



Journal of the Vermont Society of Land Surveyors  
Volume 54, Number 3 | Fall 2023

# The Cornerpost

## Recovery of Historic NGS Monumentation

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## The Cornerpost

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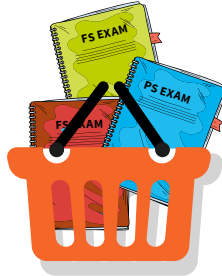
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## ON THE COVER

Nate Yager, L.S., sent in this photo from a job at the Richford-Abercorn border crossing station. The obelisk is the international boundary marker. The shot comes on the heels of the Fall Conference presentation by J.T. Moore from the International Boundary Commission. J.T. shared many more photos of crossings along the length of the U.S.-Canada border.

If you have an interesting photo for the cover of an upcoming issue, please send it to [birgit@vsls.org](mailto:birgit@vsls.org).



# PRESIDENT'S CORNER

› VSLs President Randy Otis, L.S.

**W**inter is about to start as busy as ever, with plowing snow and wrapping up the last boundary reconnaissance I can before the white stuff gets too deep.



In the vein of being busy, VSLs has been exploring new ideas, such as going to a Google drive for the archived member's only plans that may improve access for the membership. We also are in the process of moving our mailbox from the Montpelier post office to East Montpelier to make our operations run smoother and save some time.

One of my main objectives is to keep the costs of membership dues and events as low as possible for the membership. With that in mind I would like to encourage the members to renew their memberships or pay for seminars with checks when possible. The Paypal service that we are using to process credit cards is charging us 4% plus \$0.50 on each transaction.

As Winter approaches I have been spending most of my time in the field, wrapping up various loose ends before the snow takes over. This time getting back to my roots in the field has not only been fun, but it's shown how far GPS has come in the last decade. I have been testing a brand new base and rover out of a non-traditional brand that sees five constellations of satellites and has a built in IMU as well. This equipment's

ability to resolve a location in the woods has blown me away. I can perform one-man surveys retracing stone walls, or even getting some topo shots for contours if the canopy isn't too dense.

This time in the field has reminded me that there is no replacement for getting out in the field yourself rather than relying solely on your crew. I encourage the licensed senior surveyors, even if you work at a larger company,

Should be worth signing up to collect some education credits.

We will have a short business meeting at lunchtime during the webinar to vote on the budget (see page 26). Birgit will be putting together an online poll to determine whether we should continue to mail out membership renewal forms or if we could explore using an initial email renewal reminder. We would appreciate your input. We aim to have a successful

"I encourage the licensed senior surveyors, even if you work at a larger company, to make a point to get out from behind the desk both to help train the up and coming staff and to see what they are dealing with on a daily basis."

to make a point to get out from behind the desk both to help train the up and coming staff and to see what they are dealing with on a daily basis.

In Society news, the December seminar will be virtual webinar on Friday, December 15. The speakers this year are Richard Elgin and Davey Edwards, and they promise to improve your plat notes and even your life!

renewal process each year but possibly save on postage and paper. Please keep your eyes open for our online poll and give us your opinion.

As always, take it easy, enjoy surveying, and encourage others to get involved. 🌍

*Randy Otis*

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## Fall Meeting in the Buckeye State

# Tees Off



BY GAYLE BURCHARD  
VERMONT NSPS DIRECTOR



The meeting organizers take a break from the activities: NSPS Office Manager Trish Milburn and NSPS Executive Director Tim Burch.

The National Society of Professional Surveyors (NSPS) held its fall business meeting from Sept. 20-22 in Independence, Ohio, with most of the states attending. Wednesday and half of Thursday were devoted to committee meetings. There were very few motions from the committees to be voted on at the Board of Directors Meeting that started Thursday afternoon and finished Friday morning.

The one motion that was presented to the BOD was from the executive board regarding the NCEES model law definition of surveying. I've included an excellent letter from Gary Kent (see page 8), explaining how the proposed changes have been developed. You can see the proposed new definition of the law by using the QR code at the bottom of his letter. Please look at the proposed changes and let me know of any comments you have. Please understand that we are not looking

at wordsmithing, just the definitions as a whole. Also, these are the NCEES model laws, and they can agree with the whole document, use part of it, or none of it, as they see fit.

For those members that missed the business meeting at Killington, one of the questions that came up was how survey companies are finding qualified help. I reached out to NSPS workforce development chair Tim Murphy, and this is his response:

"That is a good question and I would guess that the real answer would vary from region to region. In my more recent experience, we have had very little success across most of the job search sites, and there's a lot of them. We utilize LinkedIn quite a bit but have limited success with that also and have had no success from our state associations job board. Word of mouth and referrals have been the best for finding experienced candidates and entry level candidates. SAM has had good experience lately in hiring from the military, but that is not always the case. All this makes me think about NSPS and their job board, which I just found. I wonder if employers are successful with this method and am also thinking we could promote this more as a value to membership and promote it at outreach events."

One of the changes that Tim Burch, our NSPS executive director, has made is that there is more time for everyone to socialize. We now have most of our lunches together and a social event in the evening. In Ohio we spent Thursday evening playing Top Golf, which was a lot of fun even for those of us who should never be let on a golf course. NSPS business meetings are open to all members, so if anyone would like to come to our next meeting, it's in Arlington, Va., from April 24-26, and we'll have Day on the Hill on April 23. 🏌️



“One of the changes that Tim Burch has made is that there is more time for everyone to socialize. In Ohio we spent one evening playing Top Golf, which was a lot of fun even for those of us who should never be let on a golf course.”



Please see Gary Kent’s letter on page 8 regarding proposed changes to the model law definition of surveying. »

Above, Gayle Burchard (far left, blue shirt) enjoys a group outing to Top Golf. At left, state executives listen to debates during the daily meeting.



# Getting to a Proposal to Modify the NCEES Model Law and Rules

*The following is a letter Gary Kent shared with NSPS state directors to detail the process by which the URISA Policy Advisory Committee formed recommendations on modifying the Model Law and Rules.*



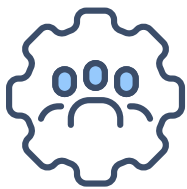
Gary Kent, L.S., is the owner of Meridian Land Consulting and a part-time staff surveyor at Schneider Geomatics. He can be reached at gary.kent54@gmail.com

**G**reetings. I'm sorry I missed the Fall NSPS meetings this year (the first ones I've missed since 1983). My attendance likely would have prevented the current confusion.

Having been intimately involved with the Urban and Regional Information Systems Association (URISA) Policy Advisory Committee's (PAC) work on the NCEES Model Law and Rules since day one, and regrettably, not being able to be with you all in Cleveland when this item was discussed, I would like to take this opportunity to clarify exactly what transpired.

A few years ago I was invited to participate in the URISA PAC as a surveyor representative. I was not invited as a representative of NSPS, but simply as a well known member of the surveying community who has been involved in, and spoken on, GIS, including at several URISA and Esri conferences.

