
HOOSIER SURVEYOR



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AFFILIATED WITH THE
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SURVEYING & MAPPING



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Dan Kovert, right, Fishers, new incoming president of ISPLS, presents the past president's gavel plaque to outgoing president, Mark Isaacs, Brownstown, at the recent January 2009 annual ISPLS convention held at the Marriott Indianapolis East Hotel in Indianapolis.

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First row, l to r: Dennis Grumpp, New Palestine; Dan Kovert, Fishers; Carol Morman, Lawrenceburg; Don Bengel, Valparaiso; Jim Tibbett, Linton; Second row., l to r: Mark Isaacs, Browntown; Frank Ballintyn, Sellersburg; Ryan Swingley, Fishers; Rich Hudson, Valparaiso; Todd Bauer, Leo; Ron Wharry, Frankfort.
Not pictured: Perry Cloyd, Columbus.

HOOSIER SURVEYOR

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EDITORS NOTE

Deadlines for copy for various planned issues of the Hoosier Surveyor are as follows: Winter - December 31; Spring - March 31; Summer - June 30; Fall - September 30.

The Hoosier Surveyor is published quarterly by the Indiana Society of Professional Land Surveyors to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers and associated businesses and industries about land surveying affairs.

Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions as to its contents.

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PRESIDENT'S THOUGHTS

by Dan Kovert, Fishers, Indiana



It is with great humility that I accept the responsibility of the President of the Society for 2009. With so many things to accomplish, I am trying very hard to get members assigned to committees and charges assigned to those committees as well.

During the course of the past year, I was able to take notes about items that the Board of Directors deemed important and also solicited information from each of the chapters

regarding issues that are important to the membership of our society. At the membership meeting during the recently completed annual convention, I spoke about the goals that were most often mentioned, including many that directly related to two of the words in our name, **society** and **professional**.

One definition of society is “a voluntary association of individuals dedicated to common ends”. To get to that common end, there must be communication throughout the entire society. To help with this matter, we’ll be using e-mail much more to communicate with the membership of the society through the use of a listserv. This listserv will be used to send mass e-mails to our membership regarding items that affect our profession. I highly encourage each of you to subscribe to the listserv. It’s easy to do – we’ve provided a box on the website, www.ispls.org, to enter the e-mail address you’d like for us to use. Once you submit that address, you’ll receive an e-mail asking you to confirm your subscription through a link provided in that e-mail. After you confirm, you’re done! Thanks to Ryan Swingley and Gary Vittoz for working together to get this up and running. If you have any questions or comments after receiving e-mails, please feel free to contact Dianne at headquarters and she’ll either help you out or put you in touch with someone who can.

The other word that defined many of the items brought to my attention was “professional”. Much of this has to do with the perception of the public and other professionals regarding who we are, what we do and the **value** of our service with regards to the completion of a particular project. To elevate the status of our profession, I’m going to rely heavily on the expertise of the Public Information & Marketing committee to prepare information for distribution to the public, legislators, students and other professions. However, at this point, there just aren’t enough volunteers for this committee to complete all the charges that are being assigned to it. If you’d like to help with this committee, please let me know.

And it’s not just the public, either. Many times I think that we, as surveyors, are not cognizant of the importance of looking and acting in a professional manner at all times. I had an interesting encounter in the restroom (yes, go ahead – insert your own joke here) at the recent convention. Being then the president-elect of the society, I was wearing a coat and tie each day. While washing my hands a

gentleman who couldn’t see my name tag said, “Obviously, you’re not with the surveyor’s group.” Now, I can only surmise that he came to that conclusion because I had on a coat and tie so I gently let him know that it’s okay for surveyors to dress up every once in a while when appropriate. We all need to remember that every single person we encounter during the course of a day may be a potential client that we can help educate about our profession.

I’d really be negligent if I didn’t take this opportunity to thank a whole lot of people who make this society what it is. At the top of the list would be Dianne and Heidi at headquarters who I’ve heard will make my job very easy this year. Next would be Mark Isaacs for the incredible leadership he provided this past year. Also, the entire board of directors and committee chairs who have done an outstanding job this past year and from whom I’m expecting nothing less for this coming year. Finally, many thanks to Doug Herendeen and the Southwest Chapter for putting on an outstanding convention.

In keeping with tradition of the first President’s Message of each year, I’ll give you a quick bio of myself: I was born and raised in the small town of Crothersville in southeastern Jackson County. My first introduction to surveying came from my father who used an old transit to set up lines for the foundations of custom homes he and my uncle built. My thirst for education comes from my mother who decided to go to college while I was a teenager and received her degree in nursing the same year I graduated from high school. I arrived at Purdue University in the fall of 1982 intending to work towards a degree in civil engineering. While relaying this information to my dorm counselor, Phil Beer, he mentioned that I should look into the dual degree program and get a degree in land surveying as well. It may well be the best piece of professional advice I’ve ever been given.

I’ve been married to my drop-dead gorgeous trophy wife, Karen, for almost 22 years and have three children. My oldest is currently a senior at Fishers High School and will be attending Ball State University next year to study actuarial sciences. My youngest son, a freshman, plays soccer nearly year-round and my daughter, a 7th grader, dances competitively. During the course of the last several years, I’ve really enjoyed coaching each of them in youth sports but their abilities have surpassed my knowledge of their games so now I’m just a very proud dad sitting on the sidelines and cheering on their teams. I’m sure that most of you with children will understand that kids’ activities take up most of my weekends. In the spare time that I do have, I enjoy unwinding by working out at the gym.

In conclusion, I’d like to reiterate what past presidents have said. This is not just my society nor is it the Board of Director’s society. This is your society and I certainly look forward to working with all of you over the next year. If I can be of any help to any of you, please feel free to contact me at your convenience.

Professionally yours,
Dan Kovert

ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

September 20, 2008

The ISPLS Board of Directors met on Saturday, September 20, 2008 at ISPLS headquarters. President Mark Isaacs called the meeting to order at 9:05 a.m. The minutes and treasurer's report were reviewed and approved.

Adjustments to the Agenda - Gary Kent presented a review and his opinions of the "Future of the Land Surveying and Geomatics Engineering Program at Purdue University: Options, Issues and Opportunities"

Doug Herendeen gave an update on the 2009 ISPLS Convention program.

Staff Activity Report - A written report was submitted for review.

Communication - Publication - The deadline for the Fall issue is October 15, 2008.

Membership - The BOD reviewed and approved the membership applications submitted by the membership committee. The Delinquent membership list was reviewed.

Past President's Council - Condolence letters were sent out.

Professional Development - Education - The income/expense for the seminar on "Indiana Easements and Rights of Way" were reviewed.

