

## MINUTES 2006-11-13

**Attendees** -- Jim Pantaleo, Ken Nies, Julie Weltsch, Leslie Bergquist, Eric Allen

Meeting Minutes by Eric Allen

- **Call to Order** -- 7:09 pm Jim Pantaleo called meeting to order.
- **Introduction** -- See Motion #1.
- **Approval of Minutes** -- See Motions #2, 3, 4, and 5.
- **Treasurer's Report**
  - Fran of O'Neil Associates suggested that the BPHOA move its bank account(s) to Telesis Federal Credit Union. Bridal Path Board of Directors agreed to entertain the idea. Fran will get more information with how Telesis handles the mail-in of dues monies.
  - Leslie Bergquist said we have a matured bond to cash in. The mature-date is 01-OCT-2006. It should roll into cash account. Its value is \$10K. The BPHOA Cash Account will go to \$53K from the current \$43K.
- **CC&R's Report**
  - **Verbal Appeal** -- Richard Rothschild of 1092 Mellow would like to Board of Directors to rescind the fines assessed to him for split rail fence violations. He got a 2nd fine, which was double the 1st. He repaired the fence immediately after the original notice. Board of Directors agreed to waive the assessed fines given that Richard Rothschild will meet the following 2 conditions: (See Motion #6)
    1. He will fix the fence with a post and 2 rails.
    2. He will have the work completed by 01-DEC-2006.
  - **Verbal Appeal** -- Ron Stack of 1066 Mellow Lane -- Ron got 2 notices and a fine due to fencing needing repair. He says fence remained unchanged for about 5 years. Ron asked for more guidance on repairs required. He did not receive a 1<sup>st</sup> notice. In total, he received 3 notices. See Motion #7.
  - **Written Appeals** -- None articulated.
  - Homeowner volunteer Russ Pungrchar and Ken Nies discussed a situation involving two Bridlepath neighbors. One neighbor wants to replace a decomposing chain link fence with a more substantial wood fence. The chain link is common property between neighbors and is subject to CC&R regulation. We drew no clear conclusions at this time.
  - Esther asked for guidance from the board regarding whether they should cite buggies/carts undo are decomposing in people's front yards. The board agreed to look at these and make a decision and let Esther know at the next meeting. The board needs to get the addresses from the BPHOA e-mail.
  - Check out new approved tree list on <http://www.bp-hoa.org/> web site.
- **Architecture report** -- Ken Nies says "nothing to report".
- **Arena & Trails Report**
  - Janice Woods-Allen says sprinkler & valve repaired at 1<sup>st</sup> Street arena. BPHOA needs to get the warranty documents. Jim Pantaleo says there is a date plate in the controller and says the date plate is sufficient for warranty.
  - Moving ahead next year, the BPHOA should have the head of the Arena and Trails Committee, and not a board member, be responsible for interaction with contractors that deal with Arena and Trails issues.
  - Some sandbags are splitting. JW-A suggests the responsible company should redo with better bags.
  - A&T would like to have a banner with equestrian safety tips, such as reflectors on horses, holiday flags et cetera, in the next newsletter.
  - A&T Committee should send a list of this year's accomplishments to Julie Weltsch.
- **Events Report**

