

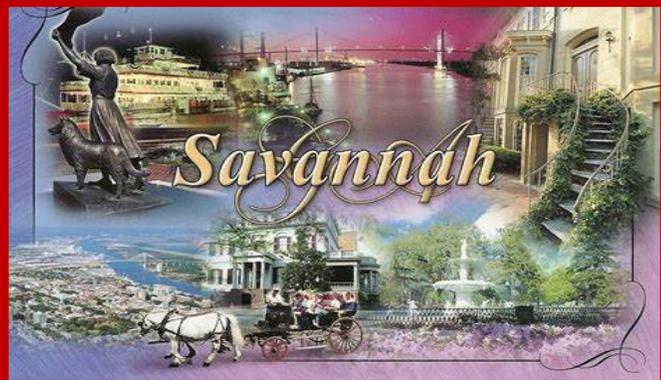
SAMS[®] NEWSLETTER



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2019

**2019 SAMS[®]
International Meeting &
Educational Conference
(IMEC)
Sept. 25th - Sept. 28th
Savannah, GA**



**Volume
29,
Issue 2**

**Editor:
Stuart
J.
McLea,
AMS[®]**

Summer Time

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**Stuart J. McLea, AMS®
SAMS® Editor**

WORK ORDER - WORK ORDER - WORK ORDER!!!!

E&O Insurance

The SAMS® BOD has asked me to stand as the Chair person of our E&O Insurance Policy and I have been very busy. Over the past few months I have been asked some very good questions regarding our SAMS® Group E&O Policy which I would like to share with you all. Let's look at some questions.

Q: I have been asked to conduct a "Desk Review" of a loss for an insurance company. Will the Group E&O Policy cover this activity?

A: The short answer is YES. Insurance companies are asking for desk reviews more often for claims. In my situation here in Atlantic Canada my area of responsibility is very large and the travel costs can be greater than the value of the claim in some cases, so the desk review is a popular option. Our SAMS® Group E&O is structured to cover every assignment a surveyor could be asked to undertake. We are lucky that the staff at AON Risk understand our business and have made our policy very flexible. But if you are looking at something out of the norm, please call me first before you take on the assignment.

Q: Do I need a work order signed for every assignment?

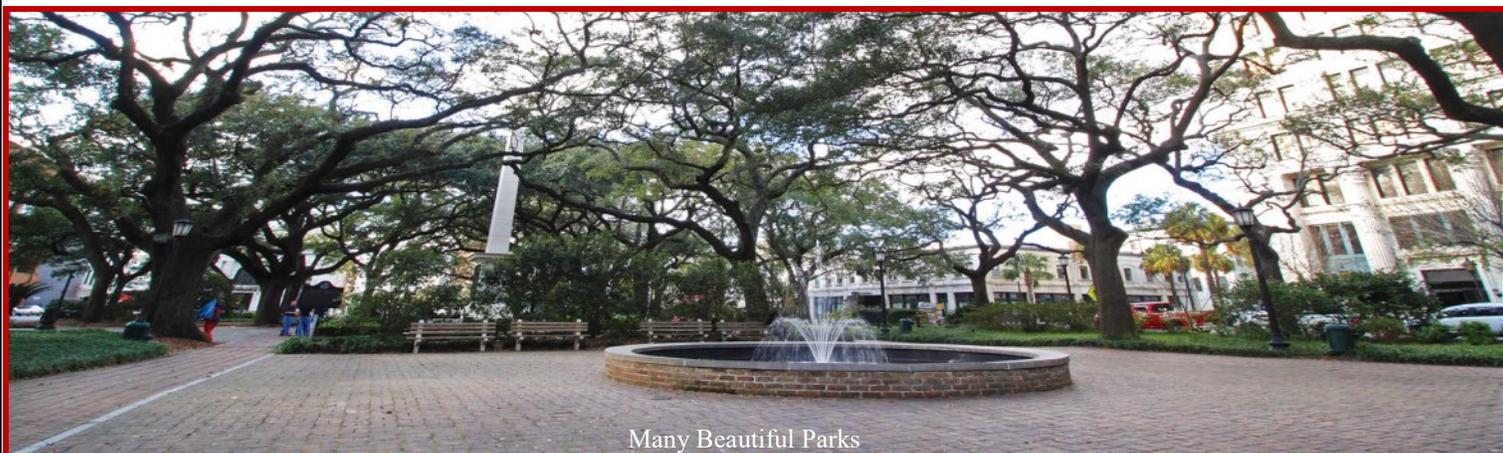
A: **NO, just for pre-purchase surveys only.**

Q: Does the wording from our work order, have to also be included in our survey report.

A: NO, the policy asks our surveyors to mitigate any risk by using a work order that is signed before the job. Therefore, there is no need to include the same wording in your report. But if you want to, by all means do so. Now, this spring I have been involved in three notices of claims on our Group E&O Policy, and in all three cases there was no work order. Having a Work Order is a condition of our Group E&O Policy and failing to have one could find you in very HOT water. If you are conducting a Pre-purchase survey you are required by the policy to have a signed work order in place before you start the job. So, why are our members not doing something that is required by the Group Policy? Please remember this is a GROUP POLICY, and if we lose coverage because of certain members not having a signed work order, then this affects us all. SO, please let's be Professional about this, have a work order signed before you start a Pre-Purchase Survey. If you are not sure about what you need I will be happy to provide you with some examples.

I hope to see you all in Savannah, have a busy and very prosperous season, and DO NOT forget to have a signed work order for your Pre-purchase surveys in place.

Cheers!!



Many Beautiful Parks



**Bill Trenkle, AMS®
Interim President
Executive Vice President**

Greetings to all our AMS®, Surveyor Associate, and Affiliate members of SAMS®. It is my pleasure to address you again as your interim president. I have enjoyed the new interactions with members that the position has provided. The Board of Directors appreciates when the members reach out with ideas and suggestions, so please keep them coming. The goal we have is to be constantly improving the organization, even if it is with small steps.

We were recently in Savannah for our Spring Board Meeting. I had never been to Savannah and I was really impressed. I think Joe Lobley, AMS® our VP of Meetings has done a spectacular job in selecting a venue that will fulfill our needs in a very interesting and historic city. If you have not signed up yet do it right away.

My finally comments are based on my continuing role as the Ethics Committee Chairman. We are still getting, too many complaints from surveys not being delivered on a timely basis and lack of communications with the client. If you are going to miss an agreed upon deadline because of unforeseen problems, not just because you got busy with a lot of additional surveys, call the client talk to them, email them, but please communicate! We are also finding out that many are still doing condition & valuation surveys without getting a signed Work Order ahead of time. This is not an option if you have the SAMS® group E&O insurance, if you have a claim it will be denied if you did not get a signed Work Order prior to starting the job. If you don't have insurance, having a Work Order is the best way to reduce your legal exposure. Every Maritime Lawyer that has spoken to SAMS® has stressed this, please make it part of your normal routine.

I hope business is good for everyone, but hope that you will be able to find the time to join us at the September International Meeting.

The Following Members Have



Will Return For The Next Issue

**R. Dylan Bailey, AMS®
Florida Regional Director**

**Clinton Evans, AMS®
Gulf Regional Director**





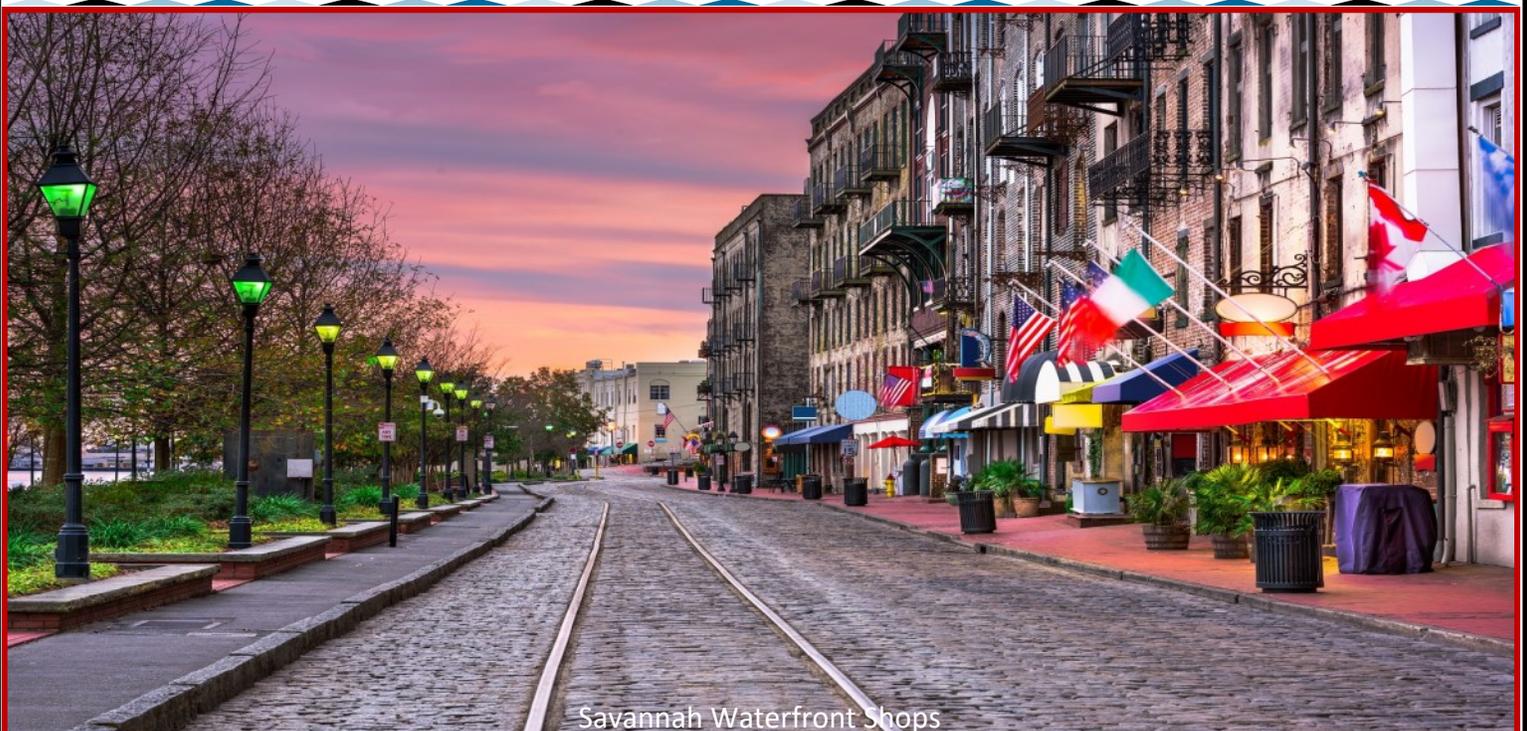
**John Lowe, AMS®
Secretary/Treasurer**

Anatomy of a complaint

This topic has been covered before but as a board member we see the same scenario played out time after time, so I thought it would be productive to go over it again. Complaints against members usually fall into three general categories: poor work product, conflict of interest and most frequently, failure to produce a report in a timely manner or at all.

