
The TBM Newsletter of the NHLSA

Volume 24 Issue 2

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the

**New Hampshire Land
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NSPS

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"Money can't buy
happiness. But it can buy
chocolate, which is pretty
much the same thing."

~ Hanako Ishii



February is Winter Wonderland in New Hampshire

Deadline for Advertising and Articles

The TBM Newsletter of the NHLSA is published monthly.
Copy and ad deadline is the 1st of each month.

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President's Message

With another uncontested election having come and gone, I now have the distinct honor and privilege of leading our Association through what will surely be a fruitful 2022. I appreciate each one of your votes non-the-less. Our Executive Committee is now comprised of an eclectic group of individuals who harness years of institutional knowledge and an equal number of youthful professionals who are eager to learn and carry on healthy traditions. With this renewed vigor and unique perspective into modern issues facing our profession, I'm confident the team will be able to work together efficiently in order to accomplish the goals of the Association.

Though there surely have been challenging times in the recent past, it's inevitable that we'll continue to be faced with obstacles that need to be overcome. The networking and connectivity the Association provides will prove invaluable as we lean on each other and bounce ideas around as survey-specific hurdles arise. Specifically, we can point to the upcoming discontinuance of the U.S. Survey Foot and the roll out of a new reference frame at the end of this year. Our peers and parallel professions will be looking to us to be the voice of reason and subject matter experts to assure them their legacy projects won't be obsolete. More broadly, we'll remain steadfast in our support of NSPS as they monitor pushes, nationally, to do away with professional licensure and a variety of other issues that profoundly impact our industry.

If any of you have tried to engage a tradesperson unsuccessfully over the past year, I implore you to use that experience as a building block to help ensure that our profession can continue to thrive and set ourselves apart. If we collectively get caught in the cycle of not returning phone calls and emails, I argue we are no longer in the professional services industry. Lack of communication is unprofessional. I suspect we'll remain in high demand as our neighbors are still spending more time than ever at home and New Hampshire continues to be an attractive place to conduct business and build infrastructure.

I'll close with thanking each of you for your support and continued volunteer efforts. Please consider the vacant committee chairs if you've any interest in becoming more involved. It truly is a rewarding experience. I would specifically like to show my appreciation for two of our young members who recently stepped up to fill vacant committee chairs: Emily Hayes, chairing the Young Surveyors Committee and Sam Ingram, chairing the Municipal Boundaries Committee. In just 9 short months we will have a ballot to populate for 2023 and I'd be tickled if our members had more than one candidate to choose from as they placed their votes. The Executive Committee will continue to meet the 2nd Thursday of each month via Zoom, making it easier than ever if you'd like to sit in on a meeting and/or have your voice heard. I'm hopeful a number of committees will meet more regularly throughout the year. If you get a chance to sit in on one of the Young Surveyors meetings, don't pass it up. Their ambition is a breath of fresh air and their eagerness to learn provides hope that one day you'll be able to retire in peace.

Mitch Cummings, LLS
NHLSA's 53rd President



Did You



That NHLSA has vacant committee chair positions and you can earn CEUs for being a Chair? Currently, the History, Membership, Merchandising, Publicity, and CST committee chairs are open.



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2022 Annual Goals Meeting



(Left to right and top to bottom)
**Eric Mitchell, Mark Stevens, Ken Clinton, John Chagnon, Emily Hayes, Ryan Fowler,
 Barbara Cormier, Wendy Pelletier, Mitch Cummings, Eric Salovitch, Dave Collier, Mark Condodemetraky**

Saturday morning, the 15th of January, had a stupid-cold feeling to the day with the temperature hovering around -6° Fahrenheit and a wind chill factor making it feel significantly colder. This brisk invigorating weather made me wish I could be outside standing behind a transit adjacent to a highspeed road, taking repetitive shot after shot for endless hours, while enjoying the bracing breeze of tractor trailers whizzing by kicking up spray. But alas, it was the designated date of the annual NHLSA Goal's Meeting, so I reluctantly put my field work on hold and fired up my computer, coffee maker, and woodstove. Eleven other Officers, Directors, Committee Chairs, volunteers, and our Executive Administrator participated in this Zoom conference to discuss and set goals for the Association for 2022.

