

THE NOVA SCOTIAN SURVEYOR

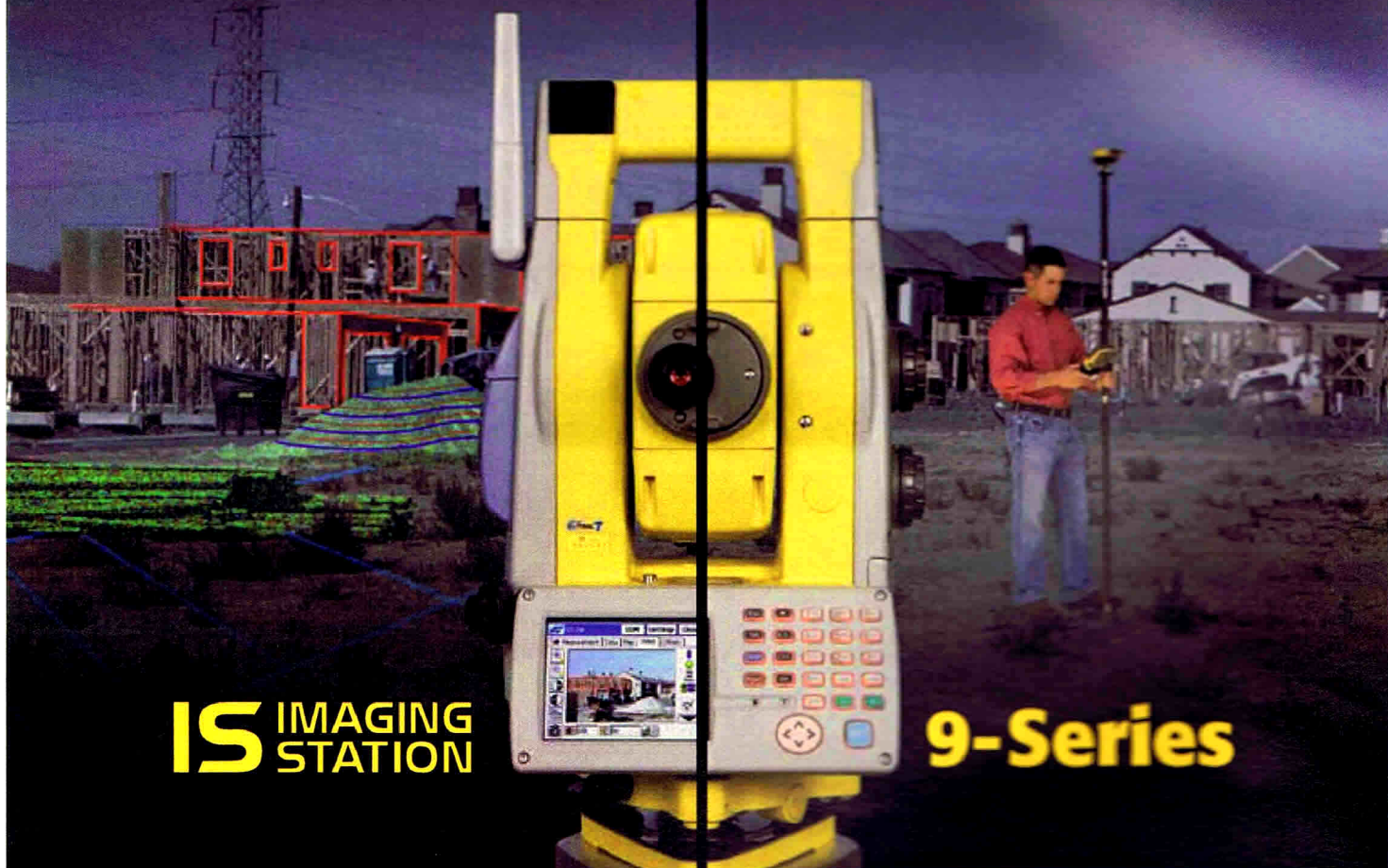
Fall 2009

No. 187



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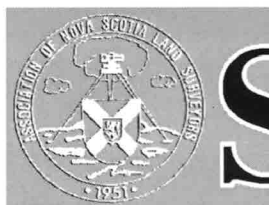
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CONTENTS

PAGE

President's Report	<i>Raymond Pottier</i>	2
Committee Reports	<i>Committee Chairs</i>	4
Survey Review Department Report	<i>Jim Gunn</i>	10
Candidates for Council (2009-2010)	<i>Nomination Committee</i>	12
Obituaries	<i>Staff</i>	15
A Question and Answer Session with Jeffery N. Lucas - Part 3 of 3	<i>Brian Portwood</i>	18
Notes From the Side of the Road	<i>Staff</i>	21
Discipline Order	<i>Discipline Committee</i>	24
Financial Statement for 2008	<i>Rector Colavecchia Roche</i> ...	26
Budget for 2010	<i>Council</i>	36

THE NOVA SCOTIAN SURVEYOR

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PRESIDENT'S REPORT

Raymond Pottier, NSLS



As my term as President draws to a close I can hardly believe how quickly the year has passed. The long flights and the whirlwind visits to all of our sister associations' AGM's are over. My stated self imposed goal for the year was to revitalize our strategic planning process and to a certain extent I was successful in getting that process restarted. Hopefully, by next year the strategic planning process will be fully operational.

Council has dealt with a number of issues of importance to our association this past year although there did not ever seem to be enough time in the day to deal with all the issues that I would have liked to have addressed.

The following is a summary of some of the major issues or items dealt with by Council this past year:

Agreement on Internal Trade (AIT) and Labour Mobility - A new Mutual Recognition Agreement has been formulated to address the newly amended AIT. Under Chapter 7 of the

AIT, it appears that the Association will be requiring a 3-4 hour exam on local knowledge for applicants from other Canadian jurisdictions.

Wetland Identification and Delineation - A new committee has been formed to address the issues surrounding this topic. The committee has met with senior staff at Nova Scotia Environment to voice our concerns and there are ongoing discussions.

Draft Land Surveyors Act and Regulations - The Governance Committee have finished a draft of the new Land Surveyors Act and associated Regulations to be presented to the membership at the 2009 AGM, when we will be seeking approval from the membership to forward the new Draft Act and Regulations to government for their consideration.

Mandatory Continuing Education Program - A Legislation Workshop was held this past year to present the above-mentioned Draft Land Surveyors Act and Regulations. We also had a seminar in June presented by Don Wilson, PLS from New England

Canadian Board of Examiners for Professional Surveyors - The Association became a member of CBEPS this year. Every association in Canada is now a member of CBEPS, with the exception of Quebec for the time being.

Survey Review Department Manager - James Gunn of SRI has been contracted to provide

Practice Review service to the association. You will all be hearing from Jim in the coming year.

It has been a distinct honour to serve as your President this past year and I want to take this opportunity to thank you for your confidence and your help. I have gotten at least one year older if not any wiser. It seems that the endless list of issues and initiatives that Council has to deal with never gets any shorter nor any less important, so I wish incoming President, Glenn Crews, all the best for his term as President. ☒

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COMMITTEE REPORTS 2009

ADMINISTRATIVE REVIEW

Members:

Russell MacKinnon (C)
Raymond Pottier (V-C)
Glenn Crews
Tom Giovannetti
Garry Parker

ARC, as a committee of Council and reporting to Council, has the responsibility as the overseer of general operations and staffing at our Association's office. This committee is guided by the terms of reference approved by Council on September 12, 2003. ARC held five meetings during 2009 and was in regular contact with the Association office and our Executive Director.

In January of 2008, through a collaborative effort of both the Strategic Planning Committee and the Administrative Review Committee, an independent consultant, David Craig Consulting, was commissioned to review, report and suggest recommendations on the policies and procedures, operations, structure and performance of our Association, its office and staff.

The consultant's report has guided ARC on a number of issues – some being significant long-term issues and others being housekeeping in nature.

Short-Term Housekeeping Recommendations:

Staff was directed by ARC to keep complete and detailed records of all telecommunications

between our Association office and anyone communicating with the office on Association business;

All legal survey plans and Surveyors Location Certificates over 3 years old submitted to the Survey Review Department were to be destroyed immediately or returned to each NSLS, as per the directive of Council in June of 2007.

Attempt to make the boardroom available for Council meetings.

Long-Term Recommendations:

Working with staff to ensure timely reporting of financial and other information to all Council members for Council meetings as well as to the membership, as required;

Update process for evaluating operations and performance of Association office and staff and develop a Manual of Administrative Procedures;

Develop a policy to address "conflicts of interests" (discussion stage).

Russell MacKinnon, NSLS
Chair

CCLS

I took over as CCLS director in April 2009 in order to finish Jim Gunn's term as director which ended in December 2009. I made a commitment to Council to continue as CCLS director during

2010 as the CCLS redefines itself and becomes Professional Surveyors Canada. The Canadian Council of Land Surveyors (CCLS) has had what could be described as an fairly busy, eventful and, some would say, tumultuous year.

Over the past three years the CCLS Futures Initiative task force had been addressing the frustrations and issues some of the member associations had with the CCLS consensus-based governance model. A discussion paper was published in April 2009 outlining a business plan for the proposed new organization as well as a number of options for a new governance model. As is often the case with the consensus building within the CCLS, our association did not have a Council meeting prior to the CCLS Annual General Meeting held in Calgary on 25 and 26 May 2009. The Business Plan was reviewed by the individual councillors independently and I took the comments and concerns of our Council to the annual meeting.

At the Calgary meetings, the two important points that everyone could agree on were, that we need a national body and that, due to its cumbersome governance structure, the CCLS was not meeting the requirements of its member associations. A consensus was also reached that would allow the CCLS to move towards forming a new entity called Professional Surveyors Canada (PSC) and that PSC would continue to deliver the

services that have made the CCLS such a success over the years, which include Professional Liability Insurance, Career Awareness Initiatives, Labour Mobility Agreements and Harmonization of Entry Standards into the Profession to name a few.

Beyond that CCLS/PSC is now looking at a new governance model where every association is represented, all associations would be members but the focus of PSC would be more towards filling the needs of individual surveyors, funding requirements from the associations would not change, directors would be elected by the membership and, except for financial decisions affecting the associations, could act on PSC initiatives on their own. Since PSC will require more funds to deliver the services the mandate of the organization will be expanded to include seeking out new funding opportunities.

As the year unfolds I will keep you informed of our progress as we morph into Professional Surveyors Canada.

