



# *The Connecticut Surveyor*

January 2010

Volume Fifteen: Issue One

## **Standards for Surveys and Maps in the State of Connecticut 2009 Revision**

**By Lawrence W. Fisher, L.S.**

As CALS entered 2009, President John Wagenblatt and others believed it was time to update the Minimum Standards for Surveys and Maps in the State of Connecticut, aka Section 20-300b -1 thru 20 of the Regulations of Connecticut State Agencies (RCSA). A new Survey Standards Revision Committee (SSRC) was formed with the President as Chairman and one CALS Surveyor Member from each of the eight counties. The committee started meeting in February.

The need for revisions was initially considered in response to new technologies, most notably GIS - Geographic Information System and GNSS - Global Navigation Satellite System, formerly GPS. But, as the revisions process was activated, it became evident that there were also a number of house keeping matters to be addressed.

The SSRC took this opportunity to solicit input from the membership. Unfortunately, this elicited only a light response. The majority of the comments received reflected general satisfaction with the 1996 RCSA, and did not indicate a need for major changes. A very small minority of the responses requested changes to the Boundary Determination Category "Dependant Resurvey," which, upon review, clearly appeared to stem from a lack of understanding of this category's purpose.

In addition to GIS (Sec. 20-300b-10) being updated and GNSS being added to the Classes of Accuracy Tables, the following revisions are worthy of note:

- (meters) were removed throughout.
- Numerous minor grammatical changes were made.
- 20-300b-1: Small text changes were made to repeat the required content for Note 1.
- Zoning Location Survey: Certain record easements shall be depicted and a note specifying the scope is required.
- First Survey: The volume and page containing the record description of the subject property shall be noted.

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# Standards for Surveys and Maps in the State of Connecticut 2009 Revision

- Resurvey: Clarifies that the prior survey may have been prepared by the current surveyor and as applicable, the title, scale, date and surveyor of the prior survey or the volume and page for the deed containing the metes and bounds description shall be noted.
- Dependent Resurvey: Clarifies that the prior survey was by another surveyor and that identifying the survey as a Dependent Resurvey indicates reliance on the prior survey and the property/boundary opinion of another surveyor while updating same to reflect current conditions. As applicable, the title, scale, date and surveyor of the prior survey shall be noted.
- General Location Survey: The former item (b) “This type of survey shall not be used to prepare property descriptions for conveyance.” was deleted.
- Data Accumulation Plan: a note specifying the scope is required.
- Sec. 20-300b-11 (a): The metric conversion was clarified.
- Monumentation: Location Requirements, Item 4, now reads “each Boundary Monument shall be within 600 feet of two other Boundary Monuments or a Boundary Monument and a Reference marker. Meander lines need not be Monumented.” This eliminated a conflict.

These revisions were approved by a 9 to 1 ratio eligible voting CALS Members at the Annual Meeting held November 6, 2009, which coincidentally, was the same ratio for the vote in September of 1992.

The original CALS Minimum Standards for Surveys and Maps in the State of Connecticut, with only minor revisions, became RCSA in the summer of 1996. CALS incorporated those revisions into our publication on September 26, 1996. These standards have been in use for over 17 years. They recognize that Licensed Land Surveyors are professionals with expertise, not only in measurements, computations and as simply the fact finders we were considered in the past, but also as researchers, title searchers, and experts that provide Property/Boundary Opinions.

Unfortunately, many of the maps citing Sec. 20-300b have obvious and numerous nonconformities therewith and there are still maps that fail to even reference Sec. 20-300b, containing only a generic note referencing a “Class A-2 Survey” or an old code of practice.

Now it is up to individual Licensed Land Surveyors to show that their surveys and maps reflect the professional services of an expert in property boundary determinations by not only conforming to said Minimum Standards of Surveys and Maps but by going beyond the minimum to provide a superior surveying service.

In our continuing effort to universal understanding, consideration is being given to having instruction and discussion of the 2009 amendments as part of future newsletter articles and seminars.



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# **Resurvey vs. Dependent Resurvey Standards for Surveys and Maps in the State of Connecticut 2009 Revision**

**By Lawrence W. Fisher, L.S.**

During the 2009 Survey Standards Revision process the Survey Standards Revision Committee addressed changes to the Boundary Determination Categories in order to better describe the purposes and differences between the Resurvey and Dependent Resurvey categories.

If you are about to perform one of the Property/Boundary Surveys or Limited Property/Boundary Surveys for a subject property and you have found that a survey of said property already exists, you must choose between a Resurvey or Dependent Resurvey for the Boundary Determination Category. Resurveys, like First Surveys, require a surveyor to gather all the appropriate record and physical evidence necessary for the determination of an independent Property/Boundary Opinion.

