

THE NOVA SCOTIAN SURVEYOR

Summer 2010

No. 188



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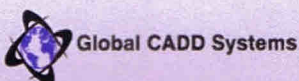
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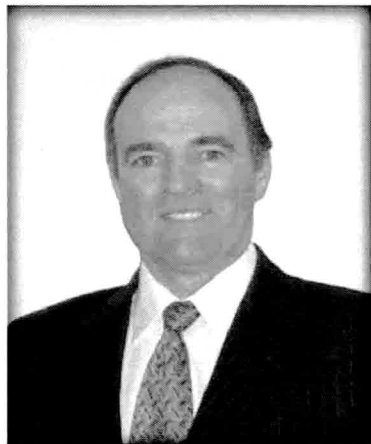
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PRESIDENT'S REPORT

Glenn Crews, NSLS



My friends! It is good to speak to you. Summer is upon us with all it has to offer; B-B-Q's, boats, beaches and for me – motorcycling. Perhaps we should speak of summer at a more appropriate time. Right now, I will try to provide you with some details of my term as your President.

Last November, Council approved Terms of Reference for all non-legislated committees. This provided them and Council with a definitive purpose for each committee. Sometimes, without them, it's easy to lose focus on what you're supposed to be doing. In most cases, the Terms of Reference made no difference to their regular business. In others, it may have avoided uncertainty of purpose. It is important that Council knows what a committee is doing in order to focus our resources on the correct priorities, which is also why the chairmen are asked to prepare a report for each Council meeting. As always, these volunteer committees are what make our Association viable. Thank you, one and all. The Power Corporation has been preparing easement documents allowing them to install poles,

wires and such, to provide electricity to homes. These documents include sketches showing where the easements are located, but lack any information for retracing them. Council has asked for meetings to discuss this matter further.

There have been a few members in non-compliance with getting their points for our Mandatory Continuing Education program. This program was endorsed by our members and provides for professional development, but in greater measure it provides for our common bonds to be strengthened. We are a relatively small association but we proudly carry the heritage and traditions of those that came before us. Council monitors the membership for non-compliance and encourages each of us to faithfully fulfill our responsibility to each other.

Vice President Glenn Myra chaired our recent Special General Meeting in June. Thank you, Glenn. In February, the Minister of Natural Resources agreed to take our legislation to the House of Assembly for the spring sitting, but after some concerns were raised, Council had to decide whether to proceed with the legislation, approved by the membership in October 2009, or review it at a Special General Meeting. It was decided that the membership's approval was more important than getting the legislation passed by government. I must also thank Past Presidents David Steeves, Valerie George, Fred Hutchinson and Keith AuCoin along with the other

Governance Committee members Carl Hartlen, Allen Hunter and Marjorie Hickey, legal counsel for their patience and fortitude. We look forward to moving on to the next phase of our legislation. I am sure our members appreciate your efforts and dedication as I do.

On a very pleasant note, my travels have been wonderful. Elaine and I have visited all of the Provincial AGM's to date. The hospitality is very gracious, with sincere warmth between all the visiting Presidents and spouses. One of our Past Presidents still meets regularly with his peers of his days in office. They call it "The Senate". Maybe I can do the same with my peers.

I want to leave you with a final thought. It concerns income to the association. Many of the other provinces receive a fee for each survey marker purchased by their members. I know we've looked at this before, but this small fee could provide long term financial stability to our Association. Would our members be willing to support a similar initiative in the interest of our long-term health? I believe they would.

Enjoy the summer friends; it never lasts very long. I think I will go for a ride!





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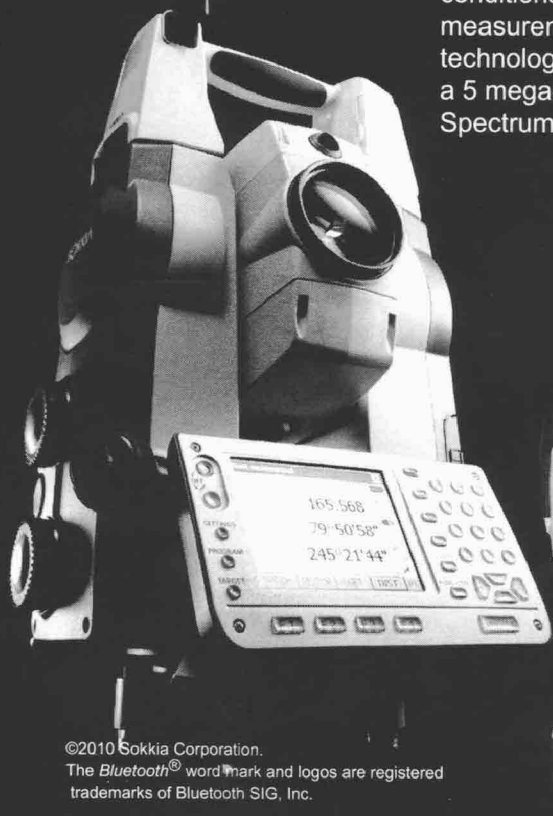


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EXECUTIVE DIRECTOR'S REPORT

F.C. Hutchinson, BA, NSLS, CLS



As I write this report we are now half way through 2010; the second decade of the 21st century. It sounds rather futuristic and as far as the surveying industry is concerned, it is. We no longer need to run trial lines, have physical back sights, run miles of level circuits or hand record and plot field data. The down side

is that we cannot use poor weather or the lack of daylight as an excuse for not working.

Surveying theory has not changed since the building of the pyramids but the tools certainly have. I look back on my own career that jumped from logarithms to using a Curta for traverse calculations. Everything was plotted by protractor and scale with the final drawing prepared using hand or mechanical lettering. Yes indeed, times have changed but the need for continuing education has not.

Competition is something that all business owners must consider in the fast paced world that we now find ourselves in. One can no longer sit back and trust the years of business experience to bring work to the door. Competitiveness not only means price but timely deliverables and quality products. These cannot be achieved if a business is not using the latest technologies with a well educated staff to match. The day of the sole practitioner who does it all is finding it hard to compete. There will, however, always be a niche for the individual operator but only for certain sized projects and customers who are willing to wait in line.

The self-employed land surveyor must appreciate the economics of business. "If it doesn't make money, it doesn't make sense." Just breaking even at the end of the year does not leave much room for expansion,

employee raises, new equipment or training. The private land surveyor needs to make a profit if his/her business is to survive this second decade. A worthwhile site to visit is that of the Association of British Columbia Land Surveyors, www.abcls.ca. Click on Publications and then Business Practice Bulletins. If you feel that there is nothing to be learned from the various bulletins then you are likely ready to retire on your yacht where it doesn't snow or already enjoying your business and picking out a new truck.

