

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
December 14, 1993**

MINUTES

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

**ATTENDANCE:** Directors present: Frankel, Flanigan, Neil, Schwartz and Stone. Also present: Jim and Audrey Ehrlich, Jim Neil, Jennifer Flanigan, Ruth Masonek, Ida Stone, Ann Kenyon, Phyllis McGrew and Phyllis Iacampo.

**APPROVAL OF MINUTES**

Minutes of the November 9, 1993 Board Meeting - Two corrections were noted.

**MOTION:** It was moved, seconded and passed to accept the minutes of the November 9, 1993 Board meeting as corrected.

**PRESIDENT'S REPORT**

President Frankel asked that Mr. Noble clarify a point regarding the official name of the Association.

**TREASURER'S REPORT**

Dr. Schwartz read his November 30, 1993 summary verbatim. He explained that Westside Bank, where the Association had opened a two-month certificate of deposit account, was owned by California Bankshare, Inc. which also owns Alameda-First National Bank. Dr. Schwartz stated that the plan was to transfer \$35,000 to round the account up to \$100,000, and then to rotate accounts so that a certificate of deposit account would mature each month. He reviewed the budget variances and delinquencies.

**MANAGER'S REPORT**

Mr. Noble reported that seven roof leaks had been reported, which had been referred to Excel Roofing for repair, and responded to questions on specific instances.

Mr. Noble reported on the result of his exploration of Mr. Flaherty's suggestion at the previous meeting that all homeowners have the Association listed as co-insured on the boat insurance policies. He stated that BBTA's insurance agent had informed him that such an action would be in violation of California's civil code. He explained that the policy contains a clause regarding subrogation. Mr. Noble called the Director's attention to the copy of Andrew Duncan's response to his inquiry regarding third-party liability contained in their packets, as well as a copy of a summary of BBTA's insurance coverages.

Mr. Noble called the Directors' attention to the sample assessment coupon books contained in their packets, and explained the benefits of using them.

Mr. Noble provided a brief status report on two legal matters.

**COMMITTEE REPORTS**

- Home Maintenance and Architecture** - Mr. Flanigan noted that the architectural guidelines would be considered under Old Business. He stated that, based on the discussion at the previous Board meeting, he had asked Manager Rich Noble to obtain an estimate of the cost to install two speed bumps. He stated that it would cost approximately \$600 for each speed bump. Mr. Flanigan stated that he had attempted to contact the manager of the apartment building across the street, as their permission would be required.
- Waterside Maintenance** - Mr. Stone reported that time had been lost on the dock project due to the serious illness of the contractor's wife, but that the work would proceed soon. He stated that another contractor, Tom Williams, was working on landings and ramps, with two remaining to be done. Mr. Stone estimated that another ten to twelve ramps, plus landings, would be completed next year. Mr. Noble stated that he had been informed that the materials cost would be going up by approximately \$140.00 per unit, which would affect work done next year.

## NEW BUSINESS

1. Assessment Payment Coupon Book - President Frankel asked for input from the members attending the meeting regarding the institution of a coupon book payment plan, as opposed to the current system. Mr. Noble was asked to include a page for homeowners to record their payments, including date and check number.

MOTION: It was moved, seconded and passed to accept the recommendation of Manager Rich Noble to send out coupon books with mailing address stickers.

2. Consideration of Installation of Speed Bumps - There was discussion regarding installation of speed bumps at the bend in the road near 340 Tideway Drive to reduce the speed of traffic and alleviate a potentially dangerous situation.

MOTION: It was moved, seconded and passed to notify the neighbors across the street of the danger and investigate the possibility of sharing the cost of installing speed bumps on Tideway Drive, and to authorize the project to proceed, if permission is obtained from the neighbors, at a cost to BBTA not to exceed \$1,500. Aye: Flanigan, Frankel, Schwartz, Stone. Nay: Neil.

## OLD BUSINESS

1. Consideration of Proposal Board Policy Resolutions 90-1 "Rules for Storage in the Common Area" and 93-1 "Rules Governing Changes in Arrangement of Docks" - Mr. Stone explained the history of Policy Resolution 90-1.

MOTION: It was moved, seconded and passed to adopt revised Policy Resolution 90-1 "Rules for Storage in the Common Area" as presented.

Mr. Stone explained that Resolution 93-1 negates the previous Board ruling that the finger includes the length of the piling.

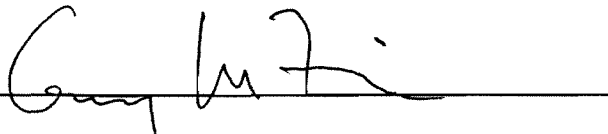
MOTION: It was moved, seconded and passed to adopt Policy Resolution 93-1 "Rules Governing Changes in Arrangement of Docks".

2. Architectural Committee Guidelines and Request Form - After a lengthy discussion, it was agreed to carry the matter over to the January Board meeting.

## ADJOURNMENT

The meeting was adjourned at 9:15 p.m. The next meeting will be held on January 11, 1994 at 7:30 p.m.

Secretary



Ballena Bay Towhouse Association  
Board Policy 90-1  
Adopted 12 July 1990  
Revised 14 December 1993

## RULES FOR STORAGE IN THE COMMON AREA

CC&R's Article XI Section 1: "Nothing shall be stored in the Common Area without the prior consent of the Association." ..... "There shall be no violation of rules for the use of the Common Area adopted by the Association and furnished in writing to the Owners; and the Association is authorized to adopt such rules."

The Common Area includes all area outside of garages and fences on the land side, and includes landings, ramps and docks on the water side. Consent is hereby granted for all storage that meets the requirements of these rules.

All storage in the Common Area shall be maintained in a sightly, neat and clean condition at all times.

### Land Side

Storage is limited to short-term parking of licensed, operable automotive vehicles of non-resident guests of homeowners or occupants in visitors' parking spaces. Visitors' parking spaces are all parking spaces in the Common Area not specifically assigned for the exclusive use of individual residences.

### Water Side

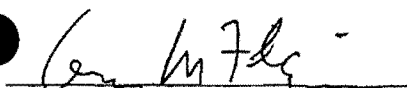
Each home is assigned one mooring slip for its exclusive use. All other spaces on the dock are for the use and enjoyment of all residences on that dock, as mutually agreed. These areas may be used for temporary guest moorings, temporary mooring by residents on the dock, attachment of small floats for storage of small water craft, or storage on the dock of other marine-related items. Nothing shall be placed or stored on ramps or landings. No owner or resident has a right to permanently moor a second boat outside his assigned mooring slip, nor to lend or rent his assigned mooring slip to a second party.

Any uses of docks shall be such as not to create a nuisance for neighbors, and shall be subject to the reasonable objections of neighbors. Disputes that may arise in connection with these uses shall be mediated by the Board, whose decision shall be final.

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Permission for any other storage in the Common Area will be granted only in response to a request by the homeowner or occupant describing the item and the purpose and time period proposed for storage. The Board will consider each such request and issue a permission or denial. Such permission may be revoked at any time if the storage becomes a nuisance to other owners or occupants.

Storage of any boat, vehicle, or other item in the Common Area in contravention to these rules shall be corrected or removed when so ordered by the Board, whose decision shall be final. If a condition ordered to be corrected is not corrected or a vehicle, boat, or other item ordered to be removed is not removed the Board may correct the condition or remove the item at the owner's expense, or take such other action, including requesting police citation, as it deems appropriate.

  
Secretary

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## BALLENA BAY TOWNHOUSE ASSOCIATION BOARD OF DIRECTORS MEETING November 9, 1993

### MINUTES

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

**ATTENDANCE:** Directors present: Frankel, Flanigan, Neil, Schwartz and Stone. Also present: Bob Flaherty, Jim and Audrey Ehrlich, Andy Hall, Carl Wohltmann, Jim Neil, Jennifer Flanigan, Beverly Partridge, Ruth Masonek, Ida Stone, and Bob and Ann Kenyon.

### APPROVAL OF MINUTES

1. Minutes of the October 12, 1993 Meetings of the Outgoing and Incoming Boards (two separate sets) - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the minutes of the October 12, 1993 meetings of the outgoing and incoming Boards as presented.

2. Minutes of the Annual Homeowners Meeting of October 12, 1993 - The Board reviewed the minutes and no corrections were noted. The minutes will be approved by the membership at the 1994 Annual Membership Meeting.

### PRESIDENT'S REPORT

President Frankel reported that the new Board had been working on the 1993-94 budget, rules for storage in the common areas, and guidelines for approval of requests for dock modification change. He stated that all three matters were on the current agenda for action.

### TREASURER'S REPORT

Dr. Schwartz read his October 31, 1993 summary verbatim. There were no questions.

### MANAGER'S REPORT

Mr. Noble reported on the change in carrier of BBTA's Docks & Floating Slips coverage to Scottsdale Insurance Company. He stated that annual premium was \$1,400 less and the annual deductible \$500 less than the prior carrier, Lloyds of London, for identical coverage. He stated that he had requested from Andrew Duncan Insurance Agency a summary of all coverages, and that he would provide same to the Board as soon as it is received.

Mr. Noble called the Directors' attention to the copies of the Articles of Incorporation, By-Laws, Rules Governing Storage in the Common Areas, and CC&R's contained in their packets, per the President's request at the previous meeting. He stated that he had also enclosed the latest revised version of the Architectural Guidelines which he had received from Marshall Perry.

In response to a question, Mr. Noble explained that he issues copies of the CC&Rs upon request of the title company at time of transfer, and that the new, cleaned up version, will be provided in future.

### COMMITTEE REPORTS

1. Home Maintenance and Architecture - Gary Flanigan reported that he was in the process of obtaining plans for all units and bringing his records up to date. He solicited volunteers, and Jim Ehrlich, Carl Wohltmann and Ann Kenyon volunteered to serve on the Committee.

Mr. Flanigan reported that he had received a request from John Moore, 300 Tideway Drive, for permission to replace his garage door with a sectioned door, similar to others already in place in the area.

MOTION: It was moved, seconded and passed to approve the request of John Moore, 300 Tideway Drive to replace his garage door, subject to his obtaining all necessary permits and painting the door to match the building.

2. Waterside Maintenance - Archie Stone reported that repairs were proceeding on the Cola Ballena side, and estimated work would be complete around the first of the year. He stated that the dock widening work requested by Andre Delbecq had been completed. Mr. Stone stated that, regarding the Walker/Liptai dock widening project, work had begun with one change to the plan. He explained that the work had been approved pending contacting affected neighbors, that Mr. Thruston had been unreachable at the time, but had strongly objected to the plan when contacted. Mr. Stone stated that the requesting parties had agreed to a change in plan, which was acceptable to Mr. Thruston.

MOTION: It was moved, seconded and passed that the approval recorded in the minutes of the September 14, 1993 meeting for dock modifications at 429 to 435 Cola Ballena be revised to provide that the docks be widened in a northerly direction, as requested by the owner of 435 Cola Ballena, and that the cost of the work, estimated at \$6,100, be shared equally between the owners of 431 and 433 Cola Ballena.

Mr. Stone stated that eight or nine landings and ramps had been completed, and estimated that two or three remained to be done. Mr. Noble stated that the contractor would return on November 16th to finish the work.

Mr. Stone stated that John Moore had volunteered to serve on the Waterside Maintenance Committee, and Jim Neil volunteered as well.

3. Finance and Insurance - Mel Schwartz recommended that the funds in BBTA's money market account be transferred to federally insured accounts carrying a higher yield.

MOTION: It was moved, seconded and passed to authorize Treasurer Mel Schwartz to close the Dreyfus money market into: (1) an interest-bearing account at Alameda First National Bank; and (2) a certificate of deposit account determined by Alameda First National Bank. The accounts shall be called the Ballena Bay Townhome Association Reserve Fund.