Trig-Star - The \$500 state Trig Star fee has been sent to NSPS. A motion was made and passed to assign the \$1000 budget for the state Trig Star Coordinator to the ISPLS Budget line item "G-85".

Government Affairs - The next Board of Registration meeting is October 10, 2008. Noted was that the terms of registration board members Gary Kent and Christine Arnold expired July 1, 2008. Both have indicated a wish to remain on the board. A letter from ISPLS will be sent to the Governor supporting the reappointment of both Gary Kent and Christine Arnold.

NSPS Governor/Great Lake Council - Don Bengel will be attending the Fall meetings of ACSM the week of September 23rd.

GPS-GIS Monumentation - A report was given on the Indiana-Michigan State Line re-monumentation committee meeting.

Internal Affairs - By Laws - The Past President's Council By Law wording was presented at the meeting.

Nominations - The 2009 President Elect nominees are Todd Bauer and Jim Tibbett. A motion was made and passed to accept the nominees.

Chapter Reports - Northwest Chapter - Written minutes were submitted for their May 10, 2008 meeting.

Northeast Chapter - Todd Bauer gave a chapter function/activity report.

Central Indiana - A written report was submitted. Their golf outing will be Friday, September 26, 2008.

Southwest Chapter - Jim Tibbett gave a report on chapter functions/activities.

Purdue - Jacob Hoffman the Purdue Chapter President gave an update of the chapter's activities.

Old Business - Vincennes University Advisory Report - A motion was made and passed to accept the Vincennes University Advisory Report dated September 20, 2008.

New Business - Foundation - A checklist for Charitable Organi-

zation was handed out. The list will be reviewed at the November board meeting.

November 15, 2008

The ISPLS Board of Directors met on Saturday, November 15, 2008 at ISPLS headquarters. President Mark Isaacs called the meeting to order at 9:06 a.m. The minutes and treasurer's report were reviewed and approved.

Staff Activity Report - A written report was submitted for review.

Communications - Publications - The fall issue is at the printer.

Membership - The BOD reviewed and approved the membership applications submitted by the membership committee.

Education - A motion was made and approved the 2009 Convention seminars. The 2009 convention status was given by Doug Herendeen.

Government Affairs - Board of Registration - The last BOR meeting was October 10, 2008. The 2009 meeting dates are as follows: January 9, 2009, April 17, 2009, July 10, 2009, and October 9, 2009.

County Surveyor - There was board discussion on the "County Surveyors" as an "elected" constitutional office and the fact that an increasing number are not Registered Land Surveyors. Steve Murray presented the position of the County Surveyors Association. The County Surveyor Association will support keeping the office a constitutional office and a Registered Land Surveyor.

NSPS Governor/Great Lakes Council - A report was presented from Don Bengel on the ACSM fall meeting held on September 23, 2008. Legislation was passed to create "National Surveyors Week" which is March 15-21, 2009.

GPS-GIS Monumentation - Their next committee meeting is November 19th. A report on the Indiana-Michigan state line re-monumentation committee meeting was presented.

Legislation - Mark Isaacs gave an update on the Indiana-Michigan State Line Re-monumentation Committee activities. Discussion followed regarding the \$1,000,000 funding proposal for the re-monumentation. Mike O'Brien is working on draft legislation regarding the Indiana portion of the funding. Upcoming legislative activities being considered are: Indiana-Michigan State Line State funding; Unlicensed practice of Land Surveying; Right of Entry; State GIS funding.

Internal Affairs - By Laws - The 2008 Proposed By Laws addition regarding Past Presidents Council was presented. A motion was made and passed to accept the By Laws addition and present it to the membership.

Finance and Planning - The ISPLS financial statements prepared by Capin Crouse was presented. The Wallington Quarterly report was also presented.

Nominations - The 2009 President Elect is Jim Tibbett. A motion to destroy the ballots was made and approved.

Chapters - Verbal reports were given for the Northwest, Northeast, Wabash, Central, and Southwest Chapter.

Old Business - An update was given on the Vincennes University Curriculum Proposal. A motion was made and passed to send a letter of support for the V.U. Curriculum proposal.

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Advancing technology is at the heart of my business plan. It allows me to compete directly on projects in ways that weren't possible 8 or 10 years ago. It takes a lot of effort to stay on the leading edge and it takes support as well. Hands down, Hayes has the best technical support that I have ever used. They know their equipment and they know their software.

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have always given me straight answers to every question I've asked. Sometimes the answer is yes and sometimes the answer is no, but my clients get the truth from me and that's what I get from Hayes.

There will always be logistical issues in surveying. The one thing I haven't learned to do is to be in two places at once, but I am working very hard on learning how to do that. Hayes in Tennessee and me in Florida has never been an issue. The truth of the matter is that with overnight deliveries, the internet, email, FTP access and the telephone we can all do business with just about anyone we want.

I'm a Consulting Surveyor and I wouldn't have it any other way. Things change and my business will change right along with them. The keys are motivation, support and always remembering that the harder we work, the more luck we have."

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OHIO TRIG-STAR AWARDED SECOND ANNUAL TRIG-STAR SCHOLARSHIP by NSPS Trig-Star Committee

Jonathan Wilson of Jefferson, Ohio was selected as the second annual winner of the Trig-Star Scholarship by the NSPS Trig-Star Committee at their meeting in July of 2008. The amount of the scholarship award was \$5,000. Jonathan's selection was based on recommendations, an essay, and high school transcripts that he submitted in conjunction with his scholarship application. The scholarship is available to high school seniors who have participated in the Trig-Star contest at any time during their high school career. The scholarship was developed by the NSPS Trig-Star Committee as a way to reward contest participants whether they were state or local winners or not. Also, one of the requirements is that the scholarship winner must enroll in a surveying and mapping curriculum at a college or university. This provides for further promotion of careers in surveying and mapping to high school seniors.

Jonathan, who graduated from Jefferson Area High School in 2008, won first place in the State of Ohio's Trig-Star contest his senior year. After winning the state contest, Jonathan received a formal statement of congratulations from the Ohio House of Representatives under the sponsorship of Representative Deborah Newcomb. Upon high school graduation he is set to enroll in the Geomatics Engineering program at Ohio State University. Jonathan is proof that the Trig-Star Program is an excellent tool to assist in the recruiting of future surveyors.

The NSPS Trig-Star Program, which has been in existence for more than 20 years, provides a means to promote the surveying and mapping profession to high school students. The program's purpose is to (a) promote the study of trigonometry in high school and to promote excellence in the subject by honoring the individual students demonstrating superior skills; (b) acquaint the high school trigonometry students with the use and practical application of trigonometry in the surveying profession; and (c) build an awareness of surveying as a profession among high school students with superior math skills, and among high school counselors and math teachers. Currently, there is active participation in the Trig-Star contest in 33 states. As a result, thousands of high school students, counselors, and math teachers learn about surveying and mapping as a career. The program is currently delivered by local sponsors who work with the various local high schools.

