director a copy of the letter when it is received. If the letter is not received timely or if the information in the letter needs clarification, Mr. Noble will arrange a meeting between the Board and Mr. Duncan.
4. Neighborhood Communications - There was no report.
5. Landside Maintenance - Jim Ehrlich reported that he had ordered street lamps for Tideway Drive on behalf of Landside Maintenance Committee Chair Bob Kenyon, and that it is hoped that the lighting improvements will be completed by the end of the year. He suggested that a new tree survey be conducted. Mr. Noble stated that Bakin Tree Service informed him that the tree at the Masons' unit will be removed during the week.

RESIDENTS' TIME - No residents wished to address the Board.

WRITTEN CORRESPONDENCE - There was none.

NEW BUSINESS

1. Painting Proposal for 342, 344 and 348 Tideway Drive - Mr. Noble recommended approval of the proposal from R. E. Broocker.

MOTION: It was moved, seconded and passed to accept the proposal and contract from R. E. Broocker for painting of the homes at 342, 344 and 348 Tideway, subject to Manager Rich Noble negotiating the portion at Hal Nelson's property.

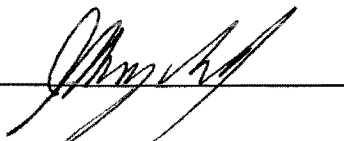
OLD BUSINESS

1. Blanket Building Permit - Mr. Noble recapped the previous discussion, and stated that he would remind Tom Williams to write something up on the matter.
2. Meeting Schedule - It was agreed that the Board will not meet in December, unless a special need arises. The next Board meeting will be held on Tuesday, January 14, 1992, and the Board will regularly meet on the second Tuesday of each month.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:05 p.m. The next meeting will be held on January 14, 1992 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary



BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
OCTOBER 10, 1991

MINUTES

CALL TO ORDER - The meeting was called to order at 8:30 p.m.

Present were Jim Ehrlich, Mel Schwartz, Jeff Frankel, Bob Kenyon and Carl Wohltmann. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Joan Albin, Bob and Willie Flaherty, Andy Hall, Archie and Ida Stone, Sally Tonningesen, Ann Kenyon, Pat Corrigan, Patricia Hayes, Cinda Wohltmann, Ken and Lorraine Roman, Ben Williams, Ernie Langbein and Gordon Greenlee.

SPECIAL PRESENTATION - Attorney Mike Scholtes of Fong and Fong reviewed the analysis of the situation relative to the earthquake insurance deductible contained in his letter of October 7, 1991 to the Board and responded to questions from homeowners. It was agreed that the Board would investigate the alternatives presented by Mr. Scholtes in his letter.

ELECTION OF OFFICERS

The following officers were elected:

| | |
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| Jim Ehrlich | President |
| Bob Kenyon | Vice President |
| Carl Wohltmann | Vice President |
| Jeff Frankel | Secretary |
| Mel Schwartz | Treasurer |

MINUTES

Minutes of the September 12, 1991 Regular Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to approve the minutes of the September 12, 1991 Board meeting as corrected.

TREASURER'S REPORT - Dr. Schwartz reviewed his September 30, 1991 report.

MANAGER'S REPORT

- Renovation - Mr. Noble reported that renovation work had been completed on the building at 1223 - 1237 Ballena Boulevard, and painting should begin soon. He stated that inspection had been completed and bids for renovation requested on 344, 348, 354 Tideway Drive, noting that he had had two verbal bids to date. Mr. Noble reported that R. E. Broecker will be doing touch up work on all the buildings they have painted this year when they start the next building.
- 1992 Budget - Mr. Noble stated that he had included information in the Board packets regarding state requirements.

COMMITTEE REPORTS - The following chairs were set for the corresponding committees:

Home Maintenance and Architecture - Jim Ehrlich
Waterside Maintenance - Carl Wohltmann
Finance and Insurance - Mel Schwartz
Neighborhood Communications - Jeff Frankel
Landside Maintenance - Bob Kenyon

1. Home Maintenance and Architecture - Mr. Stone, previous chair, stated that there appear to be sufficient funds to finish the last three homes.

MOTION: It was moved, seconded and passed to authorize Manager Rich Noble to accept the low bidder for renovation of 444, 448 and 454 Tideway Drive, if they are reasonably in conformance with the Association's past experience of the vendors, with a ceiling of \$8,500.

2. Waterside Maintenance - There was no report.
3. Neighborhood Communications - Jeff Frankel strongly encouraged members to submit items for the newsletter.
5. Finance and Legal - Mel Schwartz pointed out that the amount allocated in the 1992 budget for insurance is insufficient. It was agreed that the matter would be addressed under Old Business.
4. Landside Maintenance - Jim Ehrlich reported that landside maintenance is continuing on a routine basis. Dr. Schwartz presented a letter from Fred Mason, 455 Cola Ballena, regarding a troublesome tree. It was agreed that the matter would be addressed under Old Business.

RESIDENTS' TIME

1. Bob Flaherty stated that the condition of the ramp on his deck poses a safety hazard, and that he had complained to the Board previously with no result. It was agreed that Carl Wohltmann will investigate the situation and report back to the Board.
2. Sally Tonningsen stated that her planter box needs to be put back in place after the painting, and Mr. Noble informed her that the painters will return next week and resolve all such discrepancies.

WRITTEN CORRESPONDENCE

1. Letter from Attorney Michael Scholtes of Fong and Fong Regarding Proposed Amendment Related to Insurance Deductible for Earthquake Coverage - This matter was addressed as part of the Special Presentation at the beginning of the meeting.
2. Letter from Attorney Michael Scholtes of Fong and Fong Regarding Legal Matter - As the letter was received too late for inclusion in the Board packets and required no immediate action, it was agreed that Mr. Noble would distribute copies to all directors.

NEW BUSINESS

1. Set Board Meeting Dates - The next regular Board meeting was scheduled for November 12, 1991. President Ehrlich informed new directors that the Board routinely meets approximately two weeks before each Board meeting to prepare, and the next such meeting was scheduled for October 29th at 7:30 p.m. in his home.

OLD BUSINESS

1. Consideration of 1992 Budget - The Board reviewed the proposed 1992 Budget and made adjustments to accommodate the increase in insurance premium.

MOTION: It was moved, seconded and passed to increase dues to \$240 per month starting January 1, 1992.

MOTION: It was moved, seconded and passed to adopt the proposed 1992 Budget, as amended.

Mr. Noble stated that he would enter the changes discussed and distribute final copies to the Board prior to distributing the 1992 Budget to all homeowners.

MOTION: It was moved, seconded and passed to adopt the Analysis of Replacement Reserve Requirements and include it with the mailing of the budget to all homeowners.

It was agreed that a the materials sent to the homeowners should include the notation that the budget and reserve study do not take into consideration replacement of roofs.

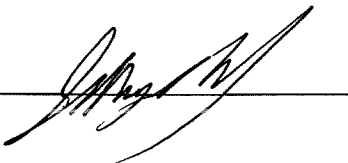
2. Complaint from Bill Maynard Regarding Vehicle - Mr. Noble reported that Mrs. Rehfield had been very cooperative, and that her bookkeeper had informed him that a certified letter had been sent to the owner of the vehicle. He stated that he had promised to keep Mr. Maynard posted on his progress in resolving the matter.
3. Blanket Permit for Modifications Within Building Footprint - Mr. Noble stated that the cost of the blanket permit would have to be recovered, possibly through a small fee for each architectural approval request. It was agreed that Mr. Noble would investigate further and report back at the next Board meeting.
4. Letter from Fred Mason, 455 Cola Ballena Regarding Troublesome Tree - President Ehrlich stated that the tree had been a real problem, and that Mr. Mason's nearest neighbors had also signed the letter.

MOTION: It was moved, seconded and passed to remove the tree from in front of Fred Mason's home.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 10:00 p.m. The next meeting will be held on November 12, 1991 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary



BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
September 12, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Jeff Frankel, Mel Schwartz and Jim Neil. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Joan Albin, Bob and Willie Flaherty, Sally Tonningsen, Ruth Masonek, Ida Stone and Alan Cull.

MINUTES

Minutes of the August 8, 1991 Meeting - There was one correction to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the August 8, 1991 Board meeting as corrected.

TREASURER'S REPORT - Dr. Schwartz reviewed his August 31, 1991 report, including the status of delinquent homeowner accounts. He stated that he had contacted the City of Alameda again regarding correcting the dredging completion date to May 31, 1991.

