



# At Dockside

*A Monthly Publication of The Ballena Bay Townhouse Association #1*

---

**Protecting property values and the quality of life in Ballena Bay – February 2013**

---

## *President's Message by Dick Bacigalupi*

The board had a productive meeting on January 15<sup>th</sup> handling general business matters as well as completing the final draft of the Fine Policy. Homeowners who attended shared their observations where other homeowners may not be in compliance with the association's policies. The observations were taken into consideration by the board and, if warranted, future action will be taken.

The board continues to update and implement policies under the CC&R's approved last year. After discussion the Fine Policy was approved for distribution to the members for the 30 day comment period. Comments received from homeowners will be discussed at the upcoming meeting scheduled for next Tuesday, February 19, 2013. The implementation plan is being developed for the Parking Policy recently approved. The placards and signage required under the policy needs to be prepared and its distribution coordinated with the effective date.

Work has begun on renewal of the association's insurance coverage. Request for quotes have been sent to interested insurance companies. This work had begun earlier that last year so that we will have sufficient time to review the quotes before the renewal date. As in past, the goal is to obtain the most complete coverage at the best price.

While I have not heard of any new thefts in the neighborhood everyone is still encouraged to be diligent in securing their property. Recently both the Alameda newspapers had articles noting that local thefts have increased. One article encouraged folks to practice "TLC"; "T" - Take valuables from your vehicle, "L" - Lock your vehicle and home, "C" - Call the police when you see suspicious individuals.

The 2013 Directory has been delivered reflecting the updated homeowner information that was submitted. Thanks go to Jeff Frankel who did all the work. Please remember that this information is to be kept confidential and not share with individuals outside the association. If you did not receive a directory please contact Jeff. Our next meeting is February 19<sup>th</sup>. Hope you can attend.

## *Communications Report by Lu Abel*

Just a reminder to all homeowners: our CC&Rs require that you notify the HOA of the rental or lease of your home including the name of the tenant and your new contact information. We're not trying to be bureaucratic; we just want to make sure that both you and your tenants receive communications from the HOA including Dockside and any notices of new/changed policies (such as our new parking rules). Similarly, if you are selling or transferring ownership of your home, you must notify the HOA as soon as your home is under contract (and not just after transfer of ownership). Again, we're just trying to make sure everyone is in the loop and we've got our records up to date.



***Treasurer's Report by Ann Kenyon***

BBTA is awaiting its final year-end report for 2012 from the auditors. We will have it for you next month.

***Landside Report by Jeff Frankel***

No report.

***Landscape Committee by Pat Faustman***

The cold and dry weather have taken a toll on our lawns and shrubs. We have turned the irrigation back on for two days a week, so do not be alarmed to see the sprinklers going on in the middle of winter. A few of our trees have started to blossom, is spring already here? If you have any questions or concerns about landscaping, please contact your landscaping committee: Pat Faustman, Patty Corrigan, Isabella Foster, Kathy Walker, Patti Klaus and Jennifer Flannigan.

***Waterside by Rob Larsen***

Cleaning and repairs to the Tideway section is coming along. We have installed another 30 foot section of perimeter chain. “Wave maze” really has multiple layers to its meaning. The trick now is to reattach tire sections that have parted from the perimeter and from interior of the maze. We are getting excellent value out of our trash pump and accessories we purchased for cleaning the tires.

The Ballena section of the maze looks like it is holding together well. Once it is cleaned and floating at the surface, repairs should be minimal.

If you see anything regarding the waterside that needs some attention, please call or email. Please continue to inspect your and your neighbors dock lines.

***Happy Slow Sun Day by Lu Abel***

Well, we missed it, folks – International Slow Sun Day, which occurred on February 10<sup>th</sup>. And your Communications Committee didn't even tell you!

Okay, what is Slow Sun Day and how does it compare to National Cottage Cheese Day?

