

THE HORNPIPE

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Commodore's Comments

I believe everyone attending the winter dinner meeting last month had a rollicking good time. Cynthia and Duncan MacDonald provided a delicious Acore@ meal of entrees and beverages with what can only be described as astonishing efficiency. They rolled into our house with boxes and bags minutes before the party began and had a feast spread on the dining room table in no time. How many times have we thanked Cynthia and Duncan for all they have done for the club?

After my dire warning in last month=s comments about too many desserts, we were flooded with great appetizers and side dishes by the rest of those in attendance. Special thanks to Steve Foland (and of course Judy as well) for having his birthday celebration at the party; without the huge triple-death-by-chocolate-flavored birthday cake that Judy brought, we would have been dessert-less! That would have been a poor start to my tenure as commodore. And don=t tell me Steve does not have a great sense of timing. His retreat to the bathroom at the opening bars of our singing AHappy Birthday@ to him was a master stroke in creating dramatic tension.



CCSC 1/27/07 Winter Party

To my delight, new member Sonny Kalis (see the article on the Kalises below), briefly referred to the club=s venerable monthly publication as AThe Foghorn.@ I want to know who furnished Sonny with copies of old Hornpipes containing articles which I authored and which no doubt were the source of her momentary — and fully justified — confusion on this point.

Captain Dick Callis is working on a two-week summer cruise to historic Yorktown, Virginia; and Vice Commodore George Alberts is working on a number of new ideas, including full-moon cruises. These are great projects. I hope club members will be able to support them in large numbers.

Some members may have seen the email thread in which Bob Loewenstein expressed a willingness to resurrect the club's website. This raises the question of what content we want posted on the site. I vote for past editions of The Hornpipe. Also, how about ID photos of the members? This would help new members get to know the club membership generally, and vice versa.

Is it time to start scraping and painting the hull yet?

[Lee's modesty, of course, precluded him from claiming any credit, so I will extend the club's thanks to Mary and Lee for hosting the winter party in their beautiful home. Judy and Steve Foland]

Lee Benedict

2006 Awards

The Commodore's Award went to the intrepid Hornpipe editors, Judy and Steve Foland. Their continuing excellence and willingness to continue is beyond duty. Congratulations and hugs! The original award provided by Larry Carter was full, and is being retired to the Hammock Island clubhouse. We are thrilled that the first entry on the new award is the Folands.

Awards were also provided to all the cruise captains for 2006 by Jan Zerhusen and presented by Duncan MacDonald at the recent winter party, since the Z's were somewhere south, probably the Bahamas!

The racing award, inactive for a couple of years due to a variety of factors, was "presented" to the new commodore, Lee Benedict, for safekeeping and, hopefully, renewal in 2007.

Duncan MacDonald

BoatUS Membership

The Columbia Corinthians have once again renewed our cooperating group agreement with BoatUS. This agreement provides CCSC members with a membership discount of 50% (from \$25 per year to \$12.50 per year). When renewing your

BoatUS membership, our group **ID number is GA80210S.**

I am still planning (hoping?) to be aboard *Breezing Up*, somewhere in the Florida Keys or the Bahamas, this time next year; so Duncan MacDonald has volunteered to take my place as our BoatUS representative.

George Alberts

Welcome Mike and Sonny Kalis!

One of the high points of last month's winter dinner meeting was the rousing welcome given to Mike and Sonny (Sonna) Kalis, who recently joined the club. The Kalises bring a noteworthy background in boating and obvious interest and enthusiasm to the club.

I asked Sonny to send some notes about herself and Mike that I could share in The Hornpipe. In response, she sent the following:

Mike and I started sailing together around 1985. We became partners with Mike's sister and her husband, Ilene and Marc Cohen, in a 1974, 34-foot Cal, which we kept at the Maryland Yacht Club. Mike and I had sailed with the Cohens a few times over the years, and that is how I got the bug.

