



Journal of the Vermont Society of Land Surveyors
Volume 51, Number 2 | Summer 2020

The Cornerpost

A photograph of a person riding a bicycle on a paved path that runs along a body of water. In the foreground, there are large, grey, jagged rocks. The person is wearing a purple tank top and shorts. The background shows a calm body of water and some trees under a cloudy sky.

THE SEARCH FOR THE COUNTY ROAD

PAGE 10

FALL CONFERENCE GOES VIRTUAL

PAGE 26

A close-up photograph of a large, grey, jagged rock. Resting on the rock is a small, round, orange object that looks like a surveying marker or a coin. The object has some text and a small cross-like symbol on it.

COLCHESTER CAUSEWAY REOPENS

PAGE 9



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The Cornerpost

Volume 51, No. 2 • Summer 2020

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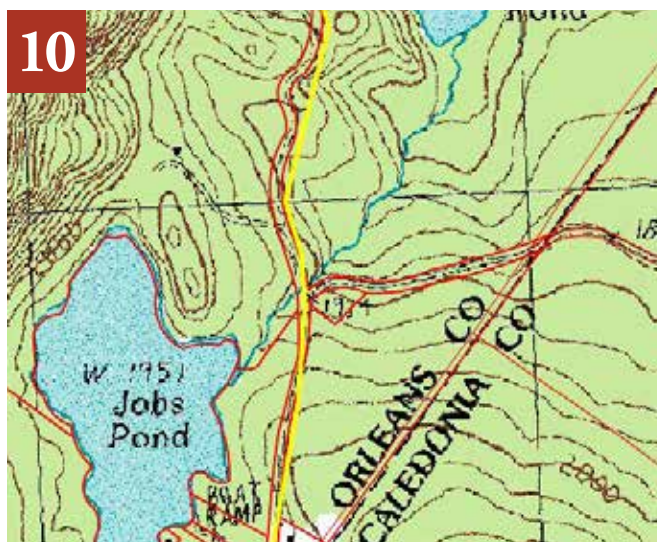
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SEND IN YOUR NEWS

The success of *The Cornerpost* depends on all of our members. Please consider making a contribution to an upcoming issue. Send your articles, news and photos to kelly@vsls.org.

ON THE COVER

VSLS Administrator Kelly Collar was bicycling along the newly-rebuilt Colchester Causeway when she noticed new survey markers gleaming along the rocks. She and partner Evan Smith stopped for a few photos, and Evan captured the cover shot just as an anonymous cyclist pedaled by. See more photos and a brief about the project on page 9. If you see an interesting survey-related image in your travels, take a picture and send it to kelly@vsls.org.

PRESIDENT'S CORNER



In spite of the disruptions from the pandemic, we've managed to get a lot of work done this summer. These are photos from projects in Mallett's Bay in Colchester and in Milton.

The business of Land Surveying has changed so much in the past several months, and I constantly wonder if it will ever get back to any state of normalcy. Accessing land records, meeting with clients, attending public hearings and even obtaining enough continuing education credits to maintain our licenses are constant struggles due to the pandemic that has turned our world upside down.

I am hopeful that the funding that is being made available (hopefully) to get town land records online will speed up the process of getting statewide access over the web. It sure is difficult to maintain a good budget for our clients when we can only do research for one-hour increments and have to travel any distance just to get to the clerk's office.

For the first time, the VSLs will be trying out an online format for our Fall Conference. Based on member feedback and struggles nailing down a venue, the Program Committee made the tough decision to go virtual. The NSPS is supporting us in this by providing the VSLs use of their GoToWebinar account at no charge. Plus, all of our scheduled speakers have agreed to convert to a virtual format. Thank you!

If you haven't visited our website lately, please check it out at www.vsls.org. Kelly has worked very hard to update it and give it a fresh look. She is also working on creating a "members only" section that will allow members to access their continuing education information and download certificates straight from the website. We'll let you know as soon as that's available.

I'm looking forward to joining you at our virtual conference on Sept. 10 and 11. Remember to register at vsls.org/fall-conference. Stay safe and healthy, folks! 🙌



Sincerely,

Mark Day

VSLs PRESIDENT

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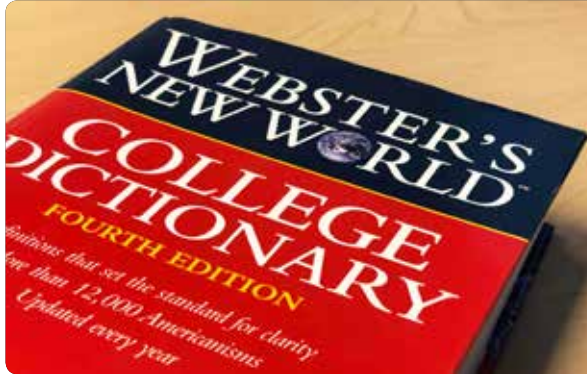
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Association Membership

BY TIMOTHY BURCH, PLS,
NSPS PRESIDENT-ELECT

& the Surveyor



The Merriam-Webster dictionary defines membership as follows:

Membership noun

mem·ber·ship | \ˈmem-bər-ship

plural memberships

Definition of membership

- 1: the state or status of being a member
- 2: the body of members // an organization with a large membership

Based on Merriam-Webster's definition, "membership" refers to individuals who have something in common and therefore wish to belong to a group or organization that promotes that commonality. This is not a new concept, as various memberships have existed for centuries. The groups can be formal or informal, business or social, public or private, but the common interest is key to them all.

For instance, membership was a status symbol if you or your family belonged to a country club, hunting club or equestrian club. Groups have gathered socially in automobile and motorcycle clubs for the past century. Civic clubs, including Kiwanis, Lions Club, and the Jaycees, were created to provide organized assistance to municipalities and neighborhoods. Museums are well known for their membership programs, and these donations help keep the institutions thriving. Other membership organizations were established to help people with various causes, including civil liberties, Second Amendment rights, and retiree programs and discounts.

All serve a good and dedicated purpose; however, the most important one that will most likely provide the most benefit is the professional membership.

MEMBERSHIP IN ASSOCIATIONS

Membership in a professional society, especially in times like these, is also important on many levels. For the surveying profession, it provides advocacy and

representation for not just the licensed practitioner, but anyone who works in surveying. Some of the benefits of being a member of state and national surveying associations include:

Regulation & Advocacy

Part of the association's role for professional oversight is regulatory advocacy. Professional licensing has come under fire in recent years as deregulation groups seek to eliminate licensing they see as a barrier to entry rather than to protect the integrity of the interests. State and national associations are working together to defend our profession against these efforts and maintain the regulatory requirements of the surveyor.

Another area of advocacy is political representation at both the federal and state levels. From UAV uses to fighting back against infringing uses of radio signals used by GNSS satellites, the associations work together to represent the surveying profession's best interest in potentially damaging policies and lack of funding for essential surveying and mapping activities.

Various certification programs are available through the national and state associations, including:

- ✓ Certified Survey Technician
- ✓ Certified Hydrographic Surveyor
- ✓ Certified Floodplain Surveyor

These certifications allow Surveyors to promote their skill set further as one who is specifically trained for a particular task.

Professional Standards

Besides advocating for licensing, the associations provide input and guidance for professional standards for technical documents and services. From working with the title examiners group to establish a national land title survey standard to specific guidelines for deliverables, our association groups work together to raise the standard of the profession. They also advocate for a higher ethical standard for all practitioners in surveying so to be seen in a respectable light.

Education

Surveying associations provide continuing education for all levels and tasks of surveyors, from introductory field and office to advanced technology and legal curriculum. Many also provide material refreshers for those preparing for their licensing exams. Many of these educational opportunities are held during annual conferences and seminars specifically targeted for surveyors, whether members or not.

Labor shortages are happening in most professions and surveying is no different. Our organizations provide educational outreach for future surveyors through various conduits, including elementary and high school programs and college career days through engineering and mapping-related curriculums. We also promote scholarship opportunities for two- and four-year degree college programs through a variety of channels.

Technology

Along with formal surveying education topics and discussions, another substantial portion of an association's conference or seminar is an exhibitor's hall showcasing the latest and greatest in surveying technology. It is also a place for vendors to

present new data services to augment existing surveying tasks.

Technology providers often use these associations for advertising and marketing so members are exposed to new equipment,

software, and processes more directly than simply advertising in trade magazines.

