



Journal of the Vermont Society of Land Surveyors
Volume 53, Number 3 | Fall 2022

The Cornerpost

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The Cornerpost

Volume 53, No. 3 • Fall 2022

Published by the Vermont Society of Land Surveyors, a professional society dedicated to the advancement of the science of surveying and mapping.
802.777.6507 | www.vsls.org

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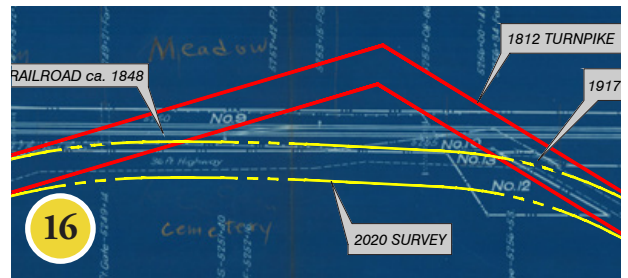
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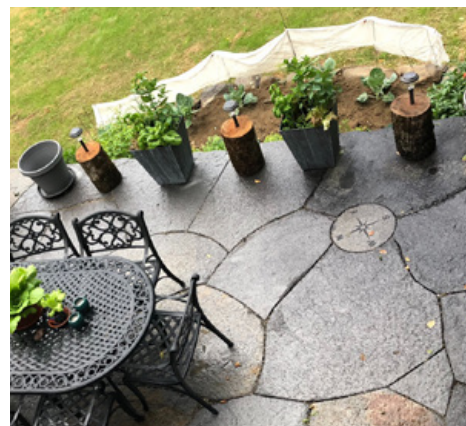
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SEND IN YOUR NEWS

Have you ever contributed to *The Cornerpost*? Its success 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. Everything is welcome that may be of interest to your fellow surveying professionals.



ON THE COVER

This issue's cover photograph comes from Eric Morse, L.S. The image shows a special feature of the patio at Eric's Guilford home: a granite compass rose embedded into the surrounding stone. "We set the compass rose by direct observation on Polaris," he said. "Eyeball and plumb bob. Old school!"

If you have any interesting photos to share, please send them to kelly@vsls.org.

PRESIDENT'S CORNER

**VSLs PRESIDENT
RANDY OTIS, L.S.**



An Ending and A New Beginning

Changing of the Guards with VSLs Administrator

After I wrote my letter, our administrator, Kelly Collar, shared her plans to leave VSLs in the coming months to focus full time on her graphic design business. Since COVID hit, Kelly's other business has taken off quite a bit, giving her an incentive to go full time with it.

This is an exciting opportunity for Kelly and we will all miss her, as she has been an invaluable part of this organization for the past eight years.

Kelly will stay on with VSLs as we search for someone to fill her shoes, and then she'll overlap with the new administrator to make sure the transition is a smooth one.

If you have any ideas of possible candidates to take the reins from Kelly, please send me a note at president@vsls.org. To view the job description: vsls.org/employment.

FALL ARRIVED IN GOOD TIME THIS YEAR, along with the prime surveying season! I personally love fall, as the weather cools off, the bugs go away, the leaves turn and fall.

I recently found myself without cell service, working with two crews atop of a large flood control dam. The weather was great, the view was amazing, and it all reminded me of why I got into surveying in the first place as I had a day without the incessant ringing of my cell phone interrupting my day.

As I so often write about, and my cell phone reminds me of, we have more work than we have surveyors to do the work. With an ongoing trend of declining surveyors, I feel privileged to have been invited to an attended a young surveyors committee meeting in New Hampshire recently. This gave me an opportunity to listen to the concerns of the younger members of our profession. In New Hampshire, one of the concerns of these younger surveyors was whether they had the support of the owners of the companies. Concerns of whether they had support resources to study for SIT/LS exams, or the ability to borrow equipment to locate benchmarks, or go to a career day at their local high school. I think it's the responsibility of all employers to give the young members of our profession the incentive and support to grow.

With regard to borrowing equipment to get involved with, the young surveyors in NH were using Vermont as an example to get motivated. They had printed a map showing how much better Vermont had done at locating benchmarks with GPS than NH has done. NOAA's GPS on BM program is still ongoing, and they have loosened the requirements to locate a benchmark in hopes of getting more feedback. While Vermont has done a great job locating benchmarks, there are still a half dozen or so requested for observations that may be a fun activity to do with some younger people interested in surveying.

On the society front, we have reestablished the preservation committee to tackle the enormous challenge of how to preserve the collections of retiring and deceased surveyors. I would like to thank Harris Abbott, Malcolm Moore, Eric Morse, and Scott Taylor for getting involved with this effort.

I would like to remind everyone that we have the Round Tables scheduled for Thursday, December 15 at the Capitol Plaza in Montpelier this year. I am hoping to see a good turnout of younger staff this year, and encourage all the managers to try to increase the turnout from the younger staff. There is also plenty of opportunity to moderate a table, so please feel free to get in touch with Kelly if you are interested.

As a final note, I would like to encourage people to get involved in advancing the profession. Now that we can see each other face to face more and more, it's a great time to help out at a career fair or do a demo for a local high school class. The more effort we put out, the more colleagues we'll see in the future. And on that note, I'll see you at the Round Tables in December.

Sincerely,

Randy Otis, L.S.

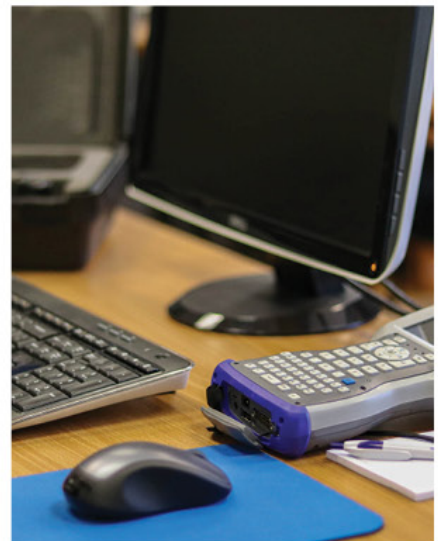
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BY GAYLE BURCHARD, VERMONT NSPS DIRECTOR

Vermont Director Goes to Tulsa for Fall NSPS Meeting

THE FALL BUSINESS MEETING was held in Tulsa Oklahoma, Oct. 14–16. There was a golf tournament the day before, and many of us stayed after the meeting and did some sightseeing around Tulsa.

JB Byrd gave a summary of what has been happening on Capitol Hill, and his report can be found on the NSPS website. One thing of interest is that the National Institute of Standards and Technology, the National Geodetic Survey, and the National Oceanic and Atmospheric Administration, announced a final decision and rule to deprecate use of the “U.S. Survey Foot” on December 31, 2022. Beginning on January 1, 2023, the U.S. Survey foot should not be used.

Tim Murphy has done a great job with the Workforce Development Committee and has produced a great video that can be used for career fairs, school presentations, any wherever possible. Come to the Round Tables in December to see this video and other new and improved materials from NSPS.

In November, the first Certified Floodplain Surveyor class in the Northeast is being presented in Massachusetts. The class was limited to 40 people and sold out quickly. I’ll keep everyone updated about when the next class will be held.

The NSPS website will be undergoing some changes - stay tuned for more information. 🌱

“Come to the Round Tables in December to see a new video and other new and improved materials from NSPS.”



Gayle visited the so-called “Center of the Universe” in downtown Tulsa. This small concrete circle in the middle of a larger circle of bricks is a little-known mysterious acoustic phenomenon. If you stand in the middle of the circle and make a noise, the sound is echoed back several times louder than it was made. It’s your own private amplified echo chamber.



Business **AND** Management »»» IN EDUCATION

BY KNUD E. HERMANSEN, P.L.S., P.E., PH.D., ESQ.

This is the fourth article I've prepared in the series offering thoughts on professional practice and education. The focus of this article, I hope, will assuage some individuals that I offended by my last article and will give hope to friends that will see I am now writing with the sense that I appear to have lost with my last article.



I know I am not alone when I say I wish I knew as a young surveyor what I now know about running a business. I can stand in front of a dozen or more surveyors that run their own surveying business, some for decades, and discuss rules and regulations that by law apply to them. What I reveal shocks many of them as they realize the deficiencies in their knowledge and business practice. They were unaware or confused about rules and regulations they should be adhering to or should have adhered to when running their business.

I might quickly add, I will not claim to know the entire plethora of knowledge on government regulations as applied to businesses. Who would know all the governing rules except for the most dedicated bureaucrat or regulator? Sadly, the federal, state, and local governments continue to do their best to create more difficulties in starting and

running a business – especially if you contract with the government.

The first time a surveyor hears the phrase “cash flow” should not be during their first year of owning a business as they sit in their office, the time near midnight, the pay for employees due the next day. Having never heard of the term “cash flow,” the new business owner can’t understand how they must pay sooner using what they won’t have until later.

The new graduate that’s checking in with the human resource manager at the onset of their surveying career should not wonder what is meant by a 401k, employer match, vesting periods, and pre-tax contributions.

This missive is not meant to discuss politics or even the various subjects that may fall under the concepts of “business” and “management” education. Rather, the focus is to advocate that relevant business and management

topics be presented to students studying in a four-year surveying program.

Faculty would be disappointed when collecting alumni data to discover graduates described their job title as “survey technician” ten years after graduation. After ten years, the graduate is expected to be licensed and in management. Yet, many survey programs have failed to give students any relevant knowledge that would aid the graduate to take on management positions where survey graduates are expected to spend most of their professional careers.

I would opine the lack of adequate business and management courses in surveying programs stem from two conditions. The first condition arises because of the lack of business and management experience that faculty have. Many faculty do not have the experience, training, or knowledge to teach relevant business and management courses. Even survey programs at larger



universities can't always draw on the business school faculty to help educate the surveying student in relevant business courses. While the business school faculty may be able to educate the surveying student regarding contracts, business entities, employee law, etc. topics such as mechanics liens, survey fee makeup, right of entry laws, road safety laws, Dig-safe, OSHA, federal contracting, and other such survey specific areas will not be covered in a course taught by the business school.

The second condition thwarting the introduction of business and management courses into a surveying program is the difficulty in fitting more courses into a surveying degree program. Universities limit the maximum number of credits for a bachelor of science degree. ABET accreditation requires certain courses and credit hours. NCEES has established topics covered in the FS exam that must be covered in the academic program. Finally, the university requires all students at the university take certain courses for the regional accreditation the university maintains.

“The first time a surveyor hears the phrase ‘cash flow’ should not be during their first year of owning a business as they sit in their office, the time near midnight, the pay for employees due the next day.”

If the reader will indulge me, I will get upon a soapbox regarding the last limitation mentioned - that is University accreditation requirements. I have found it frustrating that regional accreditation often requires courses such as diversity, artistic expression, humanities, and other general education courses popular among liberal arts faculty but worthless in a business or a professional environment. (Not all general education is dismissed by practitioners. Courses such as communication and writing are the exception. These courses and their content are appreciated by employers.)

For 30 years I have examined hundreds of employment surveys prepared by alumni and survey employers sent by the University for program self-improvement. In those 30 years and after review of hundreds of documents, I have

yet to see a single employer or alumni say how useful artistic expression and similar courses have been toward their career. The mention of these courses is a common occurrence but only under a category where alumni cite courses of no use in their life and wasted tuition money.