The delivery of a report is what we are getting paid to do and when we approach members with this type of complaint the answer is usually, that they are so busy they cannot get the report out. This is not an acceptable answer, as that member is getting paid for a service he or she is not providing, which can be a liability. The delivery time for your report should be discussed with your client, so there is no confusion when they should expect it. If you are so busy that you cannot produce a report, you should hire a typist or reduce your work load so you can fulfill your obligation to the client.

Another reaction by members with complaints we see fairly often, is the resistance to communicate with the client after the complaint is made. This only further aggravates the client and makes a favorable outcome for our member less likely. It would be prudent to communicate as much as necessary with the client to determine the best way to resolve the situation. This should take precedence over any ongoing business you have at the moment. Those of you that obtained our E & O insurance should remember that if a complaint looks like it will go into litigation, it should be brought to the attention of the carrier early in the process, rather than later. They may not need to represent you, but may be able to advise prior to legal action. Most importantly get out in front of the problem, stop what ever else you're doing and make your client happy. Be safe and I will look for you in the yards.





**Kenneth Weinbrecht, AMS®
Education Vice President**

WHAT? WHEN IS IMEC.....YOUR KIDDING, IT'S ONLY TWO MONTHS AWAY?

Hello...Have you made your reservations? Joe Lobley has really picked a wonderful historic hotel and venue. There are plenty of restaurants, bars, and local places to eat and have some southern fun. What a wonderful town!

Soon you will be receiving the educational program which I have tried to accommodate everyone's interest. Fish boats, welding, rigging, scientific evaluation of water pump impellers, legal issues, ethics, cargo storage, electric engine re-powering and even wooden boats.

By the way...ABYC is starting to educate via the web and it's going to be a real asset to us since we can study and take tests online.....and by the way get educational credits.

Keep updated with them.....get the credits you need, it's really easy.

**SAVANNAH IMEC AGENDA
9/25 - 9/28 - DeSoto Hotel**

Wednesday 9/25

1300 - 1415 - ABYC, Standards Gone Wild

1415 - 1530 - John Malool, AMS® - OSHA For The Marine Surveyor, Mold, Sanding, Painting, The Hazards

1530 - 1600 - **Break**

1600 - 1715 - David Rifkin, AMS® - "My Boat Is Tripping The Pedestal GFP, What Do I Do Now ?"

1800 **Presidents Reception**

Thursday 9/26

0800 - 0815 - Introduction Of The Board Of Directors

0815 - 0930 - Dylan Bailey, AMS® - Rigging Inspections / Failures

0930 - 1000 - **Break**

1000 - 1045 - George Zeitler, AMS® - Welding Inspections For The Marine Surveyor

1045- 1200 - Jason Poulton, PHD - Akron Rubber Development Labs - Impeller Failures

1200 - 1330 - **Lunch on your own**

1330 - 1430 - Gary Lowell, AMS® - Lowell Boats, Wood Boat Inspections

1430 - 1500 - **Break**

1500 - 1600 - Bill O'Malley - Oceanvolt - Re-powering With Electric Propulsion

1600 - 1700 - Pending Speaker - Commercial Fish Boat Inspections

1800 **Gala Dinner**

Cont.

Friday 9/27

0800 - 0900 - Dick Frenzel, AMS[®] - Damage & Joint Field Report Writing

0900 - 1000 - Andrew Kinsey, AMS[®] - Safe Cargo Stowage And Securing

1000 - 1030 - **Break**

1030 - 1200 - Peter Layson - Principal Staff Scientist Applications Engineering Group - Component Failure Analysis

1200 - 1330 - **Lunch on your own**

1330 - 1430 - Daniel May, Affiliate - Oil Analysis Clinic - Understanding Your Oil Analysis

1430 - 1500 - **Break**

1500 - 1600 - Lindsey C. Brock, III - Rumrell McLeod & Brock - Anatomy Of A Marine Loss - The Surveyors Role

1600 - 1700 - John Wenz, AMS[®] and Bill Trenkle, AMS[®] - Report Writing Critique, Ethics

Saturday 9/28

0700 - 1200 - Registration

0700 - 0800 - **Buffet Breakfast** - (Members Only)

0800 - 1200 - SAMS[®] General Membership Business Meeting

1200 - ? Regional Caucus and Board of Directors Meeting



**Kristoffer Diel, AMS[®]
Testing Vice President**

Welcome to the summer! As we have all discovered, it is a hot one.

This brings up just one of the safety aspects of inspecting boats, especially when they are hauled out on the hard. Heat exhaustion is a 'sneak-up-on you' danger, and can lead to more serious injuries, such as falls.

I know we are all independently minded people, or we would be working at the local factory, or Walmart. Therefore, I would suggest if you do not yet do so, that when you go survey a vessel you should copy the intent and format of a Pre-Underway Plan.

Inform someone, especially in a yard or marina, that you are on the premises, and when you expect to be done. DO NOT depend upon your cell phone! If you fall or pass out, it may not be available, or you may not be capable of calling for help. This is even more important, if you are at a remote private residence, where there may be no one at home. Set up a check in person and a set schedule. If you do not call/text them on time, have them begin trying to contact you. I realize this is contrary to everyone's image of self-sufficiency, but I am sure you have all heard various horror stories from other (lucky) surveyors whom escaped only by blind luck.

Also, this same format is highly recommended if you travel to any foreign country. AS SOON AS you land, call the US Embassy and inform them where you will be and for how long. I usually say, if they have not heard back from me after a certain time (two or three days), please come looking for me. It has worked!

Thank you for your time and interest to read this. I hope everyone is as busy as they want to be, and stay safe!



**Gary Frankovich, AMS®
Membership Vice President**

Greetings from HOT and sunny Florida! It's only the end of June and here in Jacksonville we've already had two days over 100F and nine days in a row over 95F (real temperatures not heat index), at least we're not in Europe 114F this week in the south of France. I had the good fortune to go up to Newport, Rhode Island the week before last on an assignment, when the plane landed in Providence it was 56F and raining, I had to stop and buy a coat before going to the marina. Can't figure out how you guys do winter.

First, let me welcome our new North East Regional Director, Reiner Van Der Herp, AMS®, and his new Assistant Regional Director, Julie Wheaton, AMS®. If either of them ever calls on you for assistance, please do whatever you can to help out. I can't stress enough, until you're a Regional Director, you just can't imagine how much work is involved and how time consuming the job can be.

SAMS® membership is healthy, at this moment we're a bit over 900 members, and we have a lot of applications pending and more arriving daily. The people who are being accepted are knowledgeable, literate, have a good attitude, and show a real desire to work hard and become excellent surveyors. The Regional Directors spend a tremendous amount of time, not only reviewing the applications, but reading the submitted surveys, making suggestions on how the reports can be improved, and discussing with the applicant any short-comings.

Surveyor Associates, be sure to get your required annual report in for review, *it's up to you to know when it's due*, and if you get an email from headquarters asking where it is, you must be late, if it happens twice there could be dire consequences! Surveyor Associates that are coming up on their Up or Out date, get that request to Upgrade to AMS® Candidate status in early, we see them coming in sometimes less than a week before the date, that's just unacceptable. When you send that in it goes on the bottom of the pile the Regional Director is working on, all requests/applications are dealt with in the order they are received, and then we get a call about why hasn't my upgrade been processed. In the past we've been fairly lenient with the Up or Out Date, but remember, you could be suspended if you're late!

As you all know, we have a SAMS® Recommended Minimum Survey Report Content available to everyone. If you are an AMS®, and especially if you're mentoring someone who wants to join SAMS® or is working on his/her upgrade to AMS® Candidate status, PLEASE make yourself familiar with it and be sure you're mentoring them so that their reports incorporate at the very least the Recommended Minimum Survey Report Content. Now, finish reading the newsletter, and go write that report of survey that someone is waiting for.



**Joseph Lobley, AMS®
Meeting/Conventions Vice President**

Get your rooms reserved for IMEC 2019 now!

IMEC 2019 will be in Savannah, Georgia September 25th thru September 28th at the DeSoto Hotel. The room rate is \$176.00 per night and parking is \$20 per day. We have a normal room block of 150 rooms on the peak nights. They have offered us an additional 10 corner suites for \$210.00 per night. This is a great chance to treat your significant other to a corner room with balcony. These are offered on a “first come, first served” basis. The hotel is in the Garden District but only blocks away from the many attractions and six blocks from the River Front. Savannah has a rich history and will be a perfect destination to bring your spouse. We are expecting a huge turn-out.