Many of these organizations offer member discount programs for insurance, travel, products, and more. They can provide these discounted options simply because of the buying power of more users, so the savings are passed on directly to the Surveyor.

Associations also often offer career centers for connecting people and open positions. Many also offer resume services to help the job seeker capture their best qualities for inclusion on a job application.

The Intangibles

While the aforementioned are the main examples of the benefits of membership in your state and national surveying association, for many it is simply the opportunity to connect with fellow professionals and technicians. Whether it be for job openings, questions regarding a specific survey or simply engaging another professional in peer review, your membership in these groups helps pave the way to completing these tasks and more.

TAKING CARE OF TODAY AND PLANNING FOR TOMORROW

Although we are living in unprecedented times, maintaining your memberships, both state and national, may become a question of necessity. For most, prioritizing expenses has become more scrutinized and membership is easily seen as non-essential cost. These memberships are an investment in your profession and career, so consider that return when your next renewal form comes in the mail. The money spent now on professional memberships can go a long way in keeping your profession and career acknowledged as an essential service for years to come. 🌱

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Bike Path is Back in Business

The Colchester Causeway Recreation Path re-opened in late July after undergoing work to repair storm damage it sustained two years ago. Once a railroad bed, the causeway is now a popular 4-mile bike path with spectacular views of Lake Champlain.

Krebs and Lansing was the design engineer for the repair. K&L was responsible for the topographic survey, design plans and specifications to conform with FEMA standards, permitting and construction services to repair and rebuild approximately 18,000 linear feet of the recreation path. The \$1.6 million project finished ahead of its September completion date. 🌱





Missing land records create conundrum in lawyer's search for evidence of a county road.

The Search for the County Road

BY PAUL HANNAN, L.S.

Westmore, Vt., is inextricably linked to its principle geologic feature: Lake Willoughby. Many who have never heard of this sleepy Northeast Kingdom town by name, nonetheless, know Lake Willoughby at least for its reputation as being among the most scenic resources in all of Vermont.

Its fjord-like visage with the slopes of Mounts Pisgah and Hor plunging to its shores graces innumerable calendars and coffee-table photo essays and, despite my 40-year-plus association with that part of Vermont, it never ceases to inspire awe when viewed from the top of Hinton Hill at Sentinel Rock. Bucolic farmland draped across the landscape greets the viewer with such wonderment that it is nearly impossible for me not to stop and gaze a moment even when en route to elsewhere in the Kingdom.

So, it's hard to fathom with 21st century perspective how it was that the

very earliest 19th century Westmore settlers prospered for a time and yet felt compelled to completely abandon the town for nearly 20 years. The story of that hiatus in habitation is interesting in itself and will be revealed shortly, but my dive into the topic was induced by a surveying research challenge presented me by a highly respected and capable Vermont attorney who, after no meager effort, had thrown in the towel on his search for the layout of a legislatively created "County Road" that clipped a corner of Westmore.

Students of Vermont's ancient road court cases know what burden the

Supreme Court of Vermont has placed on towns asserting a claim of public thoroughfare through private property. Specifically, absent documentation of the historic survey and opening of a town or county road, the public's claim is on shaky ground. Westmore was faced with a challenge from a private landowner, aggrieved with the proposal to improve this remnant stretch of County Road and thereby insisted the Town prove the point. The attorney was coming up empty-handed.

The road has appeared on the town's highway maps in every iteration since their inception in 1931. There are numerous maps showing its location including both Beers (ca. 1878) and Wallings (ca. 1859) – the town-by-town Rand McNally's of their day – as well as every vintage of USGS topographic map. Old NEK surveyors' records note its existence. But the Holy Grail of road documents was missing – the Town needed the layout document or some other legally acceptable documentation of the road's public status. It was the attorney himself who alerted me to the main source of his frustration: the Westmore land records are totally blank for the period from about 1814 to 1833.

Literally there are documents dating to 1814 on one page of a deed book with the very next document dated 1833. Whither the missing years???

A County Road was authorized by the General Assembly in 1806 linking Burke, Vermont in Caledonia County with Barnston, Quebec, some forty miles to the north, via Westmore. (We'll ignore the question of why the Vermont Legislature thought it could lay out a road ending ten to fifteen miles into Canada – maybe it was a gauntlet thrown at the feet of our recently vanquished adversaries, the British.) But by 1817 issues with the 1806 location of the road were such that the Legislature authorized a Committee "...to examine and make such alterations in the County Road...as [they] might think necessary and to cause so much of said Road as might be altered to be surveyed and recorded...." Protocol had it that the surveyed description for each town's segment of such a legislatively created road was recorded in the subject town. The attorney had found the layout document for the altered County Road in Burke and Newark and those surveys, when plotted on modern base maps, conformed nicely to existing public roads in those towns. But he could find it in neither Westmore nor Brighton, the next town to the north in Essex County. Similar to Westmore, he said that Brighton's land records only started in about 1832 so the void in their records was equally mysterious. Well, maybe a little less mysterious to me, because, having cut my Vermont surveying teeth in Brighton back in the 80's, I knew that as a town it had actually been assembled from parts of four towns chartered earlier: Random, Caldersburg, Wenlock and Ferdinand...something to ruminate on.

This generated my first clue as to what questions to ask the attorney in order to ferret out stones yet unturned. "Did you look in the County Court records?" Particularly in the early days, records were sometimes recorded

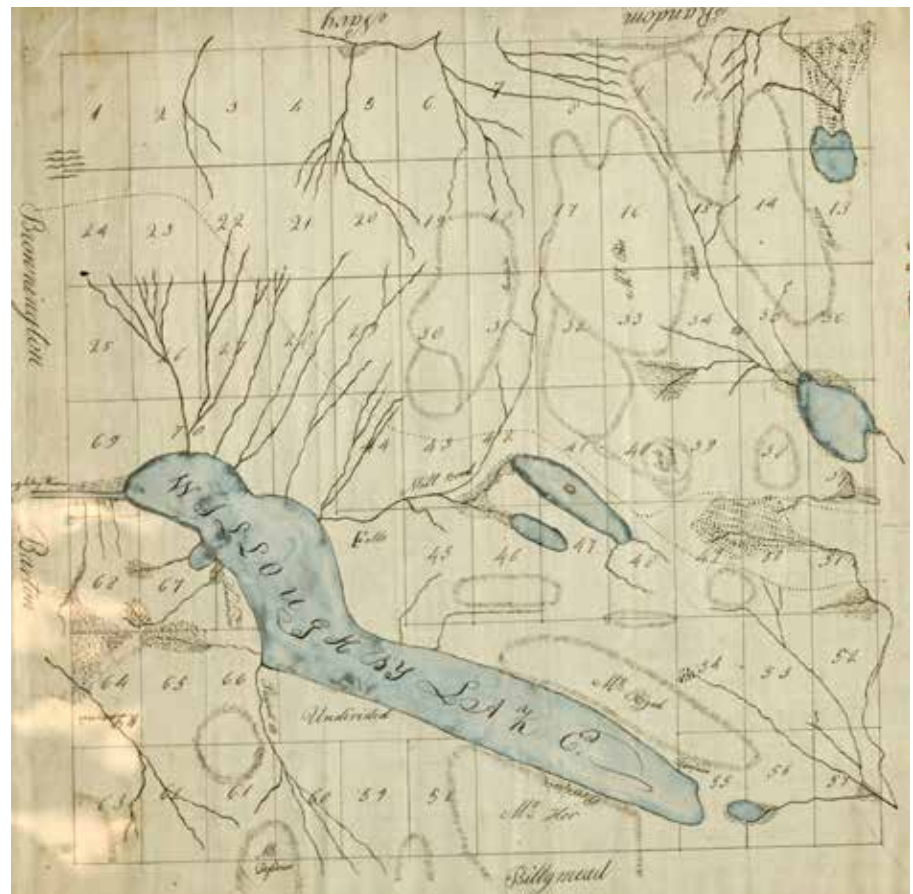
IT'S HARD TO FATHOM WITH 21ST CENTURY PERSPECTIVE HOW IT WAS THAT THE VERY EARLIEST 19TH CENTURY WESTMORE SETTLERS PROSPERED FOR A TIME AND YET FELT COMPELLED TO COMPLETELY ABANDON THE TOWN FOR NEARLY 20 YEARS.

doubly, at both the town and county level. County Clerks for the most part have had little knowledge of and frankly little interest in these records. (Stories abound of surveyors having to insist: yes, Mr. County Clerk, you DO have some land records and they are public documents and yes, I would like to view them.) County Clerk ambivalence to these records was likely at the heart of them mostly having been gathered up and transported in recent years to Vermont State Archives in Middlesex – an entity more accustomed to assisting researchers (though a bit less freewheeling in allowing direct access than the hands-on research we enjoy in a town clerk's vault.) Regardless, the attorney assured me he had spent considerable time in

Middlesex asking this very question: Did the County Court records contain the key road document for Westmore? Nope!