4. Neighborhood Communication - Jeff Frankel reported that he had received the draft October minutes by FAX in a timely manner, so that the minutes could be included in the newsletter. It was suggested that the newsletter include the meeting agenda and come out closer to the meeting date to serve as a reminder. There was discussion regarding the logistics of getting the newsletter copied, and it was decided to have Manager Rich Noble make the copies. The recording secretary was instructed to transmit the November minutes to Manager Rich Noble via FAX for inclusion with the newsletter.
5. Landside Maintenance - Mary Neil reported that the committee is looking for bids from landscaping services and certified arborists. She stated that the development had been divided into segments for purposes of scheduling the work, and noted that Cola Ballena would be the first segment addressed. Ms. Neil stated that the committee would let affected homeowners know the work planned prior to commencement, and will take before and after photographs. She solicited volunteers to serve on the committee, and Beverly Partridge volunteered. Mr. Noble stated that he would work with the committee on the specifications for the landscape contractor and arborist.
6. Nominations - It was agreed that this item would be removed from the agenda until the committee is activated.

#### RESIDENTS' TIME

Ruth Masonek stated that Gordon Greenlee at 449 Cola Ballena had reported a new water stain. Mr. Noble stated that he would get the details from Ms. Masonek and follow up.

Bob Flaherty recommended that all homeowners be requested to name the Association as co-insured on their boat insurance policies, as there is no additional cost to the homeowner and could be very valuable to the Association. Mr. Noble agreed to investigate through BBTA's insurance agent, and Mr. Flaherty agreed to draft a letter to homeowners.

Jim Neil stated that very few residents had signed up for the New Year's Day event, and requested permission to send out a flyer soliciting sign-ups. Permission was granted, and it was agreed that another article on the event would appear in the next newsletter. Mr. Frankel also solicited items for the newsletter, whereupon several homeowners provided information on new residents, weddings and the deli reopening.

Andy Hall asked whether the anchor-outs he had observed would affect the Association. President Frankel stated that he would call the police to report the situation, and encouraged as many homeowners as possible to call as well. He also agreed to call the Coast Guard on the matter.

#### WRITTEN CORRESPONDENCE

1. Correspondence Between Ernest Langbein, 302 Tideway Drive and Past President Bob Flaherty, Regarding Dock Modifications - Mr. Stone stated that the matter had been amicably resolved.
2. Andrew Duncan Insurance Agency - *Discussed under Manager's Report.*
3. John Moore, 300 Tideway Drive - Mr. Noble stated that he was investigating Mr. Moore's concerns regarding the caulking, and that he had forwarded Mr. Moore's letter to the Landside Maintenance Committee regarding the tree on his lot.

#### NEW BUSINESS

1. Approval of 1993-94 Budget - President Frankel explained the time requirements for approval and distribution of the budget to all homeowners, and thanked Mr. Stone for his work on the reserve analysis and 20-year maintenance projections. He stated that the proposed 1993-94 budget includes an increase in the monthly assessment to \$300 per unit. President Frankel stated that the projections show, except for possible adjustments for inflation, no assessment increase is anticipated for the next 20 years.

MOTION: It was moved, seconded and passed to adopt the 1993-94 Budget, Reserve Analysis, and Reserve Requirements Report with 20-year projections.

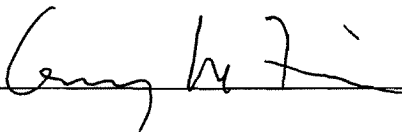
#### OLD BUSINESS

1. Architectural Committee Guidelines and Request Form - President Frankel stated that Mr. Flanigan would review the documents, and it was agreed that the matter would be carried over to the December Board meeting.
2. Rules for Storage in Common Areas and Process for Approving Requests for Dock Modifications - Mr. Stone explained the history of each document. It was agreed to table action on both documents until the December Board meeting.

#### ADJOURNMENT

The meeting was adjourned at 8:50 p.m. The next meeting will be held on December 14, 1993 at 7:30 p.m.

Secretary



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**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING -- Incoming Board  
October 12, 1993**

**MINUTES**

**CALL TO ORDER:** Jeff Frankel called the meeting to order at 8:15 p.m.

**ATTENDANCE:** Directors present: Frankel, Flanigan, Neil and Schwartz. Absent: Stone. Also present: Bob and Willie Flaherty, Jim and Audrey Ehrlich,

**ELECTION OF OFFICERS** - The following officers were elected:

President	Jeff Frankel
Vice President	Mary Neil
Vice President	Archie Stone
Secretary	Gary Flanigan
Treasurer	Mel Schwartz

**APPROVAL OF MINUTES**

Minutes of the September 14, 1993 Board Meeting - Several corrections were noted.

MOTION: It was moved, seconded and passed to accept the September 14, 1993 Board minutes as corrected.

**PRESIDENT'S REPORT** - There was none.

**TREASURER'S REPORT** - There was none.

**MANAGER'S REPORT**

Mr. Noble reported that Lexus Construction had completed most of the landing repairs, and that two additional landings had been added to the work schedule in the 300 block of Tideway. He stated that the hardware had been received for the ramp work, and it was anticipated that the work would be completed within a month.

Mr. Noble reported that the roof replacement work had been completed, and that the roofing consultant had completed his inspection. He stated that he would like to have a few driveways repaired which are causing problems with opening of garage doors. Mr. Noble stated that Mr. Perry had drafted Architectural Guidelines.

**COMMITTEE ASSIGNMENTS**

It was agreed that the committees would be chaired by the following Board members:

Home Maintenance and Architecture	Gary Flanigan
Waterside Maintenance	Archie Stone
Finance and Insurance	Mel Schwartz
Neighborhood Communication	Jeff Frankel
Landside Maintenance	Mary Neil
Nominations	No appointment was made

President Frankel stated that he would write an article for the newsletter announcing the new committee chairs.

**RESIDENTS' TIME**

Mary Neil stated that a homeowner had requested that the minutes be issued as soon as possible following the meeting. Mr. Noble responded that he would do his best. Mr. Frankel requested that the minutes be transmitted to him via facsimile machine as soon as possible. Mr. Noble stated that they should be marked "DRAFT".

Ms. Neil stated that Terry Klaus had suggested, in cases of homeowners requesting permission to change the size, shape or configuration of their dock, it would be beneficial to have the approval of more than just the neighbors on either side of a the requesting homeowner.

Mr. Flaherty stated that, during his recent research of precedent, he had found a policy of the Board in 1976 regarding dock modifications. He stated that the essence of the ruling was that, if one homeowner wanted to swing their dock, it should be done in such a way so as not to interfere with the adjacent homeowner's ability to swing their dock. He stated that that was basically the same as the ground rule adopted by the Board in 1992-93. Mr. Frankel requested a copy of the documentation.

Willie Flaherty asked whether a new homeowners' directory would be issued, and President Frankel stated that it would. He requested that he be informed of any changes in residency or ownership. Ms. Flaherty volunteered to assist with delivery of the newsletter. President Frankel solicited articles for the newsletter.

**NEW BUSINESS** - There was none.

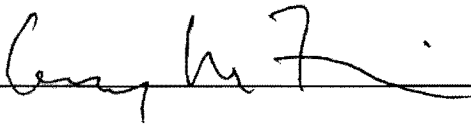
#### **OLD BUSINESS**

1. Consideration of 1994 Budget - President Frankel stated that the Board's next major task would be approval of the budget. Mr. Noble reviewed the 1994 Budget Worksheet and responded to questions from the Directors. A special Board meeting was scheduled for November 2nd at 7:30 p.m. at Mr. Frankel's home to discuss the budget.
2. Architectural Committee Guidelines - *Tabled for consideration at the November Board Meeting.*

#### **ADJOURNMENT**

The meeting was adjourned at 8:45 p.m. The next meeting will be held on November 9, 1993 at 7:30 p.m.

Secretary





**BALLENA BAY TOWNHOUSE ASSOCIATION  
ANNUAL HOMEOWNERS' MEETING  
October 12, 1993**

**MINUTES**

**CALL TO ORDER** - President Flaherty called the meeting to order at 7:40 p.m.

**ROLL CALL** - President Flaherty declared that a quorum of the members was present.

**PURPOSE OF THE MEETING**

President Flaherty 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 13, 1992**

**MOTION:** It was moved, seconded and passed to accept the minutes of the October 13, 1992 Annual Homeowners' Meeting as submitted.

**REPORTS**

**President** - President Flaherty stated he appreciated the opportunity to serve on the Board. He stated that he felt that several important projects had been completed, but that he felt the Architectural procedures needed revision. He stated that BBTA had operated very close to its budget during the year, expending most of what had been budgeted for repairs and accomplishing most of what had been planned. He recommended that the new Board follow the plans calling for an increase in the monthly dues from \$274 - \$298.

**Waterside Maintenance** - Mr. Wohltmann reported that work on all the docks on the east end of the waterway (east of the Ballena Boulevard bridge) had been done or was underway. He stated that the work on the west end was budgeted for the next two years. He stated that about half of the landings and steps had been refurbished, and that Lexus was also repairing ramps. Mr. Wohltmann recommended that next year's Waterside Maintenance Committee find a way to do routine maintenance as opposed to repairs. He stated that he had enjoyed serving on the Board, and would be willing to serve again if needed.

**Home Maintenance and Architecture** - Mr. Flaherty reported that roofing was the major maintenance project, noting that work had been done at approximately 13 homes. He stated that he felt that BBTA got a lot for the \$40,000 budgeted and been spent. He reported that four driveways damaged by roots had also been replaced.

**Neighborhood Communications** - Ms. Partridge stated that she had enjoyed serving on the committee, and thanked Jeff Frankel for a great job with the newsletter. She urged all members to use the newsletter as a way of communicating with their neighbors. She stated that she had tried to revive the Neighborhood Watch program during the past year, noting that three presentations by the Alameda Police Department had been scheduled. She stated that another presentation would be scheduled, probably in November, focusing on holiday safety.

**Landside Maintenance** - Mr. Kenyon reported that the sprinkler/irrigation system had been upgraded in several areas. He noted that the traffic circle located at the 300 block of Tideway had been cleaned up and maintained. He stated that additional lighting had been installed to discourage night time activities in the area. Mr. Kenyon reported that the common area between 1215 0- 1223 Ballena Boulevard had been renovated and upgraded, that numerous shrubs and plants throughout the community had been replaced, and that many trees had been trimmed and, where necessary, removed.

**Finance and Insurance:** Mr. Perry stated that he had assumed the treasurer's job with a good budget and sound financial position set by the previous treasurer and Board. He stated that he had also worked on the Architectural Guidelines during the past year.

## ELECTION OF DIRECTORS

President Flaherty opened the floor for nominations.

MOTION: It was moved, seconded and passed to nominate the slate of directors: Gary Flanigan, Jeff Frankel, Mary Neil, Mel Schwartz, Archie Stone.

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.

It was suggested that the ballots be made a part of the record, and President Flaherty agreed to collect and file them with the records of the meeting.

## ELECTION RESULTS

President Flaherty announced that the following had been elected to serve on the Board: Gary Flanigan, Jeff Frankel, Mary Neil, Mel Schwartz, Archie Stone. Each of the newly-elected directors made a statement, with the exception of Archie Stone, who was absent.

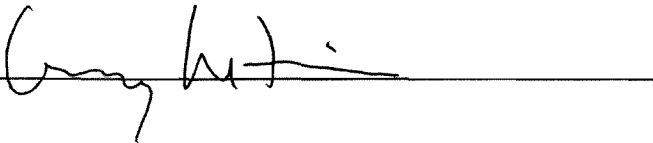
## GENERAL DISCUSSION

MOTION: It was moved, seconded and passed to ratify the actions of the outgoing Board of Directors.

## ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Secretary



~~DRAFT~~

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING -- Outgoing Board  
October 12, 1993

MINUTES

**CALL TO ORDER:** President Flaherty called the meeting to order at 7:15.

**ATTENDANCE:** Directors present: Flaherty, Kenyon, Partridge, Perry and Wohltmann.

**PURPOSE OF MEETING:**

President Flaherty explained that the purpose of the meeting was to formally ratify an action taken by unanimous telephone poll of the Board since the previous Board meeting.

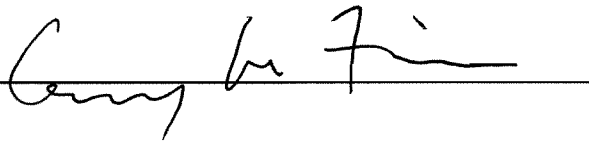
Request of Andre Delbecq, 427 Cola Ballena, for Permission to Widen his Dock - President Flaherty stated that the Board had reviewed and approved the request by unanimous telephone poll, provided that Mr. Delbecq pays the extra incremental cost of the work, estimated at \$2,150 over the normal refurbishing cost.

**MOTION:** It was moved, seconded and passed to ratify the Board's approval of the request of Andre Delbecq, 427 Cola Ballena to widen his dock by 2 feet, and that Mr. Delbecq shall pay the incremental cost of \$2,150 over normal refurbishing cost.

**ADJOURNMENT**

The meeting was adjourned at 7:20 p.m.

Secretary

A handwritten signature in cursive script, appearing to read "Cory L. Fin", is written over a horizontal line. The signature is positioned to the right of the word "Secretary".

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**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
September 14, 1993**

**MINUTES**

**CALL TO ORDER:** President Flaherty called the meeting to order at 7:37.

**ATTENDANCE:** Directors present: Flaherty, Kenyon and Partridge. Absent: Perry and Wohltmann. Also present: Willie Flaherty, Archie and Ida Stone, Ann Kenyon, Jeff Frankel, Jennifer and Gary Flanigan, Andy Hall, Ruth Masonek, Ingrid Buono, Jim and Mary Neil, Phyllis McGrew and Bob Descombes.

**APPROVAL OF MINUTES**

Minutes of the August 20, 1993 Board Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the August 20, 1993 Board minutes as presented.

**PRESIDENT'S REPORT**

President Flaherty commended the committee for an excellent picnic, and noted that an additional \$171.12 in expenses had been incurred beyond the \$800 originally authorized.

MOTION: It was moved, seconded and passed to pay the additional \$171.12.

**TREASURER'S REPORT**

Mr. Noble presented the financial statements for the period ended August 31, 1993, noting that BBTA was within one percent of its budget for the 8-month period ended August 31, 1993. He responded to questions regarding variances.

**MANAGER'S REPORT**

Mr. Noble reported that Sundance Landscaping had completed removal of the myoporum tree at 445 Cola Ballena, installation of a header board to separate the lawn from the planter bed at 1201 Ballena Boulevard, and installation of a small ground vault to contain irrigation wiring at 1237 Ballena Boulevard.

Mr. Noble reported that Excel Roofing Service anticipated completion of their work on September 10th, and that he had scheduled an inspection for that date. He projected that, pending the results of the inspection, the year's work would be completed no later than September 13th. He stated that BBTA would retain 10% of the total contract price for 30 days pending completion of any punchlist items noted during the final inspection and confirmation of release of liens.

Mr. Noble stated that, during the course of the built-up roof replacement work, when the old roof surface materials were removed, several plywood deck panels were found to be damaged from long-term water intrusion. He stated that the expenses for reroofing of the scheduled homes were increased by approximately \$1,700. Mr. Noble stated that both Excel Roofing and Lexus Construction were used to expedite the repairs, depending on the availability of repairmen for either contractor and the lowest cost to complete the work. He also reported that new head flashings were installed at a cost of \$2,311, plus a new downspout at \$95.00. Mr. Noble summarized that he anticipated the final total for all the roofing work to be \$41,000, which was \$1,000 above the 1993 budget of \$40,000 for the work.

Mr. Noble reported that Art Helwig of Steam Valve Machine Company had commenced work, and called on Archie Stone for details. Mr. Stone reported that 49 floats had been received and assembled, and that approximately one-third had been installed. He noted that four of the floats were for Andy Hall, and Mr. Noble was instructed to bill Mr. Hall for those floats. Mr. Stone stated that work had progressed well, and should be completed within four to six weeks. He commented that everything on the other side of the bridge would be addressed during the next budget year.

Mr. Noble reported that Lexus Construction had completed repairs on landings/stairs at 320/322 Tideway, and at 1231/1233, 1227/1229 and 1223/1225 Ballena Boulevard. He stated that work was in progress at 1209/1211 Ballena Boulevard, and repairs were being accomplished on the ramps, but that none had been totally completed. He stated that, of the original scope of work for the current year on the landings/stairs, about 58% had been completed. In response to a question, Mr. Noble stated that the cost of the work to date was within the budget, but that the cost had increase by one-third over the original projections three years ago.

Mr. Noble called the Directors' attention to the letter from Edward Riback, CPA, regarding concerns which had come to his attention over the past few months based on activities of the IRS in San Diego. He stated that these activities indicate possible taxation problems for community associations. He also referred to the Community Associations Institute newsletter article by Wayne Sanderson, CPA, indicating the possibility that the IRS may have become aware of its (IRS) mistaken interpretation of the tax law relative to community associations. Mr. Noble stated that he had learned that the IRS agent responsible for the activity in San Diego had been transferred to another locale. He stated that Mr. Riback is recommending that, until the matter is resolved, BBTA should consider paying at the higher tax rate just to be safe.

#### COMMITTEE REPORTS:

1. Home Maintenance and Architecture - Mr. Perry was absent and had not submitted a written report. President Flaherty reported that he understood that no additional work had been done on the Architectural Guidelines. It was agreed to address the requests for architectural modifications under *Written Correspondence*.
2. Waterside Maintenance - *Discussed under Manager's Report.*
3. Finance and Insurance - *See Consideration of 1993 Budget under New Business.*
4. Neighborhood Communication - Mrs. Partridge stated that newspapers are collecting in front of the homes of some absent residents, and it was agreed that an article would appear in the newsletter asking neighbors to assist by tossing them over the fence into the yard of the absent resident to prevent alerting possible burglars of the absence.
5. Landside Maintenance - Mr. Kenyon stated that it had come to his attention that two of the common area lights are running off the electrical meter of 300 Tideway Drive.

**MOTION:** It was moved, seconded and passed to reimburse the lot owner at 300 Tideway whose electric meter is being charged for common area lighting, at the rate of \$12.00 per month.

6. Nominations - President Flaherty stated that Mr. Ehrlich and his committee had recruited the following nominees for the Board: Gary Flanigan, Jeff Frankel, Mary Neil, Mel Schwartz and Archie Stone. The Nominating Committee's report will be considered, along with any nominations from the floor, at the Annual Meeting.

#### RESIDENTS' TIME

Ingrid Buono stated that she called Sundance Landscaping on September 7th to report that the irrigation wiring was not complete, and was told that a special box needed to be ordered. She stated that the box was in place the next day, and that she felt nothing would have occurred had she not called. Mr. Noble stated that he had spoken with Sundance on September 5th, at which time they had ordered the box, and that he had so informed her when she called him on September 7th to report the problem.

Ms. Buono stated that they (the Buonos) had installed a light on their property some time ago to illuminate the common area, and requested reimbursement for the electricity cost. She was directed to send a formal request to the Board.

Andy Hall requested that the parking sign across from his home be replaced to facilitate enforcement of the parking rules in the area. Mr. Stone described his method of providing warning notices on vehicles parked in his area in violation of the rules. Mr. Noble agreed to provide Mr. Hall with warning notices to place on noncomplying vehicles in his area.

Phyllis McGrew stated that she had had to call a roofer three or four times in the past year due to leaking in her front bedroom and garage. Mr. Noble stated that he would investigate.

#### WRITTEN CORRESPONDENCE

1. Letter from Robert Liptai & Jon and Kathy Walker, 431/433 Cola Ballena Requesting Approval for Proposed Expansion of Docks - There was extensive discussion regarding the requested change.

MOTION: It was moved, seconded and passed to approve the proposed dock modification at 429, 431, 433 and 435 Cola Ballena, provided that the docks be moved in a southerly direction, and that the work be done at the expense of the lot owners of 431 and 433 Cola Ballena (Walker and Liptai), with the provision that the Board attempt to consult with the owner of 435 Cola Ballena for their comments prior to commencement of the work.

2. Letter from Sergio & Marcia Gerin, 422 Tideway, Regarding Proposed Dock Modification - President Flaherty stated that the request to modify the shape of the docks had been submitted to the Waterside Maintenance Committee. He stated that the four affected lot owners had discussed the issue and agreed to the change, and will share in the cost of the project. President Flaherty stated that, if there were no significant difference from work approved at other docks in the past, the request could be approved at a future Board meeting.

MOTION: It was moved, seconded and passed to approve the request for reconfiguration of 416 - 422 Tideway Drive, as proposed, at the expense of the lot owners.

#### NEW BUSINESS

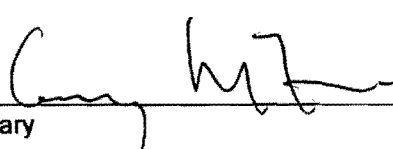
1. Consideration of 1994 Budget - The Board reviewed the budget worksheet prepared by Manager Rich Noble. President Flaherty requested that Mr. Noble prepare a summary of reserve account activity so that the Board could determine whether it had achieved its objectives for the monies expended. Mr. Noble stated that the only reserve item for landing repair may need adjustment in the future, possibly costing up to one-third more than originally budgeted. He agreed to provide the updated information to Mr. Stone, who agreed to work the new estimate into his projections and have the revised reserve numbers ready in two weeks.

#### OLD BUSINESS

1. Architectural Committee Guidelines and Request Form - *Tabled for consideration by 1993-94 Board to be elected at the Annual Homeowners Meeting.*
2. Annual Meeting Preparation - The board reviewed the Meeting Notice and Agenda for the Annual Homeowners Meeting. It was agreed that Committee Reports would be added to the Agenda, with an allocation of two minutes for each committee.

#### ADJOURNMENT

The meeting was adjourned at 9:00 p.m. The next meeting will be held on October 12, 1993 at 7:30 p.m.

  
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Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
AUGUST 10, 1993

MINUTES

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

Directors present were Bob Flaherty, Bob Kenyon, Beverly Partridge and Marshall Perry. Absent Director Carl Wohltmann. Also present were Rich Noble of Noble Community Management, Ruth Masonek, Phyllis McGrew, Ingrid Buono, Ann Kenyon, Gary & Jennifer Flanigan, Andy Hall, Sergio Gerin, Phyllis Iacampo and Willie Flaherty.

MINUTES - Minutes of the July 6, 1993 Regular Meeting

MOTION: It was moved, seconded and passed to approve the minutes of the July 6, 1993 regular Board meeting as presented.

PRESIDENT'S REPORT - No report.

TREASURER'S REPORT - Rich Noble reviewed the financial report for the period ending July 31, 1993, including the status of delinquent homeowner accounts.

MANAGER'S REPORT

1. Roofing Bids - Mr. Noble indicated that request for bids had been mailed to six contractors and a bid walk was scheduled for July 7, 1993. It is anticipated that the bids will be submitted on July 15, at which time they will be presented to the Directors for their consideration. A sample of the bid request letter, contract and specifications were issued to the Directors for their consideration.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Marshall Perry reported that the Committee was working on the guidelines and would update the Directors at the next regular meeting.