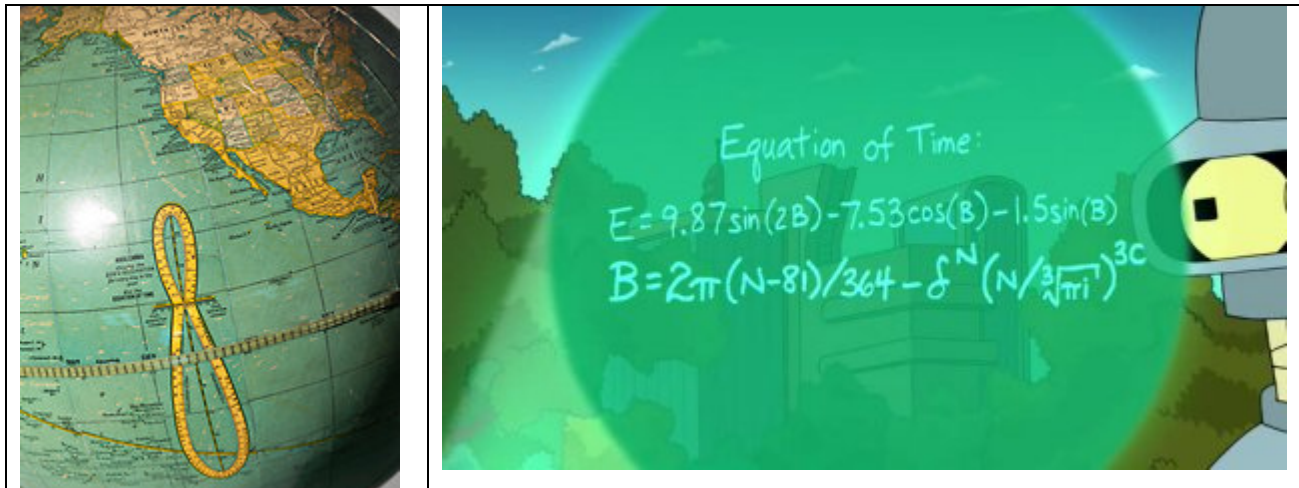
If I stand in Greenwich, England the sun is directly south of me at noon Greenwich Mean Time every day, right? Wrong! The sun can cross the Prime Meridian up to about 15 minutes earlier or 15 minutes later depending on the time of the year. Astronomers and celestial navigators know



this phenomenon as the Equation of Time. And on February 10<sup>th</sup> the sun was at its slowest for 2013, crossing the prime meridian 14 minutes 13 seconds late. From the winter solstice until mid-February the sun keeps crossing the meridian later and later, which explains why even though days are getting longer, the sun isn't coming up much earlier, the sun's earlier rising being offset by its later arrival.

Why this happens has to do with the tilt of the earth's axis, the "Mean Sun" day and a host of other orbital mechanics issues. Way too complex to explain here.

There's a wonderful graphic you often see on a globe, usually in the middle of the Pacific Ocean. It's a mysterious figure-eight called an analemma. It tells you the latitude and longitude of the point on the earth where the sun is directly overhead at noon for every day of the year. If it's located on the 180<sup>th</sup> meridian of longitude it shows the position of the sun at midnight GMT (noon at the 180<sup>th</sup> meridian) over the year. The vertical part of the figure-eight shows the sun's northward and southward march with the seasons, the sideways spread is due to this Equation of Time. Analemma.com is one of the oldest web sites on the web and it's devoted to pictures and explanations of the analemma.



And the Equation of Time has even hit pop culture. Those of you with children or grandchildren of the right age might recognize Bender the Robot from the TV cartoon Futurama. He's showing an "equation of time travel," but the equation for E is truly the way of calculating the number of minutes ahead or behind GMT that the sun will pass the Prime Meridian. It needs "B" from the equation below. The true equation for "B" is just the left half of the one shown. N is the number of days since New Year's Day.

So mark your calendars now for 2014's slow sun day. And sleep late to celebrate!



