

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
November 10, 1992**

**MINUTES**

**CALL TO ORDER:** Director Carl Wohltmann called the meeting to order at 7:30 p.m.

**ATTENDANCE:** Directors present: Flaherty, Kenyon and Wohltmann. Absent: Cull and Perry. Also present: Jeff Frankel, Jim and Audrey Ehrlich, Ben Williams, Willie Flaherty, Mel Schwartz, Rhonda Cram, Lee Manter, Phyllis McGrew, Archie and Ida Stone, and Ruth Masonek.

**APPROVAL OF MINUTES**

1. Minutes of the October 13, 1992 Regular Board Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the October 13, 1992 Board minutes as presented.

**PRESIDENT'S REPORT** - No report.

**TREASURER'S REPORT:**

Mr. Noble reviewed the financial statements for the period ended October 31, 1992.

**MANAGER'S REPORT:**

Mr. Noble reported that repairs and painting had been completed at 461 Cola Ballena, except one door. He stated that carpentry repairs at 340 Tideway Drive had been completed by Lexus Construction, but that painting had not been completed due to the owner's refusal to allow the home to be painted as prescribed by the Association. Mr. Noble stated that he sent a letter to the owner regarding the matter, which had been copied to the attorney. He stated that he had asked the attorney to advise the owner in writing of the ramifications of his actions, but that he had not received an update from the attorney.

Mr. Noble reported that he had received six requests for leak repair during the heavy rain storm of October 28th. He stated that one leak was a wall window leak and the others were roof leaks, and that all have been assigned for repair and should be completed by the current date.

Mr. Noble reported that he had mailed the contract and specifications to Art Helwig of Heavy Duty Equipment Supply relative to dock modifications at 401 - 407 and 459 - 465 Cola Ballena, but that he had not received the signed documents back.

Mr. Noble reported that he had received a letter from Sundance Landscaping regarding corrections to irrigation manifolds, but that he had not had an opportunity to get together with them. He invited Mr. Flaherty to participate in the meeting.

Mr. Noble stated that a proposal had been received from Edward Riback, CPA for preparation of the Association's annual financial statement and tax returns.

Mr. Noble reported that he had responded to a letter from Mr. Heskett, and had sent copies of both letters, copies of the letters from Mr. Wild and Mr. Oliver, and Mr. Ehrlich's reply to Wild and Oliver on to the Association's insurance agent.

Mr. Noble called the Directors' attention to information contained in the bulletin published by the law firm of Berding & Well regarding "Bankruptcy and Collection of Assessments".

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Flaherty stated that Marshall Perry would head the committee. There was no report.

2. Waterside Maintenance - Mr. Wohltmann reported that refurbishing work had been completed on the first set of docks. He stated that the materials for the second set of docks should be received within a couple of weeks, and that work would commence and proceed through November and into December. Mr. Wohltmann stated that he had inspected Mr. Buono's dock and found it to be in bad condition, though not as bad as the three worst docks. He recommended that the dock be included in the third set of docks to be repaired. Mr. Noble was authorized to have Nicely Done perform the work at a rate of \$18.00 to \$20.00 per hour, and he agreed to coordinate the work with Mr. Wohltmann.
3. Finance and Insurance - There was no report.
4. Neighborhood Communications - President Flaherty stated that Alan Cull, who had agreed to chair the committee, had informed him that he needed to step down from the Board due to family health problems. He stated that Mr. Frankel had agreed to serve as acting editor of the newsletter, and had issued an edition that afternoon. Mr. Frankel requested a copy of the meeting packet so that the Neighborhood Communications file could be kept current. President Flaherty stated that Mr. Cull would remain on the Board until the December Board meeting, at which time hopefully a replacement would have been found. He solicited suggestions of potential candidates to fill the position.
5. Landside Maintenance - There was no report.

#### RESIDENTS' TIME

Phyllis McGrew expressed concern regarding the condition of the dock at 421 Cola Ballena, and Archie Stone responded by explaining the proposed solution. She also asked whether the repairs to her roof would be completed, and Mr. Noble stated that they would.

Jeff Frankel urged that the Board vigorously pursue painting of the unit at 340 Tideway Drive. Manager Rich Noble stated that he had instructed the Association's attorney to advise the owner of the ramifications of his actions, but that he had not received any response. He was directed to call Fong and Fong again on the matter.

Dr. Schwartz stated that a portion of the sidewalk was raised and in need of repair. Mr. Noble stated that he would call the City of Alameda to request the repairs.

Archie Stone stated that he felt the shrubs near the curve of Tideway Drive should be removed and replaced with foliage which would not grow as tall to resolve the visibility problem in that area. Mr. Noble stated that he would ask Sundance Landscaping to recommend a suitable plant, and he was directed to obtain an estimate from Sundance as well.

#### CORRESPONDENCE

1. Letter from Joe Heskett, 4111 Cola Ballena, Regarding Roof Reimbursement - Addressed under Manager's Report.
2. Letter from John Buono, 1237 Ballena Boulevard, Regarding Possible Repairs to Floats Near his Home - Addressed under report of Waterside Maintenance Committee.
3. Letter from Sundance Landscape with Proposal for Repair to Irrigation System -

#### NEW BUSINESS

1. Annual Financial Review - The Board reviewed the proposal from Edward Riback, CPA.

MOTION: It was moved, seconded and passed to accept the proposal of Edward W. Riback, CPA to perform the annual financial review.

**OLD BUSINESS**

1. 1993 Budget Approval - President Flaherty stated that the Board had reviewed the proposed budget and had voted by phone to approve it.

MOTION: It was moved, seconded and passed to accept the 1993 annual budget as presented, establishing the regular monthly assessment at \$274, and noting that the monthly special assessment would continue to be \$150 (through 1993).

Mr. Noble stated that he would distributed the approved budget to all homeowners the following day.

**ADJOURNMENT**

The meeting was adjourned at 8:15 p.m. The next meeting will be held on December 8, 1992 at 7:30 p.m.



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Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION  
ANNUAL HOMEOWNERS' MEETING  
October 13, 1992

MINUTES

**CALL TO ORDER**

President Ehrlich called the meeting to order at 7:40 p.m.

**ROLL CALL**

President Ehrlich declared that a quorum of the members was present.

**PURPOSE OF THE MEETING**

President Ehrlich explained that the purposes of the meeting were as follows:

1. To consider reports of the affairs of the corporation
2. To elect Directors of the Association
3. To transact any other business to come before the meeting that is within the powers of the shareholders.

**APPROVAL OF MINUTES OF THE ANNUAL HOMEOWNERS' MEETING OF OCTOBER 10, 1992**

MOTION: It was moved, seconded and passed to accept the minutes of the October 10, 1992 Annual Homeowners' Meeting as submitted.

**PRESIDENT'S REPORT**

President Ehrlich stated that the Board was pleased with the accomplishments of the year. He expressed his gratitude for the efforts of his colleagues on the Board, committee members and other involved homeowners.

**TREASURER'S REPORT**

Dr. Schwartz reviewed the financial statements for the period ended September 30, 1992. He reported that, at the end of the third quarter of 1992, the bank statements reconciled with the bank balances reported in the Treasurer's Reports.

**COMMITTEE REPORTS**

Waterside Maintenance - Mr. Wohltmann reported that much needed dock replacement work had been completed during the year, and thanked Archie Stone for his assistance.

**ELECTION OF DIRECTORS**

Director Jeff Frankel explained the election process. President Ehrlich opened the floor for nominations.

MOTION: It was moved, seconded and passed to nominate the slate of directors: Alan Cull, Robert Flaherty, Robert Kenyon, Marshall Perry, and Carl Wohltmann.

MOTION: It was moved, seconded and passed to close the floor for nominations.

MOTION: It was moved, seconded and passed to elect the slate of directors by acclamation.

**ELECTION RESULTS**

President Ehrlich announced that the following had been elected to serve on the Board: Alan Cull, Robert Flaherty, Robert Kenyon, Marshall Perry and Carl Wohltmann.

