CALS Past President Larry Fisher Retires

One of CALS most prominent members, Larry Fisher, retired recently and on January 31st, his proud family threw him a party.

It was a wonderful celebration for a man who has accomplished so much, and given so much back to the surveying profession.

LWF Land Surveying, has been a prominent firm in New Haven County for many years, known for outstanding work with a focus on research and detail.

A Past President of CALS and recipient of the Distinguished Surveyor Award, Larry will be missed by so many who often turned to him for his expertise and fine judgment.

More than 100 guests joined Larry and his family to celebrate his many contributions, as he begins the next chapter of his life in retirement.

Included among the guest list were numerous members of CALS, many who spoke fondly in admiration for their friend and fellow professional.

Ray Redness, Land Surveyor member of the Board of Examiners for Professional Engineers & Land Surveyors, presented Larry with a book from CALS filled with memorable photos.

The records of LWF have been taken over by Criscuolo Engineering in Branford, CT. However, a phone call or a visit to Larry will always be appreciated by someone who always had time for everyone else.
LOW ALTITUDE IMAGERY ONLINE

Over 200,000 images - Low resolution scans represent high quality aerial photos captured with a USGS calibrated cartographic camera suitable for detailed engineering level mapping (1"=40'/2' DTM). Download free imagery or submit a topographic mapping request for proposal (RFP) www.e-topo.com/map/

TIGHT BUDGET?
Every proposal includes our LOW PRICE GUARANTEE. See website for complete details.

SPEC FLIGHTS - NO UPFRONT COST (15MAR-20APR)
CALS Past President Larry Fisher Retires

Our lives are defined by opportunities, even the ones we miss.
New Directors at CALS

CALS is pleased to announce that the following members have accepted positions on the Board of Directors.

Effective Immediately -

- Adam Hoffman will replace Larry Fisher to represent New Haven County.
- Brian Florek will replace Scott Neff to represent the Public Sector Council.
- Alan Bongiovanni will replace Ken Herbert to represent the Midstate Associate of Private Practicing Surveyors.
- Jay Ussery will replace David Riordan to represent Tolland County.

Effective March 1, 2015 -

- Christopher Juliano will replace Bob Jackson to represent the South Central Proprietors Council.

Much appreciation goes to those who have unselfishly given of their time and knowledge to represent CALS in a professional manner.

CALS Auxiliary

CALS “First Lady” Joan McGill recently accompanied her husband Jeff McDougal, CALS president, to the NYSPLS Annual Meeting and found that she enjoyed the presentations as much as he did! NYSPLS has an active auxiliary that is totally committed to raising money, providing interesting and informative seminars, and sponsoring future surveying students.

Ms. McGill wondered why doesn’t CALS have such a program? She contacted Kathy at the CALS office and together they hope to establish a similar program where those of us who are not surveyors, can volunteer and support the efforts of CALS, thus enhancing all that the association has to offer.

We hope to kick off this endeavor at the annual meeting in November by offering alternative activities for those who attend the conference.

Remember:

- Volunteers Gain New Experiences and Insights
- Volunteers Give Back and Helping Others
- Volunteers Create Connections with People
- Volunteers Create A Sense of Accomplishment
- Volunteers Help Build Career Goals

Our lives are defined by opportunities, even the ones we miss.
Professional Development

Connecticut Land Surveying Certificate Courses for Spring 2015

The Land Surveying Certificate program for academic achievement in land surveying is offered by Charter Oak State College, www.charteroak.edu. Isn’t it time for you to start working on your land surveying certificate now? The following courses of interest are offered for Spring, 2015.