Ray Pottier, NSLS
NS CCLS Director

COMPLAINTS

Following last year's 2008 AGM there were five complaints under active investigation by the Complaints Committee. Three of those complaints were filed by SRD and two by members of the public. One of the public complaints was dismissed and the remainder continued to be active in 2009.

As of August 31st, 2009 there

were four complaints filed in 2009 against surveyors by the public. One of those was dismissed in March of 2009. Also in March of 2009, the secretary was advised that the committee decided that for one of the complaints filed by the SRD in 2008 there was evidence that could support a finding of professional misconduct on the part of the surveyor.

Two investigations on complaints against one surveyor filed in 2008 became inactive when the surveyor ceased to be a member of ANSLs. Four complaints files remain under active investigation, one filed by the SRD in 2008 and three by the public. The complaint by SRD remains the one that the committee struggles with because of the volume of material involved.

In almost all complaints filed by the public it is a lack of communication that is cited by the complainant as an element of the surveyor's failure in providing service in a professional manner. A client's dissatisfaction with the placement of boundaries, which is also usually an element of the complaint, combined with poor communication from the surveyor, is bound to cause complaints to be filed. I do realize that I am telling you as surveyors something you already know, however, poor communication remains a problem and deserves repeated reporting.

Garry Parker, NSLS
Chairman

CONTINUING EDUCATION

The Association sponsored two free workshops on the proposed new Act and Regulations with the assistance of the Governance Committee. One workshop was held at a venue near the Halifax International Airport on Friday, May 22, 2009 and had an attendance of about 54 members. The other workshop was held in Port Hawkesbury on Saturday, May 23 and had an attendance of about 25 members.

Both sessions were well received and provided the committee with beneficial comments. Committee members and legal counsel were present for both sessions. It is planned that both pieces of legislation will be presented to the general membership at the 2009 Annual General Meeting (AGM).

A seminar was held on June 25, 2008 in Dartmouth on Forensic Approaches for Evidence Discovery & Location. It was presented by Don Wilson, a professional land surveyor from New Hampshire. The session provided an interesting approach to the retracement survey for the 90 attendees. It is always interesting for land surveyors to discuss procedures used when confronted with a retracement survey.

The Continuing Education Committee is presently coordinating a 3-hour seminar for Friday morning, October 23, 2009, in conjunction with the AGM. This session will be presented by some of our own members and will deal with local issues that confront the land surveyor on a daily basis.

Fred Hutchinson, BA, NSLS, CLS
Acting Chair

DISCIPLINE

During this calendar year, the Committee held two discipline hearings. The first hearing concluded with a guilty verdict for one of our members. A reprimand was issued to the member and the maximum allowable costs of the hearing were ordered to be paid. The reprimand appears elsewhere in this issue of The Nova Scotian Surveyor. The members of the committee for this hearing were: Gerald A. Pottier (C), Walter Rayworth (VC), Ken Whalen, Paul Harvey and George Podetz. Representing the Association was Alan Stern, QC, and representing the member was Joseph Mac-Donell.

The second hearing also concluded with a guilty verdict against a second member. The committee recommended that corrections be made to three separate surveys. The committee is presently awaiting completion of the above and will reconvene to finalize the penalty. Further details will follow upon conclusion of the hearing.

The regular committee members for the second hearing were: Gerald A. Pottier (C), Ken Whalen, Joe Alcorn, Paul Harvey, David Wedlock and James McIntosh.

I would like to thank the members of the committee for their dedication and hard work.

Gerald A. Pottier, NSLS
Chairman

GOVERNANCE

The Governance Committee has continued to develop the new Land Surveyors Act and Regulations. Its objective is to present these documents to the members for approval at the annual general meeting in October 2009. These documents were introduced to the membership at the Annual General Meeting in November 2008 and initial feedback and comments were received at that meeting. Also, the Act and Regulations were sent to each member and posted on the website. The membership was encouraged to review the documents and continue to provide feedback and comments.

Starting in January 2009, the committee reviewed and revised the Act and Regulations based on the feedback received. It also began working on the By-laws, Standards of Practice and a Code of Ethics. Two workshops were held in May 2009 - one in Halifax and one in Port Hawkesbury, to review the Act and Regulations in detail and give the membership further opportunity to ask questions and provide comments. Both workshops were well-attended and provided excellent comments and suggestions to the committee.

The committee has taken this feedback into account to prepare what it hopes to be the final version of the Act and Regulations. The current versions are on the website and members are encouraged to read and familiarize themselves with this information in preparation for the annual general meeting in October 2009.

A draft set of by-laws has also

been prepared and is also on the web site. This document sets out the internal operational aspects of the Association and does not require government approval. It is important to have the opportunity to consider the content of this document when considering the Act and Regulations, especially with the changes proposed for the Zones, so the committee felt that this document should be available to the membership in a relatively mature form. It will not be voted on at the October 2009 meeting, but should be ready for a special meeting, assuming the Act and Regulations are passed by the membership in the fall, and the Act is passed by the Legislature in the spring of 2010.

Work will now begin in more earnest on the Standards of Practice and Code of Ethics. It is planned that these documents will be prepared and ready for membership approval at a special meeting, if held, or the 2010 annual general meeting. This will then finalize all governance documents necessary for the Association. Other documents to consider developing deal with specific policy and guideline issues to assist the membership and staff, and to support the governance documents completed.

Members of the committee include Valerie George, Keith AuCoin, Fred Hutchinson, Jeff Fee, and Marjorie Hickey. We added two new members, Carl Hartlen and Allen Hunter. We lost Jeff Fee who moved to Ontario. Thanks for all your efforts, Jeff. You are missed.

Respectfully submitted,

Dave Steeves, NSLS
Chair

MCE EVALUATION

The deadline for the 2008 MCE reporting year was March 1, 2009. 165 members reported and met the requirements of the second year of the three-year program. Two members failed to report by the deadline. Both were invoiced with a \$100 penalty. One paid the fine but has still not submitted a form, while the other member did not pay the fine or submit a form with all correspondence to him being returned to the office by Canada Post. This member has since been removed from the roll of members for other reasons.

It seems that most members do not have a problem collecting points but do not always keep a record of their activities and rely on the office to supply them with dates and point values for various Association activities. We are now into our sixth year of mandatory continuing education and most members have been very cooperative.

I would like to thank the following committee members for their dedicated work in reviewing and tabulating all the 2008 submissions: Gerry Bourbonniere, Chair, Mike Crant and Andrew Giles. A special thank you to Gerry Bourbonniere is in order for his many years of service to the MCE program and creation of a spreadsheet tabulation of points. Buster Davison is replacing Gerry since Gerry has resigned from the committee. The committee has yet to select a chair.

Fred Hutchinson, BA, NSLS, CLS
Secretary, ANSLs

MEMBERSHIP

Committee Members:
Bruce MacQuarrie (c)
Keith AuCoin, John Conn
Dave Clarke, Joe Harvie &
Greg Skelhorn

The Membership Committee was moderately active this year. We monitored the acceptance of the Association to the CBEPS requirements and to the Agreement on Internal Trade for the surveying profession.

Dave Clarke completed a draft on business practices that can be utilized in the future. Keith AuCoin prepared a draft for article requirements that was circulated to the committee members, the Board of Examiners and Council. Comments have been collected and Bruce MacQuarrie will prepare a second draft to be forwarded to the Governance Committee for their evaluation.

I believe that the focus areas for this committee have been addressed and that the committee should be dissolved at this time. The Strategic Planning committee may wish to continue on with educational partnerships and members' business practices with a new version of this committee.

Bruce MacQuarrie, NSLS
Chair

NS BOARD OF EXAMINERS

The Nova Scotia Board of Examiners is legislated under section 10 of the Land Surveyors Act. To date there have been three student members who obtained their NSLS commission in 2009: Andrew Morse, NSLS # 632, Kevin Robb, NSLS # 633

and Michael Gould, NSLS # 634. The student membership roster consists of 22 individuals, several of whom have been assigned a survey project.

The Board met by conference call on May 14, 2009 to review the status of students; proposed articulated time requirements as presented under the umbrella of the Governance Committee; and labour mobility issues under Chapter 7 of the Agreement on Internal Trade.

As the Association's representative on the CCLS labour mobility agreement, I attended a two-day meeting in Winnipeg on June 7-8 and was accompanied by vice-president, Glenn Crews. The meeting was both an informative and productive with representation from all the professional survey associations across Canada.

The Statute Law exam was written by four students on June 2 and one student on July 2, 2009. The Land Surveyors Act, Regulations & By-laws exam was written on June 30, 2009 by four students. All were successful in exceeding the pass mark of 70%.

Special thanks to the following Board members: John MacInnis, Chair; George Sellers; Kevin Fogarty; Forbes Thompson; Kevin Brown, Engineers Nova Scotia appointee; Bruce Gillis, Nova Scotia Barristers' Society appointee; and Bruce MacQuarrie, Minister of the Department of Natural Resources' appointee.

Respectfully submitted,

Fred Hutchinson, BA, NSLS, CLS
Secretary, Board of Examiners

SRD ADVISORY

The SRD Advisory Committee members for 2009 are Ted Webber, Norval Higgins, Dennis Prendergast and Glenn Myra. The committee did not meet in person this year but committee members did communicate via several email exchanges.

The main issue of discussion was the need to fill the position of Manager for the Survey Review Department; left vacant as of January 1, 2009 with the expiry of the contract between the Association and Gerald Bourbonniere, NSLS. The committee's function is to offer advice and assistance to the Survey Review Department as per By-law 18.2.

Respectfully submitted,
Fred Hutchinson, BA, NSLS, CLS

SRD FUTURES TASK FORCE

Committee members:
Glenn Crews (c)
Lester Berrigan
Russell MacKinnon
Glenn Myra

Some of you may believe that hiring a new SRD Manager is a relatively simple task. Others may think of it as a thankless job. I was among the latter. However, when people are asked to provide a service, as we were, one finds that the other committee members want to do a good job too. We were certainly of different visions in this matter. After a while, one begins to see the benefit in another's idea or the flaw in one's own. The process was challenging, but very rewarding as well. It's always nice to know that your opinion has value. This short summary is the result of the

SRD Futures Task Force's efforts.

As per Council's direction, our first responsibility was to define our mandate. We developed the following:

1. Develop the job description of the SRD Manager,
2. Develop terms of reference for Practice Reviews, and
3. Develop a reporting system between the SRD Manager and the (Executive Director, SRD Advisory Committee and Council).

