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Supreme Court Rules: Big Lots a Must in Township

In a decision described by Farmington Township Attorney Joseph T. Brennan as "historic and precedent setting," the court ruled last week that it upheld the population controls underlying the Farmington zoning ordinance. The four separate opinions the Court voted six to two to affirm the ruling of the Oakland County Circuit Judge Frederick Ziem.

The case, started in the Oakland County Circuit Court, involved an attack upon the minimum lot sizes required by the Ordinance. Plaintiffs were seeking to have the "fourteen mile road between Ingersoll and Middlebelt in the Township of Farmington" rezoned from its present minimum lot sizes of 20,000 square feet or a density of 1.8 homes per acre.

"The plaintiffs' economic views are available to their prop-

erty, the Plaintiffs contended that the lot size restrictions were not necessary for the public health, safety and welfare; therefore were unconstitutional. The Township defended on the ground that the zoning ordinance was a valid exercise of comprehensive plan for the development of the area. The plan provided for schools, day care, schools, roads, utilities and public services of all kinds.

The township contended that the zoning ordinance would protect the population density in the community in order to make the plan workable. The minimum lot sizes is merely a convenient method of population density control. In all previous lot size cases, the courts have ruled from the City of Troy which has a plan similar to Farmington Township, that the township has struck down the zoning on the ground that the plans were

speculative and not related to present conditions.

The Court's decision amounts to a complete re-examination of zoning principles as applied to rapidly changing communities such as Farmington, said Brennan.

"Previous decisions put our planners in a strait jacket and prevented them from doing future planning. We had hoped to be able to leave our plan alone and let it take its course."

The Court also stated that the Court to alter its previous position a little on future cases. Instead, it seems that the Court will allow a township to position one hundred per cent. We couldn't be more pleased."

That the case presented problems for the Court is evident in the separate opinion of Justice McManus. He stated that "this case has turned out to be one of unusual difficulty. All mem-

bers of the Court are agreed that our judgment is apt to influence permanently the development for residential purposes of many large tracts of valuable land, that it is bound to have a broadly unpredictable effect upon suburban life in ever more populous southeastern Michigan."

The Court recognized the importance of community planning in the future. In an opinion joined in by Justices Souris and Kavanaugh, Justice Paul Adams said "One would not hesitate to condemn the designer of a modern building who failed to make provision for the needs of future number of years. Surely the function of zoning is to plan a modern day community for continuance and growth over a period of years. The growth can not possibly come at once any more than a seed can spring into a tree over night."

"Unless the pattern is set and followed, proper growth can never materialize. The alternative is to pay the price in crime, human delinquency, inadequate sewers, inadequate roads, inadequate schools, inadequate parks, and, worst of all, inadequate human beings—a pattern that has been all too clearly evident in the blighted urban scene. A city, village or township is entitled to work out a better destiny for itself under such clear statutory authority."

Said Justice Otto Smith, in an opinion supported by Justices Adams and O'Hara, "There is a need to plan for expectant population densities so that community needs may be based thereon; such things as adequate sewage, streets capable of handling traffic, schools, recreation areas, schools and

The fact that three separate memorandums were filed supporting the Township's position did not indicate any disagreement among the Justices but apparently reflected their recognition of the importance of the

to municipal development
Michigan.

In his opinion, written
Justice Harry F. Kelly, and
id in by Justice Detmehrs,
ne Kelly dissented from the
by the on the ground that the
Township's property did not fit
the Township's zoning plan
which it has to be shown
that the town had voted against
the Township's zoning plan.
ated that they would have
made a different result if the
cases were being decided
re.

Justice Smith, "upon ad-
ditional evidence it would seem that a
different result might have been
had had we not tended to
credit what appeared to be
speculative nature of popu-
on projections and com-
unity needs present there-
in witnesses."

Justice Black indicated it
his intent "to vote for ex-

of undeveloped property on account of its location and small lot sizes, accompanied by a substantial loss of development profit." "We must acknowledge the assistance of Charles and his firm in the preparation and trial of this case." "We thank Attorney Brennan, "We thank the Supreme Court with record from the trial." "The planning for this took many months during which Chuck and his people took hand in hand with us." "The cooperation of the Farm School Board and the County of Gerald Harrison, School Superintendent, also an important part in our ultimate success."