If you would like to participate in the process of recruiting the future surveyors of the next generation, you should consider getting involved in the NSPS Trig-Star Program. You would be able to work with talented high school students by administering the Trig-Star test at local high schools, and by promoting the NSPS Trig-Star Scholarship Award. Information about how you might get involved in the Trig-Star Contest, and how you can provide a donation to the Trig Star Scholarship Award can be found at http://www.npsmo.org/trig_star/index.shtml.

Minutes

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ISPLS Foundation - Mark Isaacs and Perry Cloyd are still working on a checklist. A motion was made and passed to "move forward" with the "creation" of the Foundation.

Re-Enactment expense - A motion was made and passed to give the \$2000 received from the Indiana Historical Landmarks, Inc. (organization has been disbanded) to purchase the requested equipment, to be owned by ISPLS and put the Re-enactment Group under the responsibility of the Public Information and Marketing Committee.

BOD manual - An example of the manual was passed around for review.

Illinois/Indiana State Line - An update was given and a letter was reviewed from the Surveyors Historical Society.

Deceased Surveyors List - There was board discussion on this endeavor.

New Business - The NW Chapter made a \$500 donation to the ISPLS PAC and will add the donation in their yearly Chapter budget.

December 6, 2008

The ISPLS Board of Directors met on Saturday, December 6, 2008 at ISPLS headquarters. President Mark Isaacs called the meeting to order at 9:00 a.m. The minutes and treasurer's report were reviewed and approved.

Staff Activity Report - A written report was submitted for review.

Adjustments to the Agenda - Mike O'Brien, ISPLS lobbyist, gave an update on the Society's legislative efforts. The proposed bill pursuing the "Right-of-Entry" is being drafted by Legislative Services. The Indiana/Michigan Line Survey bill is also being drafted by Legislative Services.

Shannon McLeod, Indiana QBS Coalition, gave a presentation regarding "Quality Based Selection."

Jess Qwinn discussed the registry of deceased land surveyors.

Communication-Publication & Media - The Fall issue of the Hoosier Surveyor is on line.

Membership - The BOD reviewed and approved the membership applications submitted by the membership committee

Professional Development - Education - The 2009 Convention registration forms went out before Thanksgiving. The forms are also available on line.

A motion was made and passed to no longer accept "claim" forms for the convention and seminar fees after February 1, 2009.

Doug Herendeen made a presentation on "Event Management" software program.

Government Affairs-Board of Registration - The last BOR meeting was October 10, 2008. The 2009 BOR dates are as follows: January 9th, April 17th, July 10th and October 9th.

County Surveyors - A report was given and the Association of Indiana Counties "Government Modernization Proposals" was distributed to the board.

GPS-GIS Monumentation - The next committee meeting will be December 17th and our lobbyist Mike O'Brien will attend.

Internal Affairs - ByLaws - The By Laws change notice has been sent out to the membership and will be voted on at the convention.

Finance & Planning - Capin & Crouse, ISPLS accountant,

...continued Page 7

EYKAMP SCOUT CENTER-STRIKING BY DESIGN

Newburgh, Indiana

When it comes to an appealing, unique corporate building, Eykamp Scout Center comes to mind. Since its establishment on the Lloyd Expressway, many local, even national companies have commented on the structure and design of this bravura Boy Scouts of America - Buffalo Trace Council Regional Headquarters located in Evansville, Indiana.



So what is all the excitement about? Eykamp Scout Center overlooks and owns 17 acres of trees, fields, parks, an outdoor shelter building, and even an amphitheater. Approaching the building one will find a three tier pyramid exterior structure with a huge buffalo statue welcoming you into the “two story cabinesque entryway with hints of art and crafts influence” complete with twelve wooden columns which in-script the twelve Boy Scout’s Tenants. After that catches your attention, you will then notice the multi-colored stained concrete flooring, and the spiral staircase that leads you to a surrounding glass balcony, called the Eagle’s Nest. The Nest is an “elevated observation platform” equipped with a telescope for panoramic viewing of the striking surrounding grounds.

When asked what he thinks of the 12,800 square foot facility, Bob Hopper, Scout Executive of Boy Scouts of America- Buffalo Trace Council, commented, “I could not be happier with the design and structure of the building. The profile of the building has a masculine look, but not too over-bearing,” Hopper adds, “In my opinion the building looks very cool from any angle.”

Bob Hopper and the Buffalo Trace Council were in complete awe with the final touches on the facility, thanks to project architect Gary Thomas II, and construction manager Robert Pope from Morley and Associates, Inc., located in Newburgh, Indiana.

Thomas and Pope put their heart and soul in this project. With a \$2 million budget, Thomas had some flexibility to add special touches and personality to Eykamp Scout Center. “I added highly durable solid-vinyl faux wood flooring, open grid ceiling system, representations of trees in the Scout Retail Shop consisting of actual tree trunks culled from the site, and topped with a radial metallic “canopy,” said Thomas.

Thomas nestled a free-standing glass fireplace in the corner of the Lobby which provides a panoramic view of the surrounding grounds and covered portico thru the extensive use of insulated glass, along with a carefully articulated black metal ceiling system which coordinates the location of lights and perforated metal panels with the colors in the stained concrete floor below. Additionally, the Multi-Purpose Multi-Media Room, which has been used for multiple community related events, boasts electronically controlled black-out shades and AV screens along with an operable room-dividing partition.

“We have had loads of attention from the community,” says Hopper. “Besides opening the facility to our scouts, we’ve had non-profit businesses hold meetings and events (for no charge) in the Eykamp Scout Center. Families have had Thanksgiving dinners here, and my daughter actually had her wedding reception in the lobby and multi-purpose room.”

Hopper feels it is important to include the community with Boy Scouts of America – Buffalo Trace Council by allowing people and companies to be entertained with such a superb, functional building, and to learn more about the Boy Scouts of America organization.

“Not only is the Eykamp Scout Center in a convenient location, but the space is well suited for larger crowds which is why it is a great place for the Boy Scouts of America,” says Hopper. He adds, “Gary Thomas and Robert Pope did an excellent job. They were easy to work with and brought ideas to reality. Eykamp Scout Center is “Who We Are” and we are very proud of it.”



The Center includes spacious offices, multi purpose – multi media room, multi print room, an outdoor shelter building, parking, a retail store, storage, an amphitheater, 17 acres of land, and Autoclaved Concrete walls, which are used to provide outstanding fire protection, sound dampening, and stellar insulating.

