

DRAFT

BALLENA BAY TOWNHOUSE ASSOCIATION BOARD OF DIRECTORS MEETING February 8, 1994

MINUTES

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

ATTENDANCE: Directors present: Frankel, Flanigan, Neil, Schwartz and Stone. Also present: Jim and Audrey Ehrlich, Jim Neil, Beverly Partridge, Allison Braverman, Elaine and Ray Lillywhite, Jennifer Flanigan, Ruth Masonek, Ida Stone, Jack Coker, Chuck and Shep Gallup, Ann Kenyon, Bob Liptai, Emie Langbein, Pat and Gus Chronis, Phyllis McGrew, Chris Penn, Bob and Willie Flaherty, Andy Hall, Jon and Kathy Walker, Andy Schmidt and John Moore.

SPECIAL PRESENTATION

Terrence McNiff of Andrew Duncan Insurance gave an overview of BBTA's insurance coverage and answered questions.

APPROVAL OF MINUTES

Minutes of the January 11, 1994 Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to accept the January 11, 1994 Board meeting minutes as corrected.

PRESIDENT'S REPORT

President Frankel stated that the Board would work to assess BBTA's potential exposure in the event of an earthquake, and would report to the members when the facts are in hand. He commended Jennifer Flanigan for her fine work as reporter for the newsletter.

TREASURER'S REPORT

Dr. Schwartz read his January 31, 1994 summary verbatim, noting that there were no expense items over budget. He provided an update regarding delinquent accounts and BBTA's bond. Dr. Schwartz reported that he had opened a 60-day certificate of deposit account with \$25,000 from the reserve checking account at Alameda First National Bank in order to keep the account balance below the \$100,000 federally-insured limit.

MANAGER'S REPORT

Mr. Noble reported that 18 leaks (12 homes and 7 garages) had been reported this winter, affecting a total of 14 homeowners. He stated that most leaks were relatively minor, with the exception of 415 Cola Ballena and 300 Tideway, where the roofs are in need of replacement as repairs will not resolve the condition. Mr. Noble provided information on the quotes for reroofing of the built-up surface of the two homes. He stated that John Moore, owner of 300 Tideway, would like to modify his roof to improve drainage when the reroofing is done, and was willing to pay the additional \$1,785 quoted by Excel Roofing for the additional work.

Mr. Noble stated that inspection of the built-up roof surfaces to date, which is incomplete, indicates that less roof replacement work would be necessary than planned (except the two homes previously mentioned), as preventive maintenance or minor drainage improvements may be more appropriate at the present time. He stated that he would not finalize his recommendations for roof work for 1994 until the inspection was totally completed.

Mr. Noble reported on a backup of the main sewer line on Cola Ballena on January 30th, affecting drainage from homes from 449 to 465 Cola Ballena. He stated that the problem was caused by tree roots, which have since been removed, and that the line was restored to normal operation.

Mr. Noble recapped the bids obtained from seven landscape contractors, noting that Suma Landscape and Sundance Landscaping were the most competitive. He stated that he had no direct working experience with Suma Landscape, but that he was aware that the owner is a Ballena Bay homeowner, and has an understanding of the nature of the BBTA landscaping needs and a vested interest in maintaining the property in a quality manner. For these reasons, Mr. Noble recommended the Board accept the proposal of Suma Landscape. He stated that otherwise he would recommend retention of Sundance Landscaping, the existing contractor. Mr. Noble stated that he had requested bids from four tree maintenance contractors, but had only been able to obtain one bid, which was higher than BBTA's budget for the work. He suggested that one option would be to phase the work.

Mr. Noble called the Directors' attention to the list of work orders for roof work, and copies of the roofing proposals.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Mr. Flanigan stated the manager of the Ballena Bay Apartments had indicated that the owner would probably agree to share the cost of installing two speed bumps once a formal cost proposal was available. Mr. Noble was directed to obtain bids for Board consideration.
2. Waterside Maintenance - Mr. Stone reported work was progressing slowly, but that the 1993 program of work should be finished in about a month. He estimated that all work on floats would be completed by the end of this year, and that pilings would probably be done next year. He asked the Committee to do a survey of the pilings at low tide.
3. Finance and Insurance - There was no report.
4. Neighborhood Communication - Mr. Frankel thanked those who had contributed articles for the newsletter, and thanked Archie and Ida Stone for preparing the new roster.
5. Landside Maintenance - Mary Neil reported that the Committee decided that, since only one bid for tree maintenance had been received, and that bid had been more than the amount budgeted, the tree maintenance would be planned, bid and executed area by area. She stated that the Committee reviewed the landscaping bids and decided to change from the current contractor. Ms. Neil stated that the Committee felt it could save \$200 per month on regular maintenance by going with Ramirez Landscape & Irrigation. She explained that, although Ramirez' initial bid appeared to be higher than Sundance or Suma, it had included sweeping of the parking lots, which was not included in the bid specifications. She stated that Ramirez had revised their bid to fit within the bid specifications, which lowered their price to \$2,600, and had thrown in the sweeping at no extra charge.

MOTION: It was moved, seconded and passed to give the current landscape contractor 30 days notice immediately, and that effective March 15th the Association would contract with Ramirez Landscape & Irrigation.

RESIDENTS' TIME

John Moore asked who was responsible for emptying the large waste drum, and he was told that the landscape contractor empties it weekly.

Allison Braverman asked whether the spraying of the myoparum trees to stop them from producing berries, which had been discussed at a previous meeting, would be done. Ms. Neill stated that the myoparum would be replaced, starting this year with the trees along Cola Ballena.

