

MILLCREEK TOWNSHIP
GOVERNMENT STUDY
COMMISSION

OFFICIAL REPORT

August 28, 2012

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SECTION I

To the Voters and Supervisors of Millcreek Township

The duly elected and official Millcreek Township Government Study Commission has worked diligently since the end of November, 2011 to carefully review the workings of our township. In addition, we have reviewed operations of other townships so we would have a clear and accurate view of the assignment for which we were elected.

The following report will indicate reasons for our recommendation, the sources of information, and the data we used to come to the final conclusion. We have also included some suggestions which we believe will be helpful and informative to the Supervisors.

We wish to thank all the citizens of Millcreek Township for the trust and confidence you have shown in the Commission and appreciate the help many of you have offered.

Millcreek Township Government Study Commission

SECTION II

Organization of the
Millcreek Township Government
Study Commission

Richard Millhouse

Douglas Prozan - Treasurer

William Lamberton

Jason Owen – Vice Chairman

Robert Praetzel - Secretary

Brian Paul Martin

Joy Greco

Special recognition and appreciation:

Joann Mullen – Chairwoman (deceased)

Robert Bierre – Alternate

Barbara Johnson - Alternate

SECTION III

A History of the Commission

During 2011 a controversy began in Millcreek Township as to the form of government under which the township should operate. Those interested in change suggested that the present form of government had existed for nearly two hundred years and that a change was needed to enable the township to be properly managed in the future. Those interested in keeping the present form suggested the township was being well run and there was no need for change.

The group desiring change initiated a successful petition drive to put the question on the ballot. The question, as it appeared on the ballot, read: **Shall a government study commission of seven members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government and to recommend whether or not an optional plan of government should be adopted?** In all, twenty citizens submitted petitions with the proper number of signatures to become candidates to the commission.

The voters approved the study and the formation of the study commission. The seven candidates receiving the highest number of votes were, in order: Joann Mullen, Richard Millhouse, Douglas Prozan, William Lamberton, Jason Owen, Robert Praetzel, and Brian Paul Martin. These members were sworn in on November 28, 2011 and the Millcreek Township Government Study Commission (hereafter, MTGSC or the commission) was formed.

In November 2011, the commission organized and commenced its work on the assignment. Unexpectedly, Joann Mullen, the commission chairwoman, passed away just as the work was beginning. The process available to fill the position was not mandated so the remaining members filled Mrs. Mullen's position by placing an ad seeking interested volunteers and selecting from those applicants. After applying and being interviewed, Joy Greco was chosen to be added as a voting member of the commission and Robert Bierre, Barbara Johnson, and Donna Reese (withdrew) were selected as non-voting alternates. The decision to select alternates assured continuity in the event of any future vacancies.

Choices for the Township

Currently Millcreek Township operates under the Second Class Township Code (Exhibit 1) enacted by the Commonwealth of Pennsylvania to set up the structure for townships such as Millcreek. Although the Code offers only one form of government, it allows Millcreek four choices of how its government can be organized and operated. Among the oddities to come out of the commission study is the fact that the form of government under which Millcreek operates is not two hundred years old as previously stated but was enacted in 1933 and later amended in 1995. Since the ballot question passed, it gave the study commission an additional four forms of government called Optional Plans (Exhibit 2) under which Millcreek could be organized and operated. The Home Rule and Optional Plan Law pertaining to the different plans available to Millcreek was enacted in 1996 which made these plans and the Second Class Township Code, contemporaneous with each other. The commission now understood that there were indeed, five potential forms of government for the township with one form (the Second Class Township Code) having four possible ways for the township to organize and operate.

The motivation of the voters for approving this study appeared to be an interest in examining possible government options and benchmarking Millcreek's performance, rather than mandating a concrete change in government form. With this in mind and the knowledge they had nine months to make their recommendation; the commission began its study.

The commission prepared a budget of Twenty Nine Thousand Five Hundred Fifty (\$29,550) Dollars (Exhibit 3) based on data gleaned from previous studies from other municipalities. Independent of the commission, the township included in its annual budget the amount of Fifty Thousand (\$50,000) Dollars. As the commission was to find, both of these amounts were far more than what was needed. Among the reasons the commission spent less was the fact that all the members voluntarily absorbed the expense for supplies, phone calls, travel and other items that had been budgeted to be paid by the township. In addition, the township assigned Phyllis Vollbrecht to help the commission thereby saving the cost of hiring a secretary and the internet made researching and obtaining data far less expensive than traveling around the Commonwealth conducting interviews.

