

Reason for Fight Against Wastewater Treatment Plant

Setting the Record Straight

Cary and Apex continue to hide public information related to the site selection.

September 13, 2004, Cary, the lead agency for the partners, developed a [Communication Plan](#) to advise residents in New Hill about the sewage plant.

A portion of the plan states: Public Meetings: Conduct a minimum of two public meetings for the project with at least 30-day notification.

Not only was this plan not followed, but Susan Moran, Public Information Officer for the Town of Cary, stated in an [email](#) dated 11/30/2004:

"..the partners have agreed that we want to avoid publicity for as long as possible...."

Carl Dean, Holly Springs Town Manager stated in a December 16, 2004 email:

We need to develop a method to handle these utility projects without the public hearing requirement. [See Attachment 20](#)

The New Hill Community Association sent letters to each of the towns requesting copies of all documentation pertaining to the sewage plant. Our letters to the partners were very specific in that it requested copies of ALL documents pertaining to the Waste Water Treatment Facility.

- The first letter was sent in early August, 2005. At first Cary stated our request was not specific, so they only sent documents from September 2005. Additional follow-up letters resulted in Cary and Apex staff members providing the requested information in October 2005. One of the letters sent can be viewed [here](#).
- Mayor McAlister and the Town of Cary Council Members have not provided the requested information, despite the allegations that Town Manager Bill Coleman made in a [letter to the editor](#) of the News and Observer.

- Mayor Weatherly and the Apex Board of Commissioners have not provided copies of their documentation. One can only wonder what it is they are hiding, or what it is they are afraid we will discover. Perhaps they are waiting until sometime after the November 8, 2005 election.
- Holly Springs provided the requested documents during December 2005. Morrisville has not provided their documentation.

Cary and Apex have demonstrated how little respect they have for those being impacted by their proposed sewage plant.

Kim Fisher, Director of Public Works and Utilities, Town of Cary stated in an [email](#):

"Seems to me New Hill is a zip code, not a community."

Jennifer Robinson scolded the residents of New Hill during the June 23, 2005 Cary Town Council Meeting. This is the meeting where the Cary Town Council voted to condemn the farm in New Hill.

You can listen to her by clicking [here](#). (This recording is approximately 4 minutes long. The relevant portion comes approximately 2 minutes and 15 seconds after the recording starts, then again after approximately 3 minutes.) The recording of the entire meeting is located at: [Town of Cary Audio Recordings](#).

The minutes of the meeting can be read [Town of Cary Agenda & Minutes](#). The official minutes do not include Jennifer Robinson's unprofessional tirade against the citizens of New Hill. One can only guess as to why her statements are not included in the official meeting minutes.

You can read another account of Ms. Robinson's [tirade](#) in the News and Observer article.

During the June 23, 2005 Cary Town Council Meeting, Mayor McAlister stated he met with the people of New Hill and answered all their questions. The Mayor is correct that he did meet with 4 people from New Hill, but he knows he did not answer all the questions that came up during the meeting.

Yet, he made this statement anyway. You can listen to the Mayor's comments [here](#). (The Mayor's comment comes about two minutes after the recording starts.)

The recording of the entire meeting is located at: [Town of Cary Audio Recordings](#).

The minutes of the meeting can be read [Town of Cary Agenda & Minutes](#).

Unfortunately, Mayor McAlister's statements are not reflected in the printed minutes. Guess the Mayor did not want his statements reflected in the minutes, as he knew his statements were not true.

On or around July 1, 2005 the Apex Mayor and Board of Commissioners stopped responding to letters and emails from the residents of New Hill. Many letters and emails have been written, but we have yet to receive an answer. You can read these letters and emails [here](#) or by selecting "**Articles, Letters, etc.**" from the Contents at the left.

Perhaps Apex stopped responding because of the [email](#) Leila Goodwin, Water Resources Manager for the Town of Cary wrote in a May 27, 2005 email to the Regional WW Tech Advisory Committee: Bruce Radford (Apex Town Manager); Bill Coleman (Cary Town Manager); David Cooke (Wake County Manager); and Tommy Esqueda (CDM Consultant):

"If you get any questions from the media, please direct them to Susan Moran. If you get any questions from citizens, please direct them to the website...."

This shows who the Partners think are really important. Cary doesn't care about the people who are being impacted, but wants to take care of the media.

Or, perhaps the Partner Towns stopped responding because of an email Cary Mayor McAlister sent to each of the towns. We received a copy of the email from Holly Springs Town Manager Carl Dean:

-----Original Message-----

From: Carl Dean

Sent: Tuesday, July 05, 2005 11:56 AM

To: Charles Simmons; John Schifano; Joni Powell; Kendra Stephenson;

Stephanie Sudano; Thomas Tillage

Subject: FW: Waste Water Treatment Facility

Folks-

Just received this from Ernie, and I agree with his position.

In the future please direct all inquiries to Cary as it relates to the site location of the Western Wake plant, and let me know if additional information is requested from the Council. Thanks-
Carl

From: Jenn Randall [mailto:jrandall@shlf.com]

Sent: Tuesday, July 05, 2005 10:39 AM

To: 'rgsears'; Carl Dean; 'Chuck Simmons'; 'Chet VanFossen'; 'Hank Dickson';

'hamwomble'; 'patwell'

Subject: Waste Water Treatment Facility

In regard to the recent exchange of emails regarding the New Hill site for the regional waste water treatment facility, I will repeat the comments I made at a recent Town Board meeting. Cary is the lead agency in this project. Representatives of Cary should be the only ones responding to inquiries about this project. It should be quite obvious by now that if representatives of our Town and other Towns involved in the project try to respond to questions about and make comments on this project, discrepancies between what we say and others say will be picked apart by the opposition and only be fuel to feed their fire, even if those discrepancies are minor. It has been

my experience in handling a number of environmentally sensitive and inflammatory projects that it is best to have one source of information and comment.

Questions regarding our sewer plant expansion and our waste water treatment line are different matters. Those we should speak to as the lead agency.

Each elected official can do whatever they want to. But I would respectfully submit and urge that there is only one appropriate response from representatives of Holly Springs regarding this project, which is, " Cary is the lead agency in this project and any comments should come from representatives of that Town." Period. Nothing more.

As a last point one should consider the obvious. Opponents are not looking for factual responses. They are looking for ways to stop the project.

Carl, I would encourage you to direct all staff to have no response other than the above. Elected officials do what you want, but why one would want to get into the middle of this is beyond me.

Not only does Mayor Weatherly not have respect for the people of New Hill, he does not respect one of the Apex Board of Commissioners.

From: Bruce Radford [Bruce.Radford@apexnc.org]
Sent: Wednesday, October 12, 2005 2:31 PM
To: new.hill@apexnc.org
Subject: FW: Western Wake Regional Waste Water Treatment Plant location
From: Keith Weatherly [mailto:keith.weatherly@apexnc.org]
Sent: Thursday, August 04, 2005 8:51 AM
To: bruce.radford@apexnc.org
Subject: FW: Western Wake Regional Waste Water Treatment Plant location

Bruce,
Here is another reference to an “ study” about the plant that was discarded. Please tell me, again, what you think this refers to and how this misinformation got started. **Is it Jensen junk?** I will respond to this email after I hear from you, but I want to be absolutely sure there was no study.
Thanks,
Keith

From: (Name removed for privacy)
Sent: Tuesday, August 02, 2005 7:08 PM
To: keith.Weatherly@apexnc.org; billjensen@nc.rr.com;
bryan.gossage@apexnc.org; mike.jones@apexnc.org; dgmeckes@aol.com;
gene.schulze@apexnc.org; Michael.Deaton@apexnc.org
Subject: Western Wake Regional Waste Water Treatment Plant location
Dear Mayor Weatherly and Apex Town Council,

I am a citizen of Apex, and I am concerned about our town’ part in the siting of the Western Wake Regional Waste Water Treatment Facility in New Hill.

The rest of the email can be read [here](#).

The Town of Cary lists their values at: [Town of Cary Values](#) In these values, Cary states:

- We will make and support good, sound public policy and uphold the values of the democratic process
- Citizens will be treated with dignity, respect and fairness
- Decisions made will be honest, ethical and fair

These values were adopted February 23, 1989 by the Town of Cary.

With what we have shown you so far, and will continue to show you, Cary has not:

- Upheld the values of the democratic process (the people who are being impacted by the sewage plant had no input into the decision to place the facility in New Hill)

- Treated citizens with dignity, respect and fairness when those impacted by the decisions are not involved in the decisions
- Been honest, ethical and fair when information is purposely withheld from the public

Wake County Manager David Cooke has gotten involved to support Cary. The Wake County Commissioners are the only elected officials who represent the residents of New Hill. Mr. Cooke says

his goal is to help keep the project on track without the Wake County Board of Commissioners from having to get involved or being dragged in.

He also refers to the first meeting he attended in New Hill as "[mob commentary](#)".

Initially, the Cary Town Council was going to vote on condemning the farm in New Hill before the public meeting of June 14, 2005. Only at the encouragement of Wake County Manager David Cooke did Cary agree to wait until after the hastily scheduled public meeting at the Apex Fire Station in New Hill. (Read the "mob commentary" email cited above.)

Cary and Apex staff personnel and the Hazen and Sawyer consultants have published and espoused much information that is not factual.

In an email [email](#) dated May 25, 2005, Susan Moran writes:

“New Hill man is calling media saying that there "WILL" be a meeting to uncover our "SECRET" wastewater project plans.

One incorrect compliant he's throwing out is that New Hill will not be served.”

The fact is that no one in New Hill will be served by the new sewage treatment system unless, and until New Hill is annexed by one of the towns that make up the Western Wake Partnership.

On the August 7, 2005 NBC 17 At Issue Television Program, Susan Moran made a statement about using one of the Progress Energy sites, “You're talking about pumping raw sewage - twice as much as you need to.”

Ms. Moran says that to move the sewage plant one mile further away from New Hill will require twice as much raw sewage to be pumped.

When [asked](#) to supply supporting data to this assertion, no reply was received from Ms. Moran.

When Cary officials were asked if they had approached Progress Energy about placing the sewage plant on their property, Bill Coleman, Town Manager of Cary, stated:

From: Bill.Coleman@TownofCary.org
To: jacksmith@ocsllc.com; mdorrel@nc.rr.com; robison@rti.org;
jennifer.robinson@TownofCary.org; nroseland@nc.rr.com;
emcalister@nc.rr.com; mike.joyce@TownofCary.org
Sent: Monday, June 20, 2005 2:02 PM
Subject: new hill plant site

We had a meeting with Progress Energy today. The gist of the meeting was that Progress Energy does not want the wastewater plant on their site even if it could work economically. if you have questions about their position, please call marty clayton 878-5300 or 616-3704. thanks, bill William B. Coleman, Jr. Town Manager Town of Cary

When members of the New Hill Community Association (Paul Barth and Dave Bristol) met with Progress Energy representatives (Marty Clayton and Tom Trocheck) July 8, 2005, they were told PE has never been formerly asked by Cary for property to site a sewage plant. The minutes of that meeting can be read [here](#).

Another [email](#) from Stephanie Sudane, dated July 5, 2005 supports our thoughts that what Bill Coleman stated above is not factual.

Was PGN property evaluated? Yes it was.
Was PGN contacted for their property? No....

Interlocal Agreement

The Interlocal Agreement for Land Acquisition for the Western Wake Regional Wastewater Management Facilities, dated Jan 26, 2005 called for each of the towns to provide written approval to the lead agency (Cary) for the land parcels identified for acquisition. Cary provided a letter for each of the towns to sign and return to Cary. The intent of the letter is to inform Cary that the towns agree with and concur with the selection of the site of the sewage plant. The Interlocal Agreement letter can be read [here](#).

The New Hill Community Association believes Mayor Weatherly overstepped his authority and signed this letter, at the urging of Town Manager Bruce Radford, without the Board of Commissioners discussing or voting on the site selection. Let's examine why we believe this.

The Code of Ordinances for the Town of Apex can be read [here](#).

The Code of Ordinances states:

Sec. 2-23. Mayor--Duties.

It shall be the duty of the mayor to:

- (1) Preside over the meetings of the board.
 - (2) Sign all contracts, franchises and other written instruments authorized by the board.
 - (3) Appoint such committees as are authorized by the board and outline their powers and duties as deemed necessary to properly care for the affairs of the town.
- (Code 1973, § 2-32(b), (c), (d))

Charter references: Mayor as official head of town government, vote of mayor, § 2.2.

State law references: Mayor as official head of town, G.S. 160A-67; vote of mayor, G.S. 160A-69.

