

STATE OF MICHIGAN
IN THE 3rd CIRCUIT COURT FOR WAYNE COUNTY
City-County Building
Two Woodward Avenue
Detroit, MI 48226-3413

CHARTER TOWNSHIP OF NORTHVILLE,

Plaintiff,

and

Hon. Kathleen I. MacDonald

HEATHER SCHULZ and JEFFREY SCHULZ;
MARY LOWE and GEORGE LOWE; ERIC
HANPETER and LAURA HANPETER; FRANK

No. 98-816747 CZ

CORONA and MARCELLA CORONA; DAVID
MALMIN and LEE ANN MALMIN; JOHN MILLER
and DEBRA MILLER; TOM CONWELL and EVY
CONWELL; MARY BETH YAKIMA and DAN
YAKIMA; RICHARD LEE and PATTY LEE; BETH
PETERSON and RICK PETERSON; JOHN
BUCHANAN; KEN BUCHANAN; LARRY GREGORY
and NANCY GREGORY; K. MAUREEN WYNALEK
and JAMES WYNALEK; HAROLD W. BULGER and
SANDRA BULGER,

Intervenors,

v

NORTHVILLE PUBLIC SCHOOLS, a Michigan
municipal corporation; LEONARD R. REZMIERSKI,
Superintendent; and THE BOARD OF EDUCATION OF
NORTHVILLE PUBLIC SCHOOLS,

Defendants.

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MICHIGAN TOWNSHIPS ASSOCIATION AND MICHIGAN MUNICIPAL LEAGUE'S
BRIEF AMICUS CURIAE IN SUPPORT OF CHARTER TOWNSHIP OF NORTHVILLE

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STATEMENT OF QUESTIONS PRESENTED

IS A PUBLIC SCHOOL AND ITS BOARD OF EDUCATION, IN THE DEVELOPMENT AND LOCATION OF A PUBLIC SCHOOL SITE, IMMUNE OR EXEMPT FROM REASONABLE LOCAL MUNICIPAL ZONING REGULATIONS DESIGNED FOR THE PROTECTION OF THE HEALTH, SAFETY AND GENERAL WELFARE OF THE SURROUNDING COMMUNITY IN WHICH THE PROPOSED SITE IS PLANNED TO BE LOCATED?

Plaintiff answers "yes".

Defendants answer "no".

STATEMENT OF FACTS

Amicus Curiae, Michigan Townships Association and Michigan Municipal League Legal Defense Fund hereby incorporates in full the "SYNOPSIS AND FACTS" set forth in Plaintiff's brief in support of its Motion for Summary Disposition filed in the within cause of action.

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ARGUMENT I

PUBLIC SCHOOLS AND THE BOARDS OF EDUCATION FOR SUCH SCHOOLS IN THE LOCATION AND DEVELOPMENT OF PUBLIC SCHOOL SITES, ARE SUBJECT TO AND MUST COMPLY WITH REASONABLE LOCAL MUNICIPAL ZONING ORDINANCE REGULATIONS DESIGNED TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE COMMUNITY AS SPECIFIED IN THE ZONING ENABLING ACTS PERTINENT TO SUCH LOCAL MUNICIPALITIES.

1. All Michigan statutes delegating zoning authority to local municipalities include authority to regulate the use of land for education, recreation, and other public service facilities to promote public health, safety and general welfare of their communities.

A. Township Rural Zoning Act.

Section 1 of the Township Rural Zoning Act found at MCL 125.271; MSA 5.2963(1), provides in pertinent part:

"The Township Board of an organized Township in this state may provide by zoning ordinance for the regulation of land development, which regulate the use of land and structures; to meet the needs of the state's citizens for places of residence, recreation...service, and other uses of land; natural resources; to ensure that the use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population...and other public facilities; to facilitate adequate and efficient provision for...education, recreation, and other public service and facility requirements; and to promote public health, safety and welfare... Ordinances regulating land development may also be adopted designating or limiting the location...the area of yards, courts, and other open spaces, and the sanitary, safety, and protective measures that shall be required for the dwellings, buildings and structures ...erected or altered."