Jeff Frankel stated that the Alameda County Waste Management Board has instituted an aggressive program to encourage composting, and suggested that a community compost be started.

Willie Flaherty stated that, before the unit was sold at 416 Tideway Drive was sold, the owner had received permission to dock a 35 foot boat in the slip. She asked whether that permission had been revoked. Mr. Frankel stated that the Board in place at that time had acted beyond the scope of its authority in giving permission to do something which is strictly prohibited in the CC&Rs. He stated that the current owner could apply for permission to lengthen the dock.

Ernest Langbein stated that, at the suggestion of Mr. Stone, he had revised his request for permission to widen his dock from 3 or 4 feet down to 2-1/2 feet, but that the Board had denied his revised request. Mr. Frankel stated that the Board did not have scale drawings when it first considered the proposal, so it could not determine what impact the change would have on the navigability in and out of the wave maze end of the canal. He stated that concern was expressed by a number of homeowners, so the Board denied the request without prejudice. Mr. Frankel stated that he had looked at the area in question, and it was now his opinion that the change would not materially affect navigability in that area, and he would be inclined to approve the request. Action on the new request was placed on the agenda under Old Business.

Phyllis McGrew asked whether the repaired docks would be resurfaced to provide an even color, and she was informed that the difference in color was due to different batches of cement over time. She asked whether the wood would be painted, and it was explained that the wood surfaces were pressure treated and not meant to be painted, as paint would not stay on the treated wood surface.

WRITTEN CORRESPONDENCE

1. M. B. Thruston, 435 Cole Ballena, Regarding Easements to, Usage of and Changes to Docks
2. Richard Fong, Law Offices of Fong & Fong, Regarding Dock Easements - Mr. Frankel stated that items 1 and 2 under Written Correspondence refer to the same issue, and would therefore be considered jointly. He provided background regarding the situation involving the Thruston's use of a second, side-tie, mooring space. Mr. Frankel stated that Fong & Fong had advised that BBTA not proceed to restrict Mr. Thruston's to use of his slip. A lengthy discussion followed, involving both the Directors and members of the audience. Mr. Frankel offered to host a meeting to develop a master plan for a dock on which all parties on the dock could agree, and agreed to talk with BBTA's attorney again regarding the problem.
3. John F. Buono, 1237 Ballena Boulevard, Regarding Rules for Storage in Common Areas and Rules Governing Changes in Arrangement of Docks - Mr. Frankel explained the history of the matter referred to in Mr. Buono's letter, and explained that Mr. Buono was only stating his assumption that the new rules would not affect his agreement with the Association. Mr. Frankel stated that Mr. Buono's assumption was correct.
4. John Moore, 300 Tideway Drive, Regarding Reroofing of his Home - Mr. Noble stated that the Moores' home definitely needed to be reroofed, as well as the Gallups'. He recommended both homes be reroofed at the same time in order to reduce the cost. He stated that Mr. Moore wants to add sloping to his roof to improve drainage, at his expense, when the roofing work is done. Mr. Moore was presented and stated his reasons for wanting to make the change. Mr. Noble was authorized to work with the Moores and the Gallups to resolve the situation.

NEW BUSINESS - *There was none.*

OLD BUSINESS

1. Results of Landscape Bid Request - *Addressed under Report of Landscape Committee.*
2. Review of Annual Financial Report, Prepared by Edward Riback, CPA

MOTION: It was moved, seconded and passed to accept the Annual Financial Report for distribution to all homeowners.

3. Action on Request of Ernest Langbein, 302 Tideway Drive, for Permission to Modify his Dock

MOTION: It was moved, seconded and passed that, after further consideration and inspection of the actual site of the dock modification, the Board approve Ernest Langbein's request for an approximately 2 foot widening of his dock, at his expense.

The approval was conditioned on submission of a drawing showing what the composite docks look like with the wave maze in place, and Mr. Stone agreed to make a sketch for the record.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m. The next meeting will be held on March 8, 1994 at 7:30 p.m.

Secretary

DRAFT

BALLENA BAY TOWNHOUSE ASSOCIATION BOARD OF DIRECTORS MEETING March 8, 1994

MINUTES

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

ATTENDANCE: Directors present: Frankel, Flanigan, Neil and Stone. Absent: Schwartz. Also present: Jim Neil, Jennifer Flanigan, Chuck and Shep Gallup, Ann Kenyon, Phyllis McGrew, Chris Penn, Willie Flaherty, Jon and Kathy Walker and Sergio Gerin.

APPROVAL OF MINUTES

Minutes of the February 8, 1994 Board Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the February 8, 1994 Board meeting minutes as presented.

PRESIDENT'S REPORT

President Frankel reported that an arbitration had been held the previous day regarding BBTAA v. Roger, and that the matter would be discussed by the Board in Executive Session following the adjournment of the regular Board Meeting.

TREASURER'S REPORT

Mr. Noble reported that BBTAA was under budget for expenses year to date.

MANAGER'S REPORT

Mr. Noble reported that built-up roof replacement work at 415 Cola Ballena and 300 Tideway was essentially complete pending final inspection. He stated that he expected to complete inspections of all roofs during the remainder of March. He stated that, in conjunction with the roof inspections, he also hoped to complete inspections of the first phase of homes (repaired and painted in 1990) in order to plan and schedule necessary work for this and/or next year. Mr. Noble identified the first phase homes as those on Cola Ballena from 441 to 455 and 459 to 485.