MANAGER'S REPORT

1. Renovation Project - Mr. Noble stated that renovation work at 1223 - 1235 Ballena Boulevard should be complete next week and ready for painting. He stated that painting contractor R. E. Broocker had increased their proposal by \$2,000, but that the subject buildings are a little more involved than the prior buildings on which the prices were established. Mr. Noble recommend the Board accept Broocker's bid, in spite of the increase, because of their excellent performance to date.
2. Annual Meeting Preparation - Mr. Noble called the Director's attention to the materials provided in their packets for consideration under New Business.
3. Budget Preparation - Mr. Noble stated that the 1992 Budget must be published and distributed to the membership no later than 45 days prior to its implementation.
4. Architectural Requests - Mr. Noble reported that work has begun on the room extension project for which Marshall and Louise Perry, 451 Cola Ballena, had previously received approval. He stated that Ray and Eloise Lillywhite, 1227 Ballena Boulevard, have been sent a letter advising them of approval of their request.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Stone reported that the committee received a request for architectural review from Merl Peters, to be considered under Written Communications.
2. Insurance and Legal - Dr. Schwartz urged the Board to pursue a CC&R amendment to permit the Association to assess homeowners equally for the earthquake insurance deductible in the event of a loss, so that individual homeowners could take out loss assessment coverage insuring them for their share of the deductible. Mr. Noble was directed to investigate extending the proxy vote and to have a succinct explanation of the proposed amendment and loss assessment coverage prepared.

MOTION: It was moved, seconded and passed to pursue a CC&R amendment to enable the Association to assess the earthquake insurance deductible equally among the homeowners and to present the proposed amendment to the homeowners for approval at the 1991 annual meeting.

3. Neighborhood Communications - There was no report.
4. Waterside Maintenance - Jim Neil reported that all the work mentioned at the previous meeting has been completed.
5. Landside Maintenance - Jim Ehrlich reported that he had learned that Fred Mason, 455 Cola Ballena, has a large ponderosa pine overhanging his roof and garden, dropping needles, causing a nuisance and damage to the shingled portion of the roof. It was agreed that: (1) Mr. Mason should submit a written request to the Board for removal of the tree, if that is his wish; (2) Dr. Schwartz will poll the neighbors regarding their feelings on removal of the tree; and (3) the committee would make a recommendation to the Board at the next meeting. Mr. Noble stated that renowned arborist Barrie Coates will be meeting with him at another site in Alameda soon, and offered to attempt to arrange a meeting with Mr. Coates at Ballena Bay while he is in the area. It was agreed that, if there is a consensus of the neighbors that the tree should be removed, he should arrange the meeting with Barrie Coates and report the result to the Board at its next meeting.

RESIDENTS' TIME

1. Bob Flaherty asked what repairs are planned for the docks and ramps. Mr. Neil explained that the Waterside Maintenance Committee is aware of the problem, but its budget does not permit full repairs this year. He stated that temporary repairs are being instituted, and the situation will continue to be monitored until full repairs are possible. Dr. Schwartz stated that he had prepared a 12 year projection which would provide considerably more funds for dock repairs, but the plan has not been approved.
2. Ruth Masonek reported that the globe from her back deck light is missing since the recent carpentry work. She also reported that the chunks which had been knocked out of her wall during the renovation work had still not been repaired. Mr. Noble stated that he will investigate, and that touch up paint is available.
3. Willie Flaherty stated that the City of Alameda Planning Department may increase its plan development amendment fee from \$300 to \$800. She stated that the Association could petition the City to allow the Association's Architectural Committee to review and approve homeowner requests for alterations, thereby waiving the City's overview. Mr. Frankel clarified that such a waiver would not obviate the need for a building permit. Mr. Noble was directed to investigate.
4. Alan Cull, new owner at 1207 Ballena Boulevard, introduced himself.
5. Jeff Frankel informed Directors and members of a federal boat tax which has recently been enacted. Mr. Ehrlich stated that he will provide members the 800 number to call for additional information if they call him at home.

WRITTEN CORRESPONDENCE

1. Letter from Merl Peters, 1225 Ballena Boulevard, Requesting Approval of Modifications - President Stone reported that the Architectural Committee had reviewed Mr. Peters' plans for extending the second story bedroom forward by about 4.5 feet to line up with the adjacent section of his building and found it acceptable. He stated that the committee is recommending approval.

MOTION: It was moved, seconded and passed to approve the request of Merl Peters to modify 1225 Ballena Boulevard.

Mr. Noble was directed to expedite sending Mr. Peters written notice of approval.

NEW BUSINESS

1. Annual Meeting Preparation - President Stone stated that the Board had informally discussed the annual meeting, and had agreed that it should be held on October 10th. He stated that this timing would allow preparation of a draft budget for presentation to the new Board, and time for the new Board to review the draft and develop a final budget within the timeframe mandated by the CC&Rs. President Stone stated that the proposed meeting date is well within the CC&R provisions for the annual meeting date, and coincides with the normal monthly Board meeting date.

MOTION: It was moved, seconded and passed to hold the Annual Membership Meeting on October 10, 1991.

President Stone stated that the Board has concluded that the ByLaws should limit the terms of Directors to two consecutive years, but that a Director should be allowed to return to the Board after an absence of one year. Mr. Ehrlich explained that the amendment will take effect next year, so that the tenure will be counting starting from that term.

MOTION: It was moved, seconded and passed to present to homeowners at the Annual Membership Meeting the following proposed amendment to the ByLaws:

Section 1 of Article VII, Election, Tenure and Proceedings of the Board of Directors, shall be amended by adding the following sentence at the end of the section:

Any person who has served as a member of the Board of Directors in two consecutive years shall be ineligible to serve as a director for the following year.

2. 1992 Budget Preparation - President Stone stated that the current Board will prepare a draft 1992 Budget by October 10, 1991 to present to the new Board.
3. Painting Proposal for 1223 - 1237 Ballena Boulevard - Mr. Noble reiterated his earlier recommendation that the proposal of R. E. Broocker be accepted because of the high quality of their work, and noted that this is the first price increase for the contractor in two years.

Ballena Bay Townhouse Association
Board of Directors Meeting
September 12, 1991

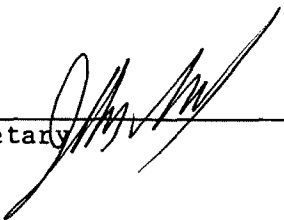
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MOTION: It was moved, seconded and passed to accept the bid of R. E. Broocker for painting of 1223 - 1237 Ballena Boulevard.

OLD BUSINESS - There was none.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:45 p.m. The next meeting will be the annual meeting, held on October 10, 1991 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
August 8, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Archie Stone at 7:32 p.m.

Present were Archie Stone, Jeff Frankel, Mel Schwartz and Jim Neil. Absent was Jim Ehrlich. Also present were Rich Noble of Noble Community Management, Jack Coker, Joan Albin, Sally Tonningsen, Ben Williams and Mary Neil.

MINUTES

Minutes of the July 11, 1991 Meeting - There were two corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the July 11, 1991 Board meeting as corrected.

TREASURER'S REPORT - Dr. Schwartz reviewed his July 30, 1991 report, including the status of delinquent homeowner accounts.

MANAGER'S REPORT

1. Renovation Project - Mr. Noble reported that repairs and painting of 320 - 334 Tideway had been completed, subject to final inspection, and that repair work at 441 - 455 Cola Ballena should be completed as well. He stated that R. E. Broocker had submitted a proposal for painting of 441 - 455 Cola Ballena, and recommended that the Board accept the proposal. He stated that Broocker will most likely be unable to start the work until September, but that the work could be scheduled to coincide with painting of the next building.

Mr. Noble reported that inspection and marking of 1223 - 1237 Ballena Boulevard has been completed and requests for bids have been mailed to five contractors. He stated that the bid deadline is 5:00 p.m., Monday, August 16, 1991.

MOTION: It was moved, seconded and passed to authorize the President and one other Director (of the President's choice) to select the successful bidder upon the close of the bid period, subject to the price not exceeding \$27,000.

