

RECORD OF PROCEEDINGS

Minutes of

~~Danbury Township Board of Trustees Regular~~

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

June 24, 2015²⁰

The Regular Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio on June 24, 2015, was called to order at 6:30 p.m. by President Charles B. Scott; the pledge of allegiance was recited, with Mr. Scott, Ms. Dianne M. Rozak and Mr. David M. Hirt in attendance. Also present Fiscal Officer Shelley Seamon, Road Superintendent Brett Waldron, Police Chief Mike Meisler, Fire Chief Keith Kahler, and Zoning & Planning Administrator Kathryn Dale.

There were no visitors in attendance.

Approval of the Minutes

Mr. Scott moved and Ms. Rozak seconded the motion to approve the minutes of the regular meeting held on June 10, 2015 as presented. The vote was unanimous and motion carried.

Correspondence

Further details regarding the next regular quarterly meeting of the Ottawa County Township Association to be held on Tuesday, July 21, 2015 at Put-In-Bay, Ohio was received. The meeting is being hosted by the Put-In Bay Township Trustees and Fiscal Officer.

Roads, Buildings, & Grounds

Road Superintendent Brett Waldron reported that the staff has been busy mowing along the roads and in the parks in preparation for the upcoming holiday. The fence at Sackett Cemetery will be repaired late in July by Fremont Fence.

The Trustees signed a Township Request form for the Ottawa County Engineer to obtain pricing for road paving projects for Buck and Quarry Roads for 2016 and 2017 respectively.

Road Mower Purchase

Discussion resumed regarding replacement of the 1992 road mower with a hydraulic ditch mower through a state purchasing contract from Streaker Tractor Sales of Fremont Ohio. The cost of a New Holland Tractor, an Alamo 74" RH Interstate flail mower with 3oz knives, and a Alamo SHD88" HD flail mower with 4oz knives after trade of the 1992 road mower with a hydraulic ditch mower and the 1992 Tiger TRX90 rear flail mower was \$73,990.20.

Discussion amongst the Trustees, Road Superintendent, and Fiscal Officer resulted in the following actions:

Mr. Scott moved and Ms. Rozak seconded the motion to declare the 1995 road mower with a hydraulic ditch mower and the 1995 Tiger TRX90 rear flail mower surplus equipment and allow said equipment be traded to purchase a New Holland Tractor, an Alamo 74" RH Interstate flail mower with 3oz knives, and a Alamo SHD88" HD flail mower with 4oz knives. The vote was unanimous and motion carried.

Ms. Rozak moved and Mr. Hirt seconded the motion to purchase a New Holland Tractor, an Alamo 74" RH Interstate flail mower with 3oz knives, and a Alamo SHD88" HD flail mower with 4oz knives from Streaker Tractor Sales of Fremont, Ohio at a cost of \$73,990.20, that includes trade allowances for the 1992 road mower with a hydraulic ditch mower and the 1992 Tiger TRX90 rear flail mower. The vote was unanimous and motion carried.

Police

Trustee Charles Scott reported that Police Chief Mike Meisler submitted a report that listed the Danbury Township Police Department handled 403 incidents to date in June.

Security Request

Chief Meisler presented the Trustees with a copy of the letter Linda Dubbert, the Development Officer of the United Way sent to him requesting 2 off-duty Danbury Township police officer to provide security at their new event entitled "Marblehead Rocks", to be held on August 8, 2015 at Marblehead Estates & Yacht Club 2599 S. Waterside Court in Danbury Township.

Chief Meisler explained that the United Way would be paying each officer in cash the night of the event; however the officers would be in their Danbury Township uniforms and using their patrol cars.

Ms. Rozak questioned Mrs. Seamon if the Township would obtain a Certificate of Liability insurance form.

Mrs. Seamon responded that she was unclear whom to request the form from.

Mr. Scott questioned if the Township should be paying the officers instead of the United Way.

Discussion concluded and Mr. Scott will seek an opinion from the Ottawa County Prosecutor regarding who should pay the wages of the Danbury Township police officers to provide security at the "Marblehead Rocks" event to be held on August 8, 2015

Amended Certificate Authorization Approved

Mr. Hirt moved and Ms. Rozak seconded the motion to authorize Fiscal Officer Shelley Seamon to obtain an amended certificate, create revenue and appropriation accounts to include the recent grant award of \$1,518.00 from the Ottawa County Community Foundation, Inc. to purchase a portable AED for the Police Dept., and authorize transferring \$50.00 out of the Police Fund for shipping of the AED not covered in the grant. The vote was unanimous and motion carried.