Mr. Noble reported the main sewer line on Cola Ballena which had clogged in late January 30 had clogged again. He explained the nature of the problem and estimated the cost to make repairs.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Mr. Flanigan had no report.
2. Waterside Maintenance - Mr. Stone reported that work was moving slowly, but progressing well. He stated that all the detailed design for the work to be done on the west side of the bridge had been completed, and that bids for materials had been obtained from Bellingham Corporation. Mr. Stone stated that a Waterside Maintenance Committee had been set for Saturday, March 12th to review the plans and bids.
3. Finance and Insurance - There was no report.
4. Neighborhood Communications - Mr. Frankel thanked ace reporter Jennifer Flanigan for her help with the newsletter.
5. Landside Maintenance - Ms. Neil reported that the new landscape contractor would start next week, and stated that residents could start to notice changes within the next thirty to sixty days.

RESIDENTS' TIME

Willie Flaherty stated that she would like the minutes to reflect that what she meant to say last month during Residents' Time was that, prior to the sale of 416 Tideway, she and her husband (now owners) were advised that the length of the dock at this location was long enough to accommodate a 35' boat as interpreted by the CC&R's. Since this interpretation (which includes the piling collar) was ratified by last year's Board, she asked if the decision was reversed by the current Board's interpretation.

Mr. Frankel stated that he had since been corrected regarding his statement at the prior Board meeting that last year's Board had overstepped its authority in giving permission for longer boats. He stated that the Board did not grant permission for longer boats; the action was to interpret the CC&Rs so that dock fingers (which is the basis measure for calculating the maximum allowable length of a boat in a slip) included both the piles and the pile rings in their length. Mr. Frankel stated that his later review of the CC&Rs revealed no provision which would prohibit the Board from making that interpretation last year. He stated that, therefore, his statement at the previous meeting was wrong both in wording and in conclusion, and that he would like to retract that statement. Mr. Frankel stated that he still did not believe that that interpretation was the proper measure for the length of a slip, but that the measure which has been used by BBTA is the length of the finger, not including the pile and pile rings. He stated that Bob Flaherty had requested that the current Board reconsider its interpretation (that the length of the slip does not include the pile and pile rings).

MOTION: It was moved, seconded and passed not to reconsider the interpretation of the length of a mooring slip, but to stay with the original interpretation which defines the length of a slip as the length of the concrete floats, not including pilings and pile rings.

Mr. Stone agreed to develop a guideline for the maximum allowable overhang of a boat in a mooring slip, as a percentage of the total length of the boat.

Jennifer Flanigan asked about earthquake gas shut-off valves and whether BBTA homeowners might go in together on for the best price. There was a discussion regarding the pros and cons of such valves.

In response to a question, Ms. Neil stated that tree trimming on Cola Ballena would begin within the next 45 days.

WRITTEN CORRESPONDENCE

1. Letter From Sundance Landscape to Jeff Frankel, President of BBTA and Mr. Frankel's Response - Information only.
2. Letter from Andrew Duncan Insurance Agency Regarding Earthquake Coverage - Mr. Noble stated that the amounts in the letter were incorrect, and agreed to ask Duncan to reissue the letter with accurate numbers.

NEW BUSINESS

1. Purchase of Floats - Mr. Stone explained the process he followed in obtaining the bid from Bellingham Corporation, and stated that the labor cost would be bid separately.

MOTION: It was moved, seconded and passed to accept the bid of Bellingham Corporation for floats and appurtenances in the amount of \$20,798, plus tax.

OLD BUSINESS

1. Speed Bump Proposals - Mr. Flanigan stated that the estimated cost was \$300 per speed bump. There was discussion regarding the number of speed bumps which should be installed. Mr. Flanigan agreed to find out what the City of Alameda requires regarding signage for speed bumps before having the bumps installed.

2. Thruston Dock Issue - Mr. Frankel stated that he had received a letter from Fong & Fong, responding to Ed Clancy's dissenting opinion with respect to the Thruston dock issue. As the Board had not had an opportunity to review the letter, it was agreed to take no action at the Board meeting.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m. The next meeting will be held on April 12, 1994 at 7:30 p.m.

Secretary

DRAFT

BALLENA BAY TOWNHOUSE ASSOCIATION BOARD OF DIRECTORS MEETING April 12, 1994

MINUTES

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

ATTENDANCE: Directors present: Frankel, Flanigan, Schwartz and Stone. Absent: Neil. Also present: Alan Cull, Jim and Audrey Ehrlich, Jennifer Flanigan, Chuck and Shep Gallup, Bob and Ann Kenyon, Andy Schmidt, Gordon Greenlee, Phyllis McGrew, Bob and Willie Flaherty, Jon and Kathy Walker, and Ruth Masonek.

APPROVAL OF MINUTES

Minutes of the March 8, 1994 Board Meeting - One correction was noted.

MOTION: It was moved, seconded and passed to accept the March 8, 1994 Board meeting minutes as corrected.

PRESIDENT'S REPORT

President Frankel gave a status report on the two pending lawsuits: Roger v. BETA and Gutleben v. BETA.

TREASURER'S REPORT

Dr. Schwartz read his report dated March 31, 1994 verbatim. He verified that the bank statements and reconciliations match the financial statements.

MANAGER'S REPORT

Mr. Noble stated that rain had delayed the completion of inspections of all roofs, but that he expected the inspection would be completed soon and that he would report at the next Board meeting.

