

HARTLAND TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING FINAL MINUTES  
February 07, 2023 – 7:00 PM

**1. Call to Order**

The meeting was called to order by Supervisor Fountain at 7:00 p.m.

**2. Pledge of Allegiance**

**3. Roll Call**

PRESENT: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

ABSENT: None

Also present were Township Manager Bob West, Planning Director Troy Langer, and Public Works Director Mike Luce.

**4. Approval of the Agenda**

**Move to approve the agenda for the February 7, 2023, Hartland Township Board meeting as presented.**

Motion made by Trustee O'Connell, Seconded by Trustee Petrucci.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

**5. Call to the Public**

Chris Hall, owner and operator of 59 East Car Wash, spoke out against the new car wash coming to Hartland. Citing issues of proximity to his business, traffic counts that would support only one car wash in the area, excessive duplication of car washes in a .4 mile area, traffic issues that would end up on Highland Rd., inaccurate peak hour trips presented by the new car wash, high throughput of the new car wash, inaccurate car counts, and unlimited car wash subscriptions as problems that need consideration. Further issues were related to the current high incident of accidents near this location (3<sup>rd</sup> in the County), water usage and reclaim systems. He welcomes the competition, thinks their design is beautiful and they are the largest chain in the country, but it does not mean they are needed here. As a five year business owner here in Hartland and a 14 year resident of the community he believes that of all the businesses needed in Hartland, another car wash falls well down the list in his opinion.

**6. Approval of the Consent Agenda**

**Move to approve the consent agenda for the February 7, 2023, Hartland Township Board meeting as presented.**

Motion made by Treasurer Horning, Seconded by Trustee O'Connell.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

- a. Approve Payment of Bills
- b. Approve Post Audit of Disbursements Between Board Meetings
- c. 01-17-2023 Hartland Township Board Regular Meeting Minutes

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- d. Confirm Supervisor's Appointment - Cheryl Mara to Board of Review as alternate (01/01/2023-12/31/2024).
- e. 2023 Gen-X Winterfest Fireworks Permit
- f. HCS & LESA Summer Tax Collection Agreements

**7. Pending & New Business**

- a. Site Plan #23-001 M-59 Properties Planned Development (PD) Concept Plan

Supervisor Fountain invited the applicants forward and turned the presentation over to Planning Director Troy Langer. Director Langer briefly explained the Planned Development (PD) process, being a three-step process. The first step is the conceptual review, where an applicant puts together an idea or concept of a development they are proposing that goes before the Planning Commission (PC) for review. The PC takes no formal action on the project and comments are provided to the applicant. This concept plan then goes to the Board for review and comments, again with no formal action taken. The next step is the preliminary review, where a detailed site plan is presented to the PC, getting into architectural design, landscaping, grading, lighting and other details of the plan. There would also be a public hearing at the PC at this time and the PC would make a formal recommendation to the Board. The preliminary plan would then go the Board for review and approval. If all approvals are received it would move on to the last phase, the final review. At this stage we would be done looking at the site plan and we are focusing more on the master deeds, easements, and other actual recorded documents. This final review goes to the PC and the Board. In this particular project, after the PD has been wrapped up, each of the buildings in the plan would probably come back to the PC for site plan approval where we would apply the standards that became part of the PD to each building site plan. The applicant was in front of the PC with their concept plan at their last meeting in January. Director Langer then gave a brief description of the location of the development, at the southwest corner of Old US-23 and M-59, description of the project, stating the commercial buildings on the plan may not be necessarily what will actually be in this commercial area with the exception of the gas station on the northeast corner of the property, and a brief overview of the residential aspect of the plan.