Having given my opinion, I now offer advice by suggesting professional societies that advocate for surveying programs also look at the courses in the survey program to ensure there are business and management courses that provide the graduate with the knowledge to become leaders in both the profession, community, and a surveying business. 🌱

Other books and articles by Knud can be found at <https://umaine.edu/svt/faculty/hermansen-articles/>

A History and Explanation

of Central Vermont Railway Valuation Maps

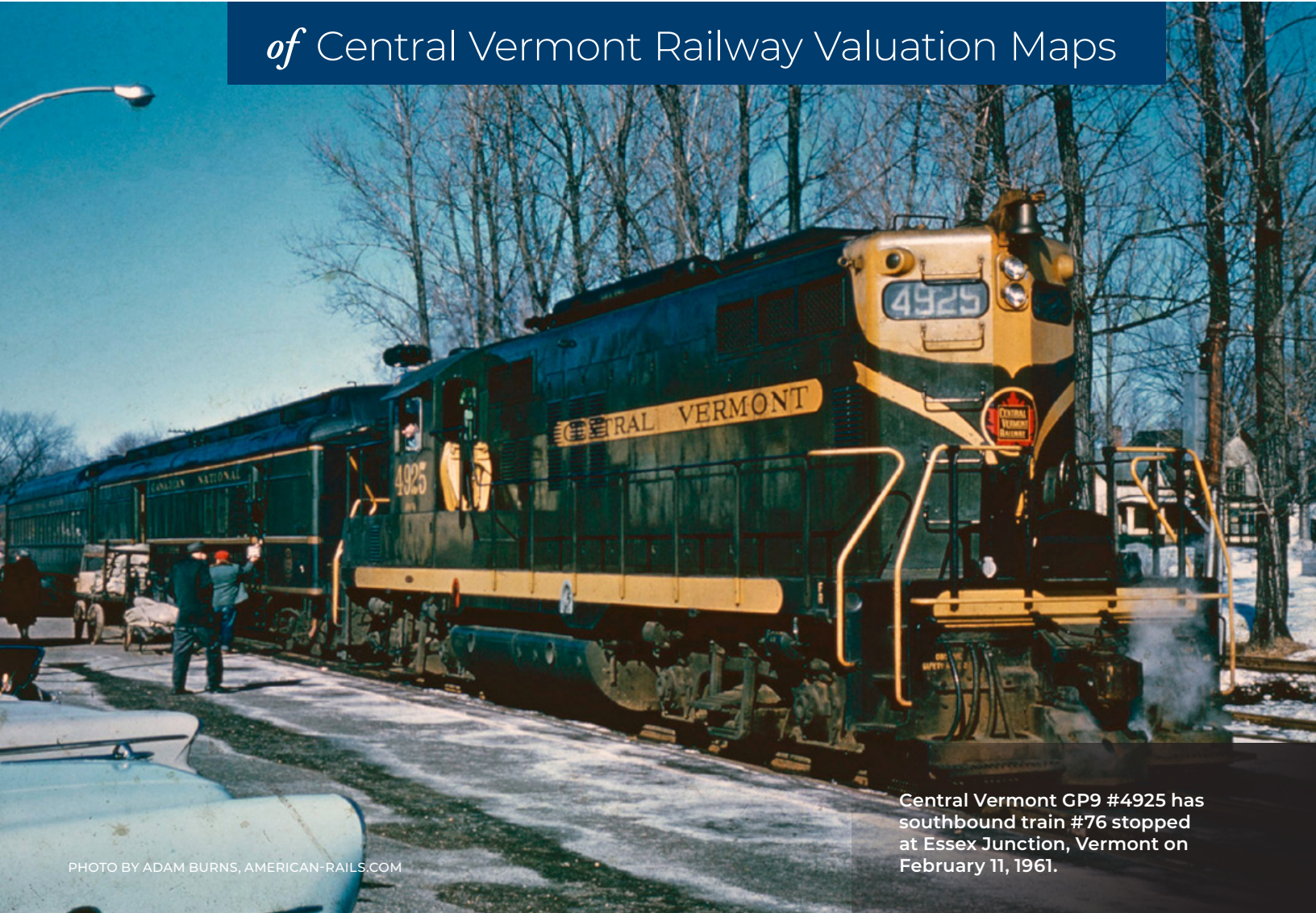
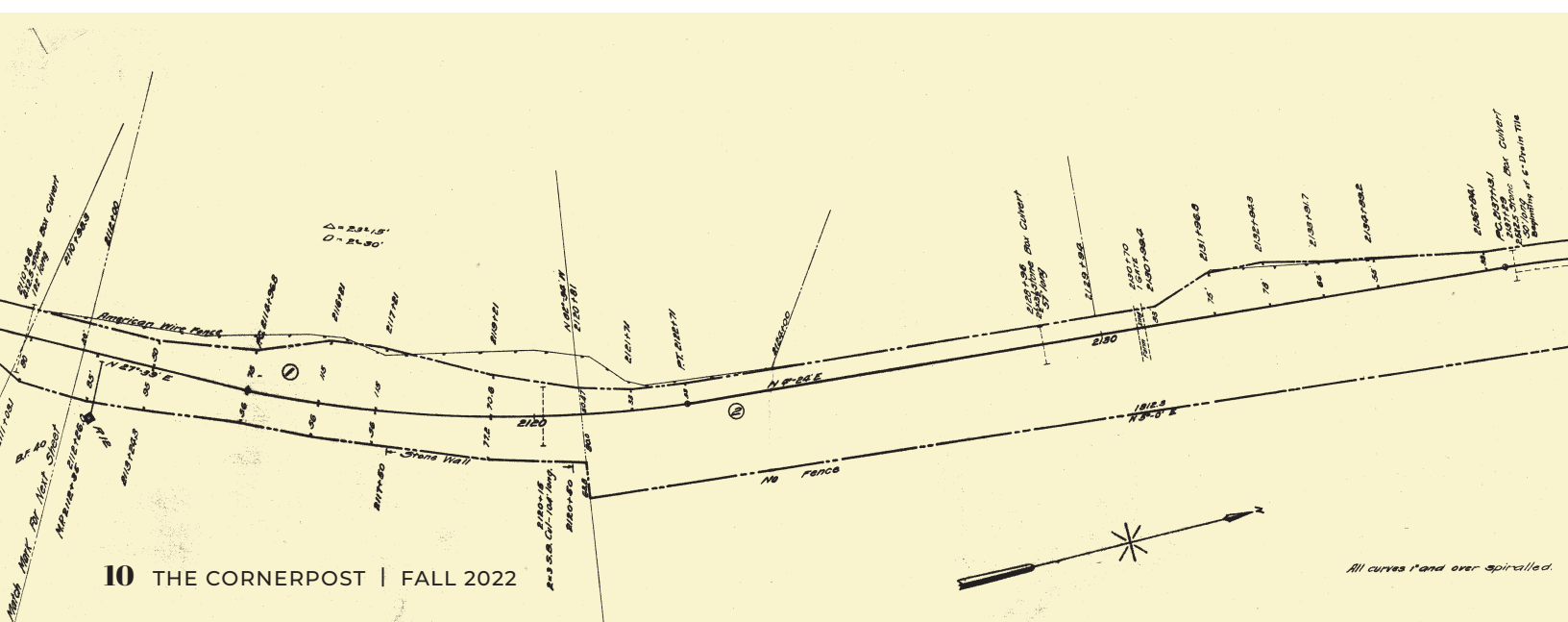


PHOTO BY ADAM BURNS, AMERICAN-RAILS.COM

Central Vermont GP9 #4925 has southbound train #76 stopped at Essex Junction, Vermont on February 11, 1961.



In 1912, the federal government issued a booklet of instructions to all intrastate railroads that described exactly how railroad valuation maps were to be made. This included track and land location, degree of RR curves, true North indication, property lines, and all necessary pertinent information drawn one mile to a tracing. Approximately 4.5' x 24".

When one reviews a valuation map, all the purchased lots are numbered. This is where the schedule of title becomes valuable to anyone in the survey business. If you are able to acquire the map and pertinent schedule of title, that would be a very good start.

Railroads are Considered North and South or East and West

The CVRY is a South-North Railroad, so I will start at New London, Conn., which is valuation section 1, whereas the beginning of ownership is the center line of the bay window at the New London Joint Station New York, New Haven, Hartford RR, and CVRY 2/3 – 1/3 ownership. From the Norwich, Willimantic, Mansfield to the Massachusetts border. The chainage distance continues, but valuation maps at the Massachusetts state line become valuation section 2 up to the Vermont state line. At that point, valuation map starts VS5 valuation section 5 up to Brattleboro, Vt., to mile post 108 located at the south end of the joint railroad station, B & M – CV.

Then proceeding north to the north edge of Bridge Street, approximately 5-6 feet, to a rail bound beyond the pavement roughly 12" down in the center of track, which marks the end of the CV ownership. I exposed the rail bound myself around 1952. That point also marks the end of CV and beginning of Boston and Maine ownership through Vermont, New Hampshire, to the West edge of the White River at Windsor, Vt. Those valuation maps are B & M valuation 46 Sheet 1- 2, etc.

In 1984, the trackage was so neglected that Amtrak refused to operate on it. As a result, Canadian National RR, Grand Trunk RR and CVRY bought that section of track and rebuilt it completely. The CV chainage continues over that trackage to about MP 168, at the west edge of White River at Windsor, Vt. But B & M V 46, valuation maps 1-3 etc. are required on that portion of track to make property line usage and various buildings usable for location work.

C.V. Valuation section 8 starts at the west edge of White River at Windsor, Vt., and proceeds to White River Junction, Randolph, Northfield, Montpelier Junction, Essex, St. Albans, and Swanton. Swanton to the Canadian Border was abandoned in the 1950s.

In Swanton at Fonda Junction, Val maps V8E starts through Swanton to East Alburgh to the Canadian Border. At East Alburgh, there are two CN valuation maps showing land purchased years ago for trackage to go to Rouses Point, N.Y., or St. Albans, Vt. I possess both of these: CN V 23, 1 & 2.