At some point during the last several years, a "GIS-Surveyor workgroup" was spun out of the URISA PAC to explore the NCEES Model Law and Rules. The objective of the workgroup was to understand how the evolution of technology and practices have served to further muddy what aspects of GIS constitute the practice of surveying, and to develop a proposal to take to NCEES to modify those Model Law and Rules accordingly. I was asked to participate in the effort, which was distinctly and exclusively a URISA initiative.



"The objective of the workgroup was to understand how the evolution of technology and practices have served to further muddy what aspects of GIS constitute the practice of surveying, and to develop a proposal to take to NCEES to modify those Model Law and Rules accordingly."

By way of background, in about 1997 ASPRS convened a GIS-Surveyor workgroup to try and distinguish between what practices in GIS constituted the practice of surveying and what did not. For the most part, its work was adopted by NCEES in 2003, primarily as an addition to the Model Rules.

The evolution in technology and practices is not something that the original 1997 work group could have anticipated. It has, among other things, exposed deficiencies in the Model Law and Rules and resulted in unfortunate litigation due to confusion in the wording of state laws defining the practice of surveying.

In addition to the need to address the surveying/GIS issues, I told the workgroup that I was aware of other concerns that well-known surveyor and attorney Jeff Lucas and I shared about the Model Law. Members of the workgroup encouraged me to explore those issues with Mr. Lucas and propose wording, which I did. Those changes were also included in the proposal.

The URISA workgroup proceeded in its work, and eventually the conversation turned to how to present the developing proposal to NCEES. It was my suggestion that any such proposal would likely receive a better reception if it came from the surveying community rather than from the GIS community, even though both would benefit from it. The possibilities of an NCEES state surveying delegation or NCEES Zone being the best conduit were discussed. During the conversation, it was suggested that it would be even better received if NSPS would endorse the proposal.

At this point, the reader needs to understand that this URISA workgroup's proposal was going to be taken to the NCEES regardless. This was in no way intended to be an end run around NSPS because the reader also needs to understand that NCEES is almost perpetually working on its





Scan the QR code to view the proposed changes to the NCEES Model Law and Rules.



Model Law and Rules and, to my knowledge, none of those proposals have ever been formally or informally run through NSPS for its input, with the possible exception of the work of the 1997 workgroup.

Once it was determined that it would be desirable to have NSPS sign on to this URISA proposal, the workgroup decided to invite NSPS Executive Director Tim Burch to attend the meetings so he could understand the process that had been undertaken, the work that had been done, and so he could consider the best way to get the proposal in front of NSPS.

Again, the reader needs to understand that this is and was a URISA initiative.

By this time, after several years of very intense and, what I proudly report was, exceptionally collaborative work between a dedicated group of URISA members and an equally dedicated group of surveyors (four of the nine persons involved in the workgroup were, in fact, surveyors), and an approaching final proposal, the workgroup was beyond looking for wordsmithing, or proposed changes to its proposal. It simply wanted to offer

NSPS the opportunity to sign on to it, or not. Those were essentially the parameters that Tim was given.

The URISA proposal will be going forward to NCEES regardless of an NSPS endorsement or not. Again, this is not an end run around NSPS. NSPS has – with one possible 20-year old exception – never been actively involved in developing changes to the Model Law and Rule.

Tim most assuredly did not make policy decisions, including negotiations on a pretty damned important topic, with an unrelated organization. It was not his proposal; he did not make policy decisions, nor did he participate in any “negotiations.” He was simply extended the courtesy to take another organization’s proposal to NSPS to endorse, or not.

That, Dear Reader, is what transpired.

Tim was told the proposal was going forward regardless of whether NSPS endorsed it or not. If he made a mistake on how to achieve URISA’s hope of an NSPS endorsement, and I don’t think he did, it was because he was given an unconventional charge, not for lack of good faith. 🙄

SINCE  1920

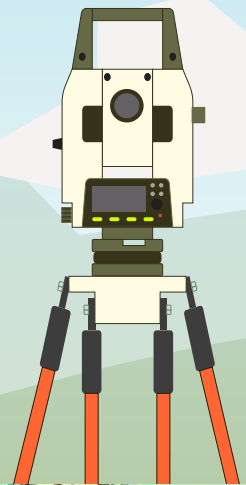
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# Recovery

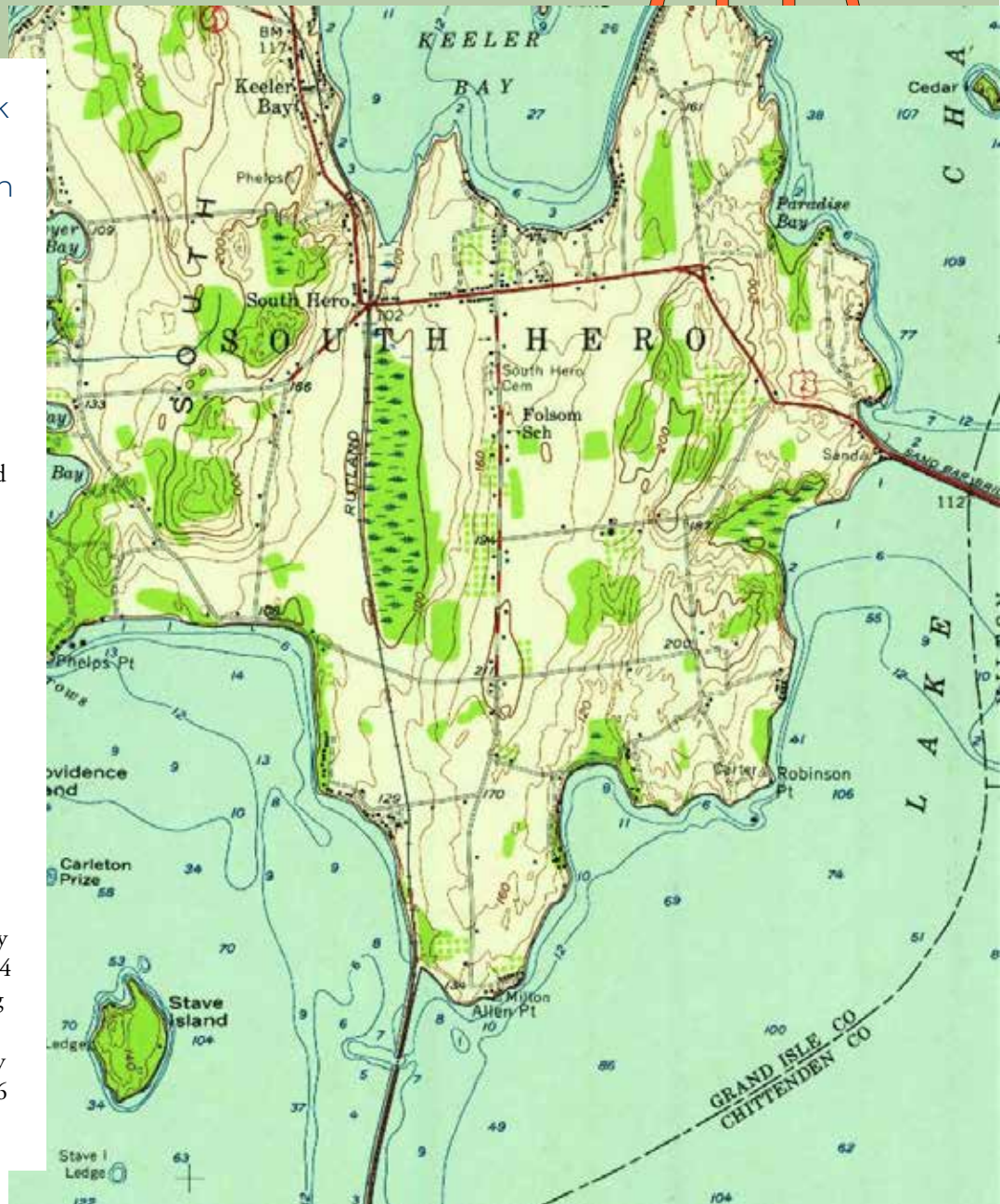
of Historic NGS Monumentation and of  
One's Enthusiasm for Reconnaissance