## GENERAL DISCUSSION

Terry Klaus asked whether the 20-year budget plan factored in those homeowners who had replaced their own roofs. Mr. Ehrlich stated that the Board had received letters from homeowners regarding the issue, and that he had written a letter containing a complete response. He stated that he would send a copy of the letter to every homeowner to clarify the matter. Mr. Ehrlich asked that a copy of the letter be placed in the record, then explained the contents of the letter. There was discussion regarding possible measures to guarantee no change in Board position regarding roofs, and attorney Mike Scholtes explained that the CC&Rs are clear on the matter and no further action was necessary.

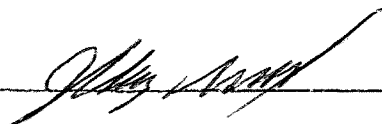
Beverly Partridge stated that she felt all members owed Jeff Frankel a debt of gratitude for his work on the newsletter, and the full Board for their accomplishments over the year.

Merrill Thruston asked whether any special assessments had been anticipated by the outgoing Board, and Mr. Ehrlich stated that none were expected.

## ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Secretary



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**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
October 13, 1992**

**MINUTES**

**CALL TO ORDER:** Director Carl Wohltmann called the meeting to order at 8:30 p.m.

**ATTENDANCE:** Directors present: Cull, Flaherty, Kenyon, Perry and Wohltmann. Also present: Jeff Frankel, Jan Cull, Jim Ehrlich, Ben Williams, and Archie and Ida Stone.

**ELECTION OF OFFICERS**

The duties of each officer were explained. The following officers were nominated:

President	Robert Flaherty
Vice President 1	Carl Wohltmann
Vice President 2	Robert Kenyon
Treasurer	Marshall Perry
Secretary	Alan Cull

The nominations were closed.

MOTION: It was moved, seconded and passed to elect the slate of officers as nominated.

**APPROVAL OF MINUTES**

1. Minutes of the September 8, 1992 Regular Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to accept the September 8, 1992 Board minutes as corrected.

2. Minutes of September 8, 1992 Executive Session - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the September 8, 1992 Executive Session minutes as presented.

3. Minutes of the September 29, 1992 Special Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the minutes of the September 29, 1992 Special Board Meeting as presented.

**PRESIDENT'S REPORT** - No report.

**TREASURER'S REPORT:**

The Board accepted the Treasurer's Report, which had been presented at the Annual Homeowner's Meeting immediately preceding the Board meeting.

**MANAGER'S REPORT:**

Mr. Noble reported that painting was scheduled for 461 Cola Ballena on October 26th, and that a notice had been sent to the owner of the property. He reported that work was nearly complete at 340 Tideway Drive, and that he anticipated painting would take place during the week of October 26th.

Mr. Noble reported on a small claims action filed against the Association and roofing contractor Bay Roofing Company. He stated that the Municipal Court had sent a notice advising the Association that it did not owe the plaintiff any money on the claim.

Mr. Noble stated that the Association had been advised by its insurance agent, Andrew T. Duncan Insurance Agency, Inc., that guaranteed replacement cost coverage was now available to the Association. He explained that the coverage

had not been available to homeowner association-type developments in the past, and suggested that the Board consider adding the endorsement. He was directed to obtain and provide the square footage figures to the insurance agent.

Mr. Noble called the Directors' attention to information contained in the September bulletin published by the law firm of Berding & Well regarding "New Developments In CC&R Enforcement" and the "Association Bulletin" published by the law firm of Fong & Fong regarding current State legislation and other items of interest.

#### COMMITTEE REPORTS:

1. Home Maintenance and Architecture - There was no report.
2. Waterside Maintenance - Mr. Wohltmann reported that refurbishing work had been completed on the first dock. He stated that the materials for Ed Williams' and Terry Klaus' docks should be received by November 1st, and recommended that a contract be entered into with Art Helwig of Heavy Duty Equipment Service for the work.
3. Finance and Insurance - The financial report had been presented at the Annual Membership Meeting immediately preceding the Board meeting. Mr. Noble stated that the Board would need to approve a budget at the next meeting for distribution to the membership by November 15th.
4. Neighborhood Communications - Mr. Frankel offered to assist Mr. Cull in becoming acquainted with the duties of the Neighborhood Communications committee.
5. Landside Maintenance - Mr. Kenyon provided a written recap of the year's activities.

It was agreed that each Director would provide refreshments in turn, and that Bob Kenyon would lead off with refreshments for the November meeting.

**RESIDENTS' TIME** - There were no comments from residents.

#### CORRESPONDENCE

Written correspondence had been addressed at the Annual Homeowners Meeting preceding the Board Meeting. Mr. Noble was directed to forward the three letters to the Association's insurance agent.

**NEW BUSINESS** - There was none.

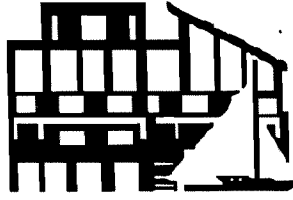
#### OLD BUSINESS

1. 20-Year Budget - Mr. Wohltmann explained that the previous Board had developed the document, which was presented to the new Board on an advisory basis. He recommended that each Board member review and become familiar with the proposed 20-Year Budget. Mr. Flaherty requested copies of the backup documentation, and Mr. Stone agreed to provide same. Mr. Noble agreed to work up an operating budget based on the figures from Mr. Stone.
2. Work Session - A work session was set for November 3, 1992, at 7:30 p.m. at the home of Bob Flaherty, for the purpose of preparing for the next Board meeting.

#### ADJOURNMENT

The meeting was adjourned at 8:25 p.m. The next meeting will be held on November 18, 1992 at 7:30 p.m.

  
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Secretary



Ballena Bay Townhouse Association  
Board of Directors Meeting  
(415) 865-3003  
September 29, 1992

**Minutes of Special Meeting of September 29, 1992**

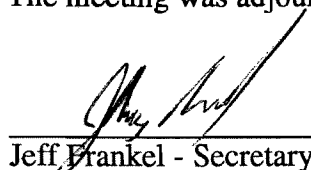
**Call to order:** President Ehrlich called the meeting to order at 7:30 p.m.

**Attendance:** The following directors were present: Ehrlich, Frankel, Schwartz, Wohltmann. Kenyon was absent.

The board moved to accept a the bid from Lexus Construction for the repairs to 340 Tideway Drive in an amount not to exceed \$4,200.

The Board also reviewed the status of other outstanding projects and issues.

The meeting was adjourned at 8:45 p.m.

  
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Jeff Frankel - Secretary - September 29, 1992



**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
September 8, 1992**

**MINUTES**

**CALL TO ORDER:** President Ehrlich called the meeting to order at 7:32 p.m.

**ATTENDANCE:** Directors Present: Ehrlich, Frankel, Kenyon, Schwartz and Wohltmann. Also Present: Audrey Ehrlich, Archie Stone, Ann Kenyon, Jim and Mary Neil, and Phyllis Iacampo.

**MINUTES:**

1. Minutes of the August 11, 1992 Regular Board Meeting - Several corrections were noted.

MOTION: It was moved, seconded and passed to accept the August 11, 1992 Board minutes as corrected.

**PRESIDENT'S REPORT** - No report.

**TREASURER'S REPORT:**

Dr. Schwartz reviewed the financial statements for the period ended August 31, 1992.

**MANAGER'S REPORT:**

Mr. Noble reported that painting was suspended at 461 Cola Ballena due to action of the owner, and that the matter was in the hands of the Association's attorney. He stated that the painting contractor had indicated he could return during the week of September 21st to complete the work if the matter were resolved. Mr. Noble reported that access to 340 Tideway Drive had been denied, so the inspection of that unit had been performed entirely outside the property boundaries. He stated that he felt he and the inspectors were able to observe most of the areas requiring repair and renovation, although they could not access the property for closer observation. He reported that during the inspection several items of concern were noted relative to obvious modifications to the property, some of which may have been performed in violation of the City of Alameda building code and the Ballena Bay Townhouse Association CC&Rs. Mr. Noble stated that a detailed list of these items was attached to his report.

Mr. Noble reported he had issued requests for bids to Lexus Construction and Nicely Done Construction, copies of which were included in the meeting packets.