“I wanted to use Indiana Limestone to help articulate my overall concept which was simply “A Frontier Fort”. The pyramidal mechanical screens, rhythmic limestone column accentuations, use of

a massive limestone “Outlook type” entry mass with high narrow window lines, and earthen Autoclaved Concrete finish all cooperate to convey a contemporary image of a fort one might find on the Frontier two centuries ago,” stated Thomas. All the material that was used, such as the limestone, concrete floors, wood columns, etc., were all purchased regionally. Both Thomas and Hopper also wanted to keep an environmental friendly atmosphere, which resulted in the building being moved as construction began to save a beautiful black cherry tree.

Gary Thomas has been employed with Morley and Associates, Inc. since 2003, and has been in the architect field for over 11 years. Morley and Associates, Inc. is an architecture, engineering, construction, and surveying company that has been serving the community for over 30 years.

The president of Morley and Associates, Inc., James Q. Morley, was the driving force behind this project. Mr. Morley himself was a former Boy Scout and is still heavily involved with the program and community. He did everything in his power to see that Eykamp Scout Center received the best of the best, not only in service, but quality as well. They, along with other local donators helped to build the Eykamp Scout Center.

“I’m completely satisfied with the work and efforts that were put into the building process. I have recommended Gary, Robert and their crew to the Parks Board and others. I have even had people fly in to see the Center from other Regional Headquarters,” quoted Hopper.

If you would like to learn more about the Evansville’s Boy Scouts of America, would like to plan your next event, or would simply like to visit the Eykamp Scout Center please contact 812-423-5246 or visit their website at buffalotracecouncil.org.



For more information regarding the work of Morley and Associates, Inc. please contact 812-464-9585, or visit their website at morleyandassociates.com.

Minutes

...continued from Page 5

submitted the 990 Update/Chapter information . The Wallington Quarterly report was also presented and reviewed.

Nominations - The 2009 Board of Director nominees are: Todd Bauer, Bruce Franke, Marty James, Carol Morman, Kevin Rowland, Michael Stevenson and Ryan Swingley.

Chapters - A verbal report was given for Northwest, Initial Point and a written report was submitted for St. Joe Chapter.

Old Business - Vincennes University Curriculum Proposal - ISPLS received feedback from Bill Clark on the V.U. Surveying Program Advisory board report.

Re-enactment- The total cost of the “equipment packs” for the re-enactment group was \$2260 which is over \$260 over the approved amount. A motion was made and passed to increase the amount to \$2260.

The Wise Owl

People over 50 should all be dead

Our baby cribs were covered with bright colored lead-based paint. No childproof lids, doors or cabinets and no helmets for bike riding. No seatbelts or air bags in cars and we rode in the back of the pickup.

We drank water from a garden hose or faucet not a bottle.

We ate cupcakes, white bread and butter and drank coke with sugar.

We weren't fat because we played outside with our friends.

No computer games (no computers)

We shared one coke with four friends from one bottle and almost no one got sick or died.

We spent hours building a go cart out of scraps, rode it down a hill and found out we forgot the brakes.

We solved that problem by running into the bushes.

We left home early and stayed gone all day. No one was able to reach us (No cell phones).

We got home in time for supper or we ate the next day (No microwave).

We played ball, fell out of trees and wrecked our bikes. We got cut and broke bones and teeth.

We made up games with sticks and rocks and dared each other to eat worms.

Very few eyes got put out and the worms did not live forever inside us.

No one got sued because no one was to blame for these accidents.

Little League had tryouts and not everyone made the team-we (and our parents) lived with it.

Some weren't as smart as others and they failed a grade and were left behind.

Tests weren't adjusted for any reason.

We took responsibility for our own actions and learned to live with the consequences.

If we broke the law our parents sided with them and we got more punishment when we got home.

We are some of the best risk-takers, problem solvers and inventors in history.

We value our freedom and success.

If you don't like the truth, get out of our way because we are still able and willing to run over you.

Reprinted from Texas Surveyor Sept/Oct 08 issue

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ISPLS Member

ROBERT A. KRULL, HOBART (89)

Robert A. Krull, age 89, of Hobart passed away January 27, 2009. He was a lifelong Hobart resident, a graduate of Hobart High School and received a B.S. degree in civil engineering from Purdue University, Lafayette, where he was a member of the Purdue Marching Band. He was a veteran of the U.S. Army, WWII. Bob was a member of Trinity Lutheran Church in Hobart, the Hobart Lions Club, McClelland Lodge #357 F & A.M., Orak Shrine, and the Rusty Pipes. Bob owned and operated Krull & Son, Inc. in Hobart with his sons and grandson. Krull & Son, Inc. was founded by his father William J. Krull in 1914.

He was a member of Indiana Society of Professional Land Surveyors.

The funeral service was held on Saturday, January 31, 2009 at Burns Funeral Home, Hobart with Rev. Charles Strietelmeier officiating. Donations may be made to the Hobart Food Pantry, P.O. Box 394, Hobart, IN 46342 or the Shriners Hospital for Children, 2900 Rocky Point Drive., Tampa, FL 33607.

THANK YOU

Hello Everyone,

I wanted to take a moment to thank everyone for their support during my six-year tenure as your director, president-elect, president and past-president positions. I also want to thank Don West and Dan Woo for allowing me to dedicate my time to our great organization during past two years. I want to thank my fellow board members for their support and patience during my tenure. You are a great group of guys and I will miss the Board's Saturday meetings! I want to thank Dianne and Heidi for your hard work and dedication to our organization. You both kept me on tract during tenure. In closing, I ask that each of you become more involved with the ISPLS team and stop procrastinating. By becoming more involved I had the time of my life.

Respectfully,

Ed Sweetland

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ISPLS 57th Annual Convention Highlights

Marriott Indianapolis East, Indianapolis (January 14-16, 2009)



Orwic Johnson, (r) receives ISPLS Polaris Award from outgoing president Mark Isaacs, Brownstown.

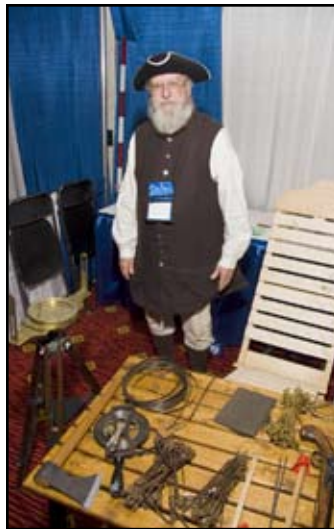
Hosted by
Southwest Chapter
Attendance:
Full time - 508
One Day - 22
Student - 22
Spouse - 17
Tech Program - 27



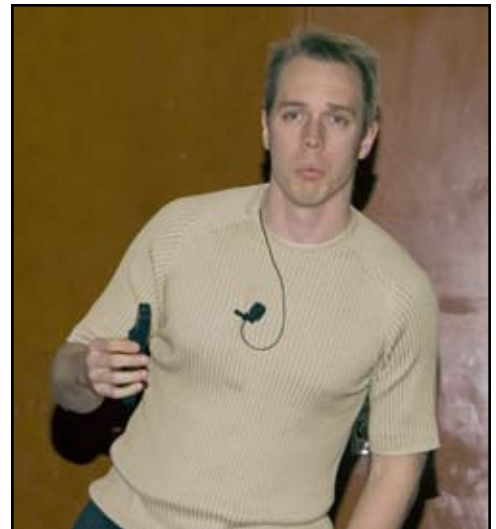
Jim Tibbett, (L) Linton, receives President's Award from outgoing president Mark Isaacs, Brownstown.