Two surveyors take a walk in the woods to locate a 93-year-old control station with modern-day tools.

Years ago when I surveyed the old farm property where we live in South Hero, a big part of that effort was, of course, research. You learn so much history about the area where you're surveying and about the families that lived there and worked the land.

After making the mistake of yapping about all the interesting history of the Calvin Robinson farm (old ferry landing shown on the 1796 Whitelaw map of Vermont, original lot lines, etc.) I was contacted by a member of the local historical society who insisted that I make a presentation about the same at the Worthen Library. Well, more research was needed for sure. As part of that process, I wanted to access all the historic USGS mapping for the southern part of our island, and to my surprise the earliest mapping was 1894 (Plattsburgh). Absent on the mapping was the Rutland Canadian Railroad causeway, which was built in the early 1900s, but it did show up on the 1906 version.





**“What was open meadow in 1930**

**is now an overgrown and forested area,**

**over-populated with revengeful,**

**eye-poking cedar.”**

Anyway, the 1938 version of the Plattsburgh USGS map showed a small triangle on what is known as Robinson’s Point, and the triangle showed up again on later versions. Finally, the 1956 version showed the same triangle with the word CARTER next to it. Duh! Might that be a NGS control station?

Geodesy and computer literacy are both pretty low on the list of geezer competencies, so, hello to surveyor general and friend Joe Flynn. Joe quickly found the data sheet for control station CARTER, which was set in 1930 as part of the U.S. Lake Survey. It is described as being on Robinson’s Point on the top of a knoll in pasture land. It was also roughly described as 150 feet west of the top of the bank (Lake Champlain), 275 feet W from small cottage, 44 feet above the (infamous) low water, and (not surprisingly) buried 6 inches. Surely all that “stuff” must still be there after 93 years!! The data sheet also listed three reference points but, even if you’re lucky enough to find one of those reference marks, the data sheet provides no direction or distance to the control station.

Joe contacted Dan Martin, our geodetic advisor, who offered to help see if we could find some archival reference point information, and suggested some methodology that might get us close to this 3rd order horizontal mark named CARTER. The neighbors and landowners were contacted about access and we decided to attempt a reconnaissance forced march on Sunday, November 5.

The new technology is absolutely astounding and even more out of reach (for geezers) than geodesy and computers. Joe quietly and patiently

explained that we needed to set up a base station where we could get a strong satellite signal(s) on an open knoll, albeit quite some distance from the reported location the control station. After he must have pushed a thousand different buttons and proclaimed “ready!,” we started the forced march. My rover, Joe said, will talk to the base station “over the radio!”

What was open meadow in 1930 is now an overgrown and forested area, over-populated with revengeful and eye-poking cedars. “Nope, keep going,” Joe said, as he would occasionally stop for a millisecond and talk to his magic satellite rover. We did find our way to what looked to be a knoll, and not too far from the lake. “Ah, looks promising, let’s see if we can get a good signal, we must be close.” After the mystery machine confirmed that we were in the correct town, we cut a few cedars and then took turns waving the Schonstedt over a house-size footprint. Oh please, please, let there be some steel in that monument I fantasized. One random piece of old wire gave use some temporary exhilaration, but after some digging and chopping, nothing. Joe recalibrated his equipment in a nearby clearing and then after some shuffling around declared, “we’re within 3 tenths!!” We took our probe and eagerly poked



The landowners were almost as enthusiastic about our discovery as we were.



#### **THE INTREPID EXPLORERS**

Bob Krebs ↑  
and Joe Flynn ↓



**“We took our probe and eagerly poked holes through the cedar roots, and after a short minute or two, BOINK!**

**We moved a little to the side, BOINK again.**

**It’s a sound and touch that only a very few can recognize and feel.”**

holes through the cedar roots, and after a short minute or two, BOINK! We moved a little to the side, BOINK again. It’s a sound and touch that only a very few can recognize and feel. The grins were broad as we attacked the roots and dirt with a machete, hammer and shovel. “Get your fingers out of there, the machete doesn’t know the difference from a root!”

We had found CARTER, a 9" x 9" concrete monument with a brass disc stamped “U.S. Lake Survey 49,” in mint condition and set 93 years ago, and it has been buried since then. A warning on the disc said “Do Not Disturb \$250 fine.” We dutifully apologized for the few minor scrapes marks that resulted from our feverish excavation. We were also thinking about the strength of the men who carried that monument, dug the hole and then drilled in the cap. After some recovery photos we continued our search, hoping to find any of the three reference marks. We went in opposite directions and fought with the cedars again, and then Joe hollered, “come down here and bring the machete.” Sure enough, under the moss on large boulder was Reference Mark 2, a brass disc with an arrow pointing toward the recovered CARTER station monument. We were on a roll, but after another 45 minutes of scouring the area, we still hadn’t found the other two reference marks: a boulder and a monument. Hey, two out of four ain’t bad. Hopefully we can get the archived data on those other marks and return for more recon.

Joe located Reference Mark 2 and then repeated the data collection for station CARTER. We considered using up a roll of flagging, sort of an early Christmas Tree extravaganza, but we both sheepishly admitted that neither of us had remembered any flagging. Much better though,



After much ado, we found CARTER, a 9" x 9" concrete monument with a brass disc, stamped “U.S. Lake Survey 49.”

we decided to drive a long section of 5/8" rebar about a foot off the east face of the monument. A Schonstedt WILL work many years from now. We put CARTER back to bed, carefully patting the excavated dirt back in place, and then we camouflaged our activities with cedar twigs and woods duff and leaves. See ya in another 100 years.