There are two emails supporting our assertion the Mayor was not authorized to sign and send the letter:

- From: billjensen@nc.rr.com [mailto:billjensen@nc.rr.com]
Sent: Friday, June 24, 2005 6:33 AM
To: Bruce Radford
Subject: Cary decision
Bruce,
Well, Cary made the decision on the waste water site selection that I certainly hoped they would not. In my opinion, you had a good part in that decision by having Weatherly sign a letter that went around any decision making process by the Apex Board of Commissioners. This town is supposed to be run by the commissioners, not the staff, and it appears too often that it is the other way around. This process needs to stop.
Bill
- From: billjensen@nc.rr.com [mailto:billjensen@nc.rr.com]
Sent: Friday, July 01, 2005 10:34 AM
To: Mike Jones
Subject: Re: Apex commissioners and mayor e-mails
Mike,
We need to meet on the waste water partnership agreement, and I would also like to discuss if and how we might rescind the letter Keith accidentally sent to Cary..... Thanks,
Bill

Being that the letter was sent in error, it is the opinion of the New Hill Community Association that the letter should be rescinded, and the Apex Board of Commissioners should discuss then vote on whether the site in New Hill is the appropriate site. Commissioner Jensen has stated many times that the site selection is wrong. He even introduced a [resolution](#) at the 9/6/2005 Apex Board Meeting to ask Cary to continue looking for additional sites. The resolution died for

the lack of a “second”. During the Apex Candidate Forums, Mike Jones stated New Hill was not the correct site for the sewage plant, however, Commissioner Jones did not provide the "second" to Commissioner Jensen's resolution. There is additional evidence that Mayors Weatherly and McAlister know the letter was sent in error and are doing all they can to cover up the mistake:

- Principal: CN=Kim Fisher/O=Cary
Subject: WWR Site Selection and Other Stuff
SendTo: Leila Goodwin
From: CN=Kim Fisher/O=Cary
INetFromPostedDate: 09/13/2005 09:45:06 AM
As we discussed at the TAC meeting last week, the Apex Town Board, at their last meeting, entertained a motion from Comm. Jensen to revisit the site selection process for WWR WWMF, but it died for lack of a second after significant discussion.

Robert K. (Kim) Fisher, P.E.

There is a page 2 to this story. Yesterday, Bill Coleman filled me in on that page 2. It seems that Mayor McAlister has been working behind the scenes with Mike Jones and Keith Weatherly to keep from reopening the site selection process. To accomplish this, Mayor McAlister has agreed to have Mike Jones and Keith Weatherly, as well as the Mayor and one other elected official from each of the other project partners meet with Tommy Esqueda and Bob DiFiore (my suggestion) to ask them questions about sites that Mike Jones is interested in and any other sites of concern.

- Principal: CN=Kim Fisher/O=Cary
Subject: Meeting Next Tuesday Afternoon
SendTo: Bill Coleman
From: CN=Kim Fisher/O=Cary
INetFromPostedDate: 09/14/2005 04:07:12 PM

I have confirmed with Tommy Esqueda that he and Bob DiFiore from Hazen and Sawyer can be at the 3:30 PM meeting with Mayor McAlister, et al, to answer questions regarding WRF sites. I will be there, but Leila will take the meeting with DENR, along with other members of the consultant team, in order to keep that process on schedule.

Robert K. (Kim) Fisher, P.E.

On September 20, 2005 the above secret meeting was held without notifying or getting input from anyone in New Hill. You can read the News & Observer article about the meeting [here](#). Excerpts from the article:

Mayor McAlister stated he agreed to the meeting “as an accommodation” to a fellow elected official who had found a piece of land the towns had not considered before”. McAlister went on to state, “There was never any serious consideration” given to moving

the plant. Instead, the towns just agreed to evaluate Jones' site using the same criteria as the other 29 locations".

During the Apex Candidate Forums, Mike Jones stated New Hill was not the correct site for the sewage plant, however, Commissioner Jones did not provide the "second" to Commissioner Jensen's resolution.

The site selection process was severely flawed.

The Hazen and Sawyer consultants produced several studies that ranked 29 potential locations for the sewage plant. Every ranking we have reviewed clearly showed the New Hill site was ranked only 4th at best. The New Hill site has always been ranked behind the sites on Progress Energy property.

Reference Technical Memorandum 8.0, which can be viewed at WesternWakePartners.org

TM 8.0 was prepared as part of the initial work by the partners with Wake County as the lead agency. At the conclusion of that work, the current project partners (Apex, Cary, Holly Springs and Morrisville) entered into a new agreement to implement the Western Wake Regional Wastewater Management Facilities. At that time, Holly Springs decided not to send wastewater to the new water reclamation facility for treatment. **Apex, Cary, Holly Springs and Morrisville reviewed TM 8.0 and selected three sites for detailed analysis.** Sites located south and east of U.S. 1 were eliminated from further consideration since Holly Springs changed the way it wanted to participate in the project. Then, Site C (14) was identified as the southernmost location to be considered for the final evaluation, and the two additional sites were located north of Site 14.

The New Hill Community Association requested the names of the individuals from Apex, Cary, Holly Springs and Morrisville who performed this review of TM 8.0 and selected three sites for detailed analysis. This is the response we received:

The names that you have requested are:

Tim Donnelly for the Town of Apex, myself for the Town of Cary, Blake Mills for the Town of Morrisville, Stephanie Sudano for the Town of Holly Springs, all of whom were designated by their respective town managers as their town representatives to the Technical Advisory Committee for the Western Wake Partners.

Robert K. (Kim) Fisher, P.E. Director of Public Works and Utilities

Even with the studies produced by the consultants, costing the citizens of Apex, Cary, Holly Springs and Morrisville several hundred thousand dollars, the final site selection ended up being made by bureaucrats from each of the towns.

The study was flawed because the Partners did not follow their own criteria for selecting a site for the sewage plant. This information is also posted at WesternWakePartners.org

Subject: Re: Land Site
To: (name removed to protect privacy)
Cc: Kim.Fisher@TownofCary.org
From: Leila.Goodwin@TownofCary.org
Date: Thu, 9 Jun 2005 14:38:56 -0400

When choosing a site for a plant, the Project Partners (Apex, Cary, Holly Springs and Morrisville) must find a solution that best balances many - and sometimes competing - goals. These include: **Social and Cultural Factors**
The plant must be located on a site that protects citizens' quality of life. This means keeping the plant as far away as possible from homes, parks, churches, playgrounds, and other areas important to the people of the community.

Leila R. Goodwin, PE Water Resources Manager

Since the New Hill Baptist Church and a playground is across the street from the proposed site; the First Baptist Church of New Hill adjoins the proposed site; there are two nursing homes within one quarter of a mile of the proposed site; and there are many residencies that adjoin the proposed site; the proposed site is next to a historical district; it is apparent Ms. Goodwin and the Partners did not evaluate Social and Cultural Factors.

Cary Town Commissioner Jennifer Robinson admits in an [email](#) dated June 26, 2005:

First, historical or societal issues were not considered when the site selection process was undertaken. For that, I am very sorry. I was disappointed when I learned that the preferred site impacted the community as it does. **It should have been a factor as important as meeting the standards of the Interbasin Transfer.** Had that been a factor and only sites on the other side of U.S. 1 been considered, the towns involved would have floated bond referendums for larger amounts.

In this email, Ms. Robinson apologized for chastising the residents from New Hill, then admits she did not realize putting a sewage plant in the middle of a community would impact that community. Does she actually believe you can put a sewage plant anywhere you wish and the people of that community will not be impacted?

In the opinion of the New Hill Community Association:

The most important reason one of the Progress Energy sites was not chosen is because Progress Energy wants to develop the excessive land taken from New Hill residents during the 1960s and 1970s. CP&L took this land in anticipation of building four nuclear reactors. CP&L used only half of the thousands of acres they forcible acquired to build one reactor. Rather than give the thousands of excess acres back to the people it was taken from, Progress Energy wants to develop that land as commercial, industrial and residential property.

In order to develop their thousands of surplus acres, Progress Energy will need a sewage plant and a place to discharge the effluent. One of the documents turned over to us clearly shows Cary and Progress Energy have been scheming behind the scenes to allow Progress Energy to utilize the new sewage plant.

An [article](#) written in the August 27, 2002 edition of The News and Observer documents Progress Energy's intent to develop the land.

This was also documented in Meeting Summary Memorandum No. 15, Western Wake WRF Meeting with Progress Energy. A portion of the minutes follows:

Tom Trocheck, Progress Energy Tim Bailey, Town of Cary
Marty Clayton, Progress Energy Tommy Esqueda, DCM
Kim Fisher, Town of Cary Kelly Boone, CDM

Action Items

1) Progress Energy will provide Town of Cary with an estimated amount of land to be developed and proposed land uses by acreage for the area to be used in projecting wastewater flows for the purpose of modeling Progress Energy's additional Cape Fear River discharge.

4) It is understood that Progress Energy may construct its own wastewater treatment facility and independent discharge or **Progress Energy could share in the discharge structure and outfall to be constructed by the Western Wake Partners.**

As if this was not enough, the Partners will be swapping or giving some of the property they condemned in New Hill to Progress Energy so they can get an access road.

Memorandum

To: Technical Advisory Committee

From: CDM/Hazen and Sawyer/CH2M HILL

Date: August 4, 2005

Subject: Western Wake Regional Wastewater Management Facilities

TAC Meeting Minutes – August 4, 2005

iii) Kim Fisher reported that during the July 18, 2005 meeting with Progress Energy, Progress Energy staff agreed to consider the **Project Partners' request to swap the 18-acre triangle of land south of US 1 for land east of the WRF site** to be used for the WRF site access road. Progress Energy advised the Project Partners to make a proposal on the land swap. Surveys and appraisals of the properties are being conducted.

It is the belief of the New Hill Community Association that:

- Progress Energy should not be able to condemn more land than they need for a power plant, then develop that excess land for profit.
- the desires of Progress Energy to develop their land is the real reason Cary and Apex did not choose a Progress Energy site for the sewage plant.
- the Western Wake Partners should not be subsidizing Progress Energy by performing studies for them, and allowing them to connect to the sewage plant

Department of Environmental and Natural Resources (DENR) Review.

As the New Hill Community Association has continued to talk with many of the employees of the Partner Towns, we keep hearing over and over that the time for public comment is during the review by the Department of Environment and Natural Resources (DENR).

We have learned that only 3 sites will be submitted for review by DENR, even though there were 29 sites studied. The 3 sites are the targeted site, as well as two other sites that are heavily populated. In addition, one of the alternate sites was originally removed from consideration, and the other site is outside of Wake County, which would require additional intergovernmental agreements.

Since DENR will only be reviewing the three sites, of course the site in New Hill will look much more favorable than the other two. However, if all 29 sites were included, or if just the sites on Progress Energy property were included along with the site in New Hill, then we are confident the site in New Hill would not be chosen.

We refer to this as “stacking the deck against New Hill”. Think of it this way: you want to buy a luxury car. You take your spouse to ride in the luxury car, and two stripped down models. Which one do you think your spouse would choose? Of course the luxury car will be chosen because you have “stacked the deck” and not presented all the evidence. This is the same thing the Western Wake Partners are doing to New Hill.

As part of the study DENR will be doing, the Partners are claiming the residents of New Hill have not been impacted by large projects in the past. The Partners conveniently forget the residents of New Hill have been impacted by:

- the construction of US 1 from Apex to Sanford;
- the Dixie Pipeline that runs through many of our properties;
- the land that was taken for the nuclear plant;
- the construction of Jordan Lake;
- most recently Progress Energy condemned a lot of property in New Hill to run their transmission lines from the nuclear plant to Green Level and RTP.

It is amazing the Partners can say New Hill has not been impacted in the past.

The New Hill Community Association received a draft of the State and Federal Agency Comments regarding the selected site in New Hill. The document is dated December 13, 2005; is 50 pages in length, and contains over 200 comments, which are requests for clarification or errors found in the Draft EIS/PER submitted to DENR earlier this year. One of the more significant comments was made by Peter Sandbeck from the Department of Cultural Resources.

“We believe that the proposed facility may adversely affect the New Hill Historic District, a property listed in the National Register of Historic Places. Without additional information to the contrary, there appears to be potential for the introduction of atmospheric elements such as light and odor as well as noise from the increased traffic and operations. These all will adversely affect the rural character and setting of the historic district.”

Why Should You Care?

Now that we have shown you some of the things that Cary, Apex, Morrisville and Holly Springs have done to the citizens of New Hill, you may be asking yourself, **"Why should I care? This is not in my neighborhood and it doesn't affect me, so why should I care?"**

Can you trust your elected officials or town staff?

Can you trust your elected officials or town staff to provide you with timely and accurate information?

Refer back to all the ways Cary tried to get out of turning over public information to the New Hill Community Association.

1. Cary Town Bill Coleman even writes a Letter to the Editor of The News and Observer and states “Cary is Complying”, when he knows Cary is not complying.

Remember, the Mayors and Board Members of each of the 4 towns still have not provided the requested information.

Tax dollars are subsidizing Progress Energy.

Progress Energy will be using previously condemned and forcibly purchased land for development, for their own profit.

The Partners are bartering land that was condemned for the sewage plant with Progress Energy.

Some would say Progress Energy has entered into a sweetheart deal with the WWP to keep them from condemning Progress Energy land such that Progress Energy land can be developed for profit. Details are [here](#).

If you need information from your town government

- Will you receive a complete and accurate response?
 - Will you receive a truthful response?
 - Will your response be in the timeframe you need it?
-
-
-

Your elected officials are not doing their jobs

Your elected officials have abdicated their responsibility.

- Jennifer Robinson email that historical or societal issues were not considered during the site selection process.
- Ms. Robinson admits in an [email](#) dated June 26, 2005: this vote was one that doesn't comply with "by the people and for the people."