2. Waterside Maintenance - Bob Flaherty presented Carl Wohltmann's report relative to the waterside ramp and landing repairs, costs for such repairs and a list of priority units to be completed as part of this years budget. This matter was referred to Old Business for approval of Lexus Construction proposal to perform such repairs.

3. Finance, Insurance and Legal - Marshall Perry no report. Manager Noble reminded the Directors that it is time to start working on the preparation of next years budget.

4. Neighborhood Communications - Beverly Partridge reported that Jeff Frankel has published and distributed the latest edition of the newsletter.

5. Landside Maintenance - Bob Kenyon agreed to look into the possible installation of a new street light at the lower end of Tideway Drive.

RESIDENTS' TIME (a) Jack Coker, 445 Cola Ballena, complained that the landscaping at BBTA was in need of improvement or replacement. He suggested addition of automatic irrigation systems in areas that currently do not have such systems. He also requested that a Myoporum tree between his home and the next home be removed, as it has been damaged. Manager indicated that the tree in questions is scheduled to be removed by Sundance Landscape. Regarding landscape suggestions of Mr. Coker, he was advised that the Board would consider any properly submitted requests for modifications to the landscape by an Owner.

(b) Ingrid Buono, 1237 Ballena Blvd., reported that she has noticed what appears to be irrigation control electric wires, sticking out of the ground in the Common Area, at the front of her home. The manager will check into this matter with the landscape contractor.

She also complained that a nearby resident is parking a large truck, which has advertising on it's side, in the area at the front of the homes at 1235 & 1237 Ballena Blvd. This matter will be looked into relative to compliance with the BBTA restrictions.

(c) Sergio Gerin, 422 Tideway Drive as if the Directors would look favorably on a proposal to change docks to a 20 degree angle, behind the four homes adjacent to Mr. Gerin's. The Directors indicated that they would probably approve such a request, once it was properly submitted and reviewed.

(d) Jim & Mary Neil, 1223 Ballena Blvd., complimented Sundance Landscape for the great job they did on the landscape modification adjacent to 1215 & 1223 Ballena Blvd. In addition, Mary suggested that the Directors consider hiring an arborist to survey the BBTA's trees to determine need for maintenance, replacement, etc.

Also, the Neil's complimented Archie Stone for his efforts helping boaters in distress at the entrance to the wave maze.

## WRITTEN CORRESPONDENCE

1. Letter from Rae Pieraccini, 300 Tideway Drive regarding Lot line and dock easement adjustment, asking Directors to affirm prior actions.

MOTION: It was moved/seconded/passed to reaffirm and ratify prior Board approval of Lot line and dock easement adjustment. Votes: Yes Perry, Partridge and Kenyon. Bob Flaherty abstained.

2. Letter from Rae Pieraccini, 300 Tideway Drive requesting dock be moved out from shore due to resolve bottoming out of float at low tides. M/S/P to approve proposed modification to dock as submitted, subject to Owners approval. 3 yes, Bob Flaherty abstained.

MOTION: It was moved/seconded/passed to approve proposed modification to dock configuration as submitted, subject to the Lot Owners approval. Votes: Yes Partridge and Kenyon. Bob Flaherty abstained, Director Perry was called away from the meeting prior to this action. (Note a special meeting was held on 9/2/93 to finalize this matter, with the following MOTION: It was moved/seconded/passed that the dock at 300 Tideway Drive be shortened to 56 feet and that the easement be granted at 16 feet wide by 56 feet long). Votes: Perry, Partridge, Kenyon and Wolthmann voting yes and Bob Flaherty abstaining).

## NEW BUSINESS

1. Directors & Officers insurance application forms to be completed by all Directors and submitted to Noble Community Management for mailing to insurance company.

## OLD BUSINESS

1. Architectural Committee Guidelines and Request Form. Tabled to next meeting.

2. Accept bid of Excel Roofing and contract for reroofing.

MOTION: It was moved/seconded/passed to accept Bid from Excel Roofing Service to replace roof surfaces per specifications, at a contract price of \$28,376.00, with association to pay for contract management of not to exceed \$2,600.

3. Consider Bid from Steam Valve Machine for repair of docks per specifications.

MOTION: It was moved/seconded/passed to accept Bid from Steam Valve Machine Company to repair



docks per specifications, at a contract price of \$19,430.00.

4. Consider Bid from Lexus Construction for repair and renovation of waterside landings, stairs and ramps.

MOTION: It was moved/seconded/passed to accept Bid from Lexus Construction for repair and renovation of waterside landings, stairs and ramps as specified, in the amount of \$26,748.00. Funding of projects to follow outline submitted by Director Wohltmann.

#### ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:32 P.M. The next meeting will be held on September 14, 1993, at 7:30 P.M. at the Ballena Bay Yacht Club.

  
Secretary

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Recorded by

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
JULY 6, 1993

MINUTES

CALL TO ORDER - The meeting was called to order by President Bob Flaherty at 7:31 P.M..

Directors present were Bob Flaherty, Carl Wohltmann, Bob Kenyon and Marshall Perry. Absent Director Beverly Partridge. Also present were Rich Noble of Noble Community Management, Jennifer Flanigan, Charles & Shep Gallup, Tom Geary, Willie Flaherty, Archie and Ida Stone, Sergio and Marcia Gerin, Merl Peters, Jim & Mary Neil, Jeff Frankel, Jim & Audrey Ehrlich, Jim Oliver, Lee & Rhonda Manter, Ernie Langbein, David Cruce and Ann Kenyon.

MINUTES - Minutes of the June 8, 1993 Regular Meeting

MOTION: It was moved, seconded and passed to approve the minutes of the June 8, 1993 regular Board meeting as presented.

PRESIDENT'S REPORT - Bob Flaherty reported that he asked Jim Ehrlich to assist the Board in obtaining candidates for the forthcoming election of directors, at the annual membership meeting, scheduled for October.

Mr. Flaherty also reported that the members of the Architectural Committee consists of Patricia Hayes and Ed Foster, in addition to Chairman Marshall Perry.

TREASURER'S REPORT - Rich Noble reviewed the financial report for the period ending June 30, 1993, including the status of delinquent homeowner accounts.

MANAGER'S REPORT

1. Landscape Modification - Mr. Noble submitted recommendation from Sundance Landscape in regards to requested modification of Jim & Mary Neil at 1223 Ballena Blvd. (see Landside Committee for further details).

2. Roofing Bids - Mr. Noble indicated that request for bids had been mailed to six contractors and a bid walk was scheduled for July 7, 1993. It is anticipated that the bids will be submitted on July 15, at which time they will be presented to the Directors for their consideration. A sample of the bid request letter, contract and specifications were issued to the Directors for their consideration.

3. Waterside - Mr. Noble submitted a detailed list of recommended repairs for all landings and ramps with the BBTA development, which included estimated costs for each item.

At this time, Waterside Committee Chairman Carl Wohltmann indicated that he would meet with Mr. Noble later this week to establish a priority list for the work outlined in this report.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Marshall Perry reported that a draft copy of the Architectural Guidelines has been prepared and needed to be typed. President Flaherty requested that the draft be issued to each Director for their input at the August meeting.

2. Waterside Maintenance - Carl Wohltmann reviewed a proposal from Steam Valve Machine Co. (aka, Heavy Duty Equipment Supply) in the amount of \$19,430 for Float and Dock repairs. This item was referred to New Business for further consideration.

3. Finance, Insurance and Legal - Marshall Perry reviewed the letter from Andrew Duncan Insurance regarding recent court case and its possible affect on limits of excess liability coverage. The Duncan Insurance letter also indicated estimated costs for increased coverage if so desired.

MOTION: It was moved, seconded and passed to increase BBTA's Liability Excess Limit Umbrella Policy to \$5,000,000.00.

4. Neighborhood Communications - Jeff Frankel reported that the Garage Sale was a success. The Dockside newsletter was distributed on this date to the residents. A special notice will be issued regarding the association picnic.

5. Landside Maintenance - Bob Kenyon indicated that he had reviewed the recommendation of Sundance Landscape, relative to Jim & Mary Neil's request for landscape improvements in the area between 1215 and 1223 Ballena Blvd.

Motion: It was moved/seconded/passed to accept the recommendation of Sundance Landscape in the amount of \$2,254.00.

In addition, he received a copy of Sally Tonningson's letter and would take a look at the landscape concerns she expressed. Sundance Lanscape will be submitting a report and/or recommendations as to their findings.

RESIDENTS' TIME (a) Jim Ehrlich thanked Archie Stone for his work in preparing the work boat.

(b) Jim Neil reported on an article in the local newspaper regarding the City of Alameda efforts in organizing a "Base Closure Committee." President Bob Flaherty indicated that he felt that it was important to be involved in what takes place in relation to the Base Closure plans. He asked that if anyone had an interest in this matter, that they contact him. He indicated that BBTA should try to get someone on the committee, and/or form our own lobbying committee, which might include a joint effort of other nearby associations. He repeated that if any BBTA residents are interested in this matter should contact him.

(c) <sup>Lee Manter</sup> ~~David-Cruce~~ discussed some concerns he has relative to trash, drugs, police watch issues, in the area at the end of the 300 block of Tideway (Cul de Sac). He indicated that there have been problems with kids parking in this area and trashing the area. He asked if a tree at 300 Tideway could be trim to allow more light from a fixture at 300 Tideway to shine into the affected area. This is City property, but it doesn't get cleaned up regularly, if at all by the City. Rich Noble indicated that Sundance Landscape has agreed to, and has been removing the trash cans at no additional charge to BBTA on a trial basis. It was suggested that Sundance be asked if they would be willing to add this area to their regular maintenance, at an additional charge if necessary. Rich Noble will check into this matter with Sundance and the City of Alameda.

Jim Erhlich and Jeff Frankel indicated that they would look into the lighting for the area in question.

(d) <sup>Lee Manter (304 Tideway)</sup> ~~David-Cruce~~ had some questions concerning the parking of boat trailer parking in guest spaces at end of 300 block Tideway. Carl Wohltmann indicated that he would contact the City Police regarding towing of violators.

## WRITTEN CORRESPONDENCE

1. Letter from Sally Tonningson, 443 Cola Ballena regarding concerns with roofs, dock repairs and landscape issues. The Manager had previously responded to Ms. Tonningson's letter advising her of the action to be taken. In addition, Carl Wohltmann indicated that he had talked with Ms. Tonningson regarding the dock repair concerns.
2. Letter from Andrew Duncan Insurance Agency regarding liability concerns in relation to a recent court case. This matter had been discussed and acted upon as part of the Finance and Insurance Committee report herein.
3. Letter from Richard Fong of Fong & Fong Law Offices regarding his review of Oct. 5, 1982, BBTA CC&R's amendment. President Flaherty reviewed the background regarding this amendment. The amendment was intended to allow the association to make lot line adjustments relative to Owners Lots. Mr. Fong's legal opinion regarding this amendment, indicated that it does not allow the Board of Directors to make lot line adjustment, given current existing decisional law, the Association can approve a Lot line adjustment but that approval must be by way of membership vote.
4. Letter from Tom Geary of 416 Tideway Drive (submitted at meeting), requesting the current Board to reaffirm and ratify an action taken by the Board in 1983, relative to a Lot line adjustment of his Lot. This matter was referred to New Business.

## NEW BUSINESS

1. Proposal dated July 2, 1993, from Art Helwig of Steam Valve Machine Co. (aka, Heavy Duty Equipment Supply) in the amount of \$19,430.00 for float replacement and repair. Carl Wohltmann of the Waterside Committee recommended the acceptance of this proposal.