In our careers we both have pursued the hidden and buried location of “evidence” (monuments, pipes, fencing, cairns, etc.) and have been reasonably successful. There still remains this nerdish excitement and inner personal pleasure that one gets from discovering the existence of and recovery of historical survey monuments. Those that practiced the elements of our profession even centuries ago were pretty impressive, and they left us with marks that keep on giving. The next day I shared the excitement with the landowners, who were equally enthused. And thanks, Joe, for making all this happen. 🌲



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BY MICHAEL J. PALLAMARY, P.S.

# Revisiting Cooley

**It is time to revisit Cooley.** Over the last few years, there has been a precipitous and noticeable decline in the quality of boundary line surveying, evidenced by an upswing in these kinds of disputes, as well as anecdotal stories that travel across the waves of the Internet.

Regrettably, with the proliferation of fancy, push-button measuring equipment, less attention is being paid to the principles of boundary surveying and more is being paid to the equipment. With each passing day, as more and more people are mesmerized by the ability to measure things with great precision, there is a corresponding rise in the level of inaccuracy. More and more people know how to measure while fewer and fewer know how to survey.

It is therefore time to drop in on Justice Thomas McIntyre Cooley. Justice Cooley was one of the main reasons the late Curtis Maitland Brown began researching boundary

law, resulting in the publication of his own informative articles and popular textbooks. Like many other Land Surveyors, Curt was drawn to Cooley because of his skills as a jurist as well as his expertise with the pen. Judge Cooley is one of the best known judges in the country, an honor earned when he served the Great State of Michigan as a State Supreme Court Justice. His legal acumen is notably memorialized in his well-respected tome, "A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union." Written in 1868, his treatise has been long recognized as one of the most



**Justice Thomas McIntyre Cooley**  
University of Michigan Library  
Digital Collections, Bentley Image  
Bank, Bentley Historical Library

Top left: Constant remeasurements that do not take into consideration improvements based on original evidence fosters litigation. GPS is a tool and not a weapon.



important treatises on constitutional law. He was also the first legal scholar to definitively interpret “due process of law,” mentioned in the Fifth and Fourteenth Amendments to the Constitution. Legal scholars have long recognized Cooley for “consistently defending constitutional government and its ability to protect the rights of individuals from arbitrary actions by the state.”

Within the land surveying community, Cooley is best known for his seminal paper, “The Quasi-Judicial Functions of the Land Surveyor.” Amongst the many observations and opinions Cooley made regarding the responsibilities of the Professional Land Surveyor, the following observations remain poignant, particularly in today’s testosterone driven and technologically fueled world of instantaneous measurement.

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“Unfortunately, it is known that surveyors sometimes, in supposed obedience to the State statute, disregard all evidences of occupation and claim of title and plunge whole neighborhoods into quarrels and litigation by assuming to “establish” corners at points with which the previous occupation cannot harmonize.

It is often the case that, where one or more corners are found to be extinct, all parties concerned have acquiesced in lines which were traced by the guidance of some other corner or landmark, which may or may not have been trustworthy; but to bring these lines into discredit, when the people concerned do not question them, not only breeds trouble in the neighborhood, but it must often subject the surveyor himself to annoyance and perhaps discredit, since in a legal controversy the law as well as common sense must declare that a supposed boundary line long acquiesced in is better evidence of where the real line should be than any survey made after the original monuments have disappeared.

The mischiefs of overlooking the facts of possession most often appear in cities and villages. Two lot owners quarrel, and one of them calls in a surveyor, that he may make sure his neighbor shall not get an inch of land from him. This surveyor undertakes to make his survey accurate, whether the original was so or not, and the first result is, he notifies the lot owners that there is error in the street line, and

that all fences should be moved, say 1 foot to the east. Perhaps he goes on to drive stakes through the block according to this conclusion. Of course, if he is right in doing this, all lines in the village will be unsettled.

It is not likely that the lot owners generally will allow the new survey to unsettle their possessions, but there is always a probability of finding someone disposed to do so. We shall then have a lawsuit; and with what result?

I have thus indicated a few of the questions with which surveyors may now and then have occasion to deal, and to which they should bring good sense and sound judgment. Surveyors are not and cannot be judicial officers, but in a great many cases they act in a quasi-judicial capacity with the acquiescence of parties concerned; and it is important for them to know by what rules they are to be guided in the discharge of their judicial functions. What I have said cannot contribute much to their enlightenment, but I trust will not be wholly without value.”

---

From 1864 to 1885, Cooley was in a unique situation to comment on the formative years of American boundary surveying while serving as the Chief Justice of the Supreme Court of Michigan, a role that permitted him to lay the legal framework for some of the country’s most important rules of land surveying, rules that empowered the Land Surveyor. Regrettably, over the passage of time, many of the important rules and principles espoused by Cooley have been neglected by people who push buttons and measure things with satellites. Nonetheless, and in spite of the power of technology, his commentary remains an impressive effort to define many important precepts of law relating to boundary conflicts at a time when the first wave of original survey monuments began to disappear and the all too familiar defects with older subdivision maps came to light. In commenting on the original “record” monuments placed in connection with these early maps, Cooley succinctly described them as “nothing but green sticks driven into the ground.”

One of Cooley’s definitive cases attained even broader legal recognition because it was the product of litigation, imbuing it with legal authority. The case,



With the passage of time, original monuments are destroyed and when this happens, fences are the best evidence as to the location of boundary lines.



When walls and fences are built and the original monuments, often wooden hubs, are destroyed, the improvements built in reliance on the markers define the line, not a new mathematical solution.

entitled “John C. Diehl and Christine Diehl v. Ferdinand Zanger and Magdalene Zanger,” (39 Mich. 601), offers the following conclusions of law:

- “A re-survey, made after the monuments of the original survey have disappeared, is for the purpose of determining where they were, and not where they ought to have been.”
- “A long-established fence is better evidence of actual boundaries settled by practical location than any survey made after the monuments of the original survey have disappeared.”
- “Long practical acquiescence in a boundary, between the parties concerned, may constitute such an agreement on it as to be conclusive, even if it had been erroneously located.”
- “If all the lines were now subject to correction on new surveys, the confusion of lines and titles that would follow would cause consternation in many communities. Indeed, the mischiefs that must follow would be simply incalculable, and the visitation of the surveyor might well be set down as a great public calamity.”

Computers are fascinating devices. They change the way we look at the world and in many cases, define the world as we know it or, as many carelessly accept it - decisions driven by intellectual apathy or analytical anemia. All too often, it is the computer that does the thinking by “solving” the problem with a simple click of a mouse or the pressing of a button, producing a solution to the query, limited as it may be. And yet, no matter how fast and accurate computers are, they cannot solve surveying problems. These electronic boxes, powered by 120 volts of electricity along with an array of Bluetooth enabled measuring devices remain nothing more than tools; they are merely calculation and measuring devices. For too many button pushers who rely excessively on these tools are good at measuring things and drawing lines, as competent as my granddaughter is at such things and as with her, they do not understand the rules of land surveying. Just because one can measure, that does not make them a surveyor.