The surveying business is not unlike any other business only the product you are selling is different. The key word in any business is selling and you need to know what you are selling. Trust and reliability are two intangible items that are not billable while product and service is billable but of little value to a customer without trust and reliability.

I will now switch to another topic. There are several obituaries in this issue and it is one task that I would rather not have to do, but I feel a duty to record the life of our peers in our humble publication. It is out of respect to the former members and family that I do so, just as I try my best to attend visitations or funerals. I have not been able to attend all and realize that life goes on and everyone has obligations. I do feel, however, that a lot of members may be of the opinion that they did not really know the person very well and work is really piling up and their absence won't be noted. I have been to a surveyor's funeral where I was the only member present, another with less than a handful while some have been very well attended.

I only mention this because I think about it at every service I attend. We need to acknowledge the loss of a member of the surveying family and that they will be missed. We are a very small group of society who make our own individual mark on history. In closing, I wish all good health and prosperity for the second half of 2010 and the decade ahead.



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Notes from the Side of the Road...



- Mike Doucette, NSLS No. 636 received his commission on October 23, 2009 and is employed with Gerald Pottier, NSLS No. 394 in Tusket, Yarmouth County.
- Jody Isenor, NSLS No. 637 received his commission on April 21, 2010 and is employed with Public Works and Government Services Canada in Halifax.
- John Logan, NSLS No. 374 has moved to retired membership status as of January 1, 2010.
- Terrance Dougue, NSLS No. 376 has moved to retired membership status as of April 1, 2010 and retired from the employment of Servant, Dunbrack, McKenzie and MacDonald Ltd.
- Robert Daniels, NSLS No. 396 has retired from the employment of Servant, Dunbrack, McKenzie and MacDonald Ltd., as of May 15, 2010.
- David Steeves, NSLS No. 585 has moved to retired member status as of January 1, 2010.
- Paul Harvey, NSLS No. 509 has ceased active practice but still maintains his active membership status and represents Zone 5 on Council.
- Thompson Conn Limited recently established a branch office in North Sydney with the acquisition of the assets of Island Surveys Ltd., previously owned by Paul Harvey, NSLS.
- Stephen Wallace, P.Eng, NSLS No. 602 recently announced that, as of April 1, 2010, Trainor Surveys (1974) Ltd. of Fredericton and Sussex, NB became part of Terrain Group Inc. with existing offices in Dartmouth, Moncton, Saint John and Edmonton.
- Able Land Surveying Inc. was provided with a Certificate of Authorization dated March 3, 2010 under section 19 of the Land Surveyors Act with Robert C. Becker, NSLS No. 521 employed as the full-time land surveyor.
- On June 2, 2010 Terrain Group Inc. announced that they joined with Genivar, a company with more than 4,400 staff across 85 locations in Canada, Trinidad & Tobago, and Algeria.
- Len Kincaid, CLS passed away on February 2, 2010 at the age of 75 after a battle with cancer. He was an accomplished photogramatrist, a former employee of Atlantic Air Surveys, Eastcan and owner/operator of Eastward Drafting Supplies in Burnside. Len was well known and a friend to the land surveying community.
- Jeff Fee, NSLS No. 595 was elected as President of the Association of Canada Lands Surveyors at its AGM on May 6-8, 2010 in St. John's Newfoundland.





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OBITUARY***RICHARD J. "RICK" SURETTE, CLS, NSLS No. 444***

SURETTE, Richard J. "Rick – 55, Dartmouth. It is with great sorrow that we announce the sudden death of Rick Surette on Wednesday June 15, 2010. Rick was the son of the late James and Goldie (Hines) Surette. He is survived by his brothers, Roger (Mary) and Dennis (Kim); nieces, Kelly and Jillian, nephews, Chris and David, as well as grand niece, Hannah. Rick graduated from the Nova Scotia Land Survey Institute in 1974. He proudly practiced his trade for over 30 years. His work took him to several places in Canada, including Port Hawkesbury, New Glasgow, Calgary and finally returning to Dartmouth in 2002. Rick was a true sports fan, enjoying university hockey and basketball, Nova Scotia Senior Baseball and the local MASCAR and Harness Racing circuits. His true love was the New York Yankees, Arnold Palmer and Henri Richard. Rick enjoyed spending time with his family, visiting often and had a true interest in the lives of his nieces and nephews. One of his favourite passions was to take long drives in his car, and it was thought that he knew every back road in the province. Rick also assisted the Board of Examiners on a review and update of the statute law text that was used by student surveyors.

OBITUARY***Frederick Stanley Lloyd Sheppard, NSLS #463 – April 27, 2010***

Fred attended the Land Survey School in Lawrencetown in 1951 and obtained his survey license in October of that same year with an enviable academic record. He joined the Association of Nova Scotia Land Surveyors on July 7, 1977 and resigned in 1986. He also qualified as a New Brunswick Land Surveyor and a British Columbia Land Surveyor, No. 361. Fred was a very independent individual and did a lot of private surveys out of Fort St. John, BC with his partner Jorgen Embreus. Eric Morse, NSLS No. 609 had this to say about Fred: "I had worked with Fred Sheppard on a couple of projects while I was employed with McElhanney in Northern BC back in 1989. He was sub-contracting McElhanney at the time. I worked in the field with him as well as supervised some of the projects he was involved with. Fred was a "field" land surveyor and he was very conscientious and the quality of his field work was exceptional. He often joked about his initials F.S.L.S., BCLS, NBLs, NSLS and the he would add "NOBS". (No Bullshit) He was a great guy!"

OBITUARY***WRIGHT, ALBERT JAMES, NSLS No. 401***

Passing of Albert James Wright – Peacefully with his family by his side at the Queen Elizabeth Hospital, Charlottetown on Tuesday, March 16, 2010 of Albert Wright of Stratford and formerly of Orangedale, Cape Breton, age 62 Yrs. Beloved husband of Frances Wright (nee Worth-Kavanaugh) and loving father of Ward Wright (Rachel) Albert was the son of Alfred and Marion Wright of Orangedale, Cape Breton, NS. He attended Mount Allison University, Sackville, N.B. and graduated from the Nova Scotia Land Survey Institute of Lawrencetown, N.S. He was part owner of Gulf Survey Ltd., Charlottetown; President of the P.E.I. Surveyors Association from 2007-2009 and retired member of the Nova Scotia Association. Prior to locating in Charlottetown, he was employed by Nova Scotia Power. He was a member of the Zion Presbyterian Church, Elder, sang in the Men's Church Choir, drove the church bus and was involved in many church activities. He also enjoyed playing hockey and golf. Albert was also survived by his step-son – David (Nancy) and step-grandson David Jr. of Halifax; sisters – Ann MacLean (Gary), Joan MacLean (Sam), Doris Beaton (Andy) and Wilma Morrison (Donnie) all from Cape Breton and several nieces and nephews. Funeral service was held in Charlottetown. Committal service at the Orangedale-Gillis Cove Cemetery. As an expression of sympathy, memorial donations to Zion Presbyterian Church, Charlottetown or to the Orangedale Presbyterian Church, Cape Breton would be appreciated.