Mr. Noble called the Directors' attention to the sample Notice of Annual Meeting and Proxy forms contained in their meeting packets, noting that the form combining the Notice and Proxy on one page was in use by most of the other associations he represents.

Mr. Noble stated that California law requires that the Association prepare and distribute a pro forma operating budget to all members not less than 45 days nor more than 60 days prior to the beginning of the Association's fiscal year.

When asked for an update regarding the roof decking standards discussed at the previous Board meeting, Mr. Noble stated that he had expressed the Association's concerns to CMA, and that they had agreed to review their report and reinspect the affected areas as necessary. He stated that they had provided specifications they felt the Association could use for the area referred to in their report. President Ehrlich urged Mr. Noble to expedite the project.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Ehrlich stated that two homes remained to be refurbished, as reported by Mr. Noble. He directed Mr. Noble to ask Audrey Rehfield to remove the louvered door on the waterside of her home.
2. Waterside Maintenance - Mr. Wohltmann reported that dock refurbishing work had commenced, and that a number of landings had been completed. He stated that no further landing replacement work was anticipated (unless an emergency arises) during the budget year as remaining funds were needed for other areas. It was reported that

Mr. Stone had ordered new batteries, bulbs and photo cells for the channel buoy lights, at a approximate total cost of \$137. Mr. Frankel stated that he is looking into solar panels for the buoy lights.

3. Finance and Insurance - Dr. Schwartz had no report.
4. Neighborhood Communications - Mr. Frankel stated that he would issue a newsletter and Board minutes soon.
5. Landside Maintenance - President Ehrlich stated that Harbormaster Don Anderson had agreed that the Association could, at its own expense, do whatever it wished to clean out the trees, shrubs and brush on the bank at 465 Cola Ballena. President Ehrlich asked Mr. Noble to thin out the dead trees, while maintaining enough vegetation to protect the property. Mr. Stone reported that a large myoparum was raising the driveway at 320 Tideway, and Mr. Noble was asked to have Bakin Tree Service inspect the problem and take action.

#### RESIDENTS' TIME:

Phyllis Iacampo stated that an antenna on her unit which she understood had been installed (prior to her ownership) to serve eight homes was no longer hooked up to any units, and asked that it be removed. Mr. Noble was directed to have it removed. Ms. Iacampo stated that there was an electrical outlet in her utility closet which had apparently been installed to hook up the antenna. She stated that the outlet had been used by contractors during repairs to her building and that she would like to blank it off. It was agreed that she be allowed to blank off the outlet.

Mr. Neil stated that he had received complaints regarding the floats attached to the docks, and Mr. Gutleben had indicated in a previous conversation that the docks belonged to the Board. President Ehrlich stated that Mr. Gutleben should have received a letter on the present date advising him to remove them within thirty days, or that the Association would remove them at his expense.

#### CORRESPONDENCE:

1. Letter from Jerry Rasco, 461 Cola Ballena - President Ehrlich stated that Mr. Rasco had written to him and the Board refusing to allow the Association to paint his home any different color than it had been painted all along. He stated that the letter had been referred to the Association's attorney for action.
2. Letter from Sally Tonningesen - Mr. Noble stated that Ms. Tonningesen had found a leak after her unit was repaired, and that Lexus Construction had accepted responsibility for correcting the problem. He stated that he had sent a letter reminding Tom Williams of the matter, as the interior repairs had not yet been made.

#### NEW BUSINESS:

1. 20-Year Projection - The Board reviewed and approved the proposed 20-year budget projection.

MOTION: It was moved, seconded and passed to accept the 20-year budget projection subject to revisions to eliminate the interest income column and delete the paragraph named "About Inflation".

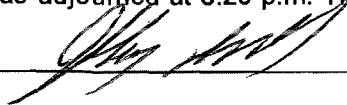
2. Annual Meeting Preparation - The Board reviewed and approved the Notice of Annual Meeting and Proxy in the format used the previous year (two separate pages).

**OLD BUSINESS:** There was none.

#### ADJOURNMENT

The meeting was adjourned at 8:25 p.m. The next meeting will be held on October 13, 1992 at 7:30 p.m.

Secretary



BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
August 11, 1992

REVISED  
MINUTES  
8/92 MTG.

MINUTES

**CALL TO ORDER:** President Ehrlich called the meeting to order at 7:35 p.m.

**ATTENDANCE:** Directors Present: Ehrlich, Kenyon and Schwartz. Absent: Frankel and Wohltmann. Also Present: Audrey Ehrlich, Bob and Willie Flaherty, Alan and Janet Cull, Andy Hall and Ray Lillywhite.

**MINUTES:**

1. Minutes of the July 14, 1992 Regular Board Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the minutes of the July 14, 1992 Regular Board meeting as presented.

2. Minutes of the July 14, 1992 Executive Session

MOTION: It was moved, seconded and passed to accept the minutes of the July 14, 1992 Executive Session as presented.

**PRESIDENT'S REPORT:**

Mr. Ehrlich stated that he felt the Board had accomplished much of what it set out to do during its term in office.

**TREASURER'S REPORT:**

Dr. Schwartz reviewed the financial statements for the period ended July 31, 1992.

**MANAGER'S REPORT:**

Mr. Noble reported that he was scheduled to meet with R. E. Brocker on August 14th, and anticipated that they would finish work on the punchlist items at 461 Cola Ballena by August 18th. He stated that he had been unable to complete the inspection at 340 Tideway due to a scheduling conflict between with Tim McNeil, but stated that he would meet with Mr. McNeil during the week of August 17th.

Mr. Noble reported that Tom Williams would start ramp modification work at 465 Cola Ballena within the week, along with work on the landing at that location and repairs to the landing to ramp connection at 1237 Ballena Boulevard.

Mr. Noble reported that he sent a bid package to five roofing contractors on July 5th and that three contractors had attended the bid walk on July 31st. He stated that it had become apparent in his discussions with the roofing contractors that the roof decking specifications prepared by CMA needed to be modified, and that he had solicited new specifications from three different sources which should be available for review at the next Board meeting. Mr. Noble stated that he had spoken with CMA regarding their methodology for scheduling of reroofing, as he felt that some of the roofs which they had coded with a 3- to 4-year remaining life actually had shorter remaining lives.

Mr. Noble reported that Andrew Duncan's office had informed him that Farmer's Insurance had agreed to renew the Association's insurance, with an increased deductible of \$5,000 and a premium of about \$2,500 more than the previous policy period. He stated that the reluctance to renew and the increased premium and deductible were related to the \$25,069 in claims over the past year, including a claim which remains open. President Ehrlich noted that the claims and litigation had cost the Association dearly, and may affect resalability of property and refinancing of loans.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Ehrlich expressed concern regarding the roof decking standards reported by Mr. Noble. He felt the Association should not be responsible for upgrading to the new standards. Mr. Noble stated that the warranty could be affected, and noted that at least six units on Ballena

Boulevard needed a lot more work than those on Cola Ballena. He stated that the life of three or four roofs could be extended with preventive maintenance, such as application of emulsion. He stated that he is working to get the specifications amended, and he was directed to proceed with the process of obtaining bids for the units on Ballena Boulevard.

President Ehrlich stated that Bob Descombes' rear deck gate would not close, and asked Mr. Noble to investigate and inform Mr. Descombes as to who was responsible for any needed repairs or retrofit.

2. Waterside Maintenance - President Ehrlich reported that dock repairs at 451 - 455 Cola Ballena had not commenced but were expected to soon. He stated that the materials had been received.
3. Finance and Insurance - Dr. Schwartz had no report.
4. Neighborhood Communications - The Board expressed its appreciation for another excellent newsletter.
5. Landside Maintenance - Mr. Kenyon reported that he had investigated the seal coat on Tideway Drive and that he felt it was all right. He reported on his inspection of trees, shrubs and brush on the bank at 465 Cola Ballena, and recommended that the area be cleaned out. Mr. Noble was directed to try to get the marina to clear out the area, as most of the foliage is on their property, while extending an offer to pay for the work. Mr. Kenyon stated that Bill Maynard had requested permission to replace two shrubs with smaller ones on the strip between his unit and Jeff Frankel's unit, and that he would recommend approval for the replacement if Mr. Frankel is in agreement.