Pros and Cons on Pay Raises

Observer for Raises

League Against Them

By Allen Rosenfeld, Editor, Farmington Observer

On Feb. 15 the voters of Farmington Township will decide whether to grant pay raises to the public employees. The Board of Public Safety has the available information, this newspaper strongly urges that the raises be granted.

Our intrepid publisher, Paul M. Chandler, writing in the Dec. 9 issue of the Observer, said that in the period since the last election we have found no reason to change our minds.

Public service is the noblest of callings. But its rewards are chronically inadequate.

For the past several years, we have realized for some time that we need to attract our most gifted citizens into public service, and that we can do only by making the rewards greater.

The most damaging argument against raising the Farmington Township salaries is that the Farmington Township Board voted them to the administration on the day before the Nov. 2 election — an election in which the administration and two of the Trustees were personally involved.

That is the basis of this argument, the Board — realizing it was granting an excessively high raise — did so at the 11th hour, to limit the voter backlash against them.

That is a very poor argument that reflects on the integrity

By John Haffley, Chairman, Farmington Citizens League

This is certainly a non-partisan issue and we are disturbed the efforts being made to classify any opposition as nothing more than a partisan issue.

1700 voters signed petitions requesting an opportunity to vote on this question, and there is no doubt that these petitioners represent both major political parties. It is an all too frequent reaction of some politicians to ignore the voters' wishes and rather than discuss the issues in a straightforward businesslike manner and let the chips fall where they may.

On this particular issue, the Farmington Township Board has been extremely uncooperative. They have been in session for more than two months in which they have failed to do so. Instead they waited until the last week preceding the national election before they mentioned the matter, and then further delayed until the night before the election. The Board has been paid \$1000 per month for the Clerk and Treasurer, and \$60 per cent for the Supervisor. This amount is excessive by any measurement or comparison. And the Citizens League is particularly opposed to the Board's actions.

POOR COMMUNICATIONS. This pay increase issue is

To begin with, the fact that pay raises were coming was no secret. At the Township Board meeting of Oct. 12, Trustee Thomas Duke said he would like to see raises placed on the agenda.

The Township's Attorney, Joseph T. Brennan, said that according to state law, this could only be done at the last meeting prior to an election. That law is antiquated, and useless makes it nonetheless a law.

At the last regular meeting before the election was scheduled for Oct. 26, in the period between Oct. 12 and Oct. 26, no citizens arose at a public meeting to deny that some sort of pay raise was justified.

But, when the Trustees sat down for their Oct. 26 meeting, they were the last regular meeting prepared to decide how much the raises should be. They had done no research. This fact is not to their credit.

points up the fact that our Township officials feel it is not necessary to keep the voters advised well in advance of action on significant issues. The Township Board has not attempted to do anything other than to dig for information that the Township officials should be putting in front of him in a continuing effort to keep him informed.

2. **DUTIES AND RESPONSIBILITIES.** It has been stated that the officials of the Township have responsibilities but no duties. The Board has not defined the responsibilities and it is spelled out in detail by the officials themselves instead of a general statement of duties recently issued by the Township attorney.

3. **SAFETY.** This is a matter of growing concern to most residents of the Township and should be given priority attention, but instead, the Township Board has shown an almost complete lack of interest in this vital matter. For instance, the question of crossing guards for school children has come

The Board decided to check what the needy commodities — of similar size, and with similar problems — were paying the officials, and to meet again on Monday, Nov. 1 — the evening before.

Looking back to that moment, it seems unfortunate that they did not decide to accelerate their research, and meet earlier than Monday. Had they decided to meet on Thursday, Friday or Saturday, their action would have seemed less of a "railroading" job. However, two of the Trustees were out of town during this period.

But that is hindsight. The Oct. 26 meeting was well attended. Most of those who are leading the fight against the rules were there. And no one was able to raise a serious objection to having the meeting on Monday.

Monday was much made of this, when the administration and the "candidates debated issues at the Bond School, on Wednesday, Oct. 29.

At the Nov. 2 meeting, the Board of Trustees voted to raise

4. TAXES AND BUDGETS. We have all felt the impact of the recent 20 per cent tax increase and we wonder how soon our officials will give us some idea of how they plan to budget the very significant additional amount. Will there be a series of public hearings relative to the budget? Will the taxpayers have a real opportunity to express their opinion as to how much money should be spent? In the past this has not been the case. We can only hope that this year a change for the better will take place.