Section 3 of that act further provides in pertinent part:

"The Zoning Ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for...places of residence, recreation,...service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lesson congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of...education, recreation, and other public requirements;...to conform with the most advantageous uses of land, resources, and properties. The Zoning Ordinance shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural

resources; and the general and appropriate trend and character of land, building, and population development.” (Emphasis added).

B. The City and Village Zoning Act.

Similarly, the City and Village Zoning Enabling Act found at MCL 125.581; MSA

5.2931 provides in Section 1 in pertinent part:

“The legislative body of a city or village may regulate and restrict the use of land and structures; to meet the needs of the state's residents for... places of residence, recreation, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for... education, recreation, and other public service and facility needs; and to promote the public health, safety and welfare....” (Emphasis added).

Section 3(2) of that Act further provides in pertinent part:

“The legislative body of a city or village may use this Act to adopt land development regulations and districts which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the establishment of land development regulations and districts in areas subject to damage from flooding or beach erosion, and for that purpose may divide the city or village into districts of the number, shape, and area best suited to accomplish those objectives.”

C. The City, Village and Municipal Planning Act.

The City, Village and Municipal Planning Act found at MCL 125.31:MSA5.2991 which applies by definition to cities, villages, townships, charter townships, and other incorporated political subdivisions provides at Section 9 of that act in pertinent part:

“Whenever the Commission (Planning Commission) shall have adopted the master plan of the municipality...no street, square, park, or other public way, ground, or open space, or public building or structure shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the Commission (Planning Commission)...” (Emphasis added)

D. The County Rural Zoning Enabling Act

The County Rural Zoning Enabling Act found at MCL 125.201:MSA5.2961(1) also provides in pertinent part:

“The County Board of Commissioners...may provide by zoning ordinance for the establishment of land development regulations and districts in portions of the county outside the limits of cities and villages which regulate the use of land; to meet the needs of the state's citizens for...places of residence, recreation,...service and other uses of land; to ensure that the uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate congestion of population and the overcrowding of land... and other public facilities; to facilitate adequate and efficient..education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.” (Emphasis added).

The County Act further provides at Section 3 in pertinent part:

“The Zoning Ordinance shall be based upon a plan designed to promote public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's citizens for...natural resources, places of residence, recreation...and other uses of land, to ensure that uses of lands shall be situated in appropriate locations and relationships,...to facilitate adequate provision for a system of...education, recreation and other public needs... The ordinance shall be made with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources...and the general and appropriate trend and character of land, building, and population development” (Emphasis added).

E. Analysis of Zoning Enabling Statutes

From a review of the language contained in the foregoing zoning enabling statutes, it is clear that the legislature has granted comprehensive authority to cities, villages, townships, charter townships, and counties to regulate land use within their respective jurisdictions to, in general, protect health, safety and general welfare of their respective communities. Furthermore, the legislature has specifically, in all of the statutes, authorized zoning regulations over “places of residence”, “recreation”, “other public facilities”, and

"education". This authority has been repeated by the legislature in various amendments through the last amendment effective May 17, 1995 for cities and villages; and effective February 26, 1996 for townships, charter townships, and counties.

Although the Zoning Enabling Acts above referred to have exempted certain aspects of oil and gas well development and operation from local zoning control and granted it to the director of the DNR (MCL 125.271; MSA 5.2963(1) with respect to townships); and (MCL 125.201; MSA 5.2961(1) with respect to counties); has limited the zoning control of state licensed residential facilities (MCL 125.286(a); MSA 5.2963(16)a pertaining to townships); (MCL 125.216(a); MSA 5.2961(16a) pertaining to counties); and (MCL 125.583b; MSA 5.2933(2) pertaining to cities), and has made other inroads into local zoning authority, the legislature has not seen fit to make any inroad with respect to zoning authority over schools and "education and recreation". This zoning authority remains unaltered notwithstanding *Cody Park Ass'n. v Royal Oak School District*, 116 Mich App 103 (1982), wherein the court held the high school was required to comply with the City of Royal Oaks' zoning ordinance which prohibited their proposed improvements without obtaining a special use permit from the city. The court emphasized in *Cody* there was no language in the school code which indicated any superior authority in the school district which would allow it to claim immunity from local zoning. As stated at the bottom of page 108:

"Although a school district is recognized as a state agency, nevertheless it is guided by local school boards. It cannot be said such a local school board should have greater or lesser powers over local zoning ordinances unless such authority is specifically designated by the legislature. A careful reading of the school code fails to review such a legislative intent."