Mr. Noble reported on the Pre-Paint Inspection Report completed by Lexus Construction, and that their estimate of the cost to complete all the specified work was \$11,613 for the homes at 421 through 465 Cola Ballena. He stated that R. E. Broocker had submitted a proposal for painting of the homes, as well as two bids for painting of 340 Tideway Drive. He stated that the bids for 340 Tideway were for two scenarios: (1) if it is painted at the same time as the 421 - 465 Cola Ballena homes (\$2,500); or (2) if it is painted separately (\$2,800). Mr. Noble stated that the bid quotes the cost for one coat at \$27,000 and two coats at \$38,000.

Mr. Noble stated that he had pointed out to Andrew Duncan Insurance their error in calculating the building values, and that he will issue copies to all Directors as soon as the new valuation is available.

Mr. Noble called the Directors' attention to the letter from Fong & Fong regarding the trustee's sale of a unit, the contract with Bellingham Marine, and Fong & Fong's *Association Bulletin* containing information on collection of dues and fines.

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Mr. Flanigan had no report.
2. Waterside Maintenance - Mr. Stone reported that work was almost finished and moving slowly, due to the illness and subsequent death of the contractor's wife. He stated that Mr. Helwig's helper had put the finishing touches on the Tideway dock, thus completing last year's program of work. Mr. Stone stated that the 1994

program of work was commencing, starting with ordering of the floats, which should be received by mid-May. He stated that it is planned to put in more pilings, hopefully one at the end of each dock, budget permitting.

3. Finance and Insurance - Dr. Schwartz had no report. President Frankel stated a homeowner had posed to him a question regarding coverage for changes in ordinances on the earthquake and fire insurance policies. Mr. Noble agreed to investigate.
4. Neighborhood Communications - Mr. Frankel thanked Jennifer Flanigan for her article in the newsletter and Bev Partridge for stepping in at the last minute to help with copying and distribution. Jennifer Flanigan stated that Mr. Kirkland, who had been involved in the design of Ballena Bay, was moving to the East Coast and encouraged any homeowner wishing information from Mr. Kirkland to contact him soon. She agreed to call and invite him to the next meeting.
5. Landside Maintenance - In Ms. Neil's absence, Mr. Noble reported that the new landscape contractor seemed to be working out fine. President Frankel complimented Mr. Noble on his fast response in removing a fallen Monterey Pine tree from between the Thruston's and the Loh's homes.

RESIDENTS' TIME

Gordon Greenlee and Andy Schmidt requested permission for changes to their docks, and they were each instructed to submit a written request, accompanied by a sketch of the proposal, and letters from their three immediate neighbors, to President Frankel for Board action at its next meeting.

Willie Flaherty stated that she and her husband would like to have a storage unit constructed on their deck, and she was instructed to submit a written request to President Frankel for Board action at its next meeting.

Andy Schmidt asked whether the trees which had been removed would be replaced. He was told that they would, and was directed to call Ms. Neil regarding any specific request. He also asked when the units would be painted, and President Frankel responded that the next painting cycle would start in the summer.

Bev Partridge stated that she had noticed that many homes have street numbers missing and that many of the louvered doors covering the meter boxes are in a state of disrepair. She asked whether these items were the responsibility of the Association. President Frankel stated that the doors were but the numbers were not. Manager Rich Noble was directed to investigate the available options for repair or replacement of the faulty louvered doors.

WRITTEN CORRESPONDENCE

1. Letter From the City of Alameda Regarding Extension of Bike Path - After lengthy discussion, the Board agreed to invite a representative of the City of Alameda to the next Board meeting to explain the plan and answer questions. A notice will be placed in the newsletter inviting all homeowners to attend the meeting.

NEW BUSINESS

1. Pre-Paint Inspection Report and Cost Proposal and
2. Painting Proposal - Both proposals were discussed by the Board simultaneously.

MOTION: It was moved, seconded and passed to accept the bid of Lexus Construction for pre-painting repairs to 421 - 465 Cola Ballena, at a cost of \$11,613.

MOTION: It was moved, seconded and passed to accept the bid of R. E. Broecker for painting of 421 - 465 Cola Ballena with ure coal of paint, and concurrent painting of 340 Tideway, if possible.

3. Amendment to CC&Rs Regarding Provisions for Boat Docking Lengths and Parking in Driveways - President Frankel explained that this item was placed on the agenda in order to solicit homeowner feedback on the general idea, and not for the purpose of making a decision to pursue or not to pursue CC&R amendments. He explained the reasons why the amendments might be advisable, then opened the floor for discussion. Mr. Noble explained the process which is followed for amending the CC&Rs.

OLD BUSINESS

1. Speed Bump Proposals - Mr. Flanigan stated that he had obtained the signage requirements from the City of Alameda for speed bumps, and requested that Mr. Noble get the bid expanded to incorporate all City requirements, including signage. Mr. Stone asked that Mr. Noble get two separate bids: One for a single speed bump and the other for two speed bumps.
2. Thruston Dock Issue - President Frankel explained the background of the issue. He stated that BBTA's attorneys had responded to Ed Clancy's dissenting opinion with respect to the Thruston dock issue, confirming their earlier opinion that it would not be prudent for BBTA to pursue the matter with Mr. Thruston. President Frankel stated that he felt BBTA's attorneys had done a credible job of researching and reporting on the issue.

MOTION: It was moved, seconded and passed not to pursue legal action against Merrill Thruston regarding the boat docking issue, as BBTA's attorneys had advised BBTA would not prevail.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m. The next meeting will be held on May 10, 1994 at 7:30 p.m.

Secretary

SALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
July 12, 1994

MINUTES

Stone

CALL TO ORDER: President Frankel called the meeting to order at 7:31 p.m.