The applicants came forth and briefly described the concept plan. They stated that the main public benefit of the project is the road that goes from Old US-23 to the Cheryl Stockwell Academy. The applicant has discussed this with the Cheryl Stockwell Academy and they are in favor of this to alleviate traffic congestion in and out of the Academy. The applicant reviewed the multi-family component of the project, citing the seven three-story residential buildings consisting of 168 units, location and design of clubhouse, the roads and roundabout, parking, greenspace, pedestrian pathways, floor plans, first floor garages, and building materials. Supervisor Fountain inquired as to construction phases of the project and the applicant responded that phase one would probably be the connector road from Old US-23 to Cheryl Stockwell, the phasing in of the residential buildings and the gas station. Director Langer gave a brief overview of the density permitted in this area and the bonus density that would allow for 168 units for this project. Trustee Germane inquired as to whether the proposed roads would be built to Livingston County standards and the applicant stated they would be built to Hartland Township private road standards which are very similar to County road standards. Trustee Germane inquired as to whether the roundabout was designed to be a traffic calming device and the applicant responded that this was the case. Trustee Germane inquired as to the ratio of garages to apartments and the applicant stated that in the 22 unit residential buildings there would be 10 garage units and in the 40 unit building there would be 18 garages. Treasurer Horning inquired as to the approximate cost for a two bedroom apartment and the

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applicant responded that the two bedroom apartments would be around 1000 square feet and that they would be priced at market rates. Treasurer Horning commented on her traffic concerns with turning south on Old US-23 from M-59 where you merge two lanes into one prior to the deceleration lane entering the development off of Old US-23 as indicated on the concept plan. The applicant stated they would be working with Road Commission on this issue. Treasurer Horning had further concerns with traffic issues that may arise at the main entrance to the development off of M-59 and the proximity to the Charyl Stockwell Academy entrance. Treasurer Horning was also concerned with the request for the maximum bonus density for the development and stated she thought this was extreme for this site. She stated she liked the plan, and the layout, but would like to see condos, that young people can invest in and would like to see normal density in consideration of our current sewer capacity. She does not see the Charyl Stockwell connector as an outstanding public benefit to the community to warrant the maximum density as confirmed in the Planning Director memo of January 31, 2023. Treasurer Horning also stated with 168 apartments you would have the heaviest traffic in the morning and afternoon, coming and going, and if you are adding three to four hundred cars in that area this could be a problem. If it was a condo situation she thinks the applicant would still make money but you would have less cars because you would have less units. Clerk Ciofu inquired as to whether the open space requirements are being met, as it does not appear to do so on the concept plan. The applicant stated they would be more cognizant of this requirement in developing more detailed plans. Trustee O'Connell stated she is also concerned with the density of the project. She stated she like the concept, but would like to see the bonus density at slightly less than the maximum to keep more of a small town feel. Supervisor Fountain inquired as to whether they have other developments in the area similar to this concept plan. The applicant stated they have other developments in the area but nothing similar to this. There is one in Florida that is similar and there is a somewhat similar project in Auburn Hills that was done with a different architect and engineering firm. Director Langer gave a brief history of projects previously considered for this property and the retail market analysis that was completed that indicated we did not score well in the walkability area, and the PC subsequently looked at this site to change the future land use map to allow for PDs with the goal of creating more mixed used and walkability. In this case the PC did talk about sidewalks and pathways and making sure there was connection from the residential to the commercial areas and that it included walkways within the residential development itself. Director Langer is not sure if this plan would reflect all of that, but those were some of the comments discussed at PC meeting. Manager West inquired as to the acreage to the southeast of the wetland area and the applicant stated it was about five acres. Trustee Germane inquired about the indent to this five acres in the southeast corner of the property and the Manager West stated that this is a DTE easement. The applicant stated they appreciated the comments and will be going forward with the project and looked forward to meeting with the PC and Board in the future.