The Partners wasted tax dollars on engineering studies they did not use.

Apex Mayor and the Town Staff have overstepped their authority.

Once a mistake was made, rather than admit it, they decided to cover it up.

The Apex Board of Commissioners and the Mayor are not abiding by the town charter.

- Apex Mayor seized power that was not legally granted (letter he sent to Cary that was not voted on by the Apex Board of Commissioners)
- Apex and Cary Mayors, and Apex Commissioners are actively trying to cover up their mistake

The elected officials of the Partner Towns have no respect for the citizens.

Is this what you want from your elected officials and Town staff?

What Can You Do?

Voice your concerns to DENR

- Site Selection
- Secretive Process
- Environmental Justice (low income & minority population)

Meeting locations, dates and times will be posted on **NewHillca.org** as they become available

Voice your concerns to your elected officials

- Cary, Apex, Morrisville, Holly Springs Town Councils

Attend board meetings and write letters and emails to your town's elected officials

- Wake County Commissioners

Attend board meetings and write letters and emails to the Wake County Commissioners

- State Legislators

Send letters and emails to your State Legislators

If you can, please make a contribution to the New Hill Community Association legal fund.

Summary: Why New Hill Citizens Are Outraged?

The elected officials of the partner towns have not provided documentation - requests for documentation ignored

Disrespect shown to New Hill residents by the Partners and the Wake County Board of Commissioners.

- Cary planned to condemn the property prior to any public meetings
- Kim Fisher's statement, "New Hill is a zip code, not a community."
- Cary Town Council Member Jennifer Robinson scolding the residents of New Hill
- Mayor McAlister making inaccurate statements to the Cary Town Council
- Mayor McAlister issuing a "gag order" to the partner towns
- The Partners wanted to avoid publicity for as long as possible
- Mayor Weatherly and the Apex Board not answering letters and emails
- Most meetings were held in secret - New Hill residents not invited
- David Cooke does not want the Wake County Commissioners "dragged in"

Inaccurate statements made by town staff personnel and consultants

- New Hill will be served by the facility

Mayor Weatherly overstepped his authority, then he and Mayor McAlister attempt a cover up

- No public hearing on the site selection

Preferential treatment given to Progress Energy

- Tax dollars supporting Progress Energy

Site selection process severely flawed

- Did not follow Social and Cultural factors
- Did not follow rankings

Town Council Members unfamiliar with the process; the location of the chosen site; or the impacts to the community

Town Partners passing the buck to DENR

- Only giving DENR partial facts

Attachments

Attachment 1:

September 13, 2004

WESTERN WAKE REGIONAL WASTEWATER MANAGEMENT FACILITIES COMMUNICATIONS PLAN

PURPOSE

To articulate the processes and activities required to ensure that all legal requirements for the project's public information and public notice are met.

GOALS

- Plan, design and construct facilities in accordance with the regulatory requirements mandated by the North Carolina Environmental Management Commission.
- Support the orderly, planned, and necessary extension of infrastructure to better serve existing as well as future citizens and businesses in the service area.
- Give potentially affected property owners ample notice of the likelihood of infrastructure extension on and near their property.
- Raise awareness and understanding of the facts of the project by anticipating and addressing communications issues in advance of misleading or inaccurate information being disseminated.

SITUATION ANALYSIS

Six Wake County local governments worked together from May 2002 to July 2004 to evaluate options for providing long-term wastewater management services for western Wake County. As a result of the evaluation effort, four local governments have elected to proceed with the construction of regional wastewater management facilities to serve wastewater needs of western Wake County to the year 2030. These "Partners" include the Towns of Apex, Cary, Holly Springs, and Morrisville. The period of time required to study, locate, design, permit, and construct the new facilities will span from 2004 to 2011 and include several points during which the Partners must meet specific public information and notification requirements. This communications plan articulates the communications approach to be taken by the Partners.

KEY PUBLICS

Specific groups that will be targeted by this communications plan include but may not be limited to:

- § Water and sewer rate payers for each Partner
- § Owners of property being considered for infrastructure location
- § Neighboring property owners
- § Partner staffs, elected officials, and consultants
 - § Wake, Chatham, and Harnett County Commissioners, State Legislators, and Congressional Members
- § Cape Fear Basin residents, staffs, and elected officials
- § DENR Staff
- § NC EMC
- § US EPA
- § US Army Corps of Engineers
- § Environmental organizations
- § Regional media

KEY TOPICS

Information most likely to be presented to groups at some point in the public information

process includes:

- § History of Wake County wastewater services relevant to this project and the service
 - area to be served by the new facilities
- § How wastewater treatment works
- § How wastewater services are regulated in NC
- § Partners' performance in wastewater management to date, including NPDES permit compliance and sanitary sewer overflows
- § Regulatory requirements leading to the necessity of the project
- § Alternatives that have been evaluated
- § Costs, savings, and benefits of the project, including grants and loans and utility rate impacts for typical customers
- § Discussion of any required inter-local agreements
- § Growth and development projections used to plan the infrastructure needs
- § Legal process of and schedule for the project—local, state, and federal
- § Environmental protection requirements for new project
- § Water conservation measures and water reuse measures
- § Governmental roles in the project, including project evaluation and review, permitting,
 - right of way acquisition
- § How to get involved

RESEARCH

Conduct secondary data analysis—such as a review of Frequently Asked Questions, Email, media coverage--from previous and related Partner projects—such as Cary's 2000 proposed western plant—to anticipate and address communications issues in advance of misleading or inaccurate information being disseminated.

STRATEGY

Utilize a mix of publicity and advertising tailored to each group with the appropriate messages

in accordance with state and federal public information/public notice requirements.

TACTICS

Information vehicles most likely to be utilized in the communication of information to groups include:

- § Public meetings
- § Small group meetings
- § Utility bills, bill inserts, and newsletters—such as the Town of Cary's BUD
- § Cary TV 11, including Bud-TV, Matrox spots, and bulletin board messages
- § Media relations, including news releases, news conferences, public service announcements, advertising, letters to the editor, and talking points
- § Internet, including special Web section with new URL linked to by all Partners and an Electronic Mailing List Subscription Service
- § Partner staff, elected officials, and consultants
- § Recorded telephone messages, such as 24-Hour Town Hall telephone message lines
- § Paycheck stuffers
- § Employee newsletters
- § Emails
- § Direct mail
- § Employee staff meetings
- § Speakers Bureau

PRIMARY ACTIVITIES

In addition to the local, state, and federal publicity and advertising requirements relative to siting and operating new wastewater management facilities in North Carolina's Cape Fear Basin (such as newspaper ads and letters to property owners), the Partners will use the following activities to help achieve the project's communication goals. Unless otherwise specified, these activities will fall to the Town of Cary as the project's lead agency.

PUBLIC MEETINGS

Conduct a minimum of two public meetings for the project with at least 30-day notification.

The first public meeting will be convened as an open house or public information event that will be made available to the general public and all interested parties. The purpose of the first public forum will be to present an overview of the proposed project and announce that an EIS process is being initiated for the project. The second public forum will be convened as a formal public hearing to receive comments from the general public and all interest parties on the Draft EIS and 201 Facilities Plan. A copy of the Draft EIS and 201 Facilities Plan will be available for review by the public at least 15 days prior to the second public forum.

REGIONAL WASTEWATER PROGRAM EMAIL SERVICE

Develop and implement a free subscription-based service to which anyone can register on the project's Web site to be notified of any issues, meetings, milestones, or other relevant information.

WEB SECTION

Develop and maintain a detailed Web section about the project that includes but may not be limited to the following sections: Overview, Schedule, Frequently Asked Questions, Reports & Publications, Video, Email Subscription, History, and Contacts. As this new Web section will serve as the official and primary depository for project information, all partners will link their Web sites to the project Web site.

CARY TV 11 BULLETIN BOARD

Because of its reach into Western Wake County, place on Cary TV 11 notices of all public meetings and milestone announcements.

MEDIA RELATIONS

Work with the media to disseminate accurate information and correct misinformation in a timely fashion. Since most citizens get their information from regional television and newspapers, it will be efficient and cost-effective to issue news releases to all regional media about all public meetings and project milestones. These releases, along with information on the special Web site, will enable the media to write and fact check articles produce stories.

SPEAKERS BUREAU

Develop "canned" presentations surrounding certain project milestones to be given by the Project Team as needed to interested community groups.

VIDEO

Consider creating a short video detailing the project to be loaded onto the project's Web site as well as played regularly on Cary TV 11 and used during public presentations.

TIMELINE

2004-----

- AUG Web section development begins, including researching new URL
Cary begins drafting proposed communications plan for project
- SEP Draft plan reviewed by Partners
Final plan developed and approved by Partners
Web section activated
Partners link their Web site to new section
- NOV Publicity created for January Information Open House
- DEC Publicity rolled out for January Information Open House

2005-----

JAN Open House (Jan 31 target)
FEB Results of open house posted on Web
JUN Publicity created for August Public Hearing
JUL Publicity rolled out for August Public Hearing
AUG Public Hearing for EIS/201 Facilities (Aug 19 target)
SEP Results of public hearing posted on Web

BUDGET

Estimated "hard" costs for the proposed activities are detailed as follows. Please note that these costs do not reflect the additional staff time necessary to conduct such activities.

Communications Plans, Email Service, Enhanced Web Section, Cary TV Bulletin Board, Media Relations	\$-0-
Legal notices in newspapers	\$1,000 annually
westernwakepartners.org URL	\$40 annually
Direct Mail	\$250 annually
Video	\$2,000 annually

COMMUNICATION ACTIVITIES FOR SECONDARY AND CUMULATIVE IMPACT

MITIGATION PLANS

The Partners are currently working with DENR to develop individual Secondary and Cumulative Impact Mitigation Plans which will be referenced by the EIS for the regional wastewater facilities. The Mitigation Plans, along with Memoranda of Understanding between DENR and each Partner, will fulfill environmental documentation requirements for secondary and cumulative impacts related to planned water, sewer and transportation infrastructure projects which may facilitate growth. The primary interested parties for this process are regulatory agencies and, potentially, environmental groups. Regulatory agency comments are being handled through DENR with a process similar to that for an EIS but approximately 6 months ahead of the EIS process for the wastewater facilities.

Communication activities for the Mitigation Plan process are:

NOV '04 Environmental Interest Group meetings
NOV '04 Publicity created for January, 2005, Public Hearing(s)
DEC '04 Publicity rolled out for January, 2005, Public Hearing(s)
JAN '05 Public Hearing(s) for Secondary and Cumulative Impact Mitigation Plans

(Jan 21 target)

The environmental group meetings and public hearing(s) for the Mitigation Plans will be led by DENR with support from each partner as needed for their individual Mitigation Plan.

Attachment 2:

-----Original Message-----

From: Susan.Moran@TownofCary.org

To: sbrown@co.wake.nc.us

Cc: Bridget.Lowell@MAIL.HOUSE.GOV, Rose.Auman@MAIL.HOUSE.GOV

11/30/2004 03:24 PM Subject: PROPOSED NEWS CONFERENCE

Hi Sharon.

Thanks so much for leaving me a voice mail about the idea of having a news conference for the 1.5M federal \$\$\$ for the proposed Western Wake Wastewater Plant. As always, Cary is interested in helping folks know just how

effective and helpful Congressman Price continues to be.

That said, I agree with Bridget that we need to wait, for several months and for

several reasons. **A big one on our end is that the Partners have agreed that we want**

to avoid publicity for as long as possible while we iron out details of interest to

citizens, especially until we get a contract on the land.

Selected by the Partners as lead agency for the project, Cary will coordinate all publicity, including the news conference, when the time is right

and in accordance with the communications plan adopted by the Partners and filed with DENR.

If you get a call from Ryan or another reporter, send them my way and our office

will handle according to the plan.

Also, you mentioned Durham in your message; they're not part of this project.

Take care, and hope to see you soon!

Susan Moran, AP

Attachment 3:

Published: Sep 30, 2005
Modified: Sep 30, 2005 8:17 AM
Cary is complying

Regarding the Sept. 27 People's Forum letter captioned "A document search," the Town of Cary has had numerous contacts with New Hill Association representative Lisa Dahlquist during the past several months in an attempt to clearly understand and completely fulfill what have often been vague and global requests for public information about the Western Wake Regional Wastewater Treatment Facilities.

On Sept. 1, a New Hill representative came to Cary Town Hall and collected from our town clerk copies of all the e-mails in her possession -- including those of the Town Council. On Sept. 21, separate public records requests were made of other Cary staff by New Hill, and these staff are pulling together those materials at this time.

In Cary, we take very seriously our responsibility to support the provisions of the state Public Records Law. We know the law, appreciate its tremendous importance in helping to ensure transparent government and follow the law to the letter -- every time.

Despite continued false allegations questioning the integrity of our organization, the Town of Cary will continue vigorously supporting the law by providing all interested parties with access to and copies of public records as soon as possible on any topic.

Bill Coleman
Town Manager
Cary

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a subsidiary of The McClatchy Company

Attachment 4:

September 13, 2004

**WESTERN WAKE REGIONAL WASTEWATER MANAGEMENT
FACILITIES COMMUNICATIONS PLAN**

PURPOSE

To articulate the processes and activities required to ensure that all legal requirements for the project's public information and public notice are met.