The Process

The commission employed several techniques to gain information on which to base our decision. The commission acquired and reviewed financial information from twenty-five townships throughout Pennsylvania. Research papers from various sources were used as reference materials including Millcreek's standing among these twenty-five townships in a variety of township services. Research was performed on hundreds of documents comparing data, not only from Pennsylvania but from other states as well. (Exhibit 4)

Study of the Second Class Township Code and the Optional Plans enabled the commission to consider all of the above in forming our recommendation. Using this data, we compared the cost of township government versus other communities to see how the township ranked against the others and how these costs were relevant to the various services delivered to the citizens of Millcreek. Among the areas studied, to name a few, were Public Safety (Police and Fire Protection), Taxes, Roads, Water and Sewer, Parks and Recreation, population and the size of government. (Exhibit 5) In addition, the respective sizes of the studied communities were compared for how the governments, including all employees of the different departments made themselves accessible to the citizens. Also, the commission studied the availability of different elected officials to these citizens, how they used various boards to perform government functions, as well as other methods they used to communicate such as community television programming, printed flyers and local media accessibility. (Exhibit 6)

Demographics were also used to compare Millcreek with the other communities. This proved to be a useful tool as no two communities are exactly alike but valuable comparisons could be made. (Exhibit 7)

Public input was also important. The commission from its very beginning took a strong position on transparency and invited all citizens to observe their weekly work sessions, submit written questions and reserved one meeting each month for public comment. In addition, the meetings were telecast on the community television station and through public announcements and advertisements. Deadlines were also established for all written and verbal submissions.

With all this in place, the commission continued a steady, economical and methodical process to thoroughly investigate the entire government of Millcreek.

Personal interviews with over sixty township employees from various departments were conducted. Each was asked the same questions, promised confidentiality and at the end of each interview, encouraged to share any opinions with the commission interviewer. The interviews yielded an unblemished view of the township workings and enlightened the commissioners. In addition, the three current supervisors were personally interviewed and their observations, explanations and opinions noted. The commission also invited four past supervisors to meet with us and give their comments. Only Jess Jiuliante, Jr. and Larry Curtis had schedules that permitted them to be available to us and their comments were very much appreciated.

The commission reached out to the other municipalities we studied and requested personal comments from the various Managers and Supervisors as well as all Department Heads to better understand how they have functioned under the various choices available to us. Reservedly, most stated that their system was best for them. Some offered pros and cons to the different alternatives but most stated their township was running well.

There are professional organizations of municipal managers. One, the International City/County Management Association actively promotes the Council-Manager form of government as the preferred structure but also supports professional management in all forms of government. These individuals are experienced in the area of government management and maintain a resource center to best serve their members. Other resources made available to the commission were those of the Governor's Center for Local Government Services, (including two face to face meetings with representatives from this office), past publications of other study commissions and Management Partners, a fee based company that actively manages governments for those communities that want management but do not want to hire a manager. This company performs that task as an outsourcing function.

Analysis of the Potential Forms of Government

Since the voters approved the study of the township government, the choices for the commission to consider were to continue to act under the Second Class Township Code or recommend one of the four Optional Plans. The following is a review and explanation of the structure of these plans.

Optional Plans:

Executive (Mayor) – Council Plan A

Under this plan each municipality shall be governed by an elected council, an elected executive (mayor) and when recommended by the study commission and adopted by the voters, an elected treasurer, an elected controller and by such other officers as may be duly appointed. The executive (mayor) and treasurer shall serve four year terms. The council shall consist of three, five, seven or nine members and shall be elected to serve four year terms. The executive (mayor) shall enforce the plan and ordinances and all general laws of the municipality. He or she shall annually report to the council and the public on the work of the previous year and shall supervise the departments of the government. Any ordinance adopted by council shall be approved by the mayor or if vetoed, the council can override his or her veto by a majority vote.