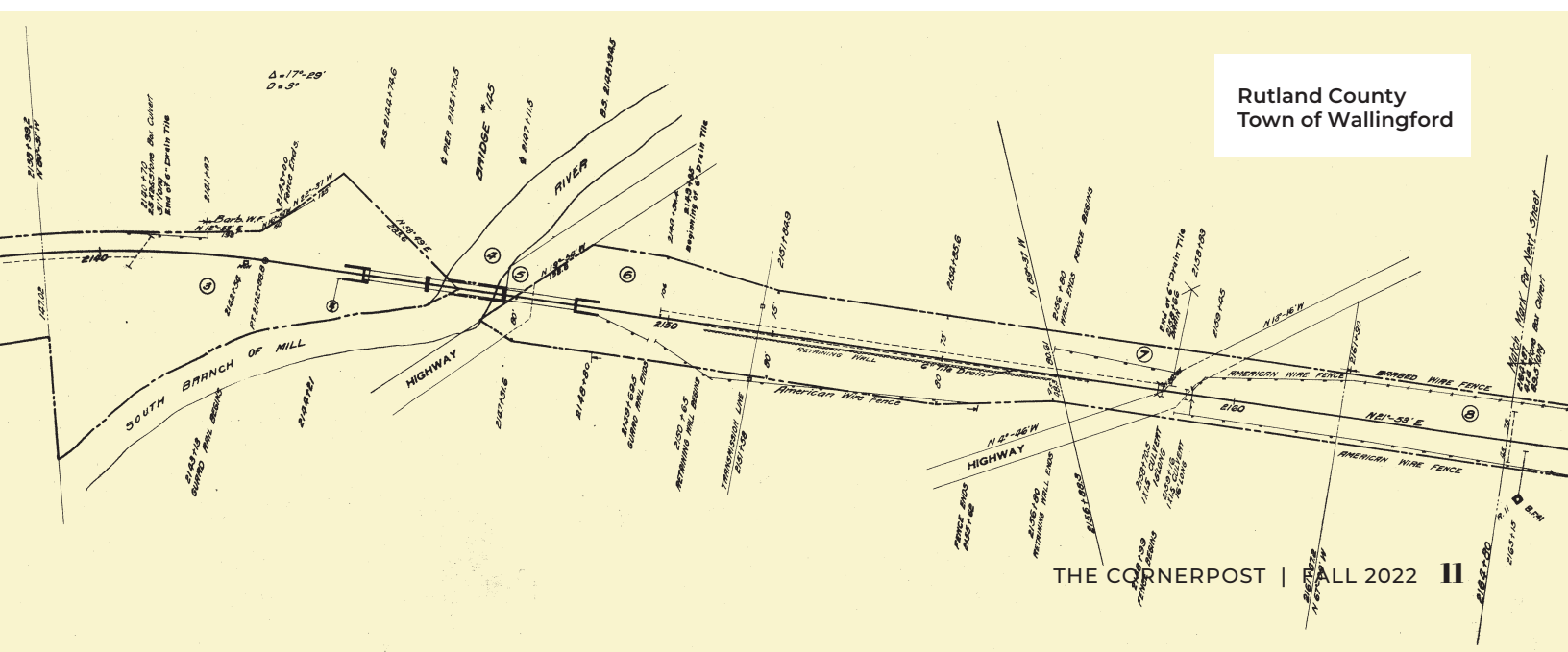
Land Schedule

Also in conjunction with valuation maps is a schedule of title which lists the grantors, grantees, method of taking, book, page, and date of each transaction.

As an example: someone is working in Norwich, Conn., looking for Central VT RR. Central VT RY might not be much help, since many of today's railroads are made up of various railroads in their master plan, so if any RR historian found out about the New London, Willimantic and Palmer RR (which is Central VT RY Inc., now NECR) this information would be on the schedule of title.

The schedule of title is listed for the maps. (i.e. VI – 16 schedule of title VI – 16)

I have copies of the schedule of titles from New London to the Canadian Border, and branch lines now abandoned (i.e., Richford Branch, Cambridge Branch and Burlington to Cambridge). If anyone would pick them up and transport them to Middlesex or UVM archives, I would appreciate it.



SCHEDULE OF TITLE

V. S. 8 Map 1

PAR- CEL NO.	CUSTODIAN'S NO.	KIND OF INSTRU- MENT	DATE OF INSTRU- MENT	GRANTOR	GRANTEE	RECORDED			REMARKS
						Place		Date	
						Bk.	Page		
						Windsor, Windsor Co., Vt.			
1	V8-1	War.Deed	7/24/1847	Samuel Patrick	V.C. RR. Co.	20	540-42	10/15/1847	A portion of original Parcel sold to John S. Eldridge May 3, 1856. This deed also covers Parcel 22 on Map 1, Val. Section 7.
2	V8-2	Comm.Award	7/30/1847	Johathan H. Hubbard	V.C. RR. Co.	20	482	6/28/1847	This Award also covers Parcel 6 on Map 1 of Val. Section 7 and Parcel 2 on Map 2 of Val. Section 8
3	V8-3	Lease	5/4/1901	Wm. H. Fullerton	C.V. Ry. Co.	Not Recorded			
4	V8-4	Lease	5/20/1901	Geo. S. Blake	C.V. Ry. Co.	Not Recorded			
5	V8-5	Comm.Award	7/30/1847	H. & M. Everett	V.C. RR. Co.	20	493	8/24/1847	
6	V8-6	Comm.Award	7/30/1847	H. & M. Everett	V.C. RR. Co.	20	493	8/28/1847	
7	V8-7	War. Deed	5/24/1851	Mary Everett	V.C. RR. Co.	22	29	5/29/1851	A Portion of original Parcel conveyed to John S. Eldridge Nov. 5, 1856.
8	V8-8	War. Deed	10/1/1900	C. W. Witters	C.V. Ry. Co.	35	546	1/12/1918	
9	See Award to Parcel No. 6 and Deed to Parcel 11 on this Map								Used for Highway Purposes.
10	Location								Highway Crossing.
11	V8-9	Q.C.Deed	11/26/1847	Chas. C. Arms	V.C.Ry. Co.	20	556	11/30/1847	
11	V8-10	War.Deed	11/29/1847	John E. Watt	V.C. RR. Co.	20	555	11/30/1847	A Portion of original Parcel conveyed to John S. Eldridge Nov. 5, 1856
12	V8-11	War.Deed	3/24/1848	Samuel Patrick	V.C. RR. Co.	20	613	3/24/1848	
13	V8-12	War.Deed	8/6/1849	Wm. E. Trask	V.C. RR. Co.	21	313	8/6/1849	
14	V8-13	War.Deed	1/19/1850	Luther M. Stevens	V.C. RR. Co.	21	381	1/27/1850	Continuation of this parcel on Map 2.

Making copies of CVR valuation maps at Central Vermont Railway, 1914 - 1960s

Materials Needed:

- 1 - Six-foot x 40 inch sink with 2" of water
- 1 - Five-foot x 40 inch vat with 2" water with bichromate of potash powder to fix the print on the paper
- 10 - Copper wire drying lines
- 1 - Five lamp carbon arc lights BP machine
- 1 - wooden stick to turn on the 5 lights (switches were not insulated)

Process of making copies:

- Cut blueprint paper to desired length
- Start BP machine, needs 5 minutes to warm up
- Insert tracing with BP paper
- Separate the two
- Insert paper into large sink, 3-4 minutes wash
- Insert paper into small vat, 2-4 minutes to fix print
- Return paper to first sink rinse
- Rinse off and hang on copper wires, with clothes pins, until dry
- When dry, run through hot BP machine
- Roll or fold for recipient
- End of first print

P.S. The carbon arc light machine was purchased secondhand by CV in 1914 for, I believe, \$400.

Schedule of title for valuation section 8 map 1, Windsor, Vt.

Using Maps for Leases

Valuation maps were also utilized for leases. A cut-out standard mask was placed around the area to be leased, run through the blueprint machine 10-14 times, processed like the full-sized maps previously described. Lease wording was typed on them and signed. Twelve to 14 lease prints each lease. The lease area was colored ink on each print. The track was red, water was green, land was yellow, and wire was brown.

When I started in 1951, the number of leases were around 5,000. When I retired in 1984, the lease numbers were above 8,000. I can't imagine how many trips those valuation tracings went through the blueprint machine and were still in good condition in 1984. 🌱

ABOUT THE AUTHOR

A Little Bit of My Background and Pastimes

I was born and brought up in the great state of Vermont. Besides a stint in the Army during the Korean War, I have lived here my whole life. My wife Betty and I have lived in our home on High Street for more than 60 years. We raised four fine daughters there. They married four fine gentlemen. We now have eight wonderful grandchildren and four fantastic great-grandchildren.

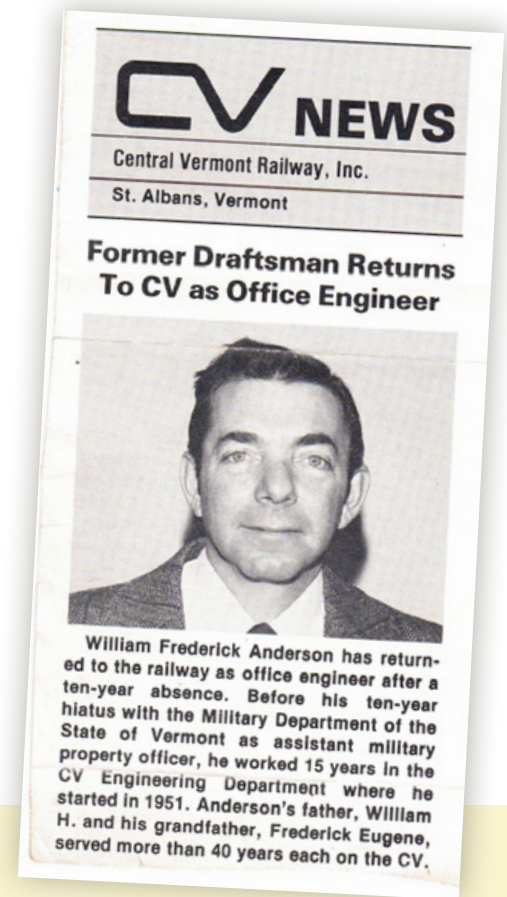
I skied 50+ years at Smugglers Notch. I taught all my daughters to ski at our local ski hill, Hard'ack, and am enjoying watching my two oldest grandsons learn to ski.

When I wasn't working my "regular" job, I was doing land surveying for myself, Anderson Land Surveying, for 30+ years. I'm Vermont L.S. #137, I've been a VSLS member since 1975, and I'm a member of the American Railroad Engineering Association.

If anyone has questions about the article, feel free to call or write and I will try to answer your questions.

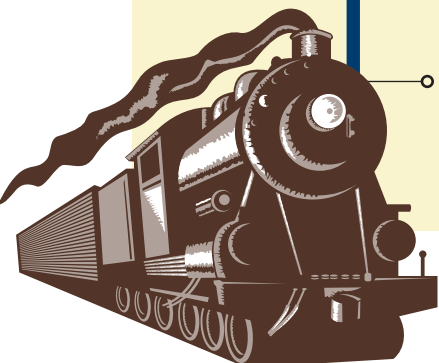
William Anderson

27 High Street, St. Albans, VT 05478
802-524-3263



My Regular Jobs Over the Years

- 1951 – 1966 Engineering Department of Central Vermont Railway Inc. Surveying anywhere between New London, CT – Irberville, PQ plus associated office work.
- 1951 – 1984 Army reserves National Guard, Active-Duty National Guard
- 1960s – 1991 Anderson Land Surveying Company
- 1967 – 1976 Military Department, State of Vermont, assist military property officer. Involved with construction of Berlin and Westminster armories and surveying for various projects.
- 1976 – 1994 Engineering Department of Central VT Railway, Inc., assistant to Chief Engineer
- 1985 – 2000 Vermont State Guard
- 1996 – 2008 Engineers Construction, Inc. Monitor contractors work near CVRY (NECR) track and furnish train order protection for construction workers around or on track.



2022 Fall Conference

SEPTEMBER 15-16, 2022
DELTA HOTEL, SO. BURLINGTON

Thanks to all our members, exhibitors and speakers who gathered in South Burlington in September for the VSLs 58th annual conference. A special thanks to the Program Committee for planning this event and to our exhibitors for a morning of interesting product demonstrations!

