

AIM WEST MILFORD

The future of MUA debated by West Milford officials

FRIDAY, JUNE 10, 2011

BY ANN GENADER, CORRESPONDENT

Two suggestions were made at the June 1 Township of [West Milford](#) council workshop to help the trouble-plagued, financially-strapped West Milford Utilities Authority (MUA) provide acceptable service to its 1,700 customers.

Mayor Bettina Bieri proposed that the MUA terminate their administrator and have Township Administrator Kevin Boyle assume MUA responsibilities with assistance of Health Officer William Wallace. She said the \$66,000 salary funds saved could be better used to employ a maintenance person to work daily on immediate problems and to keep plants operating.

Bieri said Boyle is well qualified with over 26 years experience in handling municipal authorities in two other North Jersey towns.

Councilman Dan Jurkovic blamed the New Jersey Department of Environmental Protection (NJDEP) for the MUA problems and said the state agency could shut down the utility.

"Appeal to the NJDEP for funding to fix the system," Jurkovic advised people at the meeting. "Let them know what's going on up here. The (recent) Awosting plant replacement to serve 180 homes cost \$5 million. If we carry that over to repair and upgrade the other plants the cost would be over \$75 million. We couldn't come up with that much money as a township. The state is going to have to step forward and help us."

"The NJDEP people are the ones who are culpable," said Jurkovic. "They approved the installation of the plants with no provisions for long term care and the builders walked away without future responsibility. Six to eight weeks ago the council was given a status report from the NJDEP. People are entitled to have clean drinking water and they should request copies of that report through the Open Public Records Act. The council does not have control over the MUA. It would be helpful to learn how and why it was organized in 1873 in the manner that it is."

The MUA commissioners and township councilmen continued to keep Bieri under fire for her action to go public with information in a May 13 letter from Alan S. Dillon, section chief, capacity development section, Bureau of Safe Drinking Water. Dillion said in the letter that several MUA facilities were in a state of severe disrepair, "apparently due to mismanagement neglect and lack of operational oversight."

"Field sampling equipment appeared seldom used and was surrounded by rodent debris," Dillon said. "Chemical feed tanks appeared to contain rodent fecal matter. This situation presents an immediate health concern."

Mayor Bieri is sticking to her statement that she had no alternative but to go public with the information when the MUA refused to provide her with addresses of users.

Amidst MUA commissioners' criticism for doing so, Bieri said she believed she was entitled to have the addresses of the users so that as mayor she could get the information to them. She said she didn't initiate legal action because she didn't want the MUA to incur the cost of hiring an attorney.

MUA commissioners, including Martin Berrecone, accused Bieri of giving the governor incorrect information. He said the NJDEP gave no advisory to residents that their potable water supply was unsafe.

"I believe in transparency in government," said Bieri. "Disseminating the truth is not being political. I never made a statement about water quality. I asked the Health Department to check. I quoted the NJDEP. I'm not the culprit the MUA claims me to be."

MUA Attorney Lisa Thompson defended the MUA's refusal to provide Mayor Bieri with the list of user's names. She said a public utility has to safeguard the customers.

"A public utility has to safeguard the customers," Thompson said. "Disclosure would violate privacy and possibly result in unwanted solicitation. Public disclosure of home addresses does violate and compromise home and personal security."

MUA Chair Carmelo Scangarello said Bieri made more of the Dillon letter than it was with no requirement of immediate remediation issued. He charged the mayor's action to go public with the information as being strictly politically motivated.

He said following the state mandate to rebuild the Awosting plant would have been less costly if the state would have allowed construction of state of the art septic systems instead of requiring the new plant.

"We met with the NJDEP in Trenton three times, pleading for funding for 15 sites," said Scangarello. "We needed their help. When we didn't get it we offered to give them the responsibility of the MUA. 'They answered, 'Please – no!'"

Scangarello verbally struck back at Mayor Bieri, citing the negative images of him that she implied in a May 22 letter to Gov. Christie when she asked for an investigation of the MUA. Bieri said in her letter that it would appear on a smaller scale that the [Passaic Valley Sewerage Commission \(PVSC\)](#) abuses are rampant at the [West Milford MUA](#). She said cronyism has to stop and the West Milford MUA is in desperate need of restructuring. Scangarello is chairman of the MUA and previously worked for the PVSC.