My next question was "Did you check in Charleston for the continuation of the County Road after it left Brighton?" He had not. So, the itinerary for my "re-research" trip was shaping up. Not that I doubted this attorney's research abilities, but it's not uncommon for a second set of eyes to find the overlooked puzzle piece – it has certainly happened to me. So, I would start at Westmore to double check, then to Charleston (it's on the way to Brighton) and then to Brighton itself. Failing all of those I wasn't sure what to try next.

But wait... I promised I would delve into the strange disappearance of twenty



Lotting map of Westmore by John Johnson, Vermont's third surveyor-general

THE HISTORICAL ACCOUNTS OF THIS EXODUS THAT I PERUSED EMPHASIZE THE IMPACTS OF THE WAR OF 1812 AND FEAR OF INDIAN RAIDS AS THE MOTIVATORS.

years of both population and land records in Westmore between 1814 and 1833. Many of our Vermont towns suffer from missing records but typically it is because of fire or flood or perhaps a single book got lost in the move from one incumbent Town Clerk's kitchen to her successor's. But I for one had never seen a single land record book simply end recordation in one year and pick up again twenty years later with no hint of why.

You gotta love the internet. I'm sure I would have enjoyed a trip to the fruitful stacks of the Vermont Historical Society or the State Archives – I have in the past – but with scanned editions of such classic historical tomes as both Child's and Hemenway's Gazetteers available online, it was not long before I had the gist

of why everyone skipped town.

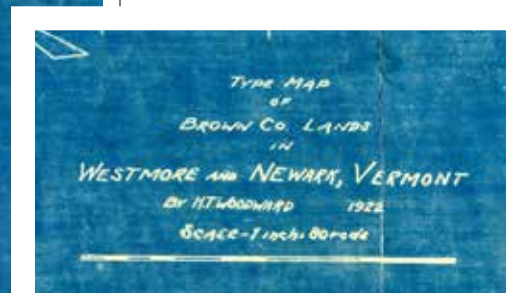
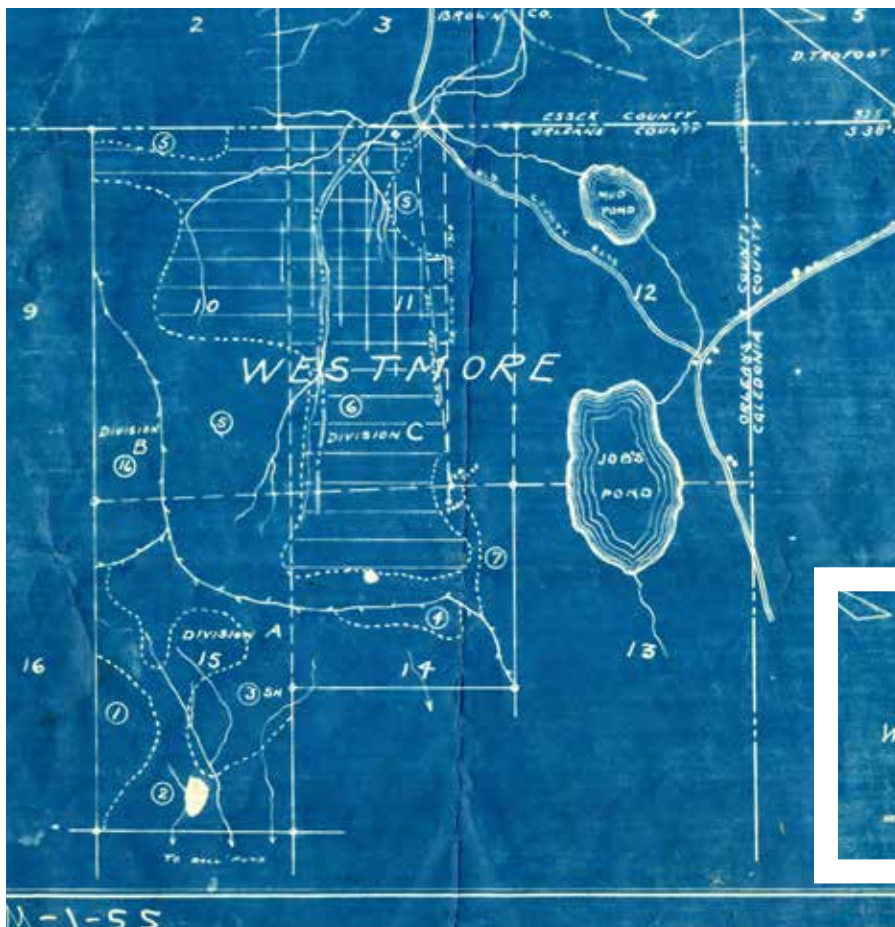
Westmore was originally chartered as "Westford" in 1781 to Capt. Uriah Seymour and sixty-four other original proprietors, most of whom never ventured to Westmore from the comfort of their southern New England homes. I never learned why it took the Vermont Legislature six years to realize that a "Westford" had already been granted in Chittenden County, but they finally did and in 1787 changed the town's name to Westmore. I suppose in fairness they were a little busy ousting the British as well as those pesky New York claimants during those years.

But Westmore soon prospered. Well, "prospered" might be a bit lavish, but two key indicators of embarking on the

road to prosperity were in place by 1804, namely David Potter had constructed both a sawmill and a grist mill. In 1805, Westmore held its first freemen's meeting electing a town clerk and all other officers – clearly another Vermont town government was launched. The histories describe large farms, good soils and impressive barns. The flow of early recorded documents reads like any other emergent Vermont town with births, deaths, meeting minutes and, of course deeds in numbers proportional to the population. But, as mentioned, in 1814 that flow stopped abruptly.

The historical accounts of this exodus that I perused emphasize the impacts of the War of 1812 and fear of Indian raids as the motivators. Westmore's proximity to British-controlled Canada undoubtedly meant the citizens felt the brunt of Jefferson's 1807 Embargo Act forbidding trade with European nations. (Jefferson's plummet in popularity because of this Act was surely the impetus in the decision to change Central Vermont's Washington County from its original name of Jefferson County.) Westmore's distance from any other reliable markets certainly added to the difficulties inherent in carving a living from a remote wilderness. Subsistence farming only goes so far when the tax bill comes due.

Those same historical accounts also mention the harsh climate, but of course one specific year undoubtedly put the icing on the cake...so to speak. Eighteen hundred and sixteen is variously referred to as "the year with no summer" or, more poetically, eighteen-hundred-and-froze-to-death. The histories are rife with the "superlatives" attached to the weather in



1816, but the key issue is that there were hard frosts and/or snow accumulations in every month of the year all summer. It's tough to put up food for the winter when your crops keep freezing. Settlers isolated from news of world events and maybe religiously zealous to the point of superstition could not possibly have known of the 1815 volcanic eruption of Mount Tambora in today's Indonesia, never mind the unlikely prospect of making a connection between the atmospheric ash from that eruption and its impact on weather. But rather many took the weather as a bit of divine commentary on their sinful ways in emigrating to such a god-forsaken corner of Vermont.

I often say that there is rarely only one reason for major life decisions (Why did you get divorced? How long do you have to hear the answer?) but decide they did, and Westmore's town government ceased to function as of 1814. The exodus was on. For the ensuing twenty years settlers from nearby Brownington and Derby took advantage of the cleared but abandoned fields and drove their cattle there to graze. David Potter's mills and those commodious barns fell to rack and ruin. Not until 1830 did settlers begin to try again and in 1833 the town reorganized and reinstalled a town government electing David Wilson as Town Clerk and John C. Page as their representative to the General Assembly.

Great, now I knew what happened to the people, but the land had continued to be owned by someone and presumably changed hands on occasion, or at least went up for tax sale. And right in the middle of Westmore's habitation hiatus the Legislature altered that darn County Road. We had plenty of evidence that it was built and maintained and taxes for its upkeep were assessed. But where were the recorded documents?