MOTION: It was moved/seconded/passed to accept the proposal as presented.

2. Consideration of request of Tom Geary, Owner of 416 Tideway Drive relative to previously approved (1983) lot line adjustment.

Mr. Geary submitted a plan to expand the size of his home in 1983 to the BBTA Board of Directors, which would extend into the common area by eight feet (into driveway). That plan was approved by that Board and submitted to the City of Alameda, along with the Board approval. Permits were issued and the work completed, however, the documents were not recorded with the County. In the course of the title search as part of his effort to sell the home, it was discovered that this very important step had not been completed.

In order for Mr. Geary to remove this cloud from his title, he is asking that the current Board of Directors reaffirm and ratify the 1983 Board's action, and to give him adequate documentation to that affect, so that he can go to the City of Alameda to complete the process as done in 1983, obtain proper documents from the City and have it recorded with the County.

MOTION: It was moved/seconded/passed to ratify the action of the 1983 Board of Directors regarding the approval of Mr. Geary to extend his garage 8 ft. into the common driveway. The votes were recorded as follows: 3 yes votes (Kenyon, Wohltmann & Perry).

**OLD BUSINESS**

1. Consideration of Tom Geary's request to extent his dock finger to accommodate a 35 ft. boat.

MOTION: For purposes of interpreting Article XI, Section 1, Paragraph K (2), the mooring finger shall be defined as including the piling ring, and the ring diameter shall be assumed to be 2' 0". The votes were recorded as follows: 3 yes (Kenyon, Wohltmann & Perry).

2. Jim & Mary Neil's request for landscape improvements. This matter was consider and acted upon as part of the Landside Maintenance Committee report stated herein.

3. Architectural Committee Guidelines and Request Form. This matter was discussed and acted upon as part of the Home Maintenance & Architectural Committee report stated herein.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 10:17 P.M.. The next meeting will be held on August 10 at 7:30 P.M. at the Ballena Bay Yacht Club.

Barely S. Partidge  
Secretary

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Recorded by

BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING

June 8, 1993

MINUTES

**CALL TO ORDER:** President Flaherty called the meeting to order at 7:02 p.m, explaining that the meeting was starting early and would be very brief in order to allow time for a presentation regarding the Neighborhood Watch program.

**ATTENDANCE:** Directors present: Flaherty, Kenyon, Partridge and Wohltmann. Absent: Perry. Also present: Willie Flaherty, Archie and Ida Stone, Jim and Audrey Ehrlich, Ann Kenyon, Jeff Frankel, Jennifer and Gary Flanigan, Mr. Walker, Florence Vickery, Agnes Ringo, Merrill and Hedy Thruston, Pat and Gus Chronis, Ruth Masonek, Ed Foster, Mary Neil, Rhonda Cram, Phyllis McGrew and Bob Descombes.

**APPROVAL OF MINUTES**

1. Minutes of the May 11, 1993 Board and Executive Committee Meetings - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the May 11, 1993 Board and Executive Committee minutes as presented.

**PRESIDENT'S REPORT**

President Flaherty stated that the Board had met previously to discuss the evening's agenda in order to expedite the meeting to make time for the Neighborhood Watch presentation. He requested that all but very time-sensitive matters be deferred to the next Board meeting.

**TREASURER'S REPORT**

President Flaherty stated that the Board had reviewed the financial statements for the period ended May 31, 1993 and had found them to be unremarkable.

**MANAGER'S REPORT**

Mr. Noble reported that repair of the concrete driveway at 422 Tideway Drive had been completed.

Mr. Noble reported that he had received a request from Jim and Mary Neil, 1223 Ballena Boulevard, for modifications to the landscape adjacent to their home. He stated that he had given a copy of the request to Sundance Landscaping and requested an estimate from them of the cost to make the changes. Mr. Kenyon provided background information.

Mr. Noble stated that he had instructed Sundance Landscaping to install shrubs at the end of the pathway leading down the side of 465 Cola Ballena in order to block the view from the street to the waterfront. He estimated that the work would be completed shortly, and that consideration was being given to the most proper way to mechanically water the shrubs.

Mr. Noble recommended that the Board consider hiring a roofing consultant to work with him in developing a set of specifications for the reroofing of the homes at BBTA. He stated that the consultant would also be asked to administer the roofing contract once it had been let. Mr. Noble stated that the specifications which were previously presented represented a definite upgrade in quality over the existing roofing system, but questioned whether BBTA could afford the upgraded roofing system at the present time. He gave the following reasons for recommending a roofing consultant: (1) to review prior inspection data and develop a plan of action relative to priority roofs requiring action in the very near future; (2) to assure that a set of specifications is developed that at least meets the minimum acceptable standards for the roof systems at BBTA, but does not fall short of such standards; (3) to assure that the quality of any new roof installed will give the Association members the maximum value for the dollars spent and long-term service; and (4) to assure maximum security relative to contract compliance and performance of the roofing contractor. It was agreed to defer action on the matter to the July Board meeting

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - Mr. Perry was absent and had not submitted a written report.
2. Waterside Maintenance - Mr. Wohltmann reported that the dock repair program was moving along on schedule.

3. Finance and Insurance - Mr. Perry was absent and had not submitted a written report.
4. Neighborhood Communication - Ms. Partridge reported that Ann Kenyon was chairing a committee formed to plan the annual barbecue, scheduled for August 22nd. She asked Board approval for expenditure of \$700 for the party.

MOTION: It was moved, seconded and passed to approve expenditure of up to \$700 for the community barbecue.

Ann stated that she would write an article on the barbecue for the newsletter.

Ms. Partridge stated that, in response to the request of President Flaherty at the previous Board meeting, she had recruited the following new members for the Architectural Committee: Gloria Patterson and Patricia Hayes. These members will take the place of Ms. Partridge and Mr. Flaherty on the Committee.

5. Landside Maintenance - Mr. Kenyon had no report.

**RESIDENTS' TIME** - No homeowners had urgent matters to bring before the Board.

#### **WRITTEN CORRESPONDENCE**

1. Bid from Bellingham Marine - Mr. Noble stated that Bellingham is required by Proposition 65 to issue a warning and information regarding the treated wood it is providing BBTA. It was agreed that a copy of the Consumer Information Sheet would be attached to the minutes so that all homeowners have access to the information.
2. Thomas Geary, 416 Tideway Drive, Requesting Approval of Proposed Dock Modification - President Flaherty stated that the request had been forwarded to the Waterside Maintenance Committee. He stated that, if there were no significant difference from other work approved, it would probably also be approved at a future Board meeting.

**NEW BUSINESS** - There was none.

#### **OLD BUSINESS**

1. Request by Merl Peters, For Approval of Planned Modifications to his Garage

MOTION: It was moved, seconded and passed to approve Mr. Peters' request, subject to seeing the plans and making sure the meters continue to be concealed in the manner they are now.

#### **ADJOURNMENT**

The meeting was adjourned at 7:25 p.m. It was followed by a presentation by the Alameda Police Department regarding the Neighborhood Watch program, and an informal homeowners' forum. The next meeting will be held on July 6, 1993 at 7:30 p.m.

  
Secretary

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
May 11, 1993**

**MINUTES**

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

**ATTENDANCE:** Directors present: Flaherty, Kenyon, Partridge and Wohltmann. Absent: Perry. Also present: Willie Flaherty, Archie and Ida Stone, Jim and Audrey Ehrlich, Ann Kenyon, Andy Hall, Jennifer and Gary Flanigan, Ben Williams, Merl Peters, Ruth Masonek and Marcia and Sergio Gerin.

**APPROVAL OF MINUTES**

1. Minutes of the April 13, 1993 Board Meeting - Several corrections were noted.

MOTION: It was moved, seconded and passed to accept the April 11, 1993 Board minutes as corrected.

2. Minutes of the April 13, 1993 Executive Committee Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the April 11, 1993 Executive Committee minutes as presented.

**PRESIDENT'S REPORT**

President Flaherty stated, tongue in cheek, that he felt it was fun to be on the Board.

He stated that a lot of good work had been done over the past 8 years to recover from the neglect of the prior 18 years, and that he had felt that everything was under control. He stated that over the past few months he had realized that much remained to be done, as he felt there were major problems within the Association in terms of its policies and procedures which haven't yet been addressed. He complimented prior Boards for their work in initiating the refurbishment work and building up the reserves. Mr. Flaherty stated that he felt a glaring problem had been uncovered in the last few months which he felt the Board should resolve during its term. He explained that the CC&Rs did not include any direction to the Board in procedures and policies associated with the management of requests for changes to the homes and docks. He stated that he had asked Manager Rich Noble to assist the Board in formulating the policies, procedures and guidelines to address such requests. He stated that he was aware that there may be friction due to changes which had been approved in the past and might become questionable under the new policies and procedures, but he felt the Association could work through it together. He stated that he felt it was important for the Association to be able to respond to requests for changes in an orderly manner within the constraints of the CC&Rs and the powers of the Board, the committees and the residents. He stated that he felt there were a lot of misconceptions regarding the guidelines, procedures, and powers of the Board and committees, and that he hoped the Board would bring those questions and issues to the surface and set forth a policy for the current and future Boards to follow. Mr. Flaherty stated that the process could take a matter of months. He stated that the by-laws provide that the Board of Directors is empowered to set the policies and manage the organization within the guidelines of the CC&Rs, but that homeowner input would also be solicited. He stated that the process would start in the current meeting, under New Business. He stated that he had asked Manager Rich Noble to take as a point of departure the policies and procedures of another association similar to Ballena Bay, and that he felt confident that a written document would be generated with which everyone would be comfortable. He stated his understanding of the current process as follows:

There exists a 3-person Architectural Committee (consisting of Mr. Flaherty, Mr. Perry and Ms. Partridge, all Board members). He stated that he would ask Ms. Partridge to seek two replacement members (non-Board members) to serve on the Committee in place of himself and Ms. Partridge. He stated that the Committee is charged with review of all requests for changes as submitted to them in writing from homeowners for compliance with the CC&Rs. He stated that the CC&Rs are extremely vague and that many issues are a matter of judgement and good sense from the Committee's point of view. He stated that they are appointed officials of the Association and are therefore empowered to make judgement calls, and then make recommendations to the Board of Directors for acceptance, modification or denial of any proposed change. He stated that it was then the Board's obligation to review the Committee's work and take any other such action they may see fit to understand the case thoroughly, then make a judgement call as to whether the proposed change should be approved. He stated that, in the course of the Board's due diligence in reviewing each request, it has been the policy that the Architectural Committee contacts homeowners directly affected by the change to: (a) notify them; and (b) ask for



any comments they may have on the change. He stated: "It is important to note that it is not a request for approval by any homeowner; the authority to approve or disapprove any request for change lies in the hands of the Committee and the Board. It is their responsibility to take any comments from homeowners into consideration. If a decision is made to disapprove a request, and if there are modifications which would allow it to be approved, the recommendations would be made to the homeowner. Once the decision is made to approve a request, the homeowner can rely upon it and proceed with the changes."

Mr. Flaherty stated that the above policy was what he had seen administered in the past, and would continue to be followed until the Board had completed its review and implementation of changes to the policy. He stated that the problem would, hopefully, be corrected regarding the dissimilar understandings of homeowners' rights regarding the CC&Rs. He stated that the Board will review the first draft of proposed policies and guidelines at the current meeting, and will attempt to respond timely to outstanding requests.

#### TREASURER'S REPORT

Mr. Noble reviewed the financial statements for the period ended April 30, 1993, noting minor variances from the budget.