IMEC 2020 will be at the Double Tree by Hilton in Montreal, October 28-31. The first three floors of the building is a mall with everything one could want. The city has extensive underground pedestrian walkways from building to building with an incredible amount of retail shopping and restaurants. The hotel contract is in Canadian Dollars which as of today would equate to \$185.00 for a room rate, but may inch up or inch down. I drove to Montreal from the coast of Maine in 6 hours. The North East Members can all drive in a day or take the train. **You must have a passport to enter Canada.**

The IMEC 2021 location was decided by the members at the Portland meeting to be San Antonio, Texas (1st) and Mobile, Alabama (2nd). However, the room rates and availability is just not possible for us in San Antonio. A board decision was made to select New Orleans. I toured five hotels and compared the offers and chose The Sheraton on Canal Street. The dates are September 29 thru Oct 2, 2021. We have a room rate of \$179.00 with the usual amenities. New Orleans has always been a big draw and a great time.

See you in Savannah!





**Eddy J. Assaf, Jr., AMS®
Public Relations Vice President**

Hi everyone, hope you're all real busy and having a good year. Halfway through the year here and summer is finally getting in, weird spring weather and high water, pushed our season off for at least 1 month here in Quebec. In some areas they started launching last week. The seasons up north are already short and the late start to this season has discouraged many owners and potential buyers.

Our ad campaign is doing well, we have several ads going on in local magazines targeting the US and Canada (want to thank the Regional Directors for their input on which magazines to contact) along with what we were running already, to try to cover all major areas, which spreads out to all nearby areas, as we were doing last year. The ads are running according to the amount of members in those areas, the higher number of members in an area reflect on the amount of advertising going on in that specific area. Some of our ads are running digitally (which I prefer because we can get records of hits to our site) and some ads are in a printed version. I keep changing the ads from month to month (we have several different ads) just to keep things fresh. As always we continue with our advertising support with the U.S.C.G. and Boaters Directory, Mariners Club etc...as they have been known for being positive advertising in the past.

We are still running our Google ad words which are showing positive numbers every month, with a surprising statistic, 80% of the people visiting the web site are doing it on their mobile phones.

Hope you are all starting to get ready for Savannah, Georgia, I was there recently, and it is really a beautiful city. Love all the parks around the hotel and on the way to the waterfront.

As usual Ken Weinbrecht, AMS® has set up a knock out venue of speakers and Joe Lobley, AMS® who organized all of this, did an outstanding job, you will enjoy Savannah. Hope to see you in large numbers there, but reserve early, places at the DeSoto are going quickly.

As always, I like to get input from the members on the advertising campaign that is going on, or if you have any articles that you would like to see in the newsletters, please feel free to contact me at info@avtechmarine.com

Well, this is about it for now, hope you all have a great season and as always lets be careful out there when we are working, both physically and professionally.

Hope to see you all in Savannah in September

Cheers !!!

**Reinier Van Der Herp, AMS®
North East Regional Director**



Hello from the North East! As your new Regional Director I hope I can do as good a job as my predecessor Peter Spang, AMS®. It's been a busy season so far and I hope you're all doing well. Taking my place as Assistant Regional Director is Julie Wheaton, AMS® and I welcome her aboard! Between the two of us we hope to put on two Regional meetings per year that will be more convenient for all our members to attain their Continuing Educational Credits. Since I'm in NJ and Julie is in ME, we are at the opposite ends of the North East Region which should afford meetings without the hassle of traveling extended distances. We are also focusing on report writing and I can only emphasize the importance of this topic, you are only as good as your last report! It doesn't matter if you use word or a program, what matters is the end result and as long as our members continue to improve upon report writing I'm sure we'll enjoy the success this organization has strived to achieve. One other point, be safe, we are all independent business people and an injury can be devastating! My door is always open and I welcome members comments!

Angel Zeno, AMS[®]
Great Lakes Regional Director



Many of the states surrounding the Great Lakes have programs and legislation in place to combat the spread of invasive species. This past March, Michigan became one of the newest states to join the battle by enacting a revision to legislation (Act 451, part 413, sec 324.41301) aimed at curtailing the spread of invasive species. Specifically prohibiting the transport of watercraft over land without first: removing all drain plugs from bilges, ballast tanks and live wells and draining all water from live wells and bilges. The revised legislation also requires that the trailer or any conveyance is free of aquatic organisms including plants. You might be thinking, well gee Angel, that's all fine and dandy but what does that mean to me. That certainly depends on you, but in this case since it is legislature required by the state of Michigan I would encourage you to include a reference to the legislation in survey reports that you write for boats in, near of heading towards Michigan. I've also gotten up on my soap box and I carry a copy of the revised legislation with the appropriate sections highlighted when I visit a marina, harbor or repair facility and share the copy with my point of contact.

So, now that I've got you thinking about invasive species and other creepy crawlies, let's take a moment to talk about mold. I was speaking with another surveyor the other day who shared a story about having to be hospitalized and treated for exposure to black mold. When I heard that, I immediately had a mental flash back to all the boats that I have surveyed that exhibited some type of mold growth. As would be expected, I would write this up as a potential safety issue and recommend testing, confirmation of the species and remedial action to remove the mold. But the story caused me to think about ways that I could limit my potential exposure, and the first thing that came to mind was to be sure to open all hatches, to allow for ventilation before proceeding with the inspection. I'm not a microbiologist, and I am not qualified to provide you with recommendations, but I would encourage you to conduct your own research and develop your own plan of action on how to handle a situation when you encounter potential mold growth aboard a vessel that you are inspecting.

During the busy, but short boating season in the Great Lakes area it's often difficult to think of finding time to expand on our knowledge. In addition to keeping an eye open for ways to accumulate CE credits, one of the other things that I like to do is look over marine trade magazines to see what's new in the boating world. One of my favorite magazines features a balanced mixture of educational articles from around the industry, along with advertisements from industry leaders. I don't want to appear to be plugging the magazine so I won't use the name, but if you're interested, drop me a line and I'll let you know. Speaking of magazines, I just heard some exciting news from Eddy Assaf, AMS[®], the SAMS[®] Public Relations Vice-President. Eddy has advised that beginning in August, we may begin seeing SAMS[®] advertising in Great Lakes Boating Magazine. Let's all share a collective Hoo-Ray for Eddy's efforts to promote SAMS[®] in our region. If you subscribe to Great Lakes Boating, or can pick a copy up at a marina, take a look for the ad, and be sure to let Eddy know if any of your clients mention seeing the SAMS[®] advertising.

I was meeting with representatives from an Insurance company along with a few other SAMS[®] surveyors to help reinforce the benefits to them when they include SAMS[®] surveyors in their underwriting and damage claims programs. During that meeting it was clear, that amongst the biggest reasons was that SAMS[®] members abide by the SAMS[®] ethics policy and utilize the SAMS[®] recommended survey report content (RSRC). We shared both these documents with the group and explained them to the representatives from the insurance company and they were very well received. I wanted to be sure to thank Lloyd Kittredge, AMS[®], Michael Tock, AMS[®], and Ben Miller, AMS[®] for taking the time to represent SAMS[®], your participation had a lasting effect with the insurance company. The purpose of the SAMS[®] RSRC in regards to recreational Y&SC is to represent the minimum report content and should not be considered all-inclusive. Ok, if you read that much, you just read the first question and answer for the upcoming SAMS[®] RSRC text seminar. SAMS[®] has been busy putting together a text seminar on the RSRC that will allow our members to earn CE credits at their leisure and in the comfort of their own homes while honing their report writing skills. Look for more information from the SAMS[®] International Office on when the RSRC text seminar will be available.

If you have a chance to speak with Patrick Gerber, AMS[®], Bill Reed, AMS[®] or Brian McGillivray, AMS[®] be sure to congratulate them on successfully passing the AMS[®] upgrade exam, well done fellows.

Have you been to Savannah before? I just had the opportunity to spend a few days in this charming city, there is so much history, architecture and things to do. And guess what, that's where the 2019 IMEC is being held this September. What a great opportunity to network with your peers, accumulate CE credits and if you plan accordingly have time to visit one of the country's premier cities for tourism. Keep an eye out for your registration packet, but be sure to block out your calendar for September 25th through the 28th.

I hope to see you there.

**Randell Sharpe, AMS[®]
Pacific Regional Director**



We recently held the summer board meeting at the hotel where the annual IMEC conference will be held. It's a great facility right in the heart of Savannah. If you plan on attending, sign up as soon as the notice comes out, so you don't miss the opportunity. The schedule for training promises to be a good one. I hope to see you all at IMEC this fall.

Discussions were held regarding getting everyone up to speed on making sure their survey reports comply with the SAMS[®] recommended survey report content. Your report is a reflection of your professionalism. Give the RSRC guide a read with it next to your latest survey report to make sure you are in compliance. There will be an open book test sent out shortly for everyone to take for a couple extra CE Credits. The latest edition of the RSRC guideline is posted in the SAMS[®] documents section of the SAMS[®] Google Groups along with our policy manuals. If you are not a member of the SAMS[®] Google Group I recommend that you join. NO COST! Simply go to the website and sign up. www.Groups.google.com and search for the Society of Accredited Marine Surveyors[®]. When you sign up, SAMS[®] HQ will approve you as a member of this closed group. Ask Questions, Post Pictures, and Review SAMS[®] policy manuals, be sure to use your first and last name, so HQ knows who you are.

If you are a Surveyor Associate make sure you are sending in your annual reports to HQ for review. Review the language in your reports to make sure it makes sense and covers the recommended report content. Don't depend on a canned program to do this for you. Check it! This is necessary to qualify to upgrade to take the AMS[®] test. Don't wait until the last minute. The peer review process is meant to help members improve their reports, not grade their work.

I trust you are all busy. If not, double check your information on the SAMS[®] website at www.marinesurvey.org. I am regularly referring clients to the website when they can't wait until I am available for a survey. If your information is not up to date you are missing out. Let SAMS[®] HQ know of any changes needed. When you get an email from SAMS[®] HQ read it! It may be a job. Offer to give a talk at the local yacht club. Get some face time with the local yacht brokers. Talk to the local insurance brokers. Face time and shaking hands so people know you, it works.