2. Dock Modification at 451 - 455 Cola Ballena - Mr. Noble reported that the only bidder, Curt Bolton of Estuary Piling Driving, has indicated he must amend his proposal. President Stone stated that Salt River Construction has promised to supply a bid on August 9th.
3. Insurance Renewal - Mr. Noble reported that the total premium is \$296.90 more than last year's, representing a less than 2% increase.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Stone reported that the architecture component of the committee met to consider a request by Ray and Eloise Lillywhite, 1227 Ballena Boulevard, to move their bedroom walls on the Ballena Boulevard side outward by approximately three feet. He stated that the committee found the proposal acceptable.

2. Waterside Maintenance - Jim Neil reported that he had received a report that repairs are needed to Terry Klaus' dock. He reported that he had received a letter from Elizabeth Robertson regarding excess pilings which they have cut up and stored, and stated that he would ask Nicely Done to dispose of them. Mr. Neil stated that the harness to be removed from Ian Roger's dock will be used to replace the one which has fallen off from Jim Oliver's dock.
3. Insurance and Legal - There was no report.
4. Neighborhood Communications - Jeff Frankel reported that he had not put out a newsletter as he had received only one item and had been very busy.
5. Landside Maintenance - President Stone reported that the trees at the corner of Cola Ballena and Ballena Boulevard had been topped. He asked Mr. Noble about the tree work which had not been done near the 300 block of Tideway Drive, and Mr. Noble stated that he would follow up with Bakin Tree Service.

RESIDENTS' TIME

Sally Tonningsen expressed her concerns, as well as those of her neighbor Andy Schmidt, regarding the quality of the repairs to 441 - 455 Cola Ballena. Mr. Noble and President Stone responded to their concerns, and explained that the work has just been completed and would be inspected.

Jack Coker raised the issue of paint color, stating that some of his neighbors in the building now express a preference for creamy tan as the base color instead of the dark grey previously selected. President Stone stated that the change could be made if a majority of the neighbors in that building agree and submit a written request to the Board by the end of August. Mr. Coker also expressed his preference that the railings not be painted black. He was informed that the decision had been made before the renovation work had commenced, there had been no previous dissent, and that several buildings had already been painted.

Jim Neil expressed concerns regarding the work at his building, and Mr. Noble stated that he would investigate.

Sally Tonningsen volunteered to provide refreshments for the next Board meeting.

Ben Williams expressed concern regarding the condition of the docks, and asked what dock repairs are planned. President Stone provided an overview of the status of repairs to the homes and docks. Mr. Williams asked about the debris on the dock near his home, and President Stone promised that it would be moved as soon as possible.

Jack Coker asked whether he could install aluminum on his flat roof for better insulation, and it was agreed that such installation was permissible on flat roofs, but that on the sloping roofs the material must match that of other homes.

WRITTEN CORRESPONDENCE

1. Robert A. D. Schwartz, 344 Tideway Drive, Authorizing Home Repair/Painting - Mr. Noble stated that he planned to go back and inspect the three units in the

340 - 354 Tideway building whose owners have requested repairs, and that these will be done this year, money and time permitting.

2. Letter from Richard J. Rudloff, Public Works Coordinator, City of Alameda Accepting the results of our dredging project - It was agreed that Dr. Schwartz would call Mr. Rudloff and inform him of the May 31, 1991 completion date of dredging, rather than July 1, 1991 as stated in Mr. Rudloff's letter.
3. Letter from Ray and Eloise Lillywhite, 1227 Ballena Boulevard - President Stone explained the proposal of Mr. and Mrs. Lillywhite. He stated that the architectural division of the Home Maintenance and Architecture Committee recommend approval, and that the Lillywhite's two immediate neighbors have no objection.

MOTION: It was moved, seconded and passed to approve Ray and Eloise Lillywhite's proposed modifications to 1227 Ballena Boulevard.

NEW BUSINESS - There was none.

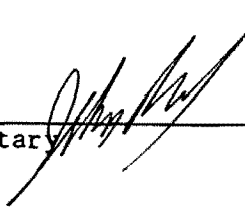
OLD BUSINESS

1. Proposal for Painting of 441 - 455 Cola Ballena from R. E. Broocker

MOTION: It was moved, seconded and passed to accept the bid from R. E. Broocker of \$13,800 for painting of 441 - 455 Cola Ballena.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:30 p.m. The next meeting will be held on September 12, 1991 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
July 11, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Jeff Frankel and Jim Neil. Absent was Mel Schwartz. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Ida Stone, Joan Albin, Bob and Willie Flaherty, Andy Hall, Mary Neil, Bob Descombes, Bob Kenyon and Andy Schmidt.

MINUTES

Minutes of the June 13, 1991 Meeting - There were no corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the June 13, 1991 Board meeting as submitted.

PRESIDENT'S REPORT

a. Litigation - President Stone reported substantial progress in two of the three lawsuits in which the Association has been involved. The three cases:

1. A suit brought by the Association against a homeowner who altered a dock despite disapproval by the Board, requesting an injunction against his proceeding further with such modifications and calling for repayment of the \$5,000 that the Association expended in restoring the dock to its previous condition.

The case is still in progress.

2. A suit brought by the Association against a homeowner who interfered with the Association's workmen and refused to allow them to enter his property to effect repairs and painting of his home, seeking an injunction against such conduct.

The case is closed. The homeowner has consented to the Association's complaint; the court has ordered the homeowner not to interfere with the Association's workmen and required him to permit access for rehabilitation and painting of the residence.

3. A suit brought by a group of homeowners (initially 11, then reduced to 8, finally to 5) seeking an injunction against the Association's replacement of siding and painting the homes in the new colors, and seeking a judgement that the assessment approved by the homeowners for financing such repairs was improperly levied.

The case is closed. In a recent hearing, the group attempted to secure judgement from the court on the five points of their complaint. The judge denied their motion on all five points. Although this left them with the opportunity to have a full jury trial on the merits of their case, they chose at this point to drop the suit.

- b. Bill Regarding Institution of User Fees for Docks on State-Owned Lands - President Stone stated that a question had been raised as to whether the Association's docks were on state land, and therefore potentially subject to the fees proposed by the pending legislation. He stated that two separate investigations had been conducted, and that he was informed that the homeowners own the channel, and thus the docks are not subject to any user fees imposed on state-owned lands.

TREASURER'S REPORT - President Stone reviewed the report prepared by Treasurer Mel Schwartz, noting that over \$7,000 in delinquent homeowner dues had been collected since the previous meeting.

MANAGER'S REPORT

1. Renovation - Mr. Noble reported that the construction work for renovation of the homes at 320 - 334 Tideway has been completed and painting is now in progress. He reviewed the three bids received for the renovation work at 441 - 455 Cola Ballena.
1. Dock Modifications - Mr. Noble stated that only one bid had been received for the dock modification work, but that he hopes to receive a second bid within the next two weeks. It was agreed to postpone selecting of a contractor for a week or so pending receipt of a second bid. If no second bid is received, Mr. Noble is authorized to accept the bid already received from Curt Bolton.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Stone and Mr. Noble reported that they were very satisfied with the work of Lexus Construction.
2. Waterside Maintenance - Jim Neil reported that temporary repairs had been made to some docks, and that Mr. Roger has agreed to repair his dock. Mr. Neil reported that the channel marker floats had been repaired, and that it is time again to clean out the wave maze.
3. Neighborhood Communications
 - a. Community Garage Sale - Jeff Frankel reported that the event had been very successful, and Mary Neil stated that there is interest in making the garage sale an annual event.
 - b. Community Barbecue - Mary Neil reported that community participation had again been overwhelming, and that the total cost for the barbecue was \$294.
4. Landside Maintenance - Jim Ehrlich reported the estimate has not yet been received for topping of the eucalyptus trees near Terry Klaus' home. He stated that he has reactivated the pigeon trap, as pigeons have been seen on the property, and requested that any future pigeon sightings be reported to him. Mr. Ehrlich reported that Phyllis Iacampo has requested that her lemon verbena, which she had planted and Sundance Landscaping had inadvertently removed, be replaced. Mr. Noble stated that Sundance has already been instructed to replace the plants.
5. CC&R's Committee - Jim Ehrlich reported that Jeff Frankel and Ed Clancy are serving on the committee with him, which is in the process of rewriting the CC&R's.

RESIDENTS' TIME

Bob Descombes stated that all homeowners should be notified of the results of the lawsuit regarding the special assessment, along with the cost of the suit. He stated that he felt that those homeowners who had resisted having their homes repaired and/or painted should absorb any additional cost resulting from the delay.

