



The Star-Ledger

Readington denies it wants to close airport

Wednesday, November 01, 2006

BY CLAIRE HEININGER
Star-Ledger Staff

Readington Township officials yesterday defended themselves against accusations their eminent domain case against the owners of Solberg Airport is driven by a hidden agenda to destroy the 67-year-old facility.

Only the township's stated motives -- primarily to preserve the property around the airport as open space -- are driving the condemnation, and a judge should allow Readington to move forward, the township argued in court papers filed yesterday.

The township's filing, three days before Superior Court Judge Yolanda Ciccone hears arguments in the case, responds to the airport owners' arguments that the committee is using open space as "lip service" to mask its real intentions. The documents also ask Ciccone to streamline condemnation proceedings by separating two other lawsuits related to the airport from the case.

"Despite the colorful arguments of Solberg Aviation Co., the true motives of the Township are not to destroy the airport or control its operations," Readington special counsel James Rhatican wrote in his brief, saying the terms proposed by the township leave the airport itself in the family's hands, and actually encourage its improvement.

"Indeed, this condemnation will provide ample funding for Solberg Aviation Co. to undertake a needed capital improvement program, and the deed restriction will allow for substantial modernization," Rhatican wrote. "These are not the actions of a body seeking to 'destroy' the airport."

Readington is seeking ownership of approximately 625 acres of open space surrounding the airport and development rights on the 100-acre airport. To thwart the eminent domain action, the airport owners must prove that Readington does not have a legitimate public purpose to seize the property.

In opposition papers filed Oct. 20, sibling owners Thor Solberg, Lorriane Solberg and Suzanne Solberg Nagle accused Readington officials of creating a "scare campaign" of airport expansion to trick residents into supporting eminent domain. They also filed a countersuit accusing members of the township committee of official misconduct.

Readington yesterday asked the judge to consider the countersuit separately from the condemnation, and to deny a taxpayers group suing the township the right to intervene in the eminent domain case.

"Condemnation proceedings are intended to be summary actions that take place very quickly," Rhatican said in an interview. "When you have counterclaims and third-party claims of the nature the Solbergs have brought, those are litigated very slowly."

Orloff said yesterday the countersuit should not be separated because its content is directly relevant to the condemnation. He declined to comment further on the township's arguments until Friday's hearing.

The two sides are due in Superior Court in Somerville at 9 a.m. Friday.

Claire Heining works in the Hunterdon County bureau. She may be reached at (908) 782-8326 or cheining@starledger.com.

© 2006 The Star Ledger

© 2006 NJ.com All Rights Reserved.