OBITUARY

ROSINSKI, CAPT. OTTO PAUL, NSLS No. 269

Germany – Capt. Otto Paul Rosinski born May 26, 1921 in Gross Schirrau, East Prussia Germany, passed away February 4th, 2010, in Florida on his way to his favorite game of cards with some old friends. He swore he would live to 120, but he came up a bit short. His life in contrast, was full to the brim with the company of great friends, family and the love of his life Elsa (nee Rossi) who predeceased him in 2006. In Germany he was a Captain on foreign going vessels (A-6 certificate). Elsa and he immigrated to Canada where they lived in Montreal, Quebec, Ontario and Nova Scotia, while spending winters in Florida since 1972. Florida became a much loved second home, where Otto scuba dived and beach combed for shark's teeth and fossils well into his 80s. They equally loved Nova Scotia, having lived in Port Hawkesbury and the New Glasgow area since 1960, where they made many lasting friendships. Otto had great success in his second career as a self employed land surveyor, licensed in 1959 and retiring in 1988. Many will recall his diligence and the reliability of his survey plans. Also predeceasing him were his brothers, Christoph, Dieter; and his young son, Bernhard (1955-1961). He is survived by his brother, Wolfgang; son, Peter (Jennifer MacLellan); and his grandchildren, Regent and Remy, who he dearly loved. He was a wonderful husband, father and friend to many, who always enjoyed a good laugh, good music and good food. He will be greatly missed.

OBITUARY

ROBERT H. BURGESS, NSLS No. 26

BURGESS, Robert H. – 92, Truro, passed away on January 8, 2010, in Williams County Home, Hilden. Born in Shubenacadie, he was a son of the late Harry and Emily (Benjamin) Burgess. Bob graduated from UNB in 1939 with a degree in Forestry. In 1941 he married Phyllis (Mann) shortly after enlisting in the Army Engineers, and served overseas in the Forestry Corp from 1942-46, leaving with the rank of Captain. On his return he taught at Maritime Forest Ranger School, and was then employed by the Nova Scotia Department of Lands and Forest, serving as Deputy Minister for 10 years prior to his retirement in 1977. He obtained his commission as a Nova Scotia land Surveyor in 1953 and was granted Life membership on November 4th, 1978. In his early years Bob played for the Truro Bearcats Hockey Team, and later turned his focus to curling, golf and travel. Bob served as President of the Truro Golf Club, President of the Nova Scotia Mixed Curling Association, and was a member of First United Church, Truro Golf Club and the Truro Curling Club. One of his greatest loves was developing and nurturing his blueberry farm, which was established in 1951 in Musquodobit. Bob is survived by his brother, Irving (Ruth), Truro; son, Jim (Judy), Middle Musquodobit; daughters, Mary Anne (burce) Tune, Mississauga, Ont.; Sarah Jane (Jim) Nickel, Owen Sound, Ont.; seven grandchildren and six great-grandchildren. He was predeceased by his wife, Phyllis (Mann) Burgess.

OBITUARY

ERNEST FRANCIS "ERNIE" BOEHK, NSLS No. 66

BOEHK, Ernest Francis "Ernie" – 85, of Halifax, passed away at home on January 5, 2010. Born in Westville on February 14, 1924, he was the son of Roderick Boehk and Josephine Ann (Allard). Ernie grew up in Westville where he attended school. After high school he joined the Air Force and served in the Second World War. He took part in D-Day + 6 and also in the liberation of Bergen Belson concentration camp. After the war, he attended Acadia University, and Land Survey school in Lawrencetown. Ernie received his land surveyors commission in 1948 and worked for the Province of Nova Scotia as a land surveyor from 1951 to 1989. He surveyed crown lands in many areas of Nova Scotia. Ernie had a love of aviation. He owned and flew his own plane for almost 30 years. He also enjoyed motorcycles his whole life. He continued to drive his Honda 350 into his 80's. He was a member of the United Memorial Church and served as an elder for many years. Ernie was a kind and generous man who loved his family and will be greatly missed. He is survived by his loving wife of 56 years, Doris (Inkpen); daughter, Marcia Yeomans (David); sons, Eric (Lori) MacKenzie, British Columbia; Ernest Jr., Halifax; Arnold, Woodbridge, Ont; grandchildren, Matthew, Mark, and Lisa Yeomans, Kaley and Cristina Boehk; great-grandchildren, Selina and Ewan Adema; brother, Rod Boehk Jr. (Jean); sisters, Leceta Higgins and Celestine MacDonald (Les). He was predeceased by granddaughter, Karilyn Boehk. Donations may be made to the Canadian Cancer Society.

INSURANCE ADVISORY TIPS FOR MEMBERS

By Rudy Mak, O.L.S., O.L.I.P.

This is my fifth year on the AOLS Insurance Advisory Committee, and that makes me the current Chair of the committee. We normally have three meetings a year to review potential claims, and one meeting to analyse the year's data, review the insurer's terms for the following year, and discuss at length the formulas and methods of how the premiums are determined. The current method that we use to determine premiums was developed probably 15 years ago and is based on a cost per firm plus an additional cost per surveyor in that firm. Other surcharges are based on volume in excess of a minimum and a surcharge for the more risky construction work. There is no direct impact on the basic premium for each firm's experience. Therefore, when there is a paid claim, the insured firm must repay 12% of the claim over six or twelve years as a surcharge depending on the size of the claim. The results of every premium review in the past five years, with input from new committee members each year, confirms that the current method of assessing premiums is the most fair and correct way.

An argument is often made that medium sized firms with two or three OLS's believe they make fewer errors than sole practitioners. The statistics however, do not support that assumption, and in fact, the highest dollar value in claims come from this group of firms with 2 or 3 OLS's.

With three meetings per year where an average of 35 potential claims per meeting are reviewed, I have seen the details of over 500 potential claims during my tenure. Too many potential claims risk loss of coverage because of late reporting.