#### MANAGER'S REPORT

Mr. Noble reported that, since the Association did not have access to much of the records prior to 1989, it was important that proper procedures be established relative to any modification to the exteriors of the homes and related facilities. He stated that he had prepared drafts of the following for the Directors' consideration: (a) Architectural Committee Guidelines; (b) Architectural Review Request Form; and (c) sample letter of final approval. He stated that, if the Architectural Guidelines were adopted, they should be mailed to all lot owners annually, or at the very least each time they were revised.

Mr. Noble reported that he had obtained a quote from J & L Paving of \$2,300 to repair the concrete driveway at 422 Tideway Drive.

Mr. Noble noted the following items of correspondence, attached to his report, for Board consideration: (a) Letter to the City of Alameda; (b) Letter to Kenneth & Lorraine Roman regarding their proposed modification; (c) Letter from BBTHA President Flaherty to Dr. & Mrs. Gallup regarding the Romans' proposed modification; (d) Letter to Marcia Gerin regarding concrete driveway repair and her concerns regarding poplar tree trimming accomplished by a neighboring association; (e) Letter to Tideway 500 Director Royce Schulz regarding Ms. Gerin's concerns relative to the tree trimming; (f) Letter from Royce Schulz in response; (g) Letter to Andrew Hall regarding his proposed dinghy dock installation; and (h) Letter to Audrey Rehfeld requesting removal of unacceptable rear deck gate/door. Mr. Noble noted that Ms. Rehfeld had apparently been hospitalized recently, but that he had talked with her accountant regarding the matter. He stated that Ms. Rehfeld had indicated an interest in attending the meeting if her health permitted.

Mr. Noble reported on the Community Associations Institute (CAI) National Conference, noting that earthquake preparedness was a major topic. He recommended that BBTHA form an Emergency Preparedness Committee. He highlighted several other topics addressed at the conference.

#### COMMITTEE REPORTS:

1. Home Maintenance and Architecture - Mr. Flaherty reported that a request had been received from Merl Peters, and that Mr. Peters had agreed to a 30 day delay while the Board reviews the procedures. He stated that he assured Mr. Peters that his request would be addressed at the next meeting.
2. Waterside Maintenance - Mr. Wohltmann reported that dock repairs at 401-409 Cola Ballena were completed and work was underway at 459-465 Cola Ballena. He stated that the contractor had temporarily repaired the long dock finger at Phyllis McGrew's. Mr. Wohltmann reported that the repair pieces ordered as a result of Board action in February had been received and would be put to use repairing the dock fingers damaged during last winter's storms and called the Directors' attention to a bid from Bellingham Marine. He recommended that BBTHA purchase those pieces and go out to bid for installation of the pieces, in effect finishing everything on the east side of the Ballena

Boulevard bridge this year. Mr. Wohltmann estimated, for 1,024 square feet of dock to be repaired, at \$45 per square foot would cost \$45,000, which is in the allotment for dock repairs at \$60,000 for the year, and it appeared the money was available in the capital funding. He anticipated a better contractor price could be secured because there would be no moving of pile driving equipment, and that he anticipated completion soon.

MOTION: It was moved, seconded and passed to accept the proposal of Bellingham Marine for concrete dock pieces and accessories of \$21,312, plus tax, and that \$3,437 be billed to Andy Hall upon delivery of the pieces due him.

3. Finance and Insurance - Mr. Flaherty asked whether the BBTHA has worker's compensation insurance, and Mr. Noble stated that it did not. There was discussion regarding obtaining worker's compensation insurance in order to find less expensive handyman labor, and to cover volunteer involvement on the site. After discussion, it was agreed not to pursue the matter.
4. Neighborhood Communication - Ms. Partridge announced that the Neighborhood Watch presentation by a representative of the Alameda Police Department had been postponed to the June meeting.
5. Landside Maintenance - Mr. Kenyon recommended that the Board approve the concrete repairs addressed in the Manager's Report.

MOTION: It was moved, seconded and passed to proceed with repairs to the concrete at 422 Tideway, either per the quote from J & L Paving or a less expensive quote received within a week of the meeting.

#### RESIDENTS' TIME

Marcia Gerin stated that, regarding to her request relative to trimming of the poplar trees, she had spoken with Royce Schulz of Tideway 500. She stated that Mr. Schulz had informed her that there was a difference of opinion regarding the property line. Mr. Stone reassured her that the misunderstanding regarding the property line had been cleared up some time ago, and volunteered to meet with Ms. Gerin and Mr. Royce to make sure the matter was resolved. President Flaherty asked that the Board be informed of the result.

Jim Ehrlich asked why the home repairs were over budget. Mr. Noble explained that the heavy rains had delayed the roof repairs and that some of the repair specifications had had to be revised.

Mr. Stone stated that Jim Neil had asked him to bring up the picnic. Ms. Partridge agreed to set up a committee, and immediately got two volunteers to serve on the committee.

#### WRITTEN CORRESPONDENCE

1. Bid from Bellingham Marine - See *Landside Maintenance Committee report*.
2. J & L Paving Proposal for Repair of Driveway at 422 Tideway Drive - See *Landside Maintenance Committee report*.

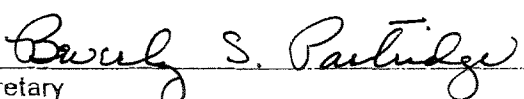
NEW BUSINESS - There was none.

#### OLD BUSINESS

1. Architectural Committee Guidelines and Request Form - See *President's Report and Manager's Report*.

#### ADJOURNMENT

The meeting was adjourned at 8:33 p.m. The next meeting will be held on June 8, 1993 at 7:30 p.m.

  
Secretary

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
April 13, 1993**

**MINUTES**

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

**ATTENDANCE:** Directors present: Flaherty, Partridge, Perry and Wohltmann. Absent: Kenyon. Also present: Phyllis Iacampo, Willie Flaherty, Archie and Ida Stone, Merl Peters, Linda Merschdorf, Jim and Audrey Ehrlich, Ann Kenyon and Alison Braverman.

**APPROVAL OF MINUTES**

1. Minutes of the March 9, 1993 Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to accept the March 9, 1993 Board minutes as corrected.

**PRESIDENT'S REPORT**

President Flaherty stated that he had no separate report, as there was a full agenda, and that the Neighborhood Watch presentation would be rescheduled.

**TREASURER'S REPORT**

Mr. Noble highlighted the Association's financial position at the end of the third quarter. Mr. Perry verified that the bank reconciliations matched the financial statements.

**MANAGER'S REPORT**

Mr. Noble reported, regarding the application from the prospective purchaser of 413 Cola Ballena, that he had been verbally advised of the following concerns by the owner of 415 Cola Ballena: (1) that a bond should be posted to protect them from damages to their home resulting from the modification work at 413 Cola Ballena; (2) that the application should be submitted by the current owner of 413 Cola Ballena, not a prospective purchaser; and (3) that all residents/owners within the line of sight of the unit should be advised of the request for approval of modifications. President Flaherty read a letter from the current owners of 413 Cola Ballena expressing approval of the requested modification.

Mr. Noble reported that, based upon his understanding of the status of the Association's current litigation regarding dock modifications, he was uncertain whether the Board had the authority to approve the dinghy float application requested by the owner of 459 Cola Ballena, and cited the relevant provisions of the CC&Rs.

Mr. Noble called the Directors' attention to the copy of the letter from Fong & Fong regarding a case calling into question the adequacy of insurance coverage maintained by homeowners' associations. He stated that he had asked the Association's insurance agent to review the matter and submit estimates for increased liability coverage, and that he would report the information as soon as it is received. Mr. Noble also pointed out the letter from Community Associations Institute regarding a problem with how the federal courts are interpreting post-bankruptcy obligations.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - Mr. Perry stated that he had obtained plans of the proposal from the Merschdorfs, prospective purchasers of 413 Cola Ballena. He stated that the Committee ruled that the proposed improvements comply with the existing architectural theme of Ballena Bay, and recommended approval subject to further review of final construction drawings as to compliance with colors, textures and materials, and adherence to the proposed construction plans. He stated that the committee further found that the proposed addition might be constructed with a flat roof and designed false rails across front windows might be removed, both as options available to the project. Mr. Perry also reported on his conversation with the neighbors at 415 Cola Ballena.

MOTION: It was moved, seconded and passed to approve the Merschdorfs' application, in basic plan, as to the building of a bedroom area over the existing garage at 413 Cola Ballena, subject to further review of the final plans and specifications as regards colors, material textures, and design themes. This approval benefits the present owner as well as the Merschdorfs, and the owner of record at the time of construction is required to satisfy the Association as to any liability for resulting damages at any other property.

Regarding the dinghy float application by the owner of 459 Cola Ballena, Mr. Perry stated that the Committee inspected the site and considered the plan and had no objection to the proposal, with a few conditions. He likened the proposal to the Halls using the common area for storage. President Flaherty clarified that the proposal involved a separate, standalone raft attached loosely to the headfloat, and Mr. Perry concurred with that description.

MOTION: It was moved, seconded and passed to approve the application to install a float at 459 Cola Ballena by Andy Hall be considered as an application for storage in the common area, subject to the following conditions: (1) the float to be purchased and attached to the head float at the expense of the Halls; (2) the float shall in the future be maintained by the Halls, as well as the attachment devices and the headfloat attachments; and (3) the Halls must assure the Association that, upon resale, the new owners of his property would assume these responsibilities.

Mr. Perry reported on the Committee's viewing of the dock and berthing area at 465 Cola Ballena and conversation with owner Benny Williams. He stated that the Committee did not recommend installation of a locked gate to replace the existing gate, but did recommend a minimum expenditure for landscaping at the front curblin looking down the walkway to the gate, and landscaping the pathway which has been used to access the bank under the decks with hedge-type shrubbery, to limit viewing the back access from the street and obstruct persons accessing the bank area.

MOTION: It was moved, seconded and passed to defer action on replacement of the gate, but to proceed with planting of landscaping at sidewalk level and bank level.

Mr. Perry reported that the Committee recommended the property owner of 348 Tideway be directed to remove the unapproved, unsightly louvered door at the rear deck, and to replace it with the original door or another door acceptable to the Committee. Mr. Noble stated that the owner had already been asked to remove the gate.

MOTION: It was moved, seconded and passed that a letter be sent advising the homeowner that: (1) the door is illegal and must be removed; (2) this is the third notice; and (3) if she does not remove the door within 15 days from the date of the letter, the Association will remove it.

2. Waterside Maintenance - Mr. Wohltmann reported that work was underway on docks 401-409 Cola Ballena and 455 Cola Ballena, and that he anticipated completion soon. He reported that the contractor, Steam Valve Machine, now has workmen's compensation insurance and an Alameda business license. He recommended that the , and that Heavy Duty Equipment's contract will be assigned to Steam Valve Machine.

Mr. Wohltmann reported that Estuary Pile Driving had indicated an interest in future work, and that they had also referred him to a Hayward firm which performs dock repairs. He reported that the materials ordered in February for miscellaneous repairs should be received within the next few weeks. It was agreed that Steam Valve would be tapped for the work, on a time and materials basis. Mr. Noble was directed to contact the Association's insurance agent to determine if any of the storm damage to the floats is covered by the Association's insurance.

Mr. Wohltmann reported that the Braverms had previously reported that their dock was narrower than normal, and had requested that the dock be widened. He stated that he had investigated and found that their dock was one foot narrower than the typical dock, and recommended that it be widened during the planned work at 401-409 Cola Ballena. He explained that Terry Klaus at 401 Cola Ballena had agreed to give up one foot of his dock length in order to shift Agnes Ringo's dock toward Ballena Boulevard, giving the Braverman's dock an additional ten to twelve inches. He stated that one piling would need to be moved, which Art Helwig had agreed to do for \$450, and that the Braverms have agreed to chip in \$100. He recommended the Association pay the additional expense.