**Property Manager Contact Information**  
**Massingham & Associates Management (Management Company)**  
**1855 Gateway Blvd, Suite 300, Concord, CA 94520**

David Boone (Property Manager) davidb@massingham.com  
Kathleen Car (Community Assistant) (925) 405-4716  
Office (925) 405-4900  
FAX (925) 405-4747  
Emergencies:  
Business Hours 9:00 am – 5:00 pm (925) 405-4900  
Non Business Hours (925) 405-4900

**Board Members:**

President	Dick Bacigalupi	dickbacigalupi@hotmail.com	510.521.2426
Vice-President/ Landside	Jeff Frankel	jfrankel@pacbell.net	510.769.6096
Secretary/ Architectural	Jennifer Flanigan	jgflanigan@yahoo.com	
Treasurer	Ann Kenyon	kenyon2@pacbell.net	
Landscape	Pat Faustman	pgfaustman@gmail.com	
Communications	Lu Abel	luabel@ymail.com	
Waterside	Rob Larsen	relarsen@comcast.net	

**CALENDAR**

BBTA Executive Committee 7:00 PM Ballena Bay Yacht Club	February 19, 2013
BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	February 19, 2013
BBTA Executive Committee 7:00 PM Ballena Bay Yacht Club	March 19, 2013
BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	March 19, 2013

---

For letters to the Board or to report needed repairs, use this contact information:  
Massingham & Associates Management, 1855 Gateway Blvd, Suite 300, Concord, CA 94520  
[davidb@massingham.com](mailto:davidb@massingham.com)

---

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Meeting

7:30 P.M. Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda, CA

### MINUTES December 18, 2012

#### Board Members

Dick Bacigalupi	President	Term expires 2013
Jeff Frankel	Vice President	Term expires 2014
Ann Kenyon	Treasurer	Term expires 2014
Jennifer Flanigan	Secretary	Term expires 2013
Rob Larsen	Director	Term expires 2013
Pat Faustman	Director	Term expires 2014
Lu Abel	Director	Term expires 2014

**MSC** = Means a **Motion** was made, **Seconded** and **Carried** \*denotes absence

Also present was David Boone of Massingham & Associates Management, Inc. and the one owner listed on the sign in sheet.

**Call to Order:** The Board of Directors Meeting was called to order at 7:32 P.M. by President Dick Bacigalupi.

**Homeowner Forum:** An open forum was held and one owner was present but they had nothing to bring to the Board.

**Minutes:** After careful review it was **MSC** to approve of the November 20, 2012 Regular Session minutes with corrections and the November 20, 2012 Executive Session minutes as presented.

**Financial Statements:** Treasurer Ann Kenyon reported to the Board on the financial state of the Association and the Board carefully reviewed the Financial Statements for the periods ending November 30, 2012 including the balance sheets, income statements and delinquency reports. It was **MSC** to accept the November Financial Statements as presented.

**Collections:** After careful consideration it was **MSC** to take the following collection actions:

*Resolved, the Board of Directors ("Board") for Ballena Bay Townhouse Association No.1 authorizes and instructs ATC Assessment Collection Group, LLC to record a Notice of Delinquent Assessment in the full amount of unpaid assessments, late charges, interest and collections fees and costs against that property bearing the Assessors Parcel Number 074-1312-006 as authorized by Civil Code Sections 1367.1 and 1367.4 if such account has not been reinstated by the Notice of Intent to Lien expiration date of 1/11/2013.*

*Resolved, the Board of Directors ("Board") for Ballena Bay Townhouse Association No.1 authorizes and instructs ATC Assessment Collection Group, LLC to Publish Non-Judicial Foreclosure Sale and proceed forward with the Posting, Publishing and Actual Sale of that property bearing the Assessors Parcel Number 074-1311-026.*

*Resolved, the Board of Directors ("Board") for Ballena Bay Townhouse Association No.1 authorizes and instructs ATC Assessment Collection Group, LLC to proceed with the next collection action on account #182-2342.*

**Ballena Bay Townhouse Association No. 1**

Board of Directors Meeting Minutes

December 18, 2012

Page 3

**Bad Debt:** There were no accounts for the Board to consider writing off as bad debt at this meeting.

**Insurance Proposals:** The Board determined that insurance quotes would be requested and considered after the first of the year. If the association were to switch policies now any savings would be cancelled by the early termination fee. The present policy comes up for renewal in March. The Board asked management to start requesting quotes including earthquake after the first of the year.