Executive/Mayor – Council Plan B

Council Plan B operates as Plan A except under this plan the municipality must have a department of administration. There must also be an executive (mayor) along with a council and any other departments the council shall establish.

Executive (Mayor) – Council Plan C

Under this plan the executive (mayor) shall enforce the ordinances drawn by council and from time to time make recommendations for action by the council he or she deems in the public interest. In addition, the executive (mayor) shall appoint with council approval, a managing director who shall supervise the departments of government and shall be the contact person between the various departments of government and the executive (mayor).

Council – Manager Plan

Much time was spent by the commission considering this form of government. Under this plan the township would have an elected council, one member of which shall be chosen to be the mayor or president of council. In addition, there shall be appointed a municipal manager and if provided by the plan, an elected treasurer, an elected controller and any other officers and employees duly appointed according to the ordinance. The treasurer and controller shall be elected for a term of four years. The council shall in most cases consist of five members but can have three, seven or nine, if recommended. The council shall be elected at large unless the authority is granted to be elected by districts. It is also possible to have both at large members and district members if specified in an initiative petition. The council member's term shall be four years. However, this plan also provides for the mayor to be elected directly by the voters in lieu of being chosen by the council if recommended by the study commission. A municipal clerk or secretary shall be appointed and shall serve as clerk of the council. The clerk shall keep the records of the township, compile ordinances and resolutions as required and perform any functions required by law or ordinance. The council's powers shall be legislative and it shall adopt ordinances and define the responsibilities of the various departments it deems necessary to perform the conduct of township affairs. The council shall appoint the municipal manager. The municipal manager and the municipal clerk offices may be held by the same person. The council shall create the departments, boards and offices of the township, but no member of the council shall head an administrative department. The council shall act in all matters as a body, and it is contrary to the spirit of this plan to seek to individually influence the official acts of the municipal manager or any other officer of the township. The council shall deal with the administrative services solely through the township manager and shall not give any orders to any subordinates of the township manager, either publicly or privately. The township manager shall be appointed for an indefinite term and can be removed by the council.

The township manager shall be the chief executive of the township and shall execute all laws and ordinances of the township. The manager shall appoint all

department heads and employees under established procedures. The manager shall negotiate all contracts for the township, subject to the approval of the council, and make recommendations for township improvements and execute these as determined by the council. The manager shall make recommendations concerning policy, prepare and submit budgets, and perform other duties as required by ordinance or resolution and is responsible for carrying out all policies of the township.

Second Class Township Code

As previously mentioned, this is the form of government under which Millcreek Township currently operates. What is often misunderstood is the definition and role of the supervisors. Supervisors are elected to serve a six year term, only as legislators. For want of a better way to explain it, they are elected to this part-time position and perform a legislative function. For the position of Supervisor, they can be paid up to Five Thousand (\$5,000) Dollars per year and meet generally four times a month to do the business of the township. When enacted, the code provided for a township such as Millcreek to actually have four different ways to organize and operate. The four ways to organize are:

1. Three (3) Part-Time Supervisors with a Full-Time Manager

If the supervisors so choose, they can remain solely in the part-time position of supervisor and hire a manager to run the day to day operations of the township. The manager serves at the pleasure of the board of supervisors and is answerable to them. (Similar to the Council-Manager permitted under the Optional Plans and explained above)

2. Five (5) Part-Time Supervisors with a Full-Time Manager

This is the same as the Three Supervisor system except there are two additional supervisors. If the supervisors so choose, they can remain solely in the part-time position of supervisor and hire a manager to run the day to day operations of the township. Again, the manager serves at the pleasure of the board of supervisors and is answerable to them (similar to the Council-Manager permitted under the Optional Plans and explained above).

Advantages of Part-Time Supervisors with a Full-Time Manager

- Supervisors can concentrate on an overview of the township.
- Supervisors are not burdened with day to day operations.
- Single source of contact for employees.
- Professional manager.
- Poor managers can be more quickly removed.
- Voters can change supervisors without changing managers and disrupting the workings of government and/or its functions.
- Management structure can be modeled after corporate industry practices.
- Cost of running for office should be less thereby allowing more citizens to run.