We attended Zone meetings in the Spring to present our proposal to the members. Your Council also insisted upon some revisions. In the end, we issued the advertisement for a SRD manager outlining Council's requirements for the Manager's position as per Mandate 1. The changes to the Manual of Administrative Procedures addressed Mandates 2 and 3.

We had two submissions for the position. Council agreed that Jim Gunn with Survey Review Incorporated would become the new SRD Manager. The two-year contract became effective on August 13, 2009.

Glenn Crews, NSLS
Chair

STRATEGIC PLANNING

The Strategic Planning Committee met on 20 May 2009. We looked at the accomplishments of the three committees formed under the previous strategic planning initiative that was started at the Oak Island Inn during the 2004 AGM. The three committees were Membership, Public Awareness and Governance.

The Membership Committee has completed its mandate with recommendations to Council concerning future articling requirements for students entering the profession in Nova Scotia. The committee is ready to be dissolved for the time being. Should council require any further work to be done under a membership mandate, a new task group can be formed at that time.

The Public Awareness Committee targeted two specific areas on which to concentrate their efforts. The first was reworking of the Association website and the second was to make better use of the media to publicize the Association.

The Governance Committee is well underway to completing its mandate. The resulting new draft legislation and regulations presented at the workshops held late last May are ready for membership approval at this fall's AGM.

The Strategic Planning Committee then took a second look at the SWOT analysis done after the 2004 AGM at Oak Island to try to draw out any further target areas we felt we could concentrate on for the coming year. The committee also decided on a schedule for the coming year to keep this strategic planning process going.

The Strategic Planning Committee felt that there should be at least two meetings per year to deal with strategic planning. The first meeting should be held prior to the first Council meeting since the committee structure is set at the first Council meeting. A second meeting was recommended in the mid to late spring where targets can be set for

the following year, which would be helpful for setting a budget for the coming year.

As we progress through the planning process we will be setting long-term goals and year-to-year goals for Council to approve each year. The committee felt that the first task of every committee in the coming year should be to meet and write a comprehensive Terms of Reference to be brought to Council for approval. Council should facilitate this process by setting some guidelines for targets to be met and by providing each committee chairperson a template to work from when writing the Terms of Reference.

The committee made a number of recommendations to Council as to where our efforts should be directed in the coming year. Many of these initiatives already exist, some may need to be expanded, and others pared down to a more manageable set of tasks.

Ray Pottier, NSLS
Chair

WETLANDS

The Wetlands Committee met on February 10, 2009, to review the

minutes of previous meeting in 2008 and to formulate an action plan and proposal for a meeting with the Department of Environment (DOE).

An overview of the responsibilities of the Nova Scotia Land Surveyors' duties and responsibilities in relation to the Environmental Goals and Sustainable Prosperity Act and the Provincial Subdivision Regulations made under the MGA; a letter from our insurer, Encon; and some examples of potential conflicts between regulations of Municipalities, DOE, and the Land Surveyors Act were presented to the Deputy Minister of Environment and senior management of the DOE on April 6, 2009. This meeting was very informal and many ideas were discussed regarding the future role of the surveyor and wetland issues.

There is a tentative fall meeting planned with the DOE and Service NS & Municipal Relations to discuss the wetland issues and requirements set out in the MGA .

Committee members:
Derik DeWolfe, NSLS, Chair
Lester Berrigan, Carl Hartlen

Bruce Mahar & Ray Pottier

POLICY & PROCEDURES MANUAL

The Committee reviewed the existing draft material from 1995. A meeting was held at the Association office in February; members being Nick Dearman, Dave Lorimer & Phil Milo.

Garry Parker's comments were also reviewed as well as hearing those of the Executive Director.

As a result, the Committee chose to attempt a revision of the 1995 draft. Some sections appear unnecessary, while others need to be simplified.

It was the intent of the Committee to have a new draft in the hands of the current Council for comments and advice. This did not happen and I can only offer my apology. I did not get my proposed revisions to the Committee members for their review. I intend to call a meeting this fall, but the new draft will be presented to the incoming Council.

Philip Milo, Chair

Motions for approval under New Business will include the following:

- Budget for 2010;
 - New Land Surveyors Act - dated August 26, 2009;
 - New Regulations under the authority of the Land Surveyors Act - dated August 26, 2009.
-

Also, a new set of By-laws will be introduced for discussion only.

Survey Review Department**Report by Jim Gunn, NSLS, CLS**

On August 12, 2009 President Ray sealed a contract on behalf of council with Survey Review Incorporated (SRI) of Ingonish Beach for the management of the Survey Review Department for the next two years. SRI was founded in 2002 by Jim Gunn to provide audit and evaluation services to professional survey associations. The company has secured successive contracts with the Association of Canada Land Surveyors (ACLS) since that time. Prior to forming SRI Jim was contracted by ACLS to research the various practice review processes in Canada and recommend a suitable model for its members. From the year 2000 to 2002 Jim met with surveyors in nearly every province and territory before the ACLS Practice Review model was agreed upon. Having been such a grass roots effort, members were quick to buy-in and take ownership of the process. To this day, members continue to provide input by filling out feed back questionnaires following each review.

Right now in Canada, practice review is undergoing a dramatic transformation as the survey profession is being urged to assume full responsibility for the quality of product and the standard of practice. Electronic check lists are proving effective in eliminating the need for any formal follow-up review process. In British Columbia for instance, survey plans are now being sent electronically from surveyor's offices directly to the land titles office where, with minor exception, they receive automatic acceptance and registration. SRI is at the forefront of this change by working with a small national committee to develop a fully automated seamless plan registration process for the Canada Lands Survey Records Registry. Nova Scotia is one of the last provinces where plan registration is not yet mandatory but you can bet your bottom dollar that it is coming. We should be forward thinking and consider making plan registration mandatory before it is thrust upon us with someone else's conditions.

In the meantime, SRI is getting underway with practice reviews in Nova Scotia. The contract calls for one full review for each member in a two year period. This includes a field inspection and a full review of one project file as well as a visit to the member's place of business. Just so you will know; the first year that runs from August 2009 to August 2010 will cover zones 1, 2 and 5. The remaining three zones will have to wait until the second year of the contract. Following the initial review members will receive a preliminary report followed by a telephone call to discuss the points raised. SRI will then issue the final report and include a feed-back questionnaire to gauge the member's satisfaction with the process. These feed-back questionnaires will be directed to the SRD Advisory committee where they will be reviewed and tabulated into a generic summary.

The goal of SRI is to be fair, reasonable and timely. Our mission is to make this a worthwhile and positive experience for the members and for the association. Everyone's cooperation will be required and appreciated. Having just begun, it is unlikely that SRI will have any meaningful results to discuss at this year's annual meeting but Jim Gunn will be there to address any concerns from the members.



CANDIDATE FOR PRESIDENT**Glenn M. Crews, NSLS**

Glenn was born in Boutiliers Point, Halifax County in 1954. Upon deciding on a career in Land Surveying, he attended the Nova Scotia Land Survey Institute, where he graduated in 1980. After a couple of years in Calgary, he moved back home to begin his articles under Douglas MacDonald, #275, and completed them with Max Rafuse, #201. He was licensed in 1985 and immediately started his own business. After years as a sole practitioner, he and Robert Ashley became partners in North Star Surveying and Engineering Limited in Lower Sackville.

After returning from Alberta, Glenn and his family built a home in Enfield, near the airport. In 1983, he joined the local Volunteer Fire Department and has served many years in command positions from regular firefighter up to and including three terms as Deputy Chief. He is now retired from active duty but still serves on various committees and particularly enjoys the department's Canada Day celebrations with their breakfasts, parade floats and bingos which attract the entire community. His participation reflects the premise that you only get back what you put in.

Glenn has served on various Association committees over the years, including multiple terms as chairman of the DOT Liaison Committee and By-laws Committee, seven years as chairman of the Complaints Committee and recently chairman of the SRD Futures Task Force.

The Association has always sought to promote the profession of land surveying and in doing so, enhance the lives of its members. Glenn is contributing to that goal by participating at the executive level in our efforts to complete a rewrite of our act, regulations and by-laws. These documents will define who we are to the public. He wants to encourage the ongoing process of

strategic planning so that we are proactive, rather than reactive; to contribute to the discussions to streamline Council and to participate in the promotion of Land Surveyors for the 21st century. Glenn believes it's an exciting time to be a Nova Scotia Land Surveyor. Our services are required more than ever. Lawyers are seeking our expert opinions, architects are requesting our reports and developers understand the significant role that we play in their ventures.

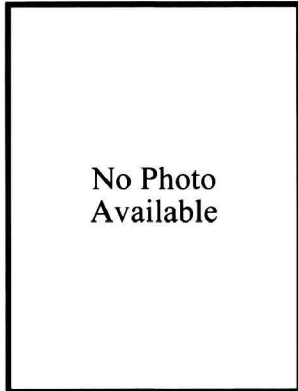
Glenn and his wife, Elaine, are empty-nesters still living in Enfield. They enjoy motorcycling along the old roads of Nova Scotia on those warm, sunny days and dancing during those cold winter nights. ❧

CANDIDATE FOR VICE-PRESIDENT**Glenn Myra, NSLS**

Glenn Myra, NSLS 584, wishes to announce his candidacy for the office of Vice-President of our association. Glenn received his Baccalaureate from Dalhousie University in 1976 and graduated from NSLSI in Lawrencetown in 1978. Glenn apprenticed under Norval Higgins, NSLS 475, receiving his land surveying licence in 1985.

Glenn has served twice as Zone 6 councillor, from 1993 to 1995 and again from 2006 to 2008, and has been active in committee work for the last 20 years. Glenn also ran for Vice-President in 2008, losing by one vote. Glenn believes that he can fill the office of vice-president with dignity and diplomacy combined with an assiduous attention to our common welfare. Glenn has attended every zone meeting held in this province for the last 3 years and respectfully asks for your support. ❧

**CANDIDATE FOR COUNCILLOR
ZONE 2
Kirk Hicks, NSLS**



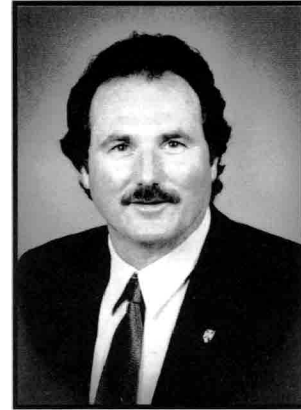
Kirk graduated from Bridgetown High School in 1968, Acadia University in 1972 (BBA) and from NSLSI in 1976.

