

Opinion

33203 Grand River/Farmington, MI 48024 Bob Sklar editor / 477-5450

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O&E Thursday, March 16, 1989

Bad timing Spirit of new tree law skirted

HE BROKE no law. He didn't ravage a woodlot. But he violated the spirit of Farmington Hills' new tree protection ordinance — despite Mayor Terry Sever's view to the contrary.

To make matters worse, Harold Larson is a partner in the Farmington Hills law firm of Larson, Harms & Wright, which represents the city and which wrote the ordinance!

Larson, whose family owns six acres northeast of 12 Mile and Halsted, hired a logger to chop down 19 landmark trees two weeks before the ordinance took effect Feb. 13.

If anyone should have understood the sensitivity of tree cutting after the ordinance was approved Jan. 23, it was Larson.

Mayor Sever may be satisfied with Larson's explanation for not waiting until after the ordinance took effect and applying through the city to remove the landmark trees.

But we agree with councilman Ben Marks, who said: "It sets a pretty bad example."

THE ORDINANCE requires a tree location survey and a city permit to remove or relocate most varieties of trees from undeveloped or developed land.

The trees he removed "were stressed or dying as evidenced by the cores," Larson told the city council by letter Feb. 20.

"The constraints placed on the cutting leaves stands of trees of the various species throughout the property in a dense and healthy condition. . . we were in fact assuring the future health and vitality of the woods," he added.

We appreciate his understanding that woodlots require proper thinning to flourish. The acreage still sports hundreds of tall trees.

But that's not the issue. Timing is.

As council watcher Masha Silver put it: "This

Sorry, Mr. Larson. But in our book, you've compromised the public trust.

is an attorney who knew very well what he was doing. And he knew he had to do what he did to get in under the law."

Besides, the ordinance allows removing badly diseased trees. So if Larson indeed is correct in assessing his trees' health, they would've qualified for removal under the ordinance.

IF LARSON HAD waited two weeks, his only requirements would've been to have the site surveyed and to seek a permit.

Profitability may not have been a motive in the short term. Larson said he got \$2,100 from the logger and paid \$2,000 for the cleanup.

But he acknowledges the land might be sold for cluster housing. So it behooves him to thin the woodlot to make it more attractive to a developer.

Given all the talk in the last year about ethics around Farmington Hills City Hall, it's amazing Larson thinks "we have remained sensitive to the spirit of the tree ordinance."

He's an attorney. And Mayor Sever may feel he's honorable. But Larson's actions can't be condoned. Violating the spirit of the law is almost as bad as violating the law.

As Silver put it: "What he did was legal, but it wasn't ethical. What will happen with his ethics when something serious comes up — much more serious?"

Sorry, Mr. Larson. But in our book, you've compromised the public trust. You've unwittingly thrown up a red flag in the public eye.

Hands off state-local bonds

WHETHER you like it or not, the Reagan Administration reduced big-money aid programs to the states and local governments for eight years, and the Bush Administration is unlikely to reverse the trend — not with the big budget deficits Washington confronts.

But if the federal government can't afford to help pave Main Street, it shouldn't block local efforts by taxing interest on state and local bonds.

Since 1913, when the federal income tax was passed, Uncle Sam has kept its hands off interest which investors earn on state-local bonds. That has allowed the state-local units to pay 25-30

percent lower interest rates, immensely increasing their bonding capacity.

Oakland County's new \$123 million solid waste incinerator will be financed by tax-exempt bonds. The forthcoming computer center, courthouse addition and law library probably will follow the same route.

Granted, the U.S. Supreme Court ruled last year said the Constitution doesn't prevent federal taxation of state-local bond interest. It still doesn't mean Congress should do it.

If the federal government can't help rebuild America's infrastructure, it shouldn't tie the states' and local units' hands by taxing their bonds.

Recall A tool for grass roots protest

RECALL — just saying the word makes elected officials quiver. Actually being the target of one is a politician's worst nightmare.

And we think that's a good thing. In the last two decades, recalls have taken a lot of heat from establishment figures who, many times, would rather be left alone to conduct the people's business.