I had learned to sail the prior summer when I just decided to pull out the Yellow Pages, looked up sailing schools, and signed up for a lesson in Middle River. The day of my lesson it turned out that I was the only student, so my instructor taught me in front of a blackboard all morning and took me out sailing in the afternoon. It turned out to be a very windy day. Before we left the marina, we became tangled among the lines of docked boats; my instructor pulled out a knife and cut us free, while I cowered in the cockpit! But I went back the next Saturday (to a different instructor) and loved being out on the water. I went back every Saturday and sailed by myself in a little boat, figuring it was OK if I killed myself, but I didn't want to be responsible for any one else's death!

That winter, Mike and I went to Jamaica, and I had a chance to sail every day while Mike went scuba diving. The following summer was when we went partners in the Cal, having one week

News from Octavia #4

with the boat and one week boatless. The next winter we all bought a little speedboat together, and so we were sailors one week and stinkpotters the next; it was great fun. We started out with a 17-foot bowrider that we took all over the bay, and then moved up to a 20-foot Bayliner bowrider. During those years I also crewed on a 34-foot raceboat, a Dehler I think, doing the Wednesday-night races out of the Maryland Yacht Club. We went on a few of the MYC's annual sailboat week-long cruises and had a great time. One summer we rented a 33-foot catamaran and sailed for a week out of Solomans Island, joining up with the MYC group.

After a number of years, Mike got tired of sailing, so in 1991 or '92 we bought a 24-foot Baja Outlaw and had a great time whizzing across the bay at a comfortable cruising speed of 35 miles per hour, and up to 50 when the water was flat. Unfortunately, we both got pinched nerves in our necks, so we decided to sell the Baja around 1999. I joined Silver Sailors and another sailing club in Baltimore to keep up with a little bit of sailing.

In April of 2004, we moved to Annapolis, and in September of 2006 we bought Magnolia, a 2003, 33-foot Beneteau, with my brother, Greg Kamenetz, and his wife, Dar, who live in Utah during much of the year — talk about a good deal! Our broker was Bill Marrow of Adventure Yachts. Mike only went along with the purchase because the boat has air conditioning and a flat-screen TV, and because we bought a fast dinghy. Mike does not really enjoy sailing, but he thinks that our five grandchildren — three boys, ages 9, 6, and 4, and two girls, ages 7 and 1 — will enjoy coming along with us.

We keep Magnolia at the home of our cousins and good friends Nat and Sylvia Kellman, who live way up the Magothy. The Oktays kept their boat at the Kellmans last year and now are docked next door, so that is how we learned about CCSC.

Sonny Kalis

I see material for a lot of great Hornpipe articles in Sonny's write-up!

Welcome to the club, Sonny and Mike!

Lee Benedict

Vero Beach, Florida: The nickname is Velcro beach, because many come here and end up staying the winter. A little gasoline-powered Honda to charge up your batteries, a dinghy, a backpack, good walking shoes, and you're all set.

After Thanksgiving, a lot of the cruisers moved on to Lake Worth with their weather window to cross to the Bahamas. So we had the mooring to ourselves, as our new friends also left. We dinghied into the dock, caught the bus (free, runs all day, six days a week) and took a 15-minute ride to the shopping center, where there were a West Marine, a grocery store, a Radio Shack, hair salons, shoe stores, etc. It was all there. Or we could walk or ride to the library where we could catch a bus west to a big mall that had a Macy's, Home Depot, Walmart, etc. You get the idea.

Hank had a sore hand, with numbness in his fingers, so we visited a walk-in clinic that gave him excellent care!

The art museum was a nice walk away, and for a year's membership we could borrow DVD's, VCR tapes, or art books for a week at a time.

The ocean — the tourist area! — was about a one-mile walk east of the marina

Best of all was the marina, which had ample heads, nice laundry, air conditioning, and a lounge with two TVs, one of which was always tuned to The Weather Channel. We had pelicans skimming along; porpoises feeding; mangroves on three sides of us and the marina on the other; quiet, dark nights; and no worries about a dragging anchor.