Disadvantages of Part-Time Supervisors with a Full-Time Manager

- Termination of managers with contract can be expensive to the taxpayers.
- Managers are not directly answerable to the voters.
- Confusing to the public. They may look to the Supervisors for answers instead of the manager.
- Supervisors no longer have complete understandings of the functions of government.
- Managers will most likely need hired assistants thereby increasing the cost.
- Replacing a poor manager could be slow and expensive.

3. Five (5) Part-Time Supervisors hired as Full-Time employees

Under this system, the supervisors can be employed as Roadmasters, Secretary, Treasurer, and Secretary-Treasurer or in any employee capacity not otherwise prohibited by this or any other act. All five positions serve at the pleasure of the board of supervisors and are answerable to them.

4. Three (3) Part-Time Supervisors hired as Full-Time employees

This is the current system under which Millcreek is operating. Supervisors do not receive any pay as part-time supervisors but do as full-time employees. It has become the practice in Millcreek to have the supervisors hire themselves as employees of the township. Two are designated as Roadmasters and the third

supervisor serves as the Secretary. In these positions, they are paid more than Seventy Thousand (\$70,000) Dollars per year and enjoy the benefits of all township employees including hospitalization coverage, pensions, vacation pay and the like. Although it may be confusing, the best way to think of the current structure is that the elected supervisors are wearing two hats, one as a supervisor and one as a township employee.

Advantages of Part-Time Supervisors hired as Full-Time employees

- Provides “hands-on” management.
- Employees always have more than one person available for guidance.
- Offers greater continuity because of staggered terms.
- Allows for complete change in philosophy of government within four to six years.
- Allows each supervisor to concentrate on one area of the township and still be familiar with the other areas.
- In theory, rotation of responsibilities allows for a better understanding of all facets of township government by the supervisors.
- Forces accountability to the voters or face defeat at the next election.
- Allows the public to choose specialization in their leaders.
- Allows every citizen to become supervisor and still earn a living.

Disadvantages of Part-Time Supervisors hired as Full-Time employees

- Conflicts can occur if some supervisors do not have the same “work ethic” as the others.
- Personality conflicts among supervisors as full-time employees can affect the other township employees.
- Role between that of supervisor and employee becomes blurred.
- Learning curve for a new supervisor as full-time employee is steep.
- No single source of contact for employees.
- Can be disruptive if some supervisors want to be employed and others do not.

Narrowing the Choices

The study commission has extensively reviewed and analyzed all the choices available so it could make an informed recommendation to the voters of Millcreek Township. It has listened to valuable public comment, has interviewed officials from other communities operating under the various plans, and has talked with Commonwealth officials knowledgeable in these matters and talked with companies which offer management services to municipalities. The input and observations of all these sources were helpful and appreciated.

In addition, the commission has interviewed township employees, the current supervisors and two former supervisors and discussed at length, during our work sessions, all of the forms of government available to us. Often the discussions were spirited but were always informative, constructive and positive. We reviewed and analyzed financial data from many communities and compared it to the financial operations of Millcreek Township. We sought to find patterns of strength and weakness in the current operations and how the various forms of government might affect these operations both from a positive as well as a negative viewpoint. Although we concentrated much of our time and effort on these financial operations, we kept in mind that **the effectiveness of government was as important as the cost of government.**

The Executive (Mayor) –Council Plans A, B and C

(Not Recommended)

After review, none of these forms present any improvement to the Second Class Township Code form of government under which we are currently operating. All would cause duplication and make the system more political. The result of a change to any of these forms would be a likely increase in costs due to the changeover, an increase in the number of elected officials, higher taxes and prove confusing to the citizens with no real advantage to the current form under which Millcreek operates. Therefore, none of these forms seem a good fit for Millcreek Township.

Council – Manager Plan

(Not Recommended)

This plan has been offered by some as a desirable form of government for the township. However, there are many reasons why this is not the best form for Millcreek. Under this plan, all the authority and responsibilities for the operation of the township are controlled by the manager. It is difficult to believe that one manager could do the job now being done by three. This would undoubtedly mean the manager would hire several assistants to aid in his job. Our study shows that this is exactly what has occurred in other townships and the total cost of the manager and his assistants is considerably higher than what the current supervisors as employees are being paid.

Also, this person is not directly accountable to the voters and therefore is insulated from direct influence by the voter. This would appear to be a positive as it would seem that all decisions would be made without any political pressure. Unfortunately, pressures from the council can influence the decisions of the manager and the council members themselves are subject to such pressures.