Goals Committee Chair Steve Ferguson was unable to attend, so President Mitch Cummings stepped in and moderated the meeting. A number of goals were proposed and evaluated by the group. In no particular order, some of the adopted goals include:

- Hosting a spring, summer, and fall continuing education seminar, along with our regular winter annual conference.
- Finding volunteers to fill vacant committee chair positions. Also reviewing ad hoc committees that may no longer be needed, or that might be better served by re-alignment within another standing committee.
- Reviewing and addressing existing By-Laws that are perhaps outdated and in need of modification. Proposing and adopting new By-Laws where needed.
- Publishing TBM newsletter on time each month and completing some half-finished publication projects currently hanging fire.
- Procuring a computer web camera and microphone for the NHLSA office so Barbara can Zoom from the office on an NHLSA computer rather than on her personal tablet.
- Promoting the Young Surveyors group with events like outreach, career days, regular monthly networking meetings with guest speakers, TBM columns, merchandise, social media, etc.
- Completing the sale and disbursement of the TSAS equipment or relocating it to a different facility so as to be able to discontinue the monthly storage fee.
- Liaison with Registrar of Deeds Association to improve the plat law and develop an electronic plan recording option.
- Supporting legislative initiatives favorable to surveyors and raising funds for expenses associated with SB 383, currently working its way through the NH Legislature.

This Goals Meeting was preceded by an Executive Committee Meeting which started at 8:00 a.m. and adjourned around 10:00. The Goals Meeting immediately followed and involved many of the same people. So, we'd like to acknowledge and thank the participants for giving up their Saturday morning to attend to the business of running NHLSA and making it an association worthy of belonging to. The Goals Meeting adjourned around 12:30 and participants returned to their families, jobs, and honey-do lists. The temperature by then had soared to a toasty 6° above zero but I was now content to spend the afternoon doing chores indoors beside the woodstove, rather than outside behind a transit. Those brisk highway shots will wait for the next nice day.

Mark Stevens, LLS
 Publications Director



Barbara, Mark,

I just opened my January TBM and smiled when I saw the "Old Ads With Surveyors" (page 19) featuring a 1958 Ford Fairlane survey vehicle. I had a '58 Ford Fairlane handed down to me by my brother. It had the three-on-the-tree transmission which gave out. I replaced it with a 3-speed manual shift on the floor, but the alignment wasn't quite right so it regularly just ate up the manual shifter. I got good at replacing them and could swap one out in about an hour and half. Not that I ever used my '58 Ford for surveying, but they did have a huge trunk and collapsible tripods did exist, although not common. Keep up the good work.

Wayne McCutcheon LLS



From: Brian Burford
To: 'NHLSA - Barbara Cormier' <info@nhlsa.org>
Subject: RE: January 2022 TBM

Barb, This is a VERY good issue – thank you for the hard work.

Best,
the Ogre (or is that "the Yogurt")



Alan Swanson, LLS 30, called the NHLSA office to give Barbara a change of address and mentioned that he just finished reading the January issue of *The TBM* and said that he didn't recognize a lot of members in this issue. Barb agreed that it's great to see some young surveyors now in leadership roles.



A very well-rounded newsletter!

Emily Hayes



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Pending Legislation SB 383

In the Bylaws of NHLSA, under the legislative committee goals it states, "we also sponsor state legislation that has obvious and prudent value to the public and the profession." Tasked with this standard, the NHLSA has brought forth a bill in the NH Legislature that allows for a surveyor's right of entry, a civil money penalty against unlicensed practice and advertisement, and the elimination of the residency requirement for licensure. It has been submitted under Senate Bill 383 (SB 383).

The right of entry component has been brought forth and defeated in the NH General Court many times before, yet it is needed and supported by most professionals. However, there are some who will argue that this type of legislation can be considered an overreach, or is not needed.

Let's consider the arguments. In the State of NH Administrative Rules section LAN 502.01(b)(3) states: "Record evidence of tracts other than the subject tract and abutting tracts shall be examined, or additional information sought, which might relate to the property lines and corners being surveyed whenever necessary." Additionally, section (8) states: "A field investigation shall accompany the record research and evaluation, if appropriate."

This clearly states the surveyor, in order to fulfill their required statutory and administrative obligations, will need to enter onto property that does not belong to their client. However, there is currently no statutory right of entry for surveyors in NH. As a result, surveyors will typically just go onto abutting properties to research and recover boundaries and other features. Some will notify property owners beforehand and others will not. In addition, municipalities are requiring surveyors to enter onto abutting properties to collect data specific to land use applications, such as wells, septic systems, buildings, driveways, etc.