The rationale for having the Dependent Resurvey category was to codify a very common surveying practice, that being a surveyor's choice to depend on an existing survey presenting the Property/Boundary opinion of another surveyor, when updating that survey for the intent and purpose of the present survey request. In keeping with that dependence, the scope of the review of record and physical evidence for a Dependent Resurvey is limited to a title review from a deed predating said survey and physical evidence depicted on said survey.

This was identified more clearly in the "white pages" in the 1992 CALS minimum standards than it was in the version revised by the Department of Consumer Protection and made Regulations of Connecticut State Agencies and subsequently the CALS minimum standards of 1996. It was always clear in the "blue pages" of each version. The revision has also made it clear that "As applicable, the title, scale, date, and surveyor of the prior survey, or the volume and page for the deed containing the metes and bounds description shall be noted."

In March of 2009, two CALS members expressed concerns about these Resurvey categories. The 2009 revisions to the CALS minimum standards now make it very clear in both the white and blue pages. This current revision also makes it clear that a surveyor may perform a Resurvey of his or her own previous survey.

There are now three CALS members who continue to have concerns about the way the Resurvey categories are defined and, at their request, a memorandum on this matter has been published in the minutes of the January CALS Board of Directors meeting.

Please feel free to forward any comments you may have to Larry Fisher (lwflandsurveying@sbcglobal.net).



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## Indemnification or “Hold Harmless”

By Knud E. Hermansen

Preventing or reducing liability is an important aspect for the survey practitioner to consider in preparing contracts. One clause employed to prevent or reduce responsibility of liability damages is an indemnification or “hold harmless” clause.

An indemnification clause or “hold harmless” clause imposes a contractual responsibility for reimbursing the surveyor for liability damages claimed against the surveyor by third parties. Most people have relied upon indemnification in the form of automobile insurance. Automobile insurance shifts the responsibility for liability damages to the insurance company per the insurance contract. An indemnification clause is often and properly used by the surveyor to shift the responsibility to the client for paying damages for a negligent act that should not in fairness be the responsibility of the surveyor.

The employment of an indemnification clause by a surveyor is ideally suited in one of three situations. The first situation is where the client has demanded some reduction of services to save money, time, or both that increase the risk that the surveyor will be liable to a third party as a result of the reduced services demanded by the client. The second situation is where the surveyor must rely on information provided by the client or their agent, contractor, etc. to properly perform surveying services and that information could be faulty. The third situation is where the surveyor’s services are intertwined with services provided by others to such an extent that liability by any one will reflect poorly on the surveyor’s services and may be difficult for a layperson to understand and identify the true source of the fault.

For example, assume a surveyor’s client intends to erect a structure and employs the surveyor to stake out the location of the structure. The client gives the surveyor a faulty engineering plans that the surveyor must rely upon to stake out the structure. The contractor completes half the structure before the mistake in the plan is discovered. The contractor sues the surveyor and engineer for misrepresentation. The surveyor along with the engineer is found liable to the contractor. An indemnification clause in the client’s contract would allow the surveyor to seek reimbursement from the client for the liability damages caused by the engineer’s negligence.

An indemnification clause should be employed in a contract between the surveyor and the client where three factors are present: 1) There is a risk of increased liability to the surveyor from third-parties, the client, or client’s agents, contractors, etc. 2) The client stands to benefit from the risk undertaken by the surveyor or the client has caused or increased the likelihood of liability to the surveyor. 3) The client has the assets to cover reasonable and foreseeable damages arising from the risk. (The most meticulous and well-written indemnification clause will not get “blood from a rock” or money from an indigent.)

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## Indemnification or “Hold Harmless” continued

Indemnity: Client and Surveyor each agree to indemnify and hold the other harmless, and their respective officers, employees, agents, and representatives, from and against liability for all claims, losses, damages, and expenses, including reasonable attorney fees, to the extent such claims, losses, damages, or expenses are caused by the party’s negligent acts, errors, or omissions or those of their agents, contractors, sub-contractors, or assignees. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of Client and Surveyor, they shall be borne by each party in proportion to their respective negligence.

There are several different forms of indemnification clauses. One form shown by the previous example treats each party the same and shifts the responsibility for liability damages to the party at fault. Another form shifts the responsibility for liability damages to one party regardless of the source of the faulty behavior. The former is generally given unhampered recognition by the courts while the later is critically scrutinized by the courts and often rejected under equitable grounds where there is unequal bargaining power.

