

**STATE AGENCIES: ONLY THE GOVERNOR CAN INTERVENE**  
**February 24, 2004**

I welcome suggestions for topics for this space. Lately I have been getting plenty of them and the consensus of opinion is that I have to put some more teeth in my articles. They want to see me stir the pot more, so to speak. At this point I can hear others saying we would rather see you walk on down memory lane.

Since I am not much different than those who take the time to read my musings, I can relate to both factions. My moods swing and they are necessarily reflected in my columns. Of late, I have been fed up with the hypocrisy and outright lies most politicians of all stripes throw about. In short, out of all the rhetoric and focus my attention elsewhere.

On the local level my reverie on politics was interrupted by Senator Seward's meeting with local constituents at the Town of Webb Schools gym on February 12. I attended along with far too few others. I went because since he was good enough to take the time to listen to our concerns, the least we could do was spend a couple of hours to see, hear and evaluate him in person.

I personally came away with the impression that he was there to listen and help with our concerns if he could. Sadly, I am well aware his voice in the vastness of the morass he has to deal with in Albany may be drowned out.

He has a large and diverse region to represent and there are few outside of our immediate area that has any conception of the problems unique to this area alone. Many of our fellow Herkimer County residents outside of the Blue Line are unaware as well.

All economics in our state and nation are taxed and over burdened by local, state and federal regulations. They are, at best, necessary evils. Political appointees staff every entity administering these regulations and complacent civil service employees who never had any idea the rest of are customers. From top to bottom, they make arbitrary and capricious decisions for reasons known only to them.

Here in the Adirondack Park, the Adirondack Park Agency and Department of Environmental Conservation (DEC) are the two onerous agencies we have to deal with. The application of their rules and enforcement of same are administered in direct relation to the customers' wealth and corresponding political influence it buys. Many of their actions in carrying out their respective mandates are blatant examples of malfeasance in office.

They make up their own rules as they go along seemingly not encumbered by the rule of law or any accountability. Their whole premise is based on the current liberal practice of supplanting the rule of law with the rule of judges. We have a graphic example of that in a recent ruling on a case the Park Agency is pressing on a local area camp owner.

A previous owner placed a driveway across his own property from a public highway 18 years ago. The Park Agency maintains that it crosses wetlands and required a permit to cross. To fully analyze the situation the whole scenario must be placed in perspective.

Eighteen years ago the interpretation of the regulations was vague, imprecise and ambiguous to say the least. Staff members whose qualifications in evaluating what

actually constitutes a wetland are questionable carried it out. I know from personal experience they still are.

Now the road has been in use these 18 years with no demonstrable ill effects with trees six inches in diameter established on its shoulders. As I understand it from media accounts and conversing with the contractor who built the road, the following adjudication has been made by a court: The owner has been ordered to remove same. The Park Agency may then issue a permit to reestablish it. What say you? Whatever happened to our guarantee of a speedy trial or the statute of limitations on nearly all offenses except murder?

The Governor is the only one who can address abuses endemic to the Park Agency and DEC or any other state agencies that use their positions to brow beat ordinary citizens. For Senator Seward or any other state legislator to bring about any coherence to matters has only resulted in a convoluted and hopelessly impossible impasse.

As a former DEC employee, professional forester, environmentalist and naturalist, I am wholeheartedly supportive of the concept both entities are supposed to embody. Many of us here in the Park and elsewhere were well aware of the problems with both agencies during the Cuomo administration. We voted for Governor Pataki convinced he would bring about some needed changes. Unfortunately that has not been the case. It's been business as usual

If he or anyone else needs proof that the words I write are true, let them check out my website [www.martallen.com](http://www.martallen.com) Better yet, have someone from the Inspector General's Office contact me personally to be presented with further examples not yet presented on that site. The Governor should at least do what's right and see others do so as well.

In closing, I wish to thank Senator Seward and his staff for meeting with us and wish him well in his work. His was a welcome respite.