



# CONNECTICUT ASSOCIATION OF LAND SURVEYORS

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<b>JOHN WAGENBLATT</b> PRESIDENT	<b>KEVIN L. DAROS</b> 1 <sup>st</sup> VICE-PRESIDENT	<b>DAVID PALMBERG</b> 2 <sup>nd</sup> VICE PRESIDENT	<b>JASON G. RACETTE</b> SECRETARY	<b>ALAN FENROW</b> TREASURER
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## MINUTES FROM THE BOARD MEETING JANUARY 28, 2010

### *GENERAL BUSINESS*

The meeting was held at the Wethersfield Community Center. **President** John Wagenblatt called the meeting to order at 7:34 p.m. Those present included: **Second Vice President** David Palmberg; **Secretary** Jason G. Racette; **Treasurer** Alan Fenrow; **Directors – Hartford County** Reese Roberts; **New Haven County** Larry Fisher & Wayne Zirolli; **New London County** Bob Baron; **Immediate Past President** Andy Tupper; **NSPS Vice President** Bob Dahn; **NSPS Board of Governors** Rick Howard and **Member** Ken Pudeler.

**MOTION** - made by Andy Tupper, seconded by Alan Fenrow, to approve the November/December 2009 Minutes. **PASSED**

**MOTION** - made by Larry Fisher, seconded by Andy Tupper, to approve the November/December 2009 Financial Statements. **PASSED**

### APPLICATIONS FOR MEMBERSHIP

**MOTION** - made by Larry Fisher, seconded by Rick Howard, to approve the following applications for membership:

- |   |                  |                              |
|---|------------------|------------------------------|
| 1) Craig Bigger, Woodstock, CT          | Associate Member | Endorsed by Jeff Stefanik    |
| 2) Jeffrey Greiner, Montville, CT       | Associate Member | Endorsed by Greg Glaude      |
| 3) William Kent, Waterford, CT          | Surveyor Member  | Endorsed by Jason G. Racette |
| 4) John Patrick O'Brien, New Canaan, CT | Firm Member      | Endorsed by Jason G. Racette |
| 5) Joseph Ruggiero, Southbury, CT       | Associate Member | Endorsed by Jason G. Racette |

**PASSED**

**MOTION** - made by Reese Roberts, seconded by Larry Fisher, to approve a change in membership for Joseph T. Majesky, Jr. from Surveyor Member to Retired Member.

**PASSED**

**MOTION** - made by Reese Roberts, seconded by Larry Fisher, to approve a change in membership for David S. Huntington from Surveyor Member to Life Member.

**PASSED**

### 2010 LEGISLATIVE PROPOSAL

Legislative chairman Bob Dahn reported that long time UKS lobbyist Kevin Reynolds has left the firm and formed a company called the Reynolds Group. CALS has received a proposal from the Reynolds Group for representation similar to the standard basic service CALS has received in the past. CALS has been attempting and will continue to an effort, to receive a similar proposal from UKS. It was also reported that the 2010 session would begin next week and ideally representation should be in place for the beginning of the legislative session.

In 2009, CALS dealt with the following items, each of which we anticipate will continue to be on the CALS agenda for 2010.

- 1) The Freedom of Information Act.
- 2) Prevailing Wages.
- 3) Municipalities requiring digital information on approved subdivision or site plans.

**MOTION** - made by Larry Fisher, seconded by Reese Roberts, that Bob Dahn, as the Legislative Chair, be directed to inform President Wagenblatt and be authorized to make the final decision regarding CALS legislative representation for 2010 and that CALS is bound by his decision.

**PASSED**

**CODE REVISION UPDATE**

President Wagenblatt reported that the Code Revision has begun initial discussions regarding the “Blue pages” of the code.

Mr. Wagenblatt has received the following memorandum from CALS members John Miller, Jim Sheehy and Paul Hallisey, who question Boundary Determination of Resurvey vs. Dependent Resurvey Categories.