The surveyor must avoid signing a contract prepared by the client that shifts all the responsibility for damages, regardless of the source of negligence, to the surveyor. Quite often client-prepared contracts contain one-sided indemnification clauses.

Indemnity: The surveyor shall indemnify the owner for any and all claims arising out of the work or services performed.

Some states do not allow professionals to employ indemnification clauses that shift the responsibility for damages resulting from professional negligence.

Some professional liability insurance contracts will not cover damages that are shifted to the surveyor under an indemnification clause. Accordingly, the surveyor is cautioned to carefully read an indemnification clause and reject those shifting responsibility for liability that was beyond the surveyor’s control. When employing an indemnification clause in a contract, the surveyor should review the clause with their liability insurance agent.

Indemnification does not remove or diminish liability. It does not prevent the surveyor from being sued or held liable. It is not a defense to a lawsuit nor can it be used to prevent a lawsuit. It merely allows the surveyor to seek reimbursement from the client for certain sources of liability damages the court will hold the surveyor liable. Furthermore, an indemnification clause is ineffective where the client does not have the assets or money to cover the responsibility for damages that are shifted as a result of the indemnification clause.

The surveyor would be wise to consult with their attorney to determine if an indemnification clause will be effective in their state and what language is most appropriate according to their state law.

† Knud is a professional land surveyor, professional engineer, and attorney at law licensed in several states. He teaches in the surveying program at the University of Maine and operates a consulting firm specializing in professional liability, boundary disputes, land development, and title issues.



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## Who Was Venture Smith?

Taken from *The Day*, December 2009

Venture Smith was a pre-Revolutionary War-era, West African slave who purchased his freedom from his last master, Col. Oliver Smith, in 1765 at the age of 37. Over the next 10 years, he purchased the freedom of his wife and children. He subsequently became a wealthy entrepreneur and owner of multiple properties, remarkable and uncommon feats for a freed black man in the late 18th century.



Photo by Meredith Crawford

Marta Daniels and Nancy Byrne discovered a stone foundation—believed to be that of the home Venture Smith built for himself—while exploring the interior of the 26-acre property they re-mapped.

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## State Honors Griswold Teen as CAPT Scholar

By Deborah Straszheim, Norwich Bulletin, December 1, 2009  
Submitted by John Faulise "A Proud Father"

John Faulise, 16, scored in the advanced level on all four areas of last year's Connecticut Academic Performance Test and was recognized as a CAPT scholar by the Education Commissioner Mark K. McQuillan.

Background: Jacob grew up in Griswold and has attended Griswold Public Schools. His father, John Faulise, owns Boundaries, LLC, a surveying company, and is a Firm Member of CALS. His mother, Tammy Faulise, is an instructional assistant at the elementary school. He has twin brothers, 13.



Classes: At the high school, Jacob is taking honors chemistry, honors precalculus, honors English, advanced placement history, third-year Spanish and an engineering class. He received the high school's technology award for the last two years.

Other interests: On Saturdays, Jacob works at Advanced Automotive in Griswold, changing oil and preparing four-wheelers. For fun he rides a dirt bike and enjoys restoring antique cars with his father. He's worked on three cars with his dad: a 1966 Pontiac GTO, 1969 Chevy Camaro, and a 1970 Chevy Chevelle.

The future: Jacob said he'll probably go to college for engineering and has thought about the University of Rhode Island or the University of Connecticut. He said he didn't find the Connecticut Academic Performance Test hard; the CAPT is a state-mandated test given to students in reading, writing, math and science. Jacob said he wasn't surprised to hear he did well until he found out he was among five high school students in Griswold to receive the honor.

Quotable: "I kind of felt proud, because it's such a small group of students," he said. "It just felt good to be part of that small group."



**American Congress on Surveying and Mapping and Arizona Professional Land Surveyors'  
2010 Annual Conference and Technology Exhibition  
(co-located with GITA's 2010 Geospatial Infrastructure Solutions Conference)**

**Conference Dates: April 24-28, 2010**

Location: Phoenix Convention Center

click here: <http://www.acsm.net/index.cfm?fuseaction=Page.ViewPage&PageID=734>



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## Professional Development

- The following courses related to GPS will be offered at Central CT State University in New Britain for the spring 2010 semester. The 3 credit course costs approximately \$600 plus the cost of the textbook, and you can register on-line through “continuing education”: <http://www.ccsu.edu/page.cfm?p=485> or call 860-832-2276.

CE458 Section 70. GPS Mapping for GIS Saturdays 8am-10:40am. This course will emphasize centimeter level 3D network solutions for land surveyors as the final project (the title is misleading).

