



# At Docksideside

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

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

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## ***President's Message by Dick Bacigalupi***

Your board braved the cold and dark on February 11<sup>th</sup> to hold the monthly meeting. We were joined by two homeowners. The major topic discussed during Homeowner's Open Forum was the Fine Policy that was distributed last month for review. The board attempted to address the concerns that were expressed. It is anticipated that the fines will rarely be needed and, when assessed, they will be applied consistently and the homeowner has a defined appeal process. Our Property Manager expressed that a Fine Policy is standard with other associations and our level of fines was in the middle of the range of other policies.

After considering the homeowner comments the board approved the Fine Policy that was distributed. We had received comments from two homeowners. One expressed that the dollar amount of the fine should be increased for certain infractions. The other questioned whether such a policy was needed and that it set a bad precedent. As discussed earlier, the policy will most likely be rarely used but it allows the board to take action if all other efforts fail.

The board continues to devote a good portion of the time to collection issues. While the number of past due accounts have decreased, we still have some accounts which need attention. While we legally could not collect past dues because of a foreclosure, some of these properties have changed ownership and we are now collecting monthly dues. It has been, and may continue to be a tough economic time for some homeowners.

As part of their service Massingham submits a monthly Property Review Report to the board. The report identifies items that are maintenance, landscape or homeowner responsibility. The last report noted many instances in which trash cans have been left outside the home. In consideration to your neighbors and to be in compliance with the rules for storage in the common area, trash cans should be stored out of sight. A bigger concern is that trash cans left out overnight may indicate the home is vacant and invite a break-in. Although I am not aware if any problems, let's continue to keep it safe by being diligent.

The next Board meeting is March 19<sup>th</sup>. Hope you can attend.

## ***Communications Report by Lu Abel***

I've tried to include an item each month that's outside reports from each Board member – whether this month's report by Jeff Frankel on how much money the HOA is saving by electronically delivering At Docksideside to last month's informative but silly bit about Slow Sun Day. Do you like them? Would appreciate feedback on what *you* want to see in At Docksideside.

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

Please see attached spreadsheet. These are for the month of January. We have not yet received the auditor's report showing our final numbers for 2012, nor have we received the financial report for February from Massingham.



***Landside Report by Jeff Frankel***

No report. But wait until the weather gets better, we'll be back!

***Landscape Report by Pat Faustman***

It feels as though spring has arrived a little early this year. Our landscapers have aerated and fertilized the lawns and turned the sprinklers back on. The lawns are starting to green up slowly. We will be putting our flowers in as soon as the nurseries have good stock available. If you have any questions or concerns about landscaping, please contact the landscaping committee: Pat Faustman, Patty Corrigan, Patti Klaus, Kathy Walker and Isabella Foster.

***Waterside Report by Rob Larsen***

The cleaning and repairs to the Tideway section is continuing. We have installed two more 30 foot sections of perimeter chain. The divers have found a section of tires lying in the mud and will clean and refloat this cluster so we can reattach to the maze. We should be able to start on the Ballena section on Monday, March 18<sup>th</sup>.

My thanks to Alan Levy for helping out with staging the work float for the divers. Thanks to John Aboudara for devising a flushing connection for the trash pump. We were given great pricing for additional parts for the pumps second hose by Tom & Shelley Bliss of the Blue Pelican Marine. 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.

***Saving Money on Printing, Copying, and Mailing by Jeff Frankel***

In 2012, BBTA spent approximately \$3,820 for printing mailing, copying and postage to print and distribute the Dockside newsletter, annual directories, meeting minutes, meeting agendas and other required member communications.

Most of you are probably aware that in Q4 of last year, we mounted an opt-in campaign for email delivery of many of these documents. A significant majority of our homeowners and residents opted to receive documents via email.

Having the bulk of these correspondences go out by email not only substantially reduces direct printing and mailing costs but also reduces the amount of labor required to hand-deliver and mail the remaining documents to the point where one person can get a physical mailing out in just a few minutes. This allows all but election materials and maybe a couple of other notices to be distributed by a volunteer instead of paying the management company to do it. Here are some per mailing event numbers:

	Printed Copies	Hand deliveries	Mail outs	emails
Before the opt-in program	~100	80	~20	0
Today	~25	19	6	~75

So far this year, with all January and February distributions accounted for and including the production and distribution of the annual directory, we've spent about \$120. Later this year there

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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)



will be a few mailings that must be handled by our management company - most notably, the election package. Nonetheless, thanks to the participation of our homeowners and residents, we are on track to slash these annual expenditures by at least two thirds. Thanks to all for their participation.