- b. Site Plan with Special Land Use Application #22-007 (Automobile wash within completely enclosed building at 10382 Highland Road) – REVISED PLANS dated November 9, 2022 (Architectural plans) and December 20, 2022 (Site and Landscape plans)

Planning Director Troy Langer stated that the applicant is proposing to develop this site, which is the former Burger King restaurant site, at the southeast corner on M-59 and Blaine Road. The applicant is proposing to raze the site and build a car wash. The car wash that is proposed is outlined in our general commercial zoning district as a use permitted only by special land use permit. Most zoning districts will divide uses into those that are permitted typically either by administrative review or by site plan in front of the PC such as the case here with Hartland Township or uses that are only permitted by special land use permit. The special land use permit outlines general criteria for what it takes to receive approval for a special land use permit. For

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car washes there is another set of special land use permit criteria. This is a two-step process. The first part is a public hearing at the PC, so notices are sent out to surrounding property owners as well as a legal add in a local newspaper. The PC held that public hearing and some people did come and speak. At that time the site plan was different than what is before the Board this evening. Ultimately the PC did not make a decision at the public hearing. The plan was brought back at a later date and at that time the PC provided more input, and the applicant revised the plan. The issue that the PC was primarily dealing with in the earlier meetings was the location of the vacuum cleaners. Some of the standards for a special land use permit particular to an automobile wash requires that the vacuum cleaners shall only be located on the side or rear yard area. They originally were proposed between the building and Blaine Road which would have been the front yard area so this resulted in a couple of changes. One, moving the vacuums to the east side of the building so that they are on the side. They also reduced the size of the building and changed the circulation on how you enter into the car wash as well as exit.

At the second PC meeting in January the PC did recommend approval of the special land use permit and now it is moving on to the second part of that process which is for the Township Board to review and make a determination on that.

The developer and applicant were present at the meeting and came forward. The applicant stated that they own the new Dairy Queen building, the building with the Dollar Tree store and are renovating a portion of that complex for a new Planet Fitness, and now the old Burger King lot. They stated they purchased the Burger King lot to make sure someone did something right with it and that it would not sit there as a dilapidated building. They found Mister Car Wash who has been very professional about their buildings and how they develop and they are working with them to get this property developed.

Clerk Ciofu stated that his two biggest issues are traffic and water usage. Clerk Ciofu has no problem with the site plan, and the building looks beautiful but there seems to be limited information on traffic and the trip information. With water usage we are guesstimating a number of REUs as we have not received any data to evaluate this. The applicant stated that what they have found with Mister Car Wash sites across the country, or on other conveyer carwashes similar to this, is that it is not a significant trip generator because it is not a destination. People generally are not driving to the carwash and then driving back home. People are typically coming home from work or going to restaurants or stores in the area and stop at the carwash. The carwash generates trips in the sense that people turn into and out of the site but in broad terms it does not add a whole lot of traffic to the corridor. As to the trip generation memo provided, trip generation is based on the Institute of Transportation Engineers (ITE) Manual and is based on the population center, traffic existing in the area, and then size of the building. All of that data goes together into a formula and that is how the number of trips is generated. They pointed out that the memo does not have an a.m. trip count as there is no information in the ITE Manual to provide a.m. peak hour trips. Mister Car Wash historically has seen the majority of trips in the p.m. peak hour after people get off work. Clerk Ciofu inquired as to whether they had an estimate for an a.m. number and the applicant just stated that it is typically lower than the p.m. hour and they believe there will be no adverse effects on M-59 traffic.

The applicant stated that the reclaim system has settling pits on the exterior side of the building and they use approximately 25 gallons of water per vehicle and they reuse about 80% of the water. There is a recent new build in Grand Rapids and it has been in operation for one year now and it has averaged out at about fifteen cents per car. The car wash uses a two inch pipe

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and there is not a whole lot of water generated and a lot of it is reclaimed. Treasurer Horning stated that the website claims 11% water reclaim. Treasurer Horning stated that there are Mister Car Washes that are priced at \$8 and \$12 and then \$10 and \$14 and inquired as to what determines car rates and what will Hartland's price be. The applicants stated that the cost is based off the region and this carwash will probably be in the \$8 to \$10 range, possibly \$12. Treasurer Horning stated that this is the first Mister Car Wash in Livingston County and inquired as to why this site was chosen. The applicant stated that they are new to the area but they do have other sites across southeastern Michigan under contract and are waiting to get them approved. Treasurer Horning stated she is also concerned with the traffic and stated that there are two subdivisions down Blaine Road that will be impacted by the traffic and she believes a specific traffic study needs to be done for that corner and this project.