As always be safe out there. Please let me know if you have any questions or concerns that you want to bring to the board's attention.



Dennis D. Eddinger, AMS®
Mid-Atlantic Regional Director



Well, here it is going into our summer season and I hope everybody is busy. It seems that, as always, the inland lakes of the Carolinas continue to be active with a lot of boats being bought and sold.

We do quite a business with boats going north and south out of the Carolinas to areas like all the Great Lakes, the Ohio river, the east coast as well as Lake Lanier in Georgia and beyond. I've often heard it said that people from "up north" retire, sell their house and move to the area and buy their retirement home and then the next thing they look at is a boat to use on the lake. Come on down.

We held our Spring Mid-Atlantic Regional Meeting on March 29th and 30th. We had a good turn out with 36 Surveyors and Associates attending. I want to thank our presenters for doing a "bang-up job" including some of our own members Fred Wright, AMS®, Douglas Alling, AMS®, Ron Doerr, AMS®, and Richard Fraker, AMS® along with some great outside presenters. We've started work on our next regional meeting and have a couple of interesting presenters committed already.

We had two members Ron Varg and John Burke, take their AMS® test and are now officially an AMS®. Congratulations to Ron and John and to everyone else who have become an AMS® since the first of the year when I was appointed.

I want to officially let everyone know that our Assistant Regional Director, Peter Stevenson, AMS® has successfully gone through some medical problems and is now on the job and is assisting us. In the future, if you can't get in touch with me, be sure and give "Pete" a call. His number is in the roster.

One last item, if you haven't already and you plan on attending the 2019 IMEC on September 25th to September 28th be sure and get your room reservations in. I understand the rooms are filling up fast. At our Summer BOD meeting, our Meetings/Conventions VP Joe Loble, AMS® covered the agenda and all other arrangements and it looks like he has done a great job. Be sure and be there if you can, there's a lot going on. Also, if your spouse is planning on attending, there's a lot scheduled for them also.

Nicole McLoughlin, AMS®
Canadian Regional Director



Happy Canada Day and Happy 4th of July to members south of the border!



It's been an extremely busy season thus far, compounded by record flooding and environmental change. Friday night I took a walk, where the Tall Ships were busy squaring away their decks in preparation for welcome receptions and deck tours at the Redpath Waterfront Festival. *In company was the first ship I sailed in, the first I crossed the Pacific in, and the first I stood aboard, briefly, as Master. My early career summed up in sweat equity, and good shipmates.*

I look forward to seeing you all in September, at the IMEC in Savannah, and at the next Canadian Regional Meeting, mid-November in Toronto.

Fair winds, be safe out there.



Joseph A. Derie, AMS®
SAMS® Commercial Workboat Chair
SAMS® Tug & Barge Chair



46 CFR SUB-CHAPTER M AND THE WORKBOAT EXCEPTION

46 CFR Subchapter M requires all towing vessels, with certain exceptions, to have a Certificate of Inspection. One of these exceptions, the workboat exception, is found in 46 CFR 136.105(a)(3) “A workboat operating exclusively within a worksite and performing intermittent towing within the worksite.”

46 CFR 136.110 *Definitions* defines *workboat* as “a vessel that pushes, pulls, or hauls alongside within a worksite.” *Worksite* is defined as “an area specified by the cognizant OCMI within which workboats are operated over short distances for moving equipment in support of dredging, construction, maintenance, or repair work. A worksite may include shipyards, owner’s yards, or lay-down areas used by marine construction projects. This definition does not include the movement of barges carrying oil or hazardous material in bulk.”

The Coast Guard has determined that, if operating as a workboat, as defined above, the vessel would not need to have a COI as required for towing vessels under 46 CFR Subchapter M. However, a workboat would still need to meet the requirements of 46 CFR Subchapter C for an uninspected commercial vessel.

Note that the definition of worksite states “an area specified by the cognizant OCMI.” Conversations with local Coast Guard authorities indicate that the USCG will need to approve and define the limits of each jobsite for these vessels operating in their area. As the vessel moves from jobsite to jobsite the OCMI will need to be informed and approve and define the limits of each jobsite. This will probably need to be in writing. If the jobsite is within the area of another OCMI, that individual will need to be contacted, for their determination.

When moving between jobsites the workboat cannot engage in towing. Any barges or other vessels that require movement will need to be moved by a towing vessel with a COI.

Questions concerning the specifics for determining whether a vessel is a workboat and its worksite of potential worksite should obviously be directed toward the OCMI with jurisdiction over that vessel.

When surveying these vessels surveyors should note specifically the requirements of 46 CFR Subchapter C. These vessels are also required to meet OSHA standards per OSHA Instruction, Directive Number: CPL 02-01-04, effective date: 02/22/2010, Subject: *OSHA Authority Over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS)*. Experience has shown that cranes on these vessels are normally not properly inspected as required by OSHA 29 CFR 1919 *Gear Certification*. Experience has also shown that these vessels’ electrical systems and shore power ties frequently do not meet the industry (ABYC or NFPA) standards and should be surveyed closely.

As always, I hope anyone who wants to discuss this column or has questions about commercial workboats, tugs, barges or 46 CFR Subchapter M will contact me at 503-236-6818.



ADMIRALTY LAW

Expert Analysis

Supreme Court Dips Into Admiralty

From a tugboat, on the river going slow.

A cement bag it is dropping on down

...

—Frank Sinatra,
“Mack the Knife”

Like Frank Sinatra, the U.S. Supreme Court loves all things maritime. So much so, that its first maritime contract dispute was decided in 1781. Now, 238 years after that first contract decision, with many in between, the Supreme Court has its radar set on resolving another important maritime contract dispute.

The case is not about a tugboat or cement bag dropping overboard, but a spill of 264,000 gallons of crude oil into the Delaware River. A nine-ton anchor sliced through the skin of an oil tanker while approaching its berth in Paulsboro, N.J. The anchor, long abandoned in the navigation channel, pierced the hull of the Motor Tanker (M/T) ATHOS I causing the oil spill. *U.S. v. CITGO Asphalt Ref. Co. (In re Frescati Shipping Co.)*, 886 F.3d 291 (3d Cir. 2018).

Admiralty is like a pleasure cruise for the Supremes. Wherever it takes them, they are happy to go! In 2004, the Supreme Court decided “a maritime case about a train wreck.” *Norfolk Southern Ry. v. James N. Kirby, Pty Ltd.*, 543 U.S. 14 (2004) (J.

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By
James E.
Mercante



O'Connor). In 1995, a case to define who is a “seaman.” *Chandris v. Latsis*, 515 U.S. 347 (1995). In 2013, a case to define what is a “vessel.” *Lozman v. City of Riviera Beach*, 568 U.S. 115 (2013). Hard to believe such terms need defining so many hundreds of years after the term “admiralty and maritime law” first appeared in the United States Constitution. (Article III, §2, “The judicial power shall extend ... to all cases of admiralty and maritime jurisdiction.”). Such other notable cases as the TITANIC, EXXON VALDEZ and the BP oil spill (DEEPWATER HORIZON) have been in the Supreme Court’s wheelhouse. Indeed, in just his third decision on the bench, Justice Brett Kavanaugh authored a maritime products liability case involving asbestos exposure to U.S. Navy personnel. *Air & Liquid Sys. Corp. v. DeVries*, 139 S. Ct. 986 (March 19, 2019).

What Is a Safe Berth?

M/T ATHOS I is a contract case stemming from the massive 2004 oil spill which is being taken up to resolve a split in the Circuits on another seemingly innocent question: What is a “safe berth”? *In re Frescati Shipping*, 139 S. Ct. 1599 (April 22, 2019). This is important because ‘uniformity’ in the Circuits is a primary mission of admiralty law in general and The

Maritime Law Association of the United States (MLA) in specific. The Supreme Court will decide a conflict between Second and Third Circuit rulings on the issue, versus the Fifth Circuit.

The ATHOS I had completed its 1,900-mile voyage laden with Venezuelan crude, and was only 900 feet (about a ship’s length) away from docking at Paulsboro, with a harbor pilot onboard, when the vessel struck the abandoned anchor in the channel. The spill polluted hundreds of miles of shoreline in New Jersey, Pennsylvania and Delaware, and was the second worst oil spill in U.S. waters at the time. The incident is one of several oil spills that sparked Congress to require the use of double-hull tankers. 33 C.F.R. §157.10(d). The oil spill cleanup cost the shipowner and the U.S. Government a combined \$143 million. Both sought to recoup the funds under the Oil Pollution

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Act (OPA) of 1990, 33 U.S.C. §2701, et al. from the voyage charterers (lessee) of the vessel CITGO Asphalt Refining Company, CITGO Petroleum Corp. and CITGO East Coast Oil Corp. (CARCO). The OPA ‘90 legislation resulted from the aftermath of the 1989 M/T EXXON VALDEZ oil spill in Prince William Sound, Alaska.

Circuit Split

The Third Circuit decided to follow Second Circuit law that a safe-berth clause in

a ship charter contract is a form of strict liability rule that guarantees a ship's safe arrival to the berth. The Second Circuit decided in *Cities Serv. Transp. Cop. v. Gulf Ref. Co.*, 79 F.2d 521 (2d Cir. 1935) that "the charter party was itself an express assurance, on which the master was entitled to rely, that at the berth 'indicated the ship would be able to lie always afloat.'" This rule was confirmed in *Venore Transp. Co. v. Oswego Shipping*, 498 F.2d 469 (2d Cir. 1974), wherein the Second Circuit held that a voyage charterer "had an express obligation to provide a completely safe berth, an obligation which was non-delegable." On the other hand, the Fifth Circuit rejects this strict liability standard and held in *Orduna S.A. v. Zen-Noh Grain Corp.*, 913 F.2d 1149 (5th Cir. 1990), that "no legitimate legal or social policy is furthered by making the charterer warrant the safety of the berth it selects. Such a warranty could discourage the master on the scene from using his best judgment in determining the safety of the berth. Moreover, avoiding strict liability does not increase risks because the safe berth clause itself gives the master the freedom not to take his vessel into an unsafe port. In conclusion, we hold that a charter party's safe berth clause does not make a charterer the warrantor of the safety of a berth. Instead the safe berth clause imposes upon the charterer a duty of due diligence to select a safe berth."