Embarking on my re-research itinerary revealed exactly what the attorney said I'd find in Westmore – no documents for those missing years – none. My stop in Charleston (originally named Navy) was more fruitful – in just about five minutes of paging through Book A of the town records I found where Alpheus Houghton and Nathan Pike had recorded their survey of the alteration of the County

Road from Random (now Brighton) to the Morgan town line. Hope glimmered. [An aside: I always thought that a great question for the Vermont portion of the land surveyor's exam would be to list three Vermont towns whose names have been changed over the years. I could name a dozen.]

On to Brighton where, again, the attorney proved his competence – Book 1 of the Brighton Land Records starts in 1832. Deterred but not despondent I sat in my truck for a few minutes and pored over the documents in my relatively thick file – most of which the attorney had provided me. Notes in the file made me realize that one little fact had slipped my mind: when it was chartered in 1781 Westmore had started “life” in a much larger version of Orange County. Then in 1792 Orange County was split up into the northern counties we know today with Westmore landing in Essex. But in 1821 the Legislature chose to move it to Orleans County.

I had no idea why, but presumably someone thought the flow of goods, information and political intercourse would be better served. The obvious implication was that my thinking of Orleans County Court records as fertile ground was off base – Essex County's records were the most likely place to find paydirt given the fact that the object of our search pre-dated Westmore's migration to Orleans County.

Even though the attorney had examined Essex records in his search, I resolved to head to Middlesex to re-research – second set of eyes and all that. But just before heading south another light bulb went on in my head.

Essex County records had historically been housed in Guildhall – the Shire Town or County seat. What had been known as the Unorganized Towns and Gores – a collection of grants without

sufficient population for organized governance – got dressed up with a new name in 2000: the Unified Towns and Gores of Essex County (UTG) and more importantly got a spiffy new office just east of Island Pond (Brighton's main village) on Route 105. While my understanding was that “all” County records had been moved to Middlesex, there was a chance local pride in a new office and more focused management of these sparsely settled towns might have resulted in keeping some documents local. And heck, it was only a few miles down the road...

Well, it wasn't quite as quick as my Charleston search, but within fifteen minutes I found that the footsteps of Alpheus Houghton and Nathan Pike had indeed extended to Random (Brighton) and, more critically, Westmore. Each of these early settlements mentioned above – Random, Caldersburg, Wenlock, Ferdinand, and, yes, Westmore – had needed to rely on a more centralized records repository for some of their early years. I rejoiced to find individually labeled land and town record books and there, on Page 207 of Book 4, was the object of my search: a neatly written account of the alteration survey of the County Road through Westmore.

With surprisingly good cell coverage in the parking lot of the remote UTG office, I called the attorney with the news. “Never send a lawyer to do a surveyor's job,” I gloated, but in truth he had practically served this challenge up on a silver platter. So much of the legwork had already been done by him that I only needed to apply a little a priori local knowledge – well, and a good bit of luck and historical curiosity.

The road has been improved and the disagreement settled, and the Town is pleased enough that they have me started on a new road research conundrum. 🌍

I REJOICED TO FIND INDIVIDUALLY LABELED LAND AND TOWN RECORD BOOKS AND THERE, ON PAGE 207 OF BOOK 4, WAS THE OBJECT OF MY SEARCH: A NEATLY WRITTEN ACCOUNT OF THE ALTERATION SURVEY OF THE COUNTY ROAD THROUGH WESTMORE.

Doncaster v. Hane and the Town of Irasburg

THE TOPIC OF ANCIENT ROADS may seem like ancient history – literally and figuratively – but for those of you who paid close attention, you know that the law to address the issues surrounding old Vermont roads that passed in 2006 (Act 178) contained an inherent ambiguity that has been waiting these fourteen years for resolution.

On the one hand, the law clearly stated all “Unidentified Corridors” (defined in detail in the Act, but briefly: a legally laid-out road that is not visible in the landscape and not shown on the town highway map by July 1, 2015) shall be discontinued by that date, leaving only private rights to the corridor in some instances. Fair enough – and clear enough.

The Act went on to state that **all** town roads and legal trails shall be shown on the town highway

map by that same date certain: July 1, 2015. What the Act did not explain was what happened if a “visible,” legally laid out road did not appear on the town map by that date. Many opined that the law implied that these roads too were discontinued. Others clung to the hope that all was not lost in resurrecting visible, unmapped and legally laid out roads as viable access corridors to otherwise landlocked parcels. (FWIW, I was/am firmly in the latter camp – landlocked parcels are antithetical to fruitful use of Vermont’s working landscape...IMHO.)

Rather than have to issue a spoiler alert and/or risk playing lawyer without license, I commend to your reading the following recent Vermont Supreme Court decision in Doncaster v. Hane and the Town of Irasburg – a case in which I was professionally involved. (OK, maybe a little spoiler: I like what the SCOV said.) — **PAUL HANNAN, L.S.**



NOTICE: This opinion is subject to motions for reargument under V.R.A.P. 40 as well as formal revision before publication in the Vermont Reports. Readers are requested to notify the Reporter of Decisions by email at: JUD.Reporter@vermont.gov or by mail at: Vermont Supreme Court, 109 State Street, Montpelier, Vermont 05609-0801, of any errors in order that corrections may be made before this opinion goes to press.

2020 VT 22 | No. 2019-077

**Wayne Doncaster & Elizabeth Doncaster v.
John A. Hane, Pam Hane & Town of Irasburg**

**Supreme Court, on Appeal from Superior Court,
Orleans Unit, Civil Division, January Term, 2020**

Robert R. Bent, J.

Stephen F. Coteus of Tarrant, Gillies & Richardson, Montpelier, for Plaintiffs-Appellees.

Michael J. Straub, Burlington, for Defendants-Appellants John A. Hane and Pam Hane.

Sara Davies Coe of May & Davies, Barton, for Defendant-Appellant Town of Irasburg.

PRESENT: Reiber, C.J., Robinson, Eaton, Carroll and Cohen, JJ.

¶ 1. **CARROLL, J.** This is a dispute over access to a segment of road that extends across defendants-appellants' property and onto plaintiffs-appellees' property. The civil division of the superior court held that plaintiffs had the right to use the road because it was a class 4 town highway that was never discontinued. Defendants argue that the highway was discontinued by operation of Act 178, Vermont's ancient-road law, when the town did not include it on the town highway map by July 1, 2015. We affirm.

¶ 2. The following facts are drawn from the factual statements accompanying the parties' motions for summary judgment as well as the trial court's findings and are undisputed except where noted. The parties own adjoining parcels of real property in Irasburg, Vermont. Plaintiffs Wayne and Elizabeth Doncaster purchased their 450-acre property in 1958. Plaintiffs' property is divided roughly in half by a hillside and the road that is at issue in this dispute, the so-called Howe Segment, which runs along the flat ridge above the hillside. Plaintiffs' house and farmstead is located on the southeast portion of plaintiffs' property, which they access from Hillandale Road. The northwest portion of plaintiffs' property is mostly forested. Plaintiffs have always accessed the northwest portion by way of Town Highway 14 and the Howe Segment. Plaintiffs have periodically used the Howe Segment for logging and other purposes.

¶ 3. Defendants John and Pam Hane own the land to the north and west of plaintiffs' parcel. Defendants purchased their property in 1999. They access their property using Town Highway 14, the Howe Segment, and a private driveway that diverges to the west and northwest from the Howe Segment.

¶ 4. The Howe Segment was laid out as a town highway in 1866 as "A Road Near Silas Howe" by the selectboard of the Town of Irasburg. In 1867, a certificate of opening formally opened the road to public use. The Howe Segment extends in a straight line to the southwest from what appears on the town highway map to be the terminus of Town Highway 14. The Howe Segment enters defendants' property and continues parallel to the boundary between defendants' property and plaintiffs' property. It then enters plaintiffs' property and continues for several hundred feet to its end at a cellar hole in the middle of a field where the former Howe farmstead was located.

¶ 5. In or about September 2015, plaintiffs began using the Howe Segment for logging for the first time since 2005. Defendants erected a locked gate across the Howe Segment and refused to allow plaintiffs to use the road. Plaintiff Wayne Doncaster sought assistance from town officials to have the road unblocked but was unsuccessful.