Andy Schmidt stated that he felt those who brought the suit should pay the Association's legal expenses. There was discussion, but no action was taken.

Bob Kenyon expressed appreciation for the repairs which were made to his dock.

Willie Flaherty asked what color he garage door should be painted, and Mr. Frankel stated that he had a complete set of the paint colors and offered to let her use the spare paint.

Jim Neil stated that he had spoken with the owner of the Whale's Tale regarding the Association participating in its reopening in July or August. It was agreed that the invitation from the Whale's Tale would be distributed to all homeowners.

Ida Stone asked for volunteers to provide refreshments for future Board meetings, and Jeff Frankel volunteered to provide the refreshments for the August meeting.

WRITTEN CORRESPONDENCE - There was none

NEW BUSINESS - There was none


OLD BUSINESS

1. Bids for Building Renovation of 441 - 455 Cola Ballena - Mr. Noble recommended that the Board accept the bid of Lexus Construction, based on their price and past performance.

MOTION: It was moved, seconded and passed to accept the bid of Lexus Construction for repairs to 441 - 445 Cola Ballena Boulevard.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:39 p.m. The next meeting will be held on August 8, 1991 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 

Due to the press of business,
Dockside will not be published
this month. My apologies.

Jeff Frankel

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
JUNE 13, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Archie Stone at 7:32 P.M..

Present were Archie Stone, Jim Ehrlich, Jeff Frankel, Mel Schwartz and Jim Neil. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Ruth Masonek, Mary Neil, Ida Stone, Joan Albin, Phyllis McGrew, Alison Braverman and Andy Hall.

MINUTES

Minutes of the May 9, 1991 Regular Meeting - There were two corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the May 9, 1991 regular Board meeting as corrected.

Minutes of the May 9, 1991 Executive Session - There were no corrections to the minutes of the Executive Session.

MOTION: It was moved, seconded and passed to approve the minutes of the May 9, 1991 Executive Session as submitted.

TREASURER'S REPORT - Mel Schwartz reviewed his May 31, 1991 report, including the status of delinquent homeowner accounts.

MANAGER'S REPORT

1. Repairs - Mr. Noble summarized the unscheduled repairs which had been undertaken since the previous Board meeting.
2. Renovation - Mr. Noble reported the results of the bidding for the work at 320 - 334 Tideway, and stated that Lexus Construction was selected as the successful bidder. He reported that work had commenced on May 28th, is progressing well, and should be ready for painting within three weeks. Mr. Noble reported that bids had been received from two contractors for the painting, and he recommended the Board accept the bid of R. E. Broocker. He stated that, although Broocker's bid was higher, he felt the quality of their work was much better.
3. Dredging - Mr. Noble reported that the dredging had been completed.
4. Dock Modification at 449-455 Cola Ballena - Mr. Noble reported that specifications had been prepared and bids requested, with a bid deadline of June 25th.
5. Cola Ballena Street Sealing - Mr. Noble reported that the joint project between Ballena Bay Townhouse Association, Ballena Isle Marina, Ballena Bay Condominium Association and Porta Ballena Homeowners Association for slurry sealing of Cola Ballena has essentially been completed. He stated that he would perform a final walk through with the paving contractor on June 14th.
6. Landscape - Mr. Noble reported that planned tree removals and trimming are in progress and nearly complete.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Stone reported that the next group of homes to be renovated, 441 - 455 Cola Ballena, have been inspected and marked. Mr. Noble stated that he expects to have the specifications completed by the week of June 17th, put out to bid within two weeks, and that a contractor should be selected by the July Board meeting.

2. Waterside Maintenance - Jim Neil reported on the results of the survey of the floats, docks and pier sections which had been performed after the dredging had been completed. He detailed other repairs which the committee had determined were needed. Mr. Neil stated that the committee recommended retaining the remaining funds in the waterside maintenance budget for emergency repairs and minimal temporary repairs.

Mr. Neil reported that Salt River Construction Company had donated a pump for the Association's use in case of fire or other emergency, so that the Association will not need to spend the \$300 it had authorized at the May 9, 1991 Board meeting to purchase a pump.

3. Finance, Insurance and Legal - Dr. Schwartz stated that he would inquire of the Association's insurance agent regarding the question of flood zones.

4. Neighborhood Communications - Jeff Frankel reported on a community garage sale is scheduled for June 29th which will be publicized through the newsletter, local newspapers, and distribution of fliers throughout the neighborhood.

5. Landside Maintenance - Jim Ehrlich stated that he had nothing to add to the information provided by Manager Rich Noble.

RESIDENTS' TIME

1. Ruth Masonek reported that nails are popping out of her walls as a result of the current renovation work. Mr. Noble stated that he will investigate.

2. Andy Hall inquired whether savings had resulted from the reduction in wattage of the street lights and the installation of the new sprinkler timers. Mr. Noble stated that the savings associated with the lower wattage lights has been realized based on recent billing. Mr. Noble provided Mr. Hall with information regarding water usage resulting from installation of the new sprinkler timers.

3. Mary Neil reported on plans for the community BBQ, scheduled for July 7th, and requested funds for the project.

MOTION: It was moved, seconded and passed to allocate \$400 to finance the community BBQ.

4. Alison Braverman asked whether formal approval were necessary for installation of a cupboard or storage structure on a deck. She was informed that it was, and it was suggested that she obtain approval from her neighbors in advance of presenting a request to the Board.

Mrs. Braverman asked whether the stairs to their ramp which had been repaired would be stained, and she was informed that they would not.

WRITTEN CORRESPONDENCE

1. Letter from Jack Likins, 1211 Ballena Boulevard, Regarding Concern with Potentially Hazardous Docks - Mr. Neil reported that repairs to the subject docks are included in the Committee s list of scheduled repairs.

NEW BUSINESS - There was none.

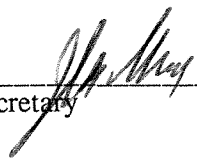
OLD BUSINESS

1. Painting Bids - It was suggested that Mr. Noble negotiate with R. E. Broocker to see if their bid could be brought more in line with the other bid received.

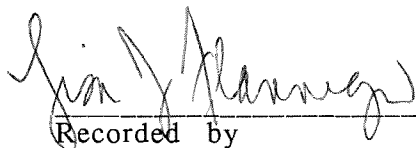
MOTION: It was moved, seconded and passed to authorize Manager Rich Noble to negotiate with the painting bidders for painting of 320 - 334 Tideway, and to report the results to the Home Maintenance & Architectural Committee for their action.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:30 P.M.. The next meeting will be held on July 11, 1991 at 7:30 P.M. at the Ballena Bay Yacht Club.



Secretary



Recorded by

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING

MAY 9 ~~APRIL 11~~, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Mel Schwartz and Jim Neil. Absent was Jeff Frankel. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Chuck and Shep Gallup, Joan Albin, Bob and Willie Flaherty, Ruth Masonek, Andy Hall, Beverly Partridge and Mary Neil.

MINUTES

Minutes of the April 11, 1991 Meeting - There were no corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the April 11, 1991 Board meeting as submitted.

TREASURER'S REPORT - Dr. Schwartz reviewed his April 30, 1991 report, including the status of delinquent homeowner accounts. There was discussion regarding enforcement of the delinquency policy.

MANAGER'S REPORT

1. Repairs - Mr. Noble summarized the unscheduled repairs which had been undertaken since the previous Board meeting.
2. Renovation - Mr. Noble reported on the process of soliciting bids for the renovation work at 320 - 334 Tideway, noting that only one bid had been received.
3. Dredging - Mr. Noble reported that the dredging had begun on May 3, 1991.
4. Landscaping - Mr. Noble reported on the April 30, 1991 landscape inspection conducted by Rocky Troth of Sundance, Jim Ehrlich and himself. He recommended that the Board approve Sundance's bid of \$375.00 for purchase and installation of an Irritrol irrigation clock. President Stone stated that the work was within the scope of the Manager's authority to proceed without Board action. Mr. Noble stated that he had not had sufficient opportunity to review Sundance's proposal to replace the Dayni Controllers at the lawn and ivy areas on Ballena Boulevard, so he made no recommendation. He stated that he would meet with East Bay Municipal Utility District in early June, and would further investigate the possibility of the Association taking advantage of the District's incentive program at that time.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Stone reported that, as a result of attempting unsuccessfully to obtain fixed price bids for the renovation work, the project has fallen behind schedule. He stated that the one fixed price bid received had been higher than budgeted, and the contractor did not have the capacity to complete the volume of work in the remaining time. It was agreed that Mr. Noble would continue his efforts to obtain fixed price bids, extending the deadline an additional week (to Friday, May 17th). It was further agreed that, if no fixed price bids are received at the budgeted amount, the Association will negotiate with the two best contractors on a time and materials basis.