Similarly, the legislature did not see fit to amend local enabling zoning statutes following the Court of Appeals decision in *Lutheran High School Ass'n. of Greater Detroit v City of Farmington Hills*, 146 Mich App 641 (1985), which again held that a parochial school was subject to reasonable, local zoning regulation. The *Lutheran* court in dismissing any school exemption argument indicated at 650 that "all zoning ordinances hold a presumption of validity", and that "Michigan churches and schools may be regulated to the same extent as any other land use." It further stated at footnote 1:

"Plaintiff also argues that such legislative intent may be found in the statute governing the construction of public and private school buildings, MCL seq 388.851; MSA seq 15.1961. The statute concerns construction requirements and in no way manifests a legislative intent that schools not be subject to local zoning ordinances." (Emphasis added).

The foregoing cases have been further recently supported by the case of *Addison Township v Department of State Police*, 220 Mich Ap 550 (1996) wherein on remand from the Michigan Supreme Court, the Court of Appeals held that the statute pertaining to state police communication towers did not grant immunity or exemption from township authority to regulate the location of such towers under the authority of the Township Rural Zoning Act cited supra. The Court of Appeals reiterated that there was insufficient language in the state police statutes to grant any exclusive jurisdiction in the state police to locate towers within a municipality regardless of the municipality's zoning regulations.

Local municipalities under their respective zoning enabling statutes are concerned with protecting health, safety and general welfare of their communities. School boards and boards of education are concerned with safe and efficient education of students. This is their primary interest and not the public health, safety and general welfare of the

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surrounding community. Without local zoning, this latter protective interest would be delegated to and safeguarded by no one.

ARGUMENT II

THE 1990 AMENDMENT TO THE SCHOOL CODE WAS NOT INTENDED TO AND DOES NOT ELEVATE SCHOOL BOARD'S AUTHORITY ABOVE REASONABLE LOCAL ZONING REGULATIONS.

MCL 380.1263(3); MSA 15.41263(3), as amended in 1990, provides as follows:

"The board of a school district shall not design or build a school building to be used for instructional or non-instructional school purposes or design and implement the design for a school site unless the design or construction is in compliance with Act 306 of the Public Acts of 1937, being Sections 388.851 to 388.855a of the Michigan Compiled Laws. The superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or non-instructional school purposes, and of site plans for those school buildings." (Emphasis added).

Act 306 of 1937, as amended, relates in its enabling section specifically to "construction, reconstruction, and remodeling of certain public or private school buildings or additions thereto."

The Act proceeds to specify certain construction requirements. In Section 1(e) it provides as far as design or building site plans, the following:

"In all cases, there shall be at least two stairways and the distance from the door of any class or assembly room to a stairway or exit shall not exceed 100 feet." (MCL 388.851; MSA 15.1961).

This requirement relates to the interior site plan of the building as opposed to quality or type of construction. Amicus Curiae submit the phrase in the above quoted 1990 amendment "site plans for those school buildings" refers to this kind of interior design of the building and not to zoning regulations. Furthermore, Section 1a of said Act 306 defines school buildings to "include all buildings used for school purposes." The term does not include, either in said Act 306 or in the 1990 amendment hereinbefore quoted and underlined, location, screening, setback, lighting, off-street parking requirements, drainage, exterior noise control, entrances and exits from public roads

and other elements of site plan review and conditional use requirements contained in local zoning ordinances.