Brian Bosma, representative, speaks at Friday's luncheon.



Orwic Johnson, Columbus, at the Historical Society booth.



Jeff Havens, comedian, "Uncrapify Your Life!"

Thanks to our 2009 Exhibitors

- Aerocon Photogrammetric Services, Inc., Avon, IN
- Advanced Lasers & Instruments, Indianapolis, IN
- Agency Associates, Inc., Zionsville, IN
- Astro Wood Stake, Inc., Zeeland, MI
- Avatech Solutions, Owing Mills, MD
- Duke Energy, Columbus, IN
- IDNR Division of Water Indiana, Indianapolis, IN
- Indiana Surveyor's Historical Society, Lawrenceburg, IN
- Marbaugh Reprographics Supply, Indianapolis, IN
- National Society of Professional Surveyors, Gaithersburg, MD
- Positioning Solutions Company, Indianapolis, IN
- Priority Engineering, Indianapolis, IN
- Rinker Materials - Storm Ceptor, Greenfield, IN
- Seiler Instruments, Indianapolis, IN
- The Sidwell Company, St. Charles, IL



Speaker: Rick Miller,
Indianapolis, IN



Speaker: Dave Kovich,
Lafayette, IN



Speaker: Don Wilson,
Newfield, NH



Speaker: Jeff Lucas,
Birmingham, AL



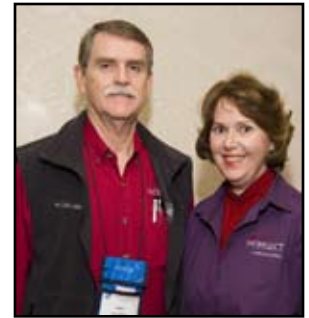
Speaker: Tony Gregory,
Highland, IN



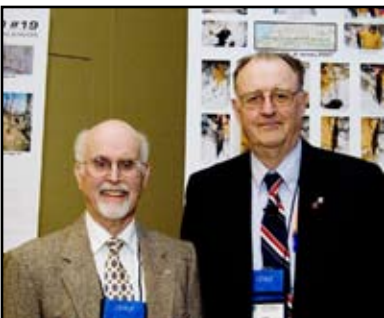
Speaker: Ron Koons,
Middletown, IN



Speaker: Scott Wallace,
Beaverton, OR



Speaker: Janet Jackson
and Randy Rambeau,
Charlotte, North Carolina



Speaker: Jack Owens, Flushing, MI
(l) and Norm Caldwell, Owosso, MI.



Speaker: (l) Mike De Boy, Noblesville, IN
and Ross Holloway, Mooresville, IN.



Speaker: (l) Wendy Gibbons,
Indianapolis and Gary Kent,
Noblesville, IN.



Speaker: Bob Church,
Springfield, IL



Speakers: (l) John Fenn, Sterling Heights,
MI and Jan Folkiens, Mt Pleasant, Michigan.



Ryan Selby, presents
"Team Warlords" Operation Iraqi
Freedom 07-08 Certificate and
Flag to Dianne Bennett, ISPLS
Executive Director.

ISPLS 57th - Annual Convention Highlights



Troy Smith (r) presents Sklyer Potts, Vincennes, The ISPLS Peggy Archer Memorial Scholarship.



Craig Williams (r) presents Justin Dickson \$2000 from the CIC V.U. Scholarship Award.



Troy Smith (r) presents Jacob Hoffman with the ISPLS John McEntyre Scholarship award.



Craig Williams (l) presents Brittany Scherer \$1000 from the CIC Purdue Scholarship Award.



Craig Williams (l) presents Jacob Hoffman \$1000 from the CIC P.U. Scholarship Award.



Corey Bettag and Chase Goldbach receives the S.W. Chapter Scholarship Award from Bret Sermershim (r).



Vincennes University students in attendance.



Purdue University students in attendance.



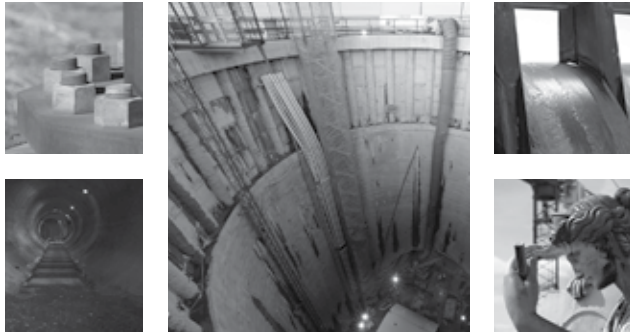
Casino Night



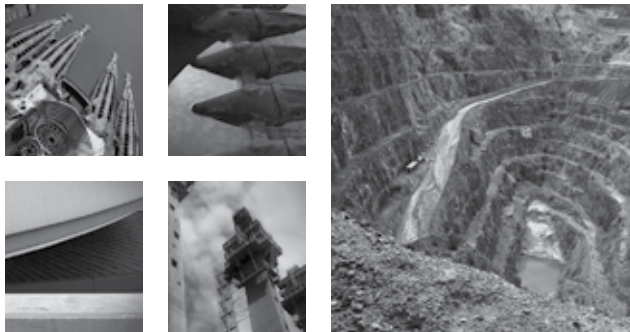
Just taking it easy and relaxing.



Jeff Kondy and wife.



How much work did you
pass up this morning?



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The Louisiana Purchase: A Constitutional and Land Act Challenges

By: David B. H. Best, R. L. S.

When Thomas Jefferson during his first term as president issued instructions to Robert R. Livingston, the American Minister in Paris to negotiate with Napoleon Bonaparte's minister for the purchase of New Orleans and the Floridas, he was aware that he would be treading on tenuous constitutional grounds. Then in 1803 when the Louisiana Territory was added to the lands of the United States, Albert Gallatin, Secretary of the Treasury, perceived difficulties in the survey of these new public lands. To ascertain the extent these challenges posed we first take a brief historical view of the acquisition itself.