Our policy rules require that the insured must quickly report any potential claim, so, the best policy is to report on the first tangible evidence of a possible problem. There is no downside to reporting a potential claim. It will not impact on your premium and it could very well make the difference in addressing an issue early to mitigate costs, determine responsibility and encourage reasonable settlement.

There are a lot of misconceptions about errors and who makes them and why. The statistics show consistently that construction layout errors result in 60% to 70% of all claims, so I will address this first. The Number 1 error that is on every docket is incorrect elevations – for a house, condo, or engineering work, etc. By far, this is the leading cause of claims. Many claims result from the survey crew using a bench mark they assume to be a good site bench mark or the failure to confirm a bench mark elevation by closing to an independent bench mark. Some calculate a wrong height of instrument, some misinterpret drawings and set wrong elevations, many calculate the cut wrong and so forth. Another common mistake is the use of fire hydrants as bench marks only to discover later that all the fire hydrants had been raised by the same amount with an equal sized spacer. Site bench marks set by others may not be geodetic and some surveyors bring in geodetic and don't check the engineering site bench mark. They all have one thing in common. A little checking would have prevented the error.

If you remember nothing else about this article, remember that your future could be a thousand times brighter if you establish an absolute rigid policy of at least one INDEPENDENT check each and every time you carry elevations; not two hydrants, not two control points set at the same time; and then ask yourself, does it make sense compared to the site bench mark and engineering drawings? Record the results on field notes, not just in the data collector, so the crew and the office staff can see the check. A significant error, or even no error at all, but no proof of your steps, can take you through years of stressful litigation.

What we wonder at the committee meetings is why there are firms that keep making the same error over and over again causing our policy to pay out on claims that could have been prevented. The second most common construction mistake is layout error and again, sometimes it is misinterpretation of drawings. If an architect's digital drawing has 197 layers and if he or she has got information mixed throughout the file, the surveyor should request a clean digital file

from the architect that clearly shows what is needed. Keep a copy of what you are supplied.

Make checks in the calculations and clearly communicate to the client what you are providing. Then ensure that your crew does all those checks that you require them to. You may have told them a hundred times to check, but, it's raining, and cold and there are eight more to do before the end of the day, so the check is not done. Then the day's field work is not checked by the office staff, and 45 days later the building is up but calculations show an encroachment, the crew checks and finally confirms an encroachment, the crew checks and finally confirms that original error. The surveyor tells the client not to worry, he or she will get a minor variance, but, 6 weeks later, just before the hearing, the building department finds out the house is seven feet from the neighbor's house instead of eight and there are 6 windows on that side of the house. That's when the surveyor decides to call the insurer.

Had the error been discovered earlier, the almost standard process is to take the foundation out and do it again. Time required is about a week and the cost is about \$15,000. The compound effect of an additional 45 days may have resulted in \$40,000 in damages. The third mistake of allowing construction to be completed and believing a minor variance would solve

the problem creates a \$200,00 problem and the surveyor may not be covered by insurance at all since the issue was not reported when it was first discovered.

With respect to cadastral surveys, the most common error is inadequate research, which results in boundaries being re-established incorrectly. Another problem easily solved by doing what we're supposed to do anyway. There is no next common type of error but lots of unique and very interesting ones. Caution and checking is always the key, but sometimes, no matter how good or thorough one is, a situation pops up. That is why we have such insurance to protect our clients and ourselves. AS a professional, your first course of action is to immediately investigate and communicate. Call Maltmans and let them guide you from there. That's why we have them. Never try to resolve and issue on your own unless you're prepared to forgo your insurance.

The Insurance Advisory Committee has to be one of the most interesting and rewarding committees within our association. Through the lessons learned, I have changed many of my own practices and through the history of claims, I know that there are firms out there that need to think about these basics and institute change themselves.



2010 COGS AWARDS

Congratulations to the winners!

G.T. Bates Scholarship

For attaining the highest standing in the Survey Technician Program was awarded to:

Cody Ashton Leopold

J.A.H. Church Award

For showing the most progress in the Survey Technician Program was awarded to:

Clarence Deon Borden

J.E.R. March Award

For best kept field book in the Survey Technician Program was awarded to:

Zackary John Ryan

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TOO MUCH HELP

By David C. Clark

Back in the days when I first received my Provincial Land Surveyors Commission, most land surveyors in rural Nova Scotia practiced as small one-man operations. If the surveyor required a chainman or rodman, or someone to cut line for a survey he was about to conduct, it was relatively easy to pick up a local unemployed man for the day as casual help. Most times, however, the person wanting the property survey would either make himself available to help or would arrange to supply someone. This was customary where the job included the running of woodlot boundary lines. In such cases it was common for the two adjoining land owners to get together and provide the labour required for line cutting, chaining, etc.

There were several advantages of having the owners along to help with fieldwork. The big one was that any boundary line concerns were usually resolved "on the spot". The other was that the surveyor usually went home at the end of day with his fee in his pocket.

The disadvantage of course was that sometimes the free help was not all that helpful. Showing up for the first time or the day of the actual survey meant that most individuals had very little survey experience. Time would be wasted at the start of the job just showing the new helper how to hold a range pole plumb, and where the zero mark was and how much tension was required

on the chain. It is easy to understand nowadays why the accuracy of the chaining on some of these early surveys was not to professional standards.

But I digress. This story is about one of those surveys – not so much about the quality of help, but more about the quantity of it.

I had been asked by a close neighbour to survey the boundary lines of his woodlot as the lines had grown in over the years and were difficult to find. This particular lot was near the French River, west of the village of Tatamagouche. The woodlot was a small one, the deed calling for an area of thirty acres more or less. I agreed to do the survey, figuring that with some good help and no boundary line disagreements we could probably whip around the four sides of the lot with one full day's work. My neighbour agreed to contact the adjoining property owners to notify them of our intentions.

We all know that the land tenure system of Nova Scotia as laid out by the early surveyors did not follow any rules as to area, shape or dimension. If one looks at a land registration property map today one can see only a crazy patchwork of properties with boundary lines going off in all directions, with corners and angles falling at uneven distances from one another.

As it turned out, the lot I was to survey had nine different adjoining property owners.

Nine! All of whom, as it turned out had a keen interest in where the lines were located and all of whom were available the day of the survey to pitch in and be part of my survey crew. When I arrived at the appointed meeting place first thing in the morning everyone was already there and raring to go. The atmosphere was that of the old fashioned, rural community barn raising. Some had brought friends. Most had axes of various shapes and descriptions. Some had buck saws. At least three had cases of beer and I have no doubt there were a number of flasks tucked out of sight in coat or trouser pockets.

