

## TOP STORIES

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# QUESTIONS ON VOTE

- **\$1.14B sewer privatization** in Nassau at issue
- **Deal requires OK** only of panel, not full legislature

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Nassau officials have scheduled a public hearing Monday on the planned privatization of the county sewer system, but questions continue over the way the county legislature plans to approve the deal.

Republican County Executive Edward Mangano has proposed paying a minimum \$1.14 billion over 20 years to United Water Long Island Inc. to manage and operate the county sewers. He contends this will save millions of dollars for Nassau businesses and homeowners who have been paying \$117.3 million in property taxes annually to support the system, which includes three major wastewater plants, 53 pumping stations and about 3,000 miles of sewers.

Although the full legislature will attend the hearing, the county attorney contends the sewer deal is a "personal services agreement," which requires approval of only the GOP-controlled, seven-member Rules

Committee. That means 12 legislators, who represent more than 850,000 people, will not vote.

In comparison, the full legislature votes on contracts for as little as a few thousand dollars when the county spends hotel-tax money or pays for capital improvements in school districts or fire departments. For example, last year all lawmakers voted to grant \$15,000 in hotel-motel tax money to the United Methodist Church of East Meadow to renovate its cemetery.

"If this is a personal service contract, tell me what isn't," Legis. David Denenberg (D-Merrick) said of the sewer deal. Because Denenberg is not on the Rules Committee, he would not be able to vote. "This is a decades-long maintenance and operation agreement that is unprecedented in scope and size for one of the main services that the county provides, wastewater treatment. I would argue that it's Nassau's greatest asset."

But the county's top legal advisers say the deal falls under the scope of personal services

contracts, which require specialized skills. For example, the Rules Committee in June approved a \$40,000 personal services agreement that required "specialized, unique" skills to have a Neil Diamond tribute band perform in Eisenhower Park on Aug. 9.

Nassau voters in 2000 approved a referendum giving the Rules Committee approval of such agreements, which previously had been awarded solely by the county executive.

"The operation and maintenance of the sewer system requires 'unique and specialized professional skills, together with experience in new technologies and engineering expertise,'" said Republican County Attorney Carnell Foskey. "This type of contract requiring such professional and other technical services is classified as a personal service contract under applicable law and the Nassau County Charter."

Although the full legislature voted on contracts for private companies to run the county bus system and the Nassau Coliseum, Foskey said they differed legally from the sewer deal.

The county charter directs the legislature to "make rules and regulations for the protec-

tion, preservation and use of any works or facilities or other property in the nature of public works constructed, acquired, owned, leased, maintained or operated by the county."

Foskey said that section "is inapplicable. We are not regulating the use of a public work or facility. We are entering into an operations and maintenance agreement."

Legis. Michael Venditto (R-Massapequa), who is running against Denenberg for a vacant State Senate seat, also would not have a vote since he is not on Rules. A GOP spokesman said that played no part in deciding the approval process.

"The presiding officer is not going to change the rules for personal service contracts either to hurt or help an individual legislator," said Frank Moroney, who responded on behalf of Presiding Officer Norma Gonsalves (R-East Meadow) and Venditto.

But Legis. Judy Jacobs (D-Woodbury), who was presiding officer for eight years, said she would have asked the full legislature to vote on the deal. "This is a big issue, as big an issue as we've ever dealt with. The more transparency, the more people involved, the better."