President Ehrlich pointed out that the sprinklers were dribbling at 1215 Cola Ballena. Mr. Kenyon stated that he would keep an eye on them and notify Mr. Noble if the problem recurs.

#### RESIDENTS' TIME:

Andy Hall reported that a bolt was sticking out of his landing, and President Ehrlich stated that he had passed the word on to Manager Rich Noble. Mr. Hall stated that he was considering reroofing the sloped part of his roof, and asked whether he should wait for the Association's planned reroofing. President Ehrlich stated that the Board had commissioned a study of roofs, and was planning to repair roofs on a first-need basis. He stated that Mr. Hall's roof might not be done for quite some time. Mr. Hall stated that he would then proceed to do his roof work on his own, as he wanted to get it done soon.

Bob Flaherty asked what standards were applied regarding priority of need for roof repairs, and President Ehrlich stated that each roof had been graded by CMA, which conducted the roofing study.

Mr. Flaherty asked whether the Association had any recourse to go after the instigators of the claims which had caused the Association's insurance rates to skyrocket. President Ehrlich stated that he did not see how the increase could be allocated, and therefore felt it would be difficult to prevail.

Mr. Flaherty asked, in light of the roof repairs and refurbishing of the docks planned, whether the Board anticipated a dues increase in the near future. President Ehrlich stated that a dues increase was a distinct possibility, but stated that the Board would consider a budget plan for the next 20 years and wished to defer discussion until then.

Mr. Kenyon stated that the lights on the wave maze do not appear to be working. President Ehrlich suggested that he ask Mr. Stone to investigate upon his return.

#### CORRESPONDENCE:

1. Letter from Marty and Susan Gross, 1209 Ballena Boulevard, Requesting Dock Modification - Mr. Kenyon stated that the signatures of the Gross' neighbors had been solicited and affixed almost two years ago, and that they had agreed to sign based on the information at that time that Marty and Susan wished to extend the

dock to accommodate their own boat. He stated that he now understood that they were placing their home on the market. President Ehrlich stated that the Board had in the past declined requests for permission to modify docks as part of efforts to enhance the value of homes for sale purposes. It was also questioned whether the Board had the authority to make any change which, like the current request, affects common area without obtaining a majority vote of all homeowners.

**MOTION:** It was moved, seconded and passed to deny the request of Marty and Susan Gross, 1209 Ballena Boulevard, for permission to modify their dock.

Mr. Noble was directed to write a letter to Marty and Susan Gross informing them of the Board's decision. He suggested that the Board record a resolution of its policy on such requests and publish the resolution to inform all homeowners.

**NEW BUSINESS:** There was none.

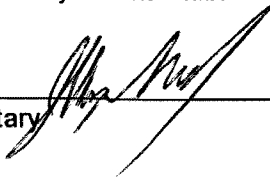
**OLD BUSINESS:**

1. Request of Alan and Jan Cull, 1207 Ballena Boulevard, for Deck Extension - President Ehrlich stated that the Architectural Committee had approved the request of the Culls, incorporating the suggestions conveyed by the Committee and reflected in the latest drawing. He stated that the committee has the authority to approve or deny such requests, so that no official Board action was necessary. Mr. Noble was directed to coordinate with Mr. Frankel, who has the documentation, and to send a letter to the Culls notifying them of the approval.
2. Payment of Bill from Ballena Bay Marina Submitted by Terry Klaus - Mr. Noble was directed to expedite payment of the invoice, which had been presented at a previous Board meeting, and to report back at the next Board meeting.

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m. The next meeting will be held on September 14, 1992 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary



**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
July 14, 1992**

**MINUTES**

**CALL TO ORDER:** President Ehrlich called the meeting to order at 7:30 p.m.

**ATTENDANCE:** Directors Present: Ehrlich, Frankel, Kenyon, Schwartz and Wohltmann. Also Present: Audrey Ehrlich, Archie Stone, Ruth Masonek, Bob and Willie Flaherty, Jim and Jane Fleming, Alan and Janet Cull and Phyllis McGrew.

**MINUTES:**

1. Minutes of the June 9, 1992 Regular Board Meeting - One correction was noted. There was discussion regarding trimming bushes for visibility, and Mr. Noble was instructed to follow up with Sundance Landscaping.

MOTION: It was moved, seconded and passed to approve the June 9, 1992 Board minutes as corrected.

**PRESIDENT'S REPORT:**

Mr. Ehrlich thanked Jeff Frankel for his contribution to a very successful community BBQ. He reported that Joan Albin, who had been a stalwart supporter of the Association, had moved to Villa San Ramon. The Board expressed their appreciation for Ms. Albin's support and sent its best wishes to her in her new community.

**TREASURER'S REPORT:**

Dr. Schwartz reviewed the financial statements for the period ended June 30, 1992, and verified that the balances shown on the bank statements reconcile with the bank balances contained in the Treasurer's Report.

**MANAGER'S REPORT:**

Mr. Noble reported that work at 401 - 415 Cola Ballena, 1201 - 1215 Ballena Boulevard and 402 Tideway had been completed with the exception of some final inspection items. He reported that repairs had been completed at 461 Cola Ballena and that painting remains to be done. In response to a question, he stated that the delay was in fitting into the painter's schedule, and not in obtaining access to the unit. Mr. Noble was directed to get bids for work at 409 - 440 Cola Ballena.

Mr. Noble reported that he had scheduled inspections by Century Exteriors of all the roofs on homes which had recently been repaired and painted so that any needed roof repairs could be performed prior to the winter season.

Mr. Noble reported that he had contacted Andrew Duncan's office regarding the insurance renewal and they were still working with three different companies in an effort to secure coverage for the Association prior to the renewal date of its current policy. He stated that Mr. Duncan had assured him he felt confident of obtaining coverage and had estimated that the premium would be within the same range as for the current policy.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Ehrlich stated that Mr. Noble had covered the current renovation work in his report.
2. Waterside Maintenance - Mr. Wohltmann reported that contractor Art Helwig will accept delivery of the first set of docks July 20th at Marina Village and bring them around Alameda to Ballena Bay with his own barge, and that he would take the old docks out the same way. He estimated that work would be underway by July 23rd. Mr. Wohltmann stated that the second set of docks would be put out to bid soon, and that plans for the third set were ready for approval. He stated that the work proposed on the docks and the sets of new steps and landings would exhaust the current year's budget. He stated that Lexus Construction had done a nice job.
3. Finance and Insurance - Dr. Schwartz opened a discussion regarding state-mandated earthquake insurance. Mr. Noble recommended against pursuing the coverage, as the program was flawed and likely to be repealed. It was agreed that Dr. Schwartz would get clarification from insurance agent Duncan regarding the program.

4. Neighborhood Communications - Mr. Frankel thanked everyone in the community for their participation in the BBQ, and the Board expressed special thanks to Dr. and Mrs. Gallup for their monetary contribution. There was discussion regarding expenses which had been incurred beyond the budget for the event.

MOTION: It was moved, seconded and passed to reimburse Mr. Frankel for all expenses related to the BBQ.

5. Landside Maintenance - Mr. Kenyon reported that he had inspected the tree at 320 Tideway Drive, and recommended it be removed the next time trees are scheduled for removal, probably in the fall. He stated that the cable company had agreed to bury the exposed cable near the bridge on Cola Ballena, and there might be a slight interruption in service. He stated that they would then schedule a time to bury the cable near his unit.

#### RESIDENTS' TIME:

Phyllis McGrew reported that she had observed a rat between her home and the Gallups'. Mr. Ehrlich stated that, once a couple of other sightings are reported, the vector control authorities would be contacted. Ms. McGrew also reported that her roof had separated from the side panel of her home at 421 Cola Ballena. Mr. Noble stated that he would investigate.

Willie Flaherty stated that she was representing Mary Joan Albin in the sale of her home at 404 Tideway Drive, and requested that the Board approve a plan for modifying the dock to accommodate the boat owned by prospective buyers Jim and Jane Fleming. There was extensive discussion.

MOTION: It was moved, seconded and passed to disapprove the request of Mary Joan Albin.

