



The Pilot

Monthly Newsletter of

Lake Hartwell Sail and Power Squadron

Come for the Boating Education...Stay for the FriendsSM



Volume 57 Issue 12

From the Bridge - Pete Stevenson, Executive Officer

For some time USPS and its squadrons have wrestled with the problem of public perception of who we are. One of the great assets when USPS was founded was the adoption of a semi military organizational structure using titles such as Commander, Executive Officer and a host of other terms such as Lieutenant and the like. At that time people recognized the benefits of a structured organization and it served us well for many years; but, times have changed and the suggestion of a military structure accompanied by uniforms and the like has become much less appealing to the general public.

USPS has been making efforts to broaden our appeal and has decided to emphasize Americas Boating Club. In turn the squadron bridge and executive committee have settled on the brand "Upstate Boating Club", and we will start to present ourselves to the public as such beginning immediately. This is tricky, both USPS and LHS&PS are legally known as United States Power Squadrons and Lake Hartwell Sail and Power Squadron and it would be near impossible, as well as a mistake, to abandon that identification.

Our strategy will be to rework our logos and slogans to establish "Upstate Boating Club" while retaining our legal identification by employing our USPS affiliation in sub script and footers in the documents we publish. An example is presented below. This is very much a work in progress and we have not hit a final format.

Suggestions would be welcome, contact Pete Stevenson.

UPSTATE BOATING CLUB

The Upstate Boating Club is a brand of Lake Hartwell Sail and Power Squadron. A unit of the United States Power Squadron

Calendar of Events

LHS&PS **Calendar of Events**

December

12 Executive Committee Meeting
14 VHF Seminar at Cabela's
16 Christmas Party at the Lockman's

January

9 Executive Committee Meeting
11 How to Use a GPS Seminar at Cabela's
16 Dinner Meeting with Guest Speaker
25-28 Upstate South Carolina Boat Show

February

13 Executive Committee Meeting
17 ABC Class at Cabela's
23 On the Water Training

Our Bridge

Commander: Jim Carroll, AP
commander@lake-hartwell.org
Executive Officer: Pete Stevenson, AP/BOC
xo@lake-hartwell.org
Administrative Officer: Nioka Rose, S
admin@lake-hartwell.org
Education Officer: Chris Rose, SN/BOC
education@lake-hartwell.org
Secretary: Billy Owens, AP
secretary@lake-hartwell.org
Treasurer: Lynn Solesbee, AP
treasurer@lake-hartwell.org
Assistant SEO: Vacant

Members At Large:

Al Engelmann, SN
Ted Sauvain, JN
David Cross, SN

Nominating Committee

Al Engelmann, SN (1 Yr)
Jim Carroll, AP (2 Yrs)
Charles Guderian, S (3 Yrs)

Christmas Party

Once again, Jef and Angela Lockman have graciously agreed to host our annual Christmas Party
102 Wood Stream Way Williamson, SC 29697
December 16th from 5 - 9.

The Lockmans will provide turkey, ham and beer and everyone can bring an appetizer or dessert to share plus anything else they want to drink.

As usual please bring a toy for Toys for Tots and a wrapped gift for the gift exchange.

RSVP by December 12th.



Change of Watch 2017

On November 16th we celebrated our change of watch at J Peter's in Anderson. We were joined by District 26 Commander Roy Stevens and his wife Cookie and seventeen of your fellow squadron members. After an hour or so of socializing and ordering our entrées I presented the following awards:

The "Vessel Safety Check" award was presented to Rick Cunningham for his continued dedication to this program. He has also been instrumental in training new inspectors, including myself.

The "Catch the Spirit" award was presented to Don Woodard for his enthusiastic efforts to improve the squadron's website and digital presence.

The "Boating Activity" paddle was presented to Pete and Rosemary Stevenson who participated in more boating events than any other members including the joint "Eclipse" event with Golden Corner Lakes.