What was I to do? Crowd control had not been part of the curriculum of my land surveying course. But I was in luck. It seems there is always someone in such a group who is a take-charge type of person and there was one of those people there that day. He soon had everyone clustered together and as I was setting up my compass over the pile of stones that was to be our point-of-beginning, my newly minted party chief was assigning duties as he judged the level of ability required.

Four or five of the able bodied and most energetic appearing were designated to cut line, the next guy was given the range pole and his duty was to keep moving forward in line as directed by me, two of the better educated were to be chainmen, one guy was given the sole

responsibility of making sharpened pickets to use as hubs for the instrument, two more were to carry all the lunch buckets, spare jackets and various other stuff that needed to be transported as we moved forward. That still left at least four others and the two that were left; they would have all they could do just to keep up.

My initial apprehensions turned out to be unfounded. The line cutters seemed to take to their chore naturally and we moved forward at a steady pace. By the end of the day the four boundary

lines of the woodlot had been run and well brushed out, the distances had been chained, new corner posts had been set, and I had been paid.

The survey had gone extremely well. By having everyone who had an interest in any of the properties involved in the actual survey meant there were no grounds for disagreement on the location of any of the lines. Everyone was completely satisfied, although perhaps it was debatable which contributed the greater level of cheerfulness; the successful completion of the

survey, or the amount of beer consumed in the running of the lines.

D.C. Clark, Author is a Life Member of The Association of Nova Scotia of Land Surveyors and is a former President of The Association of Nova Scotia Land Surveyors. From 1994 to 1996 he served as a President and Past President of the Canadian Council of Land Surveyors.



www.davidclark.ca

MARCH OF THE COMPASS

By Peter Murray, B.Sc., CLS, NSLS ret.

Compass surveys provided an economical way to survey land in Nova Scotia for over two hundred years. The low precision of compass surveys no longer met the needs of landowners when land values began to rapidly escalate in the 1970's and 80's. As a result, the Association limited the use of compass surveys for boundary establishment.

The location of Magnetic North Pole was discovered in Northern Canada in 1831. Since that time the Magnetic North Pole has been migrating slowly across the Arctic. In 1970, the speed of this migration began a rapid acceleration and now the Magnetic North Pole is moving at approximately 40 kilometres per year. If the present speed and

course of the Magnetic North Pole is maintained, it will migrate out of Canadian territory in 30 years and make landfall in Siberia 10 years later.

Natural Resources Canada has a website:

<http://geomag.nrcan.gc.ca/apps/mdecal-eng.php> in which magnetic declinations can be calculated back to 1960. The National Geophysical Data-Geomagnetic Data Center has a website: <http://www.ngdc.noaa.gov/geomodels/declination.jsp> in which local daily magnetic declinations can be calculated back to 1900.

The geomagnetic models used by Natural Resources Canada and the National Geophysical Data Centre (US) differ slightly. These differences are usually not

of significance as magnetic declinations are generally used only for rough bearing checks or for identifying pre-calculated target areas to conduct visual or magnetic searches for boundary information.

Peter Murray: Graduated from Dalhousie University with a Bachelor of Science and obtained his commission as a NSLS in 1977. Peter retired from the Halifax Regional Municipality in 2004 and then moved to Yellowknife as a Canada Lands Surveyors with Natural Resources Canada. He presently spends his retirement time between Newfoundland and Nova Scotia.



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 Survey Review Department, The Association of
Nova Scotia Land Surveyors, against Mark Macmillan, N.S.L.S.,
Registration Number 611, before the discipline Committee of the
Association of Nova Scotia Land Surveyors

ORDER

Whereas Mark Macmillan 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 16th day of July 2009;

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

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

And Whereas this order followed on December 3, 2009, a finding of the Hearing Committee that Mr. Macmillan was guilty of professional misconduct with respect to a series of violations to the Land Surveyors Regulations.

And Whereas such violations include failure to set monumentation acceptable monumentation, blazing boundaries over 100 meters in length or brushing out boundaries as required.

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

1. Mark MacMillan be suspended pursuant to section 26(1)(b) for a period of six months commencing 30 days following his receipt of this decision. This will provide Mr. Macmillan adequate time to arrange for transfer of any files to other surveyors for completion.
2. Mark MacMillan upon completion of the six months' suspension, Mr. Macmillan is to submit his first six plans to the Association in order to have a site inspection carried out. Mr. Macmillan shall be responsible for any and all costs associated with such additional review and inspection.

3. The Committee orders costs in accordance with section 26(1)(g) in the amount of ten thousand, one hundred and ninety-four dollars and 15 cents (\$10,194.15). The Committee directs that such costs be paid in full prior to the end of Mr. Macmillan's six months' suspension.

Ordered this 3rd day of December, 2009.

Gerald Pottier

Schedule "A"

This order followed on December 3, 2009, finding of the Hearing Committee that Mr. Macmillan was guilty of professional misconduct with respect to a series of violations to the Land Surveyors Regulations.

Such violations include failure to set monumentation, acceptable monumentation, blazing boundaries over 100 meters in length or brushing out boundaries as required.

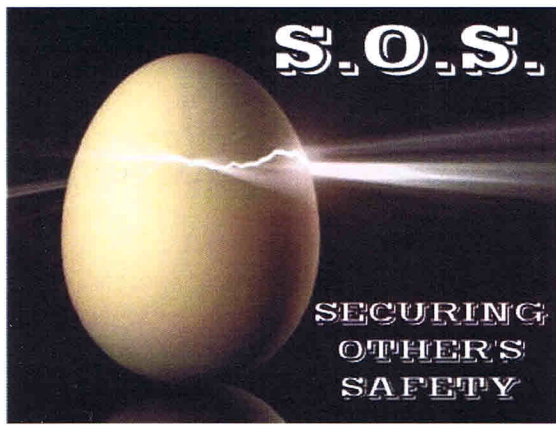
The errors included admitted errors in deed interpretation, followed by a number of inaccurate plan revisions submitted to the Association in the course of its investigation.

Subsequent to the Discipline Decision of December 3, 2009, an appeal was filed within 30 days to the Nova Scotia Court of Appeal. The appeal, however, was allowed to expire and deemed abandoned after April 30, 2010. An agreement was then reached whereas the 6-month suspension commenced on June 1, 2010 with a re-instatement date of December 1, 2010 provided that the imposed costs have been paid.

