

QUESTION 14 – REGIONALIZATION

Several new developments are being proposed surrounding Briar Chapel and some of these developments want to use Briar Chapel's wastewater system. Do you believe that regionalization is really "off the table" as the Board previously claimed? What will you do to prevent this from happening that is more effective than what we have seen so far?

Listed Alphabetically

Michael Cunningham: I wish it were off the table. However, as real estate developers can squeeze more properties on available land if they're allowed to connect to the WWTP (for example, compare 50 4-bedroom homes on 15 acres if connected to Briar Chapel versus 30 3-bedrooms homes if on septic), I expect them to fight and spend large sums money in legal fees to take advantage of our utilities because, in the end, they'd profit.

Development surrounding Briar Chapel is inevitable. It will take a concerted, unified effort by Briar Chapel to fight that battle in the future, and I believe if the BCCA attorney were allowed to represent the homeowners on this issue, as is the norm, it would make the task much easier.

Jennifer Drake: Your Board has succeeded in stopping the Fearington Connection. Infact, ALL homeowner Board Members, past and present, have always been united in this endeavor. I do recognize and thank SCN for their work along this journey. Together, the BCCA and SCN have been in agreement on the same objective (Stop Regionalization) however, differ on the methods and rules of engagement. From the researching/hiring of a specialist land use attorney to assist in this fight, to the stakeholders' attorneys' negotiating, and BOD testimonials; we have been professional and assertive in our efforts without an adversarial "scorched earth" policy. These methods may be more appropriate for an activist, nonprofit group, than regulated fiduciaries requiring a higher professional standard of conduct.

Our success in Stopping ANY and ALL wastewater treatment regionalization plans to date does not mean future efforts are no longer required. To prevent further attempts, we remain vigilant and have kept up the pressure and continue to do so until long term solutions are adequately addressed by our county. Indeed, your BOD plans to testify again to the County Planning Board October 5th to continue the good fight.

We exerted our strength through diplomacy and cooperation where it made sense with the stakeholders and responsible parties who directly controlled the initial outcome...and it worked very well and without resorting to expensive legal battles or utilizing coercive means to achieve desired outcomes, i.e. SCN 's attempt to hold the developer hostage from having their lots approved. Not only was this in direct violation of our controlling documents, but it actually cost our association upwards of \$9K in lost revenues, Not deferred as some have claimed.

Realizing that there are many tactics to pursue, the Board reserves the more "strong arm" measures when needed and will not hesitate to pursue them if deemed more appropriate to achieve desired results for our

community. In the meantime, a working and mutually respectful relationship remains beneficial on a daily basis as we transition our neighborhood from the developer.

Mark Goodwin: Clearly the regionalization of our wastewater treatment facility is NOT off the table as previously stated. That has turned out to be a toothless claim that was touted as a positive result of entering the Tri-Party Council with Newland and ONS, and I feel that the board members who negotiated with Newland and ONS during that process made a bad deal. We now have to argue with every single developer who files an application that proposes to tie into the BC wastewater system, the Tri-Party agreement did not address that. As a result, I feel that a more robust argument from the board is needed at county commissioner meetings. The HOA board needs to provide better technical arguments and written public input to the county commissioners and planning board, based on the submitted development applications, instead of just orally stating its opposition in three minutes of public comment without substantive written comments for the county to consider. I also think it's important to remind the county of the continuing history of sewage spills this community has endured. We recently experienced another sewage spill, even after ONS had taken steps to address the design flaws in the wastewater system, and county officials need to be reminded that our problems aren't resolved.

I would advocate that all five board members attend any meetings/hearings with as many Briar Chapel residents as possible to demonstrate unity and support, (keeping COVID safety considerations in mind). The board also should request placement on the commissioners work session agenda, to present a full briefing of the BCCA position of the regionalization issues to the county commissioners and county staff.

Vonzell Jones: Regionalization is both off and on the table. The way it is off the table is that the Tri-Party Agreement Section 3(c), lays out the terms for preventing that previous application and future applications for regionalization from ONSW and Newland. It is on the table as well because this same section makes it clear that it will not apply to future owners of the system. This means that if ONSW were to sell the BC water treatment plant, that new owner is neither a party to this agreement nor is it bound by the terms of it. They could decide to regionalize, and this process would have to begin again. There is a possibility to amend the agreement to include necessary language, but I have not yet researched or explored what possible language would accomplish this goal. ONSW would have to agree to placing a covenant on the land or some other legal instrument that would not expire and could not be removed by a future owner. Without such an instrument, there is not many options to bind a future purchaser. If elected, I would use my experience as an attorney reviewing the contracts and spend time researching the possible options to accomplish the goal and advocating for the community's best interest.

Liz Rolison: Briar Chapel's wastewater system has long been seen by Chatham County officials and developers as the solution for providing regional wastewater treatment in NE Chatham County. Newland and ONSWC made these plans back in 2014 when Newland sold the wastewater system to ONSWC (documenting these plans in the purchase agreement). Unfortunately, Briar Chapel residents did not learn about this until Dec 2019/Jan 2020 when we received a notice from NC Utilities Commission. They were preparing to give final approval to connect Ferrington Village to Briar Chapel's wastewater system and allow expansion of Briar Chapel's system to 1mgd to serve Briar Chapel, Ferrington Village and surrounding areas.

The BCCA, StopChathamNorth and the Ferrington Village HOA filed interventions and as a result of this opposition and problems documented with the Briar Chapel system, we were told that NC Utilities Commission would not approve the connection. The BCCA then signed the Tri-Party agreement and as part of

that agreement required ONSWC to withdraw their application. At that time, a spokesman for the BCCA announced that “regionalization was off the table”.

Unfortunately, that wasn’t correct. In the 2017 Land Use Plan, Chatham County has nearly doubled the area around us for compact residential. This will allow more compact communities that will need access to wastewater infrastructure. For any development that is contiguous to Briar Chapel, approval to use the Briar Chapel system requires only a notification by ONSWC to the NC Utilities Commission of a service area extension.

Currently Fearington Preserve is requesting a service area extension using Briar Chapel’s wastewater system for their proposed development. Williams Corner is looking for a wastewater solution and is watching this decision closely. Recently Chatham County decided to launch a Wastewater Study Commission to assess and recommend a sustainable solution for wastewater in NE Chatham County. Until a solution is identified and implemented, Briar Chapel’s wastewater system will remain a target for development in our surrounding area.

I believe that our community would be more effective in opposing regionalization, if we joined forces (BCCA, SCN and homeowners). By expanding the BCCA representation to include homeowners, bringing in the SCN expertise and taking advantage of the Tri-Party Council, I believe we will be better positioned to oppose regionalization of our wastewater system.