

Farmington Observer

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Attorney general has ruled

Secret ballot violates state law

By Craig Pichura
staff writer

A secret-ballot procedure used to appoint a city councilman Monday evening was illegal, according to an assistant attorney general in Lansing.

And that may mean the appointment of Bayard Tupper, 76, to the Farmington City Council is invalid, the attorney said.

It took three rounds of secret balloting by four council members before Tupper was appointed to fill the remaining term of his son, Richard Tupper, who resigned May 17 to devote time to his mirror-door business in Florida.

Because council members selected Tupper using a secret-ballot procedure that didn't require them to disclose who they voted for the appointment is illegal under provisions of the state's Open Meetings Act, which went into effect in 1976, said Paula Reeves, assistant attorney general under Atty. Gen. Frank Kelley.

In an opinion issued Jan. 31, 1978 in response to a similar question posed by state Rep. Richard Allen, Kelley held

that secret balloting has repeatedly been ruled unconstitutional. Kelley cited as higher-court precedent an Indiana Supreme Court No. 2 case (State of Indiana vs. LaPorte) where judges determined secret balloting by public officials violated that state's anti-secrecy act.

"IT IS THEREFORE my opinion," Kelley wrote at the time, "that a voting procedure at a public meeting which prevents citizens from knowing how members of a public body have voted is prohibited by the Open Meetings Act."

The elder Tupper was nominated by Ralph Yoder to serve out the remaining 3 1/2 years of his son's term. Councilman William Mitchell, in turn, submitted the name of John Washburn, former school board member for consideration for appointment.

The nominations were closed at that point. Mayor Alton Bennett produced four sheets of white paper, passing out three to his fellow council members and keeping one for himself.

City Clerk Josephine Bushey later collected the four secret ballots and read each ballot aloud to a hushed

crowd.

"John Washburn, John Washburn, Bayard Tupper, Bayard Tupper," read Bushey.

Members of the public seated in the council chambers chuckled at the dilemma facing the council. Councilman William Hartsock facetiously suggested splitting the term in half, letting

Tupper serve half of the remaining time and Washburn the other half.

The mayor asked council members to try again. Four sheets were again passed to four council members.

When they were finished jotting down their choice of the two candi-

dates, Bushey unfolded the ballots and announced the names again.

"John Washburn, John Washburn, Bayard Tupper, Bayard Tupper," she announced.

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Eleanor Spicer dies; nature was her cause

Eleanor Spicer was a big part of the Farmington area's historical heritage and was proud of the land on which that heritage was built.

A resident of the area since 1918, she died last week Friday age the age of 72.

A naturalist, she is best remembered for having offered up the Longacre Mansion to be used as a community center. Today, thousands of area residents enjoy the activities at the Farmington Community Center on Farmington Road, north of 10 Mile, Farmington Hills.

Until her death, Spicer lived on the remaining property of her estate in a home built for the David Gray family and given to Spicer as a wedding present.

Longacre Mansion was donated for area use in 1957 and was opened to the public in 1959 on its five-acre plot. The remaining 200 acres remain under family control.

In a previous interview with the Farmington Observer, Spicer talked about her life in the renowned Longacre House and the life it used to be in the Farmington area.

"Farmington Road was narrow and unpaved," she said. "Father put up a white picket fence where the stone wall around the Community Center is now. As we progressed he added the stone wall and stately entrance," she said.

SPICER'S FATHER was Detroit at-



Eleanor Spicer

torney Luman Goodenough, who bought the property in 1915. It took three years before it became the family's full-time residence.

"We moved in in 1918," said Spicer. By then the Edison poles had been established, and we had to pay for them. Before, during the summer, I can remember the lights would flicker because the current was generated by a gas motor."

Through the years, Spicer maintained the farm-like atmosphere by raising animals, including dogs, sheep and horses. For many years she conducted sheep shearing every April.

"I can remember the sidewalks were raised up high, and there were hitching

posts and steps up to the sidewalks," she said, recalling the view along Grand River, which was a gravel road.

She also recalled riding horseback throughout the community with her father and taking in the view from the hill on Farmington Road, called McGee's Hill, from where she could see the house and barn by the stream.

Throughout her life, Spicer fought off the developers and real estate dealers who wanted to turn the property into another subdivision.

In recent years, the city of Farmington Hills had eyed the property as appropriate for development as a city park. But Spicer wanted the land to remain as is.

SHE BELONGED to the American Association of University Women, the Detroit Historical Society, the Michigan Historical Society, the Founders Society of the Detroit Institute of Arts, the National Audubon Society, the Michigan Humane Society, the Birmingham-Bloomfield Women Painters, the Farmington Garden Club and the Junior League of Birmingham.

Private services were conducted Tuesday at the Thayer-Rock Funeral Home. Burial was in Woodlawn Cemetery, Detroit.

Survivors are: daughters, Eleanor Strong and Elizabeth; sons, Nicholas, Charles and William; and 10 grandchildren.

More stories and pictures about the Equal Rights Amendment to the U.S. Constitution in today's issue of Suburban Life.

equality amendment in Congress this fall.

And Shirley Monson, past president of Michigan NOW (National Organiza-

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ERA fate gets mixed reviews

By Loraine McClish
staff writer

Even though the Equal Rights Amendment (ERA) appears doomed to defeat as it nears its June 30 deadline, the women's rights movement will continue.

"If any one thinks we're all just going to disappear come July 1, after fighting the good fight this long, they're mistaken," says Gretchen Peterson, president of Farmington Branch of the American Association of University Women (AAUW).

As early as March of this year, about 150 women's organizations were represented at the National Women's Conference Committee in Louisville, Ky., to plan "A New Day Beyond ERA." Plans stretched through 1983.