The "Parson's Cup" cruising and navigation award was presented to Chris and Nioka Rose who displayed their exploratory skills by venturing to the Chesapeake Bay on a solo cruise in "Roses Roost".

The "Jap Boles" award for education excellence was presented to Chris Rose for his persistent endeavors to get the boating public involved in America's Boating Courses and a variety of single topic seminars.

The "Commander's Cup" was presented to Pete and Rosemary Stevenson who spearheaded the organization of a team to present the 2017 District 26 Spring Conference and were involved in virtually every other squadron activity from planning to proof reading. Pete also was instrumental in establishing a mutually beneficial relationship with the Freedom Boat Club in Clemson.

D/C Stevens presented some brief but pertinent remarks and then proceeded to relieve me of my command and swear in our new commander Jim Carroll.

Cdr Carroll then installed his bridge members and members at large as follows:

Pete Stevenson - Executive Officer (XO)
Nioka Rose - Administrative Officer (AO)
Secretary - Billy Owens
Treasurer - Lynn Solesbee
Members At Large- Al Engelmann
David Cross
Ted Sauvain

Here's wishing for a successful year to our new bridge and a happy holiday season to all.

Past Cdr Charles Guderian

Upstate Boating Club's Change of Watch



Upstate Boating Club's Change of Watch



Upstate South Carolina Boat Show Sign Up Sheet

Date/ Time	Thursday Jan. 25	Friday Jan. 26	Saturday Jan. 27	Sunday Jan. 28
Setup				
Setup				
1000-1200				
1000-1200				
1200-1400	Chris Rose Nioka Rose			
1400-1600				
1600-1830				
1830-2100				Show Ends 1800
Takedown				

Vendor parking is available. Vendor passes are available at the front entrance desk upon request. When you leave the exhibit hall after your shift please return your vendor pass to the admissions desk so that those who follow you can get their passes upon request.

Call, text or email Jim Carroll at 864-395-1128 jimcarroll1949@gmail.com with any questions.

No Coverage for Boating Accident Due to Breach of Operator Warranty

Jason P. Minkin and Jonathan A. Cipriani of BatesCarey in Chicago write:-

Under maritime law, a breach of a promissory warranty in a maritime insurance contract excuses the insurer from coverage. This principle was applied recently by a federal district court to void coverage for a boating accident where the vessel, at the time of the accident, was operated by an individual who was not named as an operator under the marine insurance policy's operator warranty. See *Maclean v. Travelers Ins. Co.*, 2017 WL 4873495 (D. Mass. Oct. 26, 2017). The court's ruling is a reminder that breaching an operator warranty may result in a loss of insurance coverage. In August 2013, Kevin and Donna Maclean boarded the M/V NIKKI to enjoy a "lightning speedboat adventure" in Boston Harbor. According to the Macleans, the speedboat was traveling at high speed when it crossed the wake of another boat, tossing the Macleans into the air, resulting in serious injuries.

The owner of the M/V NIKKI had purchased commercial marine insurance cover through Travelers Property Casualty Company of America. The policy contained two relevant provisions. First, the policy contained a choice of law provision providing that it "shall be interpreted in accordance with the provisions of Federal Maritime Insurance Law." Second, the policy contained a Named Operator Endorsement, which required that any operator of the vessel be approved by Travelers and listed in a Named Operator Schedule. The endorsement further provided that coverage under the policy "is null and void when the vessel is operated by anyone other than the persons listed in the Named Operator Schedule."

At the time of the accident, the vessel was operated by an individual who was not named as an operator under the Named Operator Endorsement. For this reason, Travelers asserted that the operation of the vessel breached the policy warranty, and thus the M/V NIKKI's owner was not entitled to defense or indemnity coverage. The owner assigned rights to the Macleans, who then sued Travelers, seeking a declaration that Travelers was required to provide coverage.

