



# At Dockside

*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 – April 2013**

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## *President's Message by Dick Bacigalupi*

The March meeting concentrated on general business with no significant actions taken by the board. We were joined by a homeowner who shared their observation of maintenance and landscaping items that needed attention. The concerns were noted and will be addressed by the respective committee chairpersons. Homeowners are encouraged to attend the monthly meetings to express their concerns and ask questions about the management of the association. It is your association and more informed the board is the better we can serve you.

During the meeting the board was informed that some of the pilings supporting the decks on Cola Ballena had deteriorated and may be unsafe. While the deck pilings are the homeowner's responsibility as a courtesy letters were sent to the respective homeowners informing them of the situation. If your deck has support piles you should periodically check their structural integrity. Do not rely on the association to inform you of potential problems. Like your deck, the deck pilings are the homeowner's responsibility.

I do not want to sound repetitive but we need to continue to be diligent in our crime prevention. Last month there was an attempted break-in at a home on Cola Ballena. Someone climbed over a patio fence and tried to break the front door lock. Fortunately they were not successful and left the premises without taking anything. We can work together to prevent these crimes: bring in your trash cans, do not leave valuables in your car and report any strangers in the area.

The next BBTA meeting is April 16<sup>th</sup>. Hope you can attend.

## *Communications Report by Lu Abel*

No report. If you have any suggestions on how the HOA might better communicate with homeowners, especially on general issues as covered in At Dockside, please let me know!

## *Landscape Committee by Pat Faustman*

Our landscapers will start putting in our summer color flowers the week of April 8. We will not be putting in flowers under some of the larger trees where the roots have impacted the soil and the flowers have not done well over the past few years. We have tried to pick different areas to add some color on all of the streets. We have put down bark under the large trees that will not get the flowers. Our tree crew will be out April 10 to do some corrective pruning and soil injections of fertilizer and insecticides. 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.



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

Financials for February are attached. March's financials will not be available until after this issue of At Dockside is published.

***Landside Report by Jeff Frankel***

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

***Waterside by Rob Larsen***

The Waterside committee has just done a survey of the docks, landings and ramps at 11:00 AM today (12/13/12). There was almost an 8'-0" plus tide with a total tide change of 9'-6". Other than one ramp missing a retaining plate, all looks good. There is a great amount of debris in the water. If you end up with anything that you can't manage up against your dock please call for assistance.

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.

***America's Cup Factoids by Lu Abel***

Artemis – the Swedish America's Cup team and the challenger of record is the only AC team based in Alameda instead of San Francisco [well, was – see update at the end]. On 28 Feb they hosted a packed event on the America's Cup at the 800-seat Alameda Theater. Their CEO, Paul Cayard, a native San Franciscan who learned to sail at Encinal Yacht Club, was one of the presenters. He spoke, of course, about the AC45 catamarans seen on the bay last summer and the twice-as-large AC72s that will be used for the real race this summer. But he started with the history of the Cup.

The Cup was originally called the "Hundred Guineas Cup" after its cost. It was only renamed in the 1880s after the yacht that first won it in 1851, the schooner *America*. The cup was a prize given to the skipper of *America*. Only later was it given to the New York Yacht Club with the intent that it be a perpetual trophy for sail racing. As another speaker put it, the Deed of Gift is "two pages and \$100M in lawyer fees" long.

In the world of sail racing you can use a one-design class, a design rule, or a handicapping rule. One design boats are as identical as possible; it's pure sailing skill that determines who is first across the finish line. A design rule is a mathematical formula; you plug the boat's dimensions (length, breadth, depth, sail area, etc) into the formula and as long as they come out to less than some value the boat is said to meet those design restrictions. Racing is then first-to-finish.

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For letters to the Board or to report needed repairs, use this contact information:  
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Examples are the old Half Ton, One Ton, and Two Ton design rules. Handicapping rules also use a mathematical formula, but they create equality among different boats by estimating their speed potential and adjusting a boat's time on the race course to compensate for differences between boats. PHRF is a common handicapping rule for club racing. Last summer's AC45s were one-design boats; this summer's 72-foot-long AC72s are design rule boats.

