



At Dockside

A Monthly Publication of The Ballena Bay Townhouse Association #1

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

President's Message by Dick Bacigalupi

The April meeting concentrated on general business with no significant actions taken by the board. Delinquent dues were a major discussion. While there are fewer past due amounts, we continue to have a number of accounts which require legal action. The board adopted a new accounts payable system offered by Massingham. The new "Strongroom" system will enable the association to pay invoices sooner without losing the internal controls we have in place.

Earlier this year it was discovered that the whaler and flotation on the head float at 300 and 302 Tideway had been damaged from a boat improperly tied in the slip. The repair work was completed last month preventing further damage to the head float. Everyone needs to be alert of any wear on their dock from a boat's stern or bow. In addition to putting fenders on the sides of your craft, the boat's bow or stern should not touch the dock. Damage to a dock is the homeowner's responsibility when a craft is improperly tied. The association is responsible for the normal dock maintenance but not damage from the negligence by a homeowner.

Spring is now here and the Landscape Committee has been busy taking advantage of the season change. Our landscape company has been working on the irrigation system to ensure that we are getting the best water coverage with the lowest water usage and cost. To help us meet this goal, everyone is asked to report any areas are dry or plants are dying to members of the Landscape Committee. Although they try, the committee cannot be everywhere your help would be appreciated.

The president of the neighboring Ballena Bay Condominium Association has been invited to the upcoming meeting. It will be an opportunity for us to discuss common concerns. One matter will be the repaving of Cola Ballena that was presented to us a number of months ago. The upcoming meeting is scheduled for May 22th. Hope you can attend.

Landscape Committee by Pat Faustman

Our landscapers put in the summer color just as the weather turned unseasonably warm. We scurried to increase the watering times and it looks as though our flowers and lawns survived. We have put a pre-emergent and fertilizer on the lawns as well. We will start the spring clearing of the banks late this month or the beginning of June. 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

March Year-to-Date financial report for BBTA is attached.



Communications Report by Lu Abel

We have at least two Artemis team members living in our water- and yachting-oriented community. So I'm sure I speak for everyone in BBTA when I extend to them and to the whole Artemis team our condolences on the tragic loss of Andrew 'Bart' Simpson.

Landside Report by Jeff Frankel

Spring is here and the 2013 Construction season is underway. Here's a recap of the work done so far and what's to come:

Cola Ballena

Over the last 3 weeks, Fiala Roofing performed work on the flat roofs at 401-415 Cola Ballena that were installed in 2008-2009. The work performed on roof-edge flashing and other roof details to bring these roofs into conformance with the standard we adopted in 2010 and brings all of our Duro-Last roofs up to the current standard.

400 Block of Tideway

Siding work and painting is scheduled for this block of homes this summer. The candidate contractors did a pre-bid inspection on April 24th. Bids were submitted to our Construction Management company, Richard Avelar and Associates, on May 10. The Board will evaluate the bids and Avelar's recommendations at the May 21st. board meeting and award the contract for this work on May 22nd. Work is expected to take place June, July and August – notices will be posted before commencement.

300 Block of Tideway

After replacing the most severely degraded roofs throughout the complex during the period from 2008 through 2012, we now are in a position to systematically replace the remaining older roofs one building at a time. We will start this year on the 300 block of Tideway and move through the complex until this process is complete. Pre-bid inspections took place on April 17. Bids came back on May 3. The board will evaluate the bids and Avelar's recommendations at the May 21st. board meeting and award the contract for this work on May 22nd. Work is expected to take place June, July and August – notices will be posted before commencement.

Waterside by Rob Larsen

No report.



More America's Cup Factoids by Lu Abel

I attended the US Power Squadron's 9 March Northern California regional meeting. The organizers gave us a great treat – an hour-long presentation by John Craig, the Chief Race Officer for the 34th America's Cup here in San Francisco Bay.

John spoke a bit about the history of the Cup, but much of his presentation is how the 34th Cup matches will be run and how dependent they are on electronics.