Early in December, the Christmas-decorated boat parade came through the anchorage. The next night there was a parade in town with 80 entries. It seemed strange to be in shorts and tee shirts wishing everyone Merry Christmas.

After 15 days on a mooring, it was time to move on and put *Octavia* in a slip for our trip home. We motored north 60 miles to Titusville, arriving on Wednesday, December 6. Thursday, a cold front moved in and stalled over us. We clocked 38 knots in the slip, which was very uncomfortable, but not nearly as bad as for those anchored in the Indian River. Two days later we moved to a more protected slip, doubled up our dock lines, began

packing for the drive home, watched another parade, and then saw the space shuttle launch, which was awesome!

Hank and Jan Zerhusen

The Law of the Sea: Good News for Sailboat Owners?

A recent summer storm kicked up wind and waves on the beam of some of the boats in their slips at our marina. One of these boats was pushed onto its downwind neighbor, and the two boats ground against each other, midship to midship, for much of the storm. The result on one boat was a six-foot-long, one-foot-wide hole located at what was previously the hull to deck joint — very possibly “totaling” that boat.

Assuming that the owner of the upwind boat failed to properly secure his/her boat, is he/she liable for the damages caused by this failure? Applying land-based law, there is no mystery here: almost certainly. But that analysis does not take into account the Federal Limited Liability Act (46 US Code '30501, for the proctors (Admiralty lawyers) in the readership). That statute limits the liability of the owner of a vessel "to the value of the vessel and its freight for any damage done" without the privity (contractual relationship) or knowledge of the owner. Claims for wages of sailors and claims by passengers are excluded.

Anyone skeptical about the application of this statute to the storm damage scenario outlined above is forgiven. The statute sounds like it is (and indeed historically it was) targeted at maritime commerce, not pleasure boating. After all, in the scenario, where are the sailors claiming wages and where is the freight on the damaged downwind boat?

However, on no less authority than a 1990 US Supreme Court decision, I am here to tell you that the Limited Liability Act does apply. In that case, one Everett Sisson was the owner of the *Ultorian*, a 56-foot pleasure yacht. While the *Ultorian* was docked at a marina on Lake Michigan, a fire erupted in the vessel's washer/dryer unit (I see

in this confirmation of our wisdom in not outfitting 30-foot *Nik of Time* with this appliance). The fire destroyed the *Ultorian* and damaged several neighboring vessels and the marina. Claims against Sisson were filed for over \$275,000 for the damage to the marina and the other vessels. Invoking the Limited Liability Act and with the help of the Supreme Court, Sisson limited his liability to \$800, the salvage value of the *Ultorian* after the fire. A good day=s work for Sisson!

The 56-foot *Ultorian* would have looked like a supertanker next to *Nik of Time*. But the size of the vessels involved does not determine the application of the statute. One Federal court recently applied the Limited Liability Act to protect the owner of a Jet Ski personal water craft!

So what conclusions do we draw from this? First, it supplies further evidence that owning a pleasure boat is something quite unique. Second, perhaps we can all sleep better at night knowing that (apart from insurance) whatever happens at the marina in our absence has limited potential to eviscerate the retirement kitty.

But wait! There is a dark side to all of this for us. While Sisson was able to sidestep some significant personal liability, the owners of the other damaged vessels were left without any meaningful remedy against him. At any time in the future, any one of us could find himself/herself in the position of those other boat owners. In that case, our only recourse will be against our own insurance companies, and it will only be as good as our hull insurance. If that coverage is good, the brunt of the Limited Liability Act will fall on the insurance industry, not us.

The Limitation of Liability Act applies only to the liabilities of vessel owners, not masters, officers, and seamen. Practically, this means that pleasure-boat owners are fully liable without the benefit of this statute for accidents when they are on board; the limitation applies only to liabilities that arise when they are away from their boats.

Lee Benedict