This distinction between construction and "site plans for those school buildings" and local zoning regulations is emphasized in Section 2 of the State Construction Code found at MCL 125.16502; MSA 5.2949(2), wherein "construction regulation" is defined at subparagraph (m), in pertinent part, as follows:

"Construction regulation does not include a zoning ordinance or rule issued pursuant to a zoning ordinance and related to zoning."

The distinction between zoning and construction is further emphasized in Section 9(8) of the State Construction Code where it is provided in pertinent part:

"A building or structure owned by the state shall not be erected, remodeled or reconstructed in the state after December 30, 1980, except school buildings or facilities or institutions of higher education as described in Section 4 of Art. VIII of the state constitution of 1963, until written approval of the plans and specifications has been obtained from the Bureau of Construction Codes located within the Department of Labor...."

Zoning ordinances do not relate to construction, but to the classification of land for particular uses with pertinent regulations for the protection of adjacent property owners and residents and the community in general. Even if "site plans for those school buildings" could be construed to apply to more than the building itself, which Amicus Curiae vigorously rejects, zoning ordinances cover many different facets of land use than site plan review. They include, for example, the classification of designated lands for permitted uses such as residential, commercial, industrial, institutional, and various subcategories of the foregoing. They further include special land use provisions permitting certain specified uses only after public hearings and compliance with conditions and limitations specified for the approval of the same. Ordinances are also authorized to provide for planned unit developments involving clustered development and multiple compatible uses, again following public hearings concerning the same. Ordinances contain

provisions for continuation of permissible non-conforming uses and variance procedures before a zoning board of appeals.

In addition to the foregoing, all of the zoning enabling acts also provide authority in local units to require by ordinance, approval of a "site plan" before authorization of any land use or activity regulated by a zoning ordinance. Site plan review is stated in the enabling acts to be "necessary to insure that a proposed land use or activity is in compliance with the local ordinance and state and federal statutes." (See MCL 125.286e; MSA 5.2963(16e) pertaining to townships); MCL 125.584d; MSA 5.2934(4) pertaining to cities and villages); and (MCL 125.2216e; MSA 5.2961(16e) pertaining to counties).

Again, Amicus Curiae would emphasize that "site plan review" is only one minor element in a municipal zoning ordinance; is not related to a proposed building itself, but only exterior elements of a site; and the protection of the health, safety and welfare of adjacent property owners and residents; traffic safety and the protection of the general community. These zoning regulations do not conflict with the 1990 amendment to the school code hereinbefore quoted.

ARGUMENT III

LAWS CONCERNING TOWNSHIPS, COUNTIES, CITIES AND VILLAGES MUST BE LIBERALLY CONSTRUED IN THEIR FAVOR.

Article VII, Section 34 of the Michigan Constitution provides as follows:

"The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution."

The Supreme Court in applying this constitutional provision in *Square Lake Hills Condominium Ass'n. v Bloomfield Township*, 437 Mich 310 (1991), and upholding the township's authority to control riparian rights in its zoning ordinances, stated at 319:

"The delegates to the 1961 Michigan Constitutional Convention replaced the common law rule of strict construction by constitutionally requiring courts to liberally

construe all legislation and constitutional powers conferred upon townships. **Const. 1963, Art. VII, Sec 34; see also, (1) official record, Constitutional Convention 1961, pp 1048-1058.** While this constitutional directive does not provide an independent grant of authority for townships to act in a particular area, its mandate of liberal construction does provide a framework for analysis of Bloomfield Township's arguments...."

In the Supreme Court case of **Hess v West Bloomfield Township, 439 Mich 550 (1992)** which involved the authority of a township zoning ordinance to regulate dock construction and the number of boats which could be moored thereat, the court in upholding the validity of the township zoning ordinance stated at 563:

"An indication of the legislative concern for the environment is apparent from the clause that was added to MCL §125.271; MSA §5.2963(1) in 1978, providing that townships shall have the authority to enact zoning ordinances to 'promote public health, safety and welfare.' This indicates that a much broader grant of authority was intended by the legislature when it amended the TRZA in 1978...."

