

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MARCH 18, 2003, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such
ABSENT: Trustee Woiwode
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Charles Louis Willems, 1387 Hickory Island, Haslett, stated he is still waiting for an explanation on the deed that did not close.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy gave an update on Tri County Regional Planning Commission Transportation Subcommittee's recommendation of the 2025 Transportation Plan. Even though Supervisor McGillicuddy voted against adoption, the subcommittee recommended approval to the Commission, which will take the matter up on March 26, 2003 at 7:30 P.M. in the Ingham County Public Health building.

Supervisor McGillicuddy announced the Board's Work Session to review the Township's Policy Governance on Saturday, March 22, 2003 at 8:00 A.M. in the Township Hall Room.

Supervisor McGillicuddy also announced receipt of a letter from the Ingham County Road Commission for a Joint Meeting of the Township Board with other Boards on Thursday, May 22, 2003 at 7:00 P.M.

Supervisor McGillicuddy requested Director Kieselbach give an overview of the Governor's Club. Director Kieselbach gave an overview and displayed the most current site plan drawing.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda as submitted. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Clerk Helmbrecht moved to adopt the Consent Agenda as amended:

- **Delete Agenda Item #7-C Bill List Summary Sheet and insert Agenda Item #7-C Amended Bill List Summary Sheet**

Seconded by Trustee Brixie.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

- BD-7G Barbara Schuiteman, 5685 Wood Valley Drive, Haslett; RE: 2003 Sidewalk Repair in Wood Valley
- BD-10B David Pierson, McClelland & Anderson, 1305 South Washington, Lansing; RE: copies of portions of Williamstown Township Zoning Ordinance

(2). Board Information (BI)

- BI-1 Emanuel Blosser, 609 Beech Street, East Lansing; RE: Traffic concern at intersection of Marsh Road and Haslett High School student parking lot
- BI-2 MTA, 512 Westshire Drive, Lansing; RE: Proposed revenue sharing reduction
- BI-3 Joy A. Rimpau, P.O. Box 542, Okemos; RE: Thank you for 2003 Meridian Community Band contribution
- BI-4 Susan McGillicuddy, 5115 Country Way, Okemos; RE: E-mail message from Joyce VanCoevering forwarded to Richard Foster.
- BI-5 Richard Foster, 4990 Country Way, Okemos; RE: Thank you to Susan McGillicuddy for forwarding Joyce Van Coevering e-mail.
- BI-6 Scott Fairmont, 4429 Apache Drive, Okemos; RE: Value of PUD and suggested recommendations to encourage use
- BI-7 Application for Public Service: Tom Westgate, EDC
- BI-8 Michigan Townships Association, Legislative Fax - 2/28/03
- BI-9 Michigan Townships Association, Legislative Fax - 3/10/03
- BI-10 Mark Kieselbach; 5151 Marsh Road, Okemos; RE: Memo forwarding Planning Commission motion from 3/10/03 meeting
- BI-11 D. A. Kunisada, 2149 Quarry, East Lansing; RE: Concerns regarding special use permit and rezoning from C-2 to C-3.
- BI-12 Katherine Guins, 4496 Dobie Road, Okemos; RE: Ingham County Commission Resolution on Federal Budget Priorities
- BI-13 Katherine Guins, 4496 Dobie Road, Okemos; RE: Depleted Uranium

(3). Freedom of Information (FOI)

- FOI-03-08 Oade, Stroud and Kleiman, 200 Woodland Pass, East Lansing
- FOI-03-09 Coreen A. Hooker, 6130 Porter Avenue, East Lansing
- FOI-03-10 Dickinson Wright, 215 South Washington, Lansing

(4). On File in Clerk's Office (OF)

- OF-1 Ingham County Board of Commissioners Meeting Agenda for 3/11/03

Clerk Helmbrecht moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Brixie.