They have painted this constitutional, and very legal, process as something akin to a blasphemy against democracy. Sometimes the public has been fooled into believing it.

That's why we want to take a minute to say a few good things about recalls. We think the process has gotten a bad rap — mainly because it's always easier for those in power to get out their message as the credible one while leaving the disgruntled recall advocates looking foolish and sometimes evil.

Admittedly, when the framers of our most recent state constitution sat down in the early '60s to spruce up the 1908 version, little did they realize the impact that Section 8 of Article II would have on communities which at that time were in their infancy.

RECALL originally was intended to "throw the bums out of city hall," meaning officials who mostly were on the take. But politics, being the evolutionary animal that it is, transformed recall into quite another process.

In short, recall has become a very effective tool for grass roots political protest. Now, hardly a suburban community around Detroit has gone unscathed. Every kind of elected official from school board trustee to city council member has been given the bums rush. And every elected official up to the governor lives under the threat of recall.

Democracy is never easy. It takes time, patience and much discussion.

The more liberal politicians hatched the idea and, ironically, they are the ones today who are the most upset with its use. Certainly, conservatives have generally taken more advantage of the process.

But every inch of the political spectrum has been touched.

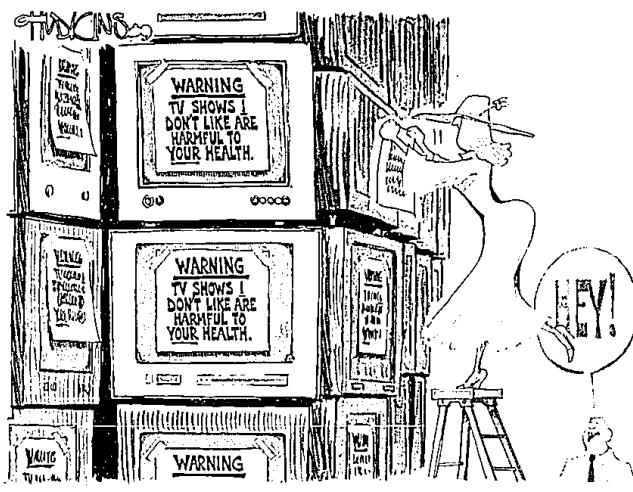
FOR FAR too long arrogance has been the rule rather than the exception in local politics. Those bringing legitimate protest to government chambers have too often been rudely dismissed. Those who have shown a concern for their children's education have been shunted aside.

Now those in protest may have been right or wrong, but that hardly is the issue. Their right to an answer and a participatory role in their own government is a concern.

Too often persons have walked away from a government meeting feeling disenfranchised. Elected officials, in general, must shoulder the responsibility for the recall reaction.

Democracy is never easy. It takes time, patience and much discussion. It takes the participation of everyone who wishes to be involved — even when elected officials and hired government hands would wish otherwise.

While we abstain at this time from endorsing or casting aspersions at any particular recall movement, we applaud those who at least take their valuable time to challenge the arrogance of power and make our elected officials more accountable.



Legal opinion should be released to public

FARMINGTON SCHOOL board president Jack Cotton is right. It is a "very legitimate request."

And in my view, it should be granted. Board members have no basis to withhold an attorney's written legal opinion stating that operating money can't be used to build a new school.

Farmington Hills-based Alexander Hamilton Life Insurance Co. of America shouldn't have had to resort to the Freedom of Information Act to try to examine that key document.

On Jan. 31, voters by a 3-1 margin approved \$7.3 million in bonds to build a west-side elementary to help relieve districtwide overcrowding.

On March 3, after two informal requests were turned down, Alexander Hamilton Life economist Patrick Anderson filed a Freedom of Information Act request to examine all district documentation that operating money can't be used to build a new school.

The district administration made five documents available but withheld the written legal opinion.

CITING The Freedom of Information Act, Lynn Nutter, acting superintendent last week, wrote in a March 8 letter to Anderson that the opinion is "exempt from disclosure," claiming attorney-client privilege.



Bob Sklar

Sorry, Mr. Nutter. I don't buy that. What's so confidential?