In the 19<sup>th</sup> century a handicapping rule was used to determine the winner. The frustrating part of this was it wasn't clear who the winner was until the mathematicians finished their work. Only in the 20<sup>th</sup> century with the advent of the J boats, the huge boats used between WW I and WW II, was a design rule used allowing "first-to-finish" to be the winner but also allowing for new ideas to be tried and used. The AC72s are being built to a design rule and competitors are amazed at some of the things the naval architects have been able to wring out of the rule – like the fact that at least two of the four AC72s can hydrofoil on the tips of their daggerboards. 50 knots anyone?

For the first century and a quarter of the Cup there was only one challenger trying to take the Cup from the New York Yacht Club and that boat was always from England. Only when clubs from Australia and New Zealand mounted campaigns in the 1980s were there multiple challengers for the Cup. Oh, did I mention that the challenge is between yacht clubs, not between individuals, Larry Ellison notwithstanding?

Australia won the Cup in 1983, ending the longest winning streak in sports. It hasn't been back to the NYYC since. Dennis Connor, who lost the cup in 1983, won it back in 1987 representing the San Diego Yacht Club. San Diego lost it to New Zealand in 1995. In 2007 the Kiwis lost the Cup to a club from Switzerland, from whom Larry Ellison, sailing for the Golden Gate Yacht Club won the Cup in 2010. So there have been four countries that have held the Cup: the United States, Australia, New Zealand, and Switzerland. But never England, despite over a century and a half of trying...

And, yes, there will always be a San Francisco. When asked what they liked about being in Alameda, Artemis mentioned that San Francisco zoning rules forbid any work on the boats at Pier 80 between 10 PM and 7 AM. "When we have a problem on our boat we want to work 24 hours a day to fix it, that's one of the reasons we love being in Alameda."

A week after the Artemis presentation, Luna Rossa announced that it, too, would base itself in Alameda rather than Pier 80.

More factoids next month...



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

David Boone (Property Manager) 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   | dickbacigalupi@hotmail.com | 510.521.2426 |
| Vice-President/<br>Landside | Jeff Frankel      | jfrankel@pacbell.net       | 510.769.6096 |
| Secretary/<br>Architectural | Jennifer Flanigan | jgflanigan@gmail.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<br>7:00 PM Ballena Bay Yacht Club        | April 16, 2013 |
| BBTA Board of Directors Meeting<br>7:30 PM Ballena Bay Yacht Club | April 16, 2013 |
| BBTA Executive Committee<br>7:00 PM Ballena Bay Yacht Club        | May 21, 2013   |
| BBTA Board of Directors Meeting<br>7:30 PM Ballena Bay Yacht Club | May 21, 2013   |

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**Ballena Bay Townhouse Association  
Income and Expenses Compared to Operating Budget  
As of February 28, 2013**

| Income & Expenses:                  | Actuals          | Budget           | Favorable/<br>(Unfavorable)<br>Variance | Comments                                        |
|-------------------------------------|------------------|------------------|-----------------------------------------|-------------------------------------------------|
| <b>Total Income</b>                 | <b>\$110,345</b> | <b>\$110,417</b> | <b>(\$72)</b>                           |                                                 |
| <b>Expenses:</b>                    |                  |                  |                                         |                                                 |
| Administrative Expense:             |                  |                  |                                         |                                                 |
| Bank Loan                           | \$22,900         | \$22,900         | \$0                                     |                                                 |
| Bad Debt Expense                    | \$0              | \$3,333          | \$3,333                                 | Bad Debt Expense booked at end of year by CPAs. |
| All Other Administrative Expense    | \$1,213          | \$1,139          | (\$74)                                  |                                                 |
| Total Administrative Expense        | \$24,113         | \$27,372         | \$3,259                                 |                                                 |
| Communications (Printing & Postage) | \$683            | \$367            | (\$316)                                 |                                                 |
| Insurance                           | \$7,012          | \$7,083          | \$71                                    |                                                 |
| Utilities (Electric and Water)      | \$85             | \$1,950          | \$1,865                                 | Timing of billings.                             |
| Landscaping & Irrigation            | \$8,118          | \$8,966          | \$848                                   |                                                 |
| Repair & Maintenance                | \$3,756          | \$2,858          | (\$898)                                 |                                                 |
| Professional Services:              |                  |                  |                                         |                                                 |
| Audit & Tax Services                | \$0              | \$250            | \$250                                   |                                                 |
| Legal Services                      | \$420            | \$2,500          | \$2,080                                 | Timing of need for legal services.              |
| Management Fees                     | \$4,728          | \$4,728          | \$0                                     |                                                 |
| Taxes                               | \$10             | \$92             | \$82                                    |                                                 |
| Reserve Funding                     | \$54,250         | \$54,250         | \$0                                     |                                                 |
| Total Expense                       | <b>\$103,175</b> | <b>\$110,416</b> | <b>\$7,241</b>                          |                                                 |
| <b>Total Net Income</b>             | <b>\$7,170</b>   | <b>\$1</b>       | <b>\$7,169</b>                          |                                                 |

