

# the farmington enterprise & observer

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YOUR HOMETOWN NEWSPAPER

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## Ziem Pledges Speedy Trial On Farmington Boundary Suit

By EMORY DANIELS

A trial date has finally been set in the lawsuit which is supposed to decide which approach will be taken to secure municipal boundaries for the Farmington area.

Oakland County Circuit Judge Frederick Ziem has set Aug. 25 as the trial date.

PLAINTIFFS ARE Farmington Township, which wants to hold an incorporation election, and Robert McConnell, a private citizen who asked for an election to consolidate the township and its two enclosed villages.

Defendant is the State Boundary Commission, which rejected McConnell's petition on a technicality. The City of Farmington has joined the case on the side of the Boundary Commission. The city wants to annex part of the township.

In setting the court date, Judge Ziem expressed hope that if the Boundary Commission is upheld, the city-backed annexation proposal could be placed on the Nov. 3 ballot.

Prompting Ziem's action was a request from the city that he dissolve an injunction which prevents the Oakland County Board of Commissioners pro-

cessing the annexation petitions and setting an election date.

Last October residents from the City of Farmington filed petitions in Pontiac asking an election on annexing the southern part of Farmington Township, below 11 Mile, to the city.

The annexation petitions have been in the county vault the past eight months and will remain there until Ziem reaches a verdict.

The lawsuit was started in January after the Boundary Commission rejected finally a request from McConnell of Farmington Township for an election on the question of cityhood for the township.

The Boundary Commission ruled the only proper way to combine Farmington Township, Quakertown and Wood Creek Farms into one city was through consolidation.

After rejecting McConnell's petition for incorporation (filed in October minutes before the annexation papers were filed) the Boundary Commission denied McConnell's request to have a consolidation election instead. The second election was based on a technicality on the time the petitions were filed.

The City of Farmington, represented by special counsel Bugdon Shifman of Oak Park, wants Ziem to uphold the Boundary Commission decisions and di-

rect the Oakland County Board of Commissioners to act on the annexation requests.

SHIFMAN SPURRED Ziem to set a trial date by asking on June 16 that Ziem dissolve the injunction he previously issued which prevents the county from proceeding with the annexation matter until the lawsuits are concluded.

Shifman's request was based on pending legislation, House Bill 3975, which expands the powers of the Boundary Commission to include authority over annexation matters.

The bill, now in Senate chambers, will become effective 90 days after passage. As now written, the bill has a retroactive clause which states all annexation requests not formally before county commissioners on the date the bill becomes effective will be handled by the State Boundary Commission.

Thus, if the bill passes and becomes effective before Ziem concludes the Farmington lawsuits, the legal action will shift back to Lansing, regardless of which verdict is reached.

Shifman wanted Ziem to dissolve the injunction so Oakland County could receive the annexation petitions and begin processing them before the bill becomes law.

IT'S NOT THAT the city prefers the county to have jurisdiction over its annexation request instead of the state, said Shifman while explaining reasons for making his request.

What disturbs the city, Shifman said, is a provision in the bill which changes the ground rules on who may vote in an annexation election.

The Home Rule Act, as now written, provides that only a city and those residents living in the township area to be annexed may vote in an annexation election.

House Bill 3975 expands the electorate by allowing residents of the township area not included in the annexation to vote, he added.

This gives the area of the township not directly involved a possible veto on the question.

Shifman views the current lawsuits as a bar to the proper processing of the annexation petitions.

"The people who signed those petitions did so under provisions of the Home Rule Act that now exists. It is unjust to change the conditions now."

BECAUSE THE electorate may expand if the bill passes the Senate as written by the House, Shifman argued, the county should be allowed to proceed so an annexation election could be held under the groundrules which now exist.

If Ziem decides the Boundary Commission erred in rejecting the township's requests, he added, then the court can order a stop to the annexation vote.

Shifman was reminded the county can rule only on the legality of petitions. Under House Bill 3975, the Boundary Commission can rule on the merits of the annexation request. Is this why the city wants the county to act before the House Bill becomes effective? Shifman was asked.

"No, not at all. We feel there is merit to the proposed annexation. After all, there is nothing sacred about a 36-square mile area. Just because a rural area existed doesn't mean today the whole township must incorporate."

AFTER SHIFMAN concluded his arguments before Ziem on June 26, counter-arguments were given by Township Atty. Joseph T. Brennan and David Greenspan, attorney for McConnell.