Procedurally, the shipowner (Frescati) fired the first shot by filing the standard vessel owner defense in federal court seeking Exoneration from or Limitation of Liability under 46 U.S.C. §30501, et al. This was followed by a claim against the shipowner by 'CARCO' for the loss of its oil cargo. Frescati counterclaimed against CARCO in tort and for breach of contract for its own unreimbursed clean-up costs of \$56 million. Br. for Petitioner, *CITGO Asphalt Ref. Co. v. Frescati Shipping Co.*, 139 S. Ct. 1599 (2019) (No. 18-565).

Frescati's contract claim, which is the only surviving claim, asserted that CARCO breached the safe-berth provision in the voyage charter contract even though

Frescati was not a party to that maritime contract.

The safe berth clause in the voyage charter that will be scrutinized by the Supreme Court reads:

[t]he vessel shall load and discharge at any safe place or wharf ... which shall be designated and procured by the Charterer, provided the Vessel can proceed thereto, lie at, and depart therefrom always safely afloat, any lighterage [cargo transfer] being at the expense, risk and peril of the Charterer ...

Due Diligence or Bust?

The bottom line inquiry for the Supreme Court is how wide a net is cast, or scope of, the safe berth warranty. As mentioned, the Second Circuit view is strict that the clause effects an "express assurance that

The ball is now in the Supremes' court to decide yet another important issue facing commercial shipping and the affected parties.

the berth will be as represented." The Fifth Circuit attaches a duty of "due diligence" on the charterer to select a safe berth. *Shipping Co. v. CITGO Asphalt Refining Co.*, 718 F.3d 184, 203 (3d Cir. 2013).

The charterers' position is that rigid adherence to a strict liability warranty is harsh and lacks consideration that the charterer may have done absolutely nothing to either create the hazardous situation or contribute to the damage. CARCO had nothing to do with the abandoned anchor left lying beneath the surface in the navigation channel many years before the M/T ATHOS I embarked on its voyage to the CITGO refinery in the Port of New Jersey. CARCO thereby argues that it was an 'innocent' party and should not be held accountable for the massive oil spill.

This was a case with no clear horizon. In 2011, the trial court cleared CITGO and placed blame instead on the owner of the abandoned anchor, *In re Frescati Shipping*

Co., 2011 U.S. Dist. LEXIS 40020 (E.D. Pa. 2011), only to be vacated in 2016, when the same court found CITGO negligent and in breach of the charter contract warranty, for failing to provide a safe berth for the vessel. *In re Frescati Shipping Co.*, 2016 U.S. Dist. LEXIS 96761 (E.D. Pa. 2016). It's interesting to note that a bench trial took place with more than 20 witnesses over 41 days, as well as appeals and remands for over 15 years, when it would appear that all the Third Circuit would have required (now) was a motion for summary judgment on the 'warranted' safe berth as a pure breach of maritime contract. The contractual warranty does away with liability based on fault, or any evaluation of 'due diligence.' But, is that really the proper result in determining huge liabilities for such massive oil spills? Indeed, that is the difference between breach of contract and maritime tort principles.

Conclusion

The impact the Third Circuit's ruling has had on commercial shipping and maritime charter contracts is hard to tell, but no doubt 'innocent' voyage charterers are keenly aware, if not wholly spooked by the tremendous exposure to strict liability posed by a safe-berth clause. The result presently depends on the venue of the litigation and what law applies. For this reason alone, the Supreme Court must weigh in.

The ball is now in the Supremes' court to decide yet another important issue facing commercial shipping and the affected parties. In the long run, it may boil down to the intent of the original drafters of the safe berth clause; and for that answer, the Supremes may have to look back hundreds of years!

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Check the Alarm!



Old carbon monoxide detectors, like Aqua Meter and Newtec were discontinued in the mid-1990s' and should all be replaced.

Safe-T-Alert Sounds the Alarm on Old Carbon Monoxide (CO) Detectors

Many boaters believe, since their boat came with a CO detector, they are good to go but that might not be the case as the detectors have a much shorter lifespan than the boats do. CO detectors first came to the market in the 1980s and some of those original detectors are still installed on older boats that are currently up for sale.

Safe-T-Alert is encouraging every surveyor to “Check the Alarm” and replace any detector with an on/off switch or a “plug-in connector” on the circuit board. If it does not have either of those, then check the date code on the unit and replace anything that has been used for more than five years.

MTI recommends replacing all Safe-T-Alert™ alarms with model numbers: SA-4, SA-5, 50-541/542 and 60-541/542. These model numbers were designed in the 1980s or 1990s and have all exceeded their useful life.

Surveyors should also recommend replacement of CO detectors from the following brands that have been out of production for decades: Aqua Meter, Asahi, and NewTec. Also be aware that Fireboy-Xintex, Inc., model CO Sentinel CMD-4 is not currently UL certified.

For those replacing older or larger alarms, MTI offers oversized “legacy” cases, that will cover and/or fit most of the old alarm installations.

[VIEW MORE OBSOLETE ALARMS](#)

SAFE-T-ALERT | <https://www.stamarine.com>

A Comparison of Lashings for Heavy Lift Deck Cargoes

By Mike Wall

Cargoes carried by sea require more lashings than for those carried by road or rail. Deck cargoes, because of their very location and the means by which they are secured, will be subjected to velocity and acceleration stresses greater, in most instances, than cargo stowed below decks. Over the years lashing techniques have evolved to suit particular cargoes loaded on various types of vessel operating in different weather conditions. With the introduction of new technologies in the offshore industry lashings have had to change with the times.

More recently there has been a rapid expansion in offshore oil and gas operations but more so in the development of land based and offshore wind farms employing wind turbines to generate electricity. This in turn has generated a new industry in the construction of wind turbines and towers with the need for shipping from manufacturer to user with appropriate lashing arrangements.

Traditional methods of lashing heavier loads have been with wires and occasionally chains. However, the development of polyester webbing has added an alternative.

Chains

Where chain lashings are used they tend to be supplied in precise lengths already fitted with terminal points and tightening devices. Bottle screws or tension levers will be required to tension the chains after fitting. Where there are several chain lashings in close proximity there can be difficulty in adjusting bottle screws or tension levers.

Chains are widely used in the securing of freight containers, timber cargoes and vehicle trailers. In general, chain used for non-specific uses is awkward to handle, tiresome to rig, difficult to cut to length, and does not render easily. For general purposes it is most effectively used in relatively short lengths in conjunction with, or as a part of, lashings otherwise composed of wire or webbing.

Chains tend to need daily checks on their tension during a voyage, which might not be possible in heavy weather. There is also a limit to the amount of adjustment of the chains due to the design of the bottle screws. They are re-usable but are susceptible to heavy corrosion wastage which can significantly reduce their performance.

Wire rope

It is recommended that wire ropes should be round-stranded, flexible and not so great in diameter as to make their use cumbersome. They tend to come in coils requiring cutting to length with the need for bulldog grips and bottle screws.

Wires of different construction and of varying sizes or strength may be needed for particular lashing purposes and the certificated minimum breaking load should always be verified before using such wires.

Where there are several wire lashings in close proximity there can be difficulty in adjusting bottle screws, both during initial lashing and tensioning during the voyage.

Wires tend to need daily checks on their tension during a voyage, which may not be possible in heavy weather. There is also a limit to the amount of adjustment of the wires due to the design of the bottle screws. Wires are also not re-usable.



Cont.

Webbing

The use of webbing slings and webbing lashings for cargo securing purposes has steadily increased over the past decade or so. There are instances where webbing is ideal for securing deck cargoes and there are other instances where it should be used with caution.

Whilst it was previously believed that webbing should not be applied to large, heavy, crated items or high standing heavy machinery where relatively long spans may be involved the systems now available can effectively overcome this problem.



Webbing is manufactured from impregnated woven polyester fibre and therefore will stretch more than wire rope. It is supplied in reels and may be easily cut and fashioned to any required length, Those using it on a regular basis have lengths made to order.

Webbing should not be used without checking the manufacturer's literature as to its nature, breaking load and application. Recent independent tests confirm that good quality webbing will not fracture at loads less than those specified by the manufacturers. Tension on a hand ratchet can be obtained easily up to 0.54 tonnes and then with increasing difficulty up to a maximum of 0.60 tonnes. These figures may be increased further with specialised tools used during the ratchet tensioning.

Recent tests have shown that webbing under tension will return to its original dimensions on release of the load which makes it re-usable.

Webbing has the following advantages:

- It is light and easy to add or remove in a system.
- A webbing system is quicker to fit than any other lashing system.
- It is by far the easiest to adjust at sea with no limit on the amount of adjustment.
- It is safer for stevedores, lashing gangs, and crews to handle (SOLAS).
- There is less chance of cargo contact damage.
- It can be returned to the origin port at low cost.
- It is reusable.
- It has elasticity which means a more constant tension on the cargo as the forces increase but more importantly as they diminish.
- Web lashings are environmentally friendly due to the ability to re-use.
- Whilst chains and wires have a lower initial capital cost, webbing is much less costly when taking into account the number of times it can be re-used.
- The load capacity of webbing is easily identifiable.

Ship's officers also report that they do not have to retension webbing lashings as much as wire or chains during a voyage.

Chains and wires are known to remain permanently elongated after loading, hence the need for frequent retensioning. Web lashings once stretched will retract when the load is removed giving a more consistent tension. Once stretched wires or chains have to be tightened or will be slack to some degree. If the slack remains shock loading of 2 x breaking load may result.