ATTENDANCE: Directors present: Frankel, Flanigan, Neil, Schwartz and Stone. Also present: Jennifer Flanigan, Bob and Ann Kenyon, Ruth Masonek, Tom Williams, James and Marla Forrest, Jim Neil and Phyllis McGrew.

APPROVAL OF MINUTES

Minutes of the June 14, 1994 Board Meeting - Several corrections were noted.

MOTION: It was moved, seconded and passed to accept the June 14, 1994 Board meeting minutes as corrected.

PRESIDENT'S REPORT - There was none.

TREASURER'S REPORT

Dr. Schwartz read his report dated June 30, 1994 verbatim. He verified that the bank statements and reconciliations match the financial statements. President Frankel reported that he had spoken with attorney Fong regarding return of the bond and reimbursement of BBTA's legal expenses in the matter of BBTA v. Gutleben, stating that Mr. Fong had informed him that the funds cannot be returned until the court determines the amount of attorney fees to be refunded to BBTA. He stated that he expected to hear from the court on July 26th.

MANAGER'S REPORT

Mr. Noble reported that State Roofing had nearly completed the roofing work which had been approved at the previous Board meeting. He stated that it appears that BBTA will be able have one or two additional roofs done because of the lower cost of State Roofing's contract. Mr. Noble reported on a complaint received from James Forrest, 404 Tideway Drive, that the new roofing did not include foam insulation as his previous roof had. *The matter was addressed under Written Correspondence.*

Mr. Noble reported that painting was completed and the painters would complete the punch list items the next day.

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

COMMITTEE REPORTS

1. Home Maintenance and Architecture - Mr. Flanigan reported that an application had been received from John Moore for permission to install a structure over his hot tub. He stated that, after reviewing the drawings and inspecting the site, the committee had agreed to approve the request, provided the cover is painted the same color as the other units in that building.
2. Waterside Maintenance - Mr. Stone reported that Art Helwig was back at work, and stated that upcoming projects would include the Liptai/Walker extension and angling of docks near the Germs and Waltermires.

Mr. Stone recommended, based on rising costs for maintenance of the 2 buoys at the entrance to the wave maze, that both buoys be replaced with one \$750 buoy, with an amber light and a 4 mile range.

MOTION: It was moved, seconded and passed that the present battery-operated red and green lights at the wave maze be replaced by a single Coast Guard approved solar-powered flashing amber light, at a cost not to exceed \$750.

3. Finance and Insurance - Dr. Schwartz asked Mr. Noble for an update on BBTA's earthquake insurance.
4. Neighborhood Communications - Mr. Frankel thanked Jennifer Flanigan for writing the wave maze article for the newsletter.
5. Landside Maintenance - Ms. Neil reported that the landscape renovation work at the first eight homes at the end of Cola Ballena had been completed on schedule, and that preparations were underway to start work at 429 - 447 Cola Ballena. She stated that completion of landscape renovations at these 12 homes was expected by the end of August.

Ms. Neil reported that the Committee had met with the homeowners at the end of Tideway Drive who had requested permission to renovate the fronts of their homes. She stated that some of the homeowners had already done the work and that others had elected to have it done by BBTA's landscape contractor, and that the plans will carry the landscape theme through the development.

Ms. Neil stated that the arborist is scheduled to return on August 2nd, and that he would be looking at cedar trees which several homeowners had reported as diseased.

Ms. Neil stated that, in response to Mr. Stone's suggestion at the previous meeting, the Committee had voted to install a hedge at the end of Cola Ballena to visually camouflage the boat ramp.

Ms. Neil reported that Ingrid Buono had requested that the foliage be removed from the area between her home and the bridge. She stated that the Committee had inspected the area, and had noted that the foliage around other end units had already been removed. She stated that the Committee would get a bid for the cost to remove the foliage near the Buonos' unit.

RESIDENTS' TIME

Ann Kenyon reminded everyone that the picnic on August 21st would celebrate the 25th anniversary of Ballena Bay, and encouraged all to attend.

Phyllis McGrew stated that she had been away when the painters came. She reported that she had returned to find that they had splattered her windows, deck and deck furniture, had missed some wrought iron, and had moved her plants away from the drip irrigation system. Ms. McGrew stated that the plants had not been put back in place and had subsequently died. Mr. Noble stated that the painters had already been advised of the overspray problem and would return to clean the paint off the windows and to finish painting the wrought iron. Ms. McGrew stated that the painters had applied some type of sealer over the top of the paint-splattered deck.

Ms. McGrew also stated that all the painters had gone over the top of her roof 5 or 6 years ago, and that they went over the top of her roof again this time. She asked the Board who would pay for the interior damage if she experienced a roof leak again this year. Mr. Noble stated that he would have her roof inspected and have any damage repaired. President Frankel requested that Ms. McGrew submit all her concerns to Mr. Noble in writing so they can be addressed.

Jim Neil asked what kind of notice the painters are required to provide homeowners prior to painting. Mr. Noble stated that the CC&Rs specify 48 hours notice, but that he tries to make sure homeowners are notified three days in advance. Mr. Neil stated that the painters had sprayed sealant over leaves and dirt on his deck on the last painting cycle. It was agreed that decks should be cleaned before they are sealed, and it was suggested that the deck sealing be removed from the painting contract. Mr. Noble suggested that all homeowners be informed that they can have their deck sealed by separate arrangement with the painter. It was agreed to put the matter on the agenda for the next Board meeting.

Bob Kenyon asked whether all the annual painting had been completed, and he was informed that the painting had been completed for this year.