Bob Flaherty asked whether the outcome of the roof inspection would be a change in policy regarding roof repairs. Mr. Ehrlich responded that the inspection was done to determine the condition of all roofs and to aid in devising a schedule of needed repairs or replacement. He stated that one building had been selected as the first roof replacement project, and that work was anticipated to be underway within two months. Mr. Flaherty asked whether there were a plan to initiate preventive maintenance measures on docks which are not scheduled for replacement. Mr. Ehrlich stated that the docks should never have been painted, but should have been treated with waterproofing material. He stated that the first project is to repair those docks which are badly damaged. Mr. Wohltmann stated that there was no specific plan for painting and other preventive maintenance in place for the current year, as it appeared that the year's budget would be expended in the replacement work described in his report.

**CORRESPONDENCE:** There was none.

#### NEW BUSINESS:

1. Request of Alan and Jan Cull, 1207 Ballena Boulevard - It was suggested that the Culls' submit a written request to the Architectural Committee.

MOTION: It was moved, seconded and passed to approve the deck extension at 1207 Ballena Boulevard pending approval of the Architectural Committee.

**OLD BUSINESS:** There was none.

#### ADJOURNMENT

The meeting was adjourned at 8:55 p.m. to Executive Session. The next meeting will be held on August 11, 1992 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
June 9, 1992

MINUTES

**CALL TO ORDER:** President Ehrlich called the meeting to order at 7:30 p.m.

**ATTENDANCE:** Directors Present: Ehrlich, Frankel, Kenyon, Schwartz and Wohltmann. Also Present: Audrey Ehrlich, Andy Hall, Archie and Ida Stone, Ruth Masonek, Bob and Willie Flaherty, Mary Neil, Ann Kenyon, Joan Albin and Ben Williams.

**MINUTES:**

1. Minutes of the May 12, 1992 Regular Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to approve the May 12, 1992 Board minutes as corrected.

2. Minutes of the May 12, 1992 Executive Session - There were no corrections.

MOTION: It was moved, seconded and passed to approve the May 12, 1992 Executive Session minutes as presented.

**PRESIDENT'S REPORT:** There was no report.

**TREASURER'S REPORT:** Dr. Schwartz reviewed the financial statements for the period ended May 31, 1992.

**MANAGER'S REPORT:**

Mr. Noble reported that work at 401 - 415 Cola Ballena was complete except final inspection items. He reported that carpentry work was near completion and painting in progress at 1201 - 1215 Ballena Boulevard. He stated that work at 402 Tideway was in progress, and estimated completion within the week, followed by painting. He reported that inspection of 461 Cola Ballena for needed painting and repairs had been scheduled for June 10th.

Mr. Noble reported that the asphalt repair and sealing had been completed. He stated that six vehicles had to be towed prior to performing the work.

Mr. Noble reported that Sundance Landscaping had submitted a recommendation regarding the in front and to the side of 465 Cola Ballena. He stated that most of the trees were not on the Association's property, so that it may be necessary to negotiate with the marina. President Ehrlich asked Mr. Kenyon to accompany him on an inspection of the trees in question and a meeting with the Harbormaster. Mr. Noble stated that he asked Sundance to remove or trim the shrubs at the curb of 334 - 340 Tideway due to concerns with visibility at that location. He stated that installation of speed bumps, as discussed at the May Board meeting, had been deferred pending landscape modification. He stated that most residents with whom he had spoken indicated that they did not want a speed bump.

Mr. Noble stated that some strange incidents with the irrigation system along 300 Tideway had been reported: (1) it had been reported that the system was running every day; (2) Sundance found that the clock had been set in that manner; (3) Sundance reset the clock to the proper watering cycle; (4) it was later reported that no watering was taking place; (5) Sundance then found that someone had removed the setting that they had previously corrected; and (6) the clock had lost electrical power to one-half of the system. Mr. Noble stated that Sundance was working to correct the problem, and that the clock will be locked to prevent unauthorized changes.

Mr. Noble stated that he had reviewed the paint colors with painting contractor R. E. Broocker and provided a list of the colors to Mr. Frankel for publication in the newsletter.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Ehrlich stated that Mr. Noble had covered the current renovation work in his report.



2. Waterside Maintenance - Mr. Wohltmann reported that approved submittal drawings were complete for the first dock to be repaired and that he expected to receive the floats in six to seven weeks. He thanked Archie Stone for the sketches of the repairs needed on another dock. Mr. Wohltmann reported that a landing/stairs survey revealed a large percentage needing replacement. He asked if anyone knew of any other problem areas. Andy Hall asked whether the survey had revealed the problem with the ramp near Mel Schwartz's unit, and Mr. Wohltmann said that it had. Mr. Hall reported problems with ramps which had previously been installed by nonprofessionals. Mr. Wohltmann stated that the stairs at many such ramps were slated for resurfacing.
3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Mr. Frankel pointed out that the base paint color for 441 - 455 Cola Ballena was Greystone, not Westwood as noted in the newsletter. He stated that the BBQ committee would meet the following week. He stated that the location will be near the end of Cola Ballena, and that Ben Williams had already agreed to make his driveway and facilities available.
5. Landside Maintenance Committee - Mr. Kenyon reported that complaints had been received that Sundance blows leaves and other vegetation under the doors into garages and atriums. He stated that Mr. Noble had indicated he would address the matter with Sundance. Mr. Kenyon reported that sprinklers on Cola Ballena had been replaced and the grass seemed to be coming back. He stated that sprinklers on Tideway had been reset, and it appeared that someone had tampered with the timers.

Mr. Kenyon reported that Mr. Noble had identified shrubs/trees to be removed on the Tideway area where visibility is a problem, and stated that signs would be installed warning drivers of the blind curve. He also reported that the new "No Trespassing" sign had been installed on the Ballena Bridge fence.

#### RESIDENTS' TIME:

Bob Flaherty complained about a car up on blocks on Tideway in violation of the CC&Rs. Manager Rich Noble was directed to contact the owner.

Archie Stone forwarded a request from the tenant at 320 Tideway that a myoporum tree be removed, and Mr. Kenyon was asked to investigate. Mr. Stone stated that trimming of the bushes on Tideway near the curve to increase visibility had not been done, and Mr. Noble was directed to investigate.

#### CORRESPONDENCE:

1. Letter from Terry Klaus, 401 Cola Ballena - President Ehrlich stated that Mr. Klaus had submitted a bill from the marina for \$25.00 for removal of floats. The bill was forwarded to Mr. Noble for payment.

**NEW BUSINESS:** There was no New Business.

#### OLD BUSINESS:

1. Insurance - There was discussion regarding notification from Farmer's Insurance that the Association's policy would not be renewed. Mr. Noble stated that agent Andrew Duncan was looking for a new carrier, and he was asked to expedite receipt of an answer from Mr. Duncan.

#### ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
May 12, 1992

MINUTES

**CALL TO ORDER:** President Ehrlich called the meeting to order at 7:39 p.m.

**ATTENDANCE:** Directors Present: Ehrlich, Frankel, Kenyon, Schwartz and Wohltmann. Also Present: Audrey Ehrlich, Andy Hall, Ruth Masonek, Phyllis McGrew, Willie Flaherty. Jim and Mary Neil, Ray Lillywhite and Merl Peters.

**MINUTES:** There were several corrections to the minutes of the April 14, 1992 meeting.

MOTION: It was moved, seconded and passed to approve the April 14, 1992 minutes as corrected.

**PRESIDENT'S REPORT:**

There was no report.

**TREASURER'S REPORT:**

Dr. Schwartz reviewed the financial statements for the period ending April 30, 1992.

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

**MANAGER'S REPORT**

Mr. Noble reported that work was nearly complete at 401 - 415 Cola Ballena. He reported that work was progressing well at 1201 - 1215 Ballena Boulevard, and carpentry should be finished by June 1st. Mr. Noble estimated that painting would begin at 401 - 415 Cola Ballena during the week of May 18th. He reported that an inspection had been scheduled for one of the last three units to which the Association had previously been denied access.

Mr. Noble called Directors' attention to the report from Construction Management Associates (CMA) regarding the roofing survey, and asked that one of the Directors return their copy after review.