Program Committee Members

- Doug Henson, L.S., Chair
- Harris Abbott, L.S.
- Joe Flynn, L.S.
- Aaron Fuller, L.S.
- Gerald Stockman, L.S.





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Use & Abuse

OF THE

“Three-Rod Rule”

BY TIMOTHY R. COWAN, L.S.

In the part one of this article, in the summer issue of *The Cornerpost*, we ended after discussing *Cameron’s Run, LLP v. Frohock & Buik*, 2010 VT 60. In that case, a surveyor set a “back” lot line measuring from a sideline $1\frac{1}{2}$ rods from the street’s centerline; a second surveyor, after learning that the street was four rods wide, measured from a sideline 2 rods from the centerline, resulting in a $\frac{1}{2}$ rod area of confusion.

My first impulse is to applaud the second surveyor for performing the thorough research to find the street’s description, which they dutifully incorporated into their survey. But we need to keep in mind that our primary task is to locate the line as it was set out or intended by the original parties. So, what if the parties (or their surveyor) incorrectly believed that the street right of way was only 3 rods, and intended that the back line be set accordingly? If that back line has not been perpetuated in some way, by monumentation or even by evidence such as a fence or line of trees, that intention may remain forever unknown. If that “erroneous” back line has been monumented or otherwise perpetuated a surveyor needs to think long and hard before they “correct” that back line.

Following is an example the author recently ran into.

How Wide is Main Street?

In 1901 and 1902 “Company A” separately conveyed two lots on the easterly side of a highway, while retaining its land further to the east. Both lots were described as “Beginning at a point on the main highway or turnpike, thence running along said highway ...” (now Main Street). Both lots were described as having depths of 140 feet from their points of beginning on the highway. Of course, the width of the highway is not given in that description.

About seventy-five years later, in 1976, Surveyor 2 was retained to locate the boundaries of the remaining parcel lying immediately east of those two. Assuming a 3-rod highway, Surveyor 2 located his boundary 140 feet from it, and, on his plat documented an existing “old fence on trees” (in a residential neighborhood) nearly coincident with his line.

About forty years later, around 2016, Surveyor 3 is asked to retrace one of the lots fronting on Main Street. He is aware of the 1976 survey, but is now also aware of a document found not in the town’s records, but amongst papers of a former state surveyor-

general, describing the 1812 survey of an old turnpike (now Main Street) and giving its width as four rods. With this newfound knowledge of the highway’s width, Surveyor 3 locates and monuments the boundary about $\frac{1}{2}$ rod further east than shown on the 1976 survey. Much to his credit, Surveyor 3 indicates the discrepancy on his plat, and even notes the existence (still) of fence remnants near Surveyor 2’s line.

To me a big question both in the *Frohock* case and this second example is, “Where on the street or highway did the original description begin?” “Did the scrivener actually know the highway’s width?” It makes one long for the days when so many descriptions called for the centerline of the highway, which might be slightly ambiguous, but, unlike the invisible line of the right of way, at least it was a visible monument at the time of the survey.

In the order of priorities for conflicts in descriptions, “Written Intent of the Parties” ranks at or near the top. So, whether the described dimensions originated from a trained surveyor or from a lay-person, how wide they THOUGHT the right of way was may be more pertinent than how wide it really is. To solve that question we will likely need to resort to other lines in the description, called-for monuments (if we’re lucky) or even extrinsic evidence, such as fences or other signs of occupation. Though in this case the recent surveyor may

have been technically correct; did he end up with the line in the place where it was intended in 1902? With the fact that there is still evidence of a fence line 8 feet closer to the highway makes one need to think long and hard. The fact that another surveyor had recorded a plat depicting a boundary at that fence forty years before would make one think hard a second time.

The “Main Street” case also brings up another question. If the document proving the right of way width has only recently been discovered (or re-discovered) (circa 2016) and was not locatable in the town’s records, how were grantors, grantees or even surveyors expected to be aware of the highway’s width in 1901-1902 or again in 1976? An analogy could be drawn to newly-acquired measurement technology. Let’s say we are retracing an ancient line described as being “100 rods” in an 18th century deed. We search for corner evidence at 1650’ but find it at 1610 feet. We do not set a “correct” corner forty feet further on, just because we have “discovered” new knowledge which allows us to measure more precisely than our predecessors.

Our job is to find the lines and corners which were laid out (as long as they are not conflicting with senior rights) not to “correct” those lines.

Most of the above cases involved town highway rights of way; but, of course, the State of Vermont constantly needs to determine the location and widths of its highway rights of way, many of which were inherited from towns and counties after the 1931 creation of the state highway system.

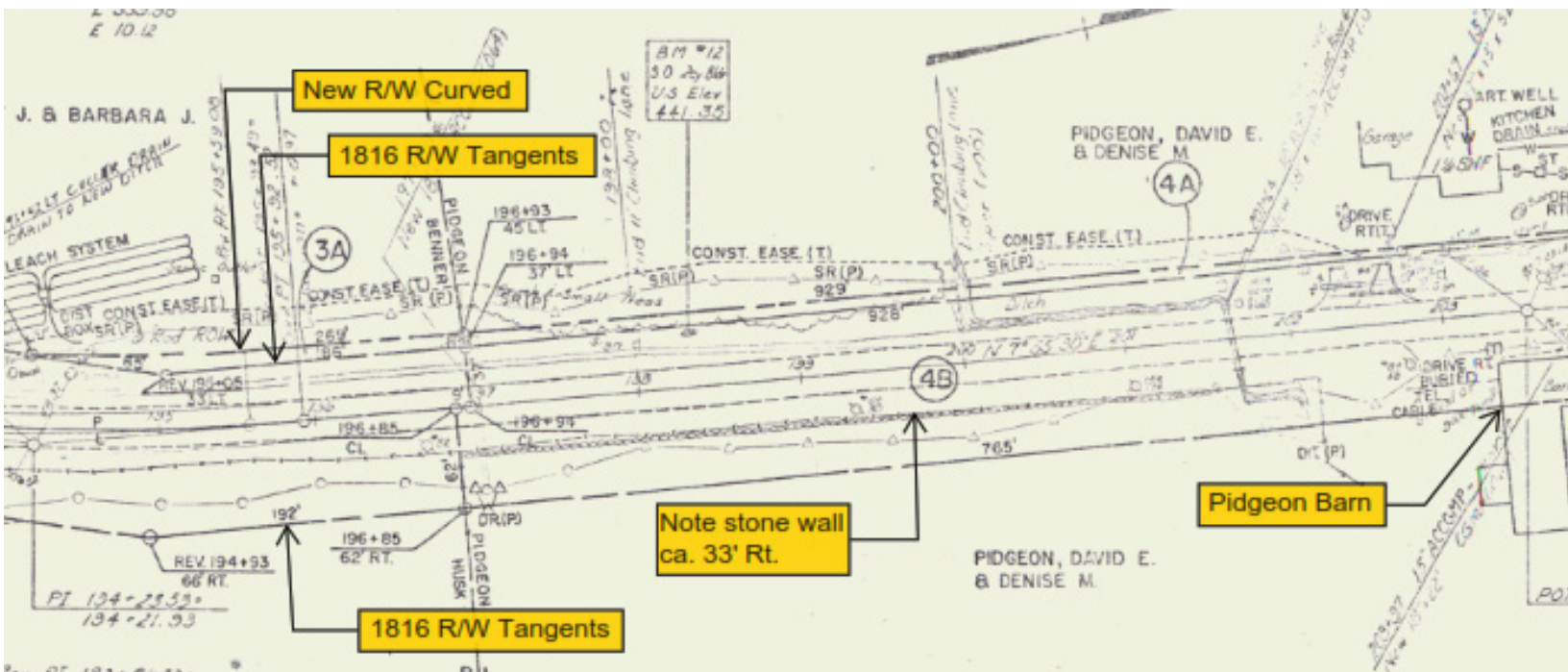
A 1987 case from Addison County is occasionally cited as an example of the state successfully defending its right to reclaim the full record width while resurveying an ancient highway; but let’s take a closer look. In *Pidgeon v. State Transportation Board* (522 A.2d 244), the state asserted that it had been able to accurately re-establish its 6-rod (99’) right

of way of US Route 7 in New Haven, a highway described in an 1816 law “... appointing a committee to lay out a road from Middlebury ... to the lower falls on Onion River ...”. Unfortunately for Mr. Pidgeon, this would result in a right of way sideline running right through part of his farm barn (and two other farmers’ barns a bit up the road). Pidgeon argued that the 1816 description wasn’t sufficient to accurately locate the right of way, and that therefore the state was allowed only

“Unfortunately for Mr. Pidgeon, this would result in a right of way sideline running right through part of his farm barn.”

a 3 rod right of way per 17 VSA §32. Here the lower court agreed with Pidgeon, seemingly unconvinced with the state’s explanation of how it was able to “correct” some faulty wording in the right of way description. Upon appeal, though, the Supreme Court reasoned that the state was indeed allowed to demonstrate and overcome an incorrect passage or passages in the description, as one would in any deed description, citing its past case law from *Abbott v. Flint’s Administrator*, 78 Vt. 274 et al. (1906) and *deNeergaard v. Dillingham*, 123 Vt. 327, et al. (1963). “Extrinsic aids to interpretation are open

FIGURE 1: New Haven, VT ca. 1978. State shows straight-line segments for 1816 historic 6-rod right of way. Source: VT Agency of Transportation Project FF 019-3(19) circa 1978-1985.



to demonstration and proof”, the court wrote, “although the burden of proof is a heavy one, with the trial court’s discretion serving as a bulwark against the fanciful.”

For reasons to be described below, it is important to note that the historic (1816) right of way in *Pidgeon* was described

“§33 does NOT tell us to determine the centerline of the existing traveled way and then apply the record width to it.”

in straight line segments (tangents) and that is how the state’s surveyors depicted it on their modern (1978) highway plans. In Figure 1 you can see that the historic right of way is shown in straight-line segments; and this is the case in the segment where the easterly right of way sideline intersects Pidgeon’s barn. By contrast, on the west side of the highway one can see segments where the state evidently negotiated additional takings in order to establish new curved rights of way, concentric with the planned highway’s centerline. So, along this section of Route 7 in New Haven, the state’s surveyors were utilizing both the record width AND the record location (alignment) of the right of way. In other words, §32 did not apply here, they could claim the full six rods, since they were actually re-tracing an existing, recorded right of way, in straight-line segments, according to its 1816 description. More recent right of way surveys I’ve seen, prepared under 19 VSA § 33, seem to take a different tack.

The “Statutory Survey”

Quite recently Vermont’s Agency of Transportation (“VTrans”) has begun to take the admirable measure of contracting with private surveyors to perform right of way surveys of existing highways under the color of 19 VSA § 33. These surveys have come to be styled as “statutory surveys”.

19 VSA § 33 prescribes how towns or the state may execute highway (right of way) surveys in cases,

“... where no previous survey has been properly recorded or the record of a previous survey has not been preserved, or the terminations and boundaries of a previous survey cannot be determined.”

The statute further explains,

“The purpose of the survey shall be to verify the location and width of the existing right-of-way, easement, or fee title and to determine the extent of the interest of the public in the title.”

