



NEW YORK STATE SENATOR

John J. Bonacic

Senate Passes Bonacic's Legislation to Provide Relief for Wawarsing Flood Families

JOHN J. BONACIC March 4, 2010

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The New York State Senate today, passed legislation, sponsored by Senator John Bonacic, (S.6276), which would authorize the use of \$4 million in State funds to buyout families who have been subject to repeated and ongoing water seepage and flooding in the Town of Wawarsing.

"Government has the moral obligation to try and make peoples' lives better, not wreak havoc on families. It is my view that the City's failure to accept responsibility is wrong. We cannot, however, wait for the City to act. The State did not cause this problem, but I intend to do all in my power to fix it," Bonacic said.

The families in Wawarsing live near New York City's aqueducts which leak daily tens of millions of gallons of water into the ground. Tests have demonstrated a relationship between the leaking aqueducts and the damage to the homes of these area families. Unfortunately, the City has refused to admit responsibility. Rather, the City has effectively told area families to sue the City, a substantial if not insurmountable task given the fact that the City has hundreds of lawyers and engineers at its disposal – resources which many area families in Wawarsing cannot match.

"David had a better chance against Goliath than individual families have fighting New York City in a battle of engineers, lawyers, hydrologists, and geologists. The cost of the litigation is simply too much," Bonacic said.

Bonacic first raised the concept of a flood buyout program during a meeting this past summer in Kingston with the DEP and flood victim families. The City DEP did not object that proposal, which uses part of \$15 million in flood buyout funds Bonacic secured in 2008, for the initiative.

The Senator also said he hopes the City contributes funds to compensate the families for the true measure of their loss. "This legislative solution is a triage rather than a full scale operation to give these families back their lives. These families have suffered too much to simply have a check written for the value of their homes when the emotional and personal crisis they have faced year in and year out, are worth so much more," Bonacic said.

Senator Bonacic has long led the effort to hold the City accountable for wrongs inflicted on area residents. Bonacic wrote and passed legislation requiring dam safety information to be shared with area municipalities about the City's reservoirs; wrote and passed legislation in the Senate to force the City to open up their lands to historic recreational uses as contemplated by the 1997 Watershed Memorandum of Agreement.

Bonacic ultimately wrote and passed legislation in the Senate to take away the City's management of their reservoir system since they had been failing to address flood control related issues. Just weeks

after that legislation passed, the City started taking a series of steps which have led to some reductions in flooding including: the development of reservoir releases when the snow pack was high; opening up a waste channel from the Ashokan Reservoir; instituting a new computerized monitoring program to better time reservoir releases; and developing a release mechanism at the Schoharie reservoir.

“The City never will admit liability, but by their actions, they are tacitly acknowledging something that pre-2006 they would not even talk about: there is a flood control obligation associated with reservoir ownership and management. For that I am grateful. However, more work needs to be done and I intend to keep reminding the City of that, and pushing for the necessary changes. My constituents and all the people of our region deserve nothing less,” Bonacic said.

Senator Bonacic met two weeks ago at the State Capitol with new DEP Commissioner Cas Holloway to discuss this legislation. “Commissioner Holloway understood why this legislation was beneficial to the DEP. They could have tried to stand in its way, but did not, and I appreciate that. The Commissioner seems like a pragmatic individual who recognizes that the upstate/downstate relationship is at two way street and we need to try and improve that. I urge him to continue to take positive steps to mitigate flooding and know that helping the people who can be bought out voluntarily if this legislation becomes law, by covering some of their additional costs, would go a long way toward improving that relationship,” concluded Senator Bonacic.

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