Respectfully submitted,

F. C. Hutchinson, BA, NSLS, CLS

Secretary - Association of Nova Scotia Land Surveyors



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- Training recommendations
- Development of forms for record keeping
- Follow-up meetings in the form of compliance visits

THE HONOURABLE DAVID MACKEN

David MacKeen, surveyor, mine manager, and politician; b. September, 1839 near Mabou Bridge, N.S., son of William MacKeen and Christina Smith. David MacKeen was born at Clayton farm near Mabou Bridge, the second son from his father's second marriage. Although an obituary suggested that he "began life a comparatively poor boy and had his own way to make in the world," his father was a major business and political figure in the area. During the desperate 1840's, when local crops failed, the elder MacKeen exchanged debts owed by destitute settlers for significant amounts of land. In 1849 alone he accumulated 1,100 acres, and he continued this lucrative practice until 1855. In those Cape Breton times, David, comparatively speaking, had a bit of a start.

David received his early education in Hillsborough (Hillsboro), with further studies in Halifax and at the Boston Institute of Technology. By age 26 he was back in Cape Breton as a deputy land surveyor, a position he would hold until 1871. The Boston financed Caledonia coal Company began operations near Little Glace Bay (Glace Bay) in 1866, and MacKeen commenced work with them as a shipper. He married Isabel Mary, daughter of manager Henry Poole, in 1867. By the late 1870's David had become manager and had acquired control of the company. The Caledonia mine expanded cautiously, operating somewhat expensively and occasionally innovatively.

A productive if relatively small concern, it became known as Old Faithful. David served as sub collector of customs (1871-89) and United States consular agent (1874-89) in Little Glace Bay, and he was on the board of Examiners for the Department of Public Works and Mines in the 1880s.

At the first meeting of the Cape Breton County Council on 13 Jan. 1880 MacKeen had been the representative for Little Glace Bay. He served as a councilor from 1880 to 1882 and from 1886 to 1889, and he was county warden in the latter period. In 1887 he entered the federal political field as a Conservative and was elected

for Cape Breton. He was returned in 1891, leading the poll.

It was at this point that a Boston syndicate began to acquire most of the significant coalmines in eastern Cape Breton, with the exception of the General Mining Association's properties. The syndicate was led by businessman Henry Melville Whitney, and the combined collieries would be incorporated as the Dominion Coal Company Limited in 1893. In the House of Commons he dismissed concerns about the involvement of American capitalists in the Cape Breton coal industry as "most childish". For him, any opposition to the company could have "no logical foundation". MacKeen became the company's first resident manager and an original director. His enlarged role after the massive restructuring of the Cape Breton coal industry taxed his managerial capabilities, although most of the blunders were costly and expensive decisions in the early years of Dominion Coal were not directly attributable to him.

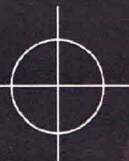
MacKeen did not draw a distinction between his political and his business interests, and his partisan approach sometimes drove provincial Liberals to distraction. Doubtless their consternation was increased by his "pronounced conservatism," "blunt outspoken frankness," and sometimes "caustic humor". He made way for Sir Charles Tupper's return to parliament by resigning early in 1886, and on 21 February he was appointed to Senate. He also resigned as resident manager of Dominion Coal. At this time he moved to Maplewood, a "princely estate" in Halifax. His membership in the local elite is suggested by his being a governor of Dalhousie University and a director in such firms as Whitney's Dominion Iron and Steel Company Limited, the West India Electric Company, the Royal Bank of Canada, the Eastern Trust Company, and the Demerara Electric Company, MacKeen's final political appointment was as lieutenant governor of Nova Scotia on 22 October 1915. He passed away in

Office in 1916.



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MINUTES OF THE 59th ANNUAL GENERAL MEETING

Held at the Digby Pines Resort, Digby, Nova Scotia

October 23rd & 24th, 2009

Friday, October 23rd, 2009

1. His Honourable, Ben Cleveland, Mayor of Digby, brought greetings to the members and delegates. Rene LeBlanc, Manager of Digby Pines Resort also addressed the members and welcomed all.

2. President Ray Pottier called the meeting to order at 1:47 p.m. The meeting is to be governed by Robert's Rules of Order and Common Sense. Phil Milo was appointed Parliamentarian. Quorum achieved.

3. The Chair of the Board of Examiners, John MacInnis, swore in Michael Doucette, NSLS No. 636.

4. The out-of-province delegates and exhibitors were introduced.

5. Introduction of Council Members: President Ray Pottier introduced the members of Council: Zone 1 – Peter Berrigan; Zone 2 – Derik DeWolfe; Zone 3 – Ernie Blackburn; Zone 4 – Nathan Clark; Zone 5 – Paul Harvey & James Redden; Zone 6- Robb Ashley, Nick Dearman, Kirk Nutter & Glenn Myra; DNR representative – Bruce MacQuarrie; Vice President – Glenn Crews; Past President – Russell MacKinnon.

6. President Ray Pottier asked that everyone stand and observe a moment of silence in memory of members and former members who passed away and offered condolences to those who lost friends and family. Members who passed away are: Joe Archibald, NSLS No. 42, Noel Harrington, NSLS No. 72, Bob Donovan, NSLS No. 232, Bernard Dyer, NSLS No. 191 and G.W.I Creighton, NSLS No. 40.

7. Order of Business (section 5.10) of the by-laws read by Ray Pottier.

8. Secretary's Report on Convention Attendance and Membership: Fred Hutchinson reported that there are 130 NSLS's registered for the meeting. There are more than 35 members present at the meeting, which satisfies the quorum requirement. Fred Hutchinson reported on membership and dues as follows:

<u>Year</u>	<u>Dues</u>	<u>Reg</u>	<u>Life</u>	<u>Ret</u>	<u>Std</u>	<u>Hon</u>	<u>Asse</u>	<u>Total</u>
2009	\$1100	161	19	35	21	3	5	244
2008	\$1100	165	19	35	24	4	7	254
2007	\$800	172	19	34	24	4	7	258
2006	\$800	173	19	39	23	4	3	261
2005	\$800	177	20	39	24	4	2	266
2004	\$800	187	20	35	24	4	0	270
2003	\$800	197	18	34	21	4	0	274
2002	\$800	203	16	35	21	4	0	280
2001	\$670	208	16	36	19	4	0	284
2000	\$670	216	16	35	17	3	0	288
1999	\$670	221	15	35	18	3	0	295
1998	\$670	225	15	34	14	3	1	295
1997	\$670	227	14	33	15	3	3	298
1996	\$620	239	14	31	15	3	3	308
1995	\$600	246	14	36	16	3	6	324
1994	\$600	254	13	31	14	4	7	326
1993	\$550	261	14	27	12	4	10	326

It was moved by Russell MacKinnon, seconded by Nathan Clark that the Secretary's Report be adopted.