Certainly a liberal construction of the three zoning enabling statutes hereinbefore referred to would clearly support townships', cities', villages' and counties' authority to regulate the location and development of school grounds for the health , safety and welfare of the community and surrounding property owners and residents.

ARGUMENT IV

STATUTES MUST BE APPLIED AS WRITTEN AND NOT AS SCHOOL ADMINISTRATORS OR OTHERS WOULD PREFER.

A succinct and fairly comprehensive review of the law of statutory interpretation is found in the case of **Portelli v I.R. Construction Co., Inc., 218 Mich App 591(1996)** at 606 where the court states as follows:

"The primary intent of judicial interpretation of statutes is to ascertain and give effect to the intent of the Legislature. **Farrington v Total Petroleum, Inc., 442 Mich 201, 212, 501 N.W. 2d 76 (1993).** The first criterion in determining intent is the specific language of the statute. **House Speaker v State Administrative Bd, 441 Mich. 547, 567, 495 N.W. 2d 539 (1993).** The Legislature is presumed to have intended the meaning it plainly expressed. **Frasier v Model Coverall Service, Inc., 182 Mich. App. 741, 744, 453 N.W. 2d (1990).** Courts may not speculate regarding the probable intent of the Legislature beyond the words

expressed in the statute. *Nat'l Exposition Co. v Detroit*, 169 Mich. App. 29, 425 N.W. 2d 497 (1988). Where the language employed in statute is plain, certain, and unambiguous, the statute must be applied as written without interpretation. *Wayne Co. v Dept. of Corrections Director*, 204 Mich. App. 712, 714, 516 N.W. 2d 535 (1994). When the plain and ordinary meaning of the language is clear, judicial construction is normally neither necessary nor permitted. *Lorenz v Ford Motor Co.*, 439 Mich. 370, 376, 483 N.W. 2d 844 (1992). Such a statute must be applied, and not interpreted, because it speaks for itself. *In re: Schnell*, 214 Mich. App. 304, 310, 543 N.W. 2d 11 (1995)." (Emphasis added).

The zoning enabling acts hereinbefore cited are comprehensive, clear and unambiguous in authorizing local government to regulate land development within their respective jurisdictions. There is no indication that the legislature intended to remove that authority with respect to the development and location of schools and school grounds. The 1990 amendment to the school code hereinbefore referred to does not controvert this comprehensive zoning authority. No governmental interest will be served by eliminating this zoning authority. In fact, the local municipal government's goals of protecting the health, safety and welfare of persons and property within the vicinity of schools and within the community should not be offensive or contrary to the goals of public education. Schools should have no better right to disrupt a neighborhood than any other private or public activity. If the zoning regulations are unreasonable, the boards of education have ample remedies through the courts in setting aside such unreasonable regulations. Where they are reasonable, they should be complied with and enforced by the judiciary.


RELIEF REQUESTED

On the basis of the foregoing, Amicus Curiae Michigan Townships Association and the Michigan Municipal League Legal Defense Fund respectfully request that this honorable court enjoin the development of the subject school grounds in violation of the Township's reasonable zoning regulations until such regulations have either been complied with or compromised by mutual agreement of the respective Township and School District.

Dated: October 15, 1998

Respectfully submitted,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


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Fund

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Last chance

Fate of lawsuit to be decided at township meeting

CHRIS C. DAVIS
Staff Writer

Those who hoped to see the immediate end of litigation between Northville schools and Northville Township last week came away disappointed...sort of. A motion by the township to drop the lawsuit pertaining to the new Northville High School fell one vote short of passage. The township will reconvene at township hall tonight, and take another look at settling the lawsuit passed unanimously.

Trustee Mark Abbo told the overflow crowd that a letter had been received from the school district and superintendent

Leonard Rezmierski which addressed several zoning-related issues pertaining to the new Northville High School. The district and township board have been in litigation regarding the

The issues addressed in the letter concerned minimum setbacks, shields for athletic field lighting, design of the school's detention pond and additional landscaping, Abbo said.

Both sides have moved a lot on these issues. I believe we can cooperate, resolve our differences and move ahead."