GOALS

- Plan, design and construct facilities in accordance with the regulatory requirements mandated by the North Carolina Environmental Management Commission.
- Support the orderly, planned, and necessary extension of infrastructure to better serve existing as well as future citizens and businesses in the service area.
- Give potentially affected property owners ample notice of the likelihood of infrastructure extension on and near their property.
- Raise awareness and understanding of the facts of the project by anticipating and addressing communications issues in advance of misleading or inaccurate information being disseminated.

SITUATION ANALYSIS

Six Wake County local governments worked together from May 2002 to July 2004 to evaluate options for providing long-term wastewater management services for western Wake County. As a result of the evaluation effort, four local governments have elected to proceed with the construction of regional wastewater management facilities to serve wastewater needs of western Wake County to the year 2030. These "Partners" include the Towns of Apex, Cary, Holly Springs, and Morrisville. The period of time required to study, locate, design, permit, and construct the new facilities will span from 2004 to 2011 and include several points during which the Partners must meet specific public information and notification requirements. This communications plan articulates the communications approach to be taken by the Partners.

KEY PUBLICS

Specific groups that will be targeted by this communications plan include but may not be limited to:

- § Water and sewer rate payers for each Partner
- § Owners of property being considered for infrastructure location
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- § Partner staffs, elected officials, and consultants
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 - compliance and sanitary sewer overflows
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 - right of way acquisition
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Conduct secondary data analysis—such as a review of Frequently Asked Questions, Email, media coverage—from previous and related Partner projects—such as Cary's 2000 proposed western plant—to anticipate and address communications issues in advance of misleading or inaccurate information being disseminated.

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**COMMUNICATION ACTIVITIES FOR SECONDARY AND CUMULATIVE IMPACT
MITIGATION PLANS**

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(Jan 21 target)

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Attachment 5:

News & Observer, The (Raleigh, NC)

June 25, 2005

Column: Triangle Politics

Author: Josh Shaffer
Toby Coleman
T. Keung Hui
Matt Dees; Staff Writers

Edition: Final
Section: News
Page: B3

Article Text:

NO LAUGHING MATTER: Don't laugh in Cary Town Hall, at least not when council member Jennifer Robinson is speaking.

Robinson scolded some out-of-towners Thursday after they giggled while she spoke. "This is a professional meeting," she said. "Do not speak out."

Robinson's lecture did not amuse the laughers.

"I thought it was unprofessional," said Carolyn Sink, a New Hill resident who went to oppose the town's plan to condemn land for a sewage plant in her unincorporated village in southwestern Wake County. "It was completely arrogant and rude."

What did Sink find so funny?

Robinson's suggestion that New Hill residents could see "a benefit" from the sewage plant.

Robinson later said that she was only talking about the plan to put the proposed sewage plant on more than 200 acres of land.

"That land will help buffer," Robinson said. "I think it's a good thing, not a bad thing."

She added that voting to condemn the land was a difficult decision. "I wish you guys would respect that," she told the gigglers.

Copyright 2005 by The News & Observer Pub. Co.

Attachment 6:

Principal: CN=Leila Goodwin/O=Cary0
InetSendTo: ., ., ., Kim.Fisher@TownofCary.org, ., ., Rob.Bonne@TownofCary.org, stephanie.sudano@hollyspringsnc.us, Steve.Brown@TownofCary.org, tim.donnelly@apexnc.org
InetCopyTo: Bill.Coleman@TownofCary.org, ., jwhitson@ci.morrisville.nc.us, ., ., Susan.Moran@TownofCary.org, esquedatc@cdm.com1,
RecipientGroupsExpanded: Regional WW Tech Advisory Committee
\$Mailer: Lotus Notes Release 6.0.1 February 07, 2003
\$MessageID:
INetFrom: Leila.Goodwin@TownofCary.org
PostedDate: 05/27/2005 04:16:20 PM

Recipients: ,bmills@ci.morrisville.nc.us,
jmartinez@ci.morrisville.nc.us,kendra.thompson@ncmail.net,CN=Kim
Fisher/O=Cary@Cary,
michael.deaton@apexnc.org,PStout@co.wake.nc.us,CN=Rob Bonne/O=Cary@Cary,
"Sudano, Stephanie" ,CN=Steve Brown/O=Cary@Cary,
"Donnelly, Tim" ,CN=Bill Coleman/O=Cary@Cary,bradford@apexnc.org,
"Whitson, John" ,dcooke@co.wake.nc.us,CN=SUSAN MORAN/O=Cary@Cary,
"Esqueda, Tommy"
MailOptions: 0
SaveOptions: 1
From: CN=Leila Goodwin/O=Cary
AltFrom: CN=Leila Goodwin/O=Cary
SendTo:
bmills@ci.morrisville.nc.us,jmartinez@ci.morrisville.nc.us,kendra.thompson@nc
mail.net,
CN=Kim Fisher/O=Cary@Cary,michael.deaton@apexnc.org,PStout@co.wake.nc.us,
CN=Rob Bonne/O=Cary@Cary,"Sudano, Stephanie" ,
CN=Steve Brown/O=Cary@Cary,"Donnelly, Tim"
CopyTo: CN=Bill Coleman/O=Cary@Cary,bradford@apexnc.org,"Whitson, John"
,Carl.Dean@hollyspringsnc.us,dcooke@co.wake.nc.us,
CN=SUSAN MORAN/O=Cary@Cary,"Esqueda, Tommy"
BlindCopyTo:
Subject: Public Information Meeting
EnterSendTo: Regional WW Tech Advisory Committee
EnterCopyTo: CN=Bill Coleman/O=Cary,Bruce Radford,John
Whitson,Carl.Dean@hollyspringsnc.us,
David Cooke,CN=SUSAN MORAN/O=Cary,Tommy Esqueda
EnterBlindCopyTo:
\$UpdatedBy: CN=Leila Goodwin/O=Cary

There is a public information meeting regarding the Western Wake Water
Reclamation Facility scheduled for:

June 14, 2005
7 p.m.
Apex Fire Station 2
3045 New Hill Holleman Road

Here is a copy of the notice that will be sent out to citizens near the
WRF site (right now considering 0.5 mile radius but still TBD)

This meeting has been added to the schedule on www.westernwakepartners.org

In the past few days, we have also added the following documents to the
Web site on the homepage under "Reports" (scroll down):

TM 8.1 - Site Selection for the WRF

TM 10.0 - Site Selection for the Beaver Creek PS

I will also be adding 2 documents that comprise the site selection
for West Cary PS shortly

TM xx - Site Selection for the West Cary PS (CDM)
Chapter 2 from Preliminary Engineering Report (B&C)

Some New Hill area citizens have scheduled a meeting for May 31, 2005 at 7
pm

at the New Hill Baptist Church. David Cooke will be attending that meeting and conveying that we did not have time to prepare information for that date, but that we do have the June 14 meeting scheduled. We encourage citizens with

specific questions to 1) check the website 2) feel free to contact Kim (see below) or 3) send us those questions so that we can make sure they are answered on June 14.

If you get any questions from the media, please direct them to Susan Moran:

919.460.4951 (voice)

919.393.4383 (pager)

919.218.5486 (cell)

If you get any questions from citizens, please direct them to the website

www.westernwakepartners.org

--

Leila R. Goodwin, PE
Water Resources Manager
Town of Cary
919-462-3846
fax 919-380-6422

Attachment 7:

From: Bruce Radford [Bruce.Radford@apexnc.org]
Sent: Wednesday, October 12, 2005 2:31 PM
To: new.hill@apexnc.org
Subject: FW: Western Wake Regional Waste Water Treatment Plant location
From: Keith Weatherly [mailto:keith.weatherly@apexnc.org]
Sent: Thursday, August 04, 2005 8:51 AM
To: bruce.radford@apexnc.org
Subject: FW: Western Wake Regional Waste Water Treatment Plant location
Bruce,
Here is another reference to an " study" about the plant that was discarded. Please tell me, again, what you think this refers to and how this misinformation got started. **Is it Jensen junk?** I will respond to this email after I hear from you, but I want to be absolutely sure there was no study. Thanks,
Keith

From: (Name removed for privacy)
Sent: Tuesday, August 02, 2005 7:08 PM
To: keith.Weatherly@apexnc.org; billjensen@nc.rr.com;
bryan.gossage@apexnc.org;
mike.jones@apexnc.org; dgmeckes@aol.com; gene.schulze@apexnc.org;
Michael.Deaton@apexnc.org
Subject: Western Wake Regional Waste Water Treatment Plant location
Dear Mayor Weatherly and Apex Town Council,

I am a citizen of Apex, and I am concerned about our town' part in the siting of the Western Wake Regional Waste Water Treatment Facility in New Hill.

I am writing to ask that the Apex Town Council request in writing that the Town of Cary vote

to reverse the condemnation of private property for this facility. I further request that the Western Wake Partners initiate talks with Progress Energy for the purpose of placing the facility on land near the Shearon Harris nuclear plant on sites that the engineering studies indicated would be most suitable. I am angered that the results of an exhaustive and expensive study, partially funded with taxes paid by the citizens of Apex, were discarded.

Furthermore, I am not in favor of the forcible takeover of private property. I feel that the people of New Hill have been treated unfairly. They have been reasonable in their response to this issue. I want my elected officials to behave ethically and responsibly. Do the right thing: insist that this facility be placed on land that was already taken from the citizens of New Hill. Put the Western Wake Regional Waste Water Treatment Facility on land now owned by Progress Energy. Begin by writing to your colleagues in Cary and putting a stop to the condemnation- the land is irreversibly altered.

Attachment 8:

-----Original Message-----

From: dcooke@co.wake.nc.us [mailto:dcooke@co.wake.nc.us]
Sent: Wednesday, June 01, 2005 5:32 PM
To: bruce.radford@apexnc.org
Subject: Wastewater Plant

I missed something the first time.

--- Forwarded by David C Cooke/MGR/Wake County on 06/01/2005 05:31 PM ---

|-----+----->
| | David C Cooke
| | 06/01/2005 05:29 PM

>-----

-
|
| To: bruceradford@apexnc.org, bill.coleman@townofcary.org
| cc: Joe Durham/Wake County@Wake County
| Subject: Wastewater Plant

>-----

-
Bruce and Bill:

Had a blast last night! Happy neighbors, friendly conversations.

I will keep trying to connect via the phone, but wanted to put down some observations, reflections, comments based on last night's mob commentary and commentary made after the meeting. My goal is to help keep us on track without the

Board of Commissioners from having to get involved or being dragged in.

The New Hill group is compiling the questions and issues and I expect we will get that by the end of this week.

First, I think we will need a bigger venue for the 14th. I'd like to hear what you think and whether you think the visitor's center at Shearon Harris or another site will work or just keep it at the Fire Station.

Second, the process for the meeting should include a brief presentation (or 2 presentations) about the background and the process which evaluated the alternatives and then the site selection process including the criteria and other sites which were evaluated. The key issue, I believe, is to explain how that site was chosen as the selected site. There will be questions about the consideration and evaluation of Progress Energy owned land. Tommy Esqueda would be my candidate for the presentations.

Third, and I may be infringing on a process already in motion, but I would recommend that you do not finalize the condemnation decisions until after the public meeting. This is for several reasons: one, we may learn something at the public meeting that has not been considered yet; and, two, I think there is a different perception when one hears "why this site is the best site for a wastewater treatment plant" versus "we have already decided to condemn this site for the wastewater plant."

Thanks. Talk to you soon.
David

Attachment 9:

To
Rob Bonne/Cary@Cary, Leila
Goodwin/Cary@Cary, Tim Bailey/Cary@Cary,
Patrick Lee/Cary@Cary, Steve Brown/Cary@Cary,
Lana Hygh/Cary@Cary
c
c
Kim Fisher/Cary@Cary, Bill Coleman/Cary@Cary,
Ben Shivar/Cary@Cary
Subject

New Hill man is calling media saying that there "WILL" be a meeting next to uncover our "SECRET" wastewater project plans. **One incorrect compliant he's throwing out is that New Hill will not be served.**

If you get a call from media, send it to me for now.

Susan Moran, APR
Public Information Officer
Town of Cary
919.460.4951 (voice)
919.393.4383 (pager)
919.218.5486 (cell)
919.460.4929 (fax)
PO Box 8005
Cary, NC 27512-8005
susan.moran@townofcary.org
www.townofcary.org

Please note that email sent to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

Attachment 10:

Subject: NBC 17 At Issue Television Program
NBC 17 At Issue Television Program
From: Bob Kelly
Date: Sun, 07 Aug 2005 20:17:02 -0400
To: susan.moran@townofcary.org

Ms. Moran, I watched the program on NBC 17 this morning, August 7, 2005, where you talked about the sewage plant that is slated for New Hill. Based on the statements you made during this program I have some requests:

1. You stated: \$27 million dollars more is what it will cost the people to buy that (PE) land, even if it is given to us, more than \$20 million in one time costs.

Please share the data with me that will substantiate the assertion that it will cost \$27 million to use the Progress Energy land. Please don't point me to the Western Wake Partners web site because I have seen the explanation there and it in no way explains why using PE land will cost \$27 million more.

