

Wayne to join Oakland in Vista sludge suit

By Tim Richard
staff writer

Splitting along racial lines, the Wayne County Commission has taken the first step toward joining Oakland County Drain Commissioner George Kuhn's federal court suit to recover triple damages against Detroit's Water and Sewer Department.

"This suit ought to be pursued for the benefit of all users, including those in the city of Detroit — not just western Wayne customers," said Commissioner Mary Dumas, R-Livonia, who proposed joining the suit.

But the suburbanite was unable to convince black commissioners from Detroit. One, Arthur Carter, denounced the suit as "just another attempt to usurp the responsibilities of the city of Detroit," likening the Oakland suit to "invading Saudi Arabia to take its oil."

DUMAS' RESOLUTION was passed 9-4 by the commission sitting as a committee of the whole. One member was absent and one abstained.

Seven suburban commissioners — including Richard Manning, D-Redford,

Kay Beard, D-Inkster, Milton Mack, D-Wayne, and Dumas — were joined by John Hertel, D-Harper Woods, whose district is two-thirds in Detroit, and Shirley in Detroit.

Kuhn, who did not attend the meeting, said in a telephone interview he was "tremendously pleased" that Wayne County was joining the effort.

"We now have 98 percent (of suburban customers) lined up to join the suit," Detroit has made 17 contracts to treat wastewater of communities in three counties. As Oakland drain commissioner, Kuhn administers four of them, with 39 percent of the wastewater flow.

Wayne County has two contracts on behalf of suburban communities on the Middle Rouge River and the northeast suburbs. They provide more than 33 percent of the flow. A few individual communities, including Redford Township, have their own contracts and are expected to join the suit.

Philip G. Tannian, heading a battery of five attorneys for the plaintiffs, said the U.S. District Court would prefer to see all customers of Detroit join a single

Oakland Drain Commissioner George Kuhn was 'tremendously pleased' that Wayne County was joining the effort. 'We now have 98 percent (of suburban water and sewer customers) lined up to join the suit,' Kuhn said.

sludge suit. "There are 17 contracts out there. Should you try to litigate this 17 times or just once?" Tannian asked rhetorically, indicating the court would rather try it once.

THE CASE grew out of the celebrated Vista Disposal case, in which Detroit Water and Sewer Department Director Charles Beckham and several disposal company figures were convicted under federal bribery and racketeering laws.

Without citing an exact dollar figure, Kuhn seeks to recover the amount of Vista's overcharges for sludge hauling under conditions of no competitive bidding. Kuhn charges Beckham and De-

troit Mayor Coleman Young passed the overcharges onto suburban customers.

Involved are 3,000 tons daily of sewage treatment plant wastes known as "sludge," Tannian said. With 365 days in a year, that amounts to nearly 1.1 million tons annually. The alleged abuses occurred over 5 1/2 years, according to Tannian's court complaint. That multiplies to out more than six million tons.

If Vista overcharged by \$38 per ton, as alleged by Commissioner Hertel, something like \$250 million in overcharges could be involved.

Suing under the Sherman Anti-Trust Act, Kuhn is asking triple damages be

paid to all the plaintiff customers — up to \$690 million.

BLACK COMMISSIONERS asked that a decision on joining the suit be delayed until Detroit officials have had a chance to respond.

But Robert H. Fredericks, Kuhn's deputy and one of the attorneys in the case, said that although Oakland's complaint was filed last March 8, attorneys for the city, Mayor Young, Beckham, Vista and four other disposal companies have yet to respond.

The request to join Oakland's suit was brought to Wayne commissioners by Plymouth Township, which is represented by Wayne County in dealings with Detroit. Ironically, although some viewed the suit as a Detroit vs. suburbs matter, several of the defendants are suburbanites.

For example, defendant Sam Cusenza of Plymouth Township was a 50 percent shareholder in Wolverine Disposal, Inc., and pled guilty to racketeering activity last Jan. 19, according to Kuhn's complaint. And defendant Walter Tomya of Michigan Disposal and an engineering consultant to Vista Disposal. Other defendants are from Dearborn and Dearborn Heights.

COMMISSIONER Carter said he "questioned the propriety" of Wayne County joining Oakland to sue one of its own cities. Carter suggested Plymouth Township file its own suit.

But Commission Chairman William Suore, D-Lincoln Park, replied, "The local communities do not have direct contracts with Detroit. Therefore, they have to bring that action."

"You are our representatives," noted Livonia Mayor Edward McNamara. "The (suburban) communities did not start the action because they have no standing. We're asking you to enter a legal action that exists."

"Three mayors of cities I represent asked that we become involved," said Commissioner Kay Beard, D-Inkster, whose district includes Garden City and Westland.

"I DON'T SEE this as any attack on the water department of the city of Detroit," said Commissioner Richard Manning of Redford. "Detroit was overcharged for services it did not get. Those charges were passed on to users in the northeast and Middle Rouge systems."

"Certain monies taken by these sludge haulers have been recovered by the federal government. It's not a reflection on the executive of Detroit," Manning said. He added that, if Wayne County failed to join the suit, the recovered funds might go entirely to Oakland and Macomb plaintiffs, with nothing going to Wayne County customers. "We're simply jumping on a handwagon," objected Commissioner Samuel Turner, D-Detroit, one of the four who voted against joining the suit.

OU wins grant for preservation

Concern that some Macomb County architecture may be lost to the wrecking ball has led to a state-supported survey of those resources.

The survey is being conducted by an Oakland University team supported by a National Register Grant of \$22,084 from the Michigan History Division of the Department of State.

OU just completed a four-year study of Oakland County architecture also supported by Michigan History Division.

Directing the survey are professors John Cameron and Jan Schimmelman of the Department of Art and Art History.

THE FIELD work is directed by Joyce Himes of Rochester, an architectural historian and OU graduate. She is

assisted by Shelly Kutchins, a student from West Bloomfield.

Cameron, Himes and Kutchins are writing and producing a videotape of their survey techniques. Produced with a grant from the OU Alumni Association, the tape will concentrate on Ocajona House, in Washington, Christ Church Cranbrook in Birmingham, Maple Place and Terry Place in Auburn Hills, Meadow Brook Hall on the OU campus.

The tape will be available to OU students, area high schools, libraries and historical societies.

Other area students working on the Macomb project are Anita Serchbrad, Bloomfield Hills; Sara Howell, Birmingham; Carol Charlton, Birmingham; and Heather Brown, Canton Township.

THE CURRENT grant enables the OU team to identify, evaluate, photograph and document Macomb County buildings constructed before 1935.

A central storing house for the data has been established in Lansing.

The center will serve as a resource for communities, historical organizations, and individuals interested in identifying possible historic districts or in nominating monuments or sites to the National Register of Historic Places.

Survey sponsors say the information

is available to planners concerned with future development and will aid in environmental reviews. It is hoped that identifying these historic sites may help prevent the structures from being altered or destroyed and may open the way for state and federal restoration funds.

Areas to be covered include Bruce, Armada, Richmond, Washington, Ray, Ligon, Shelby, Macomb, Chesterfield and Clinton Townships. Also in the survey are the cities of New Baltimore, Richmond, Memphis, New Haven, Ulica and Armada.

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