

New Hill residents take fight to court

Lawsuit filed in attempt to keep sewage plant out of community

BY SHAWN DALEY
EDITOR

A hearing on a lawsuit filed by the New Hill Community Association was delayed Monday after lawyers for the Western Wake Partners asked for more time to prepare.

When NHCA president Paul Barth first heard the lawyers' request he struggled to hide his amusement.

"The Western Wake Partners tried to keep everything quiet and they didn't give us time to respond to what they were doing," said Barth. "They weren't interested in our input at all.

"Now, their lawyers are asking us for more time to gather information. At first I thought, 'Why should we give them more time?' But then we figured we'd



FILE PHOTO BY SHAWN DALEY

New Hill has filed a lawsuit against the Cary-led Western Wake Partners.

let them have it."

The hearing has been rescheduled for today (Feb. 16) at 2:30 p.m. in Wake County Superior Court.

NCHA filed the suit against the Western Wake Partners last week in an attempt to keep them from building a sewage plant in

the heart of the New Hill community.

The Cary-led partners, which also consists of Apex, Morrisville and Holly Springs, never informed New Hill residents that they were planning to build the regional facility just

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off of U.S. 1

Once residents found out, the process was already in motion.

By filing a lawsuit, the residents are hoping to stop – or at least delay – the towns' plans.

"We are hoping for a permanent injunction against them," said Barth. "At the very least we'd like to get a temporary restraining order that will stop the process from moving ahead."

The lawsuit has two main arguing points concerning the site selection process.

First, NHCA members claim the town leaders didn't properly discuss the issue in a public forum. Also, Cary was the only town council of the four to actually vote on the matter. The mayors of Apex, Holly Springs and Morrisville simply sent letters to Cary giving their approval.

Those actions, said Barth, could possibly be in violation of town ordinances and interlocal agreements.

Second, NHCA believes many environmental issues were ignored when the site was chosen.

"They never took into account

the social and historical factors," said Barth. "The site is in our historic district and it borders two churches, one rest home and several homes owned by minority families.

"We understand that a regional facility needs to be built but we don't want it in the middle of our community. It's one thing to put it in our backyard but they are putting it in our front yard."

Barth said with all the negatives and controversy surrounding the site selection, it remains a mystery why Cary is so defiant.

"There is another site a mile further on U.S. 1 that wouldn't affect nearly as many residents," said Barth. "The additional cost to the partners would be less than one percent of the total budget for the project.

"There is some reason that Cary wants this site so badly but we don't know why. Every time we try to discuss it with them they close their eyes and cover their ears. They don't seem to care what we have to say."

Now that the matter has moved to the courtroom, Cary and its partners may just have to start listening.