

# Shamey Takes Heat For Reticence On Suit

**By Conor Greene**

READINGTON TWP. — Mayor Gerard Shamey spent part of Monday's Township Committee meeting sparring with residents over the decision to wait 10 days before revealing that a condemnation complaint was filed against the Solberg family.

Filing a lawsuit is the municipality's first step in exercising its right of acquiring the property using its powers of eminent domain.

The committee had instructed special counsel James Rhatican on Sept. 12 to file the complaint, which he did in Flemington on Sept. 15. The complaint wasn't served to the family until Sept. 22, and officials didn't inform the public or media of the action until then.

On Monday, Mayor Shamey defended the committee's decision, saying it was based on Mr. Rhatican's legal advice. "To do otherwise would have jeopardized the township's legal position," he said. "It was a legal strategic decision that was made. ... I don't apologize for any of that."

Resident Karen Jenkins saw it differently. "I don't think this was good faith on your part," she told officials. "It bothers me and a lot of people. ... You were not being honest and upfront with the public." She called the actions "underhanded" and "sneaky." The exchange generated strong emotions, with Mr. Shamey and Ms. Jenkins both yelling at times.

Mayor Shamey argued that a prior ordinance allowing for a municipal acquisition gave officials the right to use eminent domain. "We had already authorized our attorney to take any and all legal measures necessary for a municipal acquisition, including the filing of a complaint," he said.

Ms. Jenkins was upset that the decision hadn't been announced at the Sept. 18 meeting, during which Mr. Shamey provided an update on the

proceedings. He mentioned only that the township had received a letter from Morristown attorney Lawrence Berger that the committee felt was "unresponsive," and made no mention that the suit had been filed.

When asked by a reporter the following day if any decisions had been made on how to proceed, Mayor Shamey again declined to divulge that the suit had already been filed. "We could send another letter, or we could file" for condemnation, he said then.

"Our attorney instructed us to get it filed and served before we issued a press release," he said Tuesday. "That's why we proceeded that way. There was no obligation to divulge. ... We have to be careful as we move forward."

William Courtney, an attorney and Democratic candidate for Township Committee, also admonished officials Monday for not telling the public that the suit had been filed. "You cannot hide behind executive session," he said. "You don't hide things from your client, which is the residents." He argued that the complaint became public once it was filed in court.

The condemnation lawsuit comes on the heels of a \$21.7 million offer for 624 acres of open space and the development rights on 102 acres to be used for airport operations. That offer would allow the Solberg family to retain control of the business and make certain upgrades, including a 35,000 square foot building. In the face of the Solbergs' continued request for further negotiations, township officials decided to proceed with the condemnation.

Mr. Shamey said Monday that officials "are going to proceed and will not be defeated" in their efforts to acquire the land.

The two parties are due in Superior Court in Somerville on Oct. 20 for a hearing.