Tom Williams stated that the stair landings need to be sealed, and suggested that the sealing be added to specifications for annual maintenance. President Frankel stated that he felt the sealing should be done as part of the construction or maintenance, rather than as part of the painting contract. Mr. Noble was directed to put this item on the agenda for the next Board meeting.

WRITTEN CORRESPONDENCE

1. Letter from James Forrest, 404 Tideway Drive, Regarding his Roof - President Frankel provided a history of the roof maintenance problem. He stated that Mr. Forrest had written to say his unit had not needed reroofing, and that the roof installed by BBTa was not insulated.

Mr. Noble explained that all roofs had been inspected annually over the past three years and a reroofing plan devised. He stated that Mr. Forrest's roof had been listed as having a short remaining life each year, and that the most recent inspection revealed buckling and other signs of deterioration and aging. Mr. Noble further stated that the roofing contractor found, upon removing the Forrests' roof, that it had been incorrectly installed as fibreboard was not placed between the foam insulation and the hot applied top roof cover. He stated that the improper installation had damaged the insulation and left it open to deterioration.

Mr. Forrest disagreed with the opinion of BBTa's inspector, stating that an inspection of the roof at the time he purchased the unit revealed it to be in good condition. He also stated that he found fibreboard debris which appeared to have been removed from his unit during the current reroofing.

Mr. Stone stated that BBTa is responsible for maintaining the roofs, and makes its decisions based on the expert opinions it obtains. There was discussion regarding the possibility of allowing homeowners to choose between insulated and uninsulated roofs. Mr. Williams suggested that, in the case of the Forrests' roof, insulation could be blown into the roof through holes at the joist line. Mr. Noble was directed to explore the feasibility of this solution. President Frankel promised to follow up with Mr. Forrest in a week to ten days.

2. Letter from Jack Coker, Regarding Deck Railing at 447 Cola Ballena - Mr. Stone stated that Mr. Schmidt had been directed to replace the handrail, and Mr. Noble stated that a letter would be going out to Mr. Schmidt within the week.
3. Letter of Agreement Signed by Lot Owners at 441, 443, 447, 449, 451 and 453 Cola Ballena Relative to Dock Widening at 447 & 449 Cola Ballena and Letter from Jack Coker, Regarding Dock Widening - Mr. Coker stated that, as none of the other owners on the dock had objected to the proposal, he would withdraw his objection. He stated that he had objected because he had felt the waterway could not be infringed upon.

MOTION: It was moved, seconded and passed that the request dated May 20, 1994 (received by the Waterside Maintenance Committee on June 28, 1994) of Gordon Greenlee (449 Cola Ballena) and Andy Schmidt (447 Cola Ballena) to widen their respective mooring slips each by 3 feet be approved subject to the following conditions: (1) The work will be done by the Association, on a schedule consistent with other dock work currently being performed, probably in the first half of 1995; and (2) The Association will prepare contracts for signature by Mr. Schmidt and Mr. Greenlee, establishing the cost of the work and providing for reimbursement of the cost by them as follows: (a) 50% on ordering of materials; and (b) balance on completion of the work.

NEW BUSINESS - There was none.

OLD BUSINESS

1. Request of Jim Oliver for Permission to Side-Tie - President Frankel reported that Mr. Oliver's insurance agent was out of town, and that the wording of the agreement will be finalized upon his return.
2. Update on Speed Bump & Signage Proposal - Mr. Flanigan reported that he had met with representatives of Vespar (which owns the apartment building across Tideway), and they had agreed to split the cost of the speed bumps 50/50 with BBTA. He stated that they had raised the issue of sharing the cost of the street lighting on Tideway Drive, and that they would prepare and forward a proposal. President Frankel stated that he felt that the two issues should remain separate.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m. The next meeting will be held on August 9, 1994 at 7:30 p.m.

Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION
ANNUAL HOMEOWNERS' MEETING
October 11, 1994

MINUTES

CALL TO ORDER - President Frankel called the meeting to order at 7:45 p.m.

ROLL CALL - President Frankel declared that a quorum of the members was represented in person or by proxy.

PURPOSE OF THE MEETING

President Frankel 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 12, 1993

MOTION: It was moved, seconded and passed to accept the minutes of the October 12, 1993 Annual Homeowners' Meeting as submitted.

REPORTS

President - President Frankel reviewed the progress achieved over the past year and thanked the Board members, committee chairs and members, and homeowners for their participation over the past year.

Finance and Insurance: Mr. Schwartz explained that he presents a detailed financial report at the monthly Board meetings and thanked the homeowners for paying their dues on time.

ELECTION OF DIRECTORS

President Frankel opened the floor for nominations.

MOTION: It was moved, seconded and passed to nominate the slate of directors: Gary Flanigan, Robert Kenyon, John Moore, Mary Neil and Mel Schwartz.

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

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

ELECTION RESULTS

President Frankel announced that the following had been elected to serve on the Board: Gary Flanigan, Robert Kenyon, John Moore, Mary Neil and Mel Schwartz. The newly-elected Board members were introduced and each made a brief statement.

TAX RESOLUTION

Mr. Noble explained the reason for the Tax Resolution, and requested that all homeowners vote on the resolution. After counting the ballots, Mr. Noble announced that the measure had passed unanimously.

GENERAL DISCUSSION

Sigi Osicki suggested that the new Board consider adding fiberglass ladders to the docks. There was discussion regarding the pros and cons, and the Board agreed to place the matter on the agenda for their November meeting.