Motion Carried.

9. Approval of the Minutes of the 58th Annual General Meeting: The minutes of the 58th Annual General Meeting held at the Halifax Marriott on November 6th-8th published in the spring 2009 issue of "The Nova Scotian Surveyor". Moved by Bob Feetham, seconded by Brian Wolfe that the minutes of the 58th Annual General Meeting held at the Halifax Marriott on November 6th-8th be approved as published.

10. Business arising from the minutes of the 58th Annual General Meeting: There was no business arising from the minutes.

11. Report on Council Activities: Council meetings were held on November 24, 2008, January 9, 2009, March 20, June 26, and September 2, with a conference call on October 16, 2009. Issues dealt with in 2008-2009 were as follows:

- Survey Review Department staffing: Contractor chosen
- Canadian Board of Examiners for Professional Surveyors CBEPS and the Atlantic Provinces Board of Examiners for Land Surveyors, APBELS.
- Approval of the CCLS core and elective syllabus. Council will be asked to approve a more detailed syllabus.
- Complaints and Discipline process
- Wetlands – Encouraging communication & meetings between ANSLs and NS Department of Environment and Service Nova Scotia Municipal Relations.
- Ultimate limitation period for liability – APENS was joined by ANSLs & other professional groups proposing a limitation period of ten years. Letters sent to Attorney General.

- Presidents' activities as per report recently mailed to members. Forums across the Country and issues at various AGM meetings: CPEPS, AIT, Labour Mobility, CCLS transition to Professional Surveyors of Canada, Wetland issues, Foreign trained professionals, University Accreditations, Professional Development, Copyright issues & NSPI Easement sketches.

12. Treasurer's Report: Fred Hutchinson – Page 28, Fall 2009 Surveyor. The December 31st, 2008 unaudited financial statement is as published in the fall 2009 issue of the Nova Scotian Surveyor is as follows: Administration deficit \$12,089.00, SRD deficit was \$7,588.00 for a combined deficit of \$19,677.00. The budget proposed a combined surplus of \$9,531.00.

13. Report from the Survey Review Department: Jim Gunn – The report is published in the fall 2009 issue of "The Nova Scotian Surveyor", p.10. No additions or questions.

14. Report of Scrutineers: Fred Hutchinson – The position of Councillors for Zones 2, 3, 5, and Vice President were filled by acclamation. Election in Zone 6 with the winners being Jim McIntosh & Allen Owen. There were 51 ballots returned of a possible 61.

New members of Council for 2009/2010 are as follows:

President elect: Glenn Crews
 Vice President elect: Glenn Myra
 Past President: Ray Pottier
 Zone 2 Councillor: Kirk Hicks
 Zone 3 Councillor: Doug McLeod
 Zone 5 Councillor: Britt Roscoe
 Zone 6 Councillor: Jim McIntosh & Allan Owen

Retiring councilors were thanked for their service and presented with plaques:

Zone 2 Derik DeWolfe
 Zone 3: Ernie Blackburn
 Zone 5: James Redden
 Zone 6: Glenn Myra replaced Dan Gerard for the rest of the 2009 term
 Past President: Russell MacKinnon

15. Report of Committees: Committee reports are published in the fall 2009 issue of "The Nova Scotian Surveyor". Reports for the following committees were published: Administrative Review, CCLS, Complaints, Continuing Education, Discipline, Governance, MCE Evaluation, Membership, NS Board of Examiners, SRD Advisory, SRD Futures Task Force, Strategic Planning, Wetlands, Policy & Procedures Manual and Survey Review Department.

Additions to reports:

Complaints Committee: Garry Parker – since publication of the Fall 2009 Surveyor there were two active complaints dismissed, one referred to the Secretary to be forwarded to the Discipline committee.

There were two new complaints since the Fall 2009 Surveyor, one complaint dismissed in September, which has been re-filed by the complainant with respect to one or two items of the previous complaint. Another complaint dismissed in September, in which the complainant has expressed dissatisfaction with our finding and has asked for the complaint to be reopened. As of October 23, 2009, there are four active complaint files with another likely to arrive at the Committee in a week or so.

Discipline Committee: No additions. This year there were two discipline hearings. Order of discipline for one of the hearings can be found in the Fall 2009 issue of the Surveyor. Further details were not available, but issues may be a topic for a future seminar.

Continuing Education: No additions. Seminar topics are always needed; some future possibilities are fence and boundary lines and Halifax Regional Municipality establishing street lines in an urban environment.

Governance Committee: David Steeves – The Governance committee will be putting motions on the floor tomorrow regarding the new legislation; Proceeded by a presentation.

MCE Evaluation Report: No additions. One member has not been compliant and has not submitted a form. Council has imposed a penalty for late submissions and the member has paid the levy however, has yet to submit a form. Council has the ability to suspend a member as per the by-laws.

Wetlands Report: Ray Pottier – Committee met with Service Nova Scotia and Municipal Relations and the Department of Environment on October 6th, 2009. Under open forum/new business tomorrow there will be a discussion regarding a questionnaire to be sent out to members.

Public Awareness: Bob Daniels – Comments were sought from Council requesting feedback regarding the design of the website. Met with Fred Hutchinson in August to incorporate changes and updates. Glenn Crews and Bob Daniels will meet to discuss more public awareness initiatives.

16. Presentation: Dr. James Secord – regarding the new Bachelor of Geomatics Degree at the University of New Brunswick.

17. 2010 Proposed Budget: Fred Hutchinson – The 2010 budget will be presented for approval under new business.

Please review the proposed 2010 budget as published in the fall 2009 Surveyor. Proposed combined surplus of \$4, 443.00. Budget prepared in August for approval by Council. No projection for 2009 included in this document, due mainly to time constraints. However, monthly statements are generated and all expenses are recorded and accessible if needed.

Some items are over budget in Administration for 2009. There is a proposed deficit in Administration. Mostly due to the legal costs for the discipline hearings and fee's for the Governance Committee.

At the end of 2009 there is an anticipated surplus in SRD mainly due to no SRD Manager for the first seven months of 2009. There are surplus funds of approximately \$80,000.00 available. Although there is a projected administration deficit for 2009, there will be no dues increase sought for this year.

Seminars are good revenue generators. For future Annual General Meeting presentations, if changes to the budget are proposed, an excel spreadsheet will calculate changes, as they are altered.