In arguing against this proposed right of entry, opponents will state that this is an infringement on property rights, that there are very few documented cases of problems arising as a result of going on someone's property, and that the status quo is sufficient. One question that keeps being asked since the defeat of the last right of entry bill is, what has changed?

While actual physical confrontations may be rare, we are certainly seeing a shift in our culture where confrontation is becoming the norm and not the exception. Furthermore, just because someone does not know you are on their property or knows but does not object, does not mean the surveyor is protected from liability. This brings us to the question of "what has changed?" In 2019, the United States Supreme Court ruled in [Knick v. Township of Scott, Pennsylvania](#) that a municipality, that had adopted a cemetery ordinance and then directed someone to enter onto property to account for that cemetery, created an unconstitutional taking of property without compensation. This ruling has vast implications for the surveyor. Is a surveyor who has entered onto an abutting property without permission, but at the direction of a municipal ordinance, now party to an unconstitutional taking of property? Is the surveyor along with the municipality liable and subject to monetary damages? Is the State through their statutory and administrative requirements now mandating a surveyor perform an unconstitutional act? And if the surveyor does not, are they now not fulfilling their ethical requirements, and in violation of their standards of practice and subject to discipline?

The NH Municipal Association communicated that *Knick* has serious broad reaching implications for the surveyor and municipality and testified to this in front of the NH Legislative Committee public hearing on our bill. They also stated that the right of entry portion of our legislation will correct these issues and questions, and clearly demarcate who the liability resides with. While this has not been tested in court yet, I for one do not want to be a party to that suit. Whether you prevail in litigation or not, you lose, as does the entire profession.

The argument that a right of entry will infringe on property rights is the tried-and-true argument, however that does not hold water any longer. In testimony both the NH Timberland Owners Association and the NH Farmland Association stated that multiple parties and groups currently enter onto their lands, sometimes with permission and sometimes without, with no real way to stop them. This bill does not allow for any other entry by any party, nor does it prevent a landowner from asking someone to leave their property. It narrowly allows the surveyor, while performing surveying services to enter onto the land after proper notification and during reasonable hours. That is all. In so doing it protects the surveyor, the property owner, and the municipality from the specter of litigation and allows the surveyor to conduct their professional work without wondering if they are acting unconstitutionally or unethically. This in no way infringes upon or takes away anyone's property rights. It seems that land surveyors are the only profession that has mandates that put them in situations where they must choose to violate one or the other. Every other state in New England and New York State already have a right of entry law and there is no uproar about anyone's rights being seized and there is no litigation pertaining to it.

If we have the opportunity to make positive change for our profession and to protect the health and welfare of those we serve, we must do so. As the current stewards of the profession, it falls on us to promote, preserve and protect our profession and not to preserve the status quo for the next generation to deal with. As we know, history is littered with the remnants of the status quo, and the one single constant in our society is change.

This legislation is vital to the continuation of the profession. That being said we need help paying for these legislative initiatives. Any and all financial support is welcome. We need to raise \$15,000 to cover our lobbying expenses. If 100 members donate \$150, we will easily meet our goal. If you wish to contribute, please send a check to:

Attn: Barbara Cormier
NHLSA
P.O. Box 689
Raymond, NH 03077-0689

Please note that it is for this legislative fund. Please always feel free to reach out to me with questions or volunteer opportunities at mark@gcengineering.com

Respectfully submitted,
Mark Condodemetraky, LLS
NHLSA Governmental Affairs Director

https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=2141&inflect=2

An Opposing Opinion on SB 383

Not all members of NHLSA fully embrace all of the elements contained within the proposed Senate Bill 383, currently working its way through the legislative process. While the bill is endorsed by the NHLSA Governmental Affairs Director, Mark Condodemetraky and a majority of NHLSA voting members in attendance at the 2021 Fall Business Meeting, other members have expressed concerns or opposition. Dennis McKenney testified in opposition to the bill at one of the Senate Legislative Hearings, and I asked him if he would share his opinion for *The TBM*. He graciously provided the below letter.

-Mark Stevens

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1/21/2022

New Hampshire Senate Bill 383 has been introduced at the behest of NHLSA. Certain elements of the bill are worthy of passage, but I testified at the Senate hearing in early January in opposition to creating a legal right of entry for the land surveyor. However, before I comment on the particulars of this bill and my reasons for supporting certain provisions and opposing others, I offer a more global comment.