He articulated with Brian Anderson & Associates in Port Hawkesbury from 1976-1978, served for 6 months with the Canadian Hydrographic Service in 1978 and obtained his commission as a Nova Scotia Land Surveyor in 1979, while working with Harold B. Smith in Lakeville, NS.

Kirk has been self-employed as an NSLS in South Berwick since 1979 and has served as councillor for Zone 2 for one term in the past.



**CANDIDATE FOR COUNCILLOR
ZONE 6
Thomas F. Giovannetti, P.Eng, NSLS**



Tom is a native of Dartmouth and began his surveying career while working with Frank Longstaff, NSLS in 1974. This experience led to a Diploma of Survey Technology from the Newfoundland and Labrador College of Trades and Technologies.

Tom worked at surveying in Alberta from 1976 - 1981 when he returned to the East coast to undertake studies at UNB. The summer of 1982 was spent back in Alberta. The remaining summers, prior to graduating in 1985, were spent working for the NS Department of Transportation and John A. McElmon & Associates. In 1986, Tom and his father, Reg Giovannetti, P.Eng., started an engineering consulting company that has provided Tom with employment since that date. When Tom obtained his NSLS commission in 1988, they were then able to provide professional land surveying services to their clients.

Tom is keen to assist in developing business opportunities for the profession, and is concerned with the potential erosion of surveying services through legislation and regulations. Tom has filled the role of Vice President, President and Past President. In serving on council in those years Tom was proactive in ensuring that the Association business as approved by the membership and council was being done.

Tom looks forward to serving the membership on Council and asks for your support in his endeavors.



**CANDIDATE FOR COUNCILLOR
ZONE 6**

H. James (Jim) McIntosh, P.Eng, NSLS, CLS



Jim has been a member of the ANSLS for over 20 years, with about half that time split between the public sector as Chief Surveyor for HRM and the private sector as Project Manager for SDMM Ltd in Halifax, where he is currently employed.

During that time, Jim has been continuously involved in the Association as a member of the Convention, Regulations, Coordinate Referencing, Complaints, Continuing Education and Discipline Committees.

Jim's goal is to bring an open mind and objective voice to Council as a representative of Zone 6 to effectively manage the important issues currently faced by Council for the benefit of the Association as a whole. ❧

**CANDIDATE FOR COUNCIL
ZONE 3**

Doug MacLeod was nominated at a Zone 3 meeting.

No picture or BIO available at publication date. ❧

**CANDIDATE FOR COUNCILLOR
ZONE 6**

Allan J. Owen, B.Sc., NSLS, CLS



Allan is a native of Dartmouth. The majority of his career has been in private practice.

He received his commission as Nova Scotia Land Surveyor in 1983 and as a Canada Lands Surveyor in 2001.

Currently, he is a partner in Thompson Conn Limited. He resides in Lower Sackville with his son, Jonathan, and his wife, Mary.

Allan has served on the By-laws and Complaints and Committees and served a term as Councillor for Zone 6 in 1992-94.

Allan enjoys volunteer work with the Sackville Rivers Association, camping, hunting and fishing. ❧

**CANDIDATE FOR COUNCIL
ZONE 5**

Britt Roscoe was nominated at a Zone 5 meeting.

No picture or BIO available at publication date. ❧

**CANDIDATE FOR COUNCILLOR
ZONE 6
Garry S. Parker, P.Eng., NSLS, CLS**



Garry was born in 1947. He graduated from Acadia University in 1968 with a diploma in Applied Science, and from the Technical University of Nova Scotia in 1970 with a Bachelor of Engineering (Industrial).

Garry articled with Fran Longstaff and Edward MacDonald and received his commission as a Nova Scotia Land Surveyor in 1977. He became a CLS in 1996.

He served on the Barristers/Surveyors Liaison Committee in 1989 and 1990; on the Private Practice Committee in 1994; was Councillor for Zone 6 from 1994 - 1996; served as President in 2005 - 2006; and has been a member of the Administrative Review Committee since 2007.

Garry is in private practice and is a principal in the firm of Longstaff-Parker Surveys in Dartmouth. He also conducts legal surveys and practices engineering in the Arctic, specifically in Nunavut Territory. ☒

OBITUARY

Joseph Fenton Archibald, NSLS # 42
July 20, 1915 – July 30, 2009

Joe to all of us, passed away this summer in his 94th year of life. He married Margaret Irma Bell Hattie on December 20, 1939. He was a long time resident of Cameron Settlement, Guysborough County where he built his retirement home in 1976. Prior to his retirement he lived in Dartmouth, where he worked for the Department of Lands and Forests (now Natural Resources) for 40 years retiring from the position of "Registrar of Crown Lands Records Division". Joe was a well-respected land surveyor and served the Association as president in 1963-64 and also as Secretary of the Board of Examiners for many years and was made an honorary member for his dedication and service to the Association.

Joe was a "true gentleman" who possessed a strong work ethic, sound family values, a strong faith, and a generous and helping nature. Many surveyors need only look at their "certificate of qualification" signed by Joe to appreciate his contribution to the profession.

A celebration of Joe's life was held on August 1, 2009 and attended by his loving family, many friends and fellow land surveyors. He will be missed ! ☒

OBITUARY

Lt. Comm. Robert Joseph Donovan, NSLS # 232

1921 – 2009

Robert Donovan or Bob as he was better known as was a native of Antigonish and graduated from St. F.X. University in 1941. he served three years in the Royal Canadian Navy and one year in the British Fleet Air Arm during the Second World War. He was an independent businessman and owner of several small enterprises in Halifax, Antigonish and Fredericton. Bob received his land surveying commission in May of 1958 and operated a land surveying business in Halifax until the early 1980's after which he moved to Fredericton, NB. In 1992, Bob relocated to his native Antigonish and resigned his commission in 1997.

Aside from enjoying his loving family, his favorite pastimes were sailing and tennis. He was a voracious reader and follower of world affairs. Bob is survived by his wife, Geraldine, their five children, 21 grandchildren and sister Genevieve. Funeral mass was held on June 4, 2009 at St. Ninian's Cathedral with burial in the parish cemetery with several land surveyors in attendance.

**OBITUARY**

Noel Robert Harrington, NSLS # 72

December 25, 1923 – September 3, 2009

Noel was born in Kentville on Christmas Day in 1923 and recently passed away after a brave struggle with cancer. He spent most of his life as a healthy and vibrant individual, knowledgeable in many subjects and always adding to the conversation. Noel was educated as a forest ranger and a land surveyor and spent his working career as a Crown Land Surveyor with the Department of Lands and Forests (now Natural Resources) in the Annapolis Valley. His zest for the outdoors and physical exercise was complemented by his use of the computer with a sign-on name of "noelthewoodsman".

He was an excellent, but modest guitar player and could often be coaxed to serenade friends and family. His favourite hobby for many years was target shooting and pretty much every Saturday was spent at the local rifle range testing another combination of primer, powder and bullet. Noel also loved to read and learn about World War Two aircraft; most notably the Spitfire and the Canadian built Mosquito, one of Canada's greatest aerial contributions to the war effort. Like surveyors before him and surveyors who will come after, Noel's name will live on in the many survey plans that bear his signature and the boundary lines that he established.



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A Question and Answer Session with Jeffery N. Lucas, PLS, Esq. Part 3 of 3

by Brian Portwood, PLS
RPLS.com Contributor
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Jeff Lucas is a professional land surveyor with over 30 years of experience and a licensed attorney. He writes a monthly column for P.O.B. magazine and has for the last four years. He has earned the respect of his fellow professionals through his many years of intensive and diligent study of the legal process for resolving property boundary issues, conflicts and disputes, with a special focus on the role of the professional land surveyor in that process. In this interview he answers questions posed by RPLS.com contributor, Brian Portwood, relating to the legal foundation upon which his view of the land surveyor's role in society is based, and he encourages surveyors to remain open to learning what the law has to say and how it can be applied in everyday practice.

Q: Does confidentiality in the surveyor-client relationship allow the surveyor to justify refraining from contact with others, whose rights may be impacted by the survey, in the pursuit of evidence?

A: There is no such thing as surveyor-client privilege of confidentiality. That doesn't mean that client confidences should not be honored. In most cases they can be without difficulty. If client confidences will compromise a well reasoned opinion of survey, (here's a novel idea) you may need to fire your client. Attorneys do it all of the time when their clients ignore their counsel or otherwise attempt to hamstring their best efforts. I have been told "Jeff, I tried to get my client to listen to me, but he said just stake my deed." There is nothing wrong (unless you are somehow contractually bound) with firing your client if he/she doesn't listen to your good counsel. You can lead the horse to water but you can't make him drink, so to speak. In other cases, you may just have to "be a man and take a stand."

Q: So a client could not legitimately claim that the surveyor had committed a betrayal of the client's trust, if the surveyor were to communicate with one or more adjoining property owners in the search for evidence?

A: Surveyors need to know their state's ethics rules with regard to client confidentiality. Generally, they tend to say "knowingly reveal client confidences". If you're working for the Defense Department you have

probably signed a confidentiality agreement. If you're working for Ma' Kettle, unless she has specifically asked you not to discuss the survey with anyone, then talking to neighbors in the pursuit of evidence is prudent investigation. The very best practice, of course, is to let others do the talking. Surveyors should be good listeners not talkers.

Q: Where a client purports to place stipulations or limitations on the evidence to be used by the surveyor in doing the survey, can the surveyor agree or acquiesce to such a request, and justify the results on the basis that they are "doing only what the client asked for," or does this constitute a compromise of professional integrity on the part of the surveyor?

A: There are, in my opinion, "other" reasons for conducting a survey. I'm working on a boundary dispute case right now where I have asked a surveyor to survey exactly what was in a prior deed, even though what was in the prior deed was not what was conveyed. This is perfectly legitimate. The surveyor has to be careful, however, in what he claims that the survey represents. This is not a boundary survey of the property lines (which is what the vast majority of surveys for private individuals are); this is more in tune with a forensic survey. In our jurisdiction this is going to be labeled a "Specific Purpose Survey" and the specific purpose will be explained on the survey so that no one is misled as to the purpose of the survey.

Q: Is the surveyor duty bound, by the mandate to perform with a professional level of diligence, to seek out, recognize and consider all available evidence, including evidence extrinsic to the deeds involved, and if so, where in the law do we find this most clearly expressed?

