
Environmentalists press Suffolk to replenish sewer fund

September 14, 2015 By RICK BRAND rick.brand@newsday.com

Environmentalists say they will go to court next week to force Suffolk County to return nearly \$30 million to its sewer fund, but say they may be willing stretch out repayments since the county is facing a major budget crunch.

The push for repayment comes after the state's highest court on Aug. 27 let stand last year's unanimous 4-0 appellate ruling that former County Executive Steve Levy and county lawmakers illegally moved the money without getting voter approval in a referendum.

Richard Amper, executive director of the Long Island Pine Barrens Society, said the motion will be filed in state Supreme Court before Justice Joseph Farneti, who initially had ruled against environmentalists in the case. Amper said he expects the court order to be approved as "pro forma and a matter of law."

The Court of Appeals ruling came weeks before Suffolk County Executive Steve Bellone files his proposed 2016 operating budget, due Friday. Bellone already faces major fiscal challenges, including an ongoing structural deficit and sales tax shortfalls.

"Protecting the drinking water is going to be around for a long time, so we are not going to demand that the county deliver a cashier's check tomorrow," Amper said Monday. "If the administration can make a case that it will imperil some other government function . . . we will entertain it."

Justin Meyers, Bellone's spokesman, said the administration is in talks with Amper's group. "We're on the same page," Meyers said.

Meyers also dismissed the idea that there might be any impact on the impending budget. "It's a nonissue," he said. "It's not a budget buster."

Levy did not return calls for comment.

Bellone and environmentalists settled a similar dispute over the administration's use of the land fund last year. That deal authorized borrowing of \$29.4 million for new land acquisition and sewer projects, while permitting the county to continue borrowing money from the \$140 million sewer assessment stabilization fund for three years and pay it back from 2018 to 2029.

Given Bellone's past "good faith, we're not going to take out the transgressions of Steve Levy on Steve Bellone," Amper said. "They are not the same Steves."

The county water program, funded by a quarter percent sales tax, dates to 1987 and is aimed at protecting the county's water supply and the pine barrens region. Three subsequent revisions to the plan, in 1993, 1999 and 2007, all required a public referendum and mandated that future

changes also be approved by voters.

County lawyers argued the mandate for referendums violated the state constitution and Municipal Home Rule Law because it improperly restricted the power of future elected officials to legislate.

[< back to article](#)