The electronics which control the race and present it on TV are the product of Stan Honey, a Palo Alto entrepreneur. He is both a highly respected sailor – he was navigator on Sony Playstation when it set the transatlantic speed record a decade ago (“like being locked in a tumble dryer for a week” is the way Stan described it) – and he is an electronics genius focusing on sports. The yellow first down line in televised football and the strike box in televised baseball are both Stan's products.

Larry Ellison has tried to turn the America's Cup into “NASCAR on the water.” While the Cup matches themselves will be held in San Francisco, Ellison tried to create worldwide excitement for the cup with the “World Series” races sailed in venues around the globe in the AC45 catamarans. Gear for holding the World Series travels from venue to venue in 117 cargo containers. Fully one fifth of them are devoted to the electronics for staging and televising the race.

The electronics provide each boat's position (both the actual boats participating in the race and the boats used as turning marks) to within 2cm (about ¾ inch). This is so precise that these electronics are under US military technology export controls! (This may explain why no World Series races were held in China or South Asia, despite the presence of AC45 teams from those areas.)

Traditionally, turning marks for sailboat races have been buoys set and anchored by the race committee. In AC races, boats are used for turning marks. The electronics position them, too, to 2 cm accuracy. One fascinating factoid – when the World Series races were run and televised, they had to be exactly 24 minutes long to fit into a 30 minute TV show with six minutes for commercials. So the position of the turning mark boats was adjusted, based on wind and current, to guarantee a 24 minute race. In fact, the electronics provide a capability of clicking on any boat and getting an estimate of how long that boat will take to reach the finish line! The position of mark boats has even been adjusted during a race to meet the 24 minute rule!

Viewers on TV see an overlaid image of the course boundaries, two-boat-length circles at the turning marks (where right-of-way rules change), distance-to-go lines, etc, etc. These are so realistic that one municipality in Europe complained about them “dumping red dye” in the water!



Rather than traditional on-the-water judging of protests for violating the race rules, human judges watch electronic displays that show boat positions, overlap circles and tack the boat is on. In fact, at the Plymouth, England race, the judges were six miles from the waterfront. One of the races in Europe was run in such light air that there was a tangle of six boats at a turning mark; John showed a video of what the judge's display looked like and then actual video of the crashes and entanglements. Certainly a lot easier to judge from a simple stick-figure display of each boat than watching the actual tangle of hulls and sails! Oh, and Stan Honey was awarded an Emmy last year for his America's Cup broadcast technology.

Apart from the electronics, John showed us a video of the infamous capsize by Oracle's AC72. While it may have set Oracle's program back, John also pointed out that it may have helped. The rules for the 2103 America's Cup allow each team just two boats. So whatever experience a team garners on its first boat can be reflected only in the one new boat they are allowed. While Oracle's wing was broken off the boat and severely damaged, few people noticed any damage to the hull. But strangely, about 49% of the Oracle boat's hull was replaced – exactly as much as the rules allow for the “repair” of a damaged boat...



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

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Joseph Schmalenbach (Community Assistant) 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
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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@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 7:00 PM Ballena Bay Yacht Club	May 21, 2013
BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	May 21, 2013
BBTA Executive Committee 7:00 PM Ballena Bay Yacht Club	June 18, 2013
BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	June 18, 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

**Ballena Bay Townhouse Association
Income and Expenses Compared to Operating Budget
As of March 31, 2013**

Income & Expenses:	Actuals	Budget	Favorable/ (Unfavorable) Variance	Comments
Total Income	\$167,170	\$165,625	\$1,545	
Expenses:				
Administrative Expense:				
Bank Loan	\$34,352	\$34,350	(\$2)	
Bad Debt Expense	\$0	\$5,000	\$5,000	Bad Debt Expense booked at end of year by CPAs.
All Other Administrative Expense	\$2,102	\$2,271	\$169	
Total Administrative Expense	\$36,454	\$41,621	\$5,167	
Insurance	\$10,581	\$10,625	\$44	
Utilities (Electric and Water)	\$904	\$3,800	\$2,896	Timing of billings.
Landscaping & Irrigation	\$10,342	\$13,450	\$3,108	Timing of when work is performed.
Repair & Maintenance	\$4,807	\$4,275	(\$532)	
Professional Services:				
Audit & Tax Services	\$1,390	\$375	(\$1,015)	Year end review work is completed in first quarter of year.
Legal Services	\$420	\$3,750	\$3,330	Timing of need for legal services.
Management Fees	\$7,092	\$7,092	\$0	
Taxes	\$10	\$137	\$127	
Reserve Funding	\$81,375	\$81,375	\$0	
Total Expense	\$153,375	\$166,500	\$13,125	
Total Net Income	\$13,795	(\$875)	\$14,670	