In many municipalities studied, a divided council can affect the performance of the manager in that he tries to please the majority of the council for fear of losing his job rather than what is best for the township. In one case, the manager became involved in the political process and sought candidates to run who would support his position per discussion with an official from the Governor's Center for Local Government Services.

Also, since the council is not involved in the day to day management of the township, they are less informed and tend to become dependent on the manager for all information and guidance. This can lead to the council becoming subordinate to the manager. In other cases, when the manager acts too independently of the council, he has been terminated even if his intentions were in the best interests of the citizens and but did not want to bow to political pressure. Because the manager serves at the pleasure of the council, he can be dismissed at any time. (Exhibit 8) This can prove to be a financial hardship for any responsible manager. This also encourages managers to move from one position to another for higher pay or to avoid any unpleasant working conditions with a council. One study from the state

of Florida experienced a twenty-five percent (25%) turnover in a two year period. In another, it was found that as high as 80% of the managers were from outside the local area and therefore did not have ties to the community. (Exhibit 9) This kind of turnover could prove devastating to the orderly function of government. In addition, there is now a movement by the professional managers association mentioned above to protect the manager from the financial uncertainty of dismissal by entering into binding contracts. According to Management Partners these contracts, which are now the norm, provide for compensation in the event of dismissal. If a township makes a poor selection of a manager or the council for whatever reason is not satisfied with his actions or performance and terminates the manager, there can be a significant cost to the township as most managers are now career managers and highly paid. The turnover of managers is significant with two to four years not being uncommon. Some communities have managers in place for as many as eight years, however, this is not the norm. Although there may be those who support a change to a Council-Manager form, the studies are inconclusive as to the efficiency gains of this particular form.

The Council-Manager Optional Plan is found to be undesirable as it would lead to more government, less accountability, more political pressure and a step backward as far as the average citizen having access to its leaders. In addition, this plan offers little flexibility as to how it is organized because there is only one option. This is important, as times and needs change; the form of government needs to be able to change, too. This form of government would add costs and do nothing to improve the effectiveness or flexibility of our current government.

Second Class Township Code

(Recommended)

As stated earlier, a very misunderstood reality of the present set up in Millcreek is the fact that the current board of supervisors do not work for the township. The supervisor position is effectively a part-time position but by custom, allowable by law, they have hired themselves to be *de facto* managers of the township. At any time, the supervisors can decide to hire a manager and continue only as a legislative body.

In 1933 and again in 1995 when it was amended, the Second Class Township Code was very well thought out and designed to accommodate the needs of a township such as Millcreek. Credit must be given to those who wrote the document as it not only provides for effective and efficient management of the government but is written in such a way as to be flexible. Being flexible provides for townships to be able to adapt their government as their needs change. The Code permits townships to be governed by either three or five supervisors and the change from one to the other can be accomplished either by resolution of the supervisors or by petition of five (5%) percent of the voters. Once either of these occurs, the question is placed on the ballot and the voters decide. Whether there are three or five supervisors it is still the decision of the supervisors whether to hire themselves as employees of the township or decide to have a township manager. It is not a decision the voters make, rather the decision to hire a manager is exclusively that of the supervisors.

If there is sentiment for the continuing system whereby the supervisors hire themselves as employees then the voters can decide if they agree by voting for a candidate that intends to follow the current system. If a candidate comes forward who wants the supervisors to hire a manager then he or she can run on that platform and again the voters can decide by how they vote. Since only one supervisor is elected at each voting cycle, it may take two or more cycles for one system to prevail over another. This in itself is an advantage of the Second Class Township Code as it makes for an orderly transition of government management.

The Second Class Township Code has permitted Millcreek to operate well in the past and the Millcreek Township Government Study Commission recommends that it be continued as it offers the most flexibility for current needs as well as provides for the flexibility to meet future needs.

As stated earlier, there has been much discussion about changing to a Council-Manager form under the Optional Plan. The discussion inferred the township would be better operated under a township manager with the supervisors being only supervisors. In essence, having an expanded five member part-time board of supervisors with a full-time manager as permitted under the Second Class Township Code would be very much like the Council-Manager Plan.