000002

Mr. Hall reported that his driveway is being cracked by the roots of a nearby myoporum tree, and Mr. Ehrlich stated that that tree is on the top priority list for removal.

Mr. Hall requested permission to replace the gazanias which had died during the freeze, and it was agreed that he is allowed to replace the dead gazanias with live gazanias.

WRITTEN CORRESPONDENCE

1. Letter from Marshall and Louise Perry, 451 Cola Ballena, Requesting Approval to Install a Second Level over their Garage - President Stone stated that the Board had approved the request at its previous meeting, conditioned on the Perrys submitting written approval from their neighbors. He stated that those approvals have now been received and that members of the Home Maintenance and Architecture had inspected the home and renovation plans.

MOTION: It was moved, seconded and passed to approve the request of Marshall and Louise Perry, 451 Cola Ballena, for authorization to install a second level over their garage.

2. Letter from Susan Gross, 1209 Ballena Boulevard - Mr. Ehrlich stated that the letter praises the work of Sundance Landscaping on the site. No action was taken.
3. Letter from "Sam" McDowell, Pacific Bay Realty, Regarding 418 Tideway Drive - President Stone stated that Ms. McDowell, as an agent representing the owners of 418 Tideway Drive, requests the Board to consider three alternative proposals for modifications to the dock in order to accommodate a potential buyer, and to provide her an estimate of the cost of such proposals. It was agreed that the President Stone would call Ms. McDowell to inform her that the project would be expensive, if approved, and that it was doubtful that it would be approved.

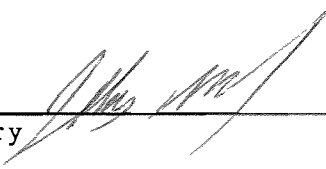
NEW BUSINESS

1. Jeff Frankel's Absence - President Stone stated that Jeff Frankel was absent from the meeting because he is on his way to Yosemite to be married.

MOTION: It was moved, seconded and passed to extend Congratulations and Best Wishes to Jeff Frankel on his marriage.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:55 p.m. The next meeting will be held on June 13, 1991 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 

Recorded by _____

000004

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
APRIL 11, 1991

MINUTES

CALL TO ORDER - The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Jeff Frankel and Mel Schwartz. Absent was Jim Neil. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Joan Albin, Bob and Ann Kenyon, Alison Braverman and Phyllis McGrew.

MINUTES

Minutes of the March 14, 1991 Meeting - There were no corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the March 14, 1991 Board meeting as submitted.

TREASURER'S REPORT - Dr. Schwartz reviewed his March 31, 1991 report. There was discussion regarding enforcement of the delinquency policy. Manager Rich Noble was directed to send a copy of the delinquency policy with each notice of lien. Dr. Schwartz recommended that the Board proceed with steps to amend the CC&Rs so that earthquake loss assessment coverage can be obtained. It was agreed that this item would be addressed under New Business. President Stone asked Mr. Noble to ask Kathy to delay sending dues statements a few days until the end of each month, so that she can include late fees based on accurate end of the month information.

MANAGER'S REPORT

1. Repairs - Mr. Noble summarized the unscheduled repairs which had been undertaken since the previous Board meeting.
2. Renovation - Mr. Noble reported that he and Tim McNeil had been assisted by Hal Nelson with the inspection of 320 - 334 Tideway on April 3, 1991. He stated that he has transcribed his notes of what was found, which will become part of the renovation specifications. President Stone requested that Mr. Noble continue to include Mr. Nelson in future inspections.
3. Dredging - Mr. Noble reported that the dredging contract has been signed, and the dredging is scheduled to commence within a week to ten days, starting at 465 Cola Ballena and working toward the bridge. President Stone stated that he understood that notices would be sent out to affected homeowners informing them of their responsibility to move their boats. Mr. Noble stated that he shared that understanding, and that he has requested a copy be mailed to him at the same time so that he will know it has gone out.
4. Landscaping - Mr. Noble reported that Sundance Landscaping's contract is up for renewal on May 1, 1991, and that they have submitted a request for renewal at the same price they are currently charging. It was agreed that the contract renewal would be addressed under New Business, item b.

COMMITTEE REPORTS

1. Home Maintenance and Repair - President Stone stated that he had nothing to add to the information provided by Mr. Noble in his report.

Mr. Ehrlich stated that there had been complaints from residents on the east side of Tideway regarding leakage, possibly due to problems with the caulking on panel joints where the siding meets the trim. Mr. Noble stated that he would inspect all potentially affected units and talk to Tim McNeil regarding repairs.

WRITTEN CORRESPONDENCE

1. Letter from Jon and Kathy Walker, 433 Cola Ballena, Regarding Trees Between Driveway - Mr. Ehrlich stated that he had inspected the trees and talked with Mr. Walker. He stated that one large myoporum tree is lifting Mr. Walker's driveway on both sides, and that he is changing the status of the trees to priority one for removal. Mr. Ehrlich stated that he had granted Mr. Walker special dispensation to park in the visitor parking until the problem is resolved. He stated that another large myoporum on the property needs pruning.
2. Letter from Jack H. Coker Regarding Head Float at 443 Cola Ballena - Mr. Noble stated that he believes Tim McNeil has effected temporary repairs.


NEW BUSINESS

1. CC&R Amendments - Mr. Ehrlich stated that a committee of himself, Jeff Frankel and Ed Clancy is meeting to review the CC&Rs and develop recommendations for overall amendments or revisions, and that they hope to complete their work by midsummer. He stated that it is most urgent now to amend the CC&Rs to provide for a new voting approval level of 50 percent plus one vote. It was agreed to pursue the amendment.
2. Landscape Contract - Mr. Noble recommended that the contract with Sundance Landscaping be renewed. He stated that the fee and service will remain the same as last year, when the contract was put out to bid and Sundance was found to be competitive. Mr. Ehrlich stated that he was in favor of renewing the contract in spite of the fact that there had recently been an increase in the number of complaints regarding the landscape maintenance. He stated that he felt the complaints resulted from residents' lack of understanding regarding the timing of maintenance due to freeze damage. Mr. Noble stated that most other sites he is familiar with are also experiencing the same complaints, and that Sundance has been very responsive to management's requests.

MOTION: It was moved, seconded and passed to accept the new contract with Sundance Landscaping.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:25 p.m. The next meeting will be May 9, 1991 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 

Recorded by _____

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
MARCH 14, 1991

MINUTES

CALL TO ORDER

The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Jeff Frankel and Jim Neil. Absent was Mel Schwartz. Also present were Rich Noble of Noble Community Management, Audrey Ehrlich, Ida Stone, Joan Albin, Ruth Masonek, Carl Wohltmann and Phyllis McGrew.

MINUTES

Minutes of the February 14, 1991 Meeting - There were two corrections to the minutes.

MOTION: It was moved, seconded and passed to approve the minutes of the February 14, 1991 Board meeting as corrected.

TREASURER'S REPORT - There was none.

FINANCIAL REPORT - Treasurer Mel Schwartz was absent, so there was no oral report.

MANAGER'S REPORT

1. Repairs - Manager Rich Noble summarized the work orders which had been issued since the last Board meeting. He corrected his written report to note that waterside dock repairs had been conducted at 401 Cola Ballena (not 301 Cola Ballena) and 1225 Ballena Boulevard. He stated that work has not yet been scheduled for the repair or replacement of the overhead garage door at 415 Cola Ballena (not 415 Tideway). Mr. Noble stated that he had received a quote of \$1,700 from a local concrete contractor for replacement of the driveway at 310 Tideway, a quote from Tim McNeil of \$2,100, and was attempting to get additional quotes.
2. Renovation Project - Mr. Noble stated that, weather permitting, inspection of 320 - 334 Tideway will begin in the next week or so.
3. Landside - Mr. Noble stated that he, Jim Ehrlich and Larry Bakin of Bakin Tree Service had inspected trees throughout the complex and set priorities regarding removal and/or root pruning of selected trees. He stated that he anticipated receiving cost data relative to the work, and will review it with Mr. Ehrlich as soon as the data is available.
4. Annual Financial Report - Mr. Noble stated that, as the Board had approved the report, it will be reproduced and distributed to all homeowners next week.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Stone reported that only routine maintenance is being undertaken during the rainy season and that preparations are being made for the next phase of repairs.
2. Waterside Maintenance - Jim Neil reported that the dredging contract had been awarded to Salt River Construction, Inc. President Stone stated that the Corps of Engineers requires a contour map of the area to be dredged before dredging begins

RESIDENTS' TIME

Ruth Masonek stated that a ladder has been left in the common area next to 314 Tideway Drive, and expressed concern that it presents a theft hazard, as well as a possible deterrent to potential buyers. President Stone stated that the area has been used for storage, and apologized for its appearance. He promised to have the area cleaned up.