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ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes - March 4, 2003 Regular Meeting

Clerk Helmbrecht moved to approve and ratify the minutes of the March 4, 2003 Regular Meeting as submitted. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

C. Bills

Clerk Helmbrecht moved that the Township Board approve the Manager's Bills as follows:

Common Cash	\$ 190,735.80
Public Works	\$ 786,209.55
Total Checks	\$ 976,945.35
Credit Card Transactions	\$ 13,550.10
Total Purchases	<u>\$ 990,495.45</u>

Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Bill list in Official Minute Book]

D. Liquor License Transfer - Signature's Restaurant

Clerk Helmbrecht moved to approve Park Lake Management Co. L.L.C.'s application to transfer ownership of a 2002 Class C licensed business with a dance-entertainment permit, located at 5900 Park Lake, East Lansing, Michigan, Meridian Township, Ingham County, Michigan from Creative Planning, Inc. to Park Lake Management Co., L.L.C. and further, authorize the Township Clerk to execute the resolution for local approval of the above described transfer. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

E. Grant Application for Parkland Purchase

Clerk Helmbrecht moved to approve the resolution supporting submission of a grant application to the Michigan Natural Resources Trust Fund for the acquisition of parcels 4-276-008 and 3-151-007 on Towner Road in Haslett for a public park.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Signed and Sealed Resolution in Official Resolution Book]

- F. Lake Lansing Advisory Committee Reappointments
Clerk Helmbrecht moved [and read the resolution into the record] NOW, THEREFORE, BE IT RESOLVED, that the following persons are approved as members of the Lake Lansing Advisory Committee until April 30, 2005:

Tier One

**Dr. John Warbach, 6070 Columbia, Haslett (Reappointment)
Helen Shipley, 6369 W. Reynolds, Haslett (Reappointment)**

Tier Two

Larry Wagenknecht, 6097 Partridge, Haslett (Reappointment)

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Signed and Sealed Resolution in Official Resolution Book]

- G. Modify 2003 Order to Maintain Sidewalk Special Assessment District #5, **Resolution #2**
Clerk Helmbrecht moved to approve Modified 2003 Order to Maintain Sidewalk Special Assessment District #5 - Resolution #2, which sets the date for a public hearing on April 15, 2003.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Signed and Sealed Resolution in Official Resolution Book]

8. **QUESTIONS FOR THE ATTORNEY** (See Agenda Item #10A, #11B)

- Q. Is it appropriate for the Board to release to the public your opinion relative to questions raised by the Township Board, the Planning Commission and Township residents regarding the Governor's Club?
A. In this case, release to the public is appropriate. A number of questions have been advanced by both the public and the Planning Commission. In fact, an in-service for the Planning Commission had been adjourned because these questions were pending before the Board and the subject of this opinion. Although standing for an appeal was not established, residents of the Township had raised issues regarding certain aspects of the Governor's Collection project and the way it was handled, particularly the wetland permit process. If it is the Board's determination to release this opinion, it should do so limiting the waiver of confidentiality, only to the extent necessary to authorize the release.

Treasurer Hunting moved to release Legal Opinion No. 03:03:22 and waive the attorney-client privilege only to the extent necessary to permit this release. Support by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

9. **HEARINGS**

- A. Public Road Improvement Special Assessment District #33 - Michael Street
Supervisor McGillicuddy opened the public hearing at 6:15 P.M.

Director Severy indicated the hearing was for public comment of the final assessment roll for the

project as outlined in staff memorandum.

No one spoke.

Supervisor McGillicuddy closed the public hearing at 6:16 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Emergency Response Cost Recovery Ordinance

Manager Richards offered clarification on a revised resolution as outlined in staff memorandum. **Trustee Such moved that the Board approve the resolution for publication and subsequent adoption of an Emergency Response Cost Recovery Ordinance. Seconded by Clerk Helmbrecht.**

Exemption Definition: (Agenda Item #8 (Questions for the Attorney))

- Q. The alternative language does not address the exemption issue. Is the language located elsewhere?
- A. Exemption was approached by relatively narrowly defining what would qualify as assessable costs. If it meets that definition, then it would qualify as an assessable cost. The same feature is included in that there is discretion afforded the Manager in terms of whether he will bill, even if it does qualify.