However, the Second Class Township Code has several advantages over the Council-Manager Plan. The transition would be orderly and occur over a number of years giving everyone plenty of time to think about this important decision. It would be far less costly as the Council-Manager Plan would require writing a comprehensive administrative code and rewriting all the township ordinances and recreating how the township and its departments were organized. This would be a monumental task and very expensive both from a cost standpoint as well as affecting the functioning of the township government.

With this in mind, if the voters wanted a system in place where the supervisors acted only as supervisors and desired a manager they can simply follow the Second Class Township Code and obtain the necessary signatures to add two additional supervisors who share that view. If, the required signatures were obtained, it would appear on the ballot for the voters to decide. If the question were to pass then there would be five supervisors to make the final decision whether to employ a manager.

The Second Class Township Code allows all the organizational factors to remain in place which would allow the function of the government to continue and would not produce the extensive costs of “reinventing the wheel”.

Conclusion

As the commission worked through this assignment, we realized that we were looking at the township through eyes that no one had done before. With this in mind, we thought it appropriate to include with this report, ideas, concerns and points of interest we felt may be helpful. (Exhibit 10)

The study commission found that for the most part Millcreek Township has been well run for many years and has maintained a good reputation for being a desirable place to live and work. There are many amenities offered to its citizens as well as our neighbors, visitors and those passing through. Supervisors both past and present have had a genuine concern for what is best for the township and have been progressive in how they have prepared for the future. The employees of the

township conduct themselves professionally and provide the necessary back up so the citizens of Millcreek are delivered quality service.

Comparing the cost and effectiveness of government finds that Millcreek stacks up very favorably to other communities and in most cases has lower cost of government with higher positive results. There have been many comments made that the township should run like a business. Unlike a business, government does not need to be profitable but to give services and spend the tax dollars wisely. Purely and simply it is not a business. It is government, ultimately run by the people through the representatives they elect.

The commission has looked at the responsibilities of this report not just from the large amount of financial information provided but also from a philosophical viewpoint as to what makes a good community and how to insure it continues to be one. The research suggests that the effectiveness of government depends more on individual variables than the form of the government. **The study commission has found and firmly believes that the system or form of the government is less important than who runs the government.** When you have good, conscientious people with an outstanding work ethic running the government; you will have good government. When you do not have good, dedicated people with a good work ethic, you will not have good government. In addition, **the closer you keep the leaders of government to the voters, the better.** Placing another level between the voter and their leaders does not offer as much direct contact or sense of the needs of the community.

The study commission has reviewed many different facets of this issue as to whether to recommend a change in the form of government away from the Second Class Township Code and finds there is an absence of compelling evidence that a change is justified. After researching the various forms and recommending that the Second Class Township Code remain does not mean that there cannot be a change in how Millcreek Township operates. As was stated earlier, the form of government and the operation of government are not the same thing. Remaining under the Second Class Township Code allows for changes to the operation of the township without changing the form of the government because of its flexibility.

The study commission has resolutely maintained an objective review of the assignment entrusted to us so we could make an unbiased recommendation. In the final analysis the voters should choose how their government operates and choosing individuals that have their confidence is what elections are all about.

August 28, 2012

Millcreek Township Government Study Commission

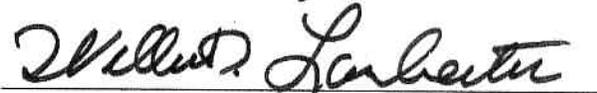
Richard Millhouse

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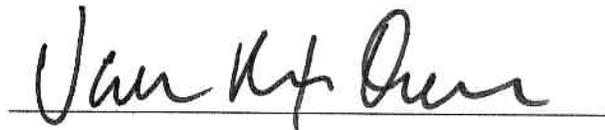
Douglas Prozan

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William Lamberton

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Jason Owen

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Robert Praetzel

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Brain Paul Martin

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Joy Greco

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SECTION IV

The Millcreek Township Government Study Commission recommends the continuation of the Second Class Township Code.

The extensive investigation of the various forms of government available to Millcreek Township has convinced the members of the study commission that this is the best form of government for the township, at this time.

This report and its exhibits will permit the reader to follow the commission's recommendation in a clear and concise manner.

SECTION V