Personally, I find the term “verify” prejudicial in this context, since the presumption is made that all of these things CAN be determined. In practice, as described below, the contracted surveyors are, more accurately, providing an opinion of the current right of way location, rather than “verifying” the original one.

At any rate, §33 goes on to say that,

“The agency or selectmen shall attempt to determine from all available evidence, the type of highway, its location on the ground, its width, and the record title holder. The survey shall be based on all available evidence including survey descriptions, original survey bills, plats, plans, maps, photographs, discontinuances, court documents, Public Service Board orders, actions by the selectmen, existing monumentation, present road location, nearby intersections, topography, vegetation, past and current use patterns, and other additional information generally relied on by land surveyors.”

In Part 1 of this article we discussed several town highway rights of way which had moved with the roadway, by “implied dedication and acceptance”. I note that that term isn’t mentioned anywhere in §33.

Then, in paragraph (2)(c)

“If, during the performance of the survey process under this section, the location or limits, or both, of the right-of-way, easement, or fee title cannot be determined on the ground from the available evidence, the agency or the selectmen may instead cause a survey to be made of the centerline of the existing traveled way and a width of one and one-half rods on each side of the centerline shall be assumed and controlled for highway purposes.”

The statute seems clear that the intent of a §33 survey is to re-trace the record right of way – to locate it on the ground; but, if it cannot be determined on the ground, THEN one “shall assume” a 3-rod right of way centered on the center of the current traveled way.

§33 does NOT tell us to determine the centerline of the existing traveled way and then apply the record width to it.

This, I’m afraid, is where the state might be trying to have its cake and eat it too. It appears the state and its consultants now intend to begin by determining the record width of the right of way, and then proceed to apply that width to the centerline of the current traveled way, wherever it may be, carefully computing geometric circular curves to best fit the current hard-top.

As an example, a recent (ca. 2020) example of a §33 survey covers a 1.7 mile section of Route 2 in Richmond. Again, don’t get me wrong: it’s important and useful to the state, to the public, and even to me as a land surveyor that there is a way to



secure and document a set of retraceable rights of way which can be found on the ground when needed. It appears however, that the procedures being employed for “statutory surveys” may not entirely follow the law after which they are named.

Was the Survey Properly Recorded or Preserved?

Sometime recently (during the 2000’s) it is said a local (Richmond) historian re-discovered a copy of an 1812 survey bill of the section of the Winooski Turnpike passing through her town. The document was found not among town records, but amongst archived papers of John Johnson, Vermont’s Surveyor General (1813-23 and 1832-38). Subsequently, several land surveyors became aware of this find, which helped them establish that the turnpike was laid out as 4 rods (66’) in width. The 1812 description could not be found properly recorded in the town of Richmond’s records. This fact alone would seemingly “trigger” §32 which calls for the right of way to be limited to 3 rods in width, not four. Of course, it could be argued that a copy of the survey bill was “preserved” in the special collections of the university’s library, if one knew where to look.

Unlike the state’s survey in the *Pidgeon* case, which presumably located the historical (1816) sidelines of a 6-rod wide Route 7, this 2020 “statutory survey” in Richmond in effect locates the centerline of the existing traveled way and then applies a width of four rods to it. This is actually contrary

to §33, which prescribes a mere 3 rod right of way if the original right of way is not properly recorded, or cannot be located on the ground.

Could the “Terminations or Boundaries” of the Survey be Determined?

Section 3 (“Survey Process”) of the surveyor’s report, accompanying their survey, opines that the only monumentation named in the 1812 description are points that cannot be found today, and that the centerline of the present highway must therefore act as a monument to the 4-rod highway. Both §32 and §33 make it clear, if the terminations or boundaries of the original survey cannot be located, THEN one may apply a 3-rod right of way to the existing centerline; not 4 rods.

Has the Highway Moved?

The surveyor’s report also recognizes that the highway’s alignment has changed through time. They specifically mention that the original survey was described in straight-line tangents, and that corners have been rounded off with time and replaced with circular curves. In the 2007 Warren, VT case mentioned in Part 1 (*Bren v. Eardensohn* (No. 320-5-05 Wncv)) the court tells us that if the roadway moves, but remains within the boundaries of its original right of way, then the right of way does not move with the roadway.

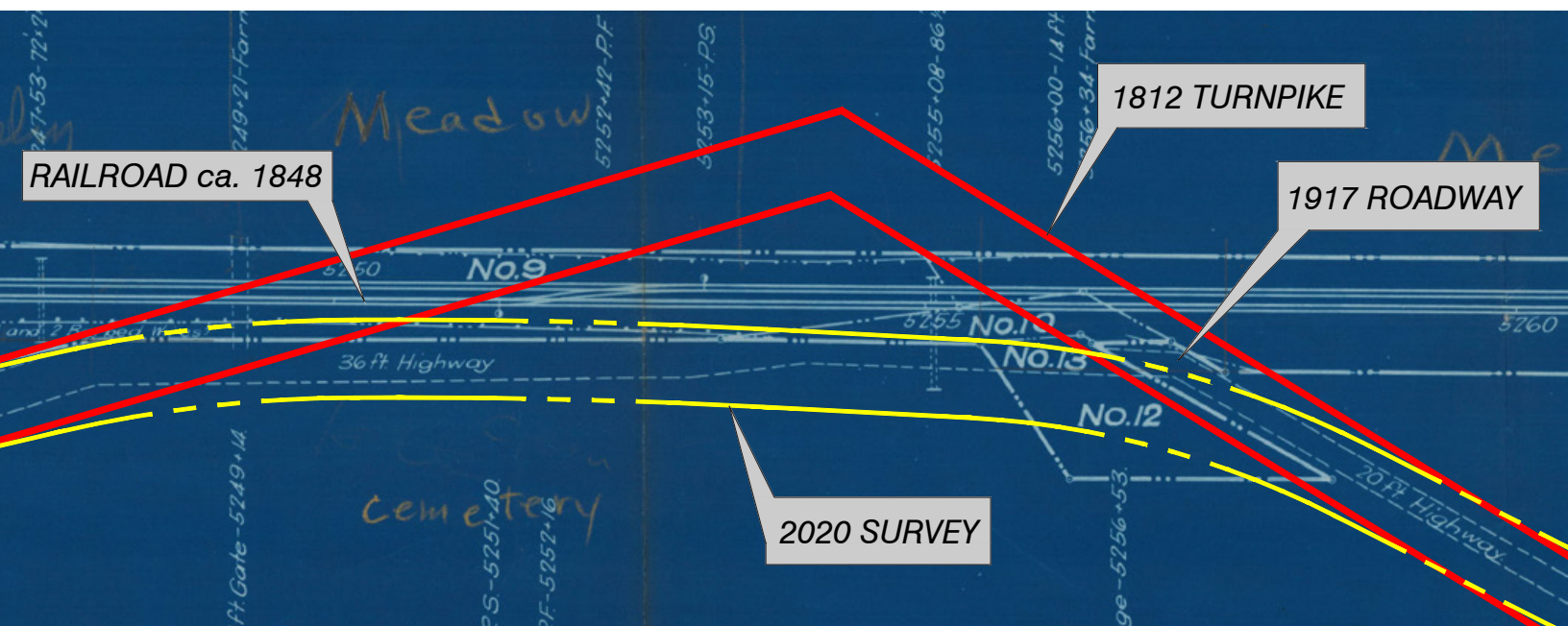


FIGURE 2: Richmond, VT. Evolution of highway location 1812-2020. Sources: VT Agency of Transportation, “U.S. Route 2 Statutory Survey”, dated June 2020 (plans and survey report); CVRR Valuation Map, ca. 1917.

If such changes in alignment were made purposefully, then ideally the proper authority should have recorded an alteration at the time; and if they did NOT record them properly the law tells us that the town or state can claim merely a 3-rod right of way.

If such changes were not properly recorded, and the right of way did indeed shift with the roadway through implied dedication and acceptance, then, as discussed above in *Town of Ludlow v. Watson*, 153 Vt. 437 and *Town of South Hero v. Wood, et al.*, 2006 Vt. 28, the revised, unwritten right of way must be limited to 3 rods, not four.

Certainly, it can be argued that the existing centerline of traveled way is a perpetuation of, and perhaps best evidence of, the centerline of a highway laid out 200 years ago. Even if one concedes this along portions of a highway, what of those segments where it is demonstrable that the highway has moved significantly, beyond the original right of way, but where no record of alteration can be found.

Examples that spring to mind are obvious changes demonstrated by comparing current alignments with sources such as Beers' Atlas or county maps by Walling's, or stream crossings where one can find remains of several different bridge alignments. Another indicator, in the right setting, could be railroad engineering or valuation maps, which, due to their scalability can be directly related to contemporary highway mapping.

Figure 2 shows a portion of a ca. 1917 railroad valuation map (blueprint) overlain with the 1812 Winooski Turnpike alignment (in red) and the 2020 statutory highway survey for Route 2 in Richmond (in yellow). In this overlay we can see clearly that 1812 turnpike must have been cut-off and relocated in the 1840s due to the construction of the railroad. We can see the roadway's location relative to the railroad ca. 1917 when the Valuation Map was made, and the highway's third position, including its smooth circular curve, today. There is no record to be found of the turnpike's being altered at the time of

the railroad's construction or since. (During that time period, the highway's alteration records were required by law to be kept in the county court's records; they're not there.) Furthermore there is no record of the highway's relocation between 1917, when the Valuation Map was made, and its present location, further rounded and further north.

So, if we know that a section of highway has been visibly altered out of its original right of way, and there is no record of the alteration or conveyance of land for a right of way, then the only way the right of way can have been relocated is by implied (unwritten) dedication and acceptance. By definition, that means there is no proper record, and therefore the right of way is prescribed by law as merely 3 rods wide.

I imagine that the current hybrid method of performing §33 “statutory surveys”, by applying a record width to the existing traveled way, will continue until some land-owner feels sufficiently “damaged” to launch a successful appeal, and wins. More likely, aggrieved land-owners will seek damages which will be settled out of court. Meanwhile, a more conservative approach by the state, when performing such surveys, would be to assert the record width only where it is certain of the original location. Where substantial changes in alignment are evident they should apply the actual law and claim only one and one-half rods each side of the current traveled way. 🌲

The author is not an attorney, and this is not legal advice. Any opinions expressed or implied by the author are his only, and not necessarily the opinions of *The Cornerpost*, VSLs or its membership.