It is important to note that several carriers have been using webbing for lashing of heavy loads, eg, wind turbine towers for several years without problem. It is therefore suggested that web lashings have become the custom of the trade for certain heavy loads.

So you are thinking of working from home

By Mike Wall

"Daddy, could you fix my rollerblades for me please?" is not the usual question heard whilst hard at work in the office. However, should you decide to work from home you can expect interruptions of this nature at any time during your working day.

With the advent of personal computers, email and the internet, many companies are relocating their staff to their homes. Employees may only need to report to the office once a week. In locations such as Hong Kong, Singapore, Bangkok and Tokyo where office space is at a premium, and sometimes in short supply, it is now becoming cost effective to reduce office area and relocate employees to their homes.

Before you rush to move out of your plush office and into the spare bedroom there are a number of pros and cons you should be aware of

Working from home is not suited to everybody or every type of job. If you tend to work alone, having very little contact with others, it is ideal, particularly if your clients are elsewhere in the world and they rarely visit your offices.

If your work does not involve visiting your clients frequently, then working from home could be for you. Clearly, if you only need a PC to do your work in the office, your home is a possible alternative. However, if you need peace and quiet to work and have a young family it may not be appropriate.

Those with younger families can find it very rewarding, whilst those with young babies may find it a strain. There is a great deal of satisfaction in being able to meet your children off the school bus or as soon as they arrive home. However, this can get out of hand if they expect you to give them complete, undivided attention once at home. Hence the ability to shut the office door and time management are critical to the success of home-based operations.

One of the advantages of operating from home is that the travel time to the office is reduced to zero. It can be very rewarding watching the morning and evening traffic jams from the comfort of your home office whilst listening to your favorite CD. However, the time saved should not be sacrificed lightly by staying in bed that extra half hour. Use it to good effect by starting early so that you may finish early and spend some time with the kids. When the pressure is on to complete by a report deadline, working after dinner then becomes more acceptable to the family.

Working alone at home has its dangers. There is a temptation to fall out of bed and remain in pajamas all day, eating only snacks. Attending business lunches, meetings and seminars occasionally can prevent the development of sloppy habits and introduce a more balanced diet.

One's spouse can also cause problems, bothering you with trivia from time to time. Set the ground rules early, reminding them that this is your office. A knock on the door can avoid annoyance to both parties. If you don't wish to be disturbed, close the door. Another problem can be when your spouse sees the cheques coming in but not the expenses going out. If your spouse is involved in the banking of debtor's payments, make sure she is also involved in filling out the cheques to your creditors.

Working from home can also sort out your personal relationship. If you can't live together for 14 hours of the day it is sure that you won't be able to live and work together for 24 hours. You have to be sure that you can work together as professionals during the day. This is why business priorities must be set early. If your spouse is a professional in her own right, she should be allowed to continue her career. If you are not a touch typist, or fast with two fingers, a part time secretary will be a must. This can in turn cause problems with jealous spouses.

If you are establishing your business afresh from home there will come a time when your spouse will ask why she is not a partner in the firm. This is difficult but must be handled firmly. Our professional standing is based on our professional qualifications and experience. If your wife has a Class 1 deck or engine certificate and a degree in an associated subject you have no defense!

How long do your spouse and kids spend on the phone to friends? It is advisable to have a separate private line, keeping your office phone free for business calls. This also helps to separate business and private expenses.

There is also the danger of becoming a workaholic. With your PC immediately at hand there is the temptation to take the 'job and finish' attitude, ie, not finishing work until the job is completed, sometimes at three in the morning. Set your start/finish times, coffee and meal breaks early and try to keep to them. Prioritize your time as you would in a formal office. Working from an office you would normally leave personal business until after office hours. When working from home you can do those personal things during office hours and make up the work time later in the evening.

However, because of this new found freedom, there may be a temptation to ignore work and do the things you enjoy instead. People who have no time management skills should not entertain the thought of working from home.

A word of warning here. Working from home can carry a stigma. Larger companies tend to be elitist about people who work for them. If you work from home you may not be seen as serious about your business, despite the fact that you may be offering a more efficient and cost effective service around the clock. The lower cost and higher efficiency advantage is not always the prime concern for your clients.

Working from home also suits the marine surveyor starting up on his own. In this way he can keep operating costs to a minimum. This gives some breathing space whilst building up the clientelle.

So within a year you have built up a good business and need additional staff. Having strangers in your home on a daily basis can cause problems. Do you move out into offices or carry on from home? Those who have tried working from home with associates working alongside agree that the informality and efficiency of the system is very appealing.

However, there is a need to be able to separate home and office to some extent. If it is possible to keep the two separate and have a separate entrance/exit then it can still work. If your staff prefer the informality of the system there is also no reason why they should not be allowed to work at their home.

It may also be an advantage when you need some peace and quiet to finish off an important project. If you are not paranoid about your staff being in the office during working hours, the odd day off in lieu can help to create a more informal system of work.

If you live way out in the sticks it may not be convenient for your staff and accordingly you may have to opt for an office after all.

(Excerpt from 'Running a Marine Survey Company' by Mike Wall, published by Petrosport. www.petrosport.com/books)

Summary

Advantages and Disadvantages of Working from Home	
Advantages	Disadvantages
No travel time to the office	Not in the swim of business culture
Work late when required	Family distractions
No downtime for lunch & coffee breaks	May be remote from business district
Flexible working hours	Sloppy dress can become a habit
Family members can assist	Stigma of not having a formal office
24 hour service for clients	Jealous spouse
Saving in cost of working clothes	Interfering spouse
Quality time with family more often	Proximity of services, eg, photo developer, printer, post office, etc
Family accept travel when Dad can be home the rest of the time	Family see the cheques coming in but not the expenses going out
Family accepts the work ethic more readily	



UNITED STATES COAST GUARD
U.S. Department of Homeland Security

MARINE SAFETY ALERT
Inspections and Compliance Directorate

April 24, 2019
Washington, DC

Safety Alert 05-19

MAN OVERBOARD!

An unusual fatality calls for reassessment of hazards & risks.

Last fall a very large 1,100 foot container ship was arriving the Port of New York/New Jersey in heavy weather with about 40 knot winds, 13 foot swells and 60° F seawater temperatures. As the vessel maneuvered at about 10 knots to make a lee in preparation to embark a ship's pilot via a side shell access port, it was hit by heavy seas that forced the side shell hatch door open resulting in flooding of the embarkation space, sweeping one crewman out to sea and injuring another. At the time of the casualty, the vessel was on a west northwesterly course with seas on the vessel's starboard quarter.



Arrow indicates location of watertight door.

The ship's Boatswain and Ordinary Seaman (OS) were manning the port side shell access port and pilot embarkation space behind a hydraulically operated bi-fold hatch door, pictured below, and were preparing for the pilot's arrival. The port was located forward of the house and approximately 13 feet above the waterline. The Boatswain and OS were unable to monitor the seas from their position behind the hatch door. As the two crewmembers were in the process of opening the door, seas unexpectedly struck and violently forced it open, flooding the space. The OS was not wearing a harness or safety line nor a personal flotation device; he was subsequently swept out to sea. The Boatswain was forced onto the deck whereby the pilot ladder fell on him, fracturing his leg. The side shell door also suffered structural damage during the incident, again echoing the dangers of and power of the sea. Coast Guard Sector New York launched an extensive search and rescue mission that was terminated with no success after a 28 hour search. The OS was lost and was presumed dead.



Outside view of door.

This casualty reiterates the dangers of personnel exchanges at sea, especially in heavy weather conditions. Even though the side shell hatch door was located on the port side and was being brought onto the vessel's lee, the crew's inability to observe and assess the sea conditions combined with the ship's roll and sea state presented significant risks.

The Coast Guard strongly recommends owners and operators of deep draft vessels:

- Review vessel Safety Management Systems, procedural manuals and guidance that relate to pilot transfers and update as appropriate considering risks revealed by this casualty;
- Reinforce the importance for crewmembers to wear personal protection devices and safety lines when working over the side of a vessel, when exposed to the elements or when there is an absence of barrier that could prevent an accidental water entry;
- Ensure officers and crew identify potential hazards and conduct a risk assessment, to include a consideration of weather conditions, prior to opening the side shell port hatches;
- Ensure crew communications between Navigation Watch Officers and crew, in situations such as this, are clear and provide suitable supervision of activities, considering sea state and other changing conditions.

This Safety Alert is provided for information purposes only and does not relieve any domestic or international safety, operational, or material requirement. This was developed and distributed by the Investigations Division Sector New York and the Office of Investigations and Analysis. Questions may be sent to HQS-PF-flr-CGFINV@uscg.mil.

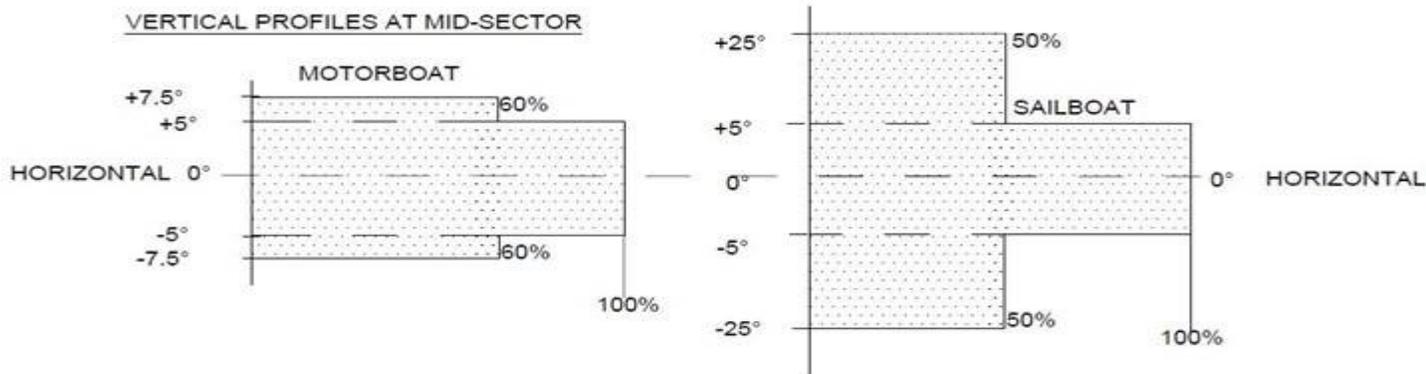
United States Coast Guard Headquarters
Inspections and Compliance Directorate
Washington, DC

March 14, 2019
Safety Alert 02-19

Not all navigation lights are created equal.