Cash Accounts:

Operating Funds	\$116,933
Reserve Funds	\$185,375
Total Cash Accounts	\$302,308

Other Noteworthy Items:

Members Receivable

\$104,184

Delinquent dues assessments from homeowners as of March 31, 2013.
Total cost to each homeowner represents an average of \$1,302.

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Meeting

7:30 P.M. May 21, 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. Discuss Mutual Concerns with Ballena Bay Condominium Association President, Karla Dayton
 - B. Approval of April 16, 2013 Regular & Executive Session Minutes
 - C. Review of Financial Statements for March & April 2013
 - D. Approve Year End Review
 - E. Approve Collection Actions
 - F. Write Off Bad Debt
 - G. Discuss Requiring Owners to Submit Lease Agreements to the Board
 - H. Discuss Slip Occupancy Policy
 - I. Review Float Policy & 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** – June 18, 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. May 21, 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. Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda, CA

MINUTES

March 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, **Secinded** 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 7:36 P.M. by President Dick Bacigalupi.

Homeowner Forum: An open forum was held with owner were present. The owner brought concerns about some possible repairs needed for the landing and the irrigation at 300-302 Tideway. Questions were also asked about Wave Maze maintenance and future replacement. The Waterside Committee brought details about the maintenance recently and currently being done as well as plans for a possible, more durable new design for the maze.

Minutes: After careful review it was **MSC** to approve of the February 19, 2013 Regular Session minutes and Executive Session minutes as presented.

Financial Statements: The Board carefully reviewed the Financial Statements for the period ending February 19, 2013 including the balance sheets, income statements and delinquency reports. It was **MSC** to accept the financial statements for February 2013 as presented.

Year End Review: After careful review of the draft Year End Financial Review as prepared by Levy Erlanger and Associates it was **MSC** to accept the review as presented.

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. After consulting with association counsel and in consideration of the association's financial position it was **MSC** to not bid on the property after all.

It was also **MSC** to approve waiving late fees and interest on account 151-0803 provided the account is brought current within seven days of notification.

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.

Ballena Bay Townhouse Association No. 1

Board of Directors Meeting Minutes

March 19, 2013

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Insurance Proposals: After asking for numerous quotes the Board was only able to get two, one from Farmers (their present carrier) and one from Polaris Risk Management. Three other carriers declined to bid because of the docks. After careful review it was **MSC** to renew with Farmers Insurance.

Float Policy: Discussion on this was **tabled** until the next meeting.

Float Agreement: Discussion on this was **tabled** until the next meeting.

Roofing and Siding Project: Landside Committee Chair Jeff Frankel was not present at the meeting to report to the Board.

Architectural Committee: Committee chair Jennifer Flanigan reported that there were three Architectural Applications submitted for review by the Board. After careful review and recommendation by the Architectural Committee it was **MSC** to approve the architectural application from 1203 Ballena Boulevard to replace their garage door. It was also **MSC** to approve the applications from 1205 Ballena Boulevard to replace the garage door and install solar panels.

Landscape Committee: Committee chair Pat Faustman reported the status of landscaping in Ballena Bay. The Board discussed if the large junipers in Ballena Bay needed to be trimmed.

Waterside Committee: Rob Larsen and Dick Bacigalupi reported on the status of the wave maze and docks and it was **MSC** to have Western Dock Enterprises do needed repairs to the docks.

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 April 16, 2013 at 7:30 p.m. at the Ballena Bay Yacht Club.

Director Signature

Date