Supervisor Fountain inquired as to whether staff is needed, or it is just done by pass cards at specific hours. The applicant stated that Mister Car Wash will be fully staffed at all hours of the day. Supervisor Fountain stated that there are 210 gallons in one REU and the applicants stated it takes 25 gallons per carwash so they would be able to wash 8.4 cars per every REU and they are looking for 85 REU's. Manager West stated that the letter was very clear that we have not had an accurate car count nor have we had an accurate gallons per wash delivered to the Township. Manager West stated he has personally had three meetings with the applicant and they have yet to provide that information to the Township. Manager West pulled data from their four other locations that was available through BS&A online and was able to archive their water bills. Based on the water bills from these other locations that were available we have determined that it is a minimum of 85 REUs. The Township still requires the accurate data before we can classify. We are in a capacity crunch and in order for us to sign off on that permit we need to be assured that it is the appropriate amount of REUs. Manager West stated that our letter states that we need that data in order to move forward. Supervisor Fountain stated that based on 85 REUs at 8.4 that is 714 car washes in one day. If it went a lot more than that, that is where the concern is because there is not a lot of sewer and water availability left in the community.

Treasurer Horning inquired as to whether we can table this until we get that data and a traffic study. Planning Director Langer stated that the Board is within their rights to request that. The PC chose not to do that. Trustee O'Connell stated that she has a concern over the traffic with this location and would like to request a study of this type of business at this location. Supervisor Fountain stated that we have never required a traffic study from a developer in this area since the original traffic study that the two major developments did that indicated the need to widen M-59, which they did. We did not require this of McDonald's drive through expansion, and he is not sure what the benefit would be for a traffic study at this location. Supervisor Fountain pointed out that this location has three entrances to this property. Trustee Germane inquired as to whether the Livingston County Road Commission (LCRC) or the Livingston County Planning Commission (LCPC) weighed in on the traffic situation. Director Langer stated that the plan has been sent to the LCRC and they don't feel the need to do a traffic study. He also stated that it has not been sent to the LCPC, but it was sent to MDOT and MDOT did have some questions regarding the amount of time it takes a car from entering the site through leaving the car wash site and Director Langer forwarded this to the applicant to discuss directly with MDOT. Director Langer stated in discussions with the LCRC there really isn't a need for a traffic study as this area of M-59, Blaine Rd and the surrounding infrastructure was designed to allow for any commercial uses that are permitted in this area and a car wash is one of the permitted uses. The PC was interested in a comparison of a fast food drive-through restaurant and a car wash as outlined in the ITE Manual. From that, it was determined that a

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fast-food restaurant would generate more traffic than a car wash so the PC did not feel the need for a traffic study.

Trustee Germane stated that many items in the Planning Department memo of January 31, 2023 are not to Director Langer's satisfaction and inquired as to whether we will be approving the Site Plan if we decide to approve the Special Land Use Permit tonight. Director Langer stated that the recommendation is from the PC, and the applicant has agreed to make the changes to meet the requirements of the memo. Trustee Germane asked, if we approve the Special Land Use Permit, would the applicant still need to get approval for a Land Use Permit. Director Langer stated that after the Special Land Use Permit is approved the applicant would continue to construction plan phase and several permits would be required, including a Land Use Permit. Trustee Germane inquired as to the concerns of the DPW and DPW Director Mike Luce responded that we do not have enough data on water usage and cars per day to accurately calculate the REU requirement. Trustee Germane and Trustee Petrucci both stated that we should not approve this Special Use Permit without having the necessary data to calculate an accurate REU requirement. Trustee Petrucci inquired as to how many cars can be held in the stacking lanes on the plan and the applicant stated 35 cars. Trustee Petrucci stated that he believes that the three stacking lanes indicate a high volume business and after stacking 35 cars the back up will be going out on to M-59 and this is a great concern to him.