It was moved by Sandy MacLeod, seconded by Brian Wolfe to destroy ballots for the Zone 6 election.

Motion Carried.

Saturday, October 24th, 2009

Meeting reconvened at 9:00 a.m.

Presentation by Sandy Hounsell, Federal Privacy Commissioner's Office.

18. Report on Membership Committee: Bruce MacQuarrie – Looking into articling time to be included in the by-laws.

19. 2010 Budget: It was moved by Robb Ashley, seconded by Russell MacKinnon that the 2010 budget be approved as published in the Fall 2009 Surveyor.

Motion Carried.

20. Governance Committee Presentation on the new ANSLs Legislation: Presentation by Dave Steeves, Governance Committee Chair and Marjorie Hickey, Legal consultant to the Governance Committee.

21. Introduction of New Executive and Council:

The ANSLs Council for 2009-2010 is:

President	Glenn Crews
Vice-President	Glenn Myra
Past President	Ray Pottier

Councillor Zone 1	Peter Berrigan
Councillor Zone 2	Kirk Hicks
Councillor Zone 3	Doug MacLeod
Councillor Zone 4	Nathan Clark
Councillor Zone 5	Paul Harvey
Councillor Zone 5	Britt Roscoe
Councillor Zone 6	Jim McIntosh
Councillor Zone 6	Allen Owen
Councillor Zone 6	Nick Dearman
Councillor Zone 6	Kirk Nutter
DNR Representative	Bruce MacQuarrie

22. President elect, Glenn Crews, assumed the chair.

23. Discussion continued regarding the new Land Surveyors Act and Regulations. It was moved by Dave Steeves, seconded by Carl Hartlen: Be it resolved that the Land Surveyors Act, August 26th, 2009 version be approved as circulated to the Membership.

After discussion, it was moved by Carl Hartlen, seconded by Walter Rayworth that: Be it resolved that Section 17 of the Land Surveyors Act be amended to add to the end, "or otherwise authorized pursuant to the by-laws, to use such designation.

Motion carried.

It was moved by Dave Steeves, seconded by Carl Hartlen that the Regulations, August 26th, 2009 version be approved as circulated to the Membership.

After discussion, it was moved by Carl Hartlen, seconded by Jim McIntosh: Be it resolved that Section 41(1) (d) be amended to change "hst" to "applicable taxes."

Motion carried.

Question called on main motion.

Motion to approve the August 26th, 2009 version of the Land Surveyors Act and Regulations as amended carried.

The 2010 AGM will be held on October 28-30, at the Truro Glengarry.

At 4:17pm, it was moved by Robb Ashley, seconded by Bob Feetham that the meeting be adjourned.

Motion carried.

Respectfully submitted

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

MINUTES OF THE SPECIAL GENERAL MEETING
Held at the Truro Glengarry Hotel
Truro Nova Scotia - Friday, June 25, 2010

Friday, June 25th, 2010

Vice President Glenn Myra called the meeting to order at 10:02 am. The meeting is to be governed by Robert's Rules of Order and Common Sense. Gerald Pottier was appointed Parliamentarian.

Members in Attendance 114. Quorum achieved.

1. Moved by Russell MacKinnon, seconded by Ritchie MacInnis: Be it resolved to rescind the Act and Regulations as approved on October 24th, 2009.

Majority in favour. Motion Carried

2. Presentation by Dave Steeves, Governance Committee highlighting the changes made to the Act and Regulations since the October 24th, 2009 approval at the Annual General Meeting.

3. Moved by Ray Pottier, seconded by Allen Hunter to approve the April 27th, 2010 Land Surveyors Act.

All in favour. Motion Carried

4. Moved by Dave Roberts, seconded by Garry Parker to remove Section 24 from the Land Surveyors Act.

Majority in favour, 3 against and no abstentions. Motion to amend carried.

5. Moved by Garry Parker, seconded by Tom Giovanetti to revise Section 2 (n) of the Land Surveyors Act to say "Executive Director means the Executive Director appointed by Council pursuant to Section 9 of the Act who may be an employee, consultant, independent contractor or agent appointed by Council.

Majority in favour, 13 against and no abstentions. Motion to amend carried.

Recessed for lunch from 12:12 to 1:05 pm.

6. Moved by Art Backman, seconded by Rebecca Ritchie to add Section 45(7) whereas the complaints committee issues an interim suspension, conditions or restrictions the ANSLs shall be held responsible for damages to the member if the charges are not upheld by the hearing committee.

4 in favour, no abstentions. **Motion to amend defeated.**

7. Moved by Russell MacKinnon, seconded by Kirk Nutter that Section 45 of the Land Surveyors Act be deleted.

Majority in favour, 40 against, no abstentions. Motion to amend carried.

8. Moved by Brian Wolfe, seconded by Ritchie MacInnis to change the NSLS designation to "Professional Land Surveyor.

5 in favour, 2 abstentions. Majority against. **Motion to amend defeated.**

8. Moved by Brian MacIntyre, seconded by Nathan Clarke that the definition of Nova Scotia Land Surveyor who is a member of the Association be replaced to say "Professional Land Surveyor who is a member of the Association.

Majority in favour, 5 against, 2 abstentions. Motion to amend carried.

9. Call for approval of main motion as amended. Moved by Ray Pottier, seconded by Allen Hunter to approve the April 27th, 2010 version of the Land Surveyors Act.

88 in favour, 0 against, 0 abstentions. Motion Carried.

10. Presentation by Dave Steeves, Governance Committee highlighting the changes made to the Regulations since the October 24th, 2009 approval at the Annual General Meeting.

Moved by Brian Wolfe, seconded by Allen Hunter to approve the April 27th, 2010 Land Surveyors Regulations.

All in favour. Motion Carried.

Moved by Tom Giovanetti, seconded by Mike Allison to revise the Land Surveyors Regulations to insert the alternate wording per part 5 of the corporation section of the Regulations.

Majority in favour, 7 against, 7 abstentions. Motion to amend carried.

Moved by Garry Parker, seconded by Russell MacKinnon to remove Section 27(5) (a & c) and Section 33(5) a & c from the Regulations.

Majority in favour, 32 against, no abstentions. Motion to amend carried.

Call for approval of original motion as amended. Moved by Brian Wolfe, seconded by Allen Hunter to approve the April 27th, 2010 version of the Land Surveyors Regulations.

All in favour. Motion Carried.

The 2010 AGM will be held on October 28-30, at the Truro Glengarry.

Glenn Myra closed meeting.
Respectfully submitted
F.C. Hutchinson, BA, NSLS, CLS

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