2. Immediately following the above statement, you stated: You're talking about pumping raw sewage twice as much as you need to (you said this about the Progress Energy sites).

Please share with me the data to back up this statement that shows twice as much raw sewage

will have to be pumped by putting the sewage treatment facility one mile further down the road on Progress Energy land.

3. I would like to see the minutes of the meeting where anyone from Cary talked with Progress Energy about putting the sewage plant on Progress Energy Property.

I am more than willing to pay for any copying fees associated with producing these minutes.

If the answers to these questions can not be sent via e-mail, please let me know where, and when I can pick up this information.

Thanks.

--

Bob Kelly

Attachment 11:

Key Points from PE Meeting 7/8/2005 - (9:30 AM to 10:30 AM)

Attendees: Marty Clayton - Manager of Community Relations, Tom Trocheck - Director of Land Management, Dave Bristol (NHCA) and Paul Barth (NHCA)

* Dave explained current situation and provided background information including history of

New Hill condemnations and impact to our community

* Dave also explained to Marty and Tom that in fact PE sites were the top 3 sites in TM 8.0, and would have been the top 4 if not for an error found by a New Hill resident

* PE has never been formerly asked by Cary for property to cite a sewage plant

* Tom Trocheck was approached by Tommy Esquada (Cary project leader) earlier this year

about a gaining access to PE property to plan for possible easement for running pipe lines

through PE property to Haw River below Buckhorn Dam for treated water discharge. Tommy

Esquada never asked about gaining access to PE property for possible sewage plant citing

* on June 20, Marty Clayton had meeting with a person from Cary (didn't give a name).

During meeting, Marty was told that PE property was not in top 3 sites so didn't need to ask PE if

their land was available for purchase.

* PE understands our concerns but would not voluntarily offer land.

However, we were told

that if Cary wanted PE property that PE would have told Cary that it was not for sale.

Condemnation of PE property would need to occur but this happens all the time. PE would have worked with Cary to identify property of least impact to PE future growth plans. PE usually does not put up a legal battle in cases such as this due to potential negative image to PE. A legal battle by PE should not be a factor that Cary would need to be concerned over.

* when talking again about PE land not being for sale they said it is being held for future power generation needs. Paul mentioned that the land condemned by PE was initially for 4 reactors with no cooling tower and only 1 reactor was built. Marty responded that rules have changed regarding how close one reactor can be to another (we should try to get verification on what those rules are). Also, while they are planning for future generational needs, they don't have any firm plans, and thus could not say where another reactor might be located or what the other land might be used for. Our perspective is the "future generational needs" is a convenient excuse and that if Cary moved forward with condemning PE land the PE folks would quickly find a site that didn't impact future generational needs.

* PE understands that we will continue to push for citing of sewage plant on PE property

Thanks...

Paul Barth, President of New Hill Community Association

Attachment 12:

[LETTERHEAD]
June 3, 2005

Hon. Ernie McAlister
Mayor
Town of Cary
P. O. Box 8005
Cary, North Carolina 27512-8005

SUBJECT: Selected Sites for Western Wake Regional Wastewater Management Facilities

Dear Mayor McAlister:

In accordance with the provisions of Amendment No. 1 to Interlocal Agreement For Regional Wastewater Management Facilities Land Acquisition and Preliminary Work, dated January 26, 2005, we wish to notify Cary, which is acting as the lead agency for the Western Wake Partners, that Apex agrees with

and concurs in the selection of the sites for:

- West Cary Regional Wastewater Pump Station site (as recommended in Section 2 of the Brown and Caldwell PER)
- Beaver Creek Regional Wastewater Pump Station site (as recommended in Technical Memorandum No. 10)
- Regional Water Reclamation Facility and Effluent Pump Station (as recommended in Technical Memorandum No. 8.1)

These sites are those sites which have been recommended by the Western Wake Partners Technical Advisory Committee, comprised of staff members from each of the partner towns, including Apex staff, and are those sites which are the most environmentally suitable, have the least impact on property owners and are the most cost effective sites for this project.

Respectfully,
Keith Weatherly
Mayor, Town of Apex

Attachment 13:

RESOLUTION REQUESTING FULL EVALUATION OF ADDITIONAL WASTEWATER SITES BY THE WESTERN WAKE PARTNERS

WHEREAS, the presently selected Site C for the Western Wake Wastewater Facility is located in the historic district of the New Hill community.

WHEREAS, the presently selected Site C for the Western Wake Wastewater Facility is located near the intersection of two major highways where smart planning places commercial development

WHEREAS, the site assessment by the partnership consultant, Hazen and Sawyer, describes a site (20) on Progress Energy land that provides for minimum impact on the New Hill community.

WHEREAS, two sites possibly preferable to Site C exist one mile and five miles SSW of Site C, and whereas these sites were not considered in the site evaluation process.

WHEREAS, a detailed cost analysis needs to be provided for all five sites Hazen and Sawyer considered most favorable, and for the unevaluated site one mile SSW of Site C.

WHEREAS, inadequate time was provided for public evaluation and comment before the final Site C selection was approved.

WHEREAS, the Apex Board of Commissioners never voted to approve the selected Site C.

WHEREAS, the New Hill community will eventually become an integral part of The Town of Apex, and the selection of the present Site C will be detrimental to the development of this community.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Town of Apex expresses its desire to continue and expand the site evaluation process for the Western Wake Wastewater Facility to ensure that the selection of the most equitable location is made for all concerned.

Enacted this the, 2005

Introduced by Commissioner: Jensen

Seconded by Commissioner: -----

Keith H. Weatherly
Mayor

Attest:

Georgia A. Evangelist
Town Clerk

Attachment 14:

Published: Nov 19, 2005 12:30 AM

More secluded site rejected for 4 towns' sewage plant

Toby Coleman, Staff Writer

Four Wake County towns could build a new sewage treatment plant in a more isolated area without significantly adding to the cost of the project, documents released by Cary officials Friday show.

Apex, Cary, Holly Springs and Morrisville are pushing a plan to build the plant within 1,000 feet of 23 homes in New Hill, an unincorporated community near the Shearon Harris Nuclear Plant in southern Wake County.

Earlier this fall, representatives of the towns met behind closed doors to discuss moving the proposed plant a couple of thousand feet west, so it would be within 1,000 feet of only one home, according to documents distributed at the meeting.

But the officials ended up rejecting the idea after looking at a comparison of sites prepared by consultants. Among other things, the consultants wrote that moving the plant west would increase the project's price from \$516 million to \$519 million -- less than 1 percent -- and limit the towns' ability to expand the plant in the future. Although the vote to uphold the existing site in New Hill marked another defeat for opponents of the plant, the meeting showed that the project still lacks the complete support of the elected officials responsible for financing it. In particular, members of Apex's Board of Commissioners are uneasy about plans to build the plant in New Hill.

Apex Commissioner Mike Jones found the more isolated land for the plant and asked Cary Mayor Ernie McAlister to call the meeting, which was held Sept. 20.

"I won't say I was satisfied with the outcome," Jones said. "I still would prefer that it be built on one or another of the alternate sites."

Jones has been lobbying against the towns' plans to build the plant in the middle of New Hill for months because he thinks it is too close to the community's churches, homes and now-vacant commercial hub.

It was a quiet effort, especially compared with that of New Hill residents who picketed the Apex and Cary town halls and Apex Commissioner Bill Jensen, who publicly called on the towns to build the sewage plant elsewhere. Instead of rallying against the plan, Jones looked for an alternate site for the plant. Eventually, he found an isolated 197-acre stretch of land just west of the 212-acre farm now targeted for the plant.

After he found the land, Jones said he approached McAlister at a meeting and asked him to get the towns' consultants to evaluate his proposal.

McAlister said he agreed "as an accommodation" to a fellow elected official who had found a piece of land the towns had not considered before.

"There was never any serious consideration" given to moving the plant, he said. Instead, the towns just agreed to evaluate Jones' site using the same criteria as the other 29 locations considered, McAlister said.

Paul Barth, president of the New Hill Community Association, criticized the towns for rejecting Jones' proposal without holding a public meeting.

"Again, it goes to the secretive nature that this whole process has taken," he said. "Why would they not involve the New Hill people in a process that involves their town? What are they so afraid of?"

Staff writer Toby Coleman can be reached at 829-8937 or tcoleman@newsobserver.com.
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Attachment 15:

The News & Observer

August 27, 2002

Using land near Harris

Author: Richard Stradling; Staff Writer

Edition: Final

Section: News

Page: a1

Index Terms:

development

Progress Energy

CP&L

Estimated printed pages: 3

Article Text:

Progress Energy, the largest private landowner in Wake County, is looking to develop some of its vast holdings in a once-remote corner of the county.

Progress Energy owns nearly 17,000 acres in Wake, the equivalent of three Umstead state parks, most of it taken up by Harris Lake, the Shearon Harris nuclear plant and surrounding land west of Holly Springs. The company owns more land than it needs to buffer the lake and the nuclear plant, making hundreds of acres available for development.

"We look at that area as obviously a very high potential growth area," said spokesman Garrick Francis. "We will continue to analyze all the property we have in that area for its development potential."

Progress Energy's subsidiary, Carolina Power & Light, took the first step last winter when it

asked Holly Springs to annex 425 acres, making it eligible for town water, sewer and other services. The company took the second step last week when it persuaded Holly Springs commissioners to rezone 53 acres of that land along U.S. 1 to allow commercial development.

Progress Energy will jump into the development business in a big way this fall, when it breaks ground on a \$100 million office, retail and residential complex in downtown Raleigh. Twenty miles away, the company's land near Shearon Harris could fuel the westward expansion of Holly Springs into a part of the county that once seemed beyond the reach of development.

Holly Springs was the state's fastest-growing town in the 1990s, and town officials, unlike their counterparts in Apex and Cary, have no interest in slowing down. Mayor Dick Sears and other town officials met with Progress Energy representatives this week to say they're eager to work with the company on future development.

"We talked about the possibility of partnering on more commercial development, high schools, water treatment facilities, residential, and that's about as far as it's gotten," Sears said. "They do have a lot of land down there that we are interested in."

CP&L has no immediate plans to develop the 53 acres along U.S. 1, but the company's rezoning application says an office park, shopping center or mixed-use project are possibilities.

"We're just preparing ourselves so that when the market turns around we'll be in a better position to use the asset," Francis said. "Obviously that area has great potential."

The rezoning surprised neighbors of the property, a forested tract surrounded by other forests and a smattering of houses.

Elizabeth Ray, who has lived off Friendship Road since 1996, said people expect more building in their part of the county, but always considered the CP&L land off limits to development because of the nuclear plant. "There's enough signs that something's going to come our way," said Ray, whose 25-acre lot backs up on the company's land. "We just didn't expect it so soon. And we did not expect it from CP&L."

CP&L acquired thousands of acres of farm and forest land in the southwest corner of the county in the 1960s and 1970s as it planned to build four nuclear reactors at Shearon Harris. After the

Three Mile Island nuclear accident in 1979, the company scaled back the plant to one reactor, which required less cooling water and a smaller lake, Francis said.

Francis could not say how much Progress Energy land might be available for development, but he said it's more than the 425 acres annexed by Holly Springs. Company land abuts the town in several places, including the town's industrial park.

The land is within five miles of the nuclear plant, but company officials don't think that will discourage development. Developers have planned or built hundreds of homes that are as close.

"There certainly are lots of people who live in pretty close proximity to the plant and feel safe," Francis said. "Whatever you create out there, people would be willing to use it."

The 53 acres rezoned last week are split by U.S. 1. Company officials say that makes them a logical place for commercial development, even though the nearest interchange on U.S. 1 is several miles away and the land is reachable now only by a gravel road. Progress Energy will ask the state Department of Transportation to build an interchange nearby before it develops the property, Francis said.

Town officials will support a new interchange when the time comes, Planning Director Gina Bobber said. Finisterra, a planned 775-acre golf course subdivision just south of the recently annexed CP&L land, calls for up to 2,100 homes, enough to justify new access to U.S. 1, Bobber said.

Meanwhile, Progress Energy's moves to develop its property have caught Ray and her neighbors off guard. They learned about the rezoning only about two weeks ago, she said. Now they're anxious about having a big chunk of commercially zoned property in their midst.

"I don't feel it is fair to rezone a piece of property without giving the adjacent landowners time to understand the impact or what they plan to do," Ray said. "Right now it's all up in the air."

Progress Energy land
Staff

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Attachment 16:

From: jbrobinson [mailto:jbrobinson@nc.rr.com]
Sent: Sunday, June 26, 2005 11:11 PM
To: Name removed for privacy
Cc: Ernie McAlister; jack.smith@thecartergroup.com;
marla.dorrel@townofcary.org; mike.joyce@townofcary.org;
Nels.Roseland@townofcary.org; Julie Robison
Subject: Re: Council meeting on June 23, 2005

Dear , (Name removed for privacy)

You may be surprised to hear that, while I angrily demanded respect from the New Hill residents on Thursday night, I understand the points of your email and agree with them. Please note that I would not expect an apology from any of the audience but do expect order among those in attendance of the meetings.