A: The standard of care for all professionals is what a reasonably prudent professional would do under like or similar circumstances. This is "common law" doctrine and has been well developed in American jurisprudence. Check any "Pattern Jury Instructions" and this is what you will find. Your "technical standards" will be a part of what a reasonably prudent professional would do, but no set of technical standards can layout and explain good judgment. However, if we are not professionals, if we are mere technicians, then the standard will be lower. What a reasonably prudent surveyor will do in any situation will depend on the circumstances. In the great majority of cases (at least by my experience), there is little trouble between the written document compared to what is found in the field. Of course there is always some amount of conflict in every case. And it appears that some surveyors resolve these minor conflicts by driving a new iron in the ground. One great advantage that we have over the judge, and the attorney, is that we are not limited in the amount or character of the evidence that we can consider when conducting a boundary survey. This is, however, a double edged sword. Not all evidence is good evidence and, therefore, not all evidence will be admissible in court. Gathering, evaluating, and weighing evidence is a skill that has to be honed through experience and practice; and just as important is knowing when the process can stop. Who is in a better position to determine what and where the boundary line is, a judge sitting on the bench, an attorney sitting in his office, or the surveyor in the field weighing the evidence in his hands?

Q: Young people entering the land surveying profession today are subject to training that is primarily focused on the mastery of technology and less focused on the discovery and consideration of evidence, logically leading to a perception of the surveyor principally as data gatherer, rather than decision maker. In view of this, can surveyors now or

in the future be realistically expected, much less required or obligated, to take on responsibilities beyond mere "measurement and depiction"?

A: I'll answer that by referring to Brown's definition of a professional (I'm paraphrasing). Brown says that the difference between a mere technician and the professional is that the technician deals with "things." In contrast, the professional deals not only with "things," but with the "people," the "situation," and the "ideas." "Measurement and depiction" strikes me as "things." The things we deal with are deeds, measurements, monuments, fences, etc.—all of the things that make up the "facts" in the case. Facts are things. Highly trained technicians can deal with these things. In a boundary dispute case the "people" are your client, all of the adjoining, and any other involved third parties. The "situation" is a boundary dispute. The "ideas" are the law and possible resolutions to the situation. It concerns me that a large segment of our profession wants to operate like technicians; that our education, as you have pointed out, tends to focus on "things"; and that the most important work we do, dealing with people's property, is so misunderstood. If we are not willing to operate at the professional level, then the only alternative is to recognize that we are mere technicians and cease with the charade. Maybe this is the direction we are heading in, I do not know. I am doing what I can do to turn the tide, but I do not have everyone's ear and many who do hear me disagree with my views. That's fine, we can disagree, but if the vast majority of surveyors see our role as "measurement and depiction" then we will be relegated to this technical work and society will move on without professional land surveyors.

Q: Is there an implicit ethical burden upon the boundary surveyor to fill a role in our society, beyond the making and recording of measurements, by helping to preclude or prevent useless and futile litigation?

A: I have been telling seminar participants for a couple of years now that they can become qualified to be certified mediators and get their names put on the State Bar list of approved mediators. Even without going that far, a little mediation training would do surveyors a lot of good. We are usually on

the front lines when it comes to the boundary dispute.

Q: We have all been trained, at a minimum, that it is the most fundamental function of the retracement surveyor to "follow the footsteps of the original surveyor" and to make our decisions based upon "the best available evidence." Does this language justify the rejection of evidence of any earlier retracement survey, by the current retracing surveyor?

A: You quote two of our so-called "rules of surveying." Our rules of surveying are only good rules if they follow the law and equity. If they are contrary to the law and equity, the courts will not honor them and neither should we. This requires knowledge of the law and of the principles of equity, not just rules of surveying. It's important to keep in mind that the winner in civil court will be the side that produces the preponderance of the accepted evidence that leads to the facts in the case. In rough terms, this is simply more and better evidence as to the true location of the boundary line than the other side. Technically speaking, best available evidence can only be original evidence. However, in the surveying context I have never seen it interpreted that way.

Q: From your extensive observation of our court decisions, in cases where there is an absence of original evidence, does it appear that secondary physical evidence, such as that resulting from earlier retracement surveys has value, or is the surveyor to ignore such secondary physical evidence, where it varies from calls of record, and restore the boundary through a strict, technically based, literal application of the calls of the written record?

A: Surveyors love to say that we never know what the judge is going to do. The fact is they do the same thing, over and over again. When the ambiguities in the deed, or that are revealed as a result of field survey, render the deed moot (i.e. the deed no longer contains the intent of the parties), the first thing the court does is look to collateral evidence. They look to the subsequent acts of the parties (what did they do after the conveyance); they look to fences and other indications of possession; and they take testimony as to the history of the boundaries—they have to. This is now where intent will be found because the deed is

simply a piece of paper. If all of this fails, they turn to their "rules of construction." This is a last resort. This is the basic problem I see with "strict" and "literal" interpretation of deeds: Based on what? If the deeds are clear and unambiguous (both on paper and in the field), then all surveyors (theoretically) will be in the same exact location and we have no controversy. Now, if ambiguities are present, especially in the field, then one surveyor's idea of strict interpretation of the deed will depend on the evidence he found, the measurements he took, and his evaluation of these matters. Of course, testimony of locals is not necessary for a strict interpretation of a deed, so that evidence will be ignored. Now this first surveyor's idea of strict interpretation of the deed is not going to match the next surveyor's idea of strict interpretation (and possibly doesn't match earlier strict interpretations of the deed), because it can't. If it did, then there are no ambiguities and no controversy. So in essence, what we have by strict adherence to a deed in the face of ambiguities is one surveyor's interpretation of that deed, among two, three, four or more, possible interpretations of the deed. They can't all be right. And they won't all be right when it goes to court. There is only one boundary line between two coterminous landowners: It is what it is and it is where it is.

Q: It is generally acknowledged nationwide that the number of licensed professional land surveyors is steadily decreasing, and is already insufficient to meet the demand in some areas of the country. Furthermore, the number of young people entering the land surveying profession appears to be entirely insufficient to meet the anticipated future demand. If a high burden of education and knowledge, specifically relevant to boundary law, is in fact necessary, in order for an individual to become qualified to perform land survey work, might this burden not have a severely adverse effect on the number of licensees available to carry the profession into the future?

A: I once heard a seminar presenter say that he wished he was the only surveyor in his state, that way he could charge what ever he wanted. The problem is if he ends up being the last surveyor in his state, that means the state will have found a way to function without him. As I write this, there is legislation in

Alabama to create a “rural surveyor.” The perception is that there aren’t enough surveyors to survey property and/or surveys cost too much. The rural surveyor would be a dumb-down license requirement that would allow for more surveyors. You see? It’s already happening.

We all know that there is not much money in boundary surveying. You will make much more doing construction staking or other development work (machine control, and readily available digital imagery and contour data aside, for the moment). But there is not any more important work that we do. That’s because when we deal with property boundaries we are dealing with people, their wealth, and their lives. We’ve done a sorry job of educating the public about the importance of this work, and to a certain extent, educating ourselves about the importance of this work. The modern day boundary surveyor is more likely to start a boundary dispute than he is to resolve one. The general public sees us as problem finders, not problem solvers. And this does not bode well for the future of surveying. This is a problem that must be solved if we are to survive as

a profession.

Many people come up to me during the breaks and after my seminars and say: “Jeff, I’m going to turn in my survey license after what I heard you say.” That, of course, would be the wrong course of action. We need more surveyors, not fewer. I offer solutions and I write about solutions, but I often feel like John the Baptist, crying in the wilderness. Again, and I can’t emphasize this enough, we are stuck in a 40 year old mind set and every time new opportunities come along to expand the profession, we step back and let someone else handle it. Then we go off to our meetings and conventions lamenting our demise. Finally, a high burden of education didn’t stop the medical profession, the legal profession, or almost any other profession you want to name. It’s time for us to step up and do what it takes to advance the profession, on all fronts. You will be hearing more from me on this subject. Stay tuned.



Notes From The Side of The Road

1. Mark Hatcher, NSLS # 630 is now employed with the Atlantic Client liason Unit of Geomatics Canada in Amherst.
2. Mike Gould, NSLS # 634 recieved his commission on August 21, 2009 and is employed with Rayworth and Roberts Surveys Limited who are now located at 23 LaPlanche Street in Amherst.
3. Christpher Parsons, NSLS # 635 recieved his commission on September 18, 2009 and is employed with Thompson, Conn Limited in Halifax.
4. Walter Johnson, NSLS # 604 has moved from Fort St. John, British Columbia to Calgary, Alberta.
5. David Steeves, NSLS # 585 has retired from the Nova Scotia Department of Natural Resources where he was the Manager of Land Administration.
6. Kathy Alcorn has left the employ of the Association after nearly 17 years as the Executive Assistant and is now employed with Servant, Dunbrack, McKenzie & MacDonald Limited in Halifax. We wish her all the best.
7. Dr. David F. Woolnough, Honourary Member, will be retiring from the Nova Scotia Community College at the end of December 2009 where he is presently the Director of Applied Research.



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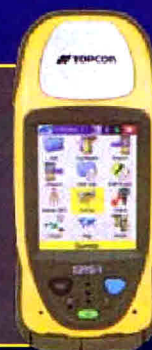
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IN THE MATTER OF: Section 26 of the *Land Surveyors Act*, being
Chapter 249 of the Revised Statutes of Nova Scotia,
1989

- and -

IN THE MATTER OF: The complaint of The Association of Nova
Scotia Land Surveyors, against Emerson C.
Keen, N.S.L.S., before the Discipline Committee
of The Association of Nova Scotia Land
Surveyors

ORDER

Whereas Emerson Keen was charged with misconduct pursuant to the Nova Scotia *Land Surveyors Act*;

And Whereas a hearing into the charges against him was held in Dartmouth, Nova Scotia, on the 24th and 25th days of February, 2009;

And Whereas following that hearing, the Discipline Committee appointed under the Act, found Emerson Keen guilty of misconduct;

And Whereas, a subsequent hearing was held to hear submissions regarding penalty on the 16th day of July, 2009.

And, after hearing these submissions, it is hereby ordered:

1. Emerson Keen is reprimanded and such reprimand shall be recorded on the rolls;
2. Mr. Keen is ordered to pay forthwith to the Association, the amount of \$15,000 which represents costs pursuant to section 26 of the *Land Surveyors Act*;
3. Publication of this reprimand shall be made, as in form attached hereto as Schedule "A", in the *Nova Scotian Surveyor*.

Ordered this 22 day of July, 2009.