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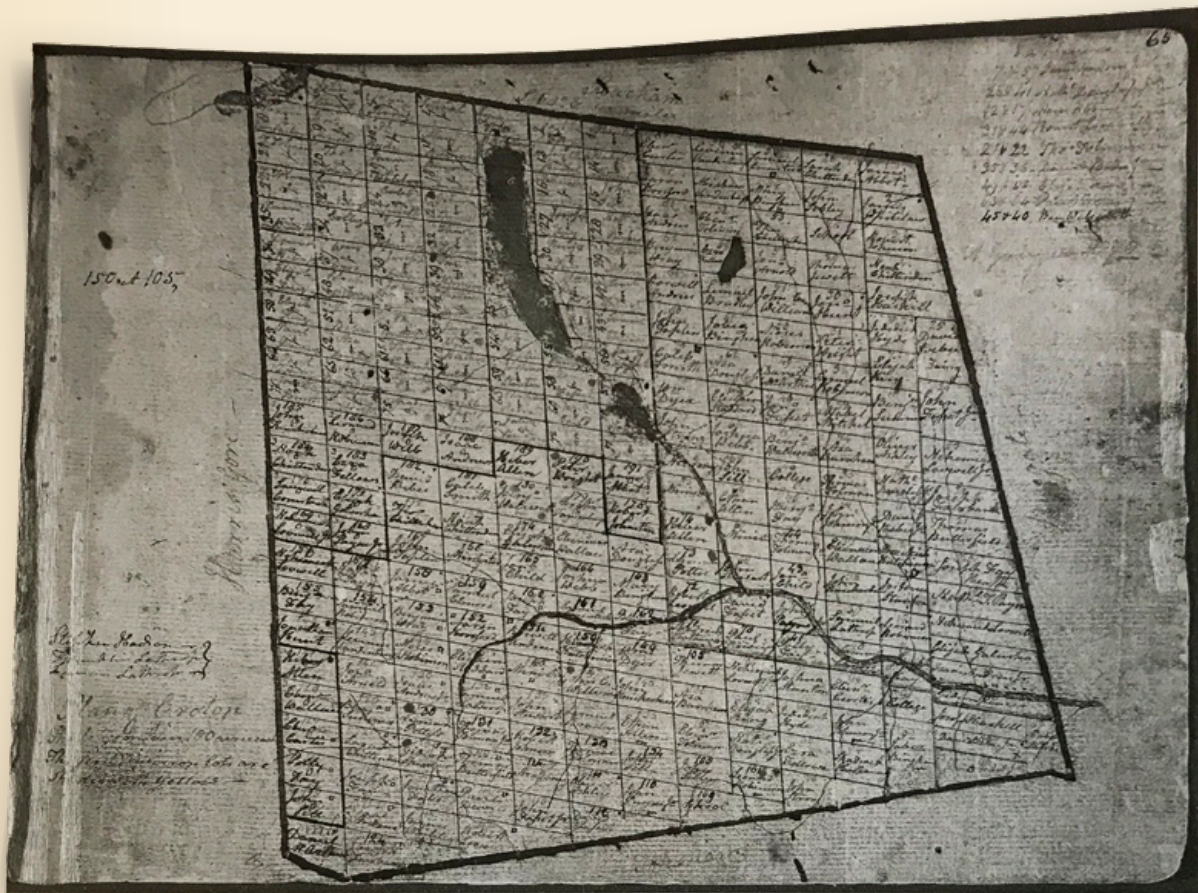
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Hand-drawn Lotting Maps

A tale of two surveyors and their close family relationship



TWO OF THE TREASURES in the Leahy Library are bound collections of early, hand-drawn lotting maps of northeastern Vermont towns by John W. Chandler of Peacham and another by Samuel C. Crafts of Craftsbury.

Although these three volumes have a long been shelved near each other in the library's vault, the exact relationship between them has not been understood until recent research in digitized newspapers, revealed their interesting history.

John W. Chandler was born on June 1, 1767, the son of John and Mary (Chandler) Chandler (Mary Chandler was Samuel Chandler Craft's aunt; more on that later). The family moved

to Peacham, Vermont, in 1796, where John became involved in land surveying. This work gave him insight into the value of land, and he became a successful land speculator, particularly in Essex and Caledonia counties. He was also treasurer of the town of Peacham for 34 years, was elected to the state legislature for five terms, and served as judge of the Caledonia Probate Court for four terms. He died on July 15, 1855.

In 1921, George Chandler Coit donated two volumes of Chandler's land records, including lotting plans that show the original grantees of the land, to the Vermont Historical Society. The donation made front page news in the local newspapers with the headline, "Valuable Surveys Given to Historical Society," and opined, "This gift from Mr. Coit is the most valuable one the Society has received for some time." Franklin H. Dewart, a well-known 20th century surveyor,

Above: Recently conserved lotting map of Groton created by John W. Chandler in the 1830s. The maps in the atlas were soiled from heavy use by surveyors and others over the decades. The pages were lightly cleaned and repaired; the volume was rebound. **At right:** Lotting map of Groton created by Samuel Chandler Crafts in the early 1800s.

BY MARJORIE STRONG
AND PAUL CARNAHAN

writes in the introduction to volume two of the State Papers of Vermont published in 1922, “These books ... exhibit a conscientious precision and exhaustive thoroughness and such industry as to us degenerate moderns are almost unknown.”

Chandler purchased most of the papers of James Whitelaw, Vermont’s second Surveyor General, after Whitelaw’s death in 1829. Consequently, many of Chandler’s maps may be based on Whitelaw’s original town surveys, at least in volume two, which dates between 1830 and 1855. The maps in volume one have a much less finished feel to them, appearing to be working documents rather than maps drawn for legal reference in land cases.

A contemporary of Chandler was Samuel Chandler Crafts, his cousin. Crafts was born in Woodstock, Connecticut, on October 6, 1768, son of Ebenezer and Mehitabel (Chandler) Crafts. He graduated from Harvard University in 1790 and settled in Craftsbury in 1791. He was elected town clerk in 1799 and served until March 1829 and held a variety of public offices: he was a member of the U.S. House of Representatives from 1817 to 1825, was elected Governor of the State of Vermont in 1828 (he served until 1831) and was appointed to serve in the U.S. Senate from 1842 to 1843. He died on November 9, 1853.

Crafts’ atlas appears to fall chronologically between the two Chandler atlases, dating between 1820 and 1830. Because of the close family relationship between Crafts and Chandler, Crafts’ maps may be copies of Chandler’s, and many have less detail. The exceptions are the map of Craftsbury, and surrounding towns such as Albany, Eden, and Hyde Park, where Crafts has noted more geographic features, primarily hills. Interestingly, Crafts’ map of Peacham, Chandler’s hometown, is also more detailed.

Samuel Crafts’ lotting maps came to the attention of the State of Vermont around 1910, when a law was passed “...

to provide for the publication of state papers,” which explicitly mentions the inclusion of Crafts’ book of plans in the volume. The Crafts plans were not published by the state but were indexed in the published State Papers. The plans at that time were located at the Craftsbury Academy, and in 1968 they were loaned to the Vermont Historical Society for safe keeping. After over 40 years of stewardship, the plans were formally donated to the VHS in 2019.

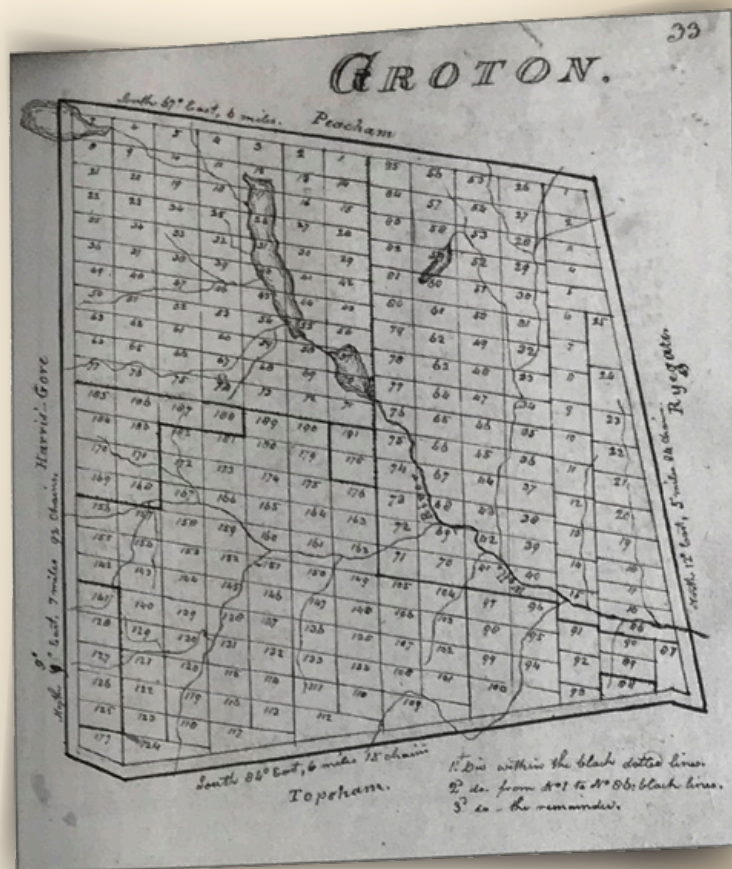
In 1922, as the state was publishing a volume of town charters, a reporter for the *Barre Daily Times* opined that “The Crafts book pales beside Chandler’s... because there now arises a strong suspicion that Crafts copied from

Chandler’s, which had been so long in use that it had to be re-bound in 1830.”

Now, after 92 years, the maps in volume two of Chandler’s atlases have been conserved and rebound thanks to the generosity of VHS member William Steele. Scans of Chandler’s maps will soon be available to view on the society’s digital archive at: <https://digitalvermont.org>.

Crafts’ maps have already been scanned and can be seen on Digital Vermont at: <https://digitalvermont.org/collections/show/45>. 📖

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“These books exhibit a conscientious precision and exhaustive thoroughness and such industry as to us degenerate moderns are almost unknown.”

Franklin H. Dewart, introduction to volume two of the *State Papers of Vermont*, published in 1922

RECORDING A REPLACED OR RESTORED MONUMENT

More often than not, when we as land surveyors set a monument, it is part of a survey that results in a recorded mylar documenting the work. That scenario adequately satisfies the portion of the Administrative Rules of the Board of Land Surveyors excerpted in the blue box. In brief, the rule says if you set a monument, you must document it in the land records.

But what is one to do when “all” you do is go replace a missing or inadequate monument for a client, where the case is such that a recordable map just isn’t warranted? The form below has been used and shared by several surveyors to fulfill the Board’s requirement. To my knowledge it has never been blessed by the Board, but, nonetheless, it seems to have the essential elements of what a retracing surveyor would want to know when encountering an otherwise uncalled-for monument.

Explain what, why and how you did what you did and what you set for a monument, and I believe the Board will smile on your efforts. I know I would if I were following in your footsteps.

— PAUL HANNAN, L.S.

Part 5. Standards for the Practice of Land Surveying

5.5 Technical Standards

- (d) Monuments
 - (1) Monuments shall be durable and stable.
 - (2) Monumentation set shall be identified with the license number of the surveyor in responsible charge.
 - (3) **Monuments set replacing inadequate monuments or missing monuments shall conform to this standard, be documented, and the document be recorded in the public land records.**

NOTICE OF REPLACEMENT OR RESTORATION OF AN EXISTING OR MISSING SURVEY MONUMENT

PROPERTY LOCATION:

PROPERTY OF:
Name:
Address:
Town:
DEED:

SURVEYED BY:
Name:
Address:
Town:
Date:

SKETCH OF RESTORED OR REPLACED MONUMENT

Seal & Signature
Dated:
Job #

The information on this form meets the minimum requirements of the Rules of the Board of Land Surveyors Part 5 Standards for the Practice of Land Surveying Section 5.5(d)(3) and shall be recorded in the records book and cross referenced by the owner and all abutters.