5. CITIZEN STUDY COMMITTEES. Frequent suggestions have been made by individuals and our local newspapers that the Board appoint qualified citizens to study specific problems but

the Township Supervisor's annual salary from \$10,000 to \$15,000; the Clerk's from \$8,500 to \$11,500, and the Treasurer's from \$5,000 to \$7,000.

Were these raises excessive in a municipality of approximately 32,000 people? We think not.

In our Jan. 6 issue we published the statistics from which the Board arrived at the above figures. They seemed persuasive.

We repeat them now, and let the voters judge.

Avon Township, population 21,377. Supervisor, \$11,200. Including expenses, Clerk and Treasurer, \$8,500 each; plus voucher expenses. Township officers are paid by position and by month of office. Plant. Rates are pending for their annual meeting, April 1.

Bloomfield Township, population 25,830. Supervisor, \$17,000, plus car. Clerk and Treasurer, \$11,000 each. These officers are covered by the township's own hospitalization plan.

Waterford, population 47,107. Supervisor, \$11,000 plus voucher expenses, and car. Clerk, \$9,500. Treasurer, \$8,000 plus voucher expenses. These officers are covered by Blue Cross.

West Bloomfield, population 14,989. Supervisor, \$10,000, plus

and these suggestions have been ignored. This valuable source of information has been completely overlooked.

C. COMPARATIVE SALARY DATA. The following data was obtained from information compiled by the Michigan State Association of Supervisors, dated October, 1954.

	Tax Base	1950	Super-
	(Sale Equalized)	Population	intendent
Avon	21,000,000	21,000	\$500.00
FAIRMONT	14,000,000	27,000	800.00
Waterford	85,000,000	47,100	1000.00
W. Bloomfield	67,000,000	15,000	850.00
Redford	21,000,000	71,000	1600.00
Warren	10,000,000	26,000	800.00

Even at this late date the officials have made no effort to put forth their ideas, plans or general thinking in the areas of budgets, taxes, safety, zoning, water and sewer problems, recreation, etc.

In summary the Farmington Citizens League feels that our Township officials are not entitled to a salary increase this year and urge that the voters say "NO" at the polls next Monday.

case. Treasurer and Clerk, \$8,500 each. These officers are covered by pension and hospitalization plans.

Meriden, population 25,600. Manager, \$13,500 plus car, hospitalization, and pension plans.

Farmington City, population 6,881. Manager, \$12,000 plus car, Blue Cross, and retirement plan.

Meriden Heights, population 3,843. Manager, \$16,150, plus car, Blue Cross, and pension plan.

Oak Park, population 36,632. Manager, \$18,000, plus car, hospitalization, and pension plan.

Southington, population 11,501. Manager, \$16,000, plus car, and hospitalization. No retirement plan.

Our endorsement of the pay raises does not necessarily constitute an endorsement of those holding the jobs of Supervisor, Clerk, and Treasurer. The Farmington Township code of ethics requires that all employees be paid no more than the salary in the merit roll box, three months ago. They will have another chance to judge them in the next election—in two or four years.

But, if the pay raises are rejected, they will remain fixed at their present levels until the next election.

Most important, it seems to us, if the raises are rejected, a dangerously divisive precedent will have been set. The scars of this rejection will make it far more difficult to adequately compensate future administrators.

So we urge the Voters of Farmington Township to go to the polls on Feb. 15, and vote "Yes," on the proposition approving the pay raises.

Form Group to Oppose Educ. Research Office

Strong resistance to the proposed ERO District has developed in Farmington.

Dept. Honored for Fire Safety

The Farmington Department of Public Safety has been awarded a Citation for Meritorious Services for "Excellent in the field of fire safety education and performance for the year of 1964."

Award was given to us by the American Legion Post No. 245 "George Walcott."

oped in Farmington. ERO is the proposed complex of Educational Research Office Buildings on the west side of Farmington Rd., between Alta Loma and Washington Drive.

A group of Farmington citizens has made it known that they would prefer single residential homes on this site. The group, headed by Arthur Millard, of 3345 Alta Loma, will present a proposal for a single residential subdivision to the Planning Commission, before the Commission's next meeting—two weeks from this past Monday.



RUSS ROBERTS at his drawing board, discussing his Nazi activities, with Observer reporters, on Monday, Feb. 1—a week before his arrest. For complete story see Pages 3 and 8A.