UPCOMING SEMINARS FOR 2015

"The Creation, Discontinuance and Abandonment of Roads"
Presented by James Sakonchick, PE&LS, President
Kratzert, Jones & Associates, Milldale, CT
Wednesday, February 18, 2015, 8:30am-noon
ITBD CCSU, New Britain, CT  Cost $100

"Connecticut Town Boundaries"
Moderated by John Doody, PS&PE
The history, research resources and case studies of town boundaries.
Thursday, March 19, 2015, 8:30am-3:30pm
ITBD CCSU, New Britain, CT  Cost $200

Investing time to learn something in your professional makes you RICH in your KNOWLEDGE, if you are not then it will make you POOR in your PERFORMANCE.” — Sivaprakash Sidhu

Our lives are defined by opportunities, even the ones we miss.
Sad News

It is with deep sadness that CALS has learned of the passing of Ann Silveri, wife of CALS member, Professor Tom Meyer. Ann died unexpectedly in Albuquerque, New Mexico on January 22, 2015.

Ann was disabled with Chronic Fatigue Syndrome, and yet she never complained and looked upon it as an “unlucky situation”.

Ann held a Master’s Degree in Ecology and she worked as a zookeeper in Buffalo, Kansas City, St. Louis, and the Baltimore Aquarium where she worked with birds. She met Tom at a spatial statistics seminar where he was speaking on surface-roughness metrics. They fell in love, and were married for ten years, both cherishing the time that they shared together.

Her kindness and sense of compassion was evident to everyone with whom she came in contact. Tom recalled, “I once watched her evict a drug dealer from some apartments she managed and he thanked her at the end of it!”

Besides her husband, Ann leaves her mother Audrey Solveri, two brothers, three sisters, and several nieces and nephews.

A funeral service will take place sometime in March in Worcester, MA.

Cards of condolence can be sent to Professor Meyer at the University of Connecticut, Dept. of Natural Resources and the Environment, U-4087 W.B. Young Bldg, room 325, 1376 Storrs Road, Storrs, CT 06269-4087.
As licensed practitioners of a specialized profession, we are in the position of being able to be qualified by a judicial court as an expert witness. Many times we are hired as an expert witness although we are often dragged into a legal action to defend our boundary line opinion from other surveyors.

The courts recognize two kinds of witnesses: the expert witness and the general or “fact” witness. An expert is any person who, by virtue of his or her education, training and experience in a science, a trade, or an art, has information that is not likely to be known by the average professional, juror and jury in the complicated aspects of surveying as they apply to a particular adversarial procedure.

Much like a boundary line determination, for a land surveyor there is no mathematical formula that trial judges can use to determine if you are in fact an expert. The individual judge uses personal discretion to ascertain the qualifications of the potential expert. Therefore a proposed expert witness may be challenged in court by the opposing side as to the stated professional creditability. The mere fact that you are licensed to practice Land Surveying does not make you an expert in Land Surveying. You need to arrive in court with an established professional credibility and be prepared to defend that credibility.

The court case serving as the backdrop for this article is a recent decision rendered by the State Supreme Court, Appellate Division, Third Judicial Department. On appeal was a decision and judgment by the Supreme Court in the matter of Mohonk Preserve, Inc. vs Ullrich, et al. The appellate memorandum and order was decided and entered on July 10, 2014.

Originally, the issue was a 435 square foot and 871 square foot driveway encroachment onto the plaintiff’s land. In 2006, after a few years of the parties discussing the situation, the plaintiff hired our firm to survey the common boundary lines between the two parties.
Our lives are defined by opportunities, even the ones we miss.
A Case Study continued...

evidence from a field book and map dating back to 1793.”

The Memorandum and Order then works toward conclusion;

“Finally, Supreme Court properly rejected defendant’s central contention that a defect in plaintiffs survey caused it to place various parcels approximately 660 feet too far to the south.”

And continues;

“In light of this evidence, and providing deference to Supreme Court’s assessments of the various experts’ credibility, the courts finding that plaintiffs survey established the disputed boundary lines was warranted.”

The Appellate Division review panel Memorandum and Order totally concurred with the Supreme Courts reliance on what it deemed as the more creditable expert witness testimony from which to draw its conclusions.