- Sue Fleczok says the most recent Play-Day did not have as many attendees as more recent Play-Days have had. She attributes the lower attendance to the city's removal of signs advertising our Play-Day. Sue suggests we need to ask BP homeowners to allow us to put signs in the yards of individuals.
- Sue said a Jerry Koenig took a number of photos and that we should put them up on the bp-hoa web site.
- There was a Bird-walk on the previous Sunday. The group saw some birds.
- **Landscape and BP report --**
  - Sandbags & DG are out. Quad with 3-4 girls drove down BP destroying sandbags by driving over them. Jim Pantaleo attempted to intervene. Quad/girls disappeared.
  - Winter rye put down in common areas.
  - Jim Pantaleo -- Got a quote from Harold Jones (HJ) to do trees in 1<sup>st</sup> St. arena and Azure. Got quote from True Green Associates (TG) to do tree trimming.
    - \$10,360 from HJ to do 54 trees. Translates to \$192/tree.
    - TG will trim 23 trees on Azure, view lots on Rambling, sycamores in parkway and peppers on slope, peppers in Sunnydale, 10 eucalyptuses on Sunnydale, 8 pepper, 14 small pepper, and large eucalyptus. TG quoted a total price of \$15K. Additionally we would get a discount for the large number of trees. With discount, \$13670 is the final price. Translates to \$114/tree.
    - Have \$14K avail in budget to get the tree trimming done. See Motion #9.
- **Homeowners' Open Floor --** Michael Kress asked about publishing agenda for meeting on web site. Claims Davis-Stirling Act requires it. Kress will send the pertinent document or document-reference to the BPHOA board supporting his claim that this is a Davis Stirling Act requirement.
- **Miscellaneous**
  - Julie Weltsch -- City is repairing storm drains between Rambling and the arenas, along fence line.
  - Someone illegally dumped a big load of cement by gate #2; it ran half way into the streambed.
  - In newsletter, we need to note that the board took the "missing" rule that the Welckers would have voted down and make the presumption that it would have been voted down had it been voted upon. See Motion #10.
  - The board should print a "one page" set of existing rules. The former rule # "3.5" also went away. Rules documented prior to Jan 2004 stay in effect.
- **New Election Process Report --** The Davis-Stirling Common Interest Development Act contains a new set of election rules by which the BPHOA must abide for the election of BPHOA board members for 2007. See Motion #8.
  - Jim Pantaleo contacted a law group that specializes in assisting HOAs comply with the new election rules. Mathew Gardner, attorney at Adams Kessler, LLP, combined current BPHOA-CC&R rules with the new set of Davis-Stirling election rules into one set of election-related rules.
  - Friday, 17-NOV-2006 is the 60-day-before-election point by which we must mail out the new election rules.
  - Nomination forms will go out at the same time.
  - The BPHOA needs to receive the nomination forms back by the by 01-DEC-2006, 2 weeks after mailing out to the members.
  - Jim Pantaleo -- December newsletter needs to be out on time. We need to have an announcement of a special board meeting with a 10-day notice. Board needs to vote on whether or not to adopt the new rules on 14, 15, or 16-DEC-2006. The date the new election rules go out from Fran's will determine the meeting date. Fran needs to mail the ballots 30 days before the 16-JAN-2007 annual meeting, i.e., no later than 17-DEC-2006.
  - We need the January 2007 newsletter to Fran by 18-DEC-2006 (Fran's office is closed 22-DEC-2006 through 01-JAN-2007). Newsletter needs to be out to satisfy 15-day rule for notification of the adoption of new rules.
  - Within 15 days after election, we need to mail the BPHOA newsletter with election results to the membership.
  - Nominations go to the BPHOA; ballots go to inspector of elections.

**Motions Table**

Motions	Seconded*	Vote
1. Jim Pantaleo -- Cancel 29-NOV-2006 and 27-DEC-2006 BPHOA Board of Directors Meetings due to upcoming holidays.	X	Passed Unanimously
2. Jim Pantaleo -- Waive reading of and approve BPHOA Board of Directors meeting minutes of 30-AUG-2006.	X	Passed Unanimously
3. Ken Nies -- Change erroneous date "September 11" in meeting minutes of 09-OCT-2006 to read "October 09".	X	Passed Unanimously
4. Jim Pantaleo -- Waive reading BPHOA Special Meeting ("cart meeting") minutes of 18-OCT-2006.	X	Passed Unanimously
5. Ken Nies -- Correct Michelle's name in BPHOA Special Meeting ("cart meeting") minutes of 18-OCT-2006.	X	Passed Unanimously
6. X -- Waive fines assessed to Richard Rothschild of 1092 Mellow for fencing violations.	X	Passed Unanimously
7. Leslie Bergquist -- Waive fines assessed to Ron Stack of 1066 Mellow for fencing violations.	X	Passed Unanimously
8. Jim Pantaleo -- Get the nomination forms, rules, and cover letter together and mailed to membership by 16-NOV-2006.	Leslie Bergquist	Passed Unanimously
9. Jim Pantaleo -- Get tree trimming done by True Green Associates for \$13670.	Eric Allen	Passed Unanimously
10. Julie Weltsch -- Rescind "Rule 3.5" contained in the Welcker's petition but erroneously omitted from the ballot that the homeowners voted on during the 18-OCT-2006 special meeting.	Eric Allen	Passed Unanimously

\* X means that a board member seconded the motion but the minute-taker did not record that board member's name.