*January 14, 2010*

*The purpose of the memo is to clearly state our observations and recommendations regarding a section of the recently revised Code of Practice, which has been endorsed by a small representation of the CALS membership and will now go to the Survey and Maps Advisory Committee for final review and approval, per State Statutes (Section 20-300b).*

*We respect the hard work that has gone into crafting this document but regret that, once written, members were not given an opportunity to discuss its various elements; rather a “yes/no vote” was solicited – no discussion allowed – and only 13% of the membership voted at the November 6, 2009 annual Meeting. We believe it is crucial that our concerns be considered seriously by the entire membership before this Code becomes law and affects all land surveyors in Connecticut.*

**Issue:** *Dependent Resurvey – Section 20-300b-2)e) Boundary Determination Categories*

**Comments:**

*The Boundary Determination Category “Resurvey” has “Dependent Resurvey” embedded within the category, when it should be a stand-alone category. If a surveyor has previously surveyed property lines, it is expected that that surveyor can **DEPEND** on the previous work and would identify it as a **Dependent Resurvey**. However, as written, **Resurvey** includes a surveyor’s previous work, as well as the work of others (which may or may not be accurate work). By the standards of this language, all work depending upon other work would be called a **Resurvey**. This language was confusing in the 1996 Code, and remains confusing in the proposed Code.*

*If this revised Code passes into law, without consideration of the above, where does that leave the surveyor who relies on his/her own previous survey? What is the survey to be called? And what about the surveyors who have in the past followed the White Pages (considering themselves the “same surveyor”) and submitted their work to the client as a **Dependent Resurvey**?*

*These are significant questions that must be answered before the Code is passed and becomes law. Otherwise, the adverse impact on surveyors who have inadvertently used the “wrong” determination will be felt for years to come, often in damaging legal proceedings.*

**Recommendation:**

1. That this section of the Connecticut Code be structured similar to the “Manual of Surveying Instructions, 1973), U.S. Department of the Interior, Bureau of Land Management.” In this document, Dependent Resurvey is given equal weight and designated as a separate category.
2. That within the section of the CALS Revised Code, titled Boundary Determination the categories should be entitled as follows: (1) First Survey (2) Resurvey (3) Dependent Resurvey (4) Original Survey. This organization would give Dependent Resurvey its own definition, characteristics and weight, rather than simply being embedded within Resurvey, which could lead to all kinds of confusion and miss-interpretation.
3. That a consistent definition is developed for Dependent Resurvey and that it allows for surveyors to use this category when relying, as appropriate, on a previous survey performed by themselves.

CALS position should be consistent with Sec. 20-300b-2(a), which requires a surveyor to perform the necessary work “TO ENABLE HIM TO RENDER A PROFESSIONAL OPINION AS TO BOUNDARY LOCATION AND ANY CONFLICTS THEREFORTH.” If in the surveyor’s judgment he meets that standard by relying on his or her previous survey then “Dependent Resurvey” is the proper certification, but the surveyor should make the determination. The proposed change delegates a surveyor’s judgment to attorneys and should not be advocated by CALS.

We ask for your serious assessment of this recommendation. As with any change that becomes law and affects both the professional provider of services and the client, there should be the benefit of both clarity and protection. This proposed change does neither. Even worse, it could have a damaging effect on all surveyors across the State of Connecticut.

Based on the present situation we will oppose the change in the next step of the process leading to the adoption of this new code.

Although the code was voted upon and approved in November 2009, these gentlemen would like to see it revised to have a Dependent Re-Survey as a separate category. Committee member Larry Fisher met with these members on January 28<sup>th</sup> to explain that a Dependent Re-Survey must include rudimentary things in order to qualify. He pointed out that the suggested methods and procedures in the “Blue pages” make it perfectly clear what a Dependent Re-Survey must include. Of significant importance is the inclusion of notes that can clarify when only three of the four boundary lines cannot be certified.

President Wagenblatt and Mr. Fisher will respond to these inquiries in writing.

Note - See article in the January 2010 Newsletter on this subject.

**FREEDOM OF INFORMATION ACT**

President Wagenblatt reported that discussions are on-going and he is waiting for a response from a member of the Legislative Committee on Freedom of Information.

**CONTINUING EDUCATION**

Continuing Education Chairman Jay Doody has prepared two upcoming seminars.

- Friday, March 5, 2010. “RTK/RTN Networks, What You Need to Know.” Presented by William Henning, PLS, National Geodetic Survey and Professor Thomas H. Meyer from the University of Connecticut.
- Friday, March 26, 2010. “Basic Survey Math for Technicians.”

Look for more information on the CALS website or in the CALS Newsletter.

Jay is also continuing preparation for an upcoming seminar “Surveying with the Stars.”

In an effort to reduce expenses, CALS will advertise seminars in the newsletter and on the CALS website. Hopefully we can reach as many members as possible.