The court sided with Travelers. Under maritime law, according to the court, "a breach of a promissory warranty in a maritime insurance contract excuses the insurer from coverage." The court explained that the Named Operator Endorsement was a promissory warranty because it was a provision "by which the insured stipulates that something shall be done or omitted after the policy takes effect and during its continuance." Because the policy itself stated that it would be "null and void when the insured vessel is operated by anyone other than those persons listed on the Named Operator Schedule," and because the incident occurred when someone other than a listed operator was operating the vessel, the policy's coverage, according to the court, did not extend to the accident.

Separately, the Macleans argued that the policy was ambiguous, requiring it to be construed in favor of coverage. Specifically, they argued that the vessel operator had in fact been added to the Named Operator Schedule two days after the accident. They submitted that the policy was silent about "retroactive approval" of Named Operators, which should result in coverage. The court rejected this argument as well. While the theory was "clever," "it does not square with the clear text of the policy which is void when operated by a non-listed operator." For this reason, the court declined to create ambiguity where none existed.

In *Maclean*, the court strictly enforced the operator warranty to preclude coverage where, as was the case here, the vessel was being operated in breach of the warranty at the time of the accident. The case is a reminder of how, under maritime law, an operator warranty will be applied as written to void coverage for an accident when the vessel is operated by a non-listed operator.

Education

Cabela's on Woodruff Road in Greenville **Schedule of Upcoming Classes and Seminars**

Seminar registration is required as class size is limited. Cost \$25.00 for first family member and \$10.00 for each additional family member. Register at www.UpstateBoatingCourse.org or phone us at 864 567-1394 for more information.

Thursday, December 14 Using a VHF

Everything you need to know about using VHF and SSB radio:

- How VHF's work and their controls
- Using the correct channels
- Correct procedures and terminology
- Advanced methods of communications
- How DSC's work and their controls

In less than two hours, you will learn why and how VHF Radio is the mainstay of coastal communications, that it's essential for emergency communications and how DSC (Digital Selective Calling) simplifies and improves rescue.

Thursday, January 11 Using a GPS

Sure, GPS can get you where you need to go, but did you know you can use it to steer your boat accurately? Enhance your boating experience by getting the most out of today's feature-packed GPS devices. Learn how to store and use waypoints, build and execute routes, and monitor steering. You can also get tips on connecting your GPS to your VHF marine radio, which opens up a new world of digital hailing and distress signaling.

Saturday, February 17 America's Boating Course

Come for the Boating Education...Stay for the FriendsSM

The Lake Hartwell Sail and Power Squadron, part of the United States Power Squadron, will be presenting the Americas Boating Course from 9:30 until 5:00, covering these topics:

- | | |
|--------------------|-----------------------------|
| Boat Handling | Docking |
| Aids to Navigation | State & Federal Regulations |
| Anchoring | Trailing Tips |
| Rules of the Road | Emergencies |
| PWC Safety | Knots and Splices |

This course is designed to provide basic safety instructions on the operation of boats for Skippers, Spouses, and Family Members

Taught by Experienced Boaters of the Lake Hartwell Sail & Power Squadron and approved by the National Association of State Boating Law Administrators and recognized by many major insurance carriers as well as the United States Coast Guard.



Lake Hartwell Sail & Power Squadron

Executive Committee Meeting Minutes November 14, 2017

MD 360 Powdersville

I. **Call to Order 18:30 by Commander Guderian**

- A. A quorum was established
- B. Invocation – Cdr Guderian
- C. Pledge of Allegiance – Cdr Guderian
- D. Review Minutes of October meeting– Approved as corrected (added Ted Sauvain to the Members at Large)

II. **AD-Hoc Committees –**

III. **Department Reports** Cdr Guderian,S

A. Commander –

Charles has a commanders flag for presentation to the incoming commander (Jim Carroll). The Roses and Stevensons also have flags for presentation at the COW.

Freedom Boat Club – Pete Stevenson & Charles Guderian conducted a condensed ABC course on Nov. 13 at Clemson. There were 2 students.

Rosemary Stevenson will prepare the agenda file for the Change of Watch. She will send it to Lynn Solesbee for printing.