NHLSA is wise to have a Governmental Affairs Committee directed by PE/LLS Mark Condodemetraky and a budget line with modest funds for a professional lobbyist to monitor bills that have the potential to affect our professional interests. Such attention allows us to participate in the process to ensure a legislative outcome that is practical and effective, or in some circumstances, we may lobby against a bill that is adverse to the public interest. In fact, these activities and these monies are vital to our professional health and I believe we would be remiss to abandon any participation in the legislative process at the Association level.

[Continued next page](#)

By way of example, one perennial issue is that of the perambulation of municipal boundaries. To date, NHLSA and other professional associations have been successful in guiding our senators and representatives to an understanding that this statutory requirement is not an anachronism but an important modern duty despite its origin in our colonial history. The hearing process surrounding perambulation has demonstrated the lack of knowledge among legislators and critics of the law as to its importance; testimony of several surveyors over the years has been critical to preventing the repeal of this law.

My membership and participation on the New Hampshire Timberland Owners Association's policy committee has often brought me in contact with the legislative process on a wide variety of issues that affect the forest products industry and the landowners that provide its vital raw material. NHTOA's Executive Director commits significant time and attention to the legislative season and routinely calls on loggers, truckers, foresters, landowners and surveyors to testify before regulatory agencies and legislative committees. Our review process, which is based on input from the policy committee, vets dozens of bills each session; some are deemed worthy of expending political capital, others are monitored and some are ignored. The Association brings experience and facts to the table to guide the process and, as a result, is respected and trusted in downtown Concord.

I appreciate the efforts of Director Condodemetraky and his predecessor LLS Ken Clinton and have cooperated and collaborated with both over the years. I caution our Association to guard and expend political capital carefully. Let's not propose solutions to problems that are so far reaching as to be non-starters or suggest legislative solutions so rare, infrequent issues or issues not susceptible to a legislative fix.

As a professional courtesy and out of respect for Director Condodemetraky's efforts to successfully pass Senate Bill 383, I shared with him by telephone my concerns regarding the 'surveyor right of entry' and in advance of the hearing shared with him my written testimony. We enjoyed a pleasant professional discussion on the merits and challenges of creating a legal right of entry to property that would presumably guarantee access to complete our work.

Now as to the specifics of my testimony presented to the Senate Executive Departments and Administration Committee, I was clear that two of the bill's provisions were worthy of support. These are:

- allowing non-residents otherwise qualified to become NH Licensed Land Surveyors. I see no reason why geography should prohibit a resident of Reedville, VT from sitting for the NH licensure exam.
- Yes, our Board of Licensure should have the necessary legal tools to pursue civil penalties for unlicensed 'land surveyors.' In fact, the Board of Licensure for Foresters has this authority.

The proposal in SB 383 to which I testified in opposition is a legislative solution granting a surveyor the right of entry to perform our work. I offered the following reasons:

- "Existing practices, all of which I have used in my 30+ year career, have proved quite adequate. These are:
 - * Direct face to face contact with the abutter, occupant, etc. asking permission.
 - * Utilizing the USPS and delivering a written notice to the landowner of record that explains the who, what, why, when and how of the land surveying work I must perform.
 - * A request of the local police department to conduct a civil standby to allow me to safely execute my work.
- I can recall only 3 occasions over 30+ years when the techniques listed above failed me.
 - * one incident involved a former member of the NH House of Representatives over a disputed boundary involving land owned by his family.
 - * The other two incidents involved male landowners with serious mental health issues. Each resulted in one or more calls to 911.

My experience as briefly outlined was clearly not going to be remedied by my recitation of any statute granting me the right of entry. Thus, I am opposed to that portion of Senate Bill 383 proposing to establish a legal right of entry to perform land surveying work."

Further, there was no verbal testimony offered indicating that the lack of a statutory right of entry was a chronic, widespread problem causing significant delays within our profession. We need to guard our political capital and expend it only when the proposed solution addresses a widespread, chronic problem.

- Dennis D. McKenney, LLS 691

National Surveyor's Week

The Manchester Union Leader is planning on running a weeklong feature piece about NH surveyors in their newspaper beginning the week of March 21st. They have alerted us to an opportunity for our members to be able to advertise their surveying business alongside of this Surveyor's Week special feature. If you are interested you may contact: Mark L. Chagnon, Advertising Representative at (direct) 603-206-7806 (fax) 603-668-0910| (mobile) 603-340-8143. Or mchagnon@unionleader.com.