Mr. Noble reported that the crack sealing and root damage repairs to the streets had been completed, and that seal coating would take place on Wednesday, May 20th and that notices had been sent to all affected homeowners.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Ehrlich stated that Mr. Noble had covered the current renovation work in his report.
2. Waterside Maintenance - Mr. Wohltmann reported that the contract had been let with Mr. Helwig, and that he is now awaiting arrival of the floats. Mr. Wohltmann stated that the second set of docks had been surveyed and sketches prepared, and that once the designer/architect returns from vacation the work will be sent out to bid. He estimated that work on the first set of docks would begin mid-June. He asked Mr. Noble to investigate a possible insect (moth) infestation in the gardens in the vicinity of 402 - 412 - 416 Tideway.
3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Mr. Frankel reminded members of the community garage sale Saturday, June 27.
5. Landside Maintenance Committee - Mr. Kenyon reported that the garage door at 1211 Ballena Boulevard had been repaired by Nicely Done prior to start of the renovation work. He stated that he would install the

previously approved "No Trespassing" signs at the bridge area. He stated that the Neils' request had been approved and the plants had been planted by Sundance. Mr. Kenyon stated that he and Mr. Noble would inspect and direct trimming of foliage which was reducing visibility on Tideway.

**RESIDENTS' TIME:**

Andy Hall reported that one of the sets of sprinklers near his front door appeared not to be functioning. He stated that he had spoken with the Masons, and that they had been agreeable to placement of a planter box or similar arrangement to mask the stump. President Ehrlich suggested that Mr. Hall and Mr. Kenyon discuss the matter and agree on the best solution. Mr. Hall stated that a parking space that belonged to the Association had been marked as reserved for the marina, and that he had been told that a 20-year lease on the space had expired. Ruth Masonek stated that she understood that the Association had been required to renew the lease some time ago and apparently had let it lapse. President Ehrlich asked Ms. Masonek to investigate the possibility of the Association reclaiming the space.

Willie Flaherty requested that regular dues and special assessments be broken out separately on the monthly billing statements, and it was agreed that Mr. Noble would check into having the change made. She also commented that she had observed that one of the pilings was moveable, and she was informed that that was normal.

Jim Neil stated that Ballena Boulevard had hosted the annual barbecue for two years in a row, and would like to pass the honor on to one of the other neighborhoods. There was discussion regarding possible locations.

**MOTION:** It was moved, seconded and passed to form the barbecue committee and allocate funds up to the amount spent in 1991 for the 1992 annual Ballena Bay Townhouse Association "Sometime in July" picnic.

**CORRESPONDENCE:**

1. Letter from John Dickson, Mendelson & Brown, Regarding Loh Property, 330 Tideway Drive - Mr. Noble was directed to follow up.

**NEW BUSINESS:**

There was no New Business.

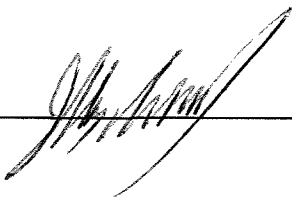
**OLD BUSINESS:**

1. Set Next Board Meetings - It was agreed that the next Board meeting would be held on June 9th and that the preparatory meeting would be held on May 27th. ~~It was further agreed that the preparatory meeting for the July 14th Board meeting would be held on June 28th.~~

**ADJOURNMENT**

The Board adjourned the Regular Board Meeting at 8:25 p.m.

Secretary



**ACTION BY UNANIMOUS WRITTEN CONSENT  
OF THE  
DIRECTORS  
OF  
BALLENA BAY TOWNHOUSE ASSOCIATION #1  
WITHOUT A MEETING**

We, the undersigned, are all of the members of, and together constitute, the Board of Directors of Ballena Bay Townhouse Association #1 and by this writing approve the following resolution and consent to its adoption:

RESOLVED, To accept the Bid of Arthur Helwig in an amount not to exceed \$12,476.50 per Work Specification and Price Quotation dated and signed by Mr. Helwig on April 20, 1992, for Dock Modification at 449-455 Cola Ballena, Alameda, California.

This consent is executed pursuant to §7211 (8) (b) of Corporate Duties and Responsibilities Under the California Nonprofit Corporation Law and is filed with the Minutes of the Board of Directors of the Corporation.

DATED: April 22, 1992 James B. Shulick  
DIRECTOR

DATED: April 23, 1992 [Signature]  
DIRECTOR

DATED: May 6, 1992 Carl A. Edelstein  
DIRECTOR

DATED: 5/6, 1992 W. Robert Schwegel  
DIRECTOR

DATED: 5/13/92, 1992 Robert Kenyon  
DIRECTOR

Ballena Bay Townhouse Association

**DOCK MODIFICATIONS AT 449-455 COLA BALLENA**

**WORK SPECIFICATION AND PRICE QUOTATION**

Provide labor and equipment to perform work listed below and shown on the attached drawing at the prices listed:

**GENERAL**

Supply all tools and equipment, move-in, move-out, towing, disposal of scrap materials (cutoff pilings, replaced walers, scrap metal, etc.) Disposal of replaced floats is not included.

*No Disposal as per  
own spec.*

*\$ 2100<sup>00</sup>*

**PILE WORK ( 3 new piles furnished by Owner)**

Supply 1 new 40-foot marine piling equal to the 3 new pilings supplied by owner.

*1 used Pile like new \$500 FT*

*\$ 200<sup>00</sup>*

Remove 4 existing marine pilings by pulling or cutoff to mud line; drive 4 marine pilings at locations required to accommodate new positions of 4 relocated floating dock fingers.

*1800<sup>00</sup>*

**DOCK WORK**

Manufactured materials will be supplied as listed in request for manufacturer's proposal attached hereto for reference. Offload new floats delivered to Ballena Isle Marina by float manufacturer, assemble new 80' headfloat in water, remove headfloat and damaged finger float from existing dock, install new headfloat and three new finger floats including installation of waler system and hardware, tow removed floats to Ballena Isle Marina, remove from water and stockpile in designated Marina area.

*8376.50*

**TOTAL FIXED PRICE**

*\$ 12476.50*

**REPAIR WORK**

Minor repair work, not susceptible to accurate estimating, will be required on existing floats. This work will be done on a time and material basis. Please quote below all-inclusive hourly rates for such labor. Materials will be reimbursed at cost.

<u>Labor Category</u>	<u>Hourly Rate</u>
<u>Foreman</u>	<u>50</u>
<u>Solar</u>	<u>45</u>
_____	_____

*14 Days*  
*30 Day*

*Arthur G. Helberg*  
*H.P.E.S.*  
*Marine Services Repair and Recovery*  
*4-20-92*

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
April 13, 1992**

**MINUTES**

**CALL TO ORDER:** President Ehrlich called the meeting to order at 7:34 p.m.

**ATTENDANCE:** Directors Present: Ehrlich, Frankel, Kenyon, Schwartz and Wohltmann. Also Present: Archie and Ida Stone, Audrey Ehrlich, Andy Hall, Joan Albin, Ruth Masonek, Phyllis McGrew, Ann Kenyon and Mary Neil.

**MINUTES:** There were no corrections to the minutes of the March 10, 1992 meeting.

MOTION: It was moved, seconded and passed to approve the March 10, 1992 minutes as submitted.

**PRESIDENT'S REPORT:**

President Ehrlich reported that reconstruction work will be recommencing, along with landscape improvements and possible road resurfacing, now that winter is over. He stated that he felt much had been accomplished to prepare for continuation of the renovation work.

**TREASURER'S REPORT:**

Dr. Schwartz reviewed the financial statements for the period ending March 31, 1992. He verified that the bank statements and reconciliations matched the financial statements.

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

**MANAGER'S REPORT**

Mr. Noble reviewed the bids which had been received for renovation work at 401 - 415 Cola Ballena and 1201 - 1215 Ballena Boulevard. He reported that Senator Petris had temporarily halted a move by the State Legislature to repeal the California Residential Earthquake Recovery Fund. He called Director's attention to information in their packet regarding water damage at 330 Tideway Drive which may have resulted from adjacent reroofing work.

