

Alliance supporting Solberg Airport a mystery

By BRANDON LAUSCH
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READINGTON — This much is clear: A group called the Taxpayers' Alliance of Readington is suing township officials over concerns that lawmakers may abuse their authority by spending more than the publicly approved \$22 million to purchase the development rights to Solberg-Hunterdon Airport.

This much isn't clear: When the Taxpayers' Alliance was formed, who is in it,

how powerful it is and if the group's recently filed lawsuit has legal standing.

Judging by nearly a dozen conversations with current and former officials, members of the Solberg family, residents interested in the airport debate and a legal expert, the group's influence — as well as its case — seems questionable.

"I've never heard of this group," Mayor Gerard Shamey said. "I don't know Mr. Devine, although I have heard his name, and I haven't reviewed the lawsuit."

Kevin J. Devine, a Whitehouse Station

resident who is the only Alliance member named on the recently filed lawsuit, apparently is one of the organization's founders.

He did not return messages left at his office and home Thursday and Friday.

In a May 11 letter to Readington residents that is posted online at www.solbergairport.com, Devine wrote he believes being honest and direct is "an obligation that our Committee has to our

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taxpayers," and said he's concerned "this land grab could cost so much money that our town could be in serious financial trouble."

"Like many people I oppose EMINENT DOMAIN," Devine wrote. "I believe it's wrong for the government to take private property. I recognize that in some cases government has to do it for the public good — but this is not the case with the airport."

Five days after the letter was apparently written, voters approved a bond ordinance to restrict the airport's deed and to purchase the development rights to 625 acres of open space surrounding it.

But the lawsuit claims the Township Committee will likely surpass that amount either through negotiations over a recent \$21.7 million offer or through a potential legal battle with the Solbergs over eminent domain proceedings.

Airport co-owner Thor Solberg said he's aware of the group and estimated the Alliance was formed before the May 16 vote. Solberg added he's been in contact with the group and said he will continue to be in touch with any organization supporting "taxpayers' rights."

Suzanne Solberg Nagle, who owns the general aviation airport with siblings Thor and Lorraine

Solberg, said that although she supports the group's position, she is unaware of who is involved with the organization.

No residents or officials contacted Friday were able to estimate how many members the group has. A search through Hunterdon County civil court documents shows the group's Sept. 7 lawsuit against the township is its first court action.

The argument in the suit might be a tough sell if the township can demonstrate it has attempted to enter bona fide negotiations with the Solbergs over the property, according to Timothy Duggan, a lawyer with Princeton's Stark & Stark firm who specializes in eminent domain issues.

Duggan said that if the township meets all the legal requirements to file a condemnation complaint, it could have up to nine months to pursue eminent domain without committing to buy the airport's development

rights. If the township doesn't deposit money to buy the property and doesn't file a declaration announcing its purchase, a court could then appoint three commissioners to decide the value of the property, Duggan said.

"One of the defenses from the town may be, 'We can go partway through this process to determine what the commissioners think the property is worth without committing to purchasing it,'" Duggan said, adding the township also could explore other ways to fund a purchase if the appraisals surpass the bond ordinance. "There's a mechanism to test the waters before committing to the purchase."

Shamey said that although eminent domain is not the township's goal, officials could exercise the right to use condemnation as "an option of last resort."

Shamey added that officials will instruct township attorneys

to seek a quick dismissal of the Alliance's suit while also exploring any counterclaims.

"If they want to save the taxpayers' money, don't file frivolous lawsuits," he said.

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