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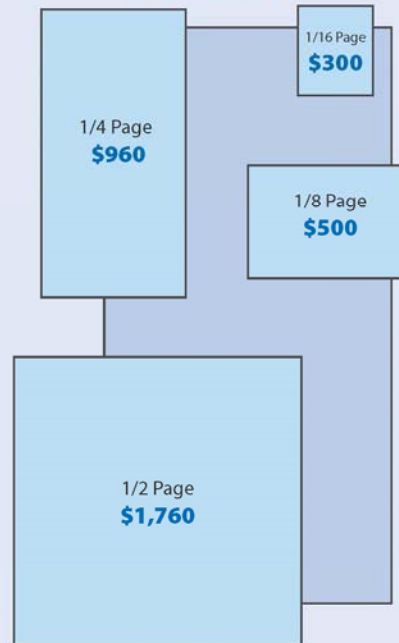
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Old School Values and a Piece of History

If you didn't attend the 2021 Annual Conference you missed the display of approximately 50 old school transits and instruments, and dozens of other surveying items originating from the Thompson School of Applied Science (TSAS). When the TSAS did away with their surveying program a few years ago, they donated their inventory of old surveying equipment and related items to NHLSA, under the management of the Young Surveyors Committee. This inventory included some 80 old instruments and dozens of other items like rods, Jake staffs, tripods, etc. The Young Surveyors brought many of these items to the Annual Meeting and set them up on display in the hallways and classrooms. Old transits, dumpy levels, early theodolites, staff compasses, plane table & alidades, framed prints, Gunther chains, unique tripods, unknown mystery items, and more were proudly on display for all to enjoy.

Some of these displayed items were then donated to the live charity auction and sold off to the highest bidder. Other items were sold in a silent auction held throughout the two-day conference, where members could check the bid sheet on their must-have item and increase their bid as often as they desired. Approximately \$10,300 came from the sale of these old school instruments, rescued by the Young Surveyors Committee from the TSAS. This money will go to the Robert G. Moynihan Education Fund (RGMEF). Money raised from non-TSAS items and raffle will support the NHLSF Scholarship Funds, so it was a win-win event for everyone and nearly \$13,000 in total was raised.

The value and individual bid price amount for these old instruments varied greatly depending on the age, condition, and desirability of the old instrument, but without a doubt some successful bidders went home with a bargain. For others, perhaps it wasn't a steal but more of a sentimental need to own a piece of history and they now own an antique instrument perhaps the same or similar to something used early in their career. For others, perhaps it was just a chance to donate to a good cause and acquire a decorative conversation piece for their office.



Some highlights of the auction would include a Wild Heerbrugg T-3 Triangulation Theodolite which sold for \$1,000. For only \$400, Mark Vander-Heyden secured the winning bid on a Kern DKM2 with some unusual provenance. This particular theodolite comes with the bragging rights of having been used in various surveying projects not only in Antarctica, but also for locating ice core samples in the Arctic (Greenland). Mark Vander-Heyden now owns an instrument that has been to the ends of the earth and back. President Mitch Cummings successfully fended off other bidders and secured the winning bid in the scramble for the blaze orange President's helmet donated by Mel Jenkins many, many years ago and traditionally fought for every year by the incoming President. Mitch also went home with a highly desirable antique brass staff compass which he secured with a winning bid of \$800 for the beautiful piece.



UNH Professor Mel Jenkins and his blaze orange helmet



Mitch's winning compass



President Mitch Cummings, the winning bidder of Mel's Pith Helmet



Not all of the TSAS equipment sold, so if you weren't able to attend the auction you still have a shot at owning one of these desirable old school instruments. One of the pieces remaining is a Gurley level once owned by Professor Mel E. Jenkins, LLS #14, who taught forestry and surveying courses at UNH for many years. Mel was the 10th President of NHLSA and one of the founding fathers of the Association and a proponent of licensing in NH. During the summers when not teaching at UNH, Mel and his sons ran a small surveying business and this level is marked with his company logo of a "J" inside of a diamond, and "M.E.J. & Sons."