Mark Abbo
township trustee

It also included a clause that gave the location that the district would "cooperate with the township on all future construction."

"Both sides have moved a lot on these issues," Abbo said. "I believe we can cooperate, resolve our differences and move ahead." Abbo made the motion to dismiss the lawsuit unilaterally.

But only Abbo, treasurer Dick Henneman and clerk Sue Hillebrand felt comfortable enough with the arrangement to drop the suit right then and there. Four

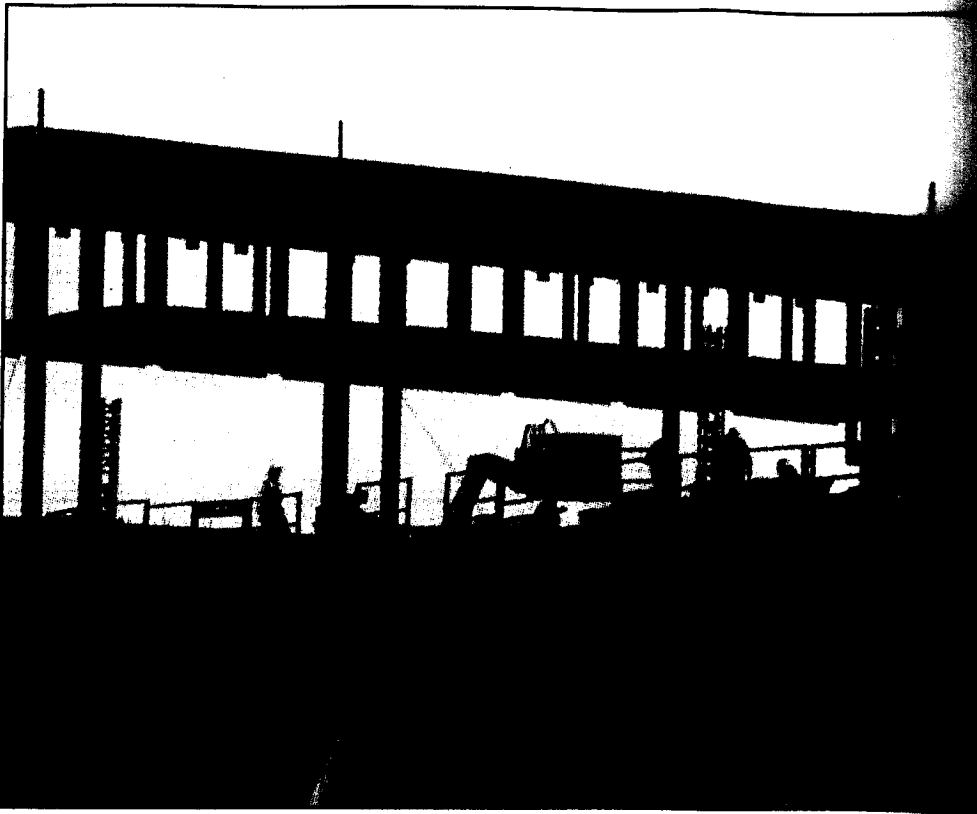


Photo by J.C.

Despite the controversy, construction continues on the new Northville High School.

Continued on 7

Would a unified Northville work?

Formation of citizens Committee For A Unified Northville to wage an aggressive campaign in favor of the annexation proposal appearing on the May 7 ballot was announced this week.

The purpose of the committee will be to organize and lead the campaign for the unification of the city and township.

*- from the Northville Record
March 29, 1973*

By CHRIS C. DAVIS
Staff Writer

What if there was no Northville - the city?

What if there was no Northville - the township?

What if there was just...Northville?

It's a question that was pondered heavily 26 years ago this week, as the Committee For A Unified Northville began mapping out strategies to convince voters in both the city and township that one was better than two.

It didn't end up happening, of course. City residents gave overwhelming support to the measure, while township voters came up 150 "yes" votes short of taking the first step towards a single community.

Township resident Jim Nowka was one of the people who wanted to see the two communities merge. He said that the atmosphere and demographics of the time made

the idea more logical back then than it would if the same question was asked today.