Mr. Noble called Director's attention to a letter to the Alameda Board of Realtors which he had drafted in response to concerns raised by real estate agents concerning mooring of boats. He reported that Sundance Landscape's contract will be up for renewal on May 1, 1992 and called Directors' attention to the copy of their contract contained in the Board packet. He stated that, based upon the satisfaction experienced with Sundance's performance and the fact that their price has not increased, he would recommend acceptance of the new contract.

Mr. Noble reported that Construction Management Associates (CMA) had completed their roofing inspection. He stated that they were denied permission to inspect only one roof, and that it was anticipated that their report would be available for review at the next Board meeting. Mr. Noble was directed to request a set of standards and specifications for reroofing from CMA. He provided each Director a copy of the inspection report done in 1989 relative to the rear deck stairs and landings.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - President Ehrlich requested that Mr. Noble inspect the trim color of several units on Cola Ballena. Mr. Noble stated that he had contacted all contractors who had submitted bids for the renovation work at 401 - 415 Cola Ballena and 1201 - 1215 Ballena Boulevard, and they had indicated they were all available to start the following week.

MOTION: It was moved, seconded and passed to accept bids for renovation work from Lexus Construction for 401 - 415 Cola Ballena at a cost of \$27,536; and Nicely Done for 1201 - 1215 Ballena Boulevard at a cost of \$24,500, both jobs to start as soon as possible and run concurrently.

Mr. Noble was directed to inform Mr. McNeil that the Board was concerned regarding the supervision problem and that he must provide assurance that there will be no problem in the future. There was discussion regarding the Association's cash flow in relation to the renovation work. It was agreed that Mr. Noble would wait until May to solicit bids for renovation of the next three buildings. Ms. McGrew reported mold on the siding of her fence. Mr. Noble was directed to investigate. There was discussion regarding the quality of the doors. Mr. Noble stated that he had addressed the matter with the contractors.

2. Landscape Contract Renewal

MOTION: It was moved, seconded and passed to renew the contract with Sundance Landscape.

3. Review of Proposed Letter to Alameda Board of Realtors Regarding "Mooring of Boat" CC&R Restriction - Mr. Noble was directed to send the letter.

**OLD BUSINESS:**

1. Dock Modification Contract - Mr. Wohltmann stated that Bellingham Marine had been very responsive, and that the quote did not include the cost to install, which would be included in the proposal from Art Helwig. He recommended ordering the parts from Bellingham now, and he stated that he would continue to solicit bids from Art Helwig and others for the pile driving.

MOTION: It was moved, seconded and passed to accept the bid from Bellingham Marine for floats and other marine materials at a cost of \$11,967.

2. Street Lights - President Ehrlich stated that he had learned that the apartments across the street pay the electricity for the lights, and suggested that the Association voluntarily offer to pay for its electricity usage. Mr. Frankel explained his calculations in arriving at the cost of the electricity attributable to the Association.

MOTION: It was moved, seconded and passed to pay \$30.00 per month for the Association's estimated prorata share of the street lighting costs on Ballena Boulevard, commencing with completion of talks with representatives of Ballena Village Apartments.

**ADJOURNMENT**

The Board adjourned the Regular Board Meeting at 8:35 p.m.

Secretary \_\_\_\_\_  


BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
March 10, 1992

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, Bob Kenyon and Carl Wohltmann. Absent was Mel Schwartz. Also present were Rich Noble of Noble Community Management, Archie and Ida Stone, Audrey Ehrlich, Joan Albin, Merl Peters, Jim and Mary Neil, and Andy Hall.

MINUTES

Minutes of the February 11, 1992 Regular Board Meeting and Executive Session - No corrections were noted.

MOTION: It was moved, seconded and passed to approve the minutes of the regular Board meeting and Executive Session of February 11, 1992 as presented.

PRESIDENT'S REPORT - No separate report.

TREASURER'S REPORT - Mr. Noble presented the financial statements for the period ended February 29, 1992, calling Directors' attention to the delinquent account update.

MANAGER'S REPORT

1. Renovation Project - Mr. Noble reported that inspections had been tentatively scheduled for the following week on the remaining homes to be renovated, and that bid requests would be sent the following week so that bids could be presented to the Board at its April meeting.
2. Rains - Mr. Noble reported that seven roof and/or wall leaks had been reported, and that all had either been repaired or were in the process of being repaired.
3. California Residential Earthquake Recovery Fund - Mr. Noble reported that legislation is currently before the State legislature to repeal the law mandating this fund.
4. Roof Maintenance - Mr. Noble reported that he had invited Construction Management Associates to evaluate Ballena Bay's roofing systems and make recommendations regarding maintenance and alternative roofing system styles, as well as to provide current repair costs, replacement estimates and estimated costs of alternative roofing system styles. He called Directors' attention to the copy of CMA's proposal contained in the Board packet for discussion under New Business.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Ehrlich reported there were some paint color inconsistencies on Cola Ballena. Mr. Noble stated that he would investigate. President Ehrlich reported trash blowing around near 304 Tideway Drive, and asked Mr. Noble to investigate.
2. Waterside Maintenance - Carl Wohltmann reported that progress was being made with Art Helwig. He stated that preliminary specifications had been completed for the first and probably most extensive dock repair and change. Mr. Wohltmann reported that volunteer work had taken place, and that additional volunteers were needed.



3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Jeff Frankel reported that he would put out a combined March/April newsletter within the next two weeks, and thanked Audrey Ehrlich for her assistance in copying the minutes.
5. Landside Maintenance - Bob Kenyon reported that a proposal had been received for repair of the road surface and parking area on Tideway and Ballena Boulevard. He estimated the cost to the Association as follows: (1) one-third share for Tideway east - \$815; (2) one-half share for Tideway west - \$3,221; and (3) parking areas along Ballena Boulevard - \$3,800. Mr. Kenyon stated that concurrence of the other homeowners' associations that they will pay their share had not yet been obtained. He stated that the total cost would be approximately \$12,500, and the Association's share of the total would be \$7,800 if all the work were done this year.

Mr. Kenyon stated that complaints had been received regarding the height of shrubbery on Tideway, near 334 and 340, creating a blind spot for motorists, and stated that the shrubs had since been trimmed. Mr. Stone stressed the importance of having the landscape crew maintain the shrubs consistently at the lower level.

MOTION: It was moved, seconded and passed that, pending participation from Tideway 500 and the two apartment buildings, the Association proceed with resurfacing of Tideway east, Tideway west and Ballena Boulevard, at a cost to the Association not to exceed \$9,000.

It was agreed to ask the paving contractor to bill each party separately.

President Ehrlich expressed concern regarding children playing in the area on either side of the bridge, near the cyclone fencing. Mr. Kenyon agreed to work with Mr. Noble regarding installation of new "Private Property - No Trespassing" signs on the fences.

#### RESIDENTS' TIME

Andy Hall asked when the next phase of rehabilitation would begin. He was informed that inspections would begin on approximately March 18th, then bids would go out, and that work would probably begin near the end of April. President Ehrlich outlined the schedule of units to be completed next.

Jim Neil stated that a limb had broken off the eucalyptus tree near his home. He also reported a break in the irrigation system. Mr. Neil requested permission to plant in front of his home the plants currently contained in pots in front of his fence. Mr. Kenyon agreed to inspect, then to take a phone poll of the Board for approval. Mary Neil requested that the above-referenced eucalyptus tree be removed, and she was advised to submit a written request. Mr. Neil stated that he would also submit a written request for a change to one of his windows.

WRITTEN CORRESPONDENCE - There was none.

#### NEW BUSINESS

1. Construction Management Associates (CMA) Proposal - President Ehrlich explained the purpose of the proposal, and Mr. Noble explained the reason for the price range

contained in the proposal. President Ehrlich asked Mr. Noble to make clear to CMA before commencement of the survey that the goal is to get an assessment and evaluation of the roofs which will need to be repaired and/or replaced. Mr. Frankel stated that the report should contain a rating system house by house, tied to specific house numbers.

MOTION: It was moved, seconded and passed to accept the proposal from CMA at a cost not to exceed \$3,000.