As to the application of the venerable Justice Cooley to this dilemma, let us discuss an urbanized neighborhood, one where the lots are small and every inch has value. In these localities, people do not build their homes casually; their residence is their greatest single investment. Homes like these, and appurtenant improvements such as walls, fences and streets are all laid out based upon monuments, maps, and measurements, with the measurements both logically and derived from the monuments and maps. It is the chicken and not the egg. As Cooley so pertinently noted, the homes and surrounding fences are often, if not always, the best evidence as to where the original lines were laid out. Houses don't fall out of thin air Dorothy; we're not in Kansas anymore. My distinguished friend and colleague Jeff Lucas touched on Cooley in his insightful and valuable work, “The Pincushion Effect”(ISBN: 978-1-257-86758-5).



In many instances, a longstanding fence, built in harmony with original monuments, may define the line. All evidence must be considered before proration—a rule of last resort.

“One thing we can say about Justice Cooley and his opinion in Diehl v. Zanger, is that it never gets old. The fact that the courts today still have to refer to Cooley is an indictment of the land surveying profession. Paraphrasing Cooley from that opinion, land surveyors have mistaken entirely the point to which their attention should have been directed. Instead of focusing on trying to make technically correct surveys based on new measurements, land surveyors should be focused on retracement of the original boundaries, the law and equity. Diehl was decided in 1878. After 133 years you would think the land surveying profession would have gotten the message by now. How much longer will the general landowning public put up with this nonsense?”

Across the country, courts continue to invoke Cooley's valuable words when ruling on boundary line disputes. I submit that if one wants to understand that laws of surveying, turn the satellites and monitor off. Justice Cooley is calling, pick up the line. 📡

Michael Pallamary, PS, is the author of several books and numerous articles. He is a frequent lecturer at conferences and seminars and he teaches real property to attorneys and other members of the legal profession. He has been in the surveying profession since 1971.

» *Special thanks to Paul Hannan, L.S., for sending in this article.*



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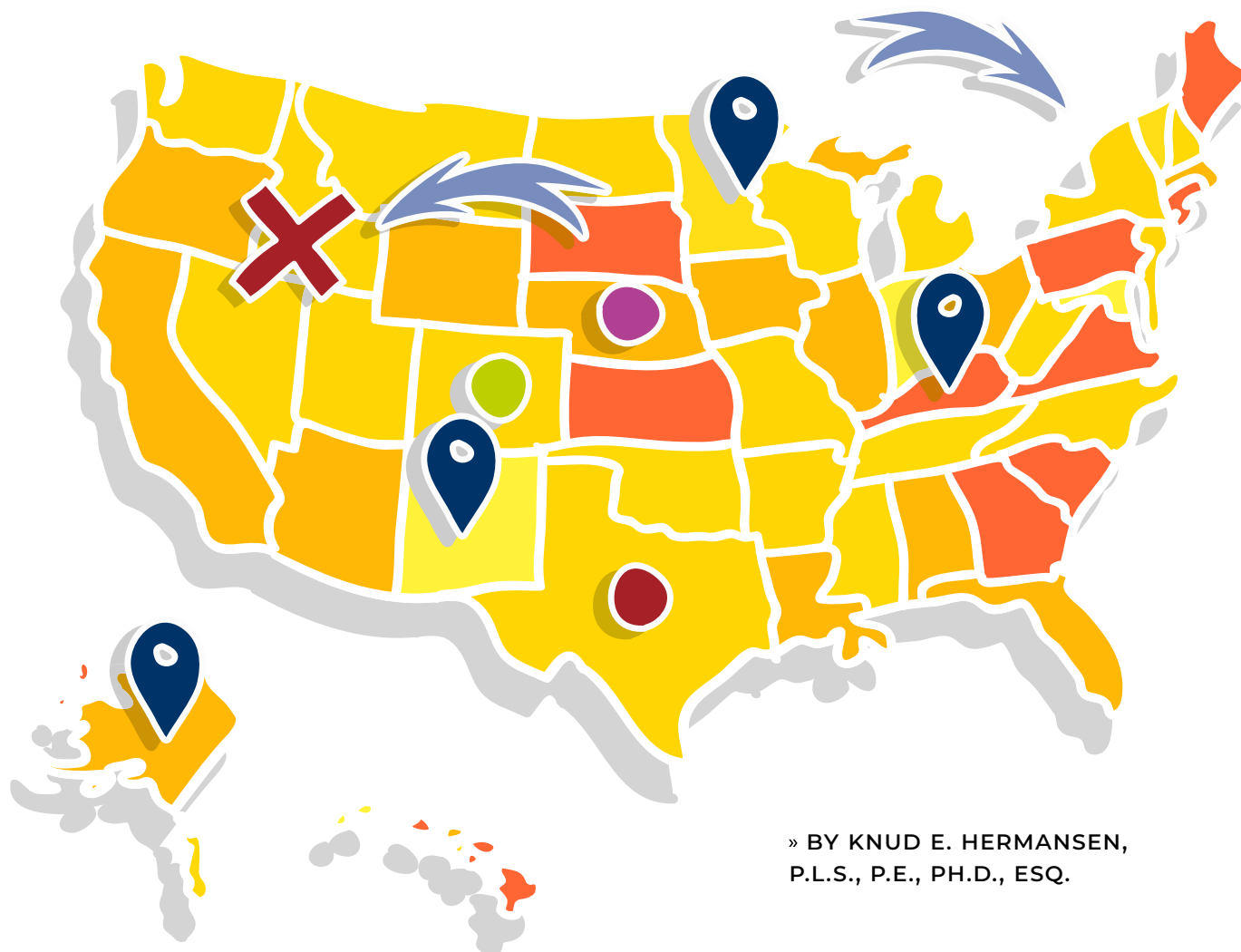
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# License Forum Shopping



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

This is the seventh article I've prepared in the series offering thoughts on professional practice and education. In this article, I wish to discuss "forum shopping" for licensing, experience, and testing timing. To better understand forum shopping, some background on testing will help understand the purpose and reasons for forum shopping.

» I have been surveying for fifty years and been licensed to practice surveying in six different states. When I tested for many of my licenses, I had to show up within the state on a certain day, at a certain location, to take an exam only offered once or twice a year. Given the pre-application time and time after the exam that was required to grade, review, and receive the results, it was not unusual to wait a year between a desire or need to obtain a license in a state and eventual receipt of the license (assuming the pre-requisite experience and education was already attained, and the required testing was passed).