Jim Neil stated that the sprinklers next to his home need to be adjusted. Mr. Noble promised to investigate.

WRITTEN CORRESPONDENCE

1. Letter from Andrew Duncan Insurance - President Stone stated that Mr. Duncan had explained that the Association's earthquake insurance covers the homes from the top of the pilings up, but that pilings were not insured, and that he had been asked to provide information on additional insurance to cover the pilings. The Board reviewed the letter and Foundations and Excavations Endorsement, along with the underwriter's recommendation that the building coverage be increased from \$7,000,000 to \$8,000,000 to add the value of the foundations, at a cost of approximately \$2,000 annually.

MOTION: It was moved, seconded and passed to accept the quote from Andrew Duncan Insurance to increase its nominal insurance by \$1,000,000 in order to cover the vertical foundation pilings, at an estimated cost of \$2,000, as described in Mr. Duncan's letter of February 15, 1991.

There was discussion regarding the adequacy of the bolting of the foundations. It was agreed that the Board would have the foundations inspected and inform homeowners whether remedial work is necessary regarding the bolting.

2. Letter from Milt Fleischer, 334 Tideway Drive, Regarding Parking - President Stone read the letter from Mr. Fleischer, in which he expressed concern regarding enforcement of the parking policies. It was agreed that Mr. Fleischer has some misconceptions regarding the way the parking policies are enforced. President Stone volunteered to communicate with Mr. Fleischer and explain the procedures.

NEW BUSINESS

1. Bond for Dredging - President Stone stated that the Association has taken out a \$5,000 bond to the City of Alameda, which it requires for the dredging contract. He stated that Alameda First National Bank requires a Board resolution in order to authorize the bond. He then read the following resolution to the Board.

RESOLVED THAT: The Treasurer of this organization is authorized to open or maintain the account with Alameda First National Bank contemplated in the Bank signature card and account agreement, a copy of which has been presented to this meeting;

FURTHER RESOLVED THAT: The person or combination of persons listed as signers on the signature card are authorized to endorse on behalf of this organization any checks or other items payable to the organization or its order, to deposit such checks and other items into the account, with or without such endorsement,

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
FEBRUARY 14, 1991

MINUTES

CALL TO ORDER

The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Jeff Frankel, Jim Neil and Mel Schwartz. Also present were Rich Noble of Noble Community Management, Merle Peters, Joan Albin, Ruth Masonek, Mary Neil, Andy Hall, Chuck and Shep Gallup, Ray Lillywhite, Carl Wohltmann and Audrey Ehrlich.

INSURANCE PRESENTATION

Andrew Duncan, the Association's insurance agent provided a summary of insurances for Ballena Bay Townhouse Association. He explained that the earthquake insurance has a 10% deductible per building, not per single unit. He detailed three methods for addressing division of the deductible among homeowners in the event of a loss and recommended that the CC&R's be amended to address how the deductible is divided. Mr. Duncan also recommended that, if the CC&R's were amended to divide the deductible among all homeowners, each homeowner obtain earthquake loss assessment coverage. He explained how loss assessment coverage works.

The Board asked Mr. Duncan to investigate and report back on insurance coverage for the vertical pilings (under the water) on which the homes rest. Mr. Duncan also explained the status of the state-sponsored earthquake insurance program. He encouraged homeowners to call him should they have additional questions.

MINUTES

Minutes of the January 10, 1991 Board Meeting - There was one correction.

MOTION: It was moved, seconded and passed to approve the January 10, 1991 Board meeting minutes as corrected.

PRESIDENT'S REPORT - There was no report.

TREASURER'S REPORT

Mel Schwartz reviewed cash flow for the period ended January 31, 1991. He stated that \$56,653.00 will be transferred from Alameda Bank to a money market account (the reserve account). He stated that the asset distribution would then be \$22,000.00 in the operating fund for February and March and \$77,775.00 in the reserve account.

Dr. Schwartz reported that the delinquent accounts as of February 10, 1991 totalled \$17,514.35. He stated that all delinquent accounts would be charged a late fee and that, where appropriate, interest will be charged on the unpaid balance. Dr. Schwartz stated that liens have been placed against two properties for delinquent dues, and that two more homes (both owned by the same owner) will have liens placed against them. He stated that one home which already has a lien placed against it is in the process of being reacquired by the original owner. President Stone stated that the home is being put up for sheriff's sale in a day's time.

Dr. Schwartz read an excerpt an anonymous letter which had been delivered to homeowners and which had appeared to offer homeowners the options of discontinuing dues payments and/or requesting refunds. He stated that legal expenses over the last year totalled over \$57,607 were largely attributable to the individuals he felt were responsible for distributing the letter, and that he felt something should be done to prevent them from incurring further expenses to the Association. President Stone stated that it has been suggested that the CC&R's be amended to include a provision whereby the loser of a lawsuit between the Association an a homeowner would be liable for the legal expenses.

MOTION: It was moved, seconded and passed to accept the Treasurer's Report.

Dr. Schwartz recommended that the other home against which a lien has been placed, 308 Tideway Drive, be turned over to the Association's attorney to commence foreclosure proceedings. He stated that every attempt has been made to collect the delinquent dues, including letters and phone calls. There was extensive discussion.

MOTION: It was moved, seconded and passed to expend approximately \$250.00 to have a preliminary report prepared on 308 Tideway Drive.

MANAGER'S REPORT

1. Painting - Mr. Noble reported that painting survey forms have been distributed to the two sets of homes recently completed, and that only one response has been received. He explained that any complaints or requests for touch-up or other related issues will be referred to the painting contractor for corrective action.
2. Repairs - Mr. Noble reported that, due to a hazardous condition at 415 Cola Ballena, work has been authorized to repair the landing supports at that home, at an estimated cost of \$1,000.

He reported that, in addition to the completion of the painting of the two buildings on Tideway West, unscheduled repairs had been made at: 406 Tideway (roof leak repair has been completed); (2) 302 Tideway (replacement of rusted roof rain gutter has been completed); and (3) 415 Cola Ballena (work in progress to repair waterside landing in hazardous condition).

Mr. Noble reported that a recent inspection revealed damage to the garage overhead door at 308 Tideway, and that he had advised the owner the he is responsible for such damage. He stated that it was apparent that the a small hole had been punched in the door by the bumper of a car after the recent painting.

Mr. Noble stated that he had sent a letter to the owner of 348 Tideway, who had previously stated that they did not want their home repaired and/or painted pending the resolution of the lawsuit. He stated that she has since returned a copy of his letter with a handwritten note at the bottom indicating that she now wishes to have her house painted. Mr. Noble stated that he will attempt to work that home into the painting schedule.

3. Landside - Mr. Noble stated that a walk through was held with Mr. Ehrlich and a representative of Sundance Landscaping to inspect the property, evaluate damage resulting from the recent freezing weather, give directions and discuss future

plans. He called Directors' attention to a letter dated January 31, 1991 from Sundance which addresses freeze damage and water usage. Mr. Noble stated that horticultural experts recommend that he wait until mid-March to determine the extent of the damage, as it is generally felt that some plants which look dead at this time may recover. Mr. Noble stated that he is investigating a program for replacement of the existing trees which are causing damage to concrete drives and walkways and will provide the Board more information when some conclusions have been reached. He stated that a meeting with the tree company has been tentatively scheduled for Friday, February 15th at 10:00 a.m., and asked whether Mr. Ehrlich would be able to attend. Mr. Ehrlich asked that Mr. Noble call him at home so that he could check his calendar.