### **2010 ANNUAL MEETING**

Kathy Kurland reported that she and 1<sup>st</sup> Vice President Kevin DaRos visited Saint Clements Castle, in Portland, Connecticut recently as a potential site for the 2010 Annual Meeting. The Board of Directors is in agreement that a new venue is appropriate. Saint Clements offers plenty of room for the conference as well as outstanding grounds and professional prepared meals. Look for more information this summer on the Annual Meeting.

### **CALS WEBSITE**

CALS Secretary Jason G. Racette and Treasurer Alan S. Fenrow reported that the website committee met in November. Each member reviewed different websites and picked elements that would be appropriate for CALS. The committee will meet with a developer and present a proposal to the Board of Directors at the February 2010 meeting.

### **CONNECTICUT BOARD OF EXAMINERS**

Hartford County Director Reese Roberts reported representatives from CALS testified at a Public Hearing on digital submissions January 12, 2010.

A decision will likely be made at the Board's meeting in February and a letter will be sent to all town clerks throughout the State.

### **NEW BUSINESS**

- 1) President Wagenblatt attended the New England State Societies Annual Convention in New Hampshire recently where Dr. Henry Lee was the keynote speaker. The New York State Association of Professional Land Surveyors (NYSPLS) has joined the group changing the name to the Northeast State Society Convention (NESS). NESS is looking for a host for the 2012 convention. CALS Board of Directors will consider holding the meeting here in Connecticut.
- 2) President Wagenblatt also attended the NYSPLS Convention in January 13-15, 2010, at Turning Stone Resort in Verano, NY. As always, there was a good turnout and a great time was had by all.
- 3) Treasurer Alan Fenrow attended the Rhode Island Society of Professional Land Surveyors Annual Meeting November 20, 2009. The one-day conference was held at the Radisson Hotel in Warwick, RI. There was a round table discussion regarding the code and the society expects to use the CT Code as a case in point.
- 4) CALS member Richard Contois is looking for volunteers to assist him at the Boy Scout Surveying Merit Badge weekend February 14-15, 2010, at Strang Scout Reservation in Goshen, CT. Anyone who would like to participate is asked to contact Richard at 203-770-6588 or email Richard@leassoc.com.

### **CORRESPONDENCE**

- 1) CALS has received a thank you note from Marie Strong for a donation to the American Brain Tumor Association in memory of her husband Donald.
- 2) The Town of Old Saybrook has issued the following notice regarding inaccurate Elevation Reference Marks.

*The Old Saybrook Flood Plain management Ordinance now requires mapping for permit applications to be based in the North American Vertical Datum of 1988 (NAVD88). Vertical control for this mapping should be based on NAVD88 benchmarks published by the National Geodetic Survey.*

Several benchmarks (Elevation Reference marks or RM's) found on the obsolete FEMA Flood Insurance Rate maps, which are based on the National Geodetic Vertical Datum of 1929 (NGVD29), have been found to be unreliable, and should not be converted to NAVD88 and used for vertical control. Reference Marks known or suspected to be in error include RM 4 (Bridge Street), RM 7 (Soundview Avenue), RM 12 (Otis Street), and RM 16 (Mohican Road). Other NGVD29 Reference Marks may also be suspect.

To obtain current elevation, description and location information for NAVD88 benchmarks shown on the current Flood Insurance Rate maps, contact the Information Services Branch of the National Geodetic Survey at 301-713-3242, or visit its website at [www.ngs.noaa.gov/](http://www.ngs.noaa.gov/).

3) CALS received a thank you note from the New Hampshire Land Surveyors Foundation for a donation to benefit the Scholarship Fund.

4) ACSM has notified CALS that the PLSS Foundation has set the price for the new version of the Bureau of Land Management's Manual of Surveying Instructions at \$125 per copy. Discounted prices are available for large orders. For more information contact Trish Milburn at 240-632-9716 ext. 105 or email [trisha@milburn@acsm.net](mailto:trisha@milburn@acsm.net).

**MOTION** - made by Andy Tupper, seconded by Larry Fisher, to adjourn the meeting at 9:30 p.m.

**PASSED**

**\*\*\* Congratulations to Bob Dahn who was elected  
Vice President of the  
National Society of Professional Surveyors\*\*\***

Respectfully submitted, Kathleen Kurland  
**Next Meeting – February 25, 2010**