First, historical or societal issues were not considered when the site selection process was undertaken. For that, I am very sorry. I was disappointed when I learned that the preferred site impacted the community as it does. It should have been a factor as important as meeting the standards of the Interbasin Transfer. Had that been a factor and only sites on the other side of U.S. 1 been considered, the towns involved would have floated bond referendums for larger amounts. But, we don't have the \$18M-\$27M (depending on the quote) to go the extra distance. In addition, we don't have the time to reprioritize sites at this time. This was clearly conveyed by the experts who are working on this project.

Second, I agree with you that this vote was one that doesn't comply with "by the people and for the people." As I stated in the meeting, I didn't think that it was appropriate or fair for this responsibility to be given to Cary. As much as you don't want politicians who don't represent you to make a decision such as this, we don't want to make it. Condemnation is ugly and painful...especially for a wastewater treatment plant. Will the decision torment me? Absolutely. This was a lose-lose decision to be made and the impact of siting a wastewater plant in a community is devastating. I'm sorry that I lashed out on Thursday. In my 5.5 years on Council, this was the hardest decision to make. People laughing during my comments was upsetting.

Sincerely,
Jennifer Robinson

Jennifer Robinson
Cary Town Council
District A Representative

Attachment 17:

Attachment 18:

2108 New Hill - Olive Chapel Road
2005
New Hill, NC 27562

November 10,

Dear Mayor Weatherly and Mayor McAlister,

Recently, members of the New Hill Community Association have learned of efforts being made by some town council persons and commissioners in Apex and Cary to evaluate additional sites for the Western Wake Regional Wastewater Management Facilities. We would be delighted to learn if this is indeed the case. Further, we would like to be afforded the opportunity to be a part of any discussions about possible alternate sites for this facility. As we have continuously stated, we understand the need for the facility and the geographic locale. However, we remain opposed to any site that places the facility in our community. The community of New Hill would like to be a partner in the process of choosing the best possible location for the Western Wake Regional Wastewater Management Facilities. It is reasonable to expect that this process be transparent instead of appearing to be secretive. We are therefore asking to be informed of the date, time and location of any such meetings. If there is a valid reason that a member of the New Hill Community Association cannot be a part of or at least attend any such meetings, we would welcome an explanation. I look forward to hearing from you.

Regards,
Paul A. Barth
President, New Hill Community Association

cc: Bill Coleman, Cary Town Manager
Cark Dean, Holly Springs Town Manager
Jan Faulkner, Morrisville Mayor Pro Tem
Bruce Radford, Apex Town Manager
Dick Sears, Holly Springs Mayor
John Whitson, Morrisville Town Manager

Subject: Cary Candidate Forum Statement
From: NCDeerHunter29@aol.com
Date: Tue, 11 Oct 2005 00:02:11 EDT
To: jennifer.robinson@townofcary.org
CC: council@townofcary.org, jdbrubaker@yahoo.com,

judytysmans@mindspring.com, tpforbes@bellsouth.net,
bobkelly@mindspring.com, meilleur7045@earthlink.net, billott@theotts.org,
GARDNERNewHill@aol.com, Wombvette@aol.com, icedancr@mindspring.com,
lisa@embree-law.com, david_bristol@ncsu.edu

Dear Ms. Robinson,

During the recent Cary Candidate Forum I was especially surprised with your answer to Question 6. It was related to siting your regional sewage plant in New Hill. In your response you stated there may be an opportunity for selecting another site in the New Hill area and that you will continue to work with the people in the New Hill area and the other municipalities to evaluate another site. I am the President of the New Hill Community Association and would welcome the opportunity to work with you. If you are already working with someone in New Hill please advise me as to whom that person is so I can contact them. I am very interested in working with Cary Town Council and the other Western Wake Partners in evaluating alternative sites.

Thanks and regards,

Subject: Cary Candidate Forum
From: Bob Kelly
Date: Sun, 09 Oct 2005 08:54:40 -0400
To: jbrobinson , jennifer.robinson@townofcary.org
BCC: Paul Barth , David Bristol
dgbristol@bellsouth.net, Vicky Gardner gardnernewhill@aol.com,
Dan Brubaker jdbrubaker@yahoo.com, Tonya Forbes tpforbes@bellsouth.net,
"Gerald gunter" popsgunter@mindspring.com, Randel Sink
randelsink@earthlink.net

Dear Ms. Robinson,

I listened to the Cary Candidate Forum that has been placed online. I was particularly interested in your answer to Question 6. The question has to do with placing a sewage treatment plant in New Hill. In your answer you stated there may be an opportunity for another site in the New Hill area and will continue to work with the people in the New Hill area and the other municipalities for another site.

I am a member of the New Hill Community Association Executive Committee and I am not aware of you working with anyone in New Hill for another site. Please explain who in New Hill you have worked with in the past, as well as who in New Hill you plan to work with in the future.

I would also like to know your plans for the new site in New Hill.
Thanks.

--

Bob Kelly
3020 Olive Farm Road
Apex, NC 27502
(919) 880-6181

Subject: Tuesday meeting

From:

Date: Fri, 9 Sep 2005 0:52:15 -0400

To: billjensen@nc.rr.com, bryan.gossage@apexnc.org, gschulze@apexnc.org, mjjones@wakemed.org, keith.weatherly@apexnc.org

CC:wwakecitizens@theotts.org

Dear Mayor Weatherly and Apex Commissioners:

It was obvious on Tuesday evening that I was upset by your refusal to consider Mr. Jensen's resolution concerning the wastewater treatment facility being planned for New Hill. I will not apologize for being emotional, as this is an emotional issue for those of us whose community is being threatened.

My words about Apex remain true. When I moved to New Hill, I knew that eventually growth and development would engulf this lovely rural community someday, too. But I always said, as have many others, "If we have to be annexed, let it be Apex, not Cary." I would not make that statement today, and your actions up to and including those on Tuesday have alienated much of this community.

Those commissioners who professed to agree with Mr. Jensen but who refused to support his resolution gain nothing by their false words. You are the leaders of the Town of Apex. Leaders are supposed to LEAD, not be LED. You have chosen to let Cary lead the way, even as you acknowledge that there might be better sites. In fact, if you have read the data, you KNOW there are better sites, and your words about trusting the process are decidedly hollow. It is the process that is the problem. I hope that you did hear what Mr Moore asked of you: if Holly Springs is refusing to buy in up-front, they should not have the option of purchasing capacity from this plant. After all, the reason given for the site selection is that Holly Springs chose not to participate. I hope we can count on your support for this issue.

One final note: I am willing to admit when I am wrong, and I concede that I went too far when I said that it was not true that the Western Wake Partners own the land. In my mind, owning it and taking by condemnation are not exactly the same, but I understand that legally the land is owned by the Western Wake Partners. I do hope that Mayor Weatherly was as quick to insist that Mr. Donnelly speak the truth as he was to correct me. However, I see by the letters that my neighbors have received today that that is unlikely. Are you in fact planning to provide water to the New Hill community, as his letter states? If so, when will this occur? Is annexation a requirement for this as well? Or is it possible that

the water line will simply go through the New Hill community enroute to the planned sewage treatment plant?

I look forward to your response.

Tonya Forbes
362-1090

Subject: Fwd: New Hill Meeting with Cary Officials

From: NCDeerHunter29@aol.com

Date: Mon, 5 Sep 2005 10:18:48 EDT

To: bobkelly@mindspring.com

Nope... Didn't really expect I would. Mayor Sears didn't respond back to me either.

No surprise there.

Paul...

Subject: Re: New Hill Meeting with Cary Officials

From: Bob Kelly

Date: Mon, 05 Sep 2005 07:38:13 -0400

To: NCDeerHunter29@aol.com

Did you hear from Smith?

NCDeerHunter29@aol.com wrote:

Dear Mr. Smith,

John Moore, one of our New Hill Community Association members, recently spoke with you. John indicated that due to the number of calls you have received from residents of New Hill, you would be willing to support an effort to have Cary Town Manager Bill Coleman arrange a meeting with us. Cary official attendees would need to have the knowledge to answer our questions.

Suggested outline for meeting could be, but not limited to:

- 1) What are the issues and how have they been addressed
- 2) Site selection and EIS process
- 3) What options are still available

We would also need to have the meeting recorded to ensure we correctly understand

Cary's responses to our questions.

Please let me know when this meeting might be scheduled.

Regards,
Paul Barth, President

Subject: Re: Re: FW: New Hill land use

From: tpforbes@bellsouth.net

Date: Sun, 28 Aug 2005 13:04:15 -0400
To: tpforbes@bellsouth.net, tgurley@nclegalsolutions.com, "David Cooke"
dcooke@co.wake.nc.us
CC: tpforbes@bellsouth.net, joe.bryan@co.wake.nc.us, pjeffreys@nc.rr.com,
citizens4kenn@aol.com, Harold.Webb@co.wake.nc.us,
herbcouncil@councilfinancial.com, wwakecitizens@theotts.org,
tcoleman@newsobserver.com, apexherald@mindspring.com,
aarnold@nando.com, editors@indyweek.com, wptfnews@curtismedia.com,
kim.genardo@nbc.com>, ksmith@wral.com

Dear Mr. Cooke,

As the County Manager, I had hoped that you would have replied to my questions by now. I have not received an answer to either question. In addition, I was disappointed that no one from Wake County was present at the public meeting on August 23 to discuss the SCI Master Mitigation Plans being submitted by the Western Wake Partners (WWP). Wake County also has a mitigation plan that is included as an appendix in the plans of each of the four towns that make up the WWP. As a resident of the county, I had hoped to be able to get the answers to some of my questions at that meeting. However, not only were there no representatives from Wake County at the meeting, there were no land use planning maps for Wake County that we could use as reference.

I have included my two previous emails for your reference and am for the third time, requesting a written response to my questions.

I look forward to hearing from you soon.

Sincerely,

Tonya P. Forbes

From: tpforbes@bellsouth.net
Date: 2005/08/08 Mon AM 05:29:06 EDT
To: tgurley@nclegalsolutions.com, "David Cooke"
dcooke@co.wake.nc.us
CC: tpforbes@bellsouth.net, joe.bryan@co.wake.nc.us,
pjeffreys@nc.rr.com, citizens4kenn@aol.com,
Harold.Webb@co.wake.nc.us, herbcouncil@councilfinancial.com>
wwakecitizens@theotts.org
Subject: Re: FW: New Hill land use

Dear Mr. Cooke and Wake County Commissioners,

I am re-sending this letter in the hopes that you will have this issue in mind when you meet for your work session today. I have done a bit of research on the land use plan for Wake County, and according to a map dated February 2004, there is a Community/Activity center planned for the area in which the wastewater treatment facility is planned.

Also, if you reference the land use planning maps, you will note several historic sites adjacent to the proposed site for the

facility. Surely placing a wastewater treatment facility near historic sites and a planned community center would not be considered an appropriate use for this land. Again, I hope that the residents of New Hill can count on the support of the Wake County Commissioners at the critical point in the permitting process when you will have input.

I await a response to my question about this land use plan as well as my question about why Wake County pulled out of the Interlocal Agreement with the Western Wake Partners.

Again, I request a written response via email "reply to all."

Thank you,

Tonya Forbes

-----Original Message-----

From: tpforbes@bellsouth.net [mailto:tpforbes@bellsouth.net]

Sent: Thursday, August 04, 2005 10:33 AM

To: joe.bryan@co.wake.nc.us; pjeffreys@nc.rr.com;

tgurley@nclegalsolutions.com; citizens4kenn@aol.com;

Harold.Webb@co.wake.nc.us; herbcouncil@councilfinancial.com

Cc: wwakecitizens@theotts.org

Subject: New Hill land use

Dear Wake County Commissioners:

I am writing again to request an answer to a couple of questions. I wrote about a week ago and asked for some information in reference to the Western Wake Regional Waste Water Reclamation Facility (WWRWRF) planned for New Hill.

Mr. Jeffries attended a rally in New Hill last Friday and answered my question about the use of Progress Energy land for a horse jumping and riding facility. However, I have not received answers to my other two questions. I am requesting that they be answered in writing by a reply to this e-mail.

My first question was about the land use plan for the New Hill area in which the WWRWRF is planned. I understand that during the permitting process, Wake County will be asked to certify that this use is consistent with the land use plan for the area. Thus, my question here is two-fold: what is the land use plan, and will the Board of Commissioners certify that the use of the land is appropriate? Or, can we, the citizens of New Hill, rely on our county commissioners to aid us in our attempt to have this facility placed in a more appropriate location? I would point out here again that we are not opposed to this regional facility being placed in this geographical locale; we are simply opposed to it being placed in the center of our community and near homes and churches. I would also note that while the state did mandate the need for municipalities to abide by the InterBasin Transfer, at no time did the state mandate that a regional facility was required to do so. Each of the four towns making up the Western Wake Partners could build their own facility in their own town to

Accommodate their need for wastewater treatment. Again, we recognize the reason behind the regional facility, but the citizens of New Hill should not have to bear the burden of this facility while the citizens of the four towns enjoy increased quality of life at our expense.

My second question was simple: Why did Wake County pull out of the Interlocal Agreement with the Western Wake Partners? Note that I have copied the New Hill Community Association e-mail group on this letter, as I would like to share this information with the community. Thus, a "reply to all" response would be appreciated.

I look forward to your response.