"A lot of it was because the city and township seemed to be on parallel courses," Nowka said. "Today, though, it probably serves both communities just as well if they were to stay as two separate entities."

Nowka said those who supported the planned consolidation pointed out the shared school district between the two communities. Nowka said since the two Northvilles shared schools, it seemed to make sense that a shared government could operate, as well.

Had the plan been adopted, both governmental bodies would have been vacated, and the new Northville (most likely a city) would have had new elections to fill council seats. A new city manager would then be hired to handle the day-to-day operations.

"The interest in the township at the time was to protect the inter-

estimates of the city," Nowka said. "We shared such a history with the city that we wanted to do things that would be supportive of their business interests."

If the same question was brought before voters now, Nowka said it would be an altogether different proposition, due in no small part to the rapidly-changing face of the township.

"It's a more complicated issue now than it's ever been," Nowka said. "The township's population was just a fraction of what it is today and the development in the township has just gone through the roof. There's no incentive to try a merger in 1999."

Townships got their start shortly after the United States became a nation. Curious to know the lay of the land west of the Appalachians, the country's founders sent surveying crews to that portion of the land now commonly referred to as the Midwest, which included Michigan. The land was divided into spans six miles long by six miles wide. A single 36-square mile unit was called a township. Western states were surveyed and divided using different methods, making them a rare find outside of the Atlantic seaboard and Midwest states.

Northville became a half-sized township after the two anchor villages of Northville and Plymouth formed at the north and south

extremities. What was the Township of Plymouth became both Plymouth Township and Northville Township in 1897.

Judge John MacDonald, who was a Northville Township trustee at the time the 1973 merger proposal came forward, said nearly all political powers of the time supported the merger of the two communities. In MacDonald's opinion, the movement died because of apprehension and fear of the unknown.

That, and the expectation that taxes for people living in the former township would go up, he said. When the proposal was brought forward again a few years later, voters were not nearly as receptive to the idea. This time, MacDonald said, the financial concerns of a merger were compounded by a struggling American economy.

"Any time you're talking about change, people can be apprehensive," MacDonald said. "The uncertainty aspect of it all caused some people to give second thoughts to what they wanted to have happen."

In MacDonald's case, he still favored a merger today.

"You probably wouldn't even know the difference, really," MacDonald said. "We already share so many things in common with each other that it seems to me we could take the next step. It would be a much more well-managed community in the long run."

Meeting was 'disappointing' according to school officials

BY ANDREW DIETDERICH
Staff Writer

An attempt at good faith between the Northville school district and Northville Township turned into disappointment and embarrassment.

That's how some Northville school board members said they felt after the Northville Township board of trustees voted 4-3 to not drop its appeals case against the school district.

The board of trustees did agree to vote on whether or not to drop the appeal case tonight after the letter had been approved at a school board meeting and the trustees had time to show the letter to Woods of Edenderry residents.

"My initial feeling was one of disappointment," said Thomas Gudritz, Northville

school board president. "We were certainly hoping they would discontinue the lawsuit."

Gudritz and Leonard Rezmierski, superintendent of the school district, signed a letter to the Northville Township board of trustees that "clarified some of the points" that the township trustees made at a March 18 meeting.

In the letter, Rezmierski and Gudritz said: the district has reduced the number of light poles for soccer lighting from 12 to four and would consider using shields and diffusers on shorter poles; the closest corner of the stadium soccer field will be about 76 feet and the track will be at least 31 feet from the western property line; plantings on the

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Meeting was disappointing, officials claim

Continued from 1

western and northern property lines would meet or exceed landscaping plans submitted earlier; the water detention pond will be fenced in and meet the water runoff specifications established by Northville Township and Wayne County.

Additionally, they requested the consideration that the sewer/water tap fee not exceed the 1998 rate and that the district be able to establish to five-year payment plan.

The letter also said that if the

township board had voted March 18 to discontinue litigation "every effort will be made to cooperate on the construction of the new Northville High School project and all future construction projects."

The letter was referred back to the school board which unanimously voted its support of the letter March 23.