Definition of Cause: (Agenda Item #8 (Questions for the Attorney))

- Q. In Section 18-2 (b) *Responsible party*, do we need to legally define the word cause?
- A. Putting in a definition for cause would further narrow the scope of the ordinance. If there are problems, for example, with causation, when the Manager is making his determination as to whether he will exercise his discretion to bill assessable costs, the issue could be addressed at that time. The difficulty is that we literally could have an ordinance that would go for many pages trying to define cause, exemptions to cause, potential problems with causation, etc. The appropriate way to handle it would be on a case-by-case basis.

Assessable Costs Appeal Timeframe: (Agenda Item #8 (Questions for the Attorney))

- Q. Does Section 18-6 (a) provide for enough time, from a practical point of view, for a responsible party to appeal with a written notice within seven (7) calendar days of the date of the invoice? Is this a reasonable amount of time the way it is stated?
- A. That is a question for the Board. In a typical situation, the potential responsible party is probably going to know from contact questions from the Township in terms of looking at those determination factors, that he, she or it may be liable for these costs. However, if the Board thinks that seven (7) days is insufficient, that could be expanded to whatever time period. What you want to avoid is allowing such a lengthy period of time that prompt determination turnaround in the final decision is lost.

Definition of Date of Invoice: (Agenda Item #8 (Questions for the Attorney))

- Q. It is not my intention to lengthen the time. Could narrowly defining the date of the invoice be sufficient to maintain a reasonable response time for an appellant?
- A. Perhaps the question is answered in Section 18-5 (a) where the township submits an itemized invoice, by first class mail or personal service. That would give you the date.
- Q. Sending the invoice certified mail instead of first class would designate a date. Would that work?
- A. We could certainly add, and it would clarify the point, that the seven (7) calendar days or business days start from the date of mailing. It would be a simple insertion. If the Board chose to reference business days instead of calendar days, a change would need to be made throughout for consistency.

Board Members discussed the following:

- Delay of publication
- Use of "business days" would exempt holidays and weekends

- Date of invoice not necessarily date of mailing
- Adequacy of coverage in amended ordinance

Treasurer Hunting offered the following amendments to Sections 18-6 and Sections 18-7:

- **Amend Section 18-6 (a), line 2, by deleting the word "calendar" and inserting the word "business"**
- **Amend Section 18-6 (a), line 2, by inserting the words "mailing of the" preceding the word "invoice"**
- **Amend Section 18-6 (b), line 1, by deleting the word "calendar" and inserting the word "business"**
- **Amend Section 18-7 (a), line 4, by deleting the word "calendar" and inserting the word "business"**
- **Amend Section 18-7(a), line 5, by inserting the word "mailing" preceding the word "date"**

The amendments were accepted by the maker and the seconder.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 6-0.

- B. Zoning Amendment #03010 (Township Board), amend Section 86-2 (Section 86-439), Planned Unit Development; to comply with the open space preservation requirements of Public Act 177 of 2001- **Introduction**

Clerk Helmbrecht moved [and read the resolution into the record] NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Section 86-439(b)(12), Section 86-439(c)(1), Section 86-439(c)(2), Section 86-439(c)(3), Section 86-439(c)(7), Section 86-439(c)(8), Section 86-439(c)(10), Section 86-439(e)(3) and Amending Section 86-2 by Adding a Definition of Golf Course". Seconded by Trustee Brixie.

Board Members discussed the following:

- Request by Land Preservation Task Force to allow for connection of open spaces
- Approval process timeframe in subsequent amendments

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS

Public Comment

Supervisor McGillicuddy opened public comment.

Rex Harrington, 820 Piper Road, Haslett, spoke in support of the Draft Tree Preservation Ordinance.

John Anderson, 215 West Newman, Okemos, expressed concern over increased traffic in the Township. He also voiced interest in a Comprehensive Traffic Study.

Supervisor McGillicuddy closed public comment.

- A. Michigan Department of Transportation (MDOT) Access Management Study
Directory Severy gave a presentation, inclusive of visual aids, on the M43/52 Corridor Draft Overlay Ordinance recommendations from MDOT's Access Management Study.