Gerald Pottier

Schedule "A"

Reprimand

On June 17, 2009, a Hearing Committee appointed pursuant to the *Nova Scotia Land Surveyors Act SNS 1989, c. 249*, issued a disciplinary reprimand to Emerson C. Keen, NSLS. Mr. Keen was also ordered to pay costs in the amount of \$15,000.

This order followed an April 2009, finding of the Hearing Committee that Mr. Keen was guilty of professional misconduct with respect to a series of unexplained and repeated errors made with respect to the survey of a property at Shortt's Lake, Colchester County.

The Hearing Committee concluded that the pattern of mistakes made with respect to this property was such that Mr. Keen's work and conduct fell below the standard of conduct which the public is entitled to expect of land surveyors in Nova Scotia.

The errors included admitted errors in deed interpretation, followed by a number of inaccurate plan revisions submitted to the Association in the course of its investigation.

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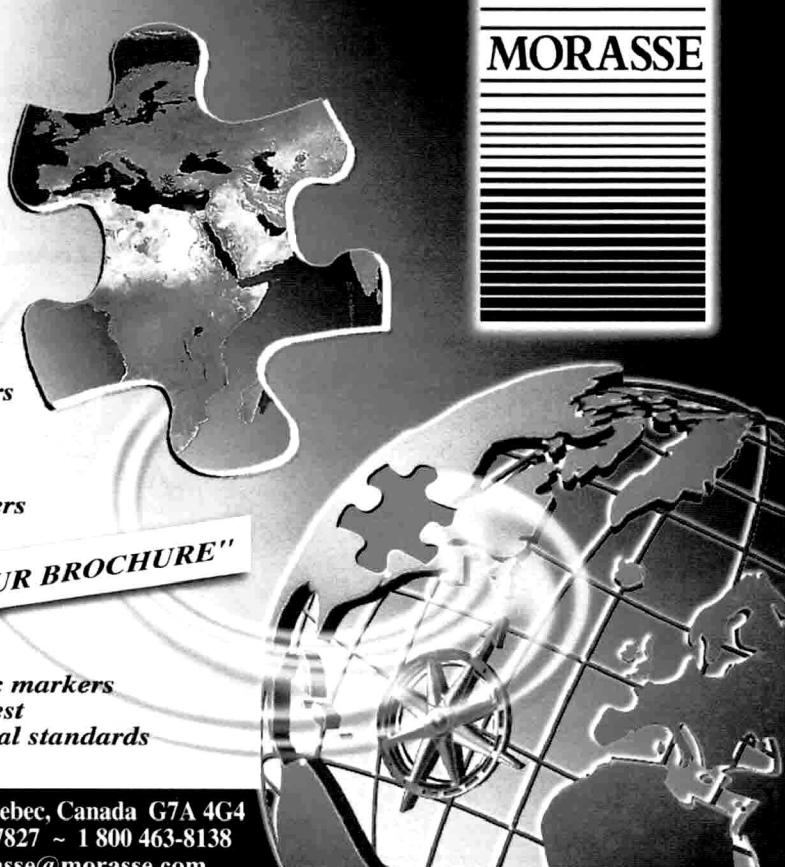
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UNAUDITED FINANCIAL STATEMENTS
for the year ended December 31, 2008



REVIEW ENGAGEMENT REPORT

TO THE PRESIDENT, COUNCIL AND
MEMBERS OF THE ASSOCIATION
OF NOVA SCOTIA LAND SURVEYORS

We have reviewed the balance sheet of The Association of Nova Scotia Land Surveyors as at December 31, 2008 and the statements of operations and accumulated operating surplus and cash flow for the year then ended. Our review was made in accordance with Canadian generally accepted standards for review engagements and accordingly consisted primarily of enquiry, analytical procedures and discussion related to information supplied to us by the association.

A review does not constitute an audit and consequently we do not express an audit opinion on these financial statements.

Based on our review, nothing has come to our attention that causes us to believe that these financial statements are not, in all material respects, in accordance with Canadian generally accepted accounting principles.

Rector Colavecchia Roche

CHARTERED ACCOUNTANTS

March 18, 2009

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

UNAUDITED BALANCE SHEET AS AT DECEMBER 31, 2008

	ASSETS	2008 \$	2007 \$
CURRENT ASSETS			
Cash		124,398	146,880
Accounts receivable -			
Administration		5,486	2,366
Survey review department		<u>17,197</u>	<u>9,975</u>
		147,081	159,221
LAND AND BUILDING (note 4)		<u>99,641</u>	<u>102,676</u>
		<u>246,722</u>	<u>261,897</u>
	LIABILITIES		
CURRENT LIABILITIES			
Accounts payable and accrued liabilities		16,317	6,635
Deferred revenue		<u>14,012</u>	<u>19,192</u>
		30,329	25,827
	MEMBERS' EQUITY		
ACCUMULATED OPERATING SURPLUS		<u>216,393</u>	<u>236,070</u>
		<u>246,722</u>	<u>261,897</u>

SIGNED ON BEHALF OF THE MEMBERS

F.C. Hutchinson, BA, NSLS, CLS
Executive Director

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS
 UNAUDITED STATEMENT OF OPERATIONS AND ACCUMULATED OPERATING SURPLUS
 FOR THE YEAR ENDED DECEMBER 31, 2008

	Budget 2008 \$	2008 \$	2007 \$
REVENUE			
General operations (schedule A)	237,670	248,278	201,438
Other operations (schedule A)	<u>31,437</u>	<u>30,534</u>	<u>26,394</u>
	<u>269,107</u>	<u>278,812</u>	<u>227,832</u>
EXPENSES			
Administration (schedule B)	219,765	248,363	212,902
Committees (schedule B)	16,000	5,495	7,155
Grants, levies and awards (schedule C)	14,388	14,619	14,663
Board of Examiners (schedule C)	1,200	1,776	658
Office accommodations (schedule C)	17,900	18,039	16,471
Miscellaneous (schedule C)	<u>2,050</u>	<u>2,609</u>	<u>1,461</u>
	<u>271,303</u>	<u>290,901</u>	<u>253,310</u>
OPERATING DEFICIT BEFORE THE FOLLOWING	(2,196)	(12,089)	(25,478)
SURVEY REVIEW DEPARTMENT (schedule D)	<u>11,727</u>	<u>(7,588)</u>	<u>22,050</u>
OPERATING SURPLUS (DEFICIT) FOR THE YEAR	<u>9,531</u>	(19,677)	(3,428)
ACCUMULATED OPERATING SURPLUS - BEGINNING OF YEAR		<u>236,070</u>	<u>236,431</u>
		216,393	233,003
VALUE OF SHARE PLEDGES DONATED DURING YEAR		<u>-</u>	<u>3,067</u>
ACCUMULATED OPERATING SURPLUS - END OF YEAR		<u>216,393</u>	<u>236,070</u>

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

UNAUDITED STATEMENT OF CASH FLOW

FOR THE YEAR ENDED DECEMBER 31, 2008

	2008 \$	2007 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Operating deficit for the year	(19,677)	(3,428)
Adjustments to operating surplus not involving cash -		
Amortization	<u>3,035</u>	<u>3,162</u>
	(16,642)	(266)
Changes in non-cash working capital -		
Increase in accounts receivable	(10,343)	(1,647)
Increase in accounts payable	9,683	3,074
Decrease in deferred revenue	(5,180)	(1,266)
Decrease in share pledge buy-back value	<u>-</u>	<u>(21,416)</u>
	<u>(22,482)</u>	<u>(21,521)</u>
CASH FLOWS FROM FINANCING ACTIVITIES		
Proceeds from share donation	<u>-</u>	<u>3,067</u>
 DECREASE IN CASH	 (22,482)	 (18,454)
CASH - BEGINNING OF YEAR	<u>146,880</u>	<u>165,334</u>
CASH - END OF YEAR	<u>124,398</u>	<u>146,880</u>

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

UNAUDITED NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2008

1. PURPOSE OF THE ORGANIZATION

The Association of Nova Scotia Land Surveyors was incorporated as a professional organization under the Land Surveyors Act of Nova Scotia to establish and maintain standards of the profession.

2. ACCOUNTING POLICIES

Capital Expenditures

Commencing on October 1, 1993, expenditures for furniture and equipment are expensed as incurred. In common with many non-profit organizations, furniture and equipment are recorded as current expenditures in the year in which they are incurred rather than capitalized and amortized over their useful lives.

Land and Building

The building is amortized using the declining balance method at an annual rate of 4%.

In the year of acquisition, amortization is calculated at one-half of the annual rate.

Revenue Recognition

Revenue is recorded in the period that it is due and collectible.

3. FINANCIAL INSTRUMENTS

The fair value of cash, accounts receivable, and accounts payable is approximately equal to their carrying values due to their short-term maturity date.

4. LAND AND BUILDING

	2008			2007
	Cost	Accumulated amortization	Net	Net
	\$	\$	\$	\$
Land	26,798	-	26,798	26,798
Building	<u>111,565</u>	<u>38,722</u>	<u>72,843</u>	<u>75,878</u>
	<u>138,363</u>	<u>38,722</u>	<u>99,641</u>	<u>102,676</u>

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

UNAUDITED SCHEDULE OF REVENUE

SCHEDULE A

FOR THE YEAR ENDED DECEMBER 31, 2008

	Budget 2008 \$	2008 \$	2007 \$
GENERAL OPERATIONS			
Membership dues -			
Regular	187,000	181,267	137,945
Retired	4,400	3,960	4,080
Associate	770	770	540
Student	<u>2,200</u>	<u>2,584</u>	<u>1,861</u>
Total membership dues	194,370	188,581	144,426
Nova Scotian Surveyor	4,000	7,326	4,317
Convention receipts	14,000	21,702	25,953
Certificates of authorization	5,100	5,200	5,235
Discipline committee	1,000	—	—
Interest income	4,000	3,075	4,800
Miscellaneous	200	872	4,258
Seminars	<u>15,000</u>	<u>21,522</u>	<u>12,449</u>
	<u>237,670</u>	<u>248,278</u>	<u>201,438</u>
OTHER OPERATIONS			
Service charges	1,000	827	833
SRD Administration fee	20,537	21,643	19,569
GANS Administration fee	1,500	394	1,255
Rental income	<u>8,400</u>	<u>7,670</u>	<u>4,737</u>
	<u>31,437</u>	<u>30,534</u>	<u>26,394</u>