School Board Sets Area Boundaries

At their regular Monday meeting the Farmington Board of Education approved new school boundaries for the 1965-66 school year as presented by Byron Oliver, administrative assistant.

On hand to register their concern about the crowded conditions at Eagle School were two mothers from the North Kimber subdivision.

The new Larkshire School is scheduled to open this September, prompted by the boundary changes built specifically to reduce overcrowded conditions in the belt and Shiawassee elementary schools.

Shrine Club
Meet Feb. 11

The Greater Farmington Shrine Club will hold a meeting on Thursday, Feb. 11, at the Frontier House, 30689 Grand avenue. The social hour is at 6:30 p.m., and dinner is at 7:30.

Judge George Hutter will speak on "What's New in Legal Jurisprudence." The speech will explain the change involved in the new Michigan Constitution's elimination of the Justice of the Peace, and his replacement by Judges of the Municipal Court.

Carole Jean will entertain on the accordion. The guests are asked to wear their fezzes and goggles.

For ticket information, call Ben Bailes, 844-0257.

relieve Eagle, a number of students — particularly those from North Kimberly subdivision — will be bused to Middle School where an addition is currently being constructed. The junior high school has all students north of 1st Road have been attending Middle School. Now a new boulevard is being set down Northwestern to the north end of the district to a mid-point between 1st and 2nd Road and Middle School. All children east of the boulevard will be switched to Eagle. For high except students in the ninth grade. They will be required to continue at Duncker. More than being moved there.

Democratic Club Holds Meeting on February 10

The Farmington Democratic Club will hold its regular monthly meeting, at 8 p.m., Wednesday, Feb. 10, at the Universalist-Unitarian Church of Farmington. The Young Democrats will meet there an hour earlier.

The Democrats will make plans for their participation in the Democratic State Convention. They will begin preliminary plans for their annual convention and they will discuss a proposed trip to the State Legislature.

be given their choice of schools in September. The school administration realized that all efforts were made to keep neighboring children going to the same schools. Principals will be notified of boundary changes immediately. Parents whose children were concerned should be notified in the next month. The changes become effective September.

K. of C. to Meet
Sunday, Feb. 14
St. Francis Council 41

There will be guest speakers, movies and refreshments. The public is invited.

What's Inside

The Farmington Observer Amusements	6-7B
Atlantic & Pacific	
News	14A
Business Directory	8B
Candidates Page	11A
Church Directory	4B
Classifieds	8-15B
Editorial Page	15A
Food Fair News	8A
Home Improvement	5B
Kroger Food News	11B
Lunch Menu	14A
Quick Pic Food	
News	11A
Sports Pages	2-3B
Women's Pages	3-12A

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Board Support to Rights Act

At their regular Monday meeting the Farmington Board of Education unanimously passed a

Sgt. at U of M

On February 4, Sgt. Jay Harrison of the Farmington Department of Public Safety finished a short course in Fire Instructor's Training School at the University of Michigan.


The two day training conference held at the training center to assist fire instructors with more efficient methods of conducting fire training programs. Fifty-one instructors from different fire departments in the state of Michigan attend the course.

formal resolution saying that they will comply with the Civil Rights Act of 1964.

Since the passage of the Act, it will become customary for any group requesting financial assistance to give assurance that the program or facility to be aided will be conducted in compliance with the Act. This is the first time such a resolution has been required.

If the school system would in any way make a distinction on the ground of race, color or national origin in providing any service, financial aid or other benefits under their program, the federal government would not give financial assistance to the schools.

A black and white photograph showing a street scene. On the left, there is a building with a sign that appears to say 'HOTEL'. A car is parked on the street in front of the building. The image is somewhat grainy and has a high-contrast, almost posterized appearance.



PRIMARY SCHOOL
er, as part of activities, on this project the school members mobilize on duty, sponsors say will be on display at the school's fourth grade class, and some of the boys. "The Cat in the Hat" to right: James Linda Truitt, Washington, D.C. James Mestizo, Donald Justice, Robert McCles Ford (hidden),



and their teacher, go over books, including Dr. Seuss's "The Hat Returns." From left to right, Darel Zarovsky, Donald Hartwig, David Cynthia Cline, Bruce Bender, Joe, Kirk Jaske (hidden), Cec, Linda Abid (hidden), Sean (the teacher), Debra and Sheryl Guay.