Board Members discussed the following:

- Closure of access points consistent with Board goals
- Lack of enhancement provision
- Strategic placement of islands and medians
- Lane narrowing
- Speed reduction
- Closure of access points
- Cross goals of increased speed as a result of access point reduction
- MDOT consideration of Board recommendations
- MDOT evaluation based on traffic flow and traffic safety
- Abundance of access points in front across from Meijer
- Study as an affirmation of problems associated with excessive number of driveways
- Access reduction as a safety measure
- MDOT finance of access point closures
- Information regarding MDOT criteria for funding
- Linkage with frontage road as allowance for placement of island for pedestrian passage in front of Meijer
- Safety of pedestrian crossings at intersections vs. middle of a street
- Recommendation for left turn onto Hamilton from westbound Grand River
- Authorizing bodies for speed limit designations
- Recommended Speed Limit and Driveway Spacing Table and Guidelines

Manager Richards indicated comments are due to MDOT by March 28th. Director Severy will forward Board comments and staff notes. Once the study is released, the Board may want to discuss the final recommendations.

B. Draft Tree Preservation Ordinance

Township Attorney Woodworth gave an overview of the Draft Tree Preservation Ordinance.

Authority of Arborist: (Agenda Item #8 (Questions for the Attorney))

- Q. In Section 82 (a), the Arborist would grant the permit instead of staff. I hesitate to have someone who is not a Township employee grant a permit.
- A. It would be possible to have the decision maker be a Township employee or representative. Some input from Director Kieselbach of the resources available in terms of processing and making those decisions would be appropriate. It would be a significant undertaking, and one which would require the Board to identify as a priority. While the Board is interested, the question is at what cost and how many resources would be dedicated to such a project.

Removal of Nuisance Trees: (Agenda Item #8 (Questions for the Attorney))

- Q. Is it your intention to mandate removal of every nuisance tree in the Township?
- A. If, in fact, the Board decided to keep this provision in the ordinance, the answer to your question would be yes. A nuisance tree would be treated like any other nuisance in the Township.
- Q. You have to apply and pay for a permit, and remove nuisance trees on your property whether you want or not? If you want to leave trees there for a barrier between you and your neighbor, you can't?
- A. That is correct. A nuisance tree is not protected; you don't need to apply for a permit. It would come down because it is not a protected tree.
- Q. To cut down a protected tree, you need a permit. Who would have the ability to determine what is a nuisance tree and what is a protected tree?
- A. That determination would be made based upon your expert stating what species have been identified as nuisance trees.
- Q. If I went into my back yard and cut a tree down, I could assume it is a nuisance tree and cut it down?

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- A. I don't believe you can. An inquiry would need to be made as to the species of the tree.
- Q. An inquiry to whom?
A. The Township.
- Q. Would that inquiry need an application, or would the Township just come out and check my trees?
A. It is a good question, because in order to make this ordinance work, you are going to need some type of inventory of the trees you have in the Township. One of the things I pointed out in the overview was the difficulty in enforcing the two (2) trees per year. Director Kieselbach has information on other jurisdictions that actually use a GPS service to locate and identify where trees are in a particular lot so that they can be tracked.
- Q. What if I am managing my back yard as a wood lot? Am I exempt?
A. No, not if you have protected trees that are otherwise covered here.
- Q. If I am managing five (5) acres responsibly, and it is good oak and walnut and I am removing twenty (20) trees per year, suddenly you say I cannot do that?
A. What we currently have by way of an exemption in the draft is to remove a tree in connection with an existing agricultural farming operation or any commercial nursery tree farm operation.
- Q. I am just a homeowner.
A. I would suggest that probably any homeowner would say that they are using accepted removal methods and, therefore, are exempt. If you are going to attempt to draft an exemption for that, you are going to swallow the whole.
- Q. What if someone else came on my property and removed a tree that I didn't want removed. According to the definitions contained in the draft, could I hold them responsible and subject to the fines? By way of example, I had two trees which I worked hard to preserve. Consumers Energy put in a gas connection, and placement of this connection went through the roots of these trees and killed them. Is Consumers going to pay the fine because it violated the law?
A. In that case, neither one of you would pay the fine. You took no action to remove the tree and Consumers would be exempted under Section 82-____ Permit, subsection (b) (4).
- Q. It does not cover installation; it states repair or maintenance.
A. In the event you were dealing with a utility that had an easement that crossed the property, and that easement provided for the installation of power lines, the utility could remove trees and the Township could not stop it with this ordinance. Nor could we fine it under the ordinance.
- Q. On page 6, under Sec. 82-___ Nuisance trees; does the Township mean to mandate the removal or any tree defined as a nuisance tree?
A. The way the ordinance is drafted, the answer would be yes. If this language stayed in the ordinance, it would be an affirmative requirement on the part of any property owner who had a nuisance tree on their property to remove it.