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

UNAUDITED SCHEDULE OF EXPENSES

SCHEDULE B

FOR THE YEAR ENDED DECEMBER 31, 2008

	Budget 2008 \$	2008 \$	2007 \$
ADMINISTRATION			
Salary - Executive director	64,400	64,375	61,710
- Office administrator	36,185	36,171	34,655
Benefits - medical, dental and life	6,900	5,644	4,850
CPP, EI and workers' compensation	7,000	6,481	6,441
General meeting - convention	25,000	36,656	31,437
Council meetings	3,600	4,878	3,596
Zone meetings	1,500	1,676	1,448
Executive expenses	600	703	671
Executive director expenses	1,500	1,138	578
Staff training and education	500	40	-
Postage	4,500	5,462	3,960
Printing	500	697	730
Office supplies	3,500	4,983	4,210
Telephone, fax and internet	1,800	1,760	1,697
Equipment rental and maintenance	1,800	1,895	1,744
Equipment purchases	400	-	225
President's travel	16,000	16,358	17,809
Accounting service	3,000	1,920	3,230
Legal services	20,000	25,759	15,100
Professional dues and fees	1,080	1,360	1,080
Seminars	10,000	19,082	7,535
Advertising	2,000	-	1,478
Nova Scotian Surveyor	5,000	8,290	5,556
Amortization	<u>3,000</u>	<u>3,035</u>	<u>3,162</u>
	<u>219,765</u>	<u>248,363</u>	<u>212,902</u>
COMMITTEES			
Discipline	1,000	-	-
Complaints	400	620	-
SRD Advisory	-	49	-
Strategic planning	13,000	4,326	6,815
Administrative review	400	122	24
Continuing education	500	28	231
Surveyors' Forum (COGS)	-	-	85
Land titles	500	350	-
Other	<u>200</u>	<u>-</u>	<u>-</u>
	<u>16,000</u>	<u>5,495</u>	<u>7,155</u>

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

UNAUDITED SCHEDULE OF EXPENSES

SCHEDULE C

FOR THE YEAR ENDED DECEMBER 31, 2008

	Budget 2008 \$	2008 \$	2007 \$
GRANTS, LEVIES AND AWARDS			
C.O.G.S. awards	2,000	2,000	2,000
C.C.L.S. levy	11,538	12,619	11,803
APBELS levy	<u>850</u>	<u>-</u>	<u>860</u>
	<u>14,388</u>	<u>14,619</u>	<u>14,663</u>
BOARD OF EXAMINERS			
N.S. Board of Examiners	500	1,576	230
Examinations	400	200	-
Atlantic Board	<u>300</u>	<u>-</u>	<u>428</u>
	<u>1,200</u>	<u>1,776</u>	<u>658</u>
OFFICE ACCOMMODATIONS			
Taxes	10,000	11,170	9,833
Insurance and bonding	3,000	2,975	2,991
Cleaning	800	503	322
Utilities	3,100	3,391	3,257
Building maintenance	<u>1,000</u>	<u>-</u>	<u>68</u>
	<u>17,900</u>	<u>18,039</u>	<u>16,471</u>
MISCELLANEOUS			
Interest and bank charges	100	150	166
Courier	150	90	65
GANS administration	400	299	405
Refreshments	200	235	225
Other	<u>1,200</u>	<u>1,835</u>	<u>600</u>
	<u>2,050</u>	<u>2,609</u>	<u>1,461</u>

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS
 UNAUDITED STATEMENT OF SURVEY REVIEW DEPARTMENT
 FOR THE YEAR ENDED DECEMBER 31, 2008

SCHEDULE D

	Budget 2008 \$	2008 \$	2007 \$
REVENUE			
Stickers	<u>117,525</u>	<u>88,446</u>	<u>85,578</u>
EXPENSES			
Administration fee	20,537	21,643	19,569
Manager's salary	54,860	52,487	23,654
Assistant's salary	14,476	14,153	13,415
Benefits - medical, dental and life	4,000	1,329	1,322
CPP, EI and workers' compensation	5,100	2,595	1,848
Manager's expenses	2,000	971	1,097
Professional dues and fees	800	1,100	-
Office, postage, printing and courier	250	645	206
Equipment purchases	500	-	876
Equipment maintenance and rental	100	135	55
Accounting service	2,300	800	1,430
Staff training and education	300	-	-
Interest and bank charges	75	28	32
Miscellaneous	100	-	-
Administrative review committee	<u>400</u>	<u>148</u>	<u>24</u>
	<u>105,798</u>	<u>96,034</u>	<u>63,528</u>
OPERATING SURPLUS (DEFICIT)	<u>11,727</u>	<u>(7,588)</u>	<u>22,050</u>

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THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

Proposed 2010 Budget

Approved by Council for presentation to the membership at the 2008 AGM

Proposed 2010 Budget Summary

Proposed 2010 Administration Revenue:	\$254,840
Proposed 2010 SRD Revenue:	<u>\$114,390</u>
Total Proposed 2010 Combined Revenue:	\$369,230
Proposed 2010 Administration Expenses:	\$273,092
Proposed 2010 SRD Expenses:	<u>\$ 91,695</u>
Total Proposed 2010 Combined Expenses:	\$364,787
Proposed 2010 Combined Surplus:	\$ <u>4,443</u>

ADMINISTRATION

		2010 Budget (proposed)	2009 Budget	2008 y-end Actual
ADMINISTRATION REVENUE				
Membership Dues				
Regular Members	(155 @ \$1,100)	\$170,500	\$181,500	\$181,267
Retired Members	(35 @ \$110)	\$3,850	\$3,850	\$3,960
Associate Members	(5 @ \$110)	\$550	\$770	\$770
Student Members	(20 @ \$110)	\$2,200	\$2,200	\$2,584
Total Membership Dues		\$177,100	\$188,320	\$188,581
Nova Scotian Surveyor		\$4,000	\$5,000	\$7,326
Convention Receipts		\$22,000	\$22,000	\$21,702
Certificates of Authorization	(52 @ \$100)	\$5,200	\$5,200	\$5,200
Continuing Education/Seminars		\$16,000	\$16,000	\$21,522
Discipline Committee	(see note 1)	\$10,000	\$4,000	\$0
Interest Income		\$1,000	\$3,500	\$3,075
Other Revenue		\$500	\$500	\$872
Rental Income	(see note 11)	\$7,100	\$8,400	\$7,670
Sub Total		\$65,800	\$64,600	\$67,367
Other Operations				
Dues Service Charge		\$800	\$800	\$827
SRD Administration Fee	(see note 2)	\$11,140	\$20,875	\$21,643
GANS Administration	(see note 3)	\$0	\$500	\$394
Sub Total		\$11,940	\$22,175	\$22,864
TOTAL ADMINISTRATION REVENUE		<u>\$254,840</u>	<u>\$275,095</u>	<u>\$278,812</u>

ADMINISTRATION

		2010 Budget (proposed)	2009 Budget	2008 y-end Actual
ADMINISTRATION EXPENSES				
Salary	- Executive Director	\$66,200	\$65,300	\$64,375
	- Executive Assistant	\$30,000	\$36,700	\$36,171
Benefits	- Medical and Dental	\$5,000	\$5,000	\$5,644
	- CPP	\$3,500	\$3,700	\$3,667
	- EI	\$1,755	\$2,050	\$1,872
	- Life Insurance	\$2,000	\$2,000	\$0
	- Workers Compensation	\$900	\$900	\$942
Sub Total		\$109,355	\$115,650	\$112,671
Accounting		\$2,000	\$2,000	\$1,920
Advertising		\$2,000	\$2,000	\$0
Annual Meeting & Convention	(see note 14)	\$25,000	\$25,000	\$36,656
Council Meetings		\$5,000	\$5,000	\$4,878
Depreciation	(see note 4)	\$2,797	\$2,914	\$3,035
Equipment Rental/Maintenance	(see note 5)	\$2,250	\$1,950	\$1,895
Executive Director Expenses		\$1,200	\$1,500	\$1,138
Executive Expenses	(see note 6)	\$400	\$600	\$703
Legal Services	(see note 15)	\$22,000	\$16,000	\$25,759
NS Surveyor		\$6,100	\$5,000	\$8,290
Office Expense		\$4,000	\$4,000	\$4,983
Office and Computer Equipment		\$500	\$500	\$0
Postage		\$4,500	\$4,500	\$5,462
President's Travel	(see note 7)	\$18,000	\$16,000	\$16,358
Printing		\$600	\$600	\$697
Professional Dues and Fees	(see note 8)	\$1,360	\$1,360	\$1,360
Seminars		\$12,000	\$15,000	\$19,082
Staff Training		\$250	\$500	\$40
Telephone, Fax & Internet		\$1,800	\$1,800	\$1,760
Zone Meetings		\$1,500	\$1,500	\$1,676
Sub Total		\$113,257	\$107,724	\$135,692

ADMINISTRATION (continued)	2010 Budget (proposed)	2009 Budget	2008 y-end Actual
Committees			
Administrative Review Committee (see note 9)	\$400	\$400	\$122
Complaints Committee	\$400	\$400	\$620
Continuing Education Committee	\$500	\$500	\$28
Discipline Committee (see note 1)	\$4,000	\$4,000	\$0
Governance Committee (see note 16)	\$1,000	\$0	\$0
Membership Committee	\$0	\$1000	\$0
Other Committees	\$200	\$200	\$0
Public Awareness Committee	\$2,500	\$4,000	\$0
SRD Advisory Committee	\$200	\$200	\$49
Strategic Planning Committee (see note 17)	\$500	\$0	\$4,326
Wetlands Committee	\$1,000	\$1,000	\$0
Sub Total	\$10,700	\$12,200	\$5,145
Grants, Levies and Awards			
CBEPS fee (175 x 11.04)	\$1,932	\$2,043	\$0
CCLS / PSC levy (see note 10)	\$12,598	\$13,328	\$12,619
COGS Awards	\$2,000	\$2,000	\$2,000
Sub Total	\$16,530	\$17,371	\$14,619
Boards of Examiners			
Canadian Board (CBEPS)	\$500	\$500	\$0
Examinations	\$400	\$400	\$200
Nova Scotia Board	\$500	\$500	\$1,576
Sub Total	\$1,400	\$1,400	\$1,776