¶ 6. In April 2016, plaintiffs filed a petition for declaratory judgment against defendants and the Town in the civil division of the superior court. In May 2017, plaintiffs moved for summary judgment, asserting that the Howe Segment is a class 4 town highway that was visibly in use and therefore was not discontinued by operation of Act 178 when the town failed to include it on the town highway map by July 1, 2015. They alternatively claimed that if it had been discontinued,

they retained a private right-of-way over the former town highway. Plaintiffs sought damages of \$3883, representing the losses they incurred when defendants blocked the road and prevented plaintiffs from bringing their wood chips to market.

¶ 7. Defendants cross-moved for summary judgment. They did not dispute that the Howe Segment had been a town highway, but argued that there was no clearly observable physical evidence that it had been used by the public. Thus, they claimed, it was an “unidentified corridor” that was discontinued by operation of Act 178. They further claimed that Act 178 discontinued all town highways that were not on the town highway map by July 1, 2015, and therefore even if the Howe Segment was not an unidentified corridor, it was discontinued because town officials never placed it on the map. Defendants argued that plaintiffs did not retain a private right-of-way over the Howe Segment because they had adequate alternative access to their back acreage.

¶ 8. The Town also filed a cross motion for summary judgment, arguing that the Howe Segment was never a town highway, or alternatively that it was discontinued by operation of Act 178.

¶ 9. In March 2018, the trial court granted partial summary judgment in favor of plaintiffs. It concluded that there was no genuine dispute that the Howe Segment was properly laid out in 1866 as a town highway. It further concluded that because there was clearly observable physical evidence of use of the Howe Segment in the form of tire tracks, the road was not an unidentified corridor that was discontinued by Act 178. The court noted that it was unclear whether the physical evidence existed prior to 2015 and stated it would hold a hearing on the issue if that fact was in dispute.

¶ 10. Both parties moved for reconsideration. Plaintiffs argued that they were entitled to full judgment in their favor because the photographs and other evidence they submitted with their summary judgment motion showed that there was physical evidence of use of the Howe Segment for many years prior to 2015. They also asked the court to rule that the Howe Segment was a class 4 town highway. For their part, defendants argued that: the relevant date for clearly observable physical evidence was July 1, 2010; the physical evidence, including a culvert maintained by the Doncasters and a locked gate, showed that the Howe Segment was closed to public use and was not maintained by the Town; and the Town’s failure to include the Howe Segment on the town map by July 2015 was evidence that there was no public use.

¶ 11. The court denied plaintiffs’ request for summary judgment because it determined there was a factual dispute regarding the appearance of the road. It disagreed with defendants’ argument that the Town’s failure to place the road on the town highway map by July 1, 2015 was evidence that it was not a public highway and declined to include the map in evidence. The court also rejected defendants’ argument that the road was not public because portions of it had been maintained by the Doncasters, stating that “the relevant inquiry is whether a casual observer would be able to determine from merely looking at a way whether it was a road in public use.”

¶ 12. The court held an evidentiary hearing and a site visit in August 2018. Based on its own observations and the testimony of witnesses, it found that from at least 1963 to 2015, the Howe Segment was clearly observable by physical evidence of its use as a highway or trail. It found that the road was used mostly as a trail, which it defined as a beaten path through rough country. The road looked more like a highway when it was improved by plaintiffs every decade or so for the purpose of logging. It became overgrown between logging sessions but was passable by a motor vehicle at all relevant times. The court therefore concluded that the Howe Segment was not an unidentified corridor and remained a class 4 town highway. It ordered the Town to recognize the Howe Segment as a class 4 town highway and directed the parties to remove all gates and any items of personal property obstructing the road. Defendants appealed.

¶ 13. On appeal, defendants argue that Act 178 operated to discontinue all unmapped town highways, including the Howe Segment, after July 1, 2015. Because the Town of Irasburg did not act to place the Howe Segment on the town highway map by that date, they claim, the Howe Segment was discontinued even if it did not qualify as an unidentified corridor under the Act. Alternatively, defendants argue that the Howe Segment qualified as an unidentified corridor because there was no physical evidence that it was used by the public. We conclude that both arguments are without merit.

I.

¶ 14. We first address defendants' argument that the trial court erred in concluding that Act 178 operated only to discontinue unidentified corridors and not any other town highways that were unmapped as of July 1, 2015. The court's interpretation of the statute is a question of law that we review without deference. *First Quality Carpets, Inc. v. Kirschbaum*, 2012 VT 41, ¶ 15, 192 Vt. 28, 54 A.3d 465.

¶ 15. Act 178 was enacted in 2006 "to quell the uncertainty that the existence of ancient roads places on private property rights." *Town of Bethel v. Wellford*, 2009 VT 100, ¶ 7, 186 Vt. 612, 987 A.2d 956 (mem.); see E. Goldwarg, Note, *Known Unknowns: Ancient Roads in Northern New England*, 33 Vt. L. Rev. 355, 368-70 (2008) (explaining that disputes over legally existing but physically invisible town highways prompted real estate industry to advocate for legislation to quiet title to ancient roads). Under Vermont common law, once a town properly laid out a highway according to statute, the highway continued to exist forever even if it was unused or abandoned. See *Capital Candy Co. v. Savard*, 135 Vt. 14, 16, 369 A.2d 1363, 1365 (1976) (holding mere abandonment insufficient to discontinue public highway because statutory procedure for discontinuance must be followed); cf. *Lague, Inc. v. Royea*, 152 Vt. 499, 501, 568 A.2d 357, 358 (1989) ("We have been clear that an easement acquired by deed cannot be extinguished by nonuse alone, no matter how long it continues."). After a series of prominent cases between towns and landowners drew attention to the problem of ancient town highways, the Legislature passed Act 178. The Act created a procedure for towns to locate what it termed "unidentified corridors" and either discontinue or reclassify them by July 1, 2015. 2005, No. 178 (Adj. Sess.), § 1.

¶ 16. As amended, the Act defined unidentified corridors as follows:

Unidentified corridors are town highways that:

- (i) have been laid out as highways by proper authority through the process provided by law at the time they were created or by dedication and acceptance; and
- (ii) do not, as of July 1, 2010, appear on the town highway map prepared pursuant to section 305 of this title; and
- (iii) are not otherwise clearly observable by physical evidence of their use as a highway or trail; and
- (iv) are not legal trails.

2007, No. 158 (Adj. Sess.), § 2 (codified at 19 V.S.A. § 302(a)(6)(A)).

¶ 17. The Act authorized towns to enter private property containing unmapped town highways to determine whether clearly observable physical evidence existed. 19 V.S.A. § 302(a)(6)(B). When the town located an unidentified corridor, it could reclassify it as class 1, 2, 3, or 4 highway or legal trail using the statutory reclassification procedure. *Id.* § 302(a)(7). If the town did not reclassify an unidentified corridor by July 1, 2015, the unidentified corridor would be discontinued and the right-of-way would belong to the owner of the adjoining land. *Id.* § 302(a)(6)(G). The Act also created a procedure for towns to vote to immediately discontinue all unidentified corridors before July 2010. *Id.* § 305(h).

¶ 18. The statute further provided that "[a]ll class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015." *Id.* § 305(c). Defendants argue that because the Act does not state a consequence for a town's failure to include all highways on the map by July 1, 2015, the statutory language is ambiguous, and we must look beyond the plain language to discern the Legislature's intent. Defendants claim that legislative history demonstrates that the Legislature intended for all class 4 town highways to be discontinued on July 1, 2015 if they were not included on the map by that date.



Due to space limitations, we were unable to print the ruling in its entirety. To locate it online, please Google "Wayne Doncaster Supreme Court."



Welcome to Our New Members

Lawrence Donna
Associate Member
Retired, Vermont Agency
of Transportation

Paul Dobberstein
Out of State Member
Ambit Engineering, Inc.
Portsmouth,
New Hampshire

Stephen Grimaldi
Full Member
USFS, Green Mountain
National Forest
Rutland, Vermont

Cody Hicks
Associate Member
Point of Beginning
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Attorneys at Law

New Partners Named

Gerald Tarrant, Paul Gillies, and Daniel Richardson are pleased to announce that Ronald A. Shems became a named partner on January 1, 2020, and that Stephen F. Coteus and Michael J. Tarrant II became partners on February 1, 2020. The firm is now known as Tarrant, Gillies, Richardson & Shems, LLP.