Even if the privilege applies, the Freedom of Information Act states only that the school board may withhold the opinion. The opinion isn't automatically "exempt from disclosure."

Besides, the school board and administration "purposely, openly and frequently" used the opinion to actively campaign for bond approval, as Anderson put it.

The district in effect made the opinion a public document.

"Help Build Their Future," a district handout before the January vote, states: "Schools can be built only with bond money, which requires voter approval."

Its November newsletter states: "... we'll be coming to you, the voters, sometime in 1989 to ask bonding approval for a new elementary school. Please understand that our fund equity cannot be used to con-

struct a new school, even if we wanted to use it for that purpose."

WHO'S THE client anyway?

If the opinion was so vital in wooing voter approval for a major bond issue requiring property-tax money to pay off, it seems to me the electorate is the client.

Every Farmington Public Schools taxpayer has a right to inspect the legal report, in my view.

The Freedom of Information Act entitles the public "to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees."

Part of the reason the Observer supported the bond proposal was deputy superintendent Michael Flanagan's assurance that no voter-authorized operating millage could be used for such a major capital improvement.

I agree with Anderson that the school board next Tuesday should overrule its administration and allow public scrutiny of the legal report.

No public body has the power to arbitrarily deny access to public information.

Bob Sklar is editor of the Farmington Observer.

Farmington readers' forum

Letters must be signed, original copies and include the address and telephone number of the writer. Names will be withheld from publication only for sufficient reason. We reserve the right to edit them. Send letters to Readers' Forum, Farmington Observer, 33203 Grand River Ave., Farmington 48024.

Be discreet with handouts

To the editor:

I read about the homeless March 2 with much sadness.

Some sadness for the many out there who really do need help and are incapable of helping themselves due to mental disorders, and others victims of some unforeseen tragedy.

Then there are the majority who are always looking for handouts because they don't want to work to better themselves and are looking for help to support their drug and alcohol habits.

Help to the latter group also saddens me because I believe people like Darlene Feldman are contributing to their problem by giving handouts, therefore, taking away any incentive some might have to become a productive part of society.

Some might think I am unsympathetic. But I worked in the inner city and my job took me into the homes of many on welfare. I saw how many are bleeding society for everything they can.

Not only did I work in the inner city, but at one time I was one of the homeless looking for handouts to support my alcohol problem.

One time the Salvation Army gave each person a new pair of gloves after dining on a water bowl of soup

and some dry bread. Every one of the guys I knew, as well as myself, sold the new gloves to help buy a bottle of booze.

I could go on and on with similar stories on why so many are out there and homeless — but shouldn't be given this type of help.

I know many people like Darlene mean well, but please be a little more discreet in giving handouts — lest we take away someone's incentive to seek help to overcome their problems and become a productive human being.

Virgil Thill,
Farmington Hills

Taxes irk Hills man

To the editor:

Is it coincidental the Farmington Public Schools bond issue passed before we were told of the 10-20 percent rise in property tax assessments?

What has happened to state Sen. Jack Faxon's proposed rise in the \$1,200 homestead property tax exemption?

Assessing property at 50 percent of its market value is vicious and should be repealed.

I urge a "vote no" against a 6-percent sales tax. Smoke and mirrors again.

I urge a yes vote for a part-time legislature.

Earl Sheedy,
Farmington Hills

Beware of stereo scam

To the editor:

Over the last year, I have been approached four times by men selling stereo speakers from a van: twice in Farmington Hills, once in Bloomfield Township and once in Southfield.

The men, usually a pair in their late 20s to early 30s, flag you over on the road or approach you in a parking lot near your auto. Customarily, their scam has them working for some alleged stereo company.

According to their story, in the last shipment received, there were too many speakers (actually large loudspeakers). If they report this fact to their boss, he will steal them for himself on the way back to "the store." The implication is you will receive a great deal because they are trying to unload stolen merchandise in a hurry.

Beware if they try to sell you speakers on the road or in a parking lot. They are constantly in search of the next victim!

Michael J. Bouchard,
Beverly Hills

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