- B. Past Commander – P/C Jim Carroll presented the 7 Touch Approach & indirect marketing plan. A 3 page handout was distributed. The Buddy System Program will be resurrected. Jim asked the members at large to be in charge of this program.

ABC Course – participants need contact with club members. Application forms should be available to the students. There is a need for more members to help at the courses so they can interact with the students. There are all different kinds of boaters and we need to contact them. We need to continue to put articles in the newspapers.

- C. Treasurer – P/C Pete Stevenson, AP- The squadron has \$11,000 in the savings account, \$3,794.89 in the checking account. There is \$1,013.95 outstanding. The Treasurer's report was accepted. The Auxiliary has \$5,794.53 in its checking account. Could this money be made available to the squadron?

- D. Administration –Lt/Cdr. Nioka Rose, S

Executive Committee Meeting Minutes

Nioka put the squadron monthly seminar information on Craig's List.

There are 19 signed up for the COW at J. Peters in Anderson on Nov 17.

Birthday cards – Nioka is trying to find internet cards with no ads. We may need to pay approximately \$25/yr. to send cards without ads on them.

Nioka has put 3 of our own ads on the internet using Adwords, which is free for non profit organizations.

There are 100 hits so far on the internet for the Upstate Boating Club.

E. Education – P/C Chris Rose, SN

ABC course is the pivot of our organization. Promotion is very important. In order to attract students. We need more instructors & helpers especially in Anderson. Ray Fedele is the lead in Anderson but more instructors are needed. Billy Owens has volunteered. Billy suggested we contact Grady's in Anderson as an option for seminars. He will contact them. Jef Lockman volunteered to work with Ray and Billy

Cabela's seminars are the 3rd Saturday of the month.

December 14 - Using VHF radio seminar @ Cabela's

F. Executive – Lt/Cdr Ted Sauvain, JN No report

G. Secretary – Lt/Cdr Rosemary Stevenson, AP

Sunshine Committee

Poinsett Pilot article assignments – (Articles are due by Nov 20)

From the bridge-(COW)- Cdr Guderian

Education- P/C Rose

Boat Show – P/C Carroll & Lt/Cdr Rose

Christmas Party – Lt/Cdr Rose

Rebranding – P/C Stevenson

H. Members at Large comments and questions

IV. **Old Business** –P/C Jef Lockman –

Co-Op charting – Zone 1 A is not covered. All other zones are covered.

The club's Christmas party is scheduled for Dec 16 at the Lockman's. Each member to bring a gift for the Santa game and an unwrapped gift for US Marine program Toys for Tots.

V. **New Business** – P/C Carroll –

1. new membership applications need to be printed
2. education programs are in effect
3. the 3 second 30 second 3 second (3 30 3) program needs to be in effect and used at the boat show
4. ABC promotion
5. Squadron printed trifolds are in inventory
6. an AdHoc committee meeting is to be scheduled to discuss strategic planning

Executive Committee Meeting Minutes

7. P/C Stevenson – Americas Boating Club – Upstate Boating Club

Motion: develop our literature to state “Upstate Boating Club” is a brand of the Lake Hartwell Sail & Power Squadron, a unit of the United States Power Squadrons.

VI. The next ExCom meeting is at the MD 360 Powdersville Tuesday Dec 12 @ 18:30

VII. Adjourn 19:55

Submitted by Secretary Lt/Cdr Rosemary Stevenson



Come for the Boater Education...Stay for the FriendsSM



Poinsett Pilot

Official monthly publication of the

Lake Hartwell Sail and Power Squadron,

Editor: Nioka Rose

Proofreaders: Pete & Rosemary Stevenson

Distribution: Don Woodard

Items are due on the 20th of the month preceding publication. Articles should be emailed to:

editor@lake-hartwell.org.

The editor reserves the right to edit submissions in a style that best serves the needs of LHS&PS, District 26, and United States Power Squadrons©

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