Ron joined the firm on January 1, 2019. He is a former Chair of the Vermont Natural Resources Board, founding partner of a Burlington law firm, and Vermont Assistant Attorney General.

Ron's practice includes civil and appellate litigation, utility, energy, Act 250, land use, environmental, municipal, government transparency and accountability, civil rights, non-profit, cooperative, and governance law.



Mike first joined the firm in 2015. His practice builds on three separate judicial clerkships at the Vermont Superior Courts, with Justice Harold E. Eaton, Jr. at the Vermont Supreme Court, and with Chief Judge Christina C. Reiss of the Federal District Court for the District of Vermont.

Mike represents a wide array of municipalities, individuals, and businesses. Mike's practice involves most areas of general practice, but focuses on: municipal, zoning and land use, landlord and tenant, probate, real estate, and general civil litigation.



Steve joined the firm in 2016 after two judicial clerkships, first with Justice Marilyn S. Skoglund of the Vermont Supreme Court and then with Judge Peter W. Hall of the United States Court of Appeals for the Second Circuit.

Steve represents towns, school districts, businesses, and individuals. He has a particular interest in First Amendment and public records law. His practice encompasses transactional and civil litigation matters, including land use, contract, real estate, municipal, probate, general civil litigation, and appeals.

Founded in 1991, Tarrant, Gillies, Richardson & Shems is a full-service law firm conveniently located in the heart of Vermont's Capital City, Montpelier.

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Random Notes



Worth the Trip

Scott Taylor, L.S., sent in these photos from a recent daytrip: "My wife Laurie and I are 251 Club members, and we are always looking for interesting things to visit around the state. When I saw Byron Kidder's article about Roger's Rangers in the Fall 2019 issue of *The Cornerpost*, I knew we had to make a trip to Granby. Uphill of the graves is a small pavilion with two picnic tables and a beautiful view. As I looked around I spotted this six-foot-high boulder with a rebar sticking up from the top. It had a cap from our own Andy Dussault (VT L.S. 500)!"



The Birds Have It

Tricia Kules, L.S., sent in this photo of a woodpecker viewed through her scope. "The bird was banging away on the metal roof of an old sugarhouse in Cambridge, Vt."



Scooting Along

In early June, we sent out an email notifying members that former VSLS Administrator Susan White (1989-2001) was having ankle surgery after taking a fall while hiking.

Susan sent this update: "I have heard from members of the 'old guard' — some of the folks I used to work with from the Membership and conference committees. It is really thoughtful of everyone to reach out."

She also sent this photo of herself getting outdoors on a scooter. She adds, "I definitely do NOT have a photo of my mountain rescue. I choose not to document that adventure, I must admit. I gained new respect and admiration for first responders and trail rescue folks."

Susan can be reached at susanwhite60@gmail.com, 59 Cooper Street, Springfield, VT 05156.



Flamingo Flagging

(or how to NOT get along with your neighbors)

Richard Bell, L.S., took this photo in Graniteville, where he was working for two neighbors who don't seem to get along.

Send In Your Photos

Next time you see something noteworthy in your travels, snap a photo and send it to kelly@vsls.org.

March 19, 2020, 6 p.m. | Zoom Videoconference

The Executive Committee had planned to meet at the AIV building in Montpelier, but due to the new COVID-19 stay at home order, held the meeting by conference call. The meeting was called to order at 6:05 P.M. In attendance were Mark Day, Lisa Ginett, Randy Otis, Keith Van Iderstine, Paul Hannan and our Administrator: Kelly Cochrane-Collar. Absent: Becky Gilson and Nate Yager.

Secretary's Minutes

Minutes for the Executive Committee meeting dated February 20, 2020 were reviewed. The group suggested one correction regarding the VCGI Guidance document; the document should "suggest" that surveyors mark the plats as an unofficial copy, rather than "require" them to do so. With this revision the motion was duly made and seconded unanimously: to approve the revised minutes of the February 20, 2020 Executive Committee meeting.

Treasurer's Report

Treasurer's report for the period Jan 1. to March 17, 2020: total income for the period is \$19,621.25, total expenses are \$11,177.30, for a net income of \$8,443.95. Bank account total is \$66,364.74. The budget for the year is tracking well so far.

Administrator's Report

Kelly recently met with the Program Committee, and the group decided to postpone the Spring Seminar to June 26 due to the COVID-19 restrictions; it will be at the same location and with the same speakers. If the restrictions for group gatherings are not lifted, the seminar will most

likely be canceled and added to the Fall Conference, creating a two-day conference at Okemo Mountain on September 10 and 11. The Fall Conference will feature a 4-hour presentation by Jim Nadeau on Flood Plain issues, a 1 ½ hour presentation also by Jim Nadeau on billing practices and working successfully with realtors, a one-hour presentation on Lyme disease and a one-hour presentation regarding the Vermont Survey Library by members of VCGI.

Kelly will get "The Cornerpost" out in early April. She will be adding website pages for information on COVID-19 issues as relating to the survey community. The Office of Professional Regulation has announced that licensees may apply for an additional 180 days to meet their CEU requirements.

Other Business

VSLS members have reported receiving a fake request, supposedly from Mark Day, asking for donations to a particular charity. Kelly sent a note to members alerting them about the emails and suggesting that members delete them.

Randy has scanned the Vermont Survey Law Manual to give to Keith for converting to text. The color documents were more difficult to scan than the white pages.

There being no other business, the meeting was adjourned at 6:23 PM.

Respectfully submitted,

Lisa Ginett, VSLS Executive Committee Secretary

April 16, 2020, 6 p.m. | Zoom Videoconference

The meeting was called to order at 6:05 P.M. In attendance were Mark Day, Lisa Ginett, Randy Otis, Keith Van Iderstine, Paul Hannan, Nate Yager, Becky Gilson and our Administrator: Kelly Cochrane-Collar. We were also joined by Joe Flynn.

Secretary's Minutes

Minutes for the Executive Committee meeting dated March 19, 2020 were reviewed. The motion was duly made and seconded unanimously: to approve the minutes of the March 19, 2020 Executive Committee meeting.

Treasurer's Report

Total income for the period for the period Jan. 1 to April 13, 2020 is \$20,439.76. Total expenses were \$15,653.70 for a net income of \$4,786.06. The bank account total is \$63,105.89. There have been approximately 75% of member dues paid to date.

Administrator's Report

Kelly discussed the very real possibility that we might need to cancel the June 26 Spring Seminar, again because of COVID-19. Although Kelly asked that we wait for several

more weeks to make the final decision, it is probable that the Spring Seminar will be added to the Fall Conference, which will be held at Okemo Mountain on September 11. The two planned seminars would be combined into a two-day event.

Kelly informed us that she has looked at the cost of a newer, refurbished MacBook and could purchase one for around \$625.00. The refurbished price has a one-year warranty, but Kelly isn't sure what that covers. Mark suggested that we should consider purchasing a new one, but that is almost double the cost, and Keith advised fiscal caution due to the unknown future situation due to COVID-19.

We discussed replacing the Round Tables event in December with two half day seminars by Wendy Lathrop. This seminar day would be expensive but may be worth it once in a while. One of these seminars might possibly be about adverse possession with municipalities. Joe asked that we send him any case law about this issue.

Other Business:

The group discussed how the Ancient Roads Bill seems to contain some ambiguities. Both Mark and Paul had →

→ similar cases where, although unidentified corridors for ancient roads had disappeared from the State of Vermont General Highway maps for the Towns, it appears that Town Highways which were properly laid out might still be considered Town Highways if they are visible on the ground and shows signs of wheel tracks. There will be a synopsis in the next "Cornerpost" about this issue, and it might be a good case for a presentation at a future meeting.

Joe informed us that the Vermont Board of Land Surveyors meeting for April was canceled due to COVID-19. He also spoke about the fact that NCEES had sent a survey to each state's land surveying board regarding the concept of different divisional exams, which only one member per Board is required to fill out. He asked if Vermont is in favor of the concept and if so, which exams would we want to have given in Vermont. Joe wondered if we should do a public survey of our members about this issue. A modular

exam would require revision to Vermont Board of Land Surveyors Rules, as they now contain certain exams as requirements for licensure.