ETC458 Section 70. GPS Mapping for GIS Saturdays 11:30am-2:20pm. This course will emphasize submeter level GIS solutions for land surveyors and GIS practitioners as the final project.

Both courses will cover the same class material and will provide real world experience in both GIS mapping and Cm level operations and solutions.

Please contact Jay Doody, at [jjdoody@snet.net](mailto:jjdoody@snet.net) or 203-933-3850 for more information.

- Survey II is being offered, starting in January 2010, at the Three Rivers Community College in Norwich, CT.

The course will cover GPS, Boundary Surveys, State Plane Coordinates, Mapping an Maps, Horizontal and Verticals Curves as well as other aspects of surveying. The course will begin on January 23 and will run Tuesday evenings starting at 5:15, with a Saturday morning Lab.

By consent of the Program Coordinator and the Registrar, the instructor may waive math prerequisites and Survey I for individuals that are or have recently worked in Land Surveying. This is a great opportunity for individuals working in surveying who want to increase their knowledge of the profession.

Interested individuals should contact the instructor, Donald Gerwick, P.E., L.S. at 860-442-2201 or by e-mail at [don@gerwickmereen.com](mailto:don@gerwickmereen.com) or [dgerwick@trcc.comnet.edu](mailto:dgerwick@trcc.comnet.edu).

- The New York Public Library is having an exhibit on dutch mapping of the New York area, including Long Island sound up to the Connecticut River. The link to the description of the exhibit is listed below:

<http://www.nypl.org/events/exhibitions/mapping-new-yorks-shoreline-1609-2009>

- Friday, March 5, 2010. “RTK/RTN Networks, What You Need to Know.” Presented by William Henning, PLS, National Geodetic Survey. Also, “Geoid Accuracy Assessment in Connecticut With Applications Towards GNSS Orthometric Heighting,” Presented by Professor Thomas Meyer, UConn. ITBD, New Britain, CT. \$200 for CALS members, professional credit has been applied for in NY, RI, VT, ME, and NH. A brochure for this seminar can be downloaded on the Continuing Education page of the CALS website <http://www.ctsurveyor.com/RTN-RTK%20brochure%202010.pdf>

- Friday, March 26, 2010. “Basic Survey Math for Technicians.” Hands on problem solving workshop for coordinate geometry and directions. Presented by Rachel Dearborn, PLS. A brochure for this seminar can be downloaded on the Continuing Education page of the CALS website <http://www.ctsurveyor.com/basic%20survey%20math%202010%203-26-10.pdf>



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## Qualified Professionals Seeking Positions

### SEEKING POSITION:

1) Licensed Land Surveyor, with extensive knowledge and experience, seeking to obtain a position as a Senior Land Surveyor and Project Manager for a Surveying / Engineering firm in central Connecticut that has a goal to grow in all sectors of the surveying market including State, municipal, and private sector projects, using the latest technology. Extensive experience in DOT, DPW, and municipal on-call survey projects. Licensed in CT, MA & NJ. Well versed in project management, GPS & Least Squares

Adjustment, and field to finish AutoCAD work. Resume and excellent references available. #4092

2) Associate Member, experienced as field person with ability to use a variety of instruments. AS degree from Mitchell College. Excellent references. Willing to travel anywhere in CT for the right position. Contact the CALS office for resume #4093.

3) Associate Member of CALS looking for full-time position. Hartford County. Eleven years experience. BS in Geography and AA in Mathematics. Skilled in AutoCAD Mapping, Eagle Point Coordinate

Geometry, Trimble, Topcon, TDS, Sokkia total stations and data collectors; Leica and Trimble GPS. Excellent references. Contact the CALS office for resume #4091.

4) Licensed Land Surveyor with 13 years experience looking for full or part-time position. More than 10 years experience with AutoCAD and Land Desktop. More than 2 1/2 years experience with Microstation V8, XM, XI, including inroads. Experienced with Land Records Research, including Ancient Deeds and Maps. Field to Finish Project Capability. Knowledgeable in Property Boundary, Subdivision, Topographic and Alta Surveys. Have own health and Liability insurance. Hartford County. Willing to travel. Call the CALS office for contact information #101.

5) CALS Associate Member with extensive experience as Party Chief and AutoCAD Operator. Experience includes highway work, construction set up for layout, all computations of field crew work, knowledge of data collectors and total stations. Has preformed boundary surveys, topographic surveys, property surveys, control surveys, deed research, subdivision design, zoning location and improvement location surveys. Located in New Haven County. Willing to travel. References upon request. Call the CALS office for contact information #102.