The National Council of Examiners for Engineering and Surveying (NCEES) has considerably reduced the cycle time and wait time for the fundamentals of surveying (FS) exam and the professional surveyor's (PS) exam. I would venture the opinion that any delays are now centered upon waiting for the availability of a seat at a testing center rather than NCEES or the state licensing board to perform their actions. NCEES exams may be taken in hundreds of testing sites across the nation. By way of example, a student in Ohio that plans to visit grandparents in Florida, over Christmas break, with enough lead time to reserve an empty seat at a Florida testing center, can take the NCEES exam in Florida during their visit.

The Covid pandemic has forced many states to offer state specific exams through testing centers on

the requirements for a survey license in their state of residency. Perhaps they don't have a surveying degree, or the correct degree, or experience required in that state. Nevertheless, these individuals can seek to obtain licensing in another state where they do meet the requirements. For example, a GIS specialist working in a state not requiring a license for GIS services can nevertheless enhance their credibility and reputation by becoming a licensed surveyor in a state that does require a surveyor license for GIS services and will count experience performing GIS services.

Perhaps the most common forum shopping is conducted by the unlicensed person that is embarking on their professional career and desires to take the fundamentals of surveying (FS) exam. In terms of taking their fundamentals of surveying exam, this individual can begin the process in any state regardless

**The ease of professional testing has allowed for those desiring a surveying license to go "forum shopping." I am referring to the ability of an applicant to choose among all the states to find the easiest route, in their circumstances, to obtain professional licensing.**

an as-needed basis. Previously, states only offered state specific exams once or twice a year on a specific date at a specific location. Many states have had to adjust for Covid to avoid large gatherings or to quell unrest from applicants that expect state specific exams to be conducted with the same ease in scheduling and promptness experienced with NCEES testing.

The ease of professional testing has allowed for those desiring a surveying license to go forum shopping. What is meant by forum shopping? I am referring to the ability of an applicant to choose among all the states to find the easiest route, in their circumstances, to obtain professional licensing.

To be clear, a person who intends to provide surveying services in a particular state must have a surveying license for that state. The person must deal exclusively with the state's licensing board. However, not all aspiring licensees need to be licensed in a particular state to fill their employment requirements or their professional objectives. For example, many individuals employed by the U.S. government simply need to be licensed as a surveyor in any state to qualify for higher pay or positions. The licensed status of faculty members is not necessarily governed by the state where the university is located. The status of employees in large firms where they do not stamp and seal documents is assured by licensing in any state, not necessarily the state they reside or work in.

In some cases, an individual working in a firm may desire "professional status," yet they cannot meet

of their state of residency. A person can start their professional licensing by choosing a state that charges the least for an application or has the least restrictions on the initial or subsequent process for renewal. One state may allow both NCEES exams be taken without any restrictions versus the state of residence that may require numerous pre-conditions before an exam can be taken. I am unaware of any state that will not accept the NCEES fundamental of surveying exam results obtained by a person through another state.

There are numerous factors that may impact forum shopping. Licensing requirement is a major factor. States vary according to academic requirements, years of experience, or acceptable experience. Another major factor is timeliness of licensing steps. For example, some states allow both exams (FS and PS) be taken at or near graduation. Some states require four years with an appropriate degree, other states require only two years with an appropriate degree. Cost is another factor. Renewing a survey license in one state is \$50 while another state demands \$300. The last factor worth mentioning is continuing education. Some states don't require continuing education. Other states have minimal or no continuing education requirements.

In summary, given the ease of taking exams, unless an individual must be licensed in a particular state to provide services, many individuals will shop for the best licensing deals among the various states. 🌐



Find other books and articles by Knud Hermansen.

## July 20, 2023 • 6 p.m. • Zoom Video Call

This meeting was scheduled to be held at the Three Penny Tap Room, but due to the disastrous flood on July 10 it was once again held via Zoom. The meeting was called to order at 6:09 P.M. In attendance were: Randy Otis, Paul Hannan, Keith Van Iderstine, Lisa Ginett, Becky Gilson and our Administrator: Birgit McCall. Absent: Mark Day and Nate Yager. It should be noted that we decided to take our one month a year break from meeting during the month of June.

**Secretary's Minutes**

Minutes for the Executive Committee meeting for June 1, 2023 (our May meeting). The motion to approve the minutes was duly made and seconded and the vote was unanimously: to approve the minutes of the June 1, 2023 Executive Committee meeting.

**Treasurer's Report**

Treasurer's report for the January to July 14, 2023. Total income for period was \$ 32,017.18, total expenses were \$34,601.52, leaving a net income of \$ -2,584.34 and a bank total of \$42,625.21.

Keith reports that by the end of August our total of cash on hand will be at zero or below. He recommended that we withdraw \$3,000.00 out of our investments to cover any necessary costs. Keith thinks that we will be able to replace those funds at the end of October after our fall conference.

There was a discussion about the costs associated with the renewal of our accreditation for surveyors from New York to be able to receive credits from VSLs seminars. That amount of \$900.00 covers three years but needs to be spent this year to maintain our accreditation. That cost probably tipped the scales into the red.

**Administrator's Report**

Birgit noted that there have been some problems with getting Randy's name on the list to sign for our checking account. Randy has called and emailed the bank, but no one has gotten back to him. Birgit will be going in this coming week in person and will push on them again to complete this procedure.

Birgit reports that she has sent out renewal notices again for the members who have not paid their dues and seems to be getting some return. She says that Kelly is working on "The Cornerpost," which should be out in mid-August. The group discussed the Fall Conference, which is set to take place at Killington Resort on Friday, October 6. The location has a fairly high expense, and VSLs will be paying some of the presenters as well as paying for their travel expenses. Birgit and Keith have worked on the numbers, and it appears that, given the average attendance of 75 people, the fee will need to be \$250.00 per full member. We will need to retain a certain number of rooms for some members and presenters who will want to stay overnight.

Birgit requested that for convenience sake we move the VSLs checking account from Citizens to North Country, which would consolidate our holdings. The group voted to do so.

Birgit noted that someone who is a vocational rehabilitation professional reached out to her with a question about a client who is interested in surveying but has a disability and can't work in the field. The group mentioned either learning to become a CAD operator or obtaining a pilot's license to fly a drone.

**Other Business**

Birgit asked whether she should schedule a general business meeting for the Fall Conference, and the group thought that she should. The group also discussed whether VSLs should adopt a different fee category for Associate members who attend our seminars. At this time, Full members pay the full cost of attending, Life members pay 75%, and a Full member bringing at least two technical staff pays 85%. The group discussed doing away with this category (possibly) in the future, but adding an Associate member discount of 80%. This might encourage more people to join as Associate members in order to receive the discount. It was decided that the Technical Staff group discount will still stand but that the business meeting might address this issue for the future as well as the obvious fact that VSLs is running very close to the red. We will need to find more ways to fund the Society, possibly raising dues again.

