

# Klockner stuck in political limbo

## Despite court ruling, GOP vows to fight deal

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BY DARRYL R. ISHERWOOD

HAMILTON -- One day after a Superior Court judge upheld the township's purchase of Klockner Woods, administration officials prepared to move forward with the deal to preserve the land as open space.

But Mayor Glen D. Gilmore said despite the judge's ruling that the sale must close by March 1, he is still at the mercy of the Republican-controlled township council, which so far has pledged to continue the fight.

"Without council support, the woods cannot be preserved," Gilmore said in an e-mail. "Even with the judge's order, it is council that must still authorize the funding. They have made it clear, unfortunately, that they're (going to) continue the litigation, despite the judge's findings."

Gilmore called Judge Linda R. Feinberg's ruling, which upheld the \$4.1 million deal and dismissed a township council assertion that the original contract was illegal because money was never allocated to pay for it, a "resounding victory" for some 1,500 citizens who signed a petition to preserve the land as well as for himself.

"This is an important vindication for a number of good citizens whose reputations went on the line to save these woods," he said.

But despite Gilmore's claims of victory, Republican opponents of the purchase said they are still convinced the township overpaid for the property.

"The mayor has always taken a position against the taxpayers in favor of (landowner) Fieldstone Associates," said Republican Council President Dave Kenny.

It is unclear how the township will pay for the purchase, which will cost some \$4.6 million including interest payments, a price administration officials say is a bargain even while opponents of the deal continue to call it a "rip-off."

Feinberg cited several potential sources of funding, including the township's open space bond ordinance and a \$4.2 million low-interest loan from the state Environmental Infrastructure Trust. In either case, the funding would require a council vote.

Republicans have vowed to appeal Feinberg's ruling and have said they will not appropriate money for the purchase. Even if the council ultimately agrees to fund the purchase, it will take longer than 30 days, Kenny said yesterday. "I don't know how the township can close in 30 days because we don't have the money for it," Kenny said. "I think we have valid grounds for an appeal because what the court has done would effectively allow towns to be bankrupted by a mayor because if you can enter into an agreement without an appropriation of funds, you have no budget process." The controversial land purchase has had far-reaching implications in the township, according to people on both sides of the dispute. The Democrats, who held all five seats on the council prior to the approval of the deal, lost control of the board in 2005 when Republicans handily swept three seats.

Despite the chasm that has opened between the Republican-held council and the Democratic administration, all sides seemed to agree on one thing: Klockner Woods played a role in the 2005 election.

"It absolutely had an impact. People knew that there was something wrong with this deal," Kenny said. "It's obvious on its face that the deal doesn't pass the smell test."

Former Democratic Councilman Wayne DeAngelo, who lost his 2005 bid for re-election, had a different take on the same theme.

"I think it came down to the political animosity between the parties that hurt us going forward with that purchase," he said. "Once it came into the election cycle it got political. The hysteria gave the voters a little bit of distrust that maybe something was going on there, but obviously it wasn't."

DeAngelo said his one regret about the purchase was that the council did not slow down to ensure that the public understood what was happening and why. Still, he said, it's time to move on.

Gilmore also said the public's perception was difficult to sway given the \$375,000 that owner Fieldstone Associates paid for the land in 2001. The vast difference between that price and the \$4.1 million the township had agreed to pay gave critics a wide open shot to criticize, he said.

"The land was grossly undervalued based on a mistaken belief that nothing could be built on it," he said. "The dynamic of a developer eager to move forward with his development required immediate action. Helping folks understand how a 50-acre parcel could one day have so little value, then the next day have so a great a value, made it very easy for critics of the preservation effort to at tack."

Kenny said the council will determine its next action at Tues day's meeting.