

By EMORY DANIELS

Township Wants Incorporation ... But City Urges Rejection

Cityhood Attempt Reopens Wounds

While both villages agreed on what decision the State Boundary Commission should make, the City of Farmington and Farmington Township held opposite views.

The Boundary Commission had invited the four governmental units to give their views during a hearing Wednesday in Lansing.

The township urged the commission to accept the petition as written and the city followed by urging outright rejection of the incorporation petition.

The commission will decide on Dec. 17 whether or not to accept the petition filed last month calling for the incorporation of the township and both villages into a home-rule city.

added that the requirements for filing petitions (25 of the qualified electors) are identical for consolidation and incorporation.

He argued that because the petition meets the 1% requirement it could qualify for either question.

Brennan continued that there are no "magic words" for petitions seeking a home-rule city. "I ask that you look at the substance of the petition and not exact wordings." He said that since the result of both consolidation and incorporation is the same, a home-rule city could be accepted as either since the desire is the same.

BRENNAN SAID he would argue in detail in his written briefs why the incorporation petition was a legal and proper request. He said there are no court cases to indicate it is not and could easily be accepted as written.

If not, he added, the commission could accept it as a consolidation petition. Brennan then referred to the ruling that there cannot be a consolidation question on the ballot for two years following the defeat of a consolidation question.

Brennan said this rule was being held up as "a red herring." The intent of the Legislature was to prevent the same question being voted upon continually, Brennan explained.

"But there is no public purpose served to forbid three municipalities from consolidating merely because a fourth (the city) has refused to join a consolidation."

WHEN THE BOUNDARY Commission was created, continued Brennan, the Legislature was timid and limited the commission's authority.

"Will you be timid in exercising your authority as the Legislature was in granting it? If you act with courage, you will justify the hopes of those who believed in the need for a Boundary Commission and it might encourage the Legislature to give you more authority."

"You must make legal interpretations which affects your authority. The law is not at all clear. There are no appellate court cases at all directly in point."

Shiffman argued the purpose of the hearing was not to determine if the petition asked for incorporation or consolidation but to decide if the petition should be accepted or rejected.

He began by saying there are substantive differences between consolidation and incorporation. "A naked power play by the largest unit of government which hurts the smaller units may be called 'courage' or 'boldness' depending upon who is speaking."

Shiffman said the Boundary Commission was created to impose order in the process of creating municipalities. And there must be two different routes, consolidation and incorporation to obtain cityhood, he added.

"The necessity to preserve the rights of smaller municipal units dictates that consolidation is the vehicle to be used. Organized (corporate) units of government are only to be combined through the process of incorporation. You cannot incorporate them out of existence."

"CHANGING THE petitions" meaning would deprive the signers of the petition of their franchise. They signed for incorporation, not consolidation. The Boundary Commission does not know the intent of the petition signers."

Shiffman said that the fact commissioners took an oath to uphold the constitution they are precluded "from exercising more power now to get more power later. I am certain you will uphold your oath of office by following the power the Legislature gave you."

"The position of the City of Farmington is that the petition is one for incorporation because it says so and must so be treated. It is not the function of the Boundary Commission to decide what the petition signers intended when they signed. Your purpose is to deny the petition if it is not properly presented."

... Villages Want Consolidation

Both Wood Creek Farms and Quakerown agreed Wednesday on the best decision the State Boundary Commission could make concerning Farmington's incorporation petition.

The petition requests an incorporation election to join Farmington Township and both villages into a home-rule city. The Boundary Commission met Nov. 18 in Lansing to hear arguments for and against the four Farmington governments, plus the petitioner.

THE ONLY TWO persons in the room to agree were David Goldman and Robert Orfan.

Goldman, Wood Creek's attorney, gave the position of his village and Orfan, Quakerown president, let commissioners know how the Quakers felt.

Both Goldman and Orfan urged the commission to alter the incorporation petitions by calling for an election to "consolidate" the township and both villages.

If the commission accepted the incorporation petition, both argued, the villagers would not have a veto power and would not be guaranteed a member on the charter commission.

After arguing why consolidation was the best route for the villages, Goldman concluded: "We feel incorporation is not the proper procedure and that the incorporation petition has been improperly filed."

ORFAN BEGAN by stating he had not as yet been given a copy of the petition asking for an incorporation including Quakerown.

He then informed commissioners that Quakerown has a duly authorized charter approved by the State of Michigan. "I don't believe the Boundary Commission would allow the legitimate charter of Quakerown to be voided without us having a veto power."

Orfan added that the boundary question affects all of Quakerown's residents and involves all of their problems. "The village must be able to vote separately with veto power over the question and charter," he concluded.

Petitioner Pleas For Justice

The consolidation question was defeated Nov. 4 because of a campaign to retain the small City of Farmington and its 2.2 square miles. Robert McConnell told the State Boundary Commission Wednesday in Lansing.

If that argument was sufficient to defeat consolidation Nov. 4, McConnell continued, then city residents would be short-changed if Oakland County is given the opportunity to set an annexation election.

That annexation request, if approved by voters, McConnell said, would result in a city six times larger than the present city.

McCONNELL said last month headed the drive which resulted in filing of incorporation petitions seeking an election to join the township and both villages into a home-rule city.

While urging the commission to accept the petition, McConnell said: "I filed as a result of the city annexation petitions which had the apparent support of city officials. That annexation would take the entire southern half of the township including the industrial park which was designed and developed by the township to benefit township residents."

It would be unjust if the people in the township, having been rebuffed by the city's Nov. 4 veto, are left vulnerable to annexation by that same city if the petition was denied, McConnell said.

McCONNELL SAID the Boundary Commission was created to avoid undesirable fragmentation of areas.

"If you approve our petition, the number of governmental units in the Farmington Area would be reduced from four to two."

The township and villages have the following concerns,

1) territorial integrity; 2) balanced tax base; 3) road maintenance.



Cheap Addition

School officials across the state are studying the economic savings of modular construction. St. Paul's Lutheran Church of Farmington used modular construction to add two classrooms to its elementary school for less than \$14 per square foot.

The two-classroom addition, to be used for day school and Sunday School classes, was completed last month. The rooms are carpeted, air conditioned and electrically heated. The 2,300 square foot factory assembled building, consisting of two classrooms and a connecting corridor, was delivered and installed for \$32,000. The school has a K-8 enrollment of 140.

The picture above shows one wing, which contains a classroom, and the corridor which connects to the other wing and to the existing school building. Below, kindergarten teacher Mrs. Irene Sutter plays the piano in the spacious room while children are acting out Indian Lore. At left, Tarmy Apple of Livonia gets a drink of water beneath the corner display.

(Photos by Fran Evert)



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