4. Parking - Mr. Noble reported that warnings have been issued as directed, and that no violations have yet required police citations.
5. Annual Financial Report - Mr. Noble called Directors' attention to the Annual Report prepared by CPA Edward Riback which he had included in their meeting packet. He stated that once the Board has reviewed and approved the report, he would have it distributed to the membership. It was agreed that the Board would review the report at its next work session.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Mr. Stone reported that there no work has taken place except for the repairs mentioned in the Manager's Report, but that the next phase of repairs will begin in April.
2. Waterside Maintenance - Jim Neil reported that Kurt Bolton has been paid for the pile driving work he has completed, but that there are some minor alterations to be completed for which Mr. Bolton has not yet been paid.

Mr. Neil stated that he had talked with a man about some floats in Livermore, which he will go to inspect at his next opportunity. He stated that no new floats will be purchased until after the dredging has been completed.

Mr. Neil stated that bid requests had been sent out to five dredging companies, but that only two bids had been received and asked Mr. Noble to call the other companies to see if they are interested in bidding. He stated that it has been suggested that future bid requests include language requesting notification if a contractor is not interested in bidding. Mr. Neil stated he has spoken with a dredging contractor from Washington who informally quoted a range of from \$55,000 to \$95,000 over the telephone. He stated that the other bid was for \$33,000 and that he had been impressed with the bidder's professionalism.

Dr. Gallup stated that the repairs to his landing were beautiful, but that a copper tubing which carries water to his and the Romans' docks has been dripping since the repairs. Mr. Neil asked Mr. Noble to have Tim McNeil investigate and make repairs within the next few days. Andy Hall stated that one of the diagonals on his landing had come loose, and Mr. Neil promised that it would be fixed.

3. Finance, Insurance and Legal - There was no report.

4. Neighborhood Communications - Jeff Frankel stated that he had resorted to printing the newsletter in fourteen point type to fill up the pages in the absence of articles, and solicited contributions for future newsletters.
5. Landside Maintenance - Jim Ehrlich stated that he appreciated the cooperation of neighbors in responding quickly when reminded of the parking rules. He stated that the program will be continued as there are still occasional violations. He reported that curbs on Tideway were repainted red to mark the "no parking" spaces.

Mr. Ehrlich stated that the cable television conduit on the Cola Ballena shore has been painted a color to blend in with the terrain, as were portions of the conduit on the Tideway side.

Mr. Ehrlich reported that the landscaping walk through with Sundance was productive in terms of planning. He stated that there is quite a bit of work to be done, but that it will be necessary to postpone proceeding with replanting plans until it is clear what water restrictions may be imposed.

Mr. Ehrlich stated that he had inspected the driveway at 310 Tideway which has experienced damage from tree root intrusion, and that Mr. Noble is investigating the cost of repairs.

Mr. Ehrlich stated that a letter had been received from Jim Robertson stating that better lighting is needed for security reasons at the west end of Tideway near the big circle. He stated that two possible solutions are being investigated: (1) installing one of the new, brighter high pressure sodium vapor lamps into the existing standard which is a short distance from the location in question; or (2) installing a new standard. President Stone stated that the long-term plan is to replace all the lights with the sodium vapor lamps, so that it would be logical to install one in this location now. Mr. Ehrlich stated that the surplus lamps which were previously discussed may now be difficult to obtain. He also stated that he has been unsuccessful in getting the Village Apartments to share in the cost of installing sodium vapor lamps on Tideway.

Mr. Ehrlich stated that malfunctioning sprinkler valves on Ballena Boulevard have been repaired. Mr. Noble stated that they are battery operated and need to be watched carefully.

Mr. Ehrlich reported that complaints of pigeon infestation on Tideway had been received. He stated that he spoke with an inspector from Alameda County Vector Control, who informed him that they cannot act in the matter as the City of Alameda does not have an ordinance addressing pigeons. Mr. Ehrlich stated that the inspector had provided the names of professional exterminators, and that he would obtain estimates for Board consideration. He stated that the Vector Control inspector advised him that the pigeons represent a health problem as well as a nuisance, and urged that steps be taken to eliminate the pigeons' food supply and roosting areas.

Mr. Ehrlich stated that he had received a report of a suspicious vehicle on Cola Ballena. He urged homeowners to be vigilant and report suspicious individuals and/or vehicles to the police and to him. There was discussion regarding reviving the Neighborhood Watch program.

RESIDENTS' TIME

Mary Neil suggested that, if a significant amount of the landscaping is not salvageable after the freeze and drought, some of the landscaping budget be spent on converting to a drip irrigation system. Mr. Ehrlich stated that her suggestion was valid and that he would investigate. Mr. Noble added that EBMUD had a program which provided funding of one-third of the material cost for conversions, but that he has been unable to set up a meeting with EBMUD to date.

In response to a question regarding the schedule for home repairs, President Stone stated that the schedule had slipped, and that the new schedule would be published in the newsletter as soon as it is available. He stated that the sequence would remain unchanged.

Shep Gallup expressed her appreciation for the work which had been done on their landing, and passed around a sample of the deck planking which had been removed. She stated that she felt it was graphic evidence that the repairs were badly needed.

Ruth Masonek asked who is responsible for maintaining garage doors. President Stone explained that the Association is responsible for maintaining the outside surface, but that the homeowner is responsible for maintaining the mechanism. She stated that her garage door is getting hung up on the concrete, and Mr. Noble stated that he would investigate.

Jim Neil stated that the ivy in the traffic island is infested with snails, and requested that the landscape contractor be asked to take action to eradicate the snails.

NEW BUSINESS

1. Failure to Pay Dues Because of Unauthorized False Notice - President Stone explained that a notice was sent out, unsigned, to all homeowners which contained two forms: (1) one for homeowners to complete if they decline to pay the assessment "because it was never approved by the membership as provided in our C C & Rs"; and (2) one for homeowners to complete if they want all their money back from the assessment because it was "never approved by the membership as provided in our C C & Rs". He stated that the document was not prepared by the Board and the Board initially took no action regarding the notices as they felt no one would respond; however, eight homeowners had responded, six of which had previously sued the Association or otherwise challenged the Board. President Stone stated that he has written a letter which will be sent to homeowners explaining that those who do not pay their assessment will be dealt with as delinquent members according to the policies of the Association.
2. Review and Acceptance of Annual Financial Report - It was agreed to defer consideration of this matter to the next work session.
3. Proposal to Delete Garbage Removal Cost from Assessment - Mr. Ehrlich stated that it has been proposed to have homeowners pay directly for garbage removal because the new rates have increased about \$1.95 per month per unit (approximately \$1,875 for the entire Association over the year). Dr. Schwartz suggested that the possibility of a senior citizen's discount be explored. President Stone suggested

Ballena Bay Townhouse Association
Board of Directors Meeting
February 14, 1991

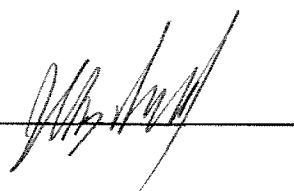
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that Mr. Noble investigate whether the Association is being charged for the ten unoccupied homes. Mr. Noble stated that the CC&R's do not require the Association to pay for garbage removal. Andy Hall stated that there is a significant group discount related to the current arrangement. Mr. Noble was directed to investigate the situation, so the Board can make a decision before the end of the year.

ADJOURNMENT

The next meeting will be March 14, 1991 at the Ballena Bay Yacht Club at 7:30 p.m. There being no further business before the Board, the meeting was adjourned at 9:05 p.m.

Secretary



Recorded by



BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
JANUARY 10, 1991

MINUTES

CALL TO ORDER

The meeting was called to order by President Archie Stone at 7:30 p.m.

Present were Archie Stone, Jim Ehrlich, Jeff Frankel, Jim Neil and Mel Schwartz. Also present were Rich Noble of Noble Community Management, Bob and Ann Kenyon, Joan Albin, Ruth Masonek, Carl Wohltmann and Audrey Ehrlich.

MINUTES

1. Minutes of the December 13, 1990 Board Meeting - There were several corrections.

MOTION: It was moved, seconded and passed to approve the December 13, 1990 Board meeting minutes as corrected.

2. Minutes of the December 13, 1990 Annual Finance Meeting - There were two corrections.

MOTION: It was moved, seconded and passed to approve the December 13, 1990 Annual Finance meeting minutes as corrected.