The applicant inquired as to moving forward could the Board approve the permit on the condition that Manager West receives the information to get the REU's correct. If not, that would stop the project. Manager West stated he had the gallons per car from tonight's discussion and he can pull information on the water usage from another Mister Car Wash location and he would then be able to report a car count. Supervisor Fountain stated that we have a REU capacity issue that need to be considered with regards to this project. A brief discussion was held on moving forward with regards to a traffic study and the REU calculation.

**Move to Table Special Land Use Permit #22-015, as outlined in the Staff Memorandum, dated January 31, 2023 to the February 23, 2023 Board meeting, conditional on receiving data to calculate the correct REU's.**

Motion made by Trustee Germane, Seconded by Trustee O'Connell.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

c. 2023 Cundy Road Paving LCRC Agreement

DPW Director Mike Luce gave a brief overview of the contract with the LCRC for repaving Cundy Road. The water main extension project required boring under the road and patching of Cundy Road was required. Overall Cundy Road is in bad shape and we really planned for the repaving of Cundy Road in the water main project. LCRC has agreed to split the cost of the paving with the Township and the expense is included in the proposed FY23-24 budget to be approved. Trustee Germane inquired as to the culvert replacement included in the contract and Director Luce stated there are three culverts that need to be replaced and the Livingston County Drain Commission (LCDC) wants to replace the culverts prior to the paving this summer. The LCDC will replace the culverts in the spring and patch the road until the LCRC paves the road. The road will be crushed and shaped leaving any base we can which will help elevate the road in this wetland area. Four inches of topcoat will be put on top of the road in two different lifts. Trustee McMullen inquired as to whether the Redwood construction traffic will

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impact what is being done on Cundy Road and Director Luce responded that the Redwood construction traffic will use Hartland Glen Drive and we would only have to coordinate the water connection to the property from the new water main when the time comes. Manager West stated that this is being funded from the voter approved Road Millage. This was not in the plan of the Road Millage but it feasible because of the continued partnership with the LCRC. On all of the road projects in the Road Millage plan the Hartland Township residents have never once paid one hundred percent of any project, so this is a bonus we are able to provide to the residents out of the savings we have accumulated over the last nine years.

**Move to approve the Project Agreement with the Livingston County Road Commission as presented in an amount not to exceed \$275,000 for the repaving of Cundy Road.**

Motion made by Treasurer Horning, Seconded by Clerk Ciofu.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

**8. Board Reports**

Trustee Germane - No report.

Trustee O'Connell - No report.

Trustee McMullen - No report.

Trustee Petrucci - No report.

Clerk Ciofu – Stated Winterfest is this Saturday February 22, 2023. The event starts at 1:00 p.m. and ends at dusk with fireworks. We will still have the event, without snow, and it will be a great event and lots of fun for everyone.

Treasurer Horning – Stated she and Clerk Ciofu attended the Fire Department Study Presentation and it was really interesting. She got some questions answered and she is looking forward to our discussion on what we are going to do with the Hartland Deerfield Fire Authority going forward. Trustee Petrucci stated we will be forming a Committee to evaluate alternatives for the Fire Authority.

Supervisor Fountain - No report.

[BRIEF RECESS]

**9. Information / Discussion**

**a. Manager's Report**

Manager West gave a brief overview of the sewer REU balance stating we started with 6457 sewer REUs and we now have 188 unallocated REU's. The original goal was to sell them to the sewer district and then close the sewer system from further expansion. He stated we will be developing a REU policy that when we go under 200 available unallocated REU's we would only sell the remaining REU's to parcels within the original sewer district.

He stated the draft budget books have been distributed, with updated footnotes and descriptions of changes, and that we will be reviewing the budget at the Board Meeting on February 21. He stated that if anyone has any questions prior to our budget meeting they should contact him.