Navigation lights intended for use on power driven vessels may be different from navigation lights intended for use on sailing vessels. Although the horizontal arc of visibility is the same for all lights, the vertical divergence (i.e. vertical arc of visibility) requirements for lights on vessels under sail are larger to accommodate greater heeling. Manufacturer labeling may not discriminate between the different requirements. Navigation lights that claim compliance with the navigation rules^[1] may meet the vertical visibility requirements for a power driven vessel, however, they may not comply with the vertical visibility standards for sailing vessels. Manufacturer labeling may not indicate that the lights are designed for use on power-driven vessels only.

Annex I (COLREGs section 10 and Inland 33 C.F.R. part 84.16 “Vertical sectors”) prescribes the degrees and intensities that navigation lights must meet on the vertical plane. Many boat owners may not be aware of the +/- 25° vertical light divergence requirement for sailing vessels, a 17.5° increase from the power-driven vessel standard. Installing a navigation light, designed for use on a power driven vessel, on a sailing vessel may result in the light losing visibility when the vessel heels beyond the narrower +/- 7.5° vertical divergence angle established for power-driven vessels. A sailing vessel operator in this situation would likely not realize that the sailing vessel’s lights were not visible when heeling beyond 7.5°.



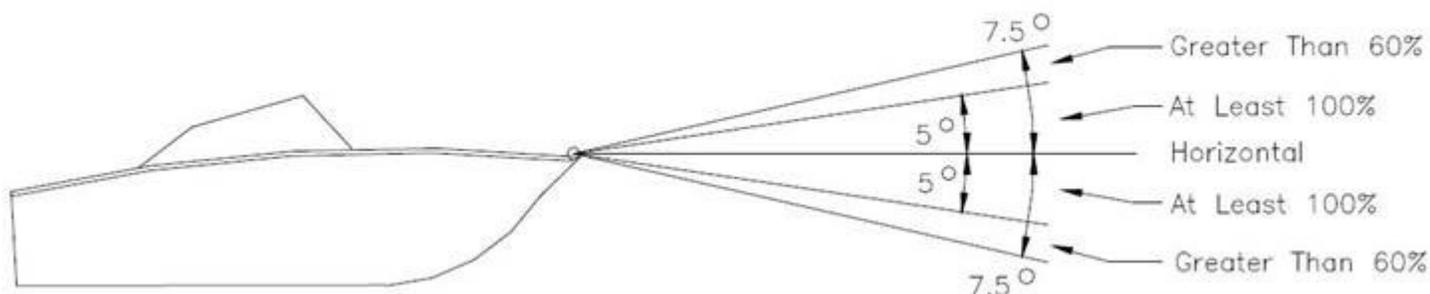
What does this mean?

If your sailboat does not have the correct lights (sidelights, masthead lights, all-round lights, and/or combined lantern) and it heels past a certain degree, it may not be observable by other vessel operators.

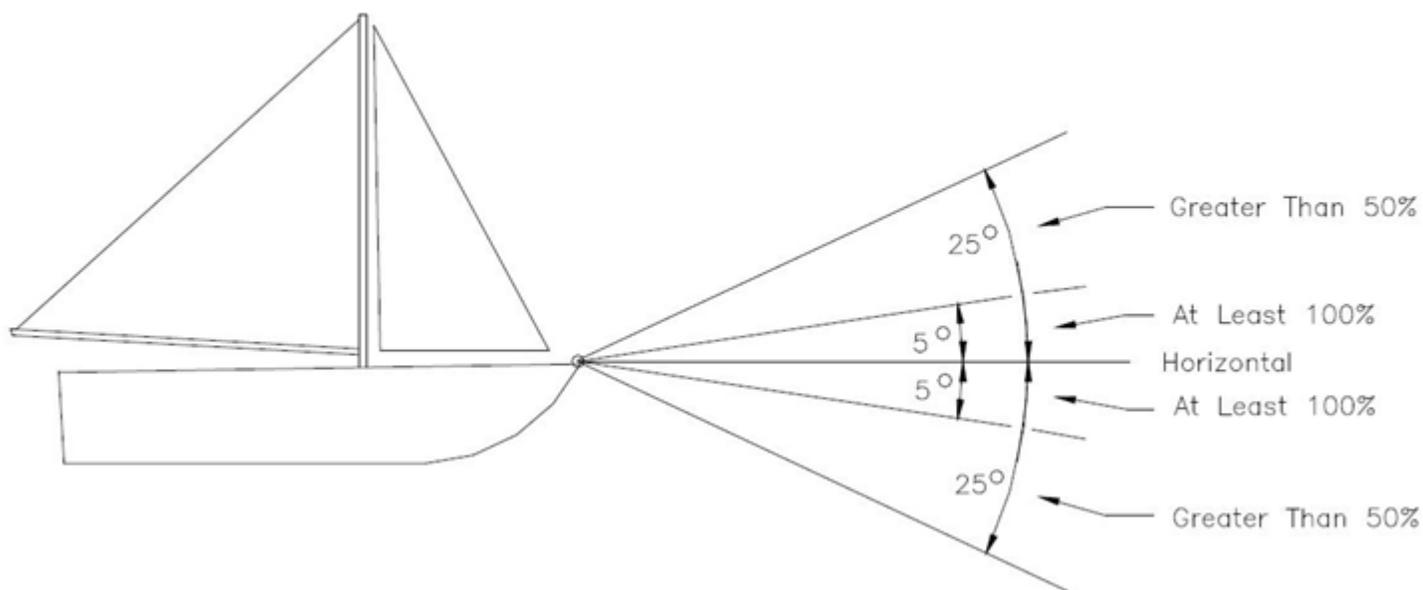
Why is that important?

You may not know that other vessels cannot see you due to the heel of your vessel. Failure to operate with the correct navigation lights may create a situation where you mistakenly believe another mariner is able to ascertain your vessel's aspect or operational condition, which increases risk of collision.

POWERBOAT ONLY



SAILBOAT UNDER SAIL ONLY



Although a navigation light designed for a sailing vessel will not meet the vertical visibility requirements for a power driven vessel, it does not pose a commensurate safety concern (see diagram above). Manufacturers should be aware of the larger vertical visibility requirement for lights installed on sailing vessels. Likewise, sailing vessel operators and vessel repair facilities should ensure the installed lights meet the applicable requirements in Annex I. Since not all navigation lights are designed similarly, ensure that when you install a navigation light it is USCG certified for the length and type of boat. Such information should be readily available from reputable sources such as the light or vessel manufacturer.

This Safety Alert is provided for informational purposes only and does not relieve any domestic or international safety, operational, or material requirement. Developed and distributed by the Office of Navigation Systems. Questions may be sent to cgnav@uscg.mil

John Dolmage, AMS®

Surveyors Notes:

I see the same habits used on mostly pleasure vessels but, also on many commercial vessels as well. Some of these methods are the owners and some are the service companies hired to perform regular maintenance, but all are endangering your vessels and their machinery, and are simple to correct.

1. Using the appropriate anodes to protect your hull and machinery.

Zinc has been the standard anode to protect against electrolysis in salt water. Aluminium anodes have been making inroads as their performance has been improving and they are now considered as good or better protection than zinc. Zinc also contains cadmium which is a toxin and damaging to marine, as well as all life. Aluminium anodes contain no toxic materials and are 2 ½ times lighter than zinc.

In fresh water only, boats should be protected with magnesium anodes. I have seen many steel tugs and barges on the freshwater systems which have become badly pitted and their paint coatings destroyed from electrolysis, because they have used zinc anodes. In fresh water, zinc quickly forms a crusted surface which seals it off and stops it from reacting with the water. Aluminium anodes will work to some extent in fresh water, but they also can crust over. Magnesium will provide the best protection in fresh water.

There is an aluminium anode material called Navalloy which claims to be a better choice in all environments, particularly if a vessel is running in both salt and fresh waters. I have not had any experience with this product, yet.

It is important to ensure that your anodes are making proper contact with the material they are intended to protect. You must have metal to metal contact. If there is a layer of paint between the surfaces it will insulate them and the anodes will not be effective.

2. Checking and replacement of the anodes in heat exchanged systems.

I rarely see anodes installed in heat exchangers properly. Most commonly the brass plug has been heavily wrapped with Teflon tape or pipe dope – this simply isolates the electrical contact (grounding) between the anode and the heat exchanger body making the anode ineffective. I've even seen the anode threads sealed from the brass plug with various materials, all which isolate or insulate the anode from the engine making it ineffective. On top of it all, often the brass plugs require an 18" pipe wrench to back them out!

Brass is soft and has a certain amount of lubricity so it does not require sealant tape, especially in this application where there is not direct pressure on the joint as the plug is installed at a right angle to the water flow. The plug only requires enough torque to seal the threads and with brass in reasonable condition this should require no more than a firm pull on a small wrench. Always check it for leaks after the engine has warmed up. If the plug has been used repeatedly and the threads are worn or damaged it should be replaced. It's wise to have a spare plug on hand. Ensure the internal plug surfaces are clean and make good contact with the new anode. Wire brush it with a brass brush or give it a rub with a bit of emery cloth or even sandpaper.

If you are concerned with the threads galling or binding you can wipe a very thin amount of Never Seize or other metallic type lubricant on the threads. The anodes should be checked regularly. I have encountered a few owners who are surprised to be shown they actually have – or had anodes protecting their machinery!