Our senior members likely remember Mel as he was active in NHLSA for many years. Some of our middle-aged members likely had him as a professor at UNH, and anyone who ever owned the Presidential blaze orange helmet has probably wondered about the Mel Jenkins guy who originally owned it. **So, here is your chance to own a piece of NH surveying history.....** In sort of a continuation of the silent auction, we'll be accepting bids throughout the month of February for Mel Jenkins' old Gurley level. We already have an opening bid of \$25 so you'll have to beat that. You can email Barbara at info@nhlsa.org with your bid, or to inquire into the current bid. Know that your money is going to a good cause in supporting of the Robert G. Moynihan Education Fund. On the last day of February, someone will own a unique piece of NH surveying history and a conversation piece for their bookshelf or mantel. Good luck.



Past President Eric Mitchell stands in for our long-standing auctioneer, Terry Eldredge and did an awesome job!

Ginger Sargent, aka Vanna, also does an awesome job, juggling three photos in one hand. Wonder what's in the other hand?



Here's Ginger using two-hands to handle one of Roscoe's infamous handmade bowls.



Emily Hayes, another stand-in as auction bookkeeper tallying up Roscoe's total on his winning bids.

I Found It—Now What Is It?

Whereas last month I found the mystery item(s) in a barber shop, this month I found our mystery item doing decoration duty in a restaurant. Because it was in a busy congested area it was difficult to get a good photograph of it, so I am also including another photograph of the same item, only it isn't the same item. Follow that? If you think you can solve this mystery item, email your guess to Barbara at: info@nhlsa.org BONUS POINTS if you can also identify the restaurant!

Mark Stevens



I Found It – Now What Is It? Responses

Readers Stan Prescott, Gerry Miller, Bruce Martinson, and Mitch Cummings correctly identified the January “too easy” item as a shoe for an ox. Oxen have a split hoof so unlike a horseshoe, an ox’s shoe must be made in two pieces with a right and a left half to each shoe.

The What Is It items in the January issue of *The TBM* appear to me to be a grappling hook and oxen winter shoes. I don't know where the barber shop is though.

Gerry Miller

Well done on *The TBM* this month. I'll venture a guess at the two mystery items. I believe the “Too Difficult” item is a meat hook. My grandfather was a proud butcher and collector who kept a few of these around the garage. I believe the “Too Easy” item is an ox shoe with deep cleats for winter. My grandmother married into the Sanborn Farm in Loudon where I spent time as a boy with their team of oxen. Aren't these relics on display at A Corner Barber Shop, in Loudon?

-Mitch Cummings, LLS 1011



Thanks so much for sending along my copy of *The TBM*! I enjoyed it greatly. One of the What is it photos is a pair of ox shoes, and the other is a grappling hook.

Best,
Bruce W. Martinson
Maine PLS 2137
NH LLS 1059

While reading the January 2022 issue of *The TBM*, I saw the new What Is It column items. Easy item is an ox shoes. Difficult item is a grapple hook. Both items are in my barbershop. The real question is what is the name of the barbershop and where is it located?

Stan Prescott LLS 504

The “difficult” mystery item from January is an anchor for an old leg-hold snare trap for capturing animals the size of a fox or coyote. The anchor would prevent the critter from running away dragging the trap. The distinction between this trap anchor and a grappling hook is mostly its smaller size, but I don’t see any reason why the two items couldn’t be used interchangeably in most applications, so we’ll call it as close enough and award wins to both Stan, Bruce, and Gerry. Perhaps it could be or was also used as meat hook, so we’ll declare Mitch a winner too!



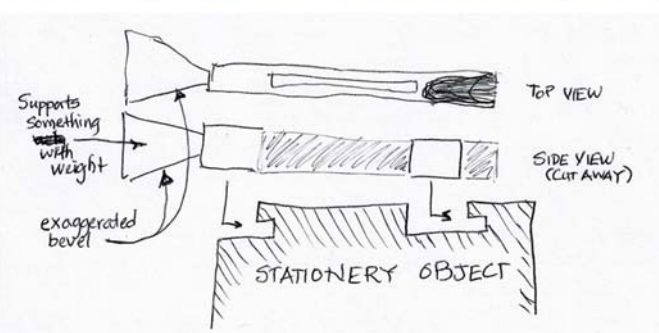
Mitch correctly identified the barber shop location, so he gets to enjoy the extra bragging rights bonus points. Stan indicated that these items were found in “his” barber shop, but doesn’t reveal where “his” barber shop is, so we can’t tell if he is correct or not. But considering the location of the mystery barber shop is Loudon and so is Stan, we will assume his haircuts come from this mystery barber shop.

