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Officials: Northville Township's closed sessions did not violate state's Open Meetings Act

By Pam Fleming

STAFF WRITER

Chip Snider, Northville Township manager, said last week that closed sessions on the recent agreement achieved between developer REIS and the township were completely legal.

An agreement was reached on the afternoon of July 30 between the township officials and executives from REIS, a partnership between developers Real Estate Interests Group and Schostak Brothers and Company.

The agreement halted a \$100-million lawsuit REIS had brought forth against the township when the developers did not accept the plan for the Highwood development township officials had approved early in 2007.

Township leaders nixed the original plan presented by REIS, saying it violated the township's ordinances and was too dense, suggesting that too many residential units per acre and too much commercial development was slated for the site. Several officials, as well as township residents, feared an over-developed project would lead to traffic congestion along Seven Mile Road and particularly at the Seven Mile and Haggerty Road intersection. With its close proximity to I-275, this is one of the busiest intersections in Metro Detroit.

Snider felt compelled to clear the air on this issue after numerous township residents have been insinuating that the consent judgment between the two parties was decided in so-called "secret" meetings.

At least one resident even suggested the meetings violated Michigan's Open Meetings Act.

"There were no secret meetings," Snider said. "Any discussions relating to pending litigation that has a financial impact on the municipality are clearly exempt under the Open Meetings Act."

Furthermore, members of the media were informed via e-mail of each closed-door session of the Northville Township Board of Trustees.

Sue Hillebrand, township clerk, said all closed sessions are also posted at township hall on bulletin boards on both the first and second floors.

If residents would like to be informed of closed sessions of the board, they can request to be placed on an e-mail distribution list by the township clerk.

"By the Open Meetings Act, the supervisor can call a meeting with 18 hours of notice," Hillebrand said.

The township's attorney must also be present at such closed sessions.

In fact, one meeting was scheduled in which the attorney could not present, and the meeting had to be canceled.

"Numerous closed sessions were called that were prior to our regular monthly meeting with the same requirement that the attorney be present," Hillebrand said.

When it came to dealing with a multi-million-dollar lawsuit, "the last thing we needed was to be in violation of the Open Meetings Act in case an agreement had not been reached," Hillebrand said. "I didn't want any procedural missteps."

Local members of the media were also notified via e-mail of any and all closed sessions that took place.

Snider said many people are confusing closed sessions about the township/REIS consent agreement with planning commission meetings, which are open to the public. He also mentioned that not only were all of the closed sessions concerning litigation but that the township was also under a federally mandated gag order on the litigation to not discuss the case, as

per Judge Sean Cox.

Other residents were curious as to why residents were not allowed to have any input on the agreement. Public input is allowed at planning commission, township board and Zoning Board of Appeals meetings. However, once a plan involves litigation, any agreement reached is subject to approval by a judge and not the residents.

For more information about the Michigan Open Meetings Act and Freedom of Information Act, go to

www.legislature.mi.gov/documents/Publications/OpenMtgsFreedom.pdf.

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