Manager West informed the Board that with the approval of the General Appropriations Act prior to April 1, 2023, we will be updating our purchasing policy to increase the current Manager purchasing

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approval from \$6,000 without Board approval up to \$15,000, with Administration Committee approval. Trustee Petrucci inquired as to how Manager West came up with the \$15,000 limit and Manager West responded that it was during a review of operation invoices over the last several years.

Manager West stated we are going forward with our liquor license inspections working with Fire Marshall Jon Dehenke of the Hartland Deerfield Fire Authority (HDFA). We will have to affirm Mr. Dehenke as the Hartland Township Liquor License Inspector. We will develop an agreement that we will visit each liquor license establishment annually and will include two training sessions. Training will be conducted by the Liquor License Inspector and the Hartland Township Sheriff's Deputy. One training session will be for the establishment owners regarding the process for the inspections and the second for servers at these establishments. Trustee McMullen stated that servers have to take state training already and inquired as to what the Liquor Inspector training would entail. Manager West stated that the Liquor Inspector training would be an in-person, rather than the State online training, that would address and identify real issues where police may be required and to provide a general question and answer forum with authorities. These would be informal, no-cost, hands-on, friendly training sessions for those that would be interested in attending. This project will be funded from the funds allotted from the State for liquor license inspections.

Manager West stated the Fire Department Study was discussed at the last HDFA Board meeting and that he and HDFA Fire Chief Adam Carroll met to discuss the results. They decided to form a Fire Station Location Committee and three Board Trustees have been appointed to this Committee. This Committee will review Study data and evaluate alternatives to develop a future plan for the HDFA. Fire Chief Carroll will be reaching out to the Trustees to set up a kick-off meeting.

Manager West gave an update on the Board Room updates. He stated we will be lowering the monitors for better sightlines to the Board but we will be keeping the monitors for meeting document display as this is better suited for the PC meetings. If any Board or PC member wishes to see other documents than what is displayed on the monitors during the meeting, we will provide laptops or tablets for this purpose upon request. We will also be upgrading out cameras to provide a better quality cable channel and You Tube recordings for the public. These items will be paid for out of PEG funds

Supervisor Fountain gave a brief update to the Board of the recent meetings the Admin Committee and Manager West had with the Livingston County Board of Public Works (LCBPW), the Livingston County Board of Commissioners (LCBOC), and Tyrone Township regarding the Septage Receiving Station stating it was one of the more productive meetings we have had on this issue. Items discussed were REU capacity regarding physical facility limitations for discharge, solutions for resolving the physical facility limitations, REU purchases from Tyrone Township, and REU rentals. The Admin Committee held further discussion after the meeting on the current hosting fee, and hosting fee for proposed solutions. Trustee Germane inquired as to the feasibility of doing another sewer district study now that we are nearing the full build out of our current sewer system. Manager West stated that based on our zoning map we have completed our sewer district and that we do not have many properties that would need to be added to a sewer district.

## b. FY2023-2024 Employee Merit Pool Discussion

Manager West presented the Merit Pool Schedule which has been incorporated into the draft FY23-24 Budget. Items discussed were the State of Michigan Inflation Rate Multiplier of 7.9%, capped at 5%, and our base line benefits increase of less than 1%. Taking these items into account our Inflationary



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Adjustment was 4.3335%. With the Step Eligible employee wage increases, the Inflationary Adjustment and a suggested Merit Pool of \$10,000 our overall total increase is \$43,076.23.

Manager West recommended converting three Federal Holidays that are currently In-Service days to Paid Days off as it is difficult to do any business when banks, county, and other businesses are closed. A brief discussion was held on a market adjustment, scheduled hours, and non-monetary benefits of working at Hartland Township.

**10. Adjournment**

**Move to adjourn the meeting at 9:30 p.m.**

Motion made by Clerk Ciofu, Seconded by Trustee Petrucci.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

Submitted by



Larry N. Ciofu, Clerk