Brennan and Greenspan both argued that Ziem could conclude the lawsuit before the bill becomes effective, thus mooted objections raised by Shifman.

In setting the Aug. 25 trial date, Ziem expressed hope the lawsuit could be concluded before the bill becomes law.

If the verdict upholds the Boundary Commission, Ziem explained, then sufficient time should be left to allow the county to establish an annexation election for the Nov. 3 ballot.

Shifman told the Farmington Enterprise & Observer he would have preferred to see the injunction lifted. But if Judge Ziem "can rule expeditiously, then the end of justice will have been accomplished."

Brennan, who is on vacation until Aug. 1, could not be reached for comment.

COMMENTING on the proposed bill, Shifman concluded: "Persons changing governmental units ought to vote and not those who are not directly involved."

If Ziem reverses either of the two decisions made by the state, the Farmington boundary matters will again go back to Lansing with the Boundary Commission setting either a consolidation or incorporation election.

A consolidation vote for the township could possibly be held in the spring. But an incorporation proposal, which requires public hearings and studies on merit, would at least be a year away.

today's hot line

Vol. 82, No. 79 22 pages, 2 sections

what's inside

### BULLETIN

#### Livonian To Head Orchard Ridge

William H. Stuart of Livonia, is the new administrator in charge of Orchard Ridge Campus of Oakland County Community College in Farmington Township.

He was appointed provost pro-tem replacing two-year Provost Dr. Donald Godbold, who began new duties as provost of Denver City Community College July 1.

Stuart, chairman of the Orchard Ridge economics and political science department, was appointed in the acting capacity "to Aug. 31, 1970 or until a replacement is found."

Stuart and his wife, Judith, live at 32438 Washington with their son, Mark.

#### Sloop Smashed

Five Farmington residents escaped death while sailing off the coast of Florida when their sloop was hit by a US Navy vessel. A full report that the daily papers missed is given inside, including comments from the mother of the child most seriously injured.

Page 2A

#### Letters

Earl Teeple's candidacy for Farmington Township supervisor has drawn letters to the editor. But even if Earl weren't running, we still get letters about another controversy in the Farmington Area - sex education in the schools.

Page 3A

#### Across The Border

There's a "sleeper" at the Stratford Festival in the little Ontario city, says an Observer observer who saw it. Has Sheridan been under-estimated?

Page 15A



PROBABLY A FIRST - Miss Dorothy Shields was sworn in as Farmington city assessor this week by City Clerk Mrs. Elizabeth Brines. City Manager John Dinan said Miss Shields is probably the only female city assessor in the state. She earned the post after four years of handling office work and record keeping for retiring assessors George Clement and William Brinkman. A student at Oakland Community College in assessing administration, Miss Shields will be certified by the state by December 1971. Dinan said. (Everphoto)

## Make Appeal To Aid Peru Quake Victims

By ANNE M. PHILLIPS

(The former Miss Marjie Lam, daughter of Farmington residents Mr. and Mrs. Conrad Lam of Wood Creek Farms, is doing social work in Peru and is appealing to her hometown to aid victims of an earthquake in that country.)

Reports on the tragedy suffered there and the needs of the people are included in the following special report written by Anne Phillips, Farmington Enterprise & Observer social writer reporting activities of Wood Creek Farms.)

Peru and the terrible tragedy of May has filled our thoughts. I know everyone is interested in first hand reports so let me quote recent letters Marian and Conrad Lam have received from their daughter, Marjie.

THE FIRST ONE written early in June:

"We are all well at this moment. No injuries, but worried about what will happen as the environment gets more and more polluted. There is no

water, sewage disposal or electricity. Fortunately, the roads are passable and food and water are arriving by truckload.

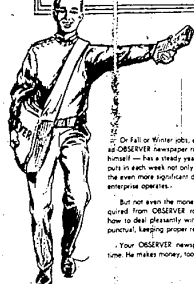
"We were not at home when the quake occurred. We were

at Enrique's sister's house - similar to ours - three stories of cement pillars and bricks. Enrique had Enco and two of his little cousins on the roof. It was down stairs and ran out into the street as fast as I could. Enrique couldn't go anyway. I watched and prayed from outside, and thank God, the house didn't fall in. We were so lucky that not even our car was damaged.

"Back at our house, the entire structure settled about two feet. The floors of the first

Continued on Page 2A

AN OBSERVER CARRIER IN BUSINESS FOR HIMSELF DOESN'T WORRY ABOUT SUMMER JOBS



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