Director Kieselbach indicated enforcement and education of the public to the ordinance's existence would be the major issues. Undeveloped sites go through a time-limited land clearing process. The tree ordinance could be implemented after development occurs. In talking with other communities which have a tree ordinance, it would be a costly process for both the community and the property owner.

Board Members discussed the following:

- Balance of personal preference with ordinance
- Regulatory overreach of ordinance
- Township regulation through permit process
- Mandate removal vs. allowance of removal without permit
- Determination on tree species value
- Removal of all nuisance tree language
- Changes in sections entitled Purpose and Application for Permit

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- Incorporation of Tree Preservation Ordinance into Land Clearing Ordinance with changes
- Plan for and cost of enforcement
- Charge(s) to property owner
- Managed woods concept
- Rationale for two (2) trees per year
- Visit to similar municipality which has implemented a tree ordinance
- Two-tiered ordinance
- Incremental approach
- Existence of legal definition of nuisance
- Need for further discussion

C. Sidewalk Removal Plan in Chippewa Woods

Director Kieselbach introduced the plan as outlined in staff memorandum.

Board Members discussed the following:

- Possible placement of a boardwalk
- Connectors on Buckingham
- Logic of holding a public hearing
- Boardwalk maintenance
- Directory Severy's 2/13/03 e-mail
- Link connection to the street on White Ash Lane cul-de-sac
- Elimination of White Ash Lane cul-de-sac sidewalk
- ZBA communications regarding granting of sidewalk variances in wetlands
- Requirement for pathway
- Subdivision owner awareness of communications expressing concern
- Necessity for removal of preliminary plat condition placed by Board
- Hold over for further discussion at next Board Meeting

Attorney Woodworth pointed to his recommendation in the memorandum that the applicant be called upon first to use the procedures already in place in the Township.

Manager Richards offered that the developer is looking for Board direction on this issue.

D. Rental Housing Registration Renewal Late Fee (Postponed to April 1, 2003)

Supervisor McGillicuddy recessed the meeting at 8:10 p.m.

Supervisor McGillicuddy reconvened the meeting at 8:19 p.m.

12. VISION SESSION/ENDS: Walkable Communities and "Mixed Uses" with Invited Guest: Erin Kilpatrick, Williams & Works

Supervisor McGillicuddy introduced the intent of the discussion and invited participant: Erin Kilpatrick, Williams & Works.

Board Members and invited guest discussed the following:

- Leslie Kettren publication entitled *Walkable Communities: Designing Streets for Better Health*
- Presentation on walkability's ten (10) basic elements: design for multi-modal transportation; build at a scale and density for people; linkage creation; development of streets with multiple uses; comfortable sidewalks; streets designed to cross with ease; disperse traffic at low speeds; keep traffic moving (roundabouts); build public spaces and build bike lanes.
- Appropriate density for the Township
- Minimum floor area to accommodate retail, office and residential space dependent upon need
- Need for quick implementation vs. lengthy planning
- Concept of walkable communities blended with greenways project
- Review of ordinances and resulting recommendations
- Cost estimates for recommendation

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to public censorship with an overhead display of the Open Meetings Act. He also objected to pay increases for employees.

William White, 2138 Hamilton, Okemos, spoke in support of the presentation during the Vision Session and the idea for creating walkable communities within Meridian Township.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:55 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Acting Secretary