**Proposed Fine Policy:** The Board discussed further aspects of the proposed Fine policy and Lu Abel will revise the present draft and present it to the Board at the January meeting.

**Roofing and Siding Project:** Committee Chair Jeff Frankel reported to the Board on the status of the final work on roofing, siding and painting and what the schedule and bidding process was looking like for 2013.

**Adjournment/Next Meeting:** With no further business before it the Board adjourned at 9:45 p.m. The next regular Board of Directors meeting was set for January 15, 2013 at 7:30 p.m. at the Ballena Bay Yacht Club.

---

*Director Signature*

---

*Date*

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Executive Session

7:00 P.M. February 19, 2013  
Ballena Bay Yacht Club  
1150 Ballena Blvd, Alameda, CA 94501

## AGENDA

1. **Call to Order**
2. **Items Requiring Board Action**
  - A. Review and Approve Collection Actions
  - B. Review Legal Issues
  - C. Review Contracts
  - D. Review Disciplinary Matters
  - E. Discuss New Business
3. **Adjournment**

Executive sessions of the board of directors are provided by statute so boards can address issues involving privileged information and matters of a private nature. As a result, members do not have a right to attend executive sessions. As provided for in [Civil Code §1363.05\(b\)](#), boards may go into executive session for the following matters:

1. Legal Issues. This preserves [attorney-client privilege](#), litigation strategy and settlement strategies for current and potential litigation matters. The association's attorney does not need to be present either in person or by phone for the board to meet in executive session to discuss legal issues.
2. Formation of Contracts. Boards may consider matters relating to the [formation of contracts](#) with third parties.
3. Disciplinary Hearings. Boards should meet in executive session for all [disciplinary hearings](#). The accused member is entitled to attend the executive session for that portion of the meeting dealing with member's hearing.
4. Personnel Issues. Personnel matters which include, but are not limited to, hiring, firing, raises, disciplinary matters and performance reviews.
5. Payment of Assessments. Board may meet with members in executive session to discuss requests by delinquent members for [payment plans](#).
6. Foreclosure. The decision to initiate foreclosure shall be made only by the board of directors of the association and may not be delegated to an agent of the association. The board must approve the decision by a majority vote of the directors in executive session. [Civ. Code §1367.4\(c\)\(2\)](#).

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Meeting

7:30 P.M. February 19, 2013

Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda, CA 94501

## AGENDA

1. **Call to Order** 7:30 p.m.
2. **Homeowner's Open Forum** 7:30 p.m.
3. **Secretary's Report** 7:45 p.m.  
Once approved and signed by the secretary the regular meeting minutes will be available for homeowner's viewing and placed in the corporate record book.
4. **Treasurer's Report** 7:50 p.m.  
The law requires the board to review and accept the reconciled financial statements at least once per quarter.
5. **Management Report** 8:00 p.m.  
**Action Items**
  - A. Approval of January 15, 2013 Regular & Executive Session Minutes
  - B. Review of Financial Statements for January 2013
  - C. Approve Collection Actions
  - D. Write Off Bad Debt
  - E. Discuss Requiring Owners to Submit Lease Agreements to the Board
  - F. Review Insurance Proposals
  - G. Review and Adopt Proposed Fine Policy
  - H. Review Float Policy
  - I. Review Float Agreement
  - J. Review Roofing and Siding Project
  - K. Review Parking Issues and Policy
  - L. Architectural Committee Report
  - M. Review Landscaping Committee Report
  - N. Review Landside Committee Report
  - O. Review Waterside Committee Report
  - P. Review Neighborhood Communications Committee Report
  - Q. Review Community Preparedness Committee Report
6. **Next Meeting Date & Location** – March 19, 2013, Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda.
7. **Adjourn** 8:50 p.m.