But meanwhile, Stop ERA members in Michigan had chosen Farmington Community Center for their Prelude to Victory Party last Wednesday night. And many of them will be in Washington, D.C., on June 30 for the "Over the Rainbow" celebration.

STOP ERA-ERS are as adamant in their zeal to block any plans coming from the opposition as the pro-ERA coalitions are in finding new strategies to carry on the fight for women's rights.

The victory party will just be a matter of catching breath for Elaine Donnelly, who founded the Stop ERA movement in Michigan and is now acting as media chairman for the national organization.

"We're going ahead with the celebrations because too many unlikely things would have to happen in a few days before time ran out," she said, after a string of victories her organization saw in unratified states this past week.

Michigan residents missed a lot of the last-minute action in the down-to-the-wire fight because all of the money and all of the action were in three of the states that might have put the ERA into the U.S. Constitution.

But there will be more action to come.

The ERA coalition is investigating the possibility of introducing another

By M.B. Dillon Ward
staff writer

The sale and possession of armor-piercing bullets will be outlawed if U.S. Rep. Mario Biaggi of New York, Michigan Rep. Ernest Nash, (R-Eaton) and Pontiac Mayor Wallace Holland have their way.

All are pushing for the passage of legislation banning the sale and possession of bullets capable of penetrating the bullet-proof vests worn by law enforcement officers.

At issue are two extremely dangerous bullets that are available from Michigan retailers. The first is an exploding bullet which fragments on im-

pect. The second, manufactured by the North American Ordnance Corporation of Pontiac, is made of teflon-coated copper and zinc rather than lead.

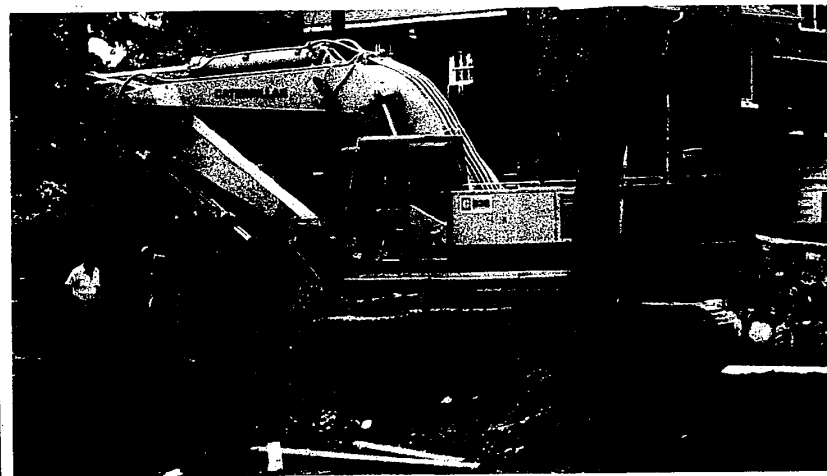
Teflon, a solid lubricant, enables the bullet to penetrate several layers of bulletproof vest material.

The Farmington and Farmington Hills Police Departments are being

urged by Holland to work for the adoption of ordinances similar to a statute recently passed by the city of Pontiac.

The Pontiac ordinance imposes a \$100-\$500 fine and up to 90 days imprisonment upon persons selling or possessing armor-piercing bullets.

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RANDY BORST/staff photographer

Drivers inconvenienced by the construction along Farmington Road north of Ten Mile are witnessing the completion of a \$550,550 sanitary sewer installation project initiated by Glen Orchard subdi-

vision residents in the fall of 1979. Homeowners in the special assessment district are paying \$3,989.50 each for the changeover from septic tanks to sanitary sewers.

Council mum on voting

By Craig Pichura
staff writer

When asked who they voted for and which council member changed his vote in Monday night's secret-ballot appointment, mum was the word from Farmington's four elected officials.

"You'll never know," said Councilman William Mitchell. "Well, maybe you will, but you'll never get it from me."

Earlier this month Mitchell said persons being considered for appointment to City Council might drop out or suffer embarrassment if they were evaluated or interviewed in public session. Council members decided on a secret-ballot selection to avoid future conflict for failing to support the new councilman's appointment.

Before Monday night's meeting was adjourned Councilman William Hartsock spent quite some time criticizing the Farmington Observer's reporting and editorials about the lack of public deliberation in selecting an appointee to the council vacancy.

Because the newspaper usually "gets in the last shot," Hartsock said, it was time for him to get in a few shots, too. For one, he said, the newspaper should've printed detailed profiles of all six candidates being considered for appointment.

"The public isn't helped by articles about the council alleging unproved 'hints of misdoings and wrongdoings,'" Hartsock said.

QUOTING FROM a June 14 issue of Newsweek magazine, in an article entitled "The Legacy of Watergate," Hartsock said:

"A flood of applicants attracted to many journalism schools and newspaper offices around the country by the instant-star status of Watergate reporters Bob Woodward and Carl Bernstein has ebbed, but investigative reporting has become a major franchise in many newsrooms."

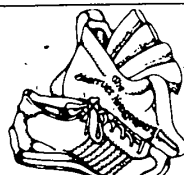
"And some critics think that this very institutionalization — with big reporting teams and big budgets — almost demands that some dark doings be turned up in every investigation. Even when nothing substantial enough for legal action is unearthed, extensive press treatment of minor peccadilloes (faults) can cloud an official's record."

The following day, when informed that the state attorney general's office maintains Monday night's appointment procedure was illegal, Mayor Alton Bennett said he stands by the council's action and added that the same secret-ballot-selection procedure has been used in past appointments.

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