3. Closing sea valves while laid up.

I refer to any valve below the waterline as a sea valve. All sea valves should be kept closed if not in regular use or the vessel is not crewed. Rarely do I see pleasure vessels with their sea valves closed while in winter lay-up. This is a simple and important safety step, plus it's good to operate these valves on a regular basis so you know they are functioning. If there is difficulty while operating one be sure to pull it out while the vessel is out, and have it serviced or replaced. Commercial vessels have their sea valves removed and serviced every 4 years.

I see many pleasure vessels whose valves have never been removed or serviced in 30 or 40 years, some are green and look to be so badly embrittled you are afraid to touch them.

4. Sight glasses on fuel tanks.

Many pleasure vessels fuel tanks are fitted with sight glasses and not only are most of the glasses not protected or supported with some sort of parallel frame or box, but their valves are most often left open. If there were to be a fire in the engine compartment, a sight glass would quickly fail due to heat and then provide “fuel for the fire”. These valves should normally be closed and only opened long enough to get a level reading. I would suggest installing a spring loaded safety valve on at least the bottom of the sight glass. These require a plunger be manually depressed to open the valve and the valve springs closed when the plunger is released. In this case both valves plungers would have to be depressed at the same time to get the reading.

5. Bugs in your fuel vents.

Some smaller through hull fuel tank vents and many older vents do not have wire mesh screens. The screens do two things, one and most importantly is they are fire screens or flame arrestors and will prevent the vent from becoming a blow torch in case of a fire. Secondly, the screen prevents certain bugs from getting in who like to build their nests in little holes. Mud wasps are especially good at this and will completely block off a fuel vent if they can get into it. I have had several cases where people have been out for a run and the engine shuts down or the boat takes on a list because the fuel is only being pulled from one tank, for no apparent reason and would continue to do so until they were told to check the fuel vents.





SAFETY ALERT No. 19-02

Serious Crew Injuries on a Passenger Vessel

1. Introduction

- 1.1. A new Safety Alert has been issued by the Bahamas Maritime Authority concerning the incident involving serious crew injuries on a Passenger vessel.
- 1.2. The Bahamas Maritime Authority wishes to bring the information referenced in Paragraph 2 to the attention of interested parties¹.

2. Description of incident

- 2.1. A leak was observed in the area around the insulated hot potable water pipe in the Engine room on deck 2. In the vicinity of the leak, the Hot Potable Water pipeline section had 2 Straub couplings.

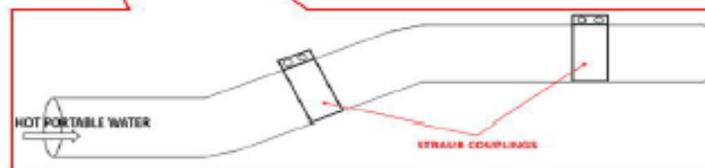
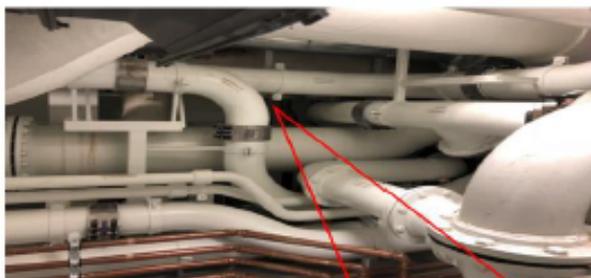


Figure 1: Location of Straub couplings² on deck 2

¹ This Safety Alert is provided by the Bahamas Maritime Authority with the aim of highlighting incidents, lessons learnt and to increase awareness, which may help avoid similar incidents occurring elsewhere. Any queries on the content of the information provided should be referred to the party providing the information

² Image is only for illustration purpose and not as per scale

3. Casual Factors

- 3.1. The causal factors are not conclusive as the investigation remains ongoing, however, the factors identified below should serve as a useful reminder to crews operating tender boats.
- 3.2. The wave was likely generated by a passing vessel, at speed and in close proximity to the tender platform. The wake produced from this passing boat was significant and struck the tender boat on the beam during the passenger disembarkation process.
- 3.3. The wave was not observed visually by the crew of the tender boat or those on the platform assisting the passengers during the disembarkation process.
- 3.4. The tender boat was committed to the disembarkation process and exposed to the wake generated by this passing vessel.
- 3.5. The passing vessel lacked sufficient spatial awareness and failed to observe good seamanship in recognizing the danger posed in passing at close proximity to another vessel conducting small boat operations.

4. Actions Taken

- 4.1 This incident is currently being investigated by the coastal State in consultation with the flag State who are recognised as a substantially interested State along with the assistance of the vessel owner and operator.
- 4.2 Recommendations and lessons learnt will be forthcoming and will be made publicly available.

5. Validity

- 5.1. This alert is valid until further notice.

6. Revision History

Rev.0 (20 March 2019) – First issue



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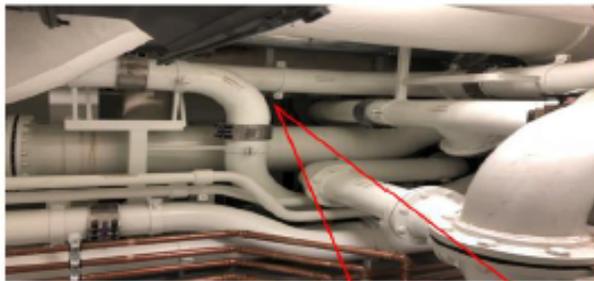


Figure 1: Location of Straub couplings² on deck 2

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- 2.2. The Motorman and Oiler were tasked to remove the insulation material and tighten the Straub coupling while the system was under operation with water at a pressure of 8 to 9 Bars and with a temperature of around 65°C.
- 2.3. The crew members tightened one Straub coupling on the forward side. However, the leak was still observed from the aft section of pipe, the Motorman tried to tighten the aft Straub coupling and found that the bolt on the Straub coupling was loose. Subsequently, the Straub coupling failed, resulting in the pressurized release of hot water and steam.
- 2.4. Both personnel experienced severe burn injuries due to the exposure to hot water (65°C) and steam.

3. Casual Factors

- 3.1. The causal factors are not conclusive as the investigation remains ongoing, however, the factors identified below should serve as a useful reminder to crew members undertaking maintenance of any system under pressure or with potential of exposure to high-temperature liquid/gas.
- 3.2. The work activity involved restricted access in the vicinity of the leak and pressurized (8-9 bars) hot (65°C) potable water pipeline. However, no risk assessment or "toolbox meeting" was conducted before commencing the work activity and the procedure for lockout and tagout was not considered to be implemented before commencing the work activity.
- 3.3. The installation guide of the Straub coupling's product brochure available on the manufacturer's website states: *'The couplings do not require any maintenance and must not be retightened once the torque has been reached'*. Neither the manufacturer's installation guide nor company specific guidelines or procedures related to the Straub coupling were available on board and therefore could not be used by the crew in case of leakage from the Straub coupling. It was also determined that there was no maintenance schedule available onboard related to the checks or inspection of the couplings on the hot potable water system. The maintenance schedule of the hot potable water system consisted of the inspection and maintenance of the hot potable water pump, motor and the heat exchangers.
- 3.4. From the forensic evaluation conducted into the failed Straub coupling, it was determined that the Straub coupling failed due to stress corrosion cracking due to exposure of chlorinated water. The likely source of chlorinated water is the leakage through the gasket to the pipe interface.

Contact:

SAFETY ALERT No. 19-02
casualty@bahamasmaritime.com
Investigations Department

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+44 20 7562 1300

However, it could not be determined if the leakage occurred as a result of a deteriorating gasket or due to faulty installation of the coupling.

4. **Actions Taken**

- 4.1. This incident is currently being investigated by The Bahamas Maritime Authority. The recommendations and lessons learned will be forthcoming on completion of the investigation and will be made publicly available on the Bahamas Maritime Authority website under the link-
<https://www.bahamasmaritime.com/maritime/investigations-department/reports-of-investigations/casualty-reports-2001-to-date/>

5. **Validity**

- 5.1. This alert is valid until further notice.

6. **Revision History**

Rev.0 (22 May 2019) – First issue

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Savannah WaterFront

IMPORTANT MEMBER INFORMATION

2019 SAMS® International Meeting & Educational Conference (IMEC) Sept. 25th - Sept. 28th Savannah, GA

If you are planning to write an article you should know the following: Worth 3 CE Credits

1. Your article should be technical in content, and of interest to the profession of marine surveying.
2. The article should be in MS Word.
3. Please use **Times New Roman Font, size 12**
4. Length of the article should be 500 to 1000 words.
5. Articles that have been published before, **MUST** have a letter of permission letting SAMS® re-publish this article.

CE Credits:

Don't forget to check the website under "Education" for ideas to obtain CE's.

Please just ask!

If anyone needs an updated Policy Manual, Bylaws or the Recommended Survey Report Content, please contact the International Office. They will be happy to email any or all of them.

Attention All SAMS® Members

SAMS® Google Group - <https://groups.google.com/forum/?hl=en#!forum/marinesurveyors> .

To access the SAMS® Group, please go to the above link. Upon logging in, an approval will be given via SAMS® HQ to enter the site. To be approved you need to be a member in good standing, and you will need your display name (nickname) to show your first and last name.

The cost of this is covered as part of your annual dues. All we ask is that you abide by the group Policy, and show respect to your fellow surveyor.



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The following members are now Accredited Marine Surveyors with the earned designator:

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International Meeting
&
Educational Conference (IMEC)***

September 25th - September 28th



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15 East Liberty Street
Savannah, Georgia 31401**

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SUN, 11AM-7PM , MON – THU from 8AM to 7PM and FRI, 8AM- 5PM EST

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Room Rates: \$ 176.00 per night plus tax

DEADLINE FOR RESERVED ROOM RATES: August 24th , 2019