NOTICE OF REPLACEMENT OR RESTORATION OF AN EXISTING OR MISSING SURVEY MONUMENT

PROPERTY LOCATION:

PROPERTY OF:
Name:
Address:
Town:
DEED:

SURVEYED BY:
Name:
Address:
Town:
Date:

SKETCH OF RESTORED OR REPLACED MONUMENT

Seal & Signature

Dated:
Job #

The information on this form meets the minimum requirements of the Rules of the Board of Land Surveyors Part 5 Standards for the Practice of Land Surveying Section 5.5(d)(3) and shall be recorded in the records book and cross referenced by the owner and all abutters.



THE SEARCH FOR LEASE LAND DISKS

I worked at the Burlington Street Department (now the Department of Public Works) in 1975 and 1976. The department was in an old brick building on Pine Street with some old sheds in back.

One day my supervisor in the engineering department, Bill Rowley (L.S. #523) showed me an old wooden crate in one of the sheds that was full of four-inch diameter brass disks. The disks had been made in the early 1930s during the Great Depression. One of the WPA projects in Burlington was to set these at the corners of the original Lease Lands lots around Burlington. For some reason, the disks were

never set and had been sitting in the shed for over forty years.

I checked with the Superintendent of Streets, Jim Ogdon (L.S. #128) and got permission to take a set of the disks. Unfortunately, in the 1980s there was a fire and the shed burned to the ground — everything inside, was destroyed, including the crate of disks.

In my 45 years of surveying, I've done a lot of surveying in Burlington, and I've never come across any disks that were actually set. If anyone has seen any of these disks that were set, please let me know.

— SCOTT TAYLOR, L.S.
sdtaylor488@gmail.com



AT WORK IN THE WOODS

Boone Meeden sent in this photo of TCE Crew Chief Brad Perry checking his level while locating a survey monument set for the Green Mountain National Forest in Warren, Vermont. A “bearing tree” with an accompanying red blaze can be seen in the background.

➡ Send pictures of your work on the job to: kelly@vsls.org.



July 17, 2022, 6 p.m., Pearson Associates Conference Room, Waterbury

The meeting was called to order at 6:07 P.M. In attendance were Randy Otis, Paul Hannan, Keith Van Iderstine, Nate Yager, Becky Gilson, Lisa Ginett (remotely) and our Administrator: Kelly Cochrane-Collar. Absent: Mark Day.

Secretary's Minutes

Minutes for the Executive Committee meeting for May 19, 2022 were reviewed. The motion was duly made and seconded and the vote was unanimously: to approve the minutes of the May 19, 2022 Executive Committee meeting.

Treasurer's Report

Treasurer's report for the period of Jan. 2022 through July 19, 2022: Total income for period of the report was \$32,126.89, total expenses were \$30,028.36 leaving a net income for the year of \$2,089.53 and a bank total of \$60,225.52. Keith noted that we have received 88% of dues to date and earned \$7,192.52 from our Spring Seminar.

Administrator's Report

Kelly reports that she has not yet set the fee for the Fall Conference and that we need to earn a total of around \$16,000.00 in program income this year in order to stay on budget. This means that we need to earn approximately \$5,000.00 for the Fall Conference, which will be held on September 15th & 16th at the Delta Hotel in South Burlington. The event will offer a total of 16 hours of credits. Joe Paiva will present on the first day: three hours on "How Close is Close Enough" and three hours on "Am I Getting What I Bargained for From My Instrumentation?" Ed Fitzgerald will present for two hours on "Online Deed Research: New Opportunities and Tools." Friday will open with two hours of vendor product demos, two hours by Jim Nadeau on "Value-based Fees" and two hours on "The Changing Role of the Land Surveyor in the NFIP." We will finish up with "Accessing GIS recourses at the VT Open Geodata Portal." There will be a mixer on Thursday night including one free drink for anyone attending.

Kelly thinks that the rate for the full conference should be \$ 295.00 for members and the fee for one day at the conference should be \$ 195.00 per person. A canvass of the group shows that we agree with allowing the group rate for three or more from one firm. These rates would give a cost of \$18.50 per credit which is normal for the New England region. There is usually a President's Breakfast as part of this event, so Kelly will make that arrangement and invite the presidents. Kelly reported that contrary to our recent belief, the NESS convention will not be held in VT this year; it will take place in Rhode Island. It will be another 6 years before it comes to VT. She briefly reported on the ongoing VHS Globe Project that so far Byron Kidder, Meri Perkins, Stuart Morrow, Mike Raboin, and possibly David Mann have volunteered to present some early surveying techniques as part of that traveling Globe Project program.

Kelly has "The Cornerpost" completed and sent it to the printer. She expects it to be in VSLs members' mailboxes by the first week of August.

Update on Investment of VSLs Funds

Once again the summer rush has not allowed the committee to move forward with this project. Keith and Randy discussed a possible Zoom appointment to get this moving.

Update on Terry Harris Scans

Currently about one third of Terry Harris's plats are now at Repro waiting for the naming convention so that Repro can begin the scanning process. The cost is \$1.50 per scan with an additional \$1.00 per scan for the naming added.

Other Business

George Bedard's wife contacted the Society to see what might be done about preserving his plans. Kelly also received an email from Malcolm Moore on the same subject but in a more general sense. Malcolm mentions various sites that might be repositories for old surveyors' maps, such as VCGI, VSLs, Town Offices and the State Archives but it has been our experience that none of these entities are likely to want to care for these maps. The group also felt that many of the maps donated to the Society were not meant for the public, only for use by VSLs members.

The group noted that VSLs really needs to get a Preservation Committee going again to handle these issues. Several names were mentioned: Malcolm Moore, Scott Taylor, Joe Flynn, Harvey Chaffee and Stephen Grimaldi. We need to make contact and see if we can get this Committee up and running.

There being no other business the meeting was adjourned at 7:19 PM.

Respectfully submitted,
Lisa Ginett, VSLs Secretary

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August 18, 2022, 6 p.m., Three Penny Taproom, Montpelier

The meeting was called to order at 6:21 P.M. In attendance were Paul Hannan, Mark Day, Keith Van Iderstine, Nate Yager, Lisa Ginett and our Administrator: Kelly Cochrane-Collar. Absent: Randy Otis and Becky Gilson.

Secretary's Minutes

Minutes for the Executive Committee meeting for July 21, 2022 were reviewed. The motion was duly made and seconded and the vote was unanimously: to approve the minutes of the July 21, 2022 Executive Committee meeting.

Treasurer's Report

Treasurer's report for the period of Jan. 1, 2022 through July 19, 2022. Total income for period of the report was \$38,945.22, total expenses were \$33,531.02 leaving a net income for the year of \$5,414.20 and a bank total of \$64,048.23. Keith noted that we have received 90% of dues to date, which is normal.

Administrator's Report

Kelly reports that so far there are 30 people registered for the fall conference. Our exhibitors will be Waypoint, Keystone, Topcon, NSPS and NGS. We talked about the fact that we usually provide giveaways for attendees at this event. Kelly says that we have a fair number of giveaways from past years, which she listed, and the group felt that those would suffice. We also discussed whether we should have some other apparel for sale in the future. T-shirts and especially fleece vests have been popular. The group decided that we might do an email first to see what the membership might be interested in.

Kelly mentioned that Maine was having its fall conference on the same days, which is unusual and means that we have (so far) only two other society presidents attending: New Hampshire and Connecticut. We also lost one exhibitor, who decided to attend the Maine meeting.

Update on Investment of VSLs Funds

Kelly, Keith and Randy met with Greg Lambesis of the North Country Credit Union to discuss investing VSLs funds. Greg thinks we should use the same investment program we are using for our Education Foundation funds. After a certain amount of review as to what that investment program entailed, the group agreed to go ahead. We will get a break on the initial fee because of our existing assets with the Education Foundation. After review and discussion, the group voted to invest our CD amount, which is \$44,490.00.

Update on Terry Harris scans

Currently about one third of Terry Harris's plats have been scanned by Repro. The cost went up to \$1.85 per scan and Repro concluded that they would need to charge \$3.50 per scan to name them. This being more than the society could spend, Scott Taylor graciously agreed to take on naming the scans. At this point we need to get the first bunch back to Terry's widow. We are only scanning the plats, not the worksheets or topos, and Mark has been sorting them.

Other Business

David Peatman's son contacted the Society to see what might be done about preserving his father's plans. Mark is interested in them as they are mainly in the area that he works in the most. Once again, the group noted that VSLs really needs to get a Preservation Committee going again to handle these issues. Only one person has shown any interest in being on this committee. Keith, who will be working with Stephen Grimaldi, said he would talk to him about joining.

There being no other business the meeting was adjourned at 6:50 PM

Respectfully submitted,
Lisa Ginett, VSLs Secretary

GENERAL MEMBERSHIP | MEETING MINUTES

September 14, 2022, 1 p.m., Delta Hotel by Marriott, South Burlington VT

The meeting was called to order at 1:00 P.M. In attendance were Executive Committee Members Mark Day, Randy Otis, Paul Hannan, Keith Van Iderstine, Nate Yager, our Administrator, Kelly Cochrane-Collar, and members.

Secretary's Minutes

Minutes for the prior General Business meeting dated December 17, 2021 were reviewed, as written in the Spring 2022 Cornerpost. Upon motion duly made and seconded it was unanimously RESOLVED: to approve the minutes of the December 17, 2021 General Business meeting.

Treasurer's Report

The treasurer's report covered the period January 1 to September 12, 2022. Total income for the period was \$52,212.04, total expenses were \$37,899.85, and net income was \$14,312.19. Total assets for the period were \$73,453.26.

Welcoming New Members

President Randy Otis noted that VSLs has gained 10 new members since the prior year's Fall Conference. He listed their names as Timothy Morris, Lucas Montgomery, Chad Russo, Steven Casey, Jason Tommell, Christopher Snell, Justin Willis,

Aaron Moulton, William Jandl and Michael Hemmer. Those in attendance stood, and the members welcomed them with applause.

Preserving Old Survey Collections

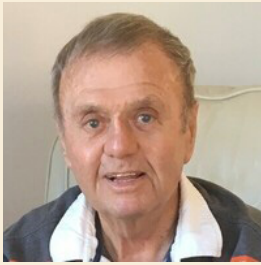
Randy mentioned that the Executive Committee had been discussing the issue of preserving the collections of retired and deceased surveyors, and that the Preservation Committee was being brought back to address this issue. He recognized Harris Abbott, Scott Taylor and Malcolm Moore for being the first to volunteer for the committee.

Program Committee

Randy acknowledged the efforts of the Program Committee for planning the Fall Conference, and he noted that the group is looking for more members. He asked anyone interested to see Kelly Collar or Doug Henson to volunteer.

There being no other business the meeting was adjourned at 1:15 P.M.

Respectfully submitted,
Kelly Collar, VSLs Administrator



David H. Hudson, VERMONT L.S. #31

May 27, 1938 - October 27, 2022

MYRTLE BEACH, SC - David Harold Hudson, 84, formerly of East Montpelier, Vt., went home to be with the Lord his Savior on Thursday, October

27, 2022. He died peacefully at his home, surrounded by his family.

Born on May 27, 1938, in Plainfield, Vt., he was the son of Harold F. "Babe" and Ivy (Codling) Hudson. Dave graduated from Montpelier High School in 1956. He always loved sports and played football, basketball, baseball and track. He was known as a better-than-average athlete and remained active in sports after high school in the Barre Industrial League basketball and softball teams. He later became active in youth sports, coaching basketball at East Montpelier Elementary School for years.