Thank you,

Tonya Forbes
Publicity Chair, New Hill Community Association
3636 Bosco Rd.
New Hill, NC 27562
(919) 362-1090

Subject: Please consider
From: tpforbes@bellsouth.net
Date: Thu, 18 Aug 2005 0:21:12 -0400
To: council@townofcary.org

Dear Mayor McAlister, Ms. Dorrel, Mr. Smith, and Ms. Robinson:

I am writing to you tonight not just as the publicity chair for the New Hill Community Association, but as a citizen of a small community that I have grown to love with the protective fierceness of a mother bear for a cub.

I know that your jobs are difficult and that you have many important issues to occupy your time and your thoughts, and I can appreciate that. However, like many residents of New Hill, the issue of the waste water treatment facility pervades my thoughts. Night and day, I find myself trying to figure out how to stop what I can only view as an assault on our community as well as trying to understand your justification for the site selection.

It is difficult for me to understand the lack of consideration that has been shown for the desires of the citizens of New Hill, especially given our more-than-reasonable response to the placement of this facility. When confronted with the likelihood of the wastewater treatment facility being placed in New Hill, we did not scream "Not in my backyard!" Instead, we, as a community, reviewed the data and agreed that we would not oppose any of the sites south and east of US1--sites that were evaluated and deemed most suitable by the engineers.

I know that you are aware that many New Hill citizens have reviewed the available data and that we find the cost argument against placing the facility south and east of US 1 to be invalid. It is not unreasonable to ask that the citizens of Apex, Cary, Holly Springs, and Morrisville pay for the treatment of their own sewage.

This letter is yet another plea to you: It is not too late to do what is right. It would require only two of you to get this item placed on the agenda for the next town council meeting and move to vote to reverse the condemnation of the Seymour property as well as to reconsider the sites south and east of US1. Only then will the permitting process be truly fair, for only then will the DENR agencies be given the opportunity to compare all of the best options.

Sincerely,
Tonya Forbes
3636 Bosco Rd
New Hill, NC 27562
(919) 362-1090

Subject: Letter to Rev Hart, Pastor, New Hill Baptist Church
From: Bob Kelly
Date: Sun, 07 Aug 2005 21:11:57 -0400
To: keith.weatherly@apexnc.org
CC: bryan.gossage@apexnc.org, billjensen@nc.rr.com, mjones@wakemed.org, dgmeckes@aol.com, gschulze@apexnc.org, bruce.radford@apexnc.org, apexherald@mindspring.com, Adam Arnold aarnold@nando.com, Tcoleman@newsobserver.com

Dear Mayor Weatherly:

I just had the opportunity to read the July 15, 2005 letter you wrote to Reverend Gerald Hart, Pastor New Hill Baptist Church. I thank you for responding to Reverend Hart, and not ignoring him as you have ignored my letters and e-mail messages.

In your letter to Reverend Hart, you state,

"Please rest assured that the process for drafting and approval of an environment impact statement and issuance of a permit to construct this facility will allow a full and comprehensive review of your concerns. Your membership and the good folks of New Hill will certainly be allowed every appropriate opportunity to address these issues during this review."

Mayor Weatherly, I don't know how you can make such a statement. In my letter to you, dated July 8, 2005, I stated,

"When talking about the Environmental Impact Study, Mr. Esqueda and his company are only going to list Sites A, B, and C. Nothing about the other sites will be mentioned. Only listing those sites is stacking the deck against the residents of New Hill. When you compare only those 3 sites, of course

Site C will look better than the other two. However, when you compare Site C against all the other sites in the study, you quickly see that Site C is not the best site. I am very disappointed that you and the Apex Commissioners did not ask the correct questions. I am also disappointed that you and the other partners can't see how information is being manipulated to make the site in New Hill look more favorable than it really is."

Mayor Weatherly, you knew a full week prior to writing the letter to Reverend Hart that your statements are not accurate.

How can the "membership and the good folks of New Hill" rest assured there will be a comprehensive review of our concerns when 26 sites will not be included in the Environmental Impact Statement? Many of these sites were ranked as being more suitable than the final 3 sites in New Hill.

Once again I'll ask the question I asked in my July 11 e-mail to you: Is this how you treat your neighbor?

You still have time to correct all the mistakes Cary has led Apex, Holly Springs, and Morrisville into by ensuring this sewage plant gets put on CP&L property, and not in downtown New Hill.

--

Bob Kelly
3020 Olive Farm Road
Apex, NC 27502

Subject: Another Request From a Concerned Resident of New Hill
From: Bob Kelly
Date: Fri, 05 Aug 2005 08:51:30 -0400
To: keith.weatherly@apexnc.org, bryan.gossage@apexnc.org, billjensen@nc.rr.com, mjones@wakemed.org, dgmeckes@aol.com, gschulze@apexnc.org, bruce.radford@apexnc.org
CC: apexherald@mindspring.com, Adam Arnold , Tcoleman@newsobserver.com

Dear Mayor Weatherly
Apex Town Council Members
Apex Town Staff:

I realize the Apex Town Council has received many letters from New Hill residents the regarding sewage plant slated for New Hill. I also realize that Cary has issued a "gag order" such that the partners can not respond to e-mail messages or written letters, however, please continue reading and let me make you aware of a new piece of information, something the residents of New Hill have known for some time.

Thursday afternoon, August 4, 2005, Wake County Commissioner Phil Jeffreys stated on Radio Station WPTF that the preferred site on Progress Energy land and the site in New Hill were not evaluated using the same formula. According to Commissioner Jeffreys, the

Progress Energy site was evaluated using 150 acres and the New Hill site was evaluated using 180 acres. He then said that if both sites had been evaluated equally, Progress Energy land would have been the best site hands down. Commissioner Jeffrey's also said when Cary was confronted about the flawed evaluation, they stated they had no interest in revisiting the issue.

With the arrogance the Cary Town Council has shown throughout this entire process, why do the leaders of Apex, Morrisville and Holly Springs blindly follow Cary?

I am requesting the Apex Town Council demand the Town of Cary reverse the condemnation of private property for this facility. I further request that the Western Wake Partners initiate talks with Progress Energy for the purpose of placing the facility on land near the Shearon Harris nuclear plant on sites that the engineering studies indicated would be more suitable. I am angered that the results of an exhaustive and expensive, tax paid study, were discarded by Apex, Holly Springs, Morrisville, and Cary.

Furthermore, I am not in favor of the forcible takeover of private property. The people of New Hill have been treated unfairly. We have been reasonable in our response to this issue. We want elected officials to behave ethically and responsibly.

Please do the right thing: insist that this facility be placed on land that was already taken from the citizens of New Hill. Put the sewage plant on land now owned by Progress Energy. Land that the tax paid engineering study found was more appropriate.

I sincerely hope you will not ignore this request as you have my previous requests.

--

Bob Kelly
(919)880-6181

Subject: Is this how you treat your neighbor?

From: Bob Kelly

Date: Mon, 11 Jul 2005 15:23:01 -0400

To: keith.weatherly@apexnc.org, bryan.gossage@apexnc.org, billjensen@nc.rr.com, mjones@wakemed.org, dgmeckes@aol.com, gschulze@apexnc.org, bruce.radford@apexnc.org

CC: apexherald@mindspring.com, aarnold@nando.com,

tcoleman@newsobserver.com

BCC: wwakecitizens@theotts.org

Dear Mayor Weatherly
Apex Town Council Members
Apex Town Staff:

Last Tuesday, July 5, I attended the Apex Town Council special meeting. I had heard rumors there would be a special meeting to discuss the sewage treatment facility that is being placed in New

Hill. Luckily for me, I called the Town Clerk to inquire as there was nothing on your web site about the meeting.

During the meeting, I heard Tommy Esqueda state that this project has been underway since 2001. To my knowledge, for the 4 years this sewage treatment plant has been planned, not one time did you or any of the Apex Town Council Members notify anyone in New Hill. I could understand your reluctance to notify us if we were hundreds of miles away, but Mayor Weatherly and Apex Town Council Members, we are your neighbors. We are the ones at the next table in the Apex restaurants, our children play on the same teams as your children, and we stand in line with you at the post office, many of us have the same zip code as you. Again, we are your neighbors. We are not strangers to you or to Apex.

Do you think it is right that over a four year period, not one of you bothered to have a discussion with residents of New Hill or Western Wake County? Is it right that you did not have anything printed in the Apex Herald that would give us a little forewarning? You were going to allow the property for the sewage plant to be condemned without a public hearing or without notifying those of us impacted by the sewage treatment plant. In your opinion, is this any way to treat your neighbors? Does Cary have such an influence on Apex that you can not even do what is right for your neighbors? If the answer is yes, then let's disband Apex and rename it Cary West. I'm already concerned that New Hill is about to become New Cary!

Or, am I and my parents wrong? My parents always taught me to live by the golden rule, i.e., "do unto others as you would have them do unto you". Is the way you treated us the way you want us to treat you?

This Sunday when you are in church, ask your pastor if what you did is the way you should treat your neighbor. Then after church, call your parents and ask them if the way you treated us is the correct way to treat your neighbor.

You still have time to correct all the mistakes Cary has led Apex, Holly Springs, and Morrisville into by ensuring this sewage plant gets put on CP&L property, and not in downtown New Hill.

--

Bob Kelly
3020 Olive Farm Road
Apex, NC 27502

8, 2005

Mayor Keith Weatherly
P. O. Box 250
Apex, NC 27502

July

Dear Mayor Weatherly:

I attended the special meeting of the Apex Board of Commissioners July 5, 2005

and must tell you that I am disappointed that you and the Apex Commissioners are blindly following Cary in their quest to place a sewage treatment facility within the township of New Hill.

I sat in the audience and listened to the presentation by Tommy Esqueda and the questions asked of Mr. Esqueda. While Mr. Esqueda answered all the questions posed to him, he conveniently left out a lot of information. Also, apparently you and the Apex Commissioners have not read the engineering reports prepared by Mr. Esqueda and others, as you do not seem to have enough information to ask the right questions.

For example:

- When talking about the Environmental Impact Study, Mr. Esqueda and his company are only going to list Sites A, B, and C. Nothing about the other sites will be mentioned. Only listing those sites is stacking the deck against the residents of New Hill.

When you compare only those 3 sites, of course Site C will look better than the other two.

However, when you compare Site C against all the other sites in the study, you quickly see that Site C is not the best site. I

am very disappointed that you and the Apex Commissioners did not ask the correct questions.

I am also disappointed that you and the other partners can't see how information is being manipulated to make the site in New Hill look more favorable than it really is.

- When the Apex Commissioners went into closed session, we had an opportunity to talk to Mr.

Esqueda informally. Even in an informal discussion, he still maintained that the residents of

New Hill will have access to the Sewage Treatment Plant. Here again, he was making

statements that are only half true. He knows that in order to have access to the facility we will

have to be annexed by one of the partners, but again, he conveniently did not mention it until

we brought it to his attention.

- During our informal discussion with Mr. Esqueda, he mentioned he has never been on any of

the Progress Energy property. We explained to him that Progress Energy has cut the trees on and around Site 20 and that very little clearing is necessary. Since he has not been on the property, he was not aware of the benefits of using that site.

- We questioned Mr. Esqueda as to why using the Progress Energy sites would be more expensive. He stated that information is on the partners web site. I mentioned that what is on the web site is only some gross numbers, and there is no supporting information as to how the 27 million dollars was derived. This is information we have been trying to get from the Cary Town Council and so far have been unsuccessful. It is our concern that their numbers may be in error, like other information in the engineering study. We can only assume the numbers are being generated now, or reworked, and that is why they are not being made available.

- Mr. Esqueda repeatedly stated that a cost comparison of the sites was not done, however, cost was one of the weighting factors in the information provided by the engineers.

Can you begin to see the problem?

At the beginning of the meeting, I stood and recited the Pledge of Allegiance along with everyone else. Having served in the U. S. Army during the mid sixties, the Pledge of Allegiance has always had special meaning to me. When we came to the last line, "with liberty and justice for all" I could not help but wonder where is the justice for New Hill. As you are aware, we had no say whatsoever in the decision to locate the sewage treatment facility in New Hill.

We have no representation on the Cary, Apex, Morrisville, or Holly Springs Town Councils. Cary and the partners have spent years studying this facility; we were notified just a short while ago. Where is the justice in that? Where is the justice in condemning privately owned property when thousands of acres of previously condemned land is available just one mile down the road, i.e., Progress Energy?

Mayor Weatherly is it the intention of Cary, Apex, Morrisville, and Holly Springs that all of Wake County be developed similarly to how Cary is today? Do we want every square inch of Wake County developed with homes on quarter acre lots and strip malls on every corner? If the answer is yes, then Apex and the other

towns are headed in the right direction. From the actions of Cary over the last few years, they seem to be satisfied with all development as long as there is a small greenway through the neighborhood. Personally, I do not want to see this type of development encroaching on New Hill or Western Wake County.

I do not want my grandchildren growing up in a place where they never get to see horses, cows, sheep or forests. I don't want them thinking hamburgers come from the grocery store, or that lumber comes from Home Depot.

My wife and I walk along the roads in New Hill late in the evenings. Quite often we encounter families from Apex or Cary that have stopped on the side of the road so the children can see horses grazing in the fields. You can't find this in Cary, Apex, Morrisville or Holly Springs, and if the partners continues to follow Cary, it will not be long before you will not be able to find it anywhere in Wake County. Is this what you want? Personally, I do not want Apex to turn into Cary South, and I do not want New Hill to turn into New Cary!