Whether you actively make a living from being an expert witness or are working on a survey that has a probability of going to court, you need to be prepared to define and defend your professional creditability. Our client’s attorney, the opposing side’s attorney, and ultimately the court itself need to evaluate, if in fact, you are an expert. Trial strategies may produce interesting circumstances. If you are not in fact an expert, the opposing attorney may not object to your qualification in the hopes you will stumble on the stand. Conversely if you are offering a strong professional creditability the opposing attorney may vigorously question every aspect claimed creditability.

The baseline document that establishes your “professional creditability” is a Curriculum Vitae. A C.V. As it is commonly referred to, is nothing more than a specific document that details your education, professional qualifications and experience. It is more technical than a resume and specific to your profession and particular to the court case you are working on. Like any technical document there is a fine line between too much information and showcasing a good quality of depth of your qualifications.

The C.V. outline that has proved successful for me is:

- Current contact information including place of employment and title
- Professional License, including any seminars, presentations and surveying classes you may have taught (You’ll need to include the dates and who was the audience.)
- Published professional articles
- Professional honors and awards
- Professional Development, include any classes or seminars that you have taken pertinent to your case. It at issue is access to a lake do not include a seminar on ethics but do include one on riparian law.
- List any previous court cases where you have been qualified as an expert witness. Include the jurisdiction, judge, year and case recital.
- Memberships: list the individual professional organizations along with the officer positions you have had and what committees you have served on. Remember if you are a member of a regional Land Surveyors association, a member of your State Association, or a member of NSPS. Just by writing one check a year you have three membership organizations to list on your C.V.

There are scores of helpful document available online that can aid you in finding the artful balance of maintaining the reader’s attention and getting your point across. Whatever you do, DO NOT overstate your qualifications. When the seat of your pants hits the witness chair you will be asked to defend your C.V. One little misrepresentation may be cause enough to bring you a great deal of discomfort and for the trial judge not to qualify you. It is your responsibility go build and then to maintain your profession creditability. It takes time and commitment, but in the end your business will financially benefit and the profession as a whole will be a better place. As professionals, that is our job, to make this profession a better place for the next generation.

About the author:

Richard C. Brooks, a third generation Land Surveyor, is the Vice President of Brooks and Brooks Land Surveyors, P.C. in Highland, NY. He has served on many committees for NYSPLS and the Mid-Hudson Valley Land Surveyors Association. He is the NYS coordinator of the Certified Surveyors Technician program for NSPS. He teaches the Legal Aspects of Land Surveying course at the SUNY Ulster for their Surveying Technology degree program. Rich has been qualified as an expert witness 16 times since 1991. He is the recipient of the 2010 Pillars of Excellence recognition “Surveyor of the Year”.

Our lives are defined by opportunities, even the ones we miss.
Redefining the Surveyor of the Future

By Jerry Carter, CEO, NCEES

“I believe that rather than facilitating the demise of the surveying profession, new and advancing technology will provide significant opportunities for surveyors who adapt through continuous training and expand their practices beyond traditional activities.”

In my life, I have found that many people tend to quote Mark Twain or Yogi Berra. I have favorite quotes from both, but a favorite Yogism is, “The future ain’t what it used to be.”

Over the past several years, we have seen a drastic reduction in the number of candidates taking both the Fundamentals of Surveying (FS) and the Principles and Practice of Surveying (PS) exams. Last year, the number of FS examinees was down just over 11 percent from the previous year, and PS examinees were down almost 5 percent. And as we look back in recent years, we can see the same trend of reduced numbers.

Many have contended that the demand for conventional surveying services has decreased as a result of a weak economy over the past several years, which undoubtedly has impacted the surveying profession in a negative way. Others maintain that technological advancements have altered the traditional role of the surveyor and will ultimately lead to the demise of the profession as we know it.

