



To: Editors of Local Newspapers and Blogs

The Lake George Property Owners Group LGPOG would like to correct some errors that appeared in The Lake George Mirror's July 31st issue in the article entitled "*Waterkeeper Faces Questions About Professional Qualifications*". The Mirror reported that Mr. Rolf Ronning was one of the Group's founding members, which is not the case. Founding members were Barry Kincaid, Donald Russell & Rick Kudlack, followed by the strong support of more than 30 other interested property owners, residents and local small businesspeople who showed up at its very first meeting, at which Mr. Ronning was present. He has not been present at any meeting or involved with the Group since that time.

We would also like to address The Fund for LG Executive Director Peter Bauer's comments in the same article. Mr. Bauer totally downplayed the severity of LG Waterkeeper Chris Navitsky's negligence in not keeping the registration for his Professional Engineering License current. Both Mr. Bauer and Mr. Navitsky have given the public the impression that this was a mere oversight, when Mr. Navitsky himself admitted on camera that he knew it had lapsed (see WNYT Newschannel 13 July 21st). Furthermore, in speaking with the NYS Office of Professions, we were told that a notice is sent to a Profession Engineer approximately 2 months before his registration is to expire. We are confident Mr. Navitsky was given more than ample notice since this would have occurred in early fall of 2007, as his registration expired in November of that year.

We would also like to address comments in a letter of apology issued by The Fund to Town of Bolton Supervisor Kathy Simmes dated August 4, 2009, wherein Mr. Bauer again downplays the matter, calling it an "unintentional, innocent, human error", due to an "address change". An address change?? Since Mr. Navitsky was having all of his mail forwarded to his new address, it is curious that

he would say that he didn't receive the notice sent to him by the state "due to an address change". The following is taken from the NYS Office of Professions (Home Page) *Frequently Asked Questions (FAQs)*:

How do I notify you of a change in my address?

Education Law and Commissioner's Regulations require that you notify us within 30 days of a change in your address. Your notification must include your name, profession, license number (if licensed), social security number, date of birth, and both your old and new addresses. You may notify us in one of three ways:

1) *Email your information: oparchiv@mail.nysed.gov*

2) *Call our automated phone attendant at (518) 474-3817. Operators are available to assist you Monday to Friday, 8:30 a.m. - 4:45 p.m., ET.*

3) *Write to: Division of Professional Licensing Services, Office of the Professions, State Education Building - 2nd floor, 89 Washington Avenue, Albany, New York 12234-1000*

The following is also taken from the NYS Office of Professions website (List of Professions Page) *FAQs #13*.

The laws of the State are clear in regard to unauthorized practice. Section 6512.1 of the Education Law makes it a class E felony for anyone not authorized to practice who practices or offers to practice or holds themselves out as being able to practice professional engineering/land surveying.

Clearly Mr. Navitsky was not in compliance as recently as August 3, 2009, when he was continuing to represent himself and use the title of "P.E." (see enclosed letters to the Lake George Planning Board) even though as of 8/6/09, he was still not listed on the NYS Office of Professions as being properly registered. It is disturbing that Mr. Navitsky's employer, The Fund for Lake George, would continue to approve of Mr. Navitsky representing himself in this way until such time the issues surrounding his registration status were cleared up. It would seem the responsible thing to do to ensure compliancy of their own staff, as is the standard they request of those they so closely monitor.

More troubling in Mr. Bauer's letter is his claim that "*a small group of individuals*" (seemingly the LGPOG) "*who oppose the Waterkeeper program and its actions to protect the water quality of Lake George, have attempted to exploit this matter.*" The LGPOG and its members, take great offense to this claim, we strongly believe in the fair and consistent implementation of the development review process, including adherence to local laws and ordinances, by applicants

and their “observers”. After all, a clean and environmentally sound Lake George is of utmost priority to all of us, whether small businesspeople or private property owners. The LGPOG does not condone poor development.

Also in the July 31st LG Mirror article it read *“The LGPOG, which was created with the avowed purpose of countering the influence of the Waterkeeper and The Fund for Lake George...”* We’re not sure where Mr. Hall got this from, but the purpose for the formation of our Group was to provide a voice for the “little guy” - the individual property owner or small businessperson who does not have an endless pocketbook to defend themselves against entities who do. Additionally, the Group was formed to protect the private property owners’ rights; to ensure that they are not subjected to undue time delays and expenses, which often result from unfounded claims brought on by Mr. Navitsky, an unregistered “P.E.”, through his last minute letters and commentary presented to local Planning, Zoning, Town and County Boards and State Departments. These last minute submissions are obviously intended to delay approvals and cause undue scrutiny, while causing unnecessary angst to the property owner.

With the above in mind, it would seem prudent for Mr. Bauer and The Fund to take some accountability for the illegal shortcomings of their staff, especially given the scrutiny by which they judge those around them, all of whom share the same environmental concerns for the LG Basin.

Respectfully,

Barry Kincaid
LGPOG Member

The Lake George Property Owners Group is a volunteer group of local residents, property owners and businesspeople that are working to establish an environmental and economic balance that protects Lake George while preserving private property rights and the local economy.

The LGPOG supports good land use laws that manage development and environmentally protect Lake George. But we are opposed to extreme regulation that goes well beyond lake protections, and attempts to strip property owners of their rights and assets. We believe that our livelihoods and the health of our lakeside communities can coexist with protecting the lake we all love so much. People are part of the environment, too!