Brian Burford, (the infamous Ogre who lives under the Archives) submitted some interesting guesses which shall have to speak for themselves.

Mark and Barbara,
Regarding the WHAT IS IT mystery items:

(a) October 2021

- a. My initial thought on Mark Vander-Heyden’s object was a wooden tuning fork for wooden piano strings, but the cross piece between the “tongs” would prevent and vibrating.
- b. But I see a couple of things that hint to me a potential use: (1) the left 3” end is beveled; (2) the center slot might fit down over something that would prevent lateral movement; (3) the right 1” end could be a cleat that anchors the right end to prevent it’s lifting if weight were applied to the left hand end and the pivot point was somewhere close to the narrowest part of the bevel. This would suggest that the beveled part was some sort of “peg” to hold weight and the left 9” attached to an anchor.
- c. I am including a very poor sketch (my apologies to professional draftpeople) to try to illustrate my idea.



(b) The item marked “Too Easy?” is a piece of wood with two pieces of metal in it. After looking at the wood carefully, I realized that the tree must have been about 41 years old when it was cut down. Given the growth rings spacing, I would say they match the growth rings of a tree planted in 1872 and felled in 1913, somewhere in the vicinity of Gilmanton. It was on a southeast facing slope, probably elm.

The metal pieces are iron. They are slightly round to conform to the shape of the front edge of a horse shoe, and holes are spaced appropriately for fastening the shoe to the horse hoof. There are two – one for the right foot and one for the left. These shoes would help distribute the weight of the horse on soft ground or snow. They would appear to have been about 15 hands and probably weighed about 600 pounds (so probably should not be suspended on Mark Vander-Hayden’s wooden peg).

(c) The item marked “Too Difficult?” is a small grappling hook. When attached to the end of a rope, one could throw the rope over the branch of a tree and the hook could swing back and catch on the rope, encircling the branch and allowing one to then shinny up the rope (or suspend a horse). However, if I am correct, the tree with the branch intended to hold the rope-and-hook devise was cut down in 1913 to make a plaque to hold some horse shoeing jigs, and so the hook with rope were hung on a wooden peg, useless.

These are just some random guesses. Not researched like Charlie’s Dillon dynamometer.

Brian #646, Antrim, NH

**Been There, Done That:
Another Tale From A Country Land Surveyor
"Communication Is Important"**

By Edward Goodrich, Jr., LLS 677

Land surveyors are taught proper procedures in operating instruments, interpreting physical and record evidence, and to be knowledgeable of the law. Last, but certainly not least, a land surveyor needs to be able to communicate. All of these are basic skills needed to be successful in this profession.

There are not enough four-sided parcels with good deed descriptions and all monuments in place to keep you busy during your surveying career. Work is a four-letter word, and you will have difficult survey problems. Count on it. You will have to think on your feet, fly by the seat of your pants and explain the difficulties to your client, and maybe an abutter or sometimes the authorities.

I was told by a senior surveyor many years ago that, "you have to know where a line is supposed to be before you can measure it." You may agree with that, as I do, but if you cannot communicate to get the job, you don't have to worry about doing the research to then not measure that line.

Litigation is expensive. That deserves repeating, litigation is expensive. That should be right up there in your thoughts with every project you do. The first time I was threatened with a court action against me I had palpitations. I woke up in the middle of the night sweating with a headache. Slapping myself in the face helped remind me of all that I had done on that survey. Things that I was supposed to do and did do. Things that I would do again under similar circumstances.

When the opposing attorney called me, I had a long conversation with him and explained what I had done and why. He listened carefully, no doubt taking notes. When we finished, he told me that I probably would not be hearing from him again. I didn't.

Being able to correctly complete the research of land records is very important. It helps you to know what you're doing and why. Now you need to know where that line is supposed to be.

Back in the early 1980s, my local county government was looking at a large tract of land to construct a regional solid waste landfill. I won the contract to do the survey work. This property was an old spent gravel pit that bordered a state highway on the front, a class VI road on the rear, a brook for one side and the Town Line for the remaining side. Sounds like a walk in the park. Don't forget, the funny thing about parks, dogs walk in them too.

The land record research was straight forward, no conflicts with any abutter. The park air smelled sweet for this one. I prepared a deed sketch citing all of the calls for each side of the lines. I had the State of NH DOT map from the forties for the highway and the early 1800 layout for the back road. I had the most recent perambulation of the Town Line. I was ready to promenade the park.