I know that many of you have heard the statistic that the average age of a professional surveyor today is somewhere between 57 and 60. That has appropriately raised concern about whether there will be an adequate supply of professional surveyors in the future. We have also heard that institutions with surveying programs are scrambling to maintain an adequate student population to continue to justify their existence.

I feel that this situation offers significant opportunities for the surveying profession. I believe that rather than facilitating the demise of the surveying profession, new and advancing technology will provide significant opportunities for surveyors who adapt through continuous training and expand their practices beyond traditional activities. The future surveyor will need to diversify his or her practice and embrace new technology and social media to remain relevant. According to a paper issued by the International Federation of Surveyors, the profile of the surveyor of the future is “a geospialist with social responsibilities.”

The drastic reduction in the number of examinees taking the NCEES surveying exams has been a topic of concern among members of the Council, and action is needed to continue to promote the surveying profession and the value of licensure. I am glad to report that President-Elect David Widmer, P.L.S., intends to create a task force to consider the future of the surveying profession and how NCEES can help reverse this trend and encourage more young people to enter this rewarding profession.

Surveying has a rich history in this country and an important role to play in its future. I look forward to the task force’s findings.

Beware of Price Fixing!

Recently, the Department of Justice Antitrust Division entered an agreement with the Northwest Chapter of the Arkansas Society of Professional Surveyors where the Chapter agreed to pay a fine of $60,000 for violation of the United States Code. The indictment charged five surveyors and the Chapter with a conspiracy “to raise, fix and maintain the price of lot and block surveys in northwest Arkansas.” The indictment went on to charge that the defendants met, discussed, reached a price agreement, raised the price to a minimum of $300 per survey, received compensation in that amount, and generally affected interstate commerce. They were charged under 15 U.S.C.A. § 1, known as the Sherman Antitrust Act, which states in part:

15 U.S.C.A. § 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce ... is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine ... or by imprisonment ... in the discretion of the court.

On 26 February 1993 a plea agreement was filed which provided in part that the Northwest Chapter of the Arkansas Society of Professional Surveyors agrees to enter a plea of guilty and pay a fine of $60,000. In return, the United States agrees to drop all charges against the individual surveyors.

Admittedly there was no trial and at least one of the defendants believes that had there been a trial they would have been found innocent of the charges. Conjecture aside, the monetary fine, attorney fees, court costs, loss of reputation, anxiety, and loss of business exacted a heavy toll from the defendants. Furthermore, the problems are not behind the individual defendants since the Arkansas Board of Licensure has started an investigation to determine if there are grounds for professional discipline.

The bitterness and discord among the Northwest Chapter members may cause the Northwest Chapter irreparable damage.

For survey practitioners, there are several points to be learned from the indictment and subsequent plea agreement. Perhaps the most tangible is that guilty or innocent, any charge of price fixing will cost the surveyor legal fees, court costs, anxiety, lost work days, loss of reputation, and lost business. As a result, surveyors should be aware of the danger and avoid actions, conduct, or words that violate the Sherman Antitrust Act. Surveyors should not fix fees in concert with other practitioners or take part in any activities that establish by written, verbal, or implied consent a minimum fee for professional services.

As a general rule, the lessons learned from the Arkansas Chapter’s experience does not mean that surveyors cannot get together to discuss fees, salaries, or prices — so long as such discussion is not meant or does not cause prices or fees to become artificially fixed in concert or conspiracy with other practitioners. Fees should be established independently of other practitioners in a competitive, free-marketplace environment. For example, surveyors can establish reasonable and justifiable standards and procedures that may eventually cause fees to rise. Surveyors can participate in information surveys that tabulate high, average, and low fees for specific services. For educational purposes, surveyors can discuss how to best estimate or apply costs, overhead, and profit margins in order to determine what fees to charge for what services. Furthermore, surveyors can discuss various methods to estimate their fees (e.g. area, number of corners, linear feet of boundary, etc.). In fact, all of these examples may actually help prevent scrutiny by the justice department if the information is sought and used by survey practitioners to underbid their competitors.