"Much of the letter is clarifying what's been on the books for a while," said Joan Wadsworth, school board trustee.

Because the letter was referred back to the school board, Gudritz

said that he thinks a communication problem still exists between the district and township officials.

"There continues to be some misunderstanding," he said. "They're obviously not at the point of wanting to drop the lawsuit."

Martha Nield, school board trustee, attended the township board of trustees' meeting and said she was also disappointed.

"If you're going into an agreement you need to be kind and pleasant and conduct yourselves in a professional manner," she said.

Taxpayers deserve better effort from trustees

In the final analysis, the latest chapter in the controversy between the Northville Public Schools and Northville Township ended the same way it began - with uncertainty and sadness.

Uncertainty, because none of the close to 200 people who showed up for last Thursday's township board meeting walked away with any idea as to what, if anything, had been settled.

And sadness, because those same people, who wanted to voice their opinions both pro and con on the issue, weren't given a fair opportunity to express themselves.

Instead they were scolded like kids talking in class.

And now we find ourselves a week later, still divided on an issue that should have been settled months ago, and a little more concerned that things seem to be coming apart at the seams in Northville Township.

Make no mistake. Last Thursday was a time for the township board to redeem itself - an opportunity to correct the course these

But they didn't. Or at least most of them didn't.

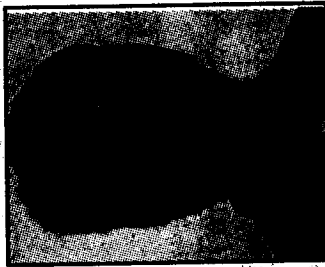
When they called the question Sue Hillebrand, Mark Abbo and Dick Henningsen were the only trustees willing to put a stop to the lawsuit. Marv Gans stayed firmly planted right on the fence line, not willing to take the leap over unless because he was unsure of the district's latest attempt at a negotiated settlement.

Nevermind that trustees had a letter of understanding sitting before them in which the school district listed several additional concessions they would make if the township dropped the lawsuit.

Add to that the 80 or so additional design changes they have made at the township's request and you begin to see that it is the school district doing all of the conceding here.

I'm hoping that the board won't waste the opportunity to right the ship when they meet tonight. This could be their final

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elected officials had taken. They could have seized the moment, they could have just simply listened to the voices that were assembled, thanked them for their comments, and then explained their reasoning behind pressing this mistake of a lawsuit.

And then they could have stopped it, once and for all. They could have looked out at the taxpayers and said "okay, we've all had enough of this madness, it's time to put this behind us and move on."

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Taxpayers deserve better from officials

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chance to end this madness and move on to other items that concern this community.

If not, this little "backyard barbecue" of ours could turn into a very messy community pig roast.

I'm also hoping that supervisor Karen Woodside won't repeat her actions of last week. It was Woodside who provided the most shocking statement of the evening, last week, when she likened the large group of school supporters as spoiled, and their actions playground antics.

Now I might not be the sharpest individual around, but don't these people have a right to question decisions made by their elected officials?

They certainly didn't deserve to be treated with disdain and contempt.

Woodside's actions not only came across as inappropriate, but they were downright embarrassing to witness. Especially in the face of a community that is desperately trying to reach some sort of closure to this whole regrettable mess.

It was bad enough that most of the people who turned out missed the meeting entirely because they were forced to stand in the main hallway outside the board chambers. They were outside because the board room holds about 80, and although township officials surely had to realize that the meeting would draw far more than that, they refused to change the meeting's locale to accommodate the large crowd.

It was bad enough that Woodside interrupted speaker after speaker with terse comments.

And it is bad enough that as this newspaper goes to press we are no closer to settling this backyard dispute, as we were a week ago.

But for the people who took time out of their busy lives to lend their voices to the debate, the actions of the supervisor, and some of the board, was the unkindest cut of all. It is unforgivable to treat taxpayers as they did last Thursday evening. Hopefully tonight cooler heads will prevail and we can put this affair behind us.

At the very least lets allow taxpayers to have their say. After all they are paying the bills.

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