Willie Flaherty asked whether all the landings had been repaired. Mr. Noble responded that the committee had not been able to complete as many repairs as anticipated this year, but that \$20,000 had been budgeted for landing work in the coming year.

Terry Klaus asked whether there was a budget allocation for rodent control, as he had noticed increased water rat activity. He suggested that rat poison be put back into the rodent control boxes. Mr. Frankel suggested that someone check with the vector control authorities before any action is taken. Mr. Klaus commented on a fence which needs to be repaired, and Mr. Williams stated that it would be repaired soon.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Secretary

**LENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING**

October 13, 1994

MINUTES

CALL TO ORDER: Gary Flanigan called the meeting to order at 8:20 p.m.

ATTENDANCE: Directors present: Flanigan, Kenyon, Moore Neil and Schwartz. Also present: Archie Stone.

ELECTION OF OFFICERS

The following officers were nominated:

President	Gary Flanigan
Vice President	Mary Neil
Treasurer	Mel Schwartz
Secretary	John Moore
Member at Large	Bob Kenyon

MOTION: It was moved, seconded and passed to elect the above-nominated officers.

APPROVAL OF MINUTES

Minutes of the September 13, 1994 Board Meeting - No corrections were noted.

MOTION: It was moved, seconded and passed to accept the September 13, 1994 minutes as presented.

PRESIDENT'S REPORT: There was none.

TREASURER'S REPORT

Dr. Schwartz reported that the \$15,000 bond which BBTA had posted in the Gutleben case had been returned, with interest in the amount of \$5,543.30. There was discussion regarding delinquent accounts, and it was agreed to obtain more background information and put the matter on the agenda for the next Board meeting. There was discussion regarding the cost of the community barbecue.

MANAGER'S REPORT

Mr. Noble reported that the speed bump had been installed and marked. He stated that the new light fixtures had been ordered, were expected to be received within two weeks and would be installed shortly thereafter.

Mr. Noble pointed out the state regulatory requirements for adoption and distribution of the annual budget. He reviewed recent legislation affecting homeowners' associations.

COMMITTEE REPORTS: The following committee chairs were appointed:

Home Maintenance and Architecture	John Moore
Waterside Maintenance	Bob Kenyon
Finance and Insurance	Mel Schwartz
Neighborhood Communications	Gary Flanigan
Landside Maintenance	Mary Neil

RESIDENTS' TIME: There were no residents wishing to address the Board.

WRITTEN CORRESPONDENCE

1. Letter from Meredith Owens, Energy Management Coordinator, Bureau of Electricity - Information only.
2. Letter from R. D. Waltermire, 420 Tideway Drive, Regarding Claim for Water Damage - Mr. Noble provided background information regarding the matter, noting that BBTA repaired the roof in a timely manner and had no knowledge of any interior damage until recently. He stated that he therefore felt the Association had not been negligent in addressing the situation.

MOTION: It was moved, seconded and passed to take no action regarding the letter from R. D. Waltermire.

Mr. Noble was directed to draft a response to Mr. Waltermire for President Flanigan's signature.

3. Letter from Elizabeth Robertson, 312 Tideway Drive, Extending Thanks for Speed Bumps - No action taken.
4. Letter from Fong & Fong Regarding BBTA v. Roger - Information only.

NEW BUSINESS

1. Consideration of 1995 Budget - Mr. Noble and Mr. Stone reviewed the proposed budget. The Board agreed on the following amendments: (a) change "Miscellaneous" under *Operating Expense - Administration* to "Meeting Expense"; (b) increase "Common Area - Land Side" under *Operating Expense - Operations* from \$35,000 to \$40,000; (c) change "Miscellaneous" under *Operating Expense - Operations* to "Allowance for Bad Debt" and increase the allocation from \$400 to \$4,000; (d) reduce "Landscaping" under *Replacement Expense - Land Side* from \$30,000 to \$25,000; and (e) adjust all subtotals and totals accordingly. Mr. Noble agreed to work with Tom Williams to see if more landings and ramps can be completed this year with the remaining funds allocated for the year.

MOTION: It was moved, seconded and passed to accept the proposed 1994-95 Budget, as amended above, and with the amount of monthly dues at ~~\$350.00~~ ^{315.00} (Copy attached to these minutes for the record.)

Mr. Noble and Mr. Stone agreed to finalize the reserve study by November 1st for action at the next Board meeting. There was discussion regarding the process for hiring contractors, and Mr. Noble stated that he obtains bids on a periodic basis to ensure the contractors used at BBTA are competitive.

OLD BUSINESS

1. Jim Oliver Side-Tie Agreement - Mr. Noble noted that a copy of the executed agreement was included in the Board packet.
2. Set Next Executive Committee Meeting - The Board agreed to hold an Executive Committee meeting on October 25th at 7:30 p.m. at the home of Gary Flanigan.

ADJOURNMENT

The meeting was adjourned at 9:35 p.m. The next Board meeting will be held on November 8, 1994 at 7:30 p.m.

Secretary

BALLENA BAY TOWNHOUSE ASSOCIATION
BOARD OF DIRECTORS MEETING
November 8, 1994

MINUTES

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

ATTENDANCE: Directors present: Flanigan, Kenyon, Neil and Schwartz. Absent: Moore. Also present: Archie Stone, Jim and Audrey Ehrlich, Lee and Rhonda Manter, Jennifer Flanigan, Willie Flaherty, Ruth Masonek, Phyllis McGrew and Ann Kenyon.

APPROVAL OF MINUTES

1. Minutes of the October 11, 1994 Board Meeting - Two corrections were noted.

MOTION: It was moved, seconded and passed to accept the minutes of the October 11, 1994 minutes Board meeting as corrected.

