

Sunday forum Of sewage plants and property rights



New Hill residents protest against a proposed sewage treatment plant.

Staff Photo by Travis Long

Compliance? Hardly

Regarding the Sept. 30 letter "Cary is complying," Cary town manager Bill Coleman's claim that Cary is responding appropriately to the New Hill Community Association's request for electronic records is false. Coleman argues that our requests have been "vague and global." I submit that simply requesting large volumes of information makes the request neither vague nor global. We have been specific with regard to the types of documents we are requesting. An excerpt from our most recent request follows:

"... request access to and a copy of all Electronic mail (e-mail) 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 e-mails were in response to inquiries or initiated by the Town. We would like e-mails 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."

We are requesting a lot of information; however, our request is valid, and Cary should abide by the law. What little we have received are e-mails we sent to Cary Town Council members and their responses. That is hardly compliance with the letter or the spirit of the law.

Lisa M. Dahlquist
NHCA Legal Committee chairperson
New Hill

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Farm owners were not willing sellers

The government's right to take private property for public use has been in the national news with the recent *Kelo v. City of New London* decision by the U.S. Supreme Court. The widespread attention of the power and rights of the government to take private property has overshadowed the rights and effects a public taking can have on property owners.

On Aug. 11, the Town of Cary sued us, our spouses and our children to take our 225-acre farm in New Hill for the construction of a sewer plant. What was national news has now hit home. We realized that no one's property is safe from the government's ability to take it. The property the government wants for the treatment of sewage was our family farm, a special place for us filled with decades of happy memories and hard work.

We were shocked to have recently learned that some government officials have apparently said that we were willing sellers. That is simply not true. Our family farm was not for sale at any price. Our property has been taken by the government. We are opposed to the location of the sewer plant on our property in New Hill.

We had hoped and continue to hope that the Town of Cary and other towns participating in this sewer plant project would select another more appropriate site. We mourn the loss of our farm and the impact the construction of this sewer plant will have on the historic community of New Hill.

A.T. Seymour
New Hill

Susan Seymour Mills
Apex

Why not use Progress Energy land?

I am concerned about our local governments' ability to capitalize on eminent domain laws. I recently spoke with an old friend of mine in New Hill. I was shocked to find he has lost 200 acres of his family's land for the purpose of providing a wastewater treatment facility for Cary, Apex and Holly Springs. I understand we must surrender at times for the good of all, but this is senseless in his particular case.

The land that was "condemned" was land that has always been used for farming. Progress Energy has thousands of acres nearby that has not and supposedly will not be used for anything due to the Shearon Harris nuclear facility. Why were normal tax-paying citizens robbed of their land when we as good citizens allowed the former CP&L to put in a potential hazard on land we agreed to let it develop for this purpose?

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I think it's time for the local governments to give back my friend's land and require Progress Energy to give back to the community that has given so much to it.

Michael Dombay
New Hill

Be wary, Morrisville

The town of Morrisville soon will take up the question of whether to "merge" utilities with the Town of Cary for the purpose of providing water and sewer services to residents. ("Merge" is to Cary/Morrisville utilities as "public use" is to Kelo v. the Town of New London.) Part of the response to that question will need to address eminent domain. Should my town support the condemnation of private property in New Hill in order to secure our future growth? Further, is it wise for my town to grant Cary officials, as stated in Morrisville-Cary-Merger Agreement 9-07-2005A, the right to exercise power of eminent domain "within the current and future municipal and planning limits of Morrisville for activities necessary to fulfill Cary's water and sewer service obligations?"

With the Supreme Court decision in Kelo v. the Town of New London, this property owner has become much more informed regarding a government's Fifth Amendment obligation to pay just compensation for private property taken for public use. Unfortunately, with the decision to accept a broad definition for the term "public use," property owners' rights are now only as strong as the commitment of government officials to exercise wisdom and fairness in using what should be a last-resort option.

The condemnation of the Seymour farm in New Hill is a dismal example. What may be considered cost-effective public use for the residents of Cary is not at all fair for the unrepresented residents of New Hill.

In Morrisville, we need to be very thoughtful in deciding whether to offer up to our neighbors' elected officials the right to condemn property in our jurisdiction.

Jackie Holcombe
Morrisville

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