



At Dockside

A Monthly Publication of The Ballena Bay Townhouse Association #1

Protecting property values and the quality of life in Ballena Bay – July 2014

President's Message by Gary Flanigan

Happy Interdependence Day?

As we just finished celebrating Independence Day, I was reminded of where the former colonists found themselves after securing their independence from the English. They then had to grapple with the fact that they still needed to settle on how they would relate to each other. Considerable discussion of this ensued, principally by some fellows by the names of Madison, Hamilton, and Jay. For some light summer reading, I suggest the Federalist Papers.

One of the main topics of discussion was how strong the central government should be. The principal result of the discussion was the U.S. Constitution.

In our own small way, our little democracy here still deals with some of the same dynamics. There is the impulse to say “this is my house, and I can do whatever I want with it”. There is also the impulse to say “hey, those folks are not obeying the rules of the Association”. Likely many of us have held both opinions from time to time. As a Planned Unit Development, we are bound together by our “constitution” (the CC&Rs) and have somewhat less autonomy than we might have if we were not part of an Association. But then we all knew that when we bought our homes here. In exchange, we get some economies of scale with regard to maintenance, insurance, landscaping, etc.

One of the difficulties of being on the Board of Directors is trying to fairly balance these two points of view. While we can disagree from time to time about particular issues, I suggest that as neighbors the least we owe each other is to be honest and treat each other with civility and courtesy.

Home Colors

A special public meeting of the Board was held on June 25 to review the results of the community-wide survey on home colors. Based on these results, the Board agreed to move forward with a process to select updated colors for the homes in BBTA. Also approved were funds for a professional colorist to aid the color selection committee. The committee will work with the colorist over the next few weeks to develop candidate color schemes leading to a community-wide vote on the proposed new color schemes. More details and a schedule for implementation will be coming in the next few weeks.

Treasurer's Report by Ann Kenyon

Financials for May are attached.



Waterside by Dick Bacigalupi

Maintaining and repairing our wave maze continues to be the committee's primary priority. Other than replacing the iron brackets on some of the perimeter tires, the section on the Ballena Blvd. side has been completed. The bad news is that the section on Tideway needs a lot of help. We have been able to contain the tires on a temporary basis but it will require much work from committee members and our diver to get it fully functional. Unfortunately due to prior time commitments the work will not begin in earnest until the latter part of July. Lowell Harrison, our diver, has been doing an exceptional job. If you have diving needs he can be reached at 510-927-6101.

Thanks need to be given to homeowners who have helped out with our waterside maintenance and safety. Tom and Shelley Bliss, owners of Blue Pelican marine supply, have donated and/or given us generous discounts when we needed heavy line to truss up the wave maze. Thanks, this has been a significant savings for the association. Thanks also need to be extended to John Aboudara for installing the red bucket marker warning boaters of the rocks off the end Tideway. This should warn boaters from cutting the corner toward the boat landing after leaving the wave maze.

If you haven't noticed, the summer winds are here. Everyone is reminded to check your dock lines for wear. Whenever possible add spring lines, as this will relieve the force on the dock and your boat's cleats. I am sure many of you have heard moaning with our recent winds and high tides. This may not be your neighbor but the from the dock pile rings. Spraying the wear spots on the piling with Pam or another non-stick spray helps eliminate the noise. If the noise is not from the dock then you are on your own.

Have fun and be safe boating summer.

Landscape Committee by Pat Faustman

Our landscapers will be doing the summer clearing of the banks Thursday, July 17 and Friday July 18. They will be cutting the ivy back from the houses and decks, weeding and clearing the raspberries and fennel plants.

We have cut back on our water usage, but are trying to water enough to keep our plants alive and a little green in the lawns.

If you have any questions or concerns about landscaping, please contact your landscaping committee: Pat Faustman, Patty Corrigan, Isabella Foster, Kathy Walker and Patti Klaus.

Landside Report by Jeff Frankel

No report this month

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



Architectural Committee by Sue Cerrie

With the summer in full swing there seems to be an upswing of Architectural Requests for the BBTA to process and approve, which is GREAT. Updating our homes benefits us all.

As a reminder, there are guidelines and procedures that must be followed. Once your application is submitted to me, the board will review and either contact you with feedback or approve and submit approval to Massingham, who will then contact the homeowner with approval. Please note, the process typically takes about a month, and depends on when in the meeting cycle the request is submitted. **The homeowner should not schedule the work to commence before you have received approval from the Association and a permit from the city.**

Here is where you can find all the pertinent information and forms that you will need.

Process: <http://www.ballena.net/archreviewprocess.html>

Guidelines: <http://www.ballena.net/documents/archguide.pdf>

Forms: <http://www.ballena.net/archform.html>

Encounter with a Sick Sea Lion by Jeff Frankel

Early on Sunday April 27, I noticed a sea lion on the rocks under John Well's deck at 354 Tideway. It was rocking its head back and forth and seemed to be in distress. After calling the Marin Marine Mammal center's stranding hotline, I received call from and sent videos to MMMC volunteer, Molly Fall. Molly came over to see the animal to evaluate its condition and the possibility of rescue.