PRESIDENT'S REPORT - There was no report.

TREASURER'S REPORT

Mel Schwartz reviewed cash flow for the period ended December 31, 1990. He then reviewed reserve account activity for 1990 and provided an analysis of the 1990 budget, noting items over and under budget.

MOTION: It was moved, seconded and passed to accept the Treasurer's Report.

MANAGER'S REPORT

1. Home Maintenance and Repair - Mr. Noble reported that painting had begun on the last of the homes which were repaired in 1990. President Stone stated that Mr. Nelson, who had originally objected to having his home repaired, had changed his mind and wished to have it painted along with the rest of the homes in his building. Mr. Stone stated that additional work was necessary prior to painting, but that Mr. Nelson wanted the home painted now. Mr. Stone explained that a compromise was reached in the following agreement with Mr. Nelson: the painting would be done now, the work needed to his home will be done in the spring, and Mr. Nelson will have the repairs repainted. There was discussion regarding the additional cost of repairs which have been delayed due to lack of cooperation from the homeowner. No action was taken.
2. Landscaping - Mr. Noble stated that it is too early to tell whether there has been any damage to foliage as a result of the freezing weather.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - There was no report.

2. Waterside Maintenance - Jim Neil reported that he had reviewed with the contractor the items remaining to be completed on the harness work, and that the work should be completed next week. He stated that he had spoken with Mr. Roger regarding the letter from a real estate agent regarding the condition of his dock. Mr. Neil stated that Mr. Roger had cleaned up his dock after receiving the letter, and it had been agreed that the broken boat would be hauled away.

Mr. Neil stated that he will go with Curt Bolton to look at and possibly purchase used floats in Livermore, which may be available at \$12.00 per square foot, compared with approximately \$25.00 per float for new floats. He stated that there are many details to be worked out, such as transporting and storing the floats, and he will report back to the Board on his findings.

Mr. Neil reported that a crew would be working to clean up the wave maze on Saturday, January 12th and solicited volunteers to help.

3. Finance, Insurance and Legal - Dr. Schwartz stated that he had talked with the Association's insurance agent and learned that the Association does have coverage for broken pipes and damaged plants in the common areas resulting from the recent freezing weather. He stated that the coverage has a \$1,000 deductible. Mr. Noble stated that only one pipe had been broken in the common area, and he stated that plumbing repairs to homes necessitated by broken pipes are not covered, but that resulting damage would be covered.

Dr. Schwartz provided information regarding homeowners' tax breaks for capital improvements, and suggested that homeowners check with their accountants for specifics.

Dr. Schwartz clarified that the 10% deductible provided for by the Association's earthquake insurance would be computed on the value of the cluster of homes, not just on the damaged buildings, and recommended that homeowners obtain loss assessment coverage. He stated that the Association's insurance agent, Andrew Duncan, will attend the February Board meeting to provide information regarding the Association's insurance coverage, and asked Mr. Frankel to include an article in the newsletter informing all homeowners so that they can plan to attend.

4. Neighborhood Communications - President Stone thanked Jeff Frankel for the excellent newsletter and neighborhood directory which he had prepared and distributed. Mr. Frankel stated that he had extra copies of the directory, and asked that he be informed of new arrivals so he could forward them copies.

5. Landside Maintenance - Jim Ehrlich reported that he had been working with the Cola Ballena and Porta Ballena Associations to try establish the best price for paving of Cola Ballena and Porta Ballena Streets. He stated that Mr. Noble had obtained a bid from J & L Paving for slurry sealing of the streets, which he had submitted to the other associations. Mr. Ehrlich stated that the other associations have agreed to go ahead with the proposal, and that the total cost would be about \$9,000, and Ballena Bay Townhouse Association's share would be approximately 25% of that amount.

Mr. Ehrlich reported that he had reported a broken pipe at the end of Ballena Boulevard to Mr. Noble for repair. He stated that there was some damage to foliage from the recent freezing weather, particularly in the area which had been planted last summer on the former site of the container.

Mr. Ehrlich reported that Dewey Bargiacchi has tentatively agreed to remove the offending trees on his property at his expense under the provision provided by the Board at its last meeting.

Mr. Ehrlich reported that the demonstration high pressure sodium (HPS) vapor lamp has been installed at the corner of Cola Ballena and Porta Ballena and seems to be a substantial improvement in both lighting and economy. He explained that residents of Porta Ballena had obtained the lamps, as surplus, from Bureau of Electricity, very inexpensively. Mr. Ehrlich stated that the total cost of installing twelve HPS lamps along Cola Ballena, including labor and painting of standards is \$2,700. He stated that, if the Association were to go in with Porta Ballena and Cola Ballena in completing installation of the HPS lamps along Cola Ballena, the Association's share of the cost would be \$675. Mr. Ehrlich estimated that the costs of the lamps could be recovered in electricity cost savings in two to three years.

MOTION: It was moved, seconded and passed to accept the proposal of Porta Ballena and Cola Ballena Associations to jointly purchase and install new high pressure sodium vapor lamps, at a cost to the Association of approximately \$700.

There was discussion regarding the proposal for slurry sealing the streets and how access will be handled during the time when the street is unusable.

MOTION: It was moved, seconded and passed to join Porta Ballena, Cola Ballena in resurfacing Porta Ballena and Cola Ballena using slurry seal, at a cost of approximately \$2,500 to the Association.

Mr. Ehrlich reported that Mr. Noble had placed notices on the windshields of six or seven vehicles warning that they are parked in violation of the rules regarding storage in the common areas. He stated that the next step will be issuance of a sterner warning if the vehicles remain parked in violation of the rules.

Mr. Neil asked what progress had been made with United Cable, and Mr. Ehrlich responded that United Cable had indicated they would do something after the first of the year, and that he has made arrangements to have it repainted.

6. CC&R Committee - Mr. Ehrlich reported that the Committee held its first meeting on January 9, 1990, attended by Jeff Frankel, Ed Clancy and himself. He stated that the Committee had not determined how extensively the CC&Rs should be amended, but that it had determined that, prior to proposal of any other amendments, the CC&Rs should be amended to reduce the voting requirement for approval of future CC&R amendments from 75% to 50% plus one vote. Mr. Ehrlich that the Committee will present such a proposed amendment to the membership for approval soon.

MOTION: It was moved, seconded and passed to present a proposal to the membership that the voting requirement for approval of amendments to the CC&Rs be reduced from 75% to 50% plus one vote.

RESIDENTS' TIME

Andy Hall asked whether the Prudential-Bache account will be kept open, and Dr. Schwartz responded that it would not.

Mr. Hall asked whether the Gallups' door could be painted, even though the repairs to their entire home are scheduled for later, stating that some homeowners have indicated frustration that no maintenance is being done while their homes await major repairs. Mr. Noble stated that he anticipated having all the homes inspected in the spring and having remedial work done to last until the major repairs are accomplished.

Mr. Hall asked whether, for those homeowners who paid their special assessments in advance and are due a refund, it would be possible to apply the refund to their current dues. Mr. Noble stated that he would check with Kathy regarding the feasibility of such a procedure.

Mr. Hall asked whether there was an official procedure for obtaining a dinghy float. Mr. Neil stated that he thought he could obtain one for him.

Mr. Neil suggested that Mr. Noble maintain an individual folder for each home with a log of repairs made and other information. President Stone asked whether this was feasible, and Mr. Noble stated that it was. President Stone asked Mr. Noble to go ahead with preparation of the folders.

WRITTEN CORRESPONDENCE - There was none.

NEW BUSINESS

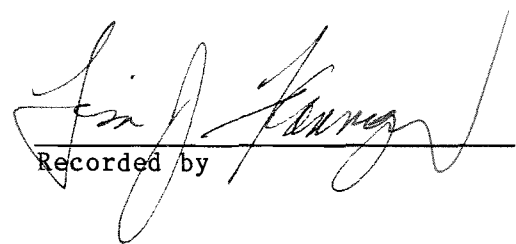
1. Inclusion of Envelope with Statements - Dr. Schwartz stated that it had been suggested to him that it would be nice if the Association's dues statements were accompanied by an envelope addressed to Noble Management for transmittal of their dues payment. President Stone stated that it was within the purview of the Treasurer to so instruct the Property Manager. Dr. Schwartz requested that Mr. Noble include the envelope with all future dues statement mailings.

OLD BUSINESS - There was none.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:30 p.m.


Secretary


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