The brook was flowing water in a well-defined stream bed. The class VI road had right of way stonewalls on both sides. I could only find some of the monuments for the PC or PT on the State Road, but I did not consider that a problem. The Town Line had blazed and painted trees and granite bounds. I looked to the sky and smiled.

Then my foot when Squish!

The abutter in the neighboring town saw me walking around and had read the newspaper stories about what the county was considering. He took a dislike of me even before we met. He approached me with papers in hand. I walked toward him, respectfully. He started talking. His voice was elevated. I rested my hand on my machete handle in the holster.

He decided to read his deed to me even though I told him that I already had a copy of his deed and had read it. He was not amused. He read with great diction. He read with amazing animation. He emphasized a sentence that I had read myself, normally. He then read it a second time. Louder. He also added that he was going to sue me. He had my attention.



My deed called for running along the Town Line. His deed called for running along the OLD Town Line. How could I have missed that? I began to sweat. Yes, he did have my complete attention now.

He produced a plan by a well-respected surveyor from many years ago depicting the Town Line. I told him that I had not seen that plan. I asked to borrow it to have copies made. He declined. I offered him money to have it copied so that he could give me one and keep a couple for himself. He accepted. Out comes my wallet. We parted.

I went back to my office where I have a collection of town histories. I checked them. I have a collection of volumes of the NH State Papers, I checked the State Papers. I went to the State of NH Archives and checked old perambulation records. NOTHING. No record of any change in the Town Line in my locus area.

The abutter called me and told me that he had the copy of the survey plan for me and that I could swing by and pick it up. I made copies of many of the records that I had uncovered and drove that last green mile to his place.

He greeted me warmly, invited me in and offered me a cup of coffee. I accepted and thanked him for the copy. I told him what I had found, and I handed him the copies that I made, he thanked me. He offered to walk the line with me. We did. No surprises.

I told him that I would do my work and when I am near finishing, I will show him my findings. He accepted that. This second encounter went much better than our initial meeting.

When it came time to show him my findings, the third meeting, better still. My line, with acceptable tolerances, agreed with his old survey plan. There was only one Town Line. It was old. He studied my map. He held my papers. He accepted my findings. He said to me, "you do your homework." Probably one of the greatest things to hear from my recent adversary.

Now the real funny part of the story. During our survey work, we located all of the drilled water test wells and determined elevations of the casings that were on and off the site. Water samples were taken regularly. The direction of the underground flow was determined. Contamination of the water and soil on our site was detected. The land was deemed not suitable to bury trash on. The project was tabled.

Oh, the abutter, it turns out that he had several houses and tracts of land scattered around town. I know, I surveyed them all for him. Good communication can have many paybacks.

New Committee Chairs

President Mitch Cummings recently announced the appointment of two new Committee Chairpersons, and we'd like to recognize and thank them for volunteering to fill these positions. Other Chairmanship positions still remain vacant and many of the committees would gladly welcome additional help, so if you have some free time and interest in serving your Association on any committee, contact Barbara at the NHLSA office and she'll put you in contact with the appropriate Director or Officer.



Congratulations and thank you to Sam Ingram, LLS #1049, for assuming the Chairperson responsibilities of the NHLSA Municipal Boundaries Ad Hoc Committee. Sam took over the duties from Josh Manning last summer, but the formal appointment and announcement seems to have fallen through the cracks. Sam will follow on in the footsteps of not only Josh, but also Gerry Miller who was instrumental in organizing and running this important committee for many years. Sam is a member of the ownership group of Meridian Land Services Inc, serving as Vice President in conjunction with his role there as Survey Department Manager. If you have Municipal Boundary questions or thoughts for Sam, his contact information is on page 28 of the 52nd Annual Meeting Booklet.

Congratulations and thanks are also due to Emily Hayes who has agreed to Chair the Young Surveyors Committee, which was recently voted to become a NHLSA standing committee rather than the Ad Hoc Committee it had previously functioned as. Emily is an LSIT and employed at the NH Division of Forests & Lands, after 8 years of surveying in the private sector. Emily took over the reins of this committee a year and a half ago, when it was an ad hoc committee, from Eric Salovitch. She tells us that now that it is a Standing Committee, she is looking forward to future accomplishments and is proud of the dedicated group of young professionals serving on this committee.

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