



At Dockside

A Monthly Publication of The Ballena Bay Townhouse Association #1

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

President's Report
By Gary Flanigan

I happened to be on the phone with someone in Montreal the other day, and I asked how the weather was there. He said it was great for this time of year, around 40F or so. He asked how it was here, and I felt embarrassed to say it was going to be clear and around 70. He let me know how envious he was.

Yesterday we went to the city for appointments, and then had lunch at an outdoor café. As soon as the sun went behind a building, it was mighty chilly sitting outside. It is easy to forget that Ballena Bay is generally about 6-8 degrees warmer than San Francisco.

And if you drive east of here about 20 miles, you will need to put on the air conditioner in your car.

If there is somewhere with better weather, I'd like to know where it is.

Landscape Committee
By Dick Bacigalupi

Hello from the new Landscape Committee Chairman. While this is a new role for me there is no cause for panic. I am glad to announce that Pat Faustman and Pat Corrigan have volunteered to continue to be members of the committee. We are saved, the knowledge and attention they have given the past years will continue. The committee is working to complete the projects Pat Faustman described in the past Dockside by year-end. These projects have been budgeted and it is the season to do the work. Most visible will be the landscaping of the area between 348 and 350 Tideway and trimming of the pine trees by the bridge. The work should be near completion by the time you receive this Dockside.

Due to recent changes on the City Codes some homeowners have been required to install sewer access boxes between the street and their home. When this work is done homeowners need to ensure that the contractor leaves the common area landscape the same as when they began the work. The sewer access box should also be installed at the same level as the surrounding ground level prior to the project. In the event there is damage to the area the homeowner will be responsible for the costs to correct the situation.



Waterside Committee

By Rob Larsen

The waterside committee is happy to report that the Tideway portion of the wave maze has a new perimeter chain. We have ordered new perimeter tires and other hardware to finish making this section complete. Our diver will continue to clean and report any problems he might come across. This diver has been doing a great job. He is more productive than our last set of divers combined.

If you are interested in any underwater work, inspection, retrieving or bottom cleaning contact Lowell Harrison at 510/927-6101 or harrisonlowell@gmail.com .

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.

Communications Report

By Mili Delbecq

I am the new person responsible for getting the Dockside out each month for the coming year. If you have news for our community, please contact me by email or telephone, numbers listed at the end of this newsletter. Your contributions would be welcome.

In the coming months I hope to publish interviews with new members as well as long time members so that we recognize each other when we meet in the neighborhood.

**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

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

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Board Members

President/Landside	Gary Flanigan, garyflanigan@gmail.com 510.523.4734
VP/Landscape	Dick Baciaglupi, dickbacigalupi@hotmail.com 521 2426
Secretary	John Finston, jfinston@gmail.com 510.428.1368
Treasurer/Community Preparedness	David Twiss, djtca1usa@msn.com 925 525 2835
Communications	Mili Delbecq, mdelbecq@comcast.net 510 769 1019
Waterside	Rob Larsen, relarsen@comcast.net 510 5224020
Architectural	Sue Cherrie, suecherrie@hotmail.com 510.864.1709

CALENDAR

BBTA Executive Session 7:00 PM Ballena Bay Yacht Club	November 18, 2014
BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	November 18, 2014
BBTA Executive Session 7:00 PM Ballena Bay Yacht Club	December 16, 2014
BBTA Board of Directors Meeting 7:30 PM Ballena Bay Yacht Club	December 16, 2014

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Executive Session

7:00 P.M. November 18, 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

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. November 18, 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 October 21, 2014 Regular & Executive Session minutes.
 - B. Review of Financial Statements for period ending September 30, 2014
 - C. Approve Collection Actions
 - D. Review Roofing, Siding and Painting Project
 - E. Review Parking Issues and Policy
 - F. Architectural Committee Report
 - G. Review Landscaping Committee Report
 - H. Review Landside Committee Report – Road Sealing
 - I. Review Waterside Committee Report
 - J. Review Neighborhood Communications Committee Report
 - K. Review Community Preparedness Committee Report
6. **Adjourn** 8:40 p.m.
7. **Next Meeting Date & Location** – December 16, 2014, Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda.