MOTION: It was moved, seconded and passed to authorize the expenditure of \$450 as an extra in the current contract with Steam Valve Machine Company, of which \$100 is to be offset by the Braverms, to move a piling approximately one foot toward the Ballena Boulevard bridge.

3. Finance and Insurance - There was discussion regarding the letter from Fong & Fong relative to adequacy of liability insurance coverage for homeowners' associations. Mr. Noble stated that he had asked the Association's insurance agent to review its coverage and would report back to the Board. The Board reviewed the quote on the cost to upgrade the master policy to guaranteed replacement cost coverage.

**MOTION:** It was moved, seconded and passed to approve the additional expenditure of \$1,400 to add the guaranteed replacement cost endorsement to the Association's insurance policy.

4. Neighborhood Communication - Ms. Partridge announced that the Neighborhood Watch presentation by a representative of the Alameda Police Department had been postponed due to the length of the agenda. It was agreed to reschedule the presentation for the May meeting, which would begin at 7:30 p.m.
5. Landside Maintenance - President Flaherty stated that Mr. Kenyon had submitted a written report, noting that the wave maze floats had been removed from one side and discarded, and asking whether the same task should be performed for the other side of the maze. It was agreed that the situation should be reviewed before doing the same work on the other side. Regarding the letter from Ms. Gerin claiming that trees near her unit were improperly trimmed, Mr. Flaherty stated that Mr. Kenyon had indicated that his inspection of the trees revealed that they were properly trimmed and he recommended no action. Mr. Flaherty stated that he felt the trees had been aggressively trimmed, but that it appeared that the trees were not on Association property. Mr. Noble was directed to write a letter to the manager of Tideway 400 requesting the future trimming be less aggressive, and a written response to Ms. Gerin. Regarding Ms. Gerin's letter concerning damage to the concrete at her unit, Mr. Noble was instructed to get estimates of the cost to repair the concrete at Ms. Gerin's unit and elsewhere in the development.

President Flaherty stated that the landscape maintenance contract with Sundance was up for renewal. Mr. Noble stated that they had not requested an increase in fee and recommended approval of the renewal.

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

## RESIDENTS' TIME

Jim Ehrlich asked the status of the landing and stair replacement program, and Mr. Wohltmann explained that no landing or stair work had been this year. Mr. Wohltmann stated that there were problems with the communication between himself and Nicely Done. Mr. Ehrlich requested information regarding the unpainted unit on Tideway, and Mr. Noble stated that the issue subject to a judicial decision.

Merl Peters requested approval for a modification to his garage at 1225 Ballena Boulevard. President Flaherty explained that Mr. Peters should submit a written request and drawings to Mr. Perry for consideration by the Home Maintenance and Architecture Committee, which would make a recommendation to the Board.

## WRITTEN CORRESPONDENCE

1. Marcia R. Gerin, 422 Tideway, Regarding Trees - Addressed under Landside Maintenance Committee report.
2. Marcia R. Gerin, 422 Tideway, Regarding Concrete Driveway Hazard - Addressed under Landside Maintenance Committee report.
3. Fong & Fong Regarding Ruoff v. Harbor Creek Community Association - Addressed under Manager's Report.
4. William C. Norton, Alameda City Manager, Regarding Permit Inquiry by Ian Roger - It was agreed to consider this item in Executive Session immediately following the meeting.
5. Jackie Bishop, Andrew Duncan Insurance Agency, Regarding Guaranteed Replacement Cost Endorsement - Addressed under Finance and Insurance Committee report.

## NEW BUSINESS

1. Renewal of Contract with Sundance Landscape - Addressed under Landside Maintenance Committee report.
2. Location of Board Meeting - Ms. Partridge suggested that Board meetings be held in the homes of Board members.

**MOTION:** It was moved, seconded and FAILED that Board meetings be held in the homes of Board members.

Ballena Bay Townhouse Association  
Board of Directors Meeting  
April 13, 1993

4

**OLD BUSINESS** - There was none.

**ADJOURNMENT**

The meeting was adjourned at 9:15 p.m. The next meeting will be held on May 11, 1993 at 7:30 p.m.

  
Secretary

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
March 9, 1993**

**MINUTES**

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

**ATTENDANCE:** Directors present: Flaherty, Kenyon Partridge and Perry. Absent: Wohltmann. Also present: Phyllis lacampo, Willie Flaherty, Archie and Ida Stone, Merl Peters, Louise Perry and Jim Neil.

**APPROVAL OF MINUTES**

1. Minutes of the February 9, 1993 Board Meeting - One correction was noted.

**MOTION:** It was moved, seconded and passed to accept the February 9, 1993 Board minutes as corrected.

President Flaherty stated that he wished to amend a motion contained in the January 12, 1993 minutes, and it was agreed that the item would be added to the agenda under Old Business.

**PRESIDENT'S REPORT**

President Flaherty reported that he met with Richard Fong of Fong & Fong regarding the Board's dissatisfaction with its representation by one of the firm's attorneys. He stated that Mr. Fong agreed that he or his brother would represent the Association in the future. President Flaherty stated that he felt the relationship seemed to be working better. President Flaherty stated that an Executive Session would be held at the conclusion of the Board meeting to discuss legal matters.

**TREASURER'S REPORT**

Mr. Perry asked Mr. Noble to highlight the financial activities of the preceding month. Mr. Noble reported that the Association was well within its budget for expenses. He noted an excess of income over expenses of \$1,314 for the past month and \$8,424 over the past two months. Mr. Noble attributed the favorable variance to the recent rains which helped reduce water costs. In response to a question regarding common area landscaping expense, he explained that Sundance was a month behind in its billing.

**MANAGER'S REPORT**

Mr. Noble reported that he had not been able to obtain additional bids for the roof replacement work at 304 and 308 Tideway and 1209 Ballena Boulevard, but that he was in the process of reviewing the specifications and contract language. He stated that he had reviewed the condition of the roofs of the units on Tideway and had determined that the composition roofs should be replaced as well as the built-up roof systems. He stated that the composition roof at 1209 Ballena Boulevard was in serviceable condition and therefore only the built-up roof would need replacement.

Mr. Noble reported that he had requested Tingley Painting to correct the problems complained of by Mr. Thruston. He stated that Tingley indicated that they had attempted to complete the work earlier, but had been advised the Thruston's would be away for a period of time. Mr. Noble stated that he had asked them to follow up (his third request), and that if Tingley did not accomplish the work this time, he would find another contractor to do so.

Mr. Noble called the Directors' attention to a copy of the letter to Mr. Roger regarding final inspection of his unit by the City of Alameda, and it was agreed to discuss the matter during the Executive Session.

Mr. Noble called the Directors' attention to the copy of his letter to Ms. Rehfeld regarding the louvered door at 348 Tideway. He stated that her response had been that she felt the door should remain and requested that the Association paint the door to match the building. Mr. Noble stated that he suggested she submit her request in writing, and sent a letter confirming the conversation.

**COMMITTEE REPORTS:**

1. Home Maintenance and Architecture - Mr. Perry reported that no activity had taken place since the last meeting. He and Mr. Noble agreed to meet to finalize the specifications for the roof bids.

2. Ben Williams' Dock Gate - There was discussion regarding whether a gate should be installed at Mr. William's unit. Mr. Perry and ~~Mr. Kenyon~~ agreed to meet to review the situation and develop a recommendation for action.  
*Mrs. Partridge*

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m. The next meeting will be held on April 12, 1993 at 7:00 p.m., followed by a presentation by the Alameda Police Department on the Neighborhood Watch program at 8:00 p.m.

*Beverly Partridge*  
\_\_\_\_\_  
Secretary



**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
February 9, 1993**

**MINUTES**

**CALL TO ORDER:** President Flaherty called the meeting to order at 7:37 p.m.

**ATTENDANCE:** Directors present: Flaherty, Partridge and Perry. Absent: Kenyon and Wohltmann. Also present: Phyllis Iacampo, Willie Flaherty, Archie and Ida Stone, Jim and Audrey Ehrlich, Jeff Frankel, and Louise Perry.

**APPROVAL OF MINUTES**

1. Minutes of the January 12, 1993 Regular Board Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the January 12, 1993 Board minutes as presented.

2. Minutes of the January 12, 1993 Executive Session - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the minutes of the January 12, 1993 Executive Session as presented.

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

**TREASURER'S REPORT**

Mr. Perry stated that there was nothing significant to report. Mr. Noble stated that the statement had been prepared prior to completion of the annual audit, so that there would be adjusting entries. He distributed copies of the audited financial reports from the accountant, and noted that the next monthly statement would reflect the adjusted figures.

President Flaherty stated that he had received a note from homeowner Stan Shane regarding double taxation, and asked Mr. Noble about activity within the homeowner's association industry to address the issue. Mr. Noble stated that the issue had been discussed for many years, but no relevant case law had been enacted supporting the industry.

**MANAGER'S REPORT**

Mr. Noble reported that he had finally received a response to his repeated requests to Fong & Fong for a status report regarding delinquent accounts, which was included in the Board packets.

Mr. Noble reported that Art Helwig of Heavy Duty Equipment had experienced insurance problems due to closure of the company which had carried his coverage. He stated that he had heard from Mrs. Helwig that they had since obtained liability coverage and were working to obtain new worker's compensation coverage.

Mr. Noble called to Directors' attention the list of work orders completed since January 12th. He stated that 304 and 308 Tideway and 1209 Ballena Boulevard were in need of roof replacement. He reviewed the bids, noting that he had not received a good response. He stated that only Century Exteriors had submitted a complete bid, and that their bid was about \$350 higher than he had anticipated.

Mr. Noble stated that the wall leak at 406 Tideway Drive had finally been located and repaired by Lexus Construction, and that the leak at 465 Cola Ballena had not yet been resolved.

Mr. Noble reported that he had reported to the City of Alameda that sidewalks had been raised at the south end of the bridge, near 1237 Ballena Boulevard. He stated that the City had responded that part of the sidewalk was raised by the Association's trees and part by a City street tree, and he agreed with their assessment of the matter. He stated that the Association and the City would share the cost of repairs, and he had initiated some emergency repairs in the meantime.

Mr. Noble reported that the annual audit had been completed and that a copy of the audited financial statements were included in the Board packet. He noted that they must be distributed to all homeowners within 120 days of the end of the Association's fiscal year.

Mr. Noble called the Directors' attention to copies of letters from the Association's attorney to the owner at 340 Tideway regarding the Association's efforts to paint the unit. He also reviewed other correspondence contained in the Board packet. There was discussion regarding handling of delinquencies in payment of the special assessment, and Mr. Noble was directed to provide Mr. Flaherty and Mr. Perry with copies of all relevant correspondence.

Mr. Noble stated that he would like to have Bakin Tree Service trim seven eucalyptus trees, as well as trees beside 465 Cola Ballena. He was authorized to proceed with trimming of the eucalyptus trees and the trees at 465 Cola Ballena which are located on Association property.

#### COMMITTEE REPORTS:

1. Home Maintenance and Architecture - Mr. Perry stated that he would like to have two or three complete bids for the roofing work, and offered to provide Mr. Noble with the names of additional contractors. It was agreed to include installation of a drain in the center of garage roofs when they are repaired.
2. Waterside Maintenance - Archie Stone summarized Carl Wohltmann's written report:
  - a. The dock systems at 459 - 465 Cola Ballena and 401 - 407 Cola Ballena were scheduled to start in February and the required materials had been received. The work will begin once Mr. Helwig resolves his insurance problem.
  - b. The dock systems at 1231 - 1237 Ballena Boulevard, 1209 - 1215 Ballena Boulevard and 300 - 306 Tideway Drive are scheduled for repair during 1993. A survey will be performed in February and bid documents prepared. Necessary materials should be ordered by April and the work accomplished during the summer months.
  - c. Three dock systems on the west side of the estuary sustained considerable damage during the last storms. The fingers at 441 and 465 Cola Ballena must be replaced rather than repaired as had originally been planned, and the finger at 421 Cola Ballena needs to be repaired. The cost to repair the unanticipated damage might cause rescheduling the repairs planned for 1993.