Beginning in May 1801 President Thomas Jefferson skillfully worked behind the scenes while Livingston, Dupont de Nemours, a Frenchman living in the United States, and later James Monroe negotiated with Napoleon's minister Charles Maurice de Talleyrand-Perigord and Francois de Barbe-Marbois for the purchase of the Louisiana Territory (the original offer was for New Orleans and the Floridas). France had been supreme in Europe in 1800. Napoleon turned his energies to rebuild his overseas empire in Louisiana and the Floridas with the colony of Santo Domingo in the Caribbean being the key to his success. His effort to capture Santo Domingo from Francois Dominique Toussaint, the military commander of the colony, proved to be an abject failure. After nine months of warfare in 1802 Napoleon's General Victor Leclerc admitted in October the loss of 24,000 French troops in his attempt to dislodge Toussaint. Napoleon's plans to conduct a great expedition to conquer Louisiana were set aside.

In October 1802 the Spanish intendant at New Orleans (Spain controlled the Port of New Orleans) revoked the right of deposit, meaning that American ships could not dock at New Orleans. It became imperative to Jefferson that the negotiations with Napoleon for New Orleans and the Floridas be accelerated. By 1803 Napoleon had given up on his vision of the domination of Louisiana. He said, "I denounce Louisiana." After some haggling Livingston and Monroe agreed to pay the enhanced figure of \$15,000,000, one-fourth of which represented the assumption of French debts owed to American citizens for the Louisiana Territory which included the Port of New Orleans.

With this brief historical perspective as a backdrop we deal with the question of what precisely did the United States buy from France? What were the boundaries of Louisiana? A reading of the treaty did not disclose its boundary. The greater question posed was: Was it warranted? France sold to the United States what she acquired from Spain. Merrill D. Peterson in his book *Thomas Jefferson and the New Nation* describes the boundary problem as follows on pages 768 and 770: "... When France possessed Louisiana it included the whole of the Mississippi Valley between the Great Lakes and the Gulf of Mexico. The portion east of the Mississippi, including the Floridas, passed to Great Britain at the conclusion of the Seven Years War, while the western part, with the Isle of New Orleans, went to Spain. When Spain obtained the Floridas by the Treaty of Peace in 1783, she did not reincorporate them into Louisiana but governed them as separate colonies. The retrocession of 1800 must have referred to the province France had ceded to Spain in 1762, and its eastern boundary was fixed at the Mississippi and the Iberville encompassing New Orleans. Such was the simple logic of

the matter, the logic Livingston has consistently advocated in Paris when Spain's title to the Floridas, un mutilated, comported with American interest. . . . When he retreated to Monticello near the end of July, Jefferson plunged into the books, maps, and documents in his collection of western Americana in order to see to what limits the United States might legitimately press its claim, not only on the east but on the west as well. The western limits were, in fact, more confused than the eastern. Whether they lay on the far or the near side of the Rocky Mountains in the north, whether the Sabine or the Rio Bravo or some river between formed the southwestern boundary, were questions veiled in obscurity. In time Jefferson would consider the distant Oregon country part of the acquisition, but he was not prepared for this leap in 1803. He summed up the results of his investigation in a somewhat hesitant fashion in August: "The unquestioned bounds of Louisiana are the Iberville and Mississippi, on the east, the Mexicana (Sabine) or the highlands east of it, on the west. . . . We have some pretensions to extend the western territory of Louisiana to the Rio Norte, or Bravo; and still stronger the eastern boundary to the Rio Perdido between the rivers Mobile and Pensacola." He marshaled the evidence for these pretensions in a brief memoir, *An Examination of the Boundaries of Louisiana*. Apparently he was not yet convinced of their legitimacy. While escalating the treaty as far as possible in order to strengthen his bargaining position with Spain, he was unwilling to commit the government to points he regarded as negotiable. But by the following February, the pretended limits had become the true limits in Jefferson's mind, though he would sacrifice Texas for all the Floridas and throw a million dollars into the bargain."

Jefferson, a strict constitutional constructionist, was concerned that by the purchase he was exceeding the limits of the Constitution. His Attorney General Levi Lincoln advised Jefferson that "since the Constitution predicated the Union as it was in 1787, an amendment would be necessary to sanction the acquisition of territory and the addition of new states carved from it. Lincoln's logic had been promptly demolished by Gallatin who argued that despite the absence of specific provision, the United States, as a sovereign nation, might acquire territory by treaty, govern it or, Congress approving, incorporate it into the Union. Jefferson appeared to be satisfied, at least to the point of authorizing a bargain in the national interest. . . ." Jefferson contemplated an amendment to the Constitution to incorporate Louisiana into the Union. Even though Jefferson sided with Gallatin he did say that he thought that it would be safer not to permit the enlargement of the Union but by amendment of the Constitution. Gallatin paid for Louisiana by money available in the treasury and by the sale of new government stock. Congress did not resort to new taxes or the route of borrowing. Jefferson signed the Enabling Act on October 21, 1803. Even though we had purchased Louisiana from France the land was still in the name of Spain. On November 30 the territory was delivered into the custody of the French. Twenty days later at the Cabildo in New Orleans in a meager ceremony the Tricolor of France was lowered and the stars and stripes of the Star Spangled Banner were raised. The United States became the owner of the Louisiana Territory.

An act dated February 28, 1806 extending the powers of the Surveyor General to the Territory of Louisiana, and for other pur-

...continued Page 18

Louisiana Purchase

...continued from Page 17

poses was passed by the Congress. The Act stated “. . . it shall be the duty of the said Surveyor General to appoint a sufficient number of skillful surveyors, as his deputies, in the said territory, one of whom he shall, with the approbation of the Secretary of the Treasury, designate as his principal deputy for the same.” Reproduced below is the letter from Albert Gallatin to Jared Mansfield, Esq. transmitting the aforesaid Act.

*Treasury Department
25th March 1806*

Sir

I have the honor to enclose the copy of an Act entitled “An Act extending the powers of the Surveyor General to the territory of Louisiana, and for other purposes;” to which I request your immediate attention.

The most important point at this time is the selection of the principal Deputy, who must be not only qualified for the ordinary Duties of the office, but a man of perfect integrity, and altogether unconnected with the land claims in Louisiana.

As it is considered material that the papers now in the possession of Mr. Soulard of St. Louis, who acted as surveyor general under the Spanish Government and has continued as such under Governors Harrison & Wilkinson, should be placed in the hands of the said principal Deputy without delay, I will for the present approve whomever you may designate for that purpose. It will be necessary for him to proceed at once to St. Louis; for it is feared that that some frauds have been practiced in the transactions connected with Spanish concessions, and that fear has been one of the principal reasons for passing the enclosed act.

You will be pleased to notify me the name of the Deputy, in order that I may transmit an official confirmation of the appointment.