Obviously, there is no fine black line. There are warning signs. One obvious warning sign is when fees are the same among all local practitioners for a particular service. Another warning sign is where there is some form of communication among practitioners that results in fees being raised in apparent concert among a group of practitioners.

There are also some safety guidelines that surveyors can adhere to in order to prevent price fixing. First, understand how to determine a fair and reasonable fee for services. Professional practice is not for the sake of making a killing at the expense of the public, rather the purpose is to provide a quality service for a reasonable price. Determine and be prepared to justify your fee based on an accurate and reasonable analysis of costs, overhead, profit, and demand within a free marketplace environment. Do not base a fee solely on a competitor’s fee. Bargain and reach an agreement with the client to determine the fee and not with the competitor. Fair competition is healthy among knowledgeable and ethical professionals. In this regard, attend or encourage your employees to attend the many excellent seminars on business and ethics sponsored by NSPS and State professional societies.

By Knud E. Hermansen, P.L.S., P.E., Esq.

Knud Hermansen is a professional land surveyor, professional engineer, and attorney at law in several states. He operates a consulting firm in Old Town, Maine and is a faculty member at the University of Maine, Orono.

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Classified

**Fairfield County**

Pereira Engineering, LLC is an established Civil/Environmental/Land Surveying firm located in Shelton, CT and we are looking to fill the following positions as of January 2015:

**Instrument Man / Survey Technician:** We are seeking an experienced Instrument Man / Survey Technician with a minimum of five (5) years experience in all facets of land surveying from boundary surveying to construction layout. The qualified candidate must be highly-motivated and detail-oriented and must be familiar with Trimble Instruments, Trimble Data Collectors, and GNSS systems. AutoCAD Civil 3D experience a real plus! Duties include field surveying, downloading/uploading survey data, land record research, and AutoCAD drafting.

**Civil Engineer:** We are seeking a Civil/Site Engineer experienced in various types of site development projects including residential, commercial, and municipal projects. Responsibilities include the design of site layouts, subdivisions, septic systems, storm and sanitary sewers, stormwater management systems, grading, roads, and hydrologic/hydraulic studies. Duties will include preparation of plans, specifications, and calculations as well as coordination with other design professionals and public officials.

Qualified candidate must have a B.S. in Civil Engineering from an accredited engineering program and must be proficient with AutoCAD Civil 3D and other commonly used design and drainage analysis software. Candidate must also be organized, highly-motivated, and detail-oriented.

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.pereira@pereiraeng.com or fax to: (203) 944-9945.
Our lives are defined by opportunities, even the ones we miss.

**Classified**

**Hartford County**

Join a dynamic group of civil/transportation professionals at a 120-person consulting engineering firm with offices in Massachusetts and Connecticut. We currently have **Land Surveying** job opportunities available in both of our offices.

- **Professional Land Surveyor** – to perform surveying tasks as necessary for various projects. Full-time position requires a broad range of skills necessary to support public and private clients, as well as to provide support to in-house civil engineering staff.
  
  Requires a BS degree in a field directly related to surveying, MA or CT PLS and at least five years of experience supervising land title surveys, topographic/existing condition surveys, boundary surveys and land subdivision work. Project management and business development skills highly desirable. Familiarity with the use of Civil 3D and Carlson is required.

- **Survey Specialist** – to collect survey data, perform research, calculations, develop land information databases and generate survey plans. Assists managers with client proposals. Requires BS degree in a field directly related to surveying, minimum 4 years of experience, good client relations skills and effective communication skills. SIT preferred.

- **Survey Party Chief** – requires excellent knowledge of field survey techniques using total station and leveling equipment. Knowledge of GPS data collection techniques is required. Responsibilities include performing existing condition/topographic surveys, boundary surveys, and construction staking. Candidates must have high school diploma, 5-6 years of experience, valid driver’s license with clean driving record, and excellent math skills. Associate's degree a plus.

