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Reader's Response: 'Imminent domain' and the St. Joe's dispute in Lower Merion

Wednesday, May 13, 2009

By Joseph Zebrowitz, M.D.

As a neighbor involved in the current dispute between SJU and its neighbors over their development plans, I've been wondering — how did we get such a bad rap in the press? I mean, we've been painted as snobs, as rich people with too much time on their hands, and recently in *The Philadelphia Inquirer*, persnickety. The fact that the *Inquirer* used "persnickety" incorrectly did not seem to affect the impression they conveyed. But I look around at the neighbors — it's a pretty diverse group — everyone from retired teachers, computer analysts, nurses, doctors, psychologists, carpenters to one gentleman who was on the crew of that ship that got hijacked in Somalia (and no, he was not enjoying tea and crumpets at the time of the hijacking). One of the few things the neighbors have in common is that most of them have kids and a dog.

So how can it be that this group can be so vilified? Are our journalists seeing something we are not? Or could there be something else at work? It would seem that SJU is employing a time-honored method to get our zoning board and commissioners to come around to their way of thinking, which seems to be, "We are really big and important so the zoning laws shouldn't actually apply to us." They don't really want to have this discussion, so they actively promote a controversial comment by a neighbor — not even stopping when they were informed that she received anti-Semitic hate mail and threats. They parade their field-hockey players in uniform at a commissioners meeting. They offer free basketball tickets.

Did you ever wonder how in almost every dispute between neighbors and institutions, the neighbors are always painted as the bad guys? In Lower Merion we've seen the evil Save Ardmore Coalition, the dastardly neighbors of the Baldwin School and recently the villainous and spiteful Merion Community Coalition. But seriously — this is statistically impossible. I mean, at some point somewhere, neighbors have to have had a legitimate position. They can't all be unreasonable. It defies the laws of probability. But it happens again and again, and when all is said and done, eminent domain becomes imminent domain.

SJU is like any other institution; it wants to win — and don't get me wrong, it's their right to litigate to their heart's content. But this is a tax-free institution so ironically it's our tax dollars footing at least part of the bill. But I believe you should judge people at least partly by the company they keep. So let's take a look at SJU's dream team, because it's a classic example of what big institutions do to win at all costs. In the words of one of SJU's press crew, batter up.

Player #1: "The Money Man": SJU's expansion is largely funded by James Maguire. He is a SJU graduate who recently sold his insurance company for \$4.2 billion. His tax-free gift is funding his vision that SJU be like "Boston College, Notre Dame, Georgetown" (*SJU Magazine*, Winter, 2006), which runs contrary to SJU's public statements that they had no plans to expand enrollment. In a recent interview, this insurance giant said his greatest accomplishment was being recognized on Wall Street for his excellence (*SJU Magazine*, Winter, 2006, p. 16). Yes, insurance companies and Wall Street — two great tastes that go great together, except when their business practices tank the entire economy. So, strike one for SJU being Goliath in the David-and-Goliath battle they portray.

Player #2: The Lobbyist: SJU hired former Commissioner Ken Davis to lobby for them. In a recent letter to the newspaper, Mr. Davis referred to taxpayers who wanted the commissioners in Lower Merion to have open-door meetings as "clowns." I found that funny — don't they require lobbyists to wear red noses and floppy shoes? I mean, you pay them money and they argue that

the sky is green, correct? Mr. Davis is a well-known longtime proponent of eminent domain. Strike two for SJU.

Player #3: Legal representation: SJU has gone all out here. First they engaged Fred Fromhold, who is the recognized king of the zoning board at Lower Merion. He is incredibly skilled and knows every strategy to play to get what you want, even if it is by the skin of your flimsy legal argument. They added to the battalion with Mr. Michael Sklaroff of Ballard Spahr, who manages one of the largest real-estate practices in the nation (www.ballardspahr.com/about/lawyers.asp?id=519). Strike three, SJU.

The reason that it is easy for newspapers to play "gotcha" with neighbors' comments is because neighbors aren't PR professionals — they have not done this before. So please, can we stop thinking that this is a level playing field? SJU and other businesses have a right to pursue their dreams and there is no doubt given time and their unlimited resources they can probably win. But please, can we stop with the tired argument that neighbors are unreasonable and the institution David in a battle against Goliath. It's a silly argument that exists only in press releases.

Sadly Lower Merion has a reputation of having these struggles — basically forcing neighbors to match the spending of large companies or institutions to avoid being chased off their property. At some point our commissioners should stand up and say enough is enough and force institutions to do what is right rather than what is within their rights — and do what everyone else does when they have a problem with their neighbors — work it out.

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