OLD BUSINESS

1. Legal Matters

MOTION: It was moved, seconded and passed to adjourn the Board meeting and enter into Executive Session for the purpose of addressing confidential legal matters.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m. The next Board meeting will be held on April 8, 1992 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
February 11, 1992

MINUTES

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

Present were Directors 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, Willie Flaherty and Andy Hall.

MINUTES

Minutes of the January 14, 1992 Regular Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to approve the minutes of the regular Board meeting of January 14, 1992 as amended.

TREASURER'S REPORT - Dr. Schwartz reviewed his January 31, 1992 report, including the status of delinquent homeowner accounts. Dr. Schwartz stated that he had instructed the bank to roll over the \$5,000 certificate of deposit for the dredging bond when it matures in March, so that it comes due as of June 3rd.

MANAGER'S REPORT

1. Renovation Project - Mr. Noble presented the bid from R. E. Broocker for painting of the units scheduled this year, plus the units which were previously passed over. He stated that the proposal contained "stand alone" prices, and that an update would be provided as the time to do the work approaches.
2. Rains - Mr. Noble reported that only one roof leak had been reported.
3. California Residential Earthquake Recovery Fund - Mr. Noble explained the new state-mandated earthquake insurance program, and stated that the issue would need to be addressed when the Association's earthquake insurance policy is renewed.
4. Asphalt Paving - Mr. Noble stated that he had received a quote of \$12,690 for sealing of both Tideways and the Ballena strip from the asphalt contractor who had done the seal coating on Cola Ballena last year. He stated that he had requested that the contractor break the quote down by the individual streets to that costs could be allocated appropriately.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Ehrlich reported minor repairs had been made to meter closet doors which had been installed about a year ago by Nicely Done because some had fallen off or failed to work properly. He stated that now some of the new doors are swelling because of the rain, requiring additional minor work. President Ehrlich stated that the Association had paid \$286 to replace each of the doors again, and that he felt it should not have to pay for the new repairs.
2. Waterside Maintenance - Carl Wohltmann reported that the the bid process for dock repairs had commenced. He stated that some of the work will have to be time and materials, but that he would try to lock in as much as possible on a fixed cost basis. Mr. Wohltmann promised to provide Mr. Noble a copy of the bid documents. There was discussion regarding the feasibility of using handyman and volunteer labor. Mr. Wohltmann promised to continue to pursue removal of floating debris.

3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Jeff Frankel solicited articles for the newsletter.
5. Landside Maintenance - Jim Ehrlich passed on to Mr. Noble a list of tree trimming for Sundance Landscaping. Archie Stone stated that the sprinklers were coming on later than usual, and Mr. Noble stated that he would have Sundance reset the clocks.

RESIDENTS' TIME

Andy Hall asked for a status report on the board covering the Monterey pine tree, about which he had inquired at the previous Board meeting. It was explained that the process of killing the tree roots was still underway, and President Ehrlich stated that he would investigate further.

WRITTEN CORRESPONDENCE - There was none.

NEW BUSINESS

1. Annual Financial Statements by Edward Riback, CPA - Mr. Noble recommended approval of the Annual Financial Statements for distribution to the membership.

MOTION: It was moved, seconded and passed to accept the Annual Financial Statements from Edward Riback, CPA.

Mr. Noble stated that he would distribute the statements to the membership. There was discussion regarding passage of the Tax Resolution by the membership.

2. Painting Proposal from R. E. Broocker

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

OLD BUSINESS

1. Legal Matters

MOTION: It was moved, seconded and passed to adjourn the Board meeting and enter into Executive Session for the purpose of addressing confidential legal matters.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m. The next meeting will be held on March 10, 1992 at 7:30 p.m. at the Ballena Bay Yacht Club.

  
Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
January 14, 1992

MINUTES

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

Present: Jim Ehrlich, Jeff Frankel, Bob Kenyon, Mel Schwartz and Carl Wohltmann. Also present: Rich Noble of Noble Community Management, Archie Stone, Joan Albin, Audrey Ehrlich, Ben Williams, Ray Lillywhite, Andy Hall, Joe Heskett and Phyllis McGrew.

MINUTES

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

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

PRESIDENT'S REPORT - President Ehrlich read his report, a copy of which is attached.

TREASURER'S REPORT - Dr. Schwartz read his December 31, 1991 report, including a 1991 budget analysis.

MANAGER'S REPORT

1. Renovations - Mr. Noble reported that repairs and painting scheduled for 1991 had been completed. He projected that inspections would be performed in mid-March so that proposals would be presented to the Board for consideration at their April meeting, and explained the rationale for waiting until mid-March.
2. Leaks - Mr. Noble reported that the rainstorms which had occurred since the prior Board meeting had resulted in only two house leaks, two garage leaks and one garage drain cleaning, none of which were recurrences of previously reported leaks.
3. Concrete Spacers - Mr. Noble reported that spacers had been repaired or replaced in front of three homes, and that he will have the remaining homes inspected to determine the need for additional similar repairs over the subsequent few weeks.
4. Sundance Landscaping - Mr. Noble reported that Sundance is proposing improvements to the irrigation system, both to improve the system and reduce water usage. He stated that he had explored installation of backflow prevention devices, but that it appeared the cost would outweigh the potential need.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - President Ehrlich state that he concurred with Mr. Noble's recommendation regarding scheduling of inspections.
2. Waterside Maintenance - Carl Wohltmann reported that he had performed emergency repairs to one of the work floats, and submitted a receipt for reimbursement. He stated that arrangements were underway for removal of the wood and concrete flotsam. President Ehrlich noted that the U. S. Army Corps of Engineers does pick up flotsam as long as it floated into the marina from the Bay.
3. Finance and Insurance - Dr. Schwartz read the Summary of Insurance Coverages sent by Andrew Duncan on December 4, 1991. It was agreed that the opinion of Mr. Duncan's attorney on earthquake insurance deductibles be relayed to Mr. Scholtez, but that Mr. Scholtez be asked to spend a minimal amount of time on the matter.

4. Neighborhood Communications - Jeff Frankel thanked Archie Stone for his assistance in preparing the new community directory. A correction was noted, and Mr. Frankel solicited other corrections, stating that he would issue correction stickers.
5. Landside Maintenance - Bob Kenyon stated that he was still trying to remove the tree at 1225 Ballena Boulevard. He stated that he and Mr. Noble will meet to discuss the tree situation, including tree roots affecting driveways. Mr. Kenyon stated that the dock ramp supports at 1213 - 1215 Ballena Boulevard are in need of repair, and the matter was referred to the Waterside Maintenance Committee.

#### RESIDENTS' TIME

Andy Hall asked whether he needed Board approval to replace the sloped portion of his roof. President Ehrlich stated that approval was unnecessary as long the replacement were the same in terms of design and color. Mr. Hall reported that the diagonal supports under the landing at 465 Cola Ballena need repair, and Mr. Wohltmann promised to investigate. Mr. Hall inquired how long the plywood would remain draped over a stump at 455 Cola Ballena, and Mr. Noble was directed to investigate. Mr. Hall complimented Mr. Frankel on the newsletter article on the savings on lights, and suggested that a similar article be included on saving water.

#### WRITTEN CORRESPONDENCE

1. Letter from Andrew Duncan - Addressed under Finance and Insurance Committee report.
2. Letter from Sundance Landscaping of December 11, 1991 - Mr. Noble was directed to proceed with the proposed "Immediate Repairs" at a cost not to exceed \$390.00, and to defer action on the "Recommendations" until further study.
3. Letter from Sundance Landscaping of November 20, 1991 - Mr. Noble was directed to determine how many clocks were involved, and authorized to proceed if the cost would not exceed \$400.
4. Letter from Sundance Landscaping of December 4, 1991 - It was agreed that the backflow devices were unnecessary, but that the matter would be reopened upon the request of the Landside Maintenance Committee.
5. Letter from Sundance Landscaping of January 9, 1992 - The Board reviewed the letter, which reiterated matters discussed in the November 20, 1991 and December 4, 1991 letters from Sundance Landscaping. No action was taken.

NEW BUSINESS - There was none.

OLD BUSINESS - There was none.

#### 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 February 11, 1992 at 7:30 p.m. at the Ballena Bay Yacht Club.

Secretary 