Based on the animal's appearance and behavior, Molly suggested that we were looking at a pregnant female who was likely suffering from domoic acid poisoning caused by ingestion of fish that had previously fed on a toxic algae bloom. Here's a link to the Center's work on this condition <http://www.marinemammalcenter.org/science/top-research-projects/domoic-acid-toxicity.htm>

During the next two hours, the animal shifted repeatedly between sitting up and lying down postures. The tide was coming in and at one point it looked as though she did not have enough strength to keep her head out of the water. When the tide came up a little farther, she was able to get her back flippers under her and swim off of the rocks. While this was encouraging, Molly pointed out that the creature was not necessarily out of danger and may have already suffered irreparable brain damage. It was exciting to see this beautiful animal up close but heartbreaking to watch it suffer.

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If you see a marine mammal in distress, do not hesitate to call the MMMC's stranding hotline at 415-7325-SEAL.



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davidb@massingham.com



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 (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	Gary Flanigan	garyflanigan@gmail.com 510.523.4734
VP/Landside	Jeff Frankel	jfrankel@pacbell.net 510.769.6096
Secretary	Sue Cherrie	suecherrie@hotmail.com 510.864.1709
Treasurer	Ann Kenyon	kenyon2@pacbell.net 510.521.6376
Landscape	Pat Faustman	pgfaustman@gmail.com 510.864.0665
Communications/Waterside	Lu Abel	luabel@ymail.com 510.814.1810
Director	John Finston	jfinston@gmail.com 510.428.1368

CALENDAR

BBTA Executive Committee July 15, 2014
7:00 PM Ballena Bay Yacht Club

BBTA Board of Directors Meeting July 15, 2014
7:30 PM Ballena Bay Yacht Club

BBTA Executive Committee August 19, 2014
7:00 PM Ballena Bay Yacht Club

BBTA Board of Directors Meeting August 19, 2014
7:30 PM Ballena Bay Yacht Club

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BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Executive Session

7:00 P.M. July 15, 2014
Ballena Bay Yacht Club
1150 Ballena Blvd, Alameda, CA 94501

AGENDA

1. Call to Order

2. Items Requiring Board Action

A. Review Contracts

B. Review and Approve Collection, Delinquency and Foreclosure Actions

C. Review Legal Issues

D. Review Disciplinary Matters – Hearings, Persons Living on Boats

E. Personnel Issues

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. July 15, 2014

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 June 17, 2014 Regular & Executive Session Minutes
 - B. Review of Financial Statements for period ending May 2014
 - C. Approve Transfer from Reserves to Operating
 - D. Approve Collection Actions
 - E. Write Off Bad Debt
 - F. Review Roofing and Siding Project
 - G. Review Parking Issues and Policy
 - H. Architectural Committee Report
 - I. Review Landscaping Committee Report
 - J. Review Landside Committee Report – Paint Colors
 - K. Review Waterside Committee Report
 - L. Review Neighborhood Communications Committee Report – Picnic
 - M. Review Community Preparedness Committee Report
6. **Adjourn** 8:40 p.m.
7. **Next Meeting Date & Location** – August 19, 2014, Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda.

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Meeting

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

MINUTES May 20, 2014

Board Members

Gary Flanigan	President	Term expires 2015
Jeff Frankel	Vice President	Term expires 2014
Ann Kenyon	Treasurer	Term expires 2014
John Finston	Secretary	Term expires 2015
Pat Faustman	Director	Term expires 2014
Lu Abel*	Director	Term expires 2014
Sue Cherrie	Director	Term expires 2015

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

Also present was David Boone of Massingham & Associates Management, Inc., the owners present on the sign in sheet.

Call to Order: The Board of Directors Meeting was called to order at 7:30 P.M. by President Gary Flanigan.

Homeowner Forum: An open forum was not held as no owners were present.

Minutes: After careful review it was **MSC** to approve the regular and Executive Session Minutes of April 15, 2014 as presented.

Financial Statements: Approval of the January - April Financial Statements were tabled to allow more time so that corrections could be made by Massingham's accounting department. Treasurer Ann Kenyon, Head Bookkeeper Kamma Dunning and Manager David Boone are working together to make the corrections.

Collections: After careful review it was **MSC** to approve the next collection actions necessary between meetings.

Roofing and Siding Project: Jeff Frankel reported to the Board on the status of the 2014 Roofing, Siding and Siding and repainting project.

Parking Issues: The Board discussed what will be necessary to implement the approved parking policy.

Architectural Committee: Sue Cherrie reported that there were no Architectural Applications this month.

Landside Committee: Jeff Frankel covered Landside projects when he addressed the Board earlier.

Landscape Committee: Committee Chair Pat Faustman gave a report to the Board about the current status of the landscaping.

Waterside Committee: Waterside liaison Lu Abel was not present to report to the Board.

Ballena Bay Townhouse Association No. 1

Board of Directors Meeting Minutes

May 20, 2014

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Neighborhood Communication Committee: Sue Cherrie reported on the upcoming community picnic with a new date of October 11th. It was **MSC** to approve spending up to \$1,000.00 for items needed for the picnic. She also reported on the success of the garage sale on May 17th.

Community Preparedness: Gary Flanigan reported that he and Jennifer are awaiting their official notice from the FCC for their Ham Radio licenses. He also reported that they will attend a CERT Class that will help them with the setup and details of the radios. Sue Cherrie reported that there was a Facebook page for Alameda called Alameda 94501.

Adjournment/Next Meeting: With no further business before it the Board adjourned at 8:00 p.m. The next regular Board of Directors meeting was set for June 17, 2014 at 7:30 p.m. at the Ballena Bay Yacht Club.



Director Signature

6/17/14

Date