**Survey Equipment Wanted** - Looking for equipment to out fit a field crew... total station, data collector, level, tripods, glass, metal detector, prism pole, etc. The "whole shebang," including a truck. If you have downsized, this a a good opportunity to get rid of some of your excess equipment. Send me an email and let me know what you have and what price you are asking. I am not looking for junk, only good quality equipment. connecticutsurveyor@juno.com.

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# Employment Opportunities

## POSITIONS AVAILABLE:

### Fairfield County

Pereira Engineering, LLC is an established Civil/Environmental Engineering and Land Surveying firm located in Shelton, CT and we are looking to fill the following positions:

#### Survey Technician / CAD Operator:

We are seeking a candidate with 0-2 years experience in Land Surveying or Civil Engineering. The qualified candidate MUST be highly proficient with AutoCAD and Autodesk Survey software. Candidate must also be highly-motivated and detail-oriented. Responsibilities will include downloading field survey data, preparation of CAD survey maps, and other office/field work all under the direct supervision of Senior Surveyor.

#### Survey Crew:

We are also looking to bring on an additional survey crew. Qualified candidates must be experienced in boundary, ALTA/ACSM, topographic surveys, underground utility location, and construction stakeout. Experience with AutoCAD and Autodesk Survey software a real plus.

Pereira Engineering offers a very competitive salary and benefits package including Major Medical Insurance, Retirement Plan, Life Insurance including Short-Term Disability and AD&D coverage, paid Vacation, Holidays, Sick Days, and Direct Deposit for payroll.

Please email resume and salary requirements to: [joe@pereiraeng.com](mailto:joe@pereiraeng.com) or fax to: (203) 944-9945.

### New Haven County

Westcott and Mapes, Inc., Consulting Engineers Since 1916

Westcott and Mapes, Inc. is a multi-disciplined engineering firm with the following open position: Licensed Land Surveyor to perform all aspects of survey, to include research, field work, office work, and autocad map productions.

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### Surveying Merit Badge - Looking for Help

President's weekend, Sunday & Monday, February 14-15, Winter Camp at Stang Scout Reservation, Goshen. We are looking for help running a 5 leg traverse and level run with groups of 5-10 scouts, comp closure and map results. Superior Instrument will be supplying some of the equipment. Any help would be greatly appreciated.

This is a great opportunity to show your stuff to the next generation.  
Call Richard Contois at 203-770-6588 or email [richard@leassoc.com](mailto:richard@leassoc.com)



Roger Ferguson, longtime member of CALS, passed away yesterday in Moscow, Idaho where he had made his home for the past several years. While in Connecticut, Roger was Chairman of the Continuing Education Committee organizing and presenting numerous workshops and seminars for CALS members. His knowledge, expertise and commitment to the surveying profession will be sorely missed.

After retiring from the University of Connecticut, Roger and his wife Virginia moved to Idaho. Roger taught at the University of Idaho until he retired. He continued teaching one course this semester and even had taught the first class before he went into Good Samaritan Village in Moscow, which is a nursing home. The Good Samaritan Village is a Christian facility that brought comfort, community and family to Roger when his wife Virginia passed away. It remained a central part of Roger's life.

Roger was here in Connecticut this past summer to attend his nephew's wedding. The attached picture is of Joe Boucher (left), Roger (center), and Al Schindler (right), who all had dinner together one evening during his visit in July 2009. When Joe Boucher saw him he was living with his cancer and making the most out of life.

Donations may be made to the Community Workshop Center, Seventh Day Adventist Church, Pullman, Washington; the American Cancer Society; or the Virginia and Roger Ferguson New England Scholarship c/o The University of Maine Foundation, Two Alumni Place, Orono, ME 04469.



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# NATIONAL SURVEYORS WEEK

March 21-27, 2010

Revised Map Filing Regulations - Effective January 28, 2010  
[http://www.ctsurveyor.com/  
Filing%20Requirements%20for%20Maps%20Publication%20Copy.pdf](http://www.ctsurveyor.com/Filing%20Requirements%20for%20Maps%20Publication%20Copy.pdf)

## Donations

*A man should always consider how much he has more than he wants.*

Thank you to those CALS members who have generously donated to our on-going funds.

John Doody - CALS Scholarship Fund

James Sommers - CALS Building Fund

Robert Hiza - CALS Building Fund

Anthony Mello - CALS Scholarship, Legislation & Building Funds

Donald Gerwick - CALS Scholarship Fund

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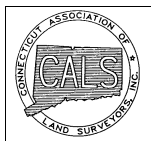
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## THE CONNECTICUT SURVEYOR

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