



NEW YORK STATE SENATOR

John J. Bonacic

## Bonacic Introduces Legislation to Authorize Buyouts of Flood Victims in Wawarsing

JOHN J. BONACIC November 17, 2009

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November 16, 2009: State Senator John J. Bonacic (R/I/C – Mt. Hope), has introduced legislation (S.6276) to authorize the use of funds from 2008's Greater Catskills Flood Relief Program, to buy out, on a voluntary basis, the homes of people in Wawarsing who live near New York City's leaking aqueduct. The legislation was introduced on Monday, November 9.

Dozens of families in the Catskills have already qualified to be bought out under the \$15 million program Bonacic initiated. Area families and Bonacic believe the City's leaking aqueducts is causing water to seep and flood into their basements. Studies have shown a correlation of water in peoples' basements depending on whether or not water is running through the City's leaking aqueduct.

This summer, Bonacic met with families whose properties have been subjected to the water inflow, at the DEP's Kingston office and discussed the potential to use the remaining funds for the purpose of buying out some of the Wawarsing homeowners on a strictly voluntary basis.

"One thing I want to make very clear is the legislation does not let the City off the hook. The City, in my view, is liable for damaging these peoples' homes. The physical and emotional damage inflicted on these individuals is substantial. No governmental entity should allow its property to leak millions of gallons of water a day into our ground," Bonacic said.

The City has consistently refused to accept responsibility for the water seepage and flooding faced by families in Wawarsing. Instead, the City has indicated they feel the inflow could be caused by poor drainage or rainfall. The City has advised area residents to file claims against the City – a timely and costly proceeding, without any guarantees of success. The costs of such a lawsuit could easily exceed \$100,000 between engineering

and other studies which would be required to prove the case – and a favorable verdict in any such case, of course, is not guaranteed.

Julianne Lennon, who has been one of the leaders of the Wawarsing area residents whose homes have been subjected to water damage, supports Bonacic's legislation. "Nobody would buy our home in the present condition because of the ongoing flooding and water seepage. We believe the City has violated our civil rights in the way they have used their governmental authority. They are letting their aqueducts leak, using their government power to flood our homes. Their only response is 'sue us'. That is not an acceptable way any government in the United States should treat any citizen."

Ms. Lennon added, "Being bought out will not make up for the suffering we have faced over the years because of the City's actions, or compensate us for the thousands of dollars we have spent to try and prevent the flooding of our properties. However, it can solve an immediate crisis which threatens the health and safety of families in this region. For those reasons, I support Senator Bonacic's legislation, and appreciate the fact that he has been a vocal opponent of the City's horrible management of their reservoir and aqueduct system."

Bonacic has long been a critic of the City's management of its watershed. He has secured passage of legislation in the Senate to require the City to open up its lands for traditional recreation uses such as hiking and fishing. He has also passed legislation to take away the City's ability to even operate their own reservoirs. Just weeks after that landmark legislation passed the Senate, the City, as reported in the *New York Times*, started to partially engage in flood prevention – a job they had long refused to even discuss, much less actually undertake.

"I detest the use of taxpayers' money to pay for something I believe is solely caused by the City. What I despise more, is to see people suffer because the City bureaucracy refuses to accept responsibility. For those families who have sued, I believe the Courts will hold New York City accountable at the end of the day and pay substantial damages. However, for those that do not want to sue, or cannot afford to sue, this offers another alternative."

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