- **Survey Technician/Instrument Operator** – Must have a minimum of 2 years’ experience using total station & electronic data collector. Candidates must have high school diploma, valid driver’s license with clean driving record, and good math skills.

BSC offers competitive salary and benefits (medical, dental, 401(k), life and disability insurance).

Please submit resume with cover letter to: Human Resources Department, BSC Group, Inc., 15 Elkins Street, Boston, MA 02127; e-mail: info@bscgroup.com; fax: 617-896-4301.

No telephone calls, no recruiters, please. BSC is an AA/EEO employer.

**New Haven County**

- **Civil Engineer, Project Manager** - Small multi-discipline firm looking for self-motivated, energetic engineer to fill this full-time permanent position. Duties to include, residential & commercial site planning, subdivision design, storm water management and septic system design. Experience with AutoCAD, HydroCAD Carlson and the public approval process required.

Career oriented individual. This position offers exposure to a diverse workload that provides for excellent professional development with a future.

All inquiries will be kept completely confidential.

Respond to ahoffman@godfreyhoffman.com
Classified

- **Survey Field Technician** - Milone & MacBroom, Inc. is a growing multidisciplinary engineering, planning, landscape architecture, and environmental science consulting firm. Our corporate office is located in Cheshire, Connecticut with satellite office locations in Maine; New York; South Carolina; Massachusetts; and Vermont. We are looking for talented Survey Field Technicians (Rod Person) to join our Survey team and perform field boundary, topographic and construction surveys for various projects in the New England area. The candidates should have zero to two years experience in land survey field work, knowledge of field instruments and proficient computer skills required. College degree and CAD experience preferred. Excellent oral and written communicative skills required. All candidates should have a strong work ethic, enjoy working outdoors in a technical capacity, working individually or in a team, willing and eager to learn, and looking to take on more responsibility.

- **Survey Party Chief** to join our Survey department and work on a wide variety of land surveying projects. The qualified candidate should have three or more years field experience, knowledge of field instruments and proficient computer skills required. College degree and CAD experience preferred. Excellent oral and written communicative skills required. He/she should have a strong work ethic, enjoy working outdoors in a technical capacity, working individually or in a team, willing and eager to learn, and looking to take on more responsibility.

We offer a competitive salary, opportunity for advancement, a comprehensive benefits package, and a flexible and positive work environment. Our success depends on attracting the best talent and continuously striving to improve what we do and how we do it. There are no barriers to where your talent can lead you.

Interested applicants may submit their resume to: Pamela Harris, Human Resources Manager, Milone & MacBroom, Inc. 99 Realty Drive, Cheshire, CT 06410 pamh@miloneandmacbroom.com (203) 271-1773

Milone & MacBroom, Inc. is an Affirmative Action/Equal Opportunity Employer M/F/D/V

Looking for Position -

- CALS member with BS degree from Southern CT State College.
- Extensive experience as a Senior Survey Technician.
- Located in New Haven County.
- Willing to travel.
- References upon request.

Call the CALS office for more information. Refer to #2014-10

Available this summer -

Jay Doody is teaching Introduction to GPS in the Civil Engineering Department at CCSU. He has 9 seniors, 8 juniors and 8 sophomores, many of whom will be looking for jobs after graduation or summer positions. All the students have taken a surveying course and are now taking GPS. If you are looking to hire new engineers or surveyors permanently or for the summer please contact, Jay Doody jidoody@snet.net, 203-933-3850.
# February 2015

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- **February 15**: President’s Day
- **February 18**: Abandoned Roads Seminar
- **February 26**: CALS BOD Meeting
BEARINGSTAR INSURANCE GROUP
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Evan Cooper - 800-300-4180 evan.cooper@bearingstar.com

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Paul Carver, Manager - 888-443-9840

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Mike Gage - 800-322-5003 mgage@maintechnical.com

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