Eventually Dave discovered golf, which became a great love for him. He once said that he played the game, but he played it better when tournament prize money was involved! He was especially proud of his lifetime record of three holes in one.

Dave loved music and had great musical talent. He played in the 4-H band and was selected to play bugle calls at Downer 4-H Camp as a child. He later played trumpet in high school. He was so gifted that he was selected by the VFW and American Legion to play taps at funerals as a teenager.

Music was important throughout Dave's life; he played in local bands including over 40 years in the Mt. Sinai Shrine Band, the Montpelier City Band and the Barre Legion Drum Corps. He also loved to sing; he participated in the minstrel shows in East Montpelier and East Barre and later was active in music activities at the Websterville Baptist Church, where he served on the board of trustees.

Dave belonged to many organizations in his life. He also served in the Vermont Air National Guard from 1961-1967. He was quite active in politics as well. He served on the East Montpelier Planning Board for eight years and in the Vermont House of Representatives from 1992-1996. He was a long-time member of the Washington County Republicans.

Professionally, Dave was a land surveyor. After high school, he worked for Webster-Martin, an Engineering firm in South Burlington. He stayed with Webster-Martin from 1956 through 1975, working his way up to the position of Chief of Survey. He performed all phases of surveying and became a registered land surveyor in both Vermont and New Hampshire. His next position was with Aquatec, where he worked

until 1982. During the Aquatec years, he traveled a lot, surveying in 11 states and two countries.

In 1982, Dave and three business partners bought Aquatec Survey and moved the company from Burlington to Montpelier, where it became Vermont Survey Consultants. Years later, with a new business partner – Engineer Gary Klinefelter – the company became Vermont Survey and Engineering. Dave was a very successful businessman; he and Gary sold the company in 2009 to three employees.

During his career, Dave was active in the Vermont Society of Land Surveyors and served on their Legislative Committee. He was also a long-time member of the Vermont Society of Engineers.

Dave married Elaine Scammell in 1964. His love for Elaine was strong and it has lasted for more than 58 years – the last eight of which were enjoyed in the warmth of Myrtle Beach, SC. The couple had two daughters, Susan and Jean.

A friend once said to Dave: "I don't know of anyone who knows more people or has more friends than you." This was due to Dave's travels throughout the state (through business and pleasure, Dave had been to all 256 municipalities in the state of Vermont) as well as his upbeat, charming personality, generous nature and witty sense of humor.

An example of friendship was Dave's business relationship with his partner Gary Klinefelter. In 20+ years of business and friendship, they never had an argument. This was amazing, as they did everything together, including playing a lot of golf! Dave Hudson was well known, had many friends and lived a full life; he will be missed by all, and especially by his family. His wife often said that he still made her and the whole family laugh, even when he was battling cancer.

Survivors include his wife, Elaine (Scammell) Hudson and his daughters Susan "Susie" Hudson and Jean "Jeanie" Hudson Card. He was predeceased by his brother, James Hudson and his sister, Maureen Hudson Drew.

Interment was held on Saturday, Nov. 5, 2022, in the Wilson Cemetery in Lower Websterville, followed by a service to honor and celebrate his life at the Websterville Baptist Church.

Donations may be made in Dave's name to the Websterville Baptist Church, 143 Church Hill Road, Websterville, VT 05678; the Hospice Foundation of America, 1707 L. Street NW, Suite 220, Washington, DC 20036; the American Cancer Society, PO Box 42040, Oklahoma City, OK 73123; or to the Esophageal Cancer Action Network, PO Box 243, Stevenson, MD 21153.

2023 Budget & Officers

2023 Proposed Budget

Income

Advertising	\$1,200.00
Donations	\$1,000.00
Interest	\$800.00
Membership Dues	\$22,000.00
Program Revenues	\$40,750.00
TOTAL	\$65,750.00

Expenses

Advertising	600.00
Accountant Fees	\$500.00
Association Dues	\$3,700.00
Bank Fees	\$1,500.00
Donation Expense	\$750.00
Insurance	\$800.00
Memorial Contributions	\$200.00
News Magazine Prod.	\$3,500.00
News Magazine Design	\$2,500.00
Office Supplies	\$1,000.00
Payroll Expenses	\$22,100.00
Postage	\$300.00
Program Expenses	\$21,750.00
Public Relations	\$900.00
Rent	\$2,250.00
Telephone	\$400.00
Travel	\$3,000.00
TOTAL	\$65,750.00

2023 Preservation Committee

Harris Abbott, L.S.
Malcolm Moore, L.S.
Eric Morse, L.S.
Scott Taylor, L.S.

2023 Slate of Officers

PRESIDENT	Randy Otis, L.S.
VICE PRESIDENT	Nate Yager, L.S.
SECRETARY	Lisa Ginett, L.S.
TREASURER	Keith Van Iderstine, L.S.
DIRECTORS	Mark Day, L.S. Rebecca Gilson, L.S. Paul Hannan, L.S.
NSPS DIRECTOR	Gayle Burchard, L.S.

2023 Program Committee

Doug Henson, L.S., Chair
Harris Abbott, L.S.
Joe Flynn, L.S.
Aaron Fuller, L.S.
Gerald Stockman, L.S.

2023 VSLS Education Foundation Directors

MEMBERS AT LARGE

Ethan Gilmour, L.S.
Robert Holt, L.S.
Scott Taylor, L.S.

VSLS OFFICERS

Lisa Ginett, L.S.
Randy Otis, L.S.
Keith Van Iderstine, L.S.
Nate Yager, L.S.

A Beautiful Day Surveying

Sometimes surveying is rough duty.

Cutting line through overgrown brush, poison ivy over the drill hole you need to locate, wasps who are really agitated by you and so on. But sometimes the duty is sweet.

That was the case on September 12, when we drove the Randolph F350 four-wheel drive pickup, 8,000 feet along a water bar laden route to the summit of Gunstock Ski area and the terminus of the quad chair.

Gunstock hired us to detail and map the topography of the summit and to design a septic system for their small summit lodge. Somehow, we got an absolutely beautiful day to do the work in the field. Sometime surveying is a blessing.

First thing was getting State Plane coordinates with the GPS unit. Then Randy and Meri went to work with the robotic equipment, securing the detail we needed for the job. My job was to probe the field site for depth to ledge, which we knew was pretty shallow. In the meantime, I enjoyed some of the summit flora and the views. They were lovely.

We even spotted the Mount Washington excursion ship cruising Lake Winnepesaukee, and Randy got this shot through the instrument's scope! All-day hikers walked by



and were curious of course about what we were doing.

Then a couple came by, and the fella said "I noticed your truck. My father started this business." Yes, it was the son of Joe King. Mr. King, along with Mr. DuBois, started our beloved company 60 years ago. Son David didn't follow in his father's footsteps – he flew airplanes instead – but said two of his brothers did.

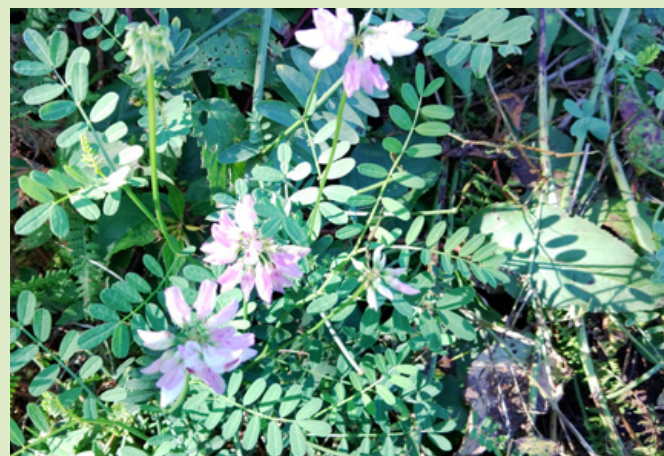
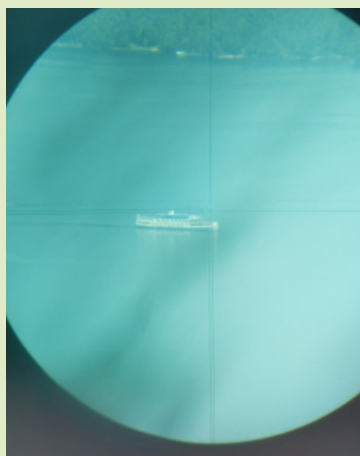
Sometimes life surprises you, and certainly this event did. It goes under the category of "It's a small world." 🌐



David King, son of DuBois & King cofounder



Randy Otis and Meri Perkins, D&K





December Round Tables

Thursday, Dec. 15, 2022 • Capitol Plaza Hotel
100 State Street • Montpelier, Vermont



6 PDH

SCHEDULE

- 7:15 AM Registration and Breakfast**
- 8:00 AM Round Table Discussions**
- 12:00 PM Lunch and Business Meeting**
- 1:30 PM Afternoon Seminar:
Insights from the Certified
Floodplain Surveyor Program**
- 3:30 PM Final Announcements**

FEES	THROUGH DEC. 7*
Member in good standing of VSLs or kindred society	\$165.00
Life Member	\$123.75
Non-member technical staff attending with member	\$140.25
Group rate (3 or more from same firm; must include member)	\$140.25
Non-member	\$215.00

* \$25 late fee after Dec. 7, 2022

PROGRAM

Morning Round Table Discussions

We'll have four sessions of round tables that last 50 minutes each, and we'll take a 10-minute break between sessions. Below are some of the topics we plan to cover at the tables.

- UVM Special Collections
- Preserving the Collections of Retired Surveyors
- NSPS National Efforts & You
- New Datum Workflows
- Historical Rights of Way
- Vermont Historical Society Archives
- Deprecation of the U.S. Survey Foot
- Pathways to Licensure (2 sessions only)

Insights from the Certified Floodplain Surveyor Program

FEMA and the National Flood Insurance Program have always been a significant part of property ownership adjacent to flood prone areas. Properties are required to comply with regulations specific to flood prone areas; these regulations are included in local ordinances as a requirement of a community's participation in the National Flood Insurance Program. The surveying industry has been involved in assisting property owners and floodplain managers with critical elevation and location information. Gerald Stockman, L.S., TCE Survey Department Manager, recently received his designation as a Certified Floodplain Surveyor through the New England CFS training program. He will share insights from the CFS program to help members work with clients having floodplain-related issues.

REGISTRATION (please complete this form and mail it with your payment, or register online at vsls.org)

Name _____

Address _____

Email _____

Dietary Restrictions _____

☐ Check enclosed (payable to VSLs) for \$ _____

☐ Credit card payment: ☐ VISA ☐ MC ☐ AMEX ☐ DISC

Card Number _____

Exp. Date _____ Security Code _____

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



The Cornerpost

P.O. Box 248, Montpelier, VT 05601-0248



We wish all our members a
safe and joyful holiday season.

**A SPECIAL WELCOME TO NEW
MEMBERS WHO JOINED US IN 2022:**

- Timothy Morris, L.S.
- Lucas Montgomery, L.S.
- Chad Russo
- Steven Casey, L.S.
- Jason Tommell, L.S.
- Christopher Snell, L.S.
- Justin Willis
- Aaron Moulton
- William Jandl
- Michael Hemmer, L.S.