*I have the honor to
respectfully
be*

Your obed. servt.

*Jared Mansfield Esq.
Surveyor General*

Cincinnati Albert Gallatin

Publication of the Act led to the receipt of letters of application by Mansfield for the position of Principal Deputy. The following is an example of one such letter received by Mansfield:

Sir St. Louis Louisiana Territory 11th April 1806

Having observed by the Late Law of Congress Extending your Jurisdiction as Surveyor General to this Territory, that you are authorized to appoint a principal Deputy for the same I beg leave to observe that I have some thought of soliciting that appointment: conceiving myself qualified to discharge the duties attached thereto - Should application be made, the communication will be forwarded by the next mail accompanied by such letters of recommendation, as will I trust, prove satisfactory - I remain with the highest respect your most

*Obt. Hb. Servt.
Samuel Hammond Junior*

This letter was followed by two more letters with recommendations. Mr. Hammond was not selected. The position of principal deputy surveyor was awarded to Silas Bent. The letter from Gallatin to Mansfield appointing Bent was as follows:

*Treasury Department
July 3rd, 1806*

Sir,

I hereby approve the appointment of Silas Bent as Principal Deputy Surveyor of Louisiana. The temporary appointment of W. Messenger or any other person you may select is also authorized; and I regret the appointment did not take place immediately on receiving my letter enclosing the law. For the principal object of that act was to secure the surveys & other records heretofore in possession of Mr. Soulard, the former Surveyor General under the Spanish government and who had been continued or rather appointed and as is suffered without sufficient authority by Governor Wilkinson. The office will hereafter become important, but for the present, is limited by the act to the mere surveying of such tracts as the Board of Commissioners may direct.

*I have opened you credits for four thousand dollars with the Receivers of public money at Chilicothe, and for an equal sum with that of Lanesville. By my letter of 1st May I informed you that you had an additional credit opened at Cincinnati for fifteen thousand dollars. You will be pleased to inform me from time to time when you will be in want of more money. I have the honor to be respectfully,
Sir,*

Your obed. sert.

*J. Mansfield Esq.
Surv. General*

Albert Gallatin

Silas Bent's career was checkered, yet one of accomplishment. In 1789 he came west as a scout for The Ohio Company, an enterprise established by General Rufus Putnam. This was an association composed of soldiers from the Revolutionary War who had what was called the “western itch.” The Ohio Company's essential purpose was to settle the Northwest Territory. The 1783 Treaty of Paris that officially ended the American Revolutionary War provided for the colonization of the Northwest Territory by the United States. Bent's father, also named Silas, who held one share of The Ohio Company had sent Silas, his oldest son, ahead to establish a home in Ohio for the rest of the family. The family settled in Marietta, Ohio. In 1790 the family moved sixteen miles downstream and was instrumental in establishing Belpre, Ohio, or what came to be known as “Bent's Post Office.” Bent left Belpre and made his way to Wheeling, Virginia where he apprenticed himself for the study of law. Determining that the legal profession would not provide him with a profitable occupation Bent left Wheeling for Charlestown, Virginia. There he opened a store. In Charlestown he married Martha Kerr. Martha bore Bent eleven children.

Bent's father had served with Putnam as an officer during the Revolutionary War. When Bent's venture as a storekeeper proved to be unsuccessful, through his father's influence Putnam appointed Bent postmaster of Charlestown. Bent proved to be no more successful as a postmaster than he was as a storekeeper or as a lawyer. In 1803 Putnam who now was serving as the first Surveyor General of the United States (he had been appointed in 1796), hired Bent to work in the surveyor's office in Marietta. Bent appeared to have found his calling because later Putnam elevated Bent to the rank of deputy surveyor. Because of his legal background Bent was also appointed Associate Judge of the Washington County Court of Common Pleas in Ohio. As noted above on July 3, 1806 Bent was appointed Principal Deputy Surveyor of the Upper Louisiana Territory. He

departed Charlestown for St. Louis, Missouri, arriving there with his wife and children on September 17, 1806 to assume his duties as Principal Deputy Surveyor. His tenure proved to be extremely difficult because of the haphazard and confusing system of the Spanish land grant system. He found the work of his predecessor, Antoine Soulard, not only to be inaccurate but also replete with alterations. His income relied on the number of surveys he performed. When he found that the Board of Land Commissioners, an entity created by the Congress to settle land claims, refused to order new surveys Bent found himself in great financial difficulty. The following two (2) letters from Bent to Mansfield illustrate his frustration:

J Mansfield, Esq. St. Louis 22nd Sept. 1806
Surveyor General
Sir

I arrived here on the 17th of this month and called on M. Poland on the same day and demanded the Records of Surveys and all documents relative thereto for this territory – he informed me through an Interpreter that none were in his possession, that he had delivered them over to the Commissioners – early the next morning (the 18th) I enquired for Judge Lucas at his House as he was the only Commissioner then in Town, but could not see him, I left my name and stated my Office, in the Afternoon I heard the Commissioners were sitting and I immediately addressed to them a note, formally announcing my arrival and the Office I held which I delivered to their table, they examined my credentials and returned them without Observations, on the 19th I called on them again for the Records & they said they would make some Order on that subject and direct their Clerk to deliver to me such of them as they could dispense with, I have called on the Clerk regularly every day for such Books Records or papers as the Board of Commissioners had ordered delivered to me, but he has not been at leisure until this morning to attend to that business, he then delivered to me ten Books containing Records or Plats of Surveys principally in the French language – those which purport to have been kept under the Spanish Government, we on the appearance at first blush of accuracy, except some confusion and apparent alterations in the dates & - those made sense although attempted to be in English I can understand much less about – there are no field notes or documents of a kind accompanying them - some of the Commissioners have in conversation informed me that they were about closing their business that they believed some orders for surveying had been made by them and that their Clerk would inform me , but the Clerk says no such Orders are entered for him – This affords but a dark prospect for the present support of my young family in this most expensive country –

*I am dear Sir with great
Respect Your Obed. Serv.
Silas Bent*

The following is the second letter from Bent to Mansfield:
St. Louis 28th Sept. 1806

J. Mansfield Esq.
Surveyor General
Sir

Nothing relative to my official duties has taken place since I wrote you – Judge Lucas wishes resurveys made and a general investigation, but the other Commissioners pass the Business over – There has evidently been a System formed to defraud the United States out of a portion of their best Land in this Territory and which

is every day developing itself – I have it not in my power from circumstances which I stated in my last letter to make out any regular statement of the part of the Records in my possession – I omitted to give you an account of the sickness in my Family lest it should be that exaggerated but I am now happy to state that they are recovering and my son who I suppose had lost the sight of an Eye has regained it – Captains Clark and Lewis arrived at this place on the 23rd have been in the Pacific Ocean and have fully accomplished the Object of their Tower – all parties have joined here in expressing their high sense of great merit of these Gentlemen – as far as I have seen Louisiana I like it very well –