Joe informed us that Bill H 616 is dead for this year and that the OPR staff does not support the Bill. He would like to re-introduce the Bill in next legislative season, which would allow us to revise it. Paul suggested that we talk to the legislative draftsman, who is the person best able to help us to get the verbiage to reflect the desired result. Paul thought that he, Joe Flynn and George Till (who sponsored the Bill last year) might meet with the legislative draftsman to work on the project.

There being no other business, the meeting was adjourned at 6:52 PM.

Respectfully submitted,

Lisa Ginett, VSLS Executive Committee Secretary

May 21, 2020, 6 p.m. | Zoom Videoconference

The meeting was called to order at 6:04 P.M. In attendance were Lisa Ginett, Randy Otis, Keith Van Iderstine, Paul Hannan, Nate Yager, Becky Gilson and our Administrator: Kelly Cochrane-Collar. Joe Flynn also joined the meeting. Absent: Mark Day

Secretary's Minutes

Minutes for the Executive Committee meeting dated April 16, 2020 were reviewed. Joe Flynn requested that we strike the final paragraph from the minutes, since it related to sensitive information. The motion was duly made and seconded unanimously: to approve the revised minutes of the April 16, 2020 Executive Committee meeting.

Treasurer's Report

Treasurer's report for the period of Jan. 1 to May 20, 2020: total income for the period is \$22,325.01; total expenses are \$21,231.87; for a net income of \$1,093.14. The bank account total is \$58,407.39. Approximately 75% of members have paid their dues to date. Kelly has refunded all registration fees that were paid for the Spring Seminar, since the event was canceled.

Administrator's Report

Kelly informs us that, because we canceled the June 26 Spring Seminar due to the COVID-19 restrictions, we will add that event to the Fall Conference; we're still planning to hold the conference at Okemo Mountain on September 10-11. The same presenters that had planned to speak at the Spring Seminar have agreed to present their programs at the Fall Conference. We discussed whether we should have a back-up plan, perhaps a webinar, for presenting the Fall Conference if necessary. It was mentioned that people would want to pay less for a webinar conference, and Kelly agreed that without paying for the food and facility rental,

the webinar cost would be lower. It was noted that land surveyors have an extra 180 days to renew their licenses but that you need to apply for the extra time.

We discussed payment of \$900.00 (to cover a three-year period) to the New York State Board of Education so that our New York members can count on our seminars to provide their necessary CEUs. The state of New York requires this payment to insure that the VSLS is a certified sponsor. We decided that it is worth it for the VSLS to spend these funds.

Vermont Survey Law Manual

The next step in this process was temporarily stalled. Randy was going to scan the manual again, but this time in black and white, since Keith had a hard time turning the color version into an editable document. After Randy's accident and badly broken leg, he has not gotten back to the project. He will do so once he has recovered.

Other Business

Paul asked Joe Flynn about some Board matters. The Board still has not changed the guidance document regarding the verbiage to be added to plats being sent to the VCGI Survey Library. Paul also noted that apparently the Board secretary was unable to find a copy of the Rules for the date of 2008. Joe will send the secretary an email about locating a copy of the Rules and cc: her supervisor to make sure it's done.

The U.S. Survey Foot Deprecation discussion was tabled for this month's meeting, since Mark had introduced the topic but was unable to attend the meeting.

There being no other business, the meeting was adjourned at 6:40 PM.

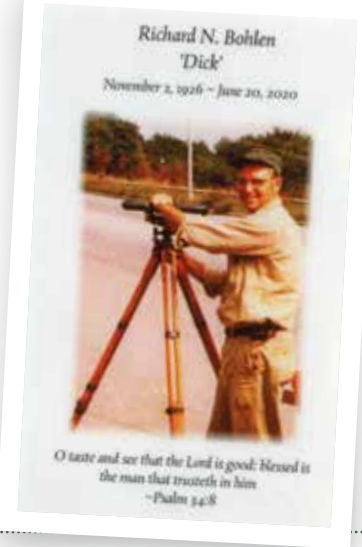
Respectfully submitted,

Lisa Ginett, VSLS Executive Committee Secretary

In Memoriam

Remembering Dick Bohlen:

Land Surveyor, Engineer, and Author of
The Cornerpost's "Survey Markers" Series



Richard "Dick" Noble Bohlen

Vermont L.S. #7 | Nov. 2, 1926 - June 20, 2020

This tribute was written by Dick Bohlen's friend and colleague, Andrew Dussault, L.S. #500

The first land surveyors seminars sponsored by the Vermont Society of Surveyors (today's VSLs) were on February 27 and March 15 of 1973 in "the pit" at Vermont Technical College. One of the primary presenters was Dick Bohlen, LS#7, PE#707.

A good portion of Dick's presentation was dedicated to monuments and was heard by myself and fellow members of the Surveying Technology class of 1973. A couple of quotes from his remarks:

"A beautiful closure of a survey is of absolutely no value if there is nothing marked on the ground. A beautiful plat is really of no significance whatsoever if there are no good substantial, long lasting monuments on the property."

"We recognize that stones are scarce in some places, but no rodman was ever killed by lugging a few stones from 300 ft. or so away. If a state-wide practice was established to stone every monument whenever humanly possible, all line recovery would be

greatly helped in future years."

Many of Dick Bohlen's past employees, including myself, can attest to his belief in the two statements noted above.

During my first summer working for Truline Surveyors in 1973, another man and I were sent to work on a project for the proposed school site in Barnet. With a dip needle and machetes, we could not find the iron pipe in the brushy area along the roadway. We returned to the office to tell Dick about our dilemma. He took us back to the site and recovered the monument in question. It was a good lesson for this fledgling surveyor.

Another very important lesson for an upstart, with ideas, was when I suggested to Dick that we do a job in a different manner than he had planned. He said, paraphrasing, that for every surveyor there is a different way to do the job. He taught me a lesson.

The hand compass and 200 ft. steel tape surveys Dick performed are legendary to the accuracy of the distances when determined with an EDM.

St. Johnsbury, and the surrounding area, is very fortunate to have had two professional land surveyors during the last 125 years, who were very modest but recognized by their peers, attorneys and the public as being real pros. They were: John Moire Perham who surveyed from 1895 to 1946, and Richard Noble Bohlen who surveyed from 1950 to his 90th year.

I will be forever thankful, and grateful, to Dick for giving me the opportunity to learn under a consummate teacher and a man who wanted the job done correctly. 🍷

Dick (left) and Andy Dussault



I worked with Dick in 1954/1955 and have a lasting memory of many experiences. Trade school allowed me to join Truline Co. because of the drafting choice I had made with the school.

The travels around Vermont were rewarding, from Greensboro to Victory to Norwich to the Burke Mountain Ski area. The setting of batter boards for a foundation. The cutting of a property line with a machete. The trips to the town clerks office to study the possible location and markers for the property to be surveyed. The reading of reports dating back to the 1800. Back to the office and the drafting board to document our findings.

Dick would go to court to represent the people that had hired us. One time a farm family thought a lumber company was cutting way over the property line. They learned that they had another 100 acres.

My memory of trips to the cabin on Lake Champlain— what a treat.

Through the years I have used many of the lessons learned from working with Dick. Dick's testimony in his book was a great blessing to me, as I know he has a spot in heaven and I hope to meet him again.

God bless all of Dick's family.

— DONALD STEELE

Thank You

We're especially grateful to Dick for sharing memories from his days in the field through the "Survey Markers" articles. We look forward to printing more of the writings he sent earlier this year. — EDITOR

Allen Newton | Vermont L.S. #73 | August 9, 1942 - July 31, 2020



ALLEN J. NEWTON, age 77, passed away July 31, 2020, comforted by his family, following a brief battle with health complications. Allen was born in Morrisville, Vt., on August 9, 1942 to Roger G. Newton and Cornelia Marshall Newton. An exceptional athlete, he spent his childhood involved with all the local sports. Never missing a day of school, he graduated from Peoples Academy High School in 1960 and earned a degree in Civil Engineering at Wentworth College in Boston in 1962.

Allen married his high school sweetheart, Prudence Joy White, on November 30, 1963 and together they raised three children, Kevin, Marc and Shellie. He started his professional career with the State of Vermont Highway Department and went on to co-own Newtown Surveyors with Richard Towns for many years. He also worked for Central Vermont Railway and H. A. Manosh Corp., all the while running his own survey business. He was in the field still working just weeks before his passing. There are few, if

any, corners of Lamoille County he wasn't familiar with and made sure his young grandchildren could recite all of its towns alphabetically.