ADMINISTRATION (continued)		2010 Budget (proposed)	2009 Budget	2008 y-end Actual
Accommodation				
Building Maintenance	(see note 13)	\$1,000	\$1,000	\$0
Cleaning		\$800	\$800	\$503
Insurance		\$3,000	\$3,000	\$2,975
Taxes		\$11,500	\$10,000	\$11,170
Utilities		\$3,200	\$3,200	\$3,391
Sub Total		\$19,500	\$18,000	\$18,039
Miscellaneous				
Courier		\$150	\$150	\$90
GANS Expense		\$0	\$400	\$299
Interest and Bank Charges		\$200	\$200	\$150
Refreshments		\$200	\$200	\$235
Other Miscellaneous Expenses	(see note 12)	\$1,800	\$1,800	\$1,819
Penalties & Interest		\$0	\$0	\$0
Sub Total		\$2,350	\$2,750	\$2,593
TOTAL ADMINISTRATION EXPENSES		<u>\$273,092</u>	<u>\$275,095</u>	<u>\$290,535</u>
ADMINISTRATION SURPLUS / (DEFICIT)		<u>(\$18,252)</u>	<u>\$0</u>	<u>(\$11,723)</u>

Administration Notes:

1. If a member is found guilty by the Discipline Committee, costs to a maximum of \$15,000 may be claimed by the ANSLs.
2. The SRD Administration Fee is comprised of percentages of various administration expenses (eg. utilities, taxes, insurance, administrative assistant's salary, etc.)
3. Meeting and administrative expenses paid on behalf of the Geomatics Association of Nova Scotia (GANS). Amount is invoiced to and reimbursed by GANS.
4. Annual building depreciation.
5. Includes maintenance contracts for photocopier and postage system; postage meter rental; equipment repairs and maintenance; annual inspections.
6. Executive expenses are for travel, meals, accommodations etc. incurred by the President, Vice-President and Past President within the province of Nova Scotia to attend zone meetings, executive meetings etc.; or for travel out-of-province with Council's approval.
7. President's travel is for out-of-province travel of the President or their designate to attend meetings of other associations. Note that the actual 2008 cost of President's Travel is \$15,118 as a portion of the cost of the Consultant's report was posted to President's Travel.
8. Professional dues and fees include ANSLs dues, ACLS dues, Development Officers Associate membership, GANS dues for Executive Director.
9. The administration portion of the Administrative Review Committee expenses is part of the administration budget. The SRD portion of the Administrative Review Committee expenses is part of the SRD budget.
10. This CCLS (or PSC) levy is based on \$75.86 per regular member for the first 100 members, then \$72.95 each for the balance.

100 x 75.86 =	7,586.00	·
55 x 72.95 =	<u>4,012.25</u>	
	11,598.25	

There is an additional \$1000 included in the 2010 budget for a potential face-to-face meeting of CCLS or Professional Surveyors Canada (PSC) directors.

11. Rental income includes monthly rent and a portion of the power costs. In previous years, a percentage of business occupancy taxes were also charged to tenants, but per the Assessment Act, there will be no further Business Occupancy tax billings.
12. Each year a portion of the HST ITC's for the month of January are disallowed per

CRA requirement. This item is included in Miscellaneous Other Expenses and is budgeted for \$1,800 in 2010.

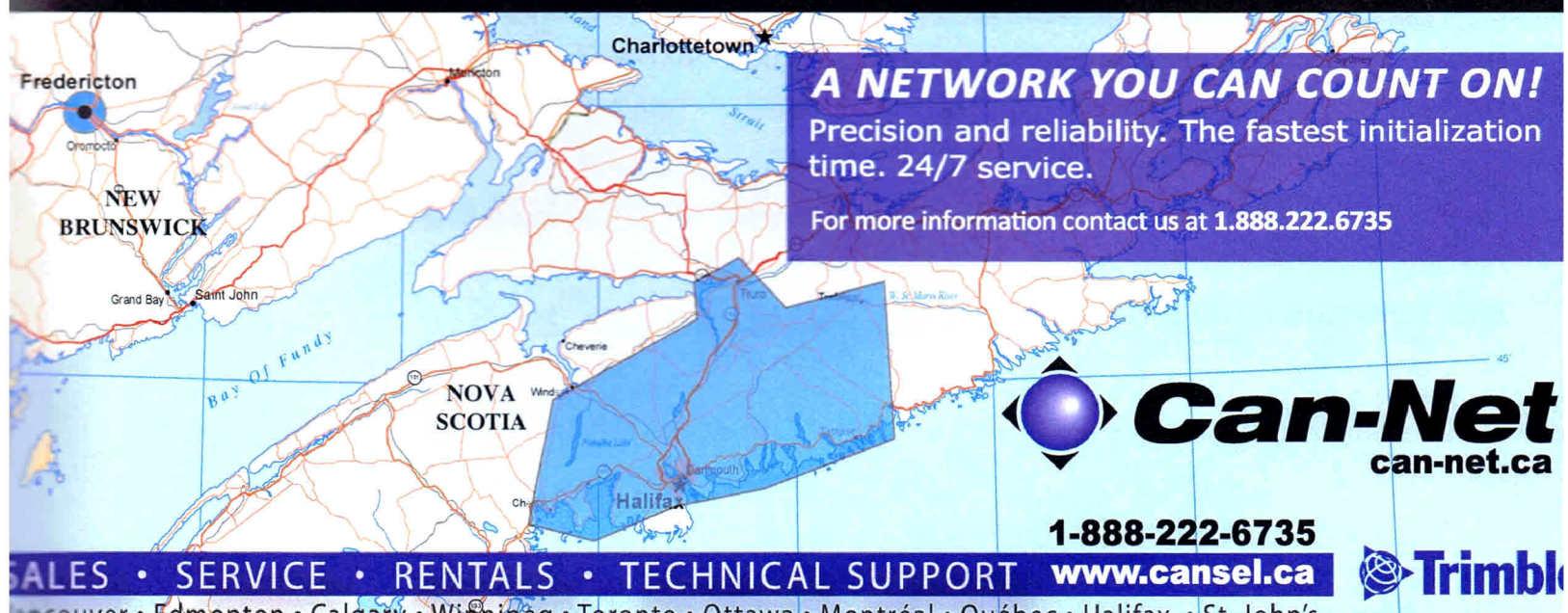
13. Building maintenance is comprised of major expenses to repair and/or maintain the association office building (eg. siding, ramp, paving, etc).
14. In addition to the budgeted convention revenue, \$50 of each member's dues is earmarked toward payment of convention expenses. The total amount for 2010, based on the budget, is \$7,750 (155 x \$50).
15. Includes legal costs of \$10,000 for potential Discipline hearing(s), and legal consultation fees of \$12,000 for the Governance legislation update initiative (legal consultant's fees).
16. This account covers committee expenses, budgeted at \$1000 for 2010. The costs for the Governance legislation update initiative are included in the "Legal" budget as the majority of the expense will be for the legal consultant's involvement. Total legal fees for this initiative are \$12,000 (per note # 15).
17. Terms of Reference for the re-structured Strategic Planning Committee were approved by Council on January 9, 2009. The Terms of Reference include a requirement of \$500 for committee expenses. Note that the actual committee expense figure for 2008 is \$1736 as a portion of the cost of the Consultant's report was posted to the Strategic Planning Committee's expenses.




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SURVEY REVIEW DEPARTMENT 2010

SRD REVENUE

		2010 Budget (proposed)	2009 Budget	2008 y-end Actual
Stickers	(see note 1)	\$93,835	\$87,010	\$71,522
SLC Numbers	(see note 1)	<u>\$20,555</u>	<u>\$18,400</u>	<u>\$16,924</u>
TOTAL SRD REVENUE		<u>\$114,390</u>	<u>\$105,410</u>	<u>\$88,446</u>

SRD EXPENSES

Accounting		\$1,000	\$1,000	\$800
Administration Fee	(see note 2)	\$11,140	\$20,875	\$21,643
Benefits	- CPP	\$600	\$2,548	\$527
	- EI	\$400	\$1,305	\$1,338
	- Medical & Dental	\$1,000	\$3,000	\$1,329
	- Insurance	\$1,000	\$1,000	\$0
	- Workers Comp	\$155	\$800	\$730
Courier		\$50	\$50	\$0
Equipment Rental & Maint.		\$100	\$100	\$135
Interest & Bank Charges		\$50	\$50	\$28
Manager's Expense		\$7,200	\$2,000	\$971
Miscellaneous		\$100	\$100	\$0
Office & Computer Equipment		\$200	\$200	\$0
Office Expense		\$200	\$200	\$645
Professional Dues and Fees		\$0	\$1,100	\$1,100
Administrative Review Committee (see note 3)		\$400	\$400	\$148
SRD Manager Contract		\$52,800	\$55,680	\$52,487
Salary - SRD Assistant (see note 4)		\$15,000	\$14,702	\$14,153
Staff Training		\$300	\$300	\$0
TOTAL SRD EXPENSES:		<u>\$91,695</u>	<u>\$105,410</u>	<u>\$96,034</u>
SRD SURPLUS / (DEFICIT)		<u>\$22,695</u>	<u>\$0</u>	<u>(\$7,588)</u>

SRD Notes:

1. Plan Revenue: Based on plan submissions for the first seven months of 2009, the average invoice per plan is \$34.81. The average number of plan submissions for the past 3 years is 3,300. The estimate for 2009, based on existing submissions, is 2,062. The average of these 2 figures, being 2,681, was used to calculate plan revenue ($2,681 \times \$35 = \$93,835$).

SLC Revenue: A similar method was used to calculate the number of SLC numbers to estimate revenue. $4,612$ (3-year average) + $3,610$ (projected 2009 SLC total) = $8,222 \div 2 = 4,111$ ($4,111 \times \$5 = \$20,555$).

2. The SRD Administration Fee is comprised of percentages of various expenses (eg. utilities, taxes, insurance, administrative assistant's salary, etc.). See calculation below.
3. The SRD portion of the Administrative Review Committee expense is part of the SRD budget.
4. Calculation of SRD Assistant's salary includes vacation pay and paid holidays.

Calculation of SRD administration fee for 2010 Budget:

Rent	\$ 200 / month	=	\$ 2,400
Utilities	\$ 3,200 x 20%	=	\$ 640
Taxes	\$ 11,500 x 20% =		\$ 2,300
Insurance	\$ 3,000 x 20%	=	\$ 600
Cleaning	\$ 800 x 20%	=	\$ 160
Tel, Fax & Internet	\$ 1,800 x 30%	=	\$ 540
Exec Asst Salary	\$ 30,000 x 10%	=	\$ 3,000
Postage	\$ 4,500 x 10%	=	\$ 450
Office Expense	\$ 4,000 x 15%	=	\$ 600
Equip Rental & Maint	\$ 2,250 x 20%	=	<u>\$ 450</u>
Total SRD Administration Fee:			<u>\$11,140</u>

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