**Cash Accounts:**

|                            |                  |
|----------------------------|------------------|
| Operating Funds            | \$107,303        |
| Reserve Funds              | \$162,526        |
| <b>Total Cash Accounts</b> | <b>\$269,829</b> |

**Other Noteworthy Items:**

**Members Receivable**

**\$102,814**

**Delinquent dues assessments from homeowners as of February 28, 2013. Total cost to each homeowner represents an average of \$1,285.**

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Executive Session

7:00 P.M. April 16, 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 – Denial of Common Area Usage, Boat Slips
  - C. Review Contracts
  - D. Review Disciplinary Matters – Denial of Common Area Usage, Boat Slips
  - 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. April 16, 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 March 19, 2013 Regular & Executive Session Minutes
  - B. Review of Financial Statements for March 2013
  - C. Approve Collection Actions
  - D. Write Off Bad Debt
  - E. Discuss Requiring Owners to Submit Lease Agreements to the Board
  - F. Discuss Slip Occupancy Policy
  - G. Discuss Denial of Common Area Usage for Delinquent Accounts
  - 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 – Pilings
  - P. Review Neighborhood Communications Committee Report
  - Q. Review Community Preparedness Committee Report
6. **Next Meeting Date & Location** – May 21, 2013, Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda.
7. **Adjourn** 8:50 p.m.

# BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

## Board of Directors Meeting

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

### MINUTES February 19, 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 brought concerns about fines for Architectural Violations. One owner brought concerns that the new schedule of fines would take away from the neighborly atmosphere in Ballena Bay. One owner brought concerns about the allowance of steps on the common area dock that were needed for access by the owner.

**Minutes:** After careful review it was **MSC** to approve of the January 15, 2013 Regular Session minutes with corrections and the January 15, 2013 Executive Session minutes as presented.

**Financial Statements:** After careful review it was **MSC** to accept the financial statements for January 2013 with then corrections noted.

**Collections:** In Executive Session immediately before the regular session the Board discussed the status of the foreclosure on one property and the pros and cons of the association bidding on said property at the upcoming tax sale to ensure the full collection of the delinquent assessments owed the association. It was **MSC** to bid on the property and seek assistance from Angius & Terry Collections and association counsel Zer Iyer with this process.

**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. They also discussed the possibility of sending a letter to all owners asking for any tenant information.

**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.



**Ballena Bay Townhouse Association No. 1**

Board of Directors Meeting Minutes

February 19, 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.

**Float Policy and Agreement:** The Board determined to have the Waterside and Landside Committees review these documents in order to bring them in alignment with the new governing documents

**Architectural Committee:** Committee chair Jennifer Flanigan reported that there were no Architectural Applications submitted for review by the Board.

**Landscape Committee:** Committee chair Pat Faustman reported that their will be a walkthrough with Tree Sculpture Group to discuss water use and the irrigation system.

**Waterside Committee:** Rob Larsen and Dick Bacigalupi reported on the status of the wave maze maintenance and that Topper Industries was working on a new and better design for the near future.

**Adjournment/Next Meeting:** With no further business before it the Board adjourned at 9:01 p.m. The next regular Board of Directors meeting was set for March 19, 2013 at 7:30 p.m. at the Ballena Bay Yacht Club.

  
\_\_\_\_\_  
Director Signature

  
\_\_\_\_\_  
Date