

# Readington taxpayers' group files suit to cap Solberg costs

Mayor: Suit is 'meritless,' committee to look into counter-suit

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**READINGTON TWP.** - A township resident and taxpayers' group have filed a lawsuit asking that the Township Committee be stopped from paying more than the \$22 million approved by voters in a referendum last May to fund a potential purchase of property and development rights at Solberg Airport, although Mayor Gerard Shamey said the township will oppose the "meritless" lawsuit.

Shamey added last Friday that the Township Committee would look into filing a counter-suit that would seek to recoup any legal expenses incurred in fighting the lawsuit. Although he said he had not seen the suit at that time, Shamey said it would be discussed with township officials, and the probable first step would be to seek to have it dismissed as "meritless."

The plaintiffs were identified as Readington resident Kevin Devine and a group

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**GERARD SHAMEY**

Readington Township mayor

called the Taxpayers' Alliance of Readington in the lawsuit filed in state Superior Court in Flemington on Sept. 7. The defendants named were Mayor Shamey and the Township Committee.

"We are going to move quickly to have it dismissed to try to minimize the cost to taxpayers," Shamey said.

According to the suit, the bond referendum approved by township voters by a 3,474 to 2,777 vote in May had an explanatory statement saying that a "yes" vote would al-

low the township to purchase the property for a purchase price "not to exceed \$22 million."

This statement, said the plaintiffs, was the basis for the approval by the voters and "binds the township" in its use of the bond money. The township's actions to acquire the land are "in violation of their representation to the public," alleges the suit.

The plaintiffs are also asking that none of the \$22 million bond money could be used if the committee decides to condemn the airport.

If the Township Committee pursues eminent domain, says the suit, "it will have committed taxpayer dollars with no certainty of the definitive price to be paid for the property."

The plaintiffs said that given the committee's "prior hostility" to the Solbergs, "an action under the Eminent Domain Act is likely to be vigorously contested in a protracted and costly battle."

The suit says that the township's pursuit of the airport property is "committing the

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defendants to expend more than the \$22 million limit on their authority to use bond proceeds, and is putting taxpayer dollars at risk."

The plaintiffs also allege that an ordinance adopted by the Township Committee in July authorizing the committee to acquire the Solberg property was "arbitrary, capricious and unreasonable."

Devine said in an interview on Monday that the Taxpayers' Alliance of Readington is a "small grass roots group organizing (to) react to what we feel is a large expenditure we feel is unnecessary."

Devine said he has been receiving phone calls every day from residents. The group is growing and he said he expects it will shortly include a few hundred residents.

"We think it's an outrage that the town is using eminent domain to take private property and then saddle us with the cost of what that's going to be."

The offer to the Solbergs was already about \$21.7 million and the township also spent almost \$100,000 already in public relations fees, he said. "It doesn't leave a lot of room for negotiations."

At an informational meeting at the Lake Cushetunk development prior to the May 16 referendum, Devine said he asked the mayor how the township planned to stick to a \$22 million cost when the Solbergs had previously obtained appraisals of \$40 million. Devine said he was told the Solberg's appraisal was not valid, and the \$22 million was based on a state valuation of the property.

Devine said he was involved with the issue when collecting petitions to have the \$22 million bond ordinance put on the ballot, and he was approached by concerned residents. Many of those residents voted for the referendum assuming they were approving continued negotiations between the township and Solbergs.

But Devine said he and others feel that eminent domain is fundamentally wrong. Even if the township backs out of a condemnation attempt later because the price for the property climbs too high, by that point the taxpayers will have spent another few hundred thousand dollars on legal fees, he said.

"We have plenty of senior citizens who (already) can barely afford to live in this town," Devine said.

In a letter sent to township residents a couple of days before the May 16 referendum, Devine urged residents to vote against the referendum. The letter is posted on [www.solbergairport.com](http://www.solbergairport.com).

In the letter, Devine claimed

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**KEVIN DEVINE**

Organizer of the Taxpayers' Alliance of Readington

the committee wasn't telling "the whole story" because they "want to mask the fact that they plan to invoke eminent domain to take the airport property from its owners."

"The Township Committee has been claiming that Solberg Airport is ready to build a major expansion," wrote Devine. "The documents say this is not true."

Township officials have been seeking to purchase development rights for the airport and to buy the open space surrounding the facility as a way of limiting future expansions that they fear could bring additional and larger aircraft into rural Readington.

## Another Lawsuit

Shamey said the lawsuit was reminiscent of another legal action about five years ago from a group of residents spearheaded by Donald Baldwin called COST (Citizens Opposed to Soaring Taxes.) That lawsuit cost the township taxpayers about \$100,000 to defend, Shamey said.

Baldwin said on Monday that the main point of that suit, supported by about 178 residents in COST, was to oppose a previous attempt by the Township Committee to take over the airport through condemnation, and most of the allegations were withdrawn when the committee later withdrew ordinances authorizing an attempt at eminent domain.

A final dispute ended with a state Superior Court judge ruling against Baldwin's complaint that his First Amendment rights had been violated when he had been asked not to speak at a public hearing about the airport several years ago.

"It (this latest lawsuit) appears to be another taxpayer watchdog who is now going to cost the taxpayers' money, as did Mr. Baldwin," Shamey asserted.

Baldwin said on Monday he is not involved with the group supporting the current lawsuit, "although I applaud it."

One of airport's co-owners, Thor Solberg Jr., said he is a member of the Taxpayers' Alliance of Readington, although not a spokesman. The group had its beginnings with those citizens who were involved earlier this year with collecting petitions to have a \$22 million

bond ordinance approved by the Township Committee in February subject to voter approval. That approval was gained with the May referendum, which is being quoted in the lawsuit.

"We are fully supportive of any group that supports the rights of the taxpayers," Thor Solberg said.

Solberg recalled that when a resident had asked at an August Township Committee meeting how the Township Committee would keep costs from exceeding \$22 million, Mayor Shaney had responded that he could not answer that question at that time.

The Sept. 7 suit also says that the township's appraisals of the Solberg property, with the higher of two appraisals at \$21.7 million being the basis of a formal offer to the Solbergs made in August, leave the Township Committee "no flexibility to negotiate with the owners of the property."

The Solbergs responded on Sept. 7 with a non-committal answer to the township's bid by offering to negotiate further.

In the meantime, the Township Committee decided this month to continue using CN Communications, a public relations firm, to help handle the Solberg issue at a cost up to a maximum of \$300 an hour.

Don Baldwin had obtained copies of bills to the public relations firm hired that outlined expenditures to discuss and review the township's position on the Solberg proposals as roughly \$90,000 between late last December and mid-May. Conversations included reviews of letters and other communications put out to the public, discussion of strategy and review of press coverage of the issue.

Shamey said the public presentations on the Solberg issue are "a very complex matter."

"We have an obligation to get these matters to the public (in a way) that's clear and concise and accurate," the mayor said last Friday.

CN Communication's role had included helping to prepare a brochure outlining the township's options prior to the May 16 referendum. Following the approval of the referendum, Shamey said the consultants would only work with Readington on an "as-needed basis."