"The governor got rid of 150 [Passaic](#) Valley Sewer Commission employees," Scangarello angrily told Bieri. "All but three were let go or retired and only three were led away in handcuffs. Am I not entitled to feed my family, pay my taxes and send my daughter to school?"

He said he hopes Governor Christie takes on an investigation of the [West Milford](#) MUA as Bieri requested.

You will be the one who is embarrassed," Scangarello told the mayor. "Commissioners get \$580 a year and you are paid \$4,000. I hope the governor does come. You will be the one who is embarrassed. You had better look up what the words nepotism and patronage mean."

Highlands Coalition input

"We are concerned about MUA issues and what's best for the citizens, not how commissioners defend themselves against allegations," said Elliott Ruga, senior policy analyst for the New Jersey Highlands Council. "The issue is about water supply. Water is essentially free and we pay to transport it to our homes. It is entrusted to the state to make sure it is there for us."

Ruga said if he were a commissioner he would not have waited for intervention.

"A flag should have been raised noting there was a problem and a need to solve it," said Ruga. "It would not be my priority to be on the defensive. It becomes an ultimatum to do what is necessary to fix the problem and not blame people. "

"This (situation) is something that is serious and getting worse," said Jurkovic. "We try to appoint people to serve on the MUA who are users and have a vested interest. I don't think that they would provide bad water that they would have to drink themselves."

"What is the Highlands Council doing for [West Milford](#)?" questioned Councilman Joseph Smolinski. "What is the rest of New Jersey doing? The situation is unsafe not just for the West Milford MUA users but also for those downstream. The history of the MUA doesn't justify the situation as it exists now. There should be concern for the whole state. If anyone has a solution I'll stand by it."

"Former Township Attorney Martin Murphy advised the council years ago that if the township took over the MUA it would have to incur its existing debt," said Councilman Phil Weisbecker. "This would be a tremendous hit to all taxpayers."

"There was a lot of debate (at the June 1 workshop) and that is fine," suggested Councilman Edward Rosone. "Everyone with questions should go to the MUA and tell them of any problems and concerns. I don't think we are shirking our responsibility. The professionals hired are well qualified and licensed by the state."

Rosone said he is a system user, served as a commissioner on the MUA for a short time before being elected to the council, and voted in favor of a rate increase for himself.

"The MUA is not neglecting anything and running it (the utility) as officially as they can under existing conditions," said Rosone. "They are trying to get things done with a limited amount of money. The MUA has to work as a team with the township. There should not be personal attacks."

"The MUA is pro-active and has professionals trying to fix problems," said Commissioner Sal Schimmenti. "No one is giving a solution. Nothing is for free. Everyone wants clean water. If you have a solution, come up here or else shut up."

"Blaming the messenger does not solve the problem," said Chris Garcia. "[West Milford](#) needs leaders not politicians. Plan for the future and take responsibility."

"I don't see why you're bashing the mayor for bringing us a report we should have," said John Richards of [Newfoundland](#). "I also witnessed the arrogance of the MUA. They are covering their butts and pointing fingers."

"You guys are responsible for public health," Robert Nolan said. "She (Mayor Bieri) took action when you took none. In December my sewer bill was \$226 and it had an 11 percent increase to \$259 in March. I commend Mayor Bieri for telling me of the health concerns."

"Mayor Bieri is the best mayor we've ever had," said Andy Gargano. "I have always been amazed at her businesslike manner and getting the job done – her ability to get people to get things done. You are waking up a sleeping giant. It's not about politics. It's about getting things done. That's the gift she has. She has everybody angry. That's just the way we are as humans."

"The MUA does not provide the service because you appoint unqualified hacks," charged James Warden. "It is your responsibility. Long ago we found that Old Milford polluted Belcher's Creek. It was covered up then and it continues to be now. There are a lot of unanswered questions. I'm quite certain this is the tip of the iceberg. Do what you're elected to do and represent the town, not your club."

The MUA commissioners did not wait to hear responses to their statements. After saying what they came to say they left the meeting, mostly as a body. Mayor Bieri questioned legality of six commission members attending the council meeting without providing the required 48 hour legal notification that they were meeting together, an alleged violation of the Sunshine Act.