2. Minutes of the October 11, 1994 Annual Meeting - No changes were noted.

PRESIDENT'S REPORT: There was none.

TREASURER'S REPORT

Dr. Schwartz read his Treasurer's Report dated October 31, 1994 verbatim.

MANAGER'S REPORT

Mr. Noble reported on ten weather-related leaks to homes and garages, noting that most homeowners had already been contacted by the roofing company. He stated that some of the leaks were in roofs which had been recently installed, and repairs were therefore covered under the warranty. In response to a question, Mr. Noble stated that the amount of leaks experienced at Ballena Bay was not unusual.

Mr. Noble reported that he was trying to get together with ProSource in order to get another landing and ramp done before the end of the budget year. He stated that he would also like to get another sidewalk done.

COMMITTEE REPORTS:

Home Maintenance and Architecture - John Moore was absent, and it was noted that no new applications had been recently received.

Waterside Maintenance - Bob Kenyon reported on the shifting of the barge to the southwest side of the estuary, near the 300 block of Tideway Drive. He stated that dock work on the 1200 block of Ballena Boulevard would begin shortly. Archie Stone stated that he estimated the work would be finished by the end of January. Mr. Kenyon stated that the work was averaging two weeks per dock. He stated that Mr. Stone and Mr. Neil had shown him how to undermine the rocks near the headfloat.

Finance and Insurance - Dr. Schwartz had no report.

Neighborhood Communications - Gary Flanigan reported that *Dockside* editor Jeff Frankel had been ill for a couple of weeks, so there had been no newsletter. He stated that he would arrange to have the corrected version of the minutes distributed to all homeowners.

Landside Maintenance - Mary Neil reported that the trees and shrubs near the Buonos had been removed and will be replaced with California natives, which are drought resistant and flourish in sandy soils. She stated that she had

obtained bids for the plants with and without actual planting, as neighbors in the area had volunteered to do the planting. She stated that a planting party would take place on Saturday, November 12th.

Ms. Neil reported on the Committee's plans for the end of Cola Ballena. She noted that the goal is to have the work completed by the end of the year, but to pay for it out of the 1995 budget.

Mr. Noble reported that Kathy Walker, 433 Cola Ballena, had complained that her water bill had doubled over the previous period. He stated that he had investigated and found her meter to be in very bad shape, and would follow up with East Bay Municipal Utility District to resolve the matter.

RESIDENTS' TIME:

Willie Flaherty asked when the landing and stairs in her area would be completed, and Mr. Noble stated that he would go over the priority list with Tom Williams and see about bumping her up on the list. Ms. Flaherty stated that her neighbor at 408 Tideway was also asking.

Audrey Ehrlich asked when the landscaping would be done in their area, and Ms. Neil responded that it was scheduled for 1995. She explained that the drawings are now being prepared for approval by the City of Alameda.

Lee Manter asked whether the schedule for the landscaping crew had changed, and Ms. Neil responded that it had. She explained that they now send a double crew each Wednesday. Mr. Manter expressed concern regarding the accumulation of trash along the fence line near the Moores' unit. Ms. Neil stated that she would address the matter with the landscape contractor.

Mary Neil solicited committee members to help with planning of the New Year's Day cruise around the island.

WRITTEN CORRESPONDENCE

1. Letter from Michael Scholtes of Fong & Fong Regarding BBTA v. Donald P. Gutleben - Information only.
2. Proposal from Edward W. Riback, CPA, to Prepare BBTA's Annual Audit and Tax Returns - Addressed under New Business.
3. Letter from R. D. Waltermire, 420 Tideway Drive, Regarding Claim for Water Damage - Mr. Noble provided background information regarding the matter, noting that there had been no response from BBTA's insurance carrier to date. Mr. Noble stated that BBTA's exposure was limited, as it had initiated repairs in a timely manner it was notified of the situation was reported. Mr. Noble was directed to provide each Board member with documentation of the history of the situation. Mr. Noble agreed to provide what documentation he had, but stated that he believed the situation predated his tenure as property manager.

NEW BUSINESS

1. Consideration of 1995 Budget - Mr. Noble stated that the Budget had been further amended to increase Insurance to \$28,600, to increase Electricity to \$4,500, and to increase Refuse Collection to \$10,000. Mr. Stone stated that the Reserve Fund for Docks had been underspent during the current year by about \$40,000. There was discussion regarding the method for reflecting the funds being carried forward into the new budget.

MOTION: It was moved, seconded and passed to accept the proposed 1994-95 Budget, as amended above.

2. Selection of Accountant for Preparation of Annual Audit and Tax Returns - Mr. Noble reported that Mr. Ribback's bid of \$1,625 for preparation of the annual audit and tax returns was the same fee he had charged the previous year.

MOTION: It was moved, seconded and passed to accept the bid of Edward W. Ribback, CPA for preparation of the annual audit and tax returns at a cost of \$1,625.

3. Suggestion Submitted by Sigi Osicki at the Annual Meeting Regarding Safety Ladders - There was discussion regarding Mr. Osicki's proposal. Mr. Stone offered to meet with Bob Kenyon and Art Helwig to explore possible solutions, and it was also suggested they check with other similar communities to see what solutions they had devised. Mr. Stone will report back at the next Board meeting.

OLD BUSINESS - There was none.

ADJOURNMENT

The meeting was adjourned at 8:25 p.m. The next Board meeting will be held on December 13, 1994 at 7:30 p.m.

Secretary