



## THE EXPRESS-TIMES

### **The Solbergs strike back**

**Airport owner sues. Company disputes eminent domain claim, files claim against politicians.**

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**By ANDREA EILENBERGER**  
**The Express-Times**

FLEMINGTON | An attorney representing Solberg Aviation Inc. filed on Friday not only a contention to Readington Township's eminent domain claim, but also a countersuit against the township.

The countersuit accuses township committee members of official misconduct in relation to the company's Solberg Airport and claims they refuse to comply with state law, in hopes of furthering their own political interests.

The township seeks to acquire 624 acres of land around the airport and the development rights to the 101-acre airport.

Solberg attorney Laurence Orloff argues township officials are masking their real motive in the eminent domain attempt, making their case illegitimate under state eminent domain provision.

"The true intent, supported by voluminous data, is to so restrict the use of the airport property as to ultimately destroy it as an operating facility -- a decidedly anti-public purpose," Orloff wrote in a legal brief filed in response to the eminent domain complaint.

The case will be heard by a Somerset County judge on Nov. 3.

In the documents filed Friday, Orloff requested a stay of all further prosecution in the case.

In the brief, Orloff argues township officials did not negotiate with the airport owners in good faith and their \$21.7 million offer significantly undervalues the property.

He wrote they have waged scare tactics in the form of public comments, letters and campaign mailers to frighten residents into supporting their anti-airport efforts.

"This condemnation action is another aspect of their ongoing campaign to control the Airport, with the

apparent goal of constraining it to a point where its operation is unprofitable," Orloff wrote in the brief.

While preservation of open space is within a municipality's limits for condemning property, Orloff argues the township does not have a viable need to add the Solberg land to its list of open space. The township's preserved open space and farmland equals about 23.6 percent of the township's entire 3,931 acres, Orloff wrote.

He also argues the airport serves a legitimate public purpose as a transportation facility not only for the pilots who use it recreationally, but for emergency services. State and federal transportation agencies recognize the importance of such airports, Orloff wrote.

Authority over airport alterations and expansions lies largely with the state Department of Transportation and the Federal Aviation Administration rather than with the municipality, something Orloff argues the township is trying to circumvent by controlling the property's future.

The countersuit names the township as a defendant. It names Mayor Gerard Shamey and committee members Julia Allen, Beatrice Muir, Frank Gatti and Thomas Auriemma as third-party defendants.

In the countersuit, Orloff claims the defendants engage in "admitted blatant and willful violation" of state regulations. The countersuit claims they continue to refuse to enact an ordinance to make airport operations a conforming use of the land the airport sits on.

When reached by phone Friday night, Allen declined comment until she fully read the documents.

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