BALLENA BAY TOWNHOUSE ASSOCIATION NO. 1

Board of Directors Meeting

7:00 P.M. Ballena Bay Yacht Club, 1150 Ballena Blvd, Alameda, CA

MINUTES September 16, 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 7:40 P.M. by Vice President Jeff Frankel.

Homeowner Forum: An open forum was held and four owners were present. One owner brought that the chain was down at the circle end of Tideway and also proposed that a solar powered light be installed at the end of Tideway to help alleviate crime. They said that they had consulted with the City of Alameda. The City said that the permit was not required because it was a solar powered light. The owner will get further information and present it to the Board.

Minutes: After careful review it was **MSC** to approve the minutes of August 19, 2014, the Executive Session minutes of August 19, 2014 and the Special Executive Session minutes of August 5, 2014 as presented.

Financial Statements: Treasurer Ann Kenyon discussed various expenses in the 2015 budget. Ann also discussed putting the wave maze maintenance in the operating budget. The board also discussed various line numbers which they felt the expenses could be reduced over the next year. Ann felt that with these adjustments only a small increase in assessments would be needed this year.

Collections: It was **resolved**, the Board of Directors for Ballena Bay Townhouse Association No. 1 authorizes and instructs ATC Assessment Collection Group, LLC to record a Notice of Delinquent Assessment ("Lien") in the full amount of unpaid assessments, late charges, interest and collection fees and costs against that property bearing the Assessors Parcel Number 074-1311-027 as authorized by Civil Code section 5673 if such account has not been reinstated by the Notice of Intent to Lien expiration date of 7/11/2014.

Close Nominations: It was **MSC** to close nominations of directors for the election to the Board of Directors.

Election by Acclamation: In accordance with the Election Rules, the Association sent out its "Call for Candidates" hoping to receive interested candidates to be placed on the ballot. The only candidates that announced their intention of running for the board by the published deadline were Dick Bacigalupi, Rob Larsen, David Twiss and Mili Delbecq. Given that the Association had only four (4) candidates for four (4) open positions, the board announced that Dick Bacigalupi, Rob Larsen, David Twiss and Mili Delbecq are

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Board of Directors Meeting Minutes

September 16, 2014

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"elected by acclamation" to the board. This was done at the September 16, 2014 Board Meeting. A notice of the Election Results will be sent out to all owners within 15 days.

The new board will take seat at the October 21, 2014 meeting. The election of officers will take place at that meeting as well.

The board wished to thank Jeff Frankel, Ann Kenyon, Pat Faustman and Lu Abel for their valuable service to the community over the last two years.

Roofing and Siding Project: Jeff Frankel reported on the roofing and siding work and that the city is requiring smoke detectors in all the units are being worked on this year. They are also requiring that the construction manager confirm that these units have said smoke detectors. Jeff also discussed the status of the four buildings being worked on right now.

Paint Color Vote: The paint color ballots were opened by Inspector of Elections David Boone and the votes were tallied. This process was witnessed by director Jeff Frankel and owner Rob Larsen. Director Jeff Frankel announced the results to all the members present.

Architectural Committee: Architectural Committee Chair Sue Cherrie discussed the architectural application of 415 Cola Ballena to replace windows. She will send out the architectural application to the board for their email approval.

Landside Committee: Landside Committee Chair Jeff Frankel brought that the streets will need sealing in the very near future and that most parties are in agreement or close to agreement to share the cost of the sealing. He also stated that this was necessary to help extend the life of the roads out possibly as many as three years to give the various parties time enough to build reserves to replace the asphalt itself.

Landscape Committee: Landscape Committee Chair Pat Faustman reported that they are continuing to reduce water usage as mandated by EBMUD. One owner brought that the irrigation on Tideway comes on Wednesday morning just before the landscapers come out and asked if this could be adjusted to avoid mud areas muddy areas caused by the mowers. Pat said she would talk to the landscapers about this.

Waterside Committee: Waterside Liaison Lu Abel reported that there was nothing new concerning the docks or the wave maze.

Neighborhood Communication Committee: Committee Chair John Finston was not present to report to the Board.

Community Preparedness: Committee Chair Gary Flanigan was not present to report to the Board.

Adjournment/Next Meeting: With no further business before it the Board adjourned at 8:31 p.m. The next regular Board of Directors meeting was set for October 21, 2014 at 7:30 p.m. at the Ballena Bay Yacht Club.

Director Signature

Date