Allen was a member of the First Congregational Church in Morrisville. He was a 54-year member and Past Master of Mt. Vernon Lodge No. 8 in Morrisville. An avid golfer, he was a longtime member of Copley Country Club and enjoyed golf outings around the State and at many courses from here to Florida, where he and Prudy enjoyed snowbirding to shorten the Vermont winters.

Allen is survived by his loving wife Prudy and their children, Kevin and Joanie Randall Newton, Marc and Kristy Robare Newton, and Shellie and Tim Tierney; his grandchildren Konnor and Trevor Newton, Joshua, Kaleigh and Kaitlyn Newton, and Ellen and Mairén Tierney. His brother-in-law Jack White and his wife Barb, sister-in-law Melissa White Rose and several nieces and nephews. He is preceded in death by his parents.

A graveside service will be held at the convenience of the family. In lieu of flowers, donations in Allen's memory may be made to the Lamoille Area Cancer Network, 198 Farr Avenue, Morrisville, VT 05661.

Faith Funeral Home is assisting the family. Online condolences may be made by visiting faithfh.net.

Wayne Lawrence | Vermont L.S. #160 | July 14, 1937 - July 27, 2020



WAYNE D. LAWRENCE, 83, of Jalbert Road passed away on Monday, July 27, 2020 at the Central Vermont Medical Center in Berlin.

Born July 14, 1937 in Bangor, Maine, he was the son of Barbara Lawrence. Wayne attended elementary schools in Rochester, VT and graduated from Rochester High School in 1955. After high school, he attended and graduated from the University of Vermont in 1959. Wayne made his home in Middlebury until moving to Barre in 1964. While he was employed by the State of Vermont, Highway Department, he returned to the University of Vermont and graduated with a Master of Science degree in Civil Engineering in 1972, and started his own business, Wayne D. Lawrence Consulting and Land Surveying in 1974, working until he was 81 years old. He was a member of the U.S. Army Reserves.

He served on the Barre Town School Board in the 1980's. On July 11, 1981 he married Ellie (Wright) Robie in Barre. When not working, Wayne enjoyed coaching and watching his son play hockey, walking, working around his house and property, wintering in Florida, and road trips in his RV, although most of all, he enjoyed time spent with his family, grandchildren, and dogs.

Survivors include his wife, Ellie Lawrence of Barre; his children David Lawrence and his wife, Samantha of East Barre; Stephen Lawrence and Stacey Lawrence, both of Barre; his step-children Michael Robie of Williamstown; Jeffrey Robie of Barre; and Tracy LaPan and her husband, Freddie also of Barre, eleven grandchildren, and four great-grandchildren.

He was predeceased by his mother, Barbara Lawrence, and his sister, Hilda Lizotte.

The graveside service to honor and celebrate his life was held at on Friday, August 7, 2020 in the Wilson Cemetery in Websterville. Memorial contributions may be made to Barre Youth Sports Association (BYSA) Hockey, PO Box 821, Barre, VT 05641.



2020 Fall Conference

September 10 & 11, 2020 | **Presented Online**

With all the uncertainties surrounding COVID-19 this year, we're looking forward to a virtual conference that will allow more of our members to attend and help keep everyone safe and healthy.

How will it work?

- We'll present the webinars using GoToWebinar, thanks to NSPS's offer of free access.
- Please register using this form or at www.vsls.org.
- To participate, you'll need a computer and reliable access to the Internet. You'll also need an email address to receive links to the webinars.
- A few days before the conference, you'll receive an email with links to all of the webinars you've selected. There will also be a link to help you test your computer before the day of the webinar.

Can I ask questions during the webinar?

Yes. There is a message box where you can type questions for the speaker. The speaker may answer questions during the presentation or at the end.

What if I registered for a webinar but I can't attend when it's going on?

We're recording all the webinars and will send you links to the sessions you've registered for after the conference. You can watch them when it's convenient for you.

Can I share my webinar links with coworkers?

No, the links are unique to each person who registers, and we will receive a report of everyone who attends after the conference.

THURSDAY, SEPT. 10	WEBINAR TOPIC	✓ TO REGISTER
8:00-11:00 AM	Floodplain Issues in Surveying (4 PDH)	
11:00 AM-2:00 PM	BREAK	
2:00-2:50 PM	Floodplain Issues in Surveying (continued)	
3:00-3:50 PM	Business Practices for Land Surveyors (1 PDH)	
4:00-4:50 PM	7 Deadly Sins of Email & 8 Essential Contract Provisions (1 PDH)	
FRIDAY, SEPT. 11	WEBINAR TOPIC	✓ TO REGISTER
8:00-8:50 a.m.	Charging What You're Worth (1 PDH)	
9:00-9:50 p.m.	Working Successfully with Realtors (1 PDH)	
10:00-10:50 p.m.	Overview of Vermont Survey Library (1 PDH)	
11:00 a.m.-2:00 p.m.	BREAK	
2:00-3:50 p.m.	The Professional and Ethics (2 PDH)	
4:00-4:50 p.m.	Tick Talk: Blacklegged Ticks in Vermont (1 PDH)	

Conference Fees

You may select as many webinars as you would like to attend. We are charging a set rate per professional development hour (PDH).

*\$25 LATE FEE if you register after Sept. 4.

Receive a 10% DISCOUNT when you register for ALL eight webinars.

MEMBERSHIP LEVEL	PRICE PER PDH
Member in good standing of VSLs or kindred society	\$12.50
Life Member	\$9.50
Non-member	\$20.00

Floodplain Issues in Surveying

Presenter: Jim Nadeau, PLS, Certified Floodplain Manager

This webinar will review the National Flood Insurance Program, including key terminology and concepts. We will discuss the role of the land surveyor, including the following important factors: flood determination and the lending process; understanding the flood insurance rating system, and improving client representation.

Business Practices for Land Surveyors

Presenters: Rick and Patti Brooks, Brooks & Brooks, PC

In this session, we'll start with some tips for maximizing COVID relief programs. Then we'll move to general topics such as the pros and cons of establishing your business as an LLC, PLC or Inc., and how to set up business practices to optimize tax benefits, including managing large purchases and depreciation over time.

7 Deadly Sins of Email & 8 Essential Contract Provisions

Presenter: Cameron Poole, Associate, Poole Professional

This program will examine the eight contract provisions that matter most to Land Surveyors, including indemnification, standard of care, and others. It will then outline the seven deadly sins of email practices for design professionals, concluding with steps to take to keep you out of email hell.

Charging What You're Worth

Presenter: Jim Nadeau, PLS

This webinar will discuss implementing value-based fees, rather than billing by the hour or day. A value-based fee is based on your contribution to the results the client achieves. It provides more equitable compensation for the land surveyor and avoids ethical conflicts with the client.

Working Successfully with Realtors

Presenter: Jim Nadeau, PLS

This presentation is designed to help land surveyors understand and communicate risk in their interactions with realtors. We will discuss the realtor's duty to disclose hazards and enhancing client representation.

Overview of Vermont Survey Library

Presenter: David Fox, Parcel Project Technical Lead, VCGI

As of January 2020, surveyors are required to submit PDFs of any new surveys to the Vermont Survey Library. David will review how the library and submissions are working so far, and take questions from members about its use. Submit questions to kelly@vsls.org

The Professional and Ethics

Presenter: Robert Dahn, Surveyor and Partner, Meehan & Goodin

This seminar will explore the ethical roles and responsibilities of today's surveying professional. Included is a brief introduction to the history and the evolution of ethics, the relationship between surveying and its allied professions, and the duties and obligations professionals owe to their clients and the public at large.

Tick Talk: Blacklegged Ticks in Vermont

Eliza Doncaster, Vector Management Coordinator, Vermont Agency of Agriculture, Food and Markets (VAAFM)

Of the 14 known tick species in Vermont, only one is responsible for 99% of all tickborne diseases reported to the Vermont Department of Health: the blacklegged tick. In this talk we will discuss the biology and behavior of the blacklegged tick as well as what the VAAFM is doing to track tick populations and disease prevalence throughout the state. Tick bite prevention will also be discussed.

Registration (please return **BOTH PAGES** of the completed form, or register online at vsls.org)

Name _____

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Please return form with payment to: VSLs, P.O. Box 248, Montpelier, VT 05601-0248. Questions? kelly@vsls.org



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