Also, what happened to the statements in Lincoln's Gettysburg Address: "government of the people, by the people, for the people, shall not perish from the earth."

This must only pertain to residents of Cary, Apex, Morrisville and Holly Springs, as it certainly does not pertain to the residents of New Hill. As you and the partners are aware, the governments that made the decision to place the sewage facility in New Hill were not governments of the people of New Hill, by the people of New Hill, or for the people of New Hill.

Mayor Weatherly, I encourage you and the rest of the partners to do the right thing and stop this sewage treatment facility from going onto property in the middle of our small, rural community.

Sincerely,

Robert L. Kelly

Subject: New Hill Sewage Plant
From: NCDeerHunter29@aol.com

Date: Wed, 6 Jul 2005 12:35:09 EDT
To: joe.bryan@co.wake.nc.us, pjeffreys@nc.rr.com,
tgurley@nclegalsolutions.com, Citizens4kenn@aol.com,
Harold.Webb@co.wake.nc.us, herbouncil@councilfinancial.com,
dcooke@co.wake.nc.us
CC: wwakecitizens@theotts.org

Dear Wake County Commissioners,

I am President of the newly formed organization called "New Hill Community Association." I have attached a letter expressing my concerns about the Sewage Plant being planned by the Western Wake Partners -- Town of Cary being the lead partner.

This sewage plant is currently cited in the center of our community, adjacent to our Historic District, two churches (ca 1880 and 1910), playground and many residents.

While speaking to the Mayors and Council Members of these four towns, many have said that they were not aware of the site location in New Hill and it's impact to our social and cultural environment. If they had known about the impact, then the decision would have been different. It seems reasonable to me that if Town Council members have not done the due diligence required to make such a critical business decision then this mistake needs to be corrected before any further actions take place.

Subject: Let's put all this in perspective.
From: Berry Credle
Date: Thu, 23 Jun 2005 20:58:11 -0700 (PDT)
To: wwakecitizens@theotts.org, council@townofcary.org

People of New Hill....

Of course you should be happy to have a sewage treatment plant in your historic district. WHAT IS WRONG WITH YOU PEOPLE??

Oh wait, let's examine history for a moment:
In 1963 a Lake (later named Jordan) was dumped in your backyard and construction started in 1967. Sorry about losing all the farm land (some of those folks just a few miles away were your neighbors - I know this), but what a great thing - ya, it put a lot of people out of a place to live and work, but WOW Cary and Apex sure have a lot of drinking water now and it is a fun place to go on the weekend. (reference:
<http://www.ils.unc.edu/parkproject/visit/jord/history.html>)

According to the state, and folks from Cary and Apex (who drink this water), you should be thrilled!

In the early 1970s, CP&L (now Progress Energy) started a plan to put a Nuclear Power Plant in New Hill (reference <http://indyweek.com/durham/2000-11-29/cover.html>) on land owned by the Wombels, Smiths, Hollemans and others, but why are you sore? Some of the remnants of their homesteads can still be seen on trails of that swell park they built for us (reference: <http://www.wakegov.com/NR/exeres/8AF5BFF6-28A9-44FC-8C60-F882879E62B4.htm>) Isn't that a great place to spend a weekend for a picnic...aren't you happy this was placed in your backyard? According to Progress Energy, you should be thrilled!

Well you had a railroad in your town you should (by natural extension) want a Dixie Pipeline Easement (for high pressure gas) to flow right near those tracks...heck, what harm will that cause? Aren't you happy with a high pressure gas easement? According to Dixie Pipeline, you should be thrilled!

Hey, you know...the power company sure could make some money by transmitting power across US1 through some backyards to get to Green Level...you know Cary wants that area to grow and they're gonna need power, so let's run it through our unincorporated areas of the county. Power lines are very attractive and increase your property value, right? Aren't you happy? YOU SHOULD BE THRILLED!

ANYONE HEARD OF A GOOD PLACE TO DUMP LOW LEVEL RADIATION? The State sure didn't want us to feel left out. Scan this thread for some excitement along the Wake/Chatham county line in 1994 (reference: [http://groups-beta.google.com/group/triangle.general/browse_thread/thread/77ce8ccbda66f3e2/ba3be8e4c13ac108?q=low+level+nuclear+waste+dump+](http://groups-beta.google.com/group/triangle.general/browse_thread/thread/77ce8ccbda66f3e2/ba3be8e4c13ac108?q=low+level+nuclear+waste+dump)) I think it was the geology (rock fissures) that cost us the opportunity to house this dump. Hey, you cannot win them all! BUT OPPORTUNITIES STILL ABOUND (read on)!

How about a sewage treatment plant? Through some process not yet divulged to the citizens of New Hill, the possible sites (12) were reduced to 3 and by some magic (which I know will be made available to us possibly even before they break ground on site 14/c), the cost of the top 3

sites skyrocketed which propelled the downtown New Hill site (14/c) to the top of the list.

I just don't guess I understand what the problem is. I mean there are families which have been here for 200 years. They must like Railroads, Nuclear Plants, lots of Lakes, electrical transmission lines, pipeline easements otherwise they wouldn't live here, right? ...I follow Jennifer's logic...people in New Hill must really enjoy this type of treatment ...they rarely ever win these battles...they're always getting dumped on....and heck look, the western wake partners have such an opportunity here...an attractive sewage treatment plant which will throw a nice family off their land of 2 centuries...yes, it will stink occasionally at the playground in the churchyard across the street, but not in the backyards of any of the partner's constituents. (Wasn't there a tea party in Boston some 230 years ago complaining about treatment such as this?)

I guess if you don't like getting dumped on, buy some property in Cary and move there (is the thinking of these partners), then you can be the dumper rather than the dumpee.

Oh yeah, and we still haven't even fully discussed the property destruction associated with the pumping stations and the permanent damage expected to the American Tobacco Trail canopy if the sewage is piped along that corridor. YOU SHOULD BE THRILLED, RIGHT?

Councilperson Jennifer Robinson, with all due respect, walk a mile in our shoes!...you just don't seem to understand any of this very well at all.

Berry Credle
2920 Ridgepine Drive
Apex, NC 27502 (on border of New Hill postal district).

Attachment 19:

NEW HILL COMMUNITY ASSOCIATION

September 21, 2005

Town of Cary
Kim Fisher
PO Box 8005
Cary, NC 27512-8005

Dear Mr. Fisher ,

Pursuant to the state open records law, N.C. Gen. Stat. sec. 132-1 to 132-10, I write to request access to and a copy of all Electronic mail (email) to persons or entities emanating from the Town of Cary and its employees relating in any way to the proposed Water Treatment Facility to be built by the Western Wake Partners in the unincorporated area of Wake County known as New Hill including but not limited to results of studies, site analysis, cost analysis, etc. whether such emails were in response to inquiries or initiated by the Town. We would like emails dating back from the inception of the project to the date of this letter.

We are also requesting at this time all memorandums, reports, studies, meeting notes, correspondence, site analysis, cost analysis and any other documentation regarding the site selection and all other aspects of the aforementioned facility from the inception of the project to the date of this letter. We would ask that you include documents generated by the Town Of Cary, its attorney and staff, and the Western Wake Partners. We would also like those same documents provided to you by staff and employees of the Town Of Cary, the Western Wake Partners, any other municipality or government agency that has any involvement with the facility, and all third party contractors that were hired by the Town Of Cary, Western Wake Partners.

I agree to pay any reasonable copying and postage fees of not more than \$100. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document. We would prefer these documents be provided in CD format.

I would request your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the open records law can result in the award of reasonable attorney fees, for which you may be held personally liable.

Thank you for your assistance.

Sincerely,

Lisa M. Dahlquist
NHCA Legal Chairperson
C/O Law Offices of Kenneth R. Embree
6110 Falconbridge Road, Suite 200
Chapel Hill, NC 27517
(919) 489-1492
(815)301-8116 fax
lisa@embreelaw.com

Attachment 20:

-----Original Message-----

From: Carl Dean
Sent: Thursday, December 16, 2004 9:28 AM
To: Gina Bobber; Stephanie Sudano; gina.bobber@ncmail.net; Jeff Jones; scott.hammerbacher@ncmail.net; Thomas.Tillage@ncmail.net; Amy.J. Moore@ncmail.net; Charles.Simmons@ncmail.net; Rodney Campbell; Elizabeth Goodson; Heather Keefer; kelli.mcneill-wilhelm@ncmail.net; Kendra Stephenson
Subject: RE: WRF comments from 11-30-04 meeting

Gina

We need to develop a method to handle these utility projects without the public hearing requirement. It places the Council in a bad situation (Sunset Ridge Pump Station) because the site is most probably the best alternative for the pump station. Example would be where else are you going to expand the WWTP except at that site. Try to make this happen.

Carl

Attachment 21:

From: Stephanie Sudano
To: Kendra Stephenson;
CC:

Subject: RE: Regional WWTP
Date: Tuesday, July 05, 2005 11:37:27 AM
Attachments:

Great update!
PLEASE NOTE NEW EMAIL ADDRESS BELOW EFFECTIVE 11-11-2004:

Stephanie L. Sudano, P.E., Director of Engineering
Town of Holly Springs
P.O. Box 8
Holly Springs, NC 27540
919.557.3938
stephanie.sudano@hollyspringsnc.us
Visit our website at www.hollyspringsnc.us

-----Original Message-----

From: Kendra Stephenson
Sent: Friday, June 24, 2005 4:39 PM
To: John Schifano
Cc: Stephanie Sudano
Subject: Regional WWTP

Today I met with Leila, Kim, and Steve (apparently everyone else had conflicts or either they were at the Commissioners meeting downtown). They briefed me on their meeting with Progress Energy this morning.

The main questions that had been coming out of the New Hill residents were the following:

Was PGN property evaluated? Yes it was.

Was PGN contacted for their property? No, because their property was never a finalist in the site selection. Tommy evaluated that if we put on PGN property the cost would go up approximately \$27,000 plus O&M.

If PGN was contacted would they sell property?

Cary met with Progress Energy this morning and PGN (Marty Clayton) indicated that they would not want to sell land. However, he prefaced with under apolitical climate this could be overridden... Yada,yada

Cary is going to request that Apex serve water to the New Hill folks, despite their policy of annexation etc. Leila indicated that Tim Donnelly would not support this recommendation but Kim chimed in that it would be up to Bruce.

I explained that I had that question from a few folks but that since we are only running a force main past their house they understood. Apex is running a water line past these folk' houses... little different. I can go into more detail if necessary.

New Hill was meeting tonight to rally the forces. They may show up at Upcoming Town council Meetings (ours tomorrow night). However Kim asked that the Town Manager, Mayor and councilmen just receive comments. The questions would then be posted on the FAQs with their question addressed.

Kendra Stephenson, PE
Senior Engineer
Engineering Department
Town of Holly Springs
Ph 919.557.3931
Fax 919.552.9881
Kendra.Stephenson@hollyspringsnc.us
Please visit our web site at www.hollyspringsnc.us

Attachment 22:

From: pstout@co.wake.nc.us [mailto:pstout@co.wake.nc.us]
Sent: Friday, July 09, 2004 3:19 PM
To: Kim.Fisher@TownofCary.org
Cc: bmills@ci.morrisville.nc.us; Leila.Goodwin@TownofCary.org; Rob.
Bonne@TownofCary.org; stephanie.sudano@ncmail.net; Steve.Brown@TownofCary.
org; tdonnelly@apexnc.org
Subject: Re: ILA Comments From Cary's Bond Attorneys

Not unless you were expecting us to finance the land costs. Actually, it is absolutely our preference to not be part of the land acquisition or financing. We have only offered to do both because the partners asked us to consider such participation and we want to see the project move forward . We were clear on this back in March , 2004.

On a related matter, Leila has recently indicated to me and others that Wake had changed our commitment relative to participation in funding land costs. That is absolutely untrue. We've consistently stated that we would be willing to acquire and finance the land so long as there was an interlocal agreement that assured Wake would be fully re-paid for the land costs, accrued interest and related financing charges. If you have all partners in agreement with an approach that assigns responsibility for acquiring land and funding all the cost to someone other than Wake we will be pleased to move on to other projects. I assure you we will be smiling as we head in that direction.

Kim.Fisher@TownofCary.org
To: pstout@co.wake.nc.us
cc: Leila.Goodwin@TownofCary.org,
07/09/04 02:47 PM Steve.Brown@TownofCary.org, Rob.Bonne@TownofCary.org,
tdonnelly@apexnc.org, bmills@ci.morrisville.nc.us,
stephanie.sudano@ncmail.net
Subject: Re: ILA Comments From Cary's Bond Attorneys

Phil -
If the project partners, not including Wake County, decided to acquire the needed land and easements themselves, would Wake County still need to be a party to this ILA?

Robert K. (Kim) Fisher, P.E.
Director of Public Works and Utilities
Town of Cary
P. O. Box 8005

Cary, North Carolina 27512-8005
Phone: (919) 469-4092
FAX: (919) 469-4304
E Mail: kim.fisher@townofcary.org