There being no other business the meeting was adjourned at 6:51 PM

Respectfully submitted,  
Lisa Ginett, VSLs Secretary

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## September 21, 2023 • 6 p.m. • Zoom Video Call

Regrettably, our scheduled meeting for August was missed due to lack of the Executive Committee members' ability to attend. An attempt was made to schedule this meeting in person but due to July flood related issues we were unable to find a meeting space. Once again the meeting was held via Zoom. The meeting was called to order at 6:03 P.M. In attendance were Paul Hannan, Keith Van Iderstine, Lisa Ginett, Mark Day, Becky Gilson and our Administrator: Birgit McCall. Absent: Randy Otis and Nate Yager.

**Secretary's Minutes**

Minutes for the Executive Committee meeting for July 20, 2023 were reviewed. The motion to approve the minutes was duly made and seconded and the vote was unanimously: to approve the minutes of the July 20, 2023 Executive Committee meeting.

**Treasurer's Report**

Treasurer's report for the January to September 16, 2023. Total income for period of the report was \$43,756.47, total expenses were \$42,640.48 leaving a net income of \$1,115.99 and a bank total of \$45,606.77 with cash on hand at \$12,105.35. Our funds have now been invested and the hope is that we will earn some income from those investments.

**Administrator's Report**

Birgit reports that she had gotten our North County Credit Union accounts all straightened out. She closed our old checking account, as voted at our last meeting, and has opened a checking account also at North Country which consolidates our accounts in one bank and makes accessing the bank far easier for Birgit.

Birgit also noted that as of the date of this meeting we had only 30 full members signed up for the Fall Seminar on October 6 at Killington. She says that VSLS needs to have 75 members attend in order to clear our budgeted profit for the Seminar. She says that more will certainly come in before the Seminar date.

Birgit reports that "The Cornerpost" came out and mentioned that Kelly needs more articles and photos for the next "Cornerpost." She also notes that the Program Committee is working on the December Webinar and is looking for presenters. The Webinar date remains uncertain until the presenters have been lined up so as to best fit into their schedules.

**NSPS**

Gayle reported that there was lots of discussion at NSPS about the Davis-Bacon Act. The news was not good. New rules will come out on October 22. There was also discussion regarding the occupational licensing reform Bill. No one knows much about the effect of this Bill. We need to talk to Joe Flynn. There will certainly be changes in the exam with more nuanced testing per location as in no public land questions in the exam for licensure in the colonial states.

**Other Business**

Birgit asked whether the group wanted to continue to support Vermont Tech by advertising in the Green Knight Athletic Calendar. It was thought that a one quarter page ad costs \$400.00 and a business card sized ad would be less but not as visible. The group wanted to have a look at the current ad to see if maybe Kelly should tweak it, but it was agreed that we should fund the ad in the calendar at some level. Birgit will send us copies of the current ad for review and comment.

Doug Henson is stepping down as the chair of the Program Committee due to health issues and Joe Flynn is going into that role. Doug will still be member of the committee. Mark asked and Birgit noted that we still have ok committee strength.

Paul Hannan, who will be moving out of state to Northern Massachusetts in the next half year, wonders if that bars him from being a member of the Executive Committee. Birgit stated that there was nothing in the bylaws either way, so he could continue to be on the Executive Committee.

Mark discussed the idea of sending a copy of "The Cornerpost" to high school guidance counselors as a way of educating them about land surveying as a profession. It was noted by Birgit that a small group of non-members receive the publication. A brief discussion ensued about the cost of sending them out and it was agreed that with our current budgetary concerns, sending them to all high school guidance counselors would be a prohibitive cost. Perhaps we might send them to schools with Tech Centers or the high schools above a certain size. It was decided that Birgit would bring extra copies of "The Cornerpost" to the Fall Seminar and place a note on the table asking the membership to take several copies and deliver them to their community high school which would avoid the rather costly mailing fee and allows for a surveyor to talk with the guidance counselor about surveying. Perhaps we could provide some talking points to help people out with the task. It was also suggested that Birgit bring some of the left over swag to the Fall Seminar to give away and clear out the storage space a bit.

There being no other business the meeting was adjourned at 6:39 PM.

Respectfully submitted,  
Lisa Ginett, VSLS Secretary

# Attention!

All members are welcome to attend Executive Committee meetings on the third Thursday of the month. Email Birgit for details: [birgit@vsls.org](mailto:birgit@vsls.org).

# George E. Bedard | VERMONT L.S. #211 | 1944 - NOV. 5, 2023



George Eugene Bedard, of Hinesburg, died after a long battle with cancer and Parkinson's disease on Nov. 5, 2023 at the age of 79. George was born in Saint Johnsbury in 1944 to Robert W. and Yvonne L. Bedard and was the eldest of six children.

He first attended Saint Johnsbury Academy, graduating from there in 1962 and then enrolled at Saint Michael's College where he started to pursue a degree in medicine. George put his studies on pause when he enlisted with the Army in the First Cavalry, Armored Division, Artillery Survey, and served in Vietnam. He returned home after an honorable discharge and completed his higher education with a B.S. in Business Administration at the University of Vermont. It was there that he met his future wife, Janis Peplau.

George was self employed as a land surveyor and a realtor for decades and was very active in lending his expertise in any scenario where it could help people with questions they had about their land. He served on the local planning commission for over 20 years as an advocate for the community and its citizens, particularly farmers.

Family meant the world to George, and he took great pride in his children and his grandchildren. Across multiple

states (and occasionally the International Date Line), he and his siblings maintained close and supportive relationships, in recent years through a weekly Zoom call that he looked forward to all week. He could often be found manning the grill of any cookout, even if it wasn't his own. George was always happy to flip burgers and spin a tale or two to those who would pass by.

George passed peacefully at the McLure Miller Respite House in a sun-warmed room surrounded by his children and his wife of 52 years.

George was preceded in death by

his parents. George is survived by his wife Janis, their four children Melanie, Joseph (Margaret), Benjamin (Megan), and Christiana, four grandchildren Lucian, Addison, Renee, and Orion and his five siblings Joann Jurentkuff (Darwin), Marie Hagan, Rachel Perry (Carl), Elizabeth and John. He is also loved and remembered fondly by his international "kids" Magnus Halberg (Sweden), Tobias Toyberg-Franzen (Sweden), Martin Wesley-Holand (Norway), Josua Burkhart (Switzerland), Nik Weigelt (Switzerland) and Natascha Oberli (Switzerland) as well as many other shorter term exchange students over the last 30+ years.

His family would like to thank the wonderful people at UVM Home Health & Hospice, especially case-manager-turned-friend Judy Johnson. George had an incredible team providing for his care over the last seven months, and his family expresses their heartfelt gratitude to the LNAs, nurses, Dr. Nancy Long, as well as the staff and volunteers at the McLure Miller Respite House.

His family asks that anyone wishing to make a donation in his memory please consider UVM Home Health & Hospice, Vermont Food Bank or a charity of your choice.