Mr. Wohltmann's report contained a recommended motion to approve the expenditure of not more than \$10,000 for the purchase of dock sections to be used in the repair of storm damage.

MOTION: It was moved, seconded and passed to approve the expenditure of an amount not to exceed \$10,000.00 for the purchase of 3' x 8' dock sections to be used in the repair of storm damage. Contractor services to effect these repairs would be on a time and materials basis, and can be expected to be approximately \$10,000.00, as well. This motion, if passed, will allow us to have some inventory of replacement parts to repair broken docks at once, and not wait for a full approval cycle, with its associated delays.

3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Mr. Frankel reported that the newsletter was in need of news. Mr. Flaherty suggested that Mr. Noble provide Mr. Frankel with the answers to the most commonly-asked questions so that they could be printed in the newsletter.
5. Landside Maintenance - There was no report.

#### RESIDENTS' TIME

Jim Ehrlich stated that Mr. Thruston's complaints about painting seemed legitimate, and Mr. Noble agreed to follow up with Tingley Painting. Mr. Ehrlich stated that the gate on the water side of Audrey Rehfeld's deck still has a louvered section and Mr. Noble stated that he would offer to remove the section for her. Mr. Ehrlich stated that three large vessels were moored side tied. It was agreed that an article should appear in the newsletter informing homeowners of the CC&R provisions regarding mooring. Mr. Noble was directed to draft a letter to the owners of the offending boats.

Willie Flaherty asked what could be done about the boat trailers parked in guest parking. It was suggested that an article be printed in the newsletter that the trailers would be ticketed and towed if not removed within a reasonable period of time.

Archie Stone stated that the broken handrail at 465 Cola Ballena still needed to be fixed. There was discussion regarding the proposed gate at Ben Williams unit. Mr. Flaherty stated that he would follow up with Carl Wohltmann

Jeff Frankel stated that, based upon past performance, he would recommend that the Association request that Fong & Fong assign a different attorney to handle the Association's legal needs. Mr. Flaherty requested that Mr. Noble arrange a meeting between Mr. Flaherty and Richard Fong, at no cost to the Association, to address the matter of the Association's representation.

There was discussion regarding reviving the Neighborhood Watch program. Beverly Partridge volunteered to contact the City of Alameda to invite their representative to make a presentation regarding Neighborhood Watch.

**WRITTEN CORRESPONDENCE** - There was none.

**NEW BUSINESS**

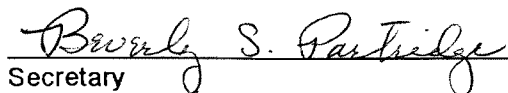
1. Roof Replacement at 304, 308 Tideway and 1209 Ballena Boulevard - Addressed under the Manager's Report.

**OLD BUSINESS**

1. Draft Letter to City of Alameda Regarding Building Permits - Mr. Flaherty stated that Mr. Wohltmann had drafted a letter he felt should be sent to the City of Alameda regarding work done at one of the units without benefit of building permits. It was agreed to send a letter to the homeowner informing them that the Association needs to have the property inspected by the City and that, if the homeowner does not respond by a certain date, the City will be informed that the homeowner refuses to have the property inspected.

**ADJOURNMENT**

The meeting was adjourned at 9:05 p.m. The next meeting will be held on March 9, 1993 at 7:30 p.m.

  
Secretary

**BALLENA BAY TOWNHOUSE ASSOCIATION  
BOARD OF DIRECTORS MEETING  
January 12, 1993**

**MINUTES**

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

**ATTENDANCE:** Directors present: Flaherty, Kenyon, Partridge, Perry and Wohltmann. Also present: Jeff Frankel, Ben Williams, Willie Flaherty, Marty Gross, Archie and Ida Stone.

**APPROVAL OF MINUTES**

1. Minutes of the November 10, 1992 Regular Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to accept the November 10, 1992 Board minutes as corrected.

**PRESIDENT'S REPORT**

President Flaherty reported that he had received a letter of resignation from the Board from Alan Cull due to a family emergency, and that he had accepted Mr. Cull's resignation, with regrets, on behalf of the Board. He stated that Beverly Partridge had agreed to serve on the Board to fill the term vacated by Mr. Cull.

MOTION: It was moved, seconded and passed to confirm the appointment of Beverly Partridge as a member of the Board of Directors, to serve the remainder of the term vacated by Alan Cull.

**TREASURER'S REPORT**

Mr. Perry stated that the work of the previous Board in developing the budget had laid an excellent basis, making it much easier for the new Board. He stated that his review revealed that the Board had adhered very closely to the budget in 1992, and that the overall budget variance had been less than 1 percent.

Mr. Perry verified that the bank statements and reconciliations match the financial statements.

**MANAGER'S REPORT**

Mr. Noble reported that repairs and painting had been completed at 461 Cola Ballena. 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 the attorney had advised him that the owner of 340 Tideway had requested that his unit be painted a color other than the color scheduled. He stated that, as directed by the BBTHA President (who had consulted with the other Board members), he had instructed the attorney to advise the owner at 340 Tideway that the color change would not be permitted. Mr. Noble stated that he had additionally instructed the attorney to proceed with legal action if the Association was not granted permission to paint the home as outlined previously.

Mr. Noble called Directors' attention to the list of work orders completed since October 29th. He stated that he felt relatively few leaks had been reported considering the amount of rain. Mr. Noble reported that, due to a mix of various locks and defective chain link gates along the waterfront, he had made arrangements to remove all existing locks, install new combination locks and to secure all gates for proper operations.

Mr. Noble reported that Sundance Landscape had completed modifications to the irrigation manifold at 314/320 Tideway Drive, and recommended that the same modification be completed on the manifolds at 334/340 Tideway and at the corner of 400 Tideway. He stated that Sundance had removed and trimmed shrubs and trees at the curve on 334/340 Tideway to improve visibility.

Mr. Noble reported that he had requested that Farmers Insurance determine the cost, if any, to upgrade the Association's coverage to "Guaranteed Replacement Cost" coverage. Mr. Noble stated that he had responded to the letter from Mr. Heskett (discussed at the previous Board meeting) and had sent a copy of his letter and the correspondence from Mr. Heskett, Mr. Oliver and Mr. Wild, along with a copy of Past President James Ehrlich's response, to the Association's insurance company.

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. He stated that an informal meeting had been held among three Board members and Terry Klaus at 401 Cola Ballena regarding changes requested by Mr. Klaus to his dock to be performed coincident with the other pending repairs, and that an agreement had been reached with Mr. Klaus regarding sharing of the costs of the requested changes. Mr. Flaherty explained that Mr. Klaus had been credited \$5.00 per square foot for docks which were salvageable by the Association for reuse in future maintenance work after removal from his dock area. He suggested that the arrangement be considered as a guideline for handling similar situations in the future.

MOTION: It was moved, seconded and passed that the Board approve minor changes to Terry Klaus' dock at 401 Cola Ballena, per his request and in accordance with his approved plan, and that Mr. Klaus share the cost of those modifications in the amount of \$2,900, which amount was arrived at as a result of crediting Mr. Klaus \$5.00 per square foot for the reusable sections of dock that will be removed.

Mr. Perry reported that several roof repairs had been made by the Association since the end of October due to leaks resulting from winter storms, but he did not consider them to be an extraordinary amount. He stated that currently 8 units were scheduled for roof replacement during the current budget year, and that he and Manager Rich Noble agreed that there was no need to accelerate that schedule.

2. Waterside Maintenance - Mr. Wohltmann reported that the docks for 401 Cola Ballena had been purchased and delivered, but he was not sure why the work had not commenced. He stated that a letter had been received from Andreas Schmidt regarding the condition of his dock, but he had been unable to reach Mr. Schmidt by telephone as he could not locate the correct telephone number. Mr. Wohltmann stated that he had therefore drafted a written response, which he presented to Mr. Noble to be placed on Association letterhead. In response to a question, he stated that the three dock systems scheduled to be repaired in 1993 were on the west end of the waterway. He asked that an article appear in the newsletter directing homeowners to notify him of minor repairs, as he had found someone to perform minor repairs to any part of the dock outside the gate. Mr. Flaherty asked that he prepare a repair schedule for the year so homeowners could see where they fit in the sequence.
3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Mr. Frankel stated that the new community directories had been distributed and solicited articles for the newsletter. Ms. Partridge stated that the Neighborhood Watch program was currently not functioning as most of the Block Captains were no longer resident and questioned whether it should be resurrected. She stated that she would be willing to recruit Block Captains and arrange a refresher course from the Alameda Police Department. Mr. Flaherty suggested that she write an article for the newsletter soliciting volunteers.
5. Landside Maintenance - Manager Rich Noble was directed to proceed with irrigation manifold replacement at 400 Tideway and 334/340 Tideway as discussed in the Manager's Report.

#### RESIDENTS' TIME

Marty Gross requested approval of modifications to his dock to accommodate a 35 foot boat, and stated that his neighbors had indicated their approval of the proposal. The Board reviewed the proposal at length.

MOTION: It was moved, seconded and passed to allow the berth to be widened and lengthened, if necessary, to accommodate a 35 foot boat in the dock at 1209 Ballena Boulevard, within the easement of the Association, with all work performed coincident with the Association's schedule of dock repairs and at the property owners' expense.

Mr. Gross requested that a letter of approval be issued within the next few days.

Archie Stone asked the status of the dispute regarding painting of 340 Tideway Drive, and Mr. Flaherty stated that the legal course of action was in process to compel the owner to allow the Association to paint the unit. Mr. Stone asked whether the \$15,000 bond had been released and Mr. Noble was instructed to investigate.

Mr. Gross asked whether the Association was taking responsibility for maintaining roofs. He was informed that it was, but that there would be no rebates to homeowners who had undertaken roof repair or replacement.

Mr. Stone asked whether the Association had submitted for return of court costs since prevailing in the Gutleben matter, and Mr. Noble was directed to investigate.

Ben Williams asked when the next dock repairs would be completed, and Mr. Wohltmann stated that he did not know but felt that the rain may have postponed the repairs. Mr. Williams asked about modifications to the fence and gate, and Mr. Wohltmann explained how the ramp was moved, and Mr. Noble was directed to obtain a status report.

#### CORRESPONDENCE

1. Cheri Sheets, City of Alameda, Regarding Alternative Transportation Program - Discussion was deferred to the next Board meeting.
2. Andy Schmidt, 447 Cola Ballena, Requesting Dock Repairs - See report of Waterside Maintenance Committee.
3. Sundance Landscape Regarding Tree Removal and Landscape Improvements at 423 Cola Ballena - Mr. Noble stated that the work had already been completed.

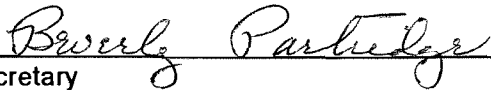
**NEW BUSINESS** - There was none.

#### OLD BUSINESS

1. Cracks in Sidewalk - Mr. Noble stated that he had requested that the City of Alameda repair the cracks, but there had been no action to date.

#### ADJOURNMENT

The meeting was adjourned at 8:35 p.m. The next meeting will be held on February 9, 1993 at 7:30 p.m.

  
Secretary