Want to Opt-in? Contact Jeff Frankel (510) 769-6097 or [jfrankel@pacbell.net](mailto:jfrankel@pacbell.net)

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

David Boone (Property Manager) [davidb@massingham.com](mailto:davidb@massingham.com)  
Joseph Schmalenbach (Community Assistant) [josephs@massingham.com](mailto:josephs@massingham.com) (925) 405-4722  
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	<a href="mailto:dickbacigalupi@hotmail.com">dickbacigalupi@hotmail.com</a>	510.521.2426
Vice-President/Landside	Jeff Frankel	<a href="mailto:jfrankel@pacbell.net">jfrankel@pacbell.net</a>	510.769.6096
Secretary/ Architectural	Jennifer Flanigan	<a href="mailto:jgflanigan@gmail.com">jgflanigan@gmail.com</a>	510.523.4734
Treasurer	Ann Kenyon	<a href="mailto:kenyon2@pacbell.net">kenyon2@pacbell.net</a>	510-521.6376
Landscape	Pat Faustman	<a href="mailto:pgfaustman@gmail.com">pgfaustman@gmail.com</a>	510.864.0665
Communications	Lu Abel	<a href="mailto:luabel@ymail.com">luabel@ymail.com</a>	510.814.1810
Waterside	Rob Larsen	<a href="mailto:relarsen@comcast.net">relarsen@comcast.net</a>	510.522.4020

**CALENDAR**

BBTA Executive Committee	March 19, 2013
7:00 PM Ballena Bay Yacht Club	
BBTA Board of Directors Meeting	March 19, 2013
7:30 PM Ballena Bay Yacht Club	
BBTA Executive Committee	April 16, 2013
7:00 PM Ballena Bay Yacht Club	
BBTA Board of Directors Meeting	April 16, 2013
7:30 PM Ballena Bay Yacht Club	

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Meeting

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

### MINUTES January 15, 2013

#### 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 7:31 P.M. by President Dick Bacigalupi.

**Homeowner Forum:** An open forum was held and two owners were present. One owner had questions about window and sliding door replacement. One owner congratulated the Board on their collection efforts. They also had concerns about CC&R violations such as garbage cans left out, construction materials being stored on common area property, parking and oversize vehicles and proper coverings for boats.

**Minutes:** After careful review it was **MSC** to approve of the December 18, 2012 Regular Session minutes with corrections and the December 20, 2012 Executive Session minutes as presented.

**Financial Statements:** Treasurer Ann Kenyon asked that acceptance of the December Financials be tabled until all final invoices come in for the 2012 reserve work. It was **MSC** to table acceptance of the December Financial Statements.

**Collections:** The Board brought in open session that they had determined to deny one owners request to change the payment plan agreement agreed to by both parties. The Board felt this offered the best possibility to collect delinquent assessments.

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

**Submission of Lease Agreements:** The Board discussed the benefit of possible fines for owners who do not submit lease agreement to the Board as required by the CC&Rs.

**Insurance Proposals:** The Board asked management to push for getting as early as possible for the March 31 renewal.

**Proposed Fine Policy:** This policy was sent out to all owners for the required 30 day review period. It was **MSC** to adopt the Fine Policy. This new adopted policy will be printed up by Jeff Frankel and hand delivered or mailed to all owners.

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Board of Directors Meeting Minutes

January 15, 2013

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**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. It was **MSC** to authorize Dick Bacigalupi and Jeff Frankel to spend up to budget for change orders between regular Board meetings with these conditions:

1. Dick, Jeff and Construction Manger Geoff Hayworth agree that the expenditure is within the normal scope of repairs and is part of the HOA responsibility.
2. That failure to approve work prior to the next regular meeting would delay the project.
3. That Geoff Hayworth and/or Jeff Frankel submit written documentation describing the changes for Board review at the next regularly scheduled meeting.

After careful review it was also **MSC** to approve sending out the homeowner responsibility letter to all owners affected by this year's roofing, siding and painting project as has been done in past years.

And after careful consideration it was **MSC** to approve spending \$24,900.00 to have Geoff Hayworth of Richard Avelar and Associates continue to be the Construction Manager for the 2013 Reserve Projects.

**Architectural Application:** 342 Tideway Drive submitted an application to install a new garage door. This application was approved by the Architectural Committee. It was **MSC** to formally approve this application.

**Adjournment/Next Meeting:** With no further business before it the Board adjourned at 9:20 p.m. The next regular Board of Directors meeting was set for February 19, 2013 at 7:30 p.m. at the Ballena Bay Yacht Club.

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*Director Signature*

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*Date*

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Meeting

7:30 P.M. March 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 February 19, 2013 Regular & Executive Session Minutes
  - B. Review of Financial Statements for February 2013
  - C. Approve Year End Review
  - D. Approve Collection Actions
  - E. Write Off Bad Debt
  - F. Discuss Requiring Owners to Submit Lease Agreements to the Board
  - G. Review Insurance Proposals
  - 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** – April 16, 2013, Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda.
7. **Adjourn** 8:50 p.m.

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Executive Session

7:00 P.M. March 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\(c\)\(2\)](#).