## GIVE US A HAND!

Much of VSL's work is managed by a small group of volunteers. If you have even a little time to spare, please get involved. Email [birgit@vsls.org](mailto:birgit@vsls.org) for more information.



# Paul R. Hodge | VERMONT L.S. #451 | FEB. 6, 1947 - AUG. 19, 2023



Paul Ralph Hodge passed away in Topsham, Vt., on August 19, 2023. Paul was born in Hanover, New Hampshire on February 6, 1947. He grew up in East Topsham. Paul attended elementary school in East Topsham and graduated from Bradford Academy in 1965. Upon graduation he joined the U.S. Army and served from 1966-1969 in

Thailand, assisting to survey, build roads and bridges during the Vietnam War. After returning to the USA Paul continued his military career in the Vermont National Guard and applied his engineering skills to take a job in Lebanon, N.H.

Paul was working in Lebanon when he met Wendy (Goodwin) Hodge and they were married in Lebanon on February 7, 1970. They lived in Randolph while Paul attended Vermont Technical College to earn an Associate's degree in Civil Engineering in 1972. Paul and Wendy later moved to Topsham where they made their home and raised their two children: Paul Ralph II and Katheryn Ruth. Paul and Wendy enjoyed annual camping trips with their children and grandchildren; together, they loved amusement parks, local attractions, and spending time with

family. Paul was a loyal mentor to his children, grandchildren, and extended family. In later years, Paul and Wendy took 19 cruises with Norwegian Cruise Lines, and after Wendy's passing Paul continued to cruise with his children.

Paul began his engineering career at Dubois and King, in Randolph, and later took a job with the Department of Transportation for the State of Vermont. He enjoyed telling stories about driving every road in the state while surveying. During this time Paul also continued to serve this country in the National Guard and retired after 21 years. He retired from the State to care for his beloved wife, to whom he provided care for several years until she passed in 2022.

Paul was an avid hunter of deer and bear. He was a fisherman who especially loved deep-sea fishing with family and friends. His most recent fishing trip was four days prior to his passing. Paul also enjoyed capturing all sorts of wildlife on his game cameras.

Paul was dedicated to his family and community. He was a member of the Topsham Presbyterian Church and served the community as a Fence Viewer, Boy Scout Leader, Little League Coach, and a firefighter. Paul could always be counted on to lend a helping hand and gave advice when he thought it was needed.

Donations may be made to the American Diabetes Assoc.

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## THE NEXT GENERATION

Keith Van Iderstine, L.S., speaks with students at a career fair at Crossett Brook Middle School in Waterbury. Keith and Gayle Burchard represented VSLS at the fair, gave hands-on demos, and introduced the 6th-8th graders to the idea of surveying as their future profession.

## IT'S COMING!

Joe Flynn, L.S., sent in this April 2023 photo from a job on Maple Leaf Road in Underhill. It won't be too long before such wintry scenes are here again.



## AUTUMN ON THE BORDER

Seamus Collar, survey technician at Latitudes Land Surveying, sent in this photo from a job at the Richford-Abercorn border crossing station. The stream is about 300 yards south of the United States-Canada border.





## SCENES FROM THE FALL CONFERENCE

Thank you to all the VSLs members who came together for the Fall Conference at Killington Resort on Oct. 6. Special thanks to the Program Committee for putting on the event, and a big shout out to our speakers:

- Julie Graeter, Colchester Town Clerk, "Researching Town Land Records"
- Robert Krebs, State Representative "Deep Research for Land Surveyors"
- J.T. Moore, Deputy Commissioner Kevin Bagwell, Supervisory Engineering Tech, IBC U.S. Section "International Boundary Commission"



# 2024 Budget & Officers

## 2024 Proposed Budget

### Income

Advertising	\$1,400.00
Donations	\$1,000.00
Interest	\$20.00
Membership Dues	\$22,000.00
Program Revenues	\$54,150.00
<b>TOTAL</b>	<b>\$78,570.00</b>

### Expenses

Accountant Fees	\$500.00
Advertising	300.00
Association Dues	\$3,700.00
Bank Fees	\$2,150.00
Donation Expense	\$750.00
Insurance	\$700.00
Memorial Contributions	\$200.00
News Magazine Prod.	\$3,500.00
News Magazine Design	\$2,500.00
Office Supplies	\$750.00
Payroll Expenses	\$22,100.00
Postage	\$300.00
Program Expenses	\$34,000.00
Public Relations	\$1,350.00
Rent	\$2,370.00
Telephone	\$400.00
Travel	\$3,000.00
<b>TOTAL</b>	<b>\$78,570.00</b>

## 2024 Preservation Committee

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

## 2024 Slate of Officers

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

## 2024 Program Committee

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

## 2024 VSLS Education Foundation Directors

### MEMBERS AT LARGE

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

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





# Winter Webinar

Presented Virtually with GoToWebinar

Friday, December 15, 2023 • 6 PDH



## Schedule

<b>8:00 -10:00 AM</b>	50 Ways to Make Your Surveys Better and Life Easier
<b>10:00 AM - Noon</b>	Surveyor's Notes for Plats
<b>Noon - 12:20 PM</b>	Grab Your Lunch
<b>12:20 - 1:00 PM</b>	Business Meeting
<b>1:00 - 3:00 PM</b>	Education in Surveying & NSPS Update
<b>3:00 PM</b>	Final Announcements

## REGISTRATION FEES (through Dec. 8th\*)

Full Member of VSLS or kindred society	\$115.00
Associate Member	\$92.00
Life Member	\$86.25
Technical Staff	\$97.75
Group rate (3+ with at least 1 member)	\$97.75
Non-Member	\$165.00

\*\$25 late fee after Dec. 8 / 4% credit card fee for on online charges

## Seminars

### 50 Ways to Make Your Surveys Better and Life Easier

**Richard Elgin, L.S., P.E., President of  
Elgin Surveying & Engineering**

This presentation offers effective, tested, practical, useful ideas for operating a land surveying business. Taught by the former owner of a successful surveying and mapping firm, the talk draws on Dick's 24 years of frustration in acquiring the project, then getting it out the door as promised, billed and paid, while at the same time making a profit.

### Surveyor's Notes for Plats

**Richard Elgin, L.S.**

The user or reviewer or critic of your Certificate of Survey or Plat likely knows little about the boundary survey and the professional service you provide. There are aspects of the survey which are difficult or impossible to convey graphically. Surveyor's Notes on the plat can better convey information about the survey, and make it more defensible.

### Education in Surveying and NSPS Update

**Davey Edwards, Adjunct GIS Professor,  
Texas A&M University**

Davey will discuss the importance of education in surveying and how today's technology is forcing the evolution of our profession. Davey will also discuss what the National Society of Professional surveyors is doing currently and the future for NSPS.

• An email address and stable Internet connection are required • Webinar will be recorded and can be viewed later •

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# The Cornerpost

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