*I am Dear Sir with great respect Your
Obed. Serv.
Silas Bent*

Bent's frustration in dealing with the Board of Land Commissioners is evident in these two letters. Remarkable indeed is the fact that he was on hand at that dramatic moment when Meriwether Lewis and William Clark and the men of their expedition arrived in St. Louis after an arduous journey of some 7000 miles that had begun in May of 1804. In 1807, the year after his arrival in St. Louis, Silas Bent was appointed Judge of the Court of Common Pleas for the District of St. Louis. That same year he was appointed Auditor of Public Accounts also for the District of St. Louis. In 1809 Judge Bent signed the Charter for the town of St. Louis. On February 18, 1813 President James Madison appointed Bent judge of the Superior Court of the Missouri Territory. He was reappointed on January 21, 1817. When Missouri was admitted to the Union as the 24th state on August 10, 1821 this court was abolished. In 1820 Bent had administered the oath of office to the delegates to the Missouri Constitutional Convention. That same year he was elected to the Missouri State Senate. Its members elected him president pro tem. Though his tenure as Principal Deputy Surveyor was brief Silas Bent set in motion the survey of the Upper Louisiana Territory and its ultimate division into thirteen states. As a jurist he distinguished himself.

From this brief perusal of the acquisition of the Louisiana Territory and the initiation of the rectangular survey system in the Upper Louisiana Territory we gain some understanding of the problems faced by the principals involved. Time has justified what many have called "Jefferson's Great Gamble."

Bibliography

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Which Vest?

By Ronald E. Koons

RoSaKo Safety

Sandee and I want to thank the ISPLS Convention Committee and everyone who attended our safety presentation at the 2009 IS-PLS Convention. We had a great group and I hope everyone went away with something they could use to improve their company's safety efforts. The last portion of our presentation was on High Visibility Clothing with an emphasis on safety vests. I always try to slip something in on safety vests in each surveyor presentation because I feel it is a very important portion of an overall safety effort. For the first couple of weeks after the convention I received several telephone calls from both attendees at the presentation and also other workers from the attendees' companies. Every call I received wanted to clarify the vest requirements. In this brief space I will attempt to clarify some of the points that appear to be most confusing about what vests to wear and when.

A lot of the confusion comes from the recent FHWA regulation that took effect on November 24, 2008. As we have mentioned before, this regulation provides that anyone who is working within the right of way of a federal aid highway must wear Class II or Class III high visibility safety apparel. Most people will take this to mean they are specifically talking about safety vests. However, there are other alternatives to just wearing a vest. In some cases a high visibility T-shirt along with an overlay of reflective material may meet class II or III requirements. A jacket or winter coat with a high visibility color along with reflective materials may meet the requirements. And certainly a raincoat with pants that utilizes high visibility colors along with reflective striping may meet the requirements of Class II or Class III. It all has to do with the specific requirements for background material along with the square inches of reflective material. We don't need to get detailed enough in this article to give those specifics, but your garments will tell which class of high visibility apparel that they meet under the current criteria. The FHWA Regulations don't say which of the two classes to wear, just that you have to wear II or III. We did have a question in our convention class about police officers working within the right of way of a federal aid highway and the answer is that they also must meet the same requirements. The difference is that there is an allowance for police officers if they are conducting purely a law enforcement type of activity compared to a longer term roadway safety or investigation activity. There is no allowance for any occupations other than police officers and fire persons and both of them still have to wear the high visibility apparel once the emergency activity has ceased and their activity goes into a non-life safety activity.

Beyond the FHWA Regulations we also have to be concerned about what OSHA thinks you should wear. OSHA defers to the MUTCD in subpart 1926.200(q)2 by saying that all traffic control signs or devices must meet the 1988 version II or Millennium version

of the MUTCD. However, it only says this is for "signs or devices" and doesn't refer to high visibility clothing. The only actual mention of vests in the OSHA regulations is in the excavating standards. So does this mean that OSHA has no requirements for high visibility clothing? Yes and no! There may not be printed requirements, but under the General Duty 5(a)1 clause of the OSHA act "***Each employer*** shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." OSHA can simply say that if your workers aren't wearing an adequate amount of high visibility clothing that you weren't meeting the intent of the General Duty Clause. What is an adequate amount of high visibility apparel? In most cases it is a Class II or Class III garment, but there could be some exceptions. ANSI states that "it is the intention of these performance Class Guidelines and Scenarios to serve as an assessment tool only. Certain, specific conditions such as weather, sight/stop distance, training, regulations, proximity, etc. must be taken into account in any final assessment. Vehicle speed should not be separately considered, rather it should be considered as part of the assessment. In the event of extreme hazards a performance level in excess of Class 3 might be needed. Wearing apparel should always be selected to best achieve the contrast between the wearer and the work environment"

...anyone who is working within the right of way of a federal aid highway must wear Class II or Class III high visibility safety apparel.

What does all of this mean? You may even have to add high visibility pants and head coverings under high hazard traffic situations. In the event one or more of your workers is injured in a traffic accident while they are working on a roadway it is really easy for OSHA to make their case. Let's say your workers were wearing a Class II vest, but no other high visibility clothing. OSHA could go back to the ANSI standards and under the General Duty Clause your company could be cited for not requiring *additional* high visibility apparel. It would then be up to you to prove to OSHA that additional high visibility apparel wouldn't have made a difference in the accident. That might be tough under a lot of scenarios.

So what should be done to protect our workers? Use good old fashioned common sense. I always recommend a Class III vest or outer covering to start with on all workers. From that point look at what else they may need to wear. If a hardhat is required where they are working then why not make it a high visibility hardhat? If it's cold outside and some type of hat is needed when a hardhat isn't required why not wear another type of high visibility head covering such as a knit cap? When your workers may be exposed to traffic while it is raining why not provide raincoats that are high visibility along with the required reflective striping? We can't provide all of the answers in one short article, but use all of the resources available to protect your workers to the best of your ability.

CALENDAR

April 11, 2009

ISPLS Board of Directors Meeting, ISPLS headquarters

April 17, 2009

Indiana Land Surveyors State Board of Registration meeting,
Room WO64

May 16, 2009

ISPLS Board of Directors Meeting, ISPLS headquarters

June 13, 2009

ISPLS Board of Directors Meeting, ISPLS headquarters

January 13-15, 2010

ISPLS 58th Annual Convention,
Indianapolis Marriott East Hotel, Indianapolis, IN.

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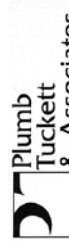


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