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Fire

Trustee Charles Scott reported that Fire Chief Keith Kahler submitted a report listing that the Danbury Township Fire Department responded to 59-EMS calls, 1-Fire Calls, 3-Motor Vehicle Crashes, and 6-Alarm calls to date in June. Year-to-date totals reported were 277-EMS-calls, 13-Fire calls, 18-Motor Vehicle Crashes, 13-Alarm calls, and 4-Carbon Monoxide Investigations.

Probationary Member Appointment

Based on the recommendation of Fire Chief Keith Kahler, Mr. Scott moved and Mr. Hirt seconded the motion to appoint Todd Hefflinger as a probationary member of the Danbury Township Volunteer Fire Department effective beginning June 24, 2015. The vote was unanimous and motion carried.

EMS Public Safety Training & Equipment Grant

Chief Kahler reported that he applied and was awarded for a reimbursing grant through the Ohio Department of Public Safety division of Emergency Medical Services totaling \$3,500.00 for the 2015-2016 Award Year.

Chief Kahler briefly spoke about the grant and stated that these funds may be used for EMS training and equipment and stated he has the Training & Equipment list of approved items.

Power Loading System Installation for Ambulances

Chief Kahler explained that the department received a 3 minute video regarding how the power loading systems are to be installed, however the installation of the systems was not something the staff wanted to handle due to the cost of the systems and the importance that the systems are installed correctly. Chief Kahler stated that Russell Moss has installed these systems for other departments in the area and the cost of installation was \$1,200.00 per system. Chief Kahler informed the Board that the Fire Department Association has agreed to split the cost of installation with the Township, if the Board should agree.

The Trustees discussed the matter and agreed to split the cost of installing the power loading systems with the Association.

Zoning

Zoning & Planning Administrator Kathryn Dale reported that 14 permit applications were processed thus far in June and fee collected totaled \$1,071.53.

The **Board of Zoning Appeal's** held public hearings on Wednesday, June 17, 2015 at the Danbury Township Hall at 6:30 p.m. on the following cases:

- **BZA-2015-042 231 Poplar.** A request for an Area Variance from Section 7.9.2 to allow more than a 20% increase of additional floor area onto a nonconforming structure (proposed 37% increase of living space, 44.5% with the porch addition). Kathy Rhodes & Brenda Knipp, Owners/Applicant. **Approved as presented.**
- **BZA-2015-043 7284 E. Bayshore.** A request for a modification to previously approved Conditional Use to allow for the conversion of an accessory building into a Condominium/dwelling unit without increasing the permitted density. Daniel Kracjer, Owner/Applicant. **Approved with Conditions.**
- **BZA-2015-051 215 Cedar.** A request for an Area Variance from Section 3.1.5.D to allow for the construction of a 2-story addition at the rear of the house to be 1'6" from the northern property line & 6" from the southern property line (5' required); and Section 7.9.2 to exceed 20% addition permitted (370.2 sq. ft.) onto a nonconforming structure (1,269 sq. ft./68.5% increase proposed). Ronald & Dianna Penick, Thomas & Mary Rust, Owners/Applicants; Dan Carroll Agent. **Approved with Modifications.**

The **Zoning Commission** is scheduled to meet on Wednesday, July 1, 2015 at the Danbury Township Hall at 6:30 p.m. At this time there are no cases to be heard.

Resignation Accepted

With regret, Ms. Rozak moved and Mr. Hirt seconded the motion to accept the resignation of Dianne Blubaugh from the Board of Zoning Appeals, term to expire on December 31, 2017 effective immediately. The vote was unanimous and motion carried.

Complaints and/or Violations

1070 Englebeck –Noting new was reported regarding clean-up of this property.

1049 Englebeck - Mrs. Dale sent a letter to the owner regarding tall grass and to fill in the hole on the property. Mrs. Dale reported that as of today the grass was cut and the hole has been filled. This will be closed.

252 & 282 Willowdale - Mrs. Dale reported that no further complaints have been received, the camper has been removed, and the case has been closed.

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Tall Grass Complaints

Mrs. Dale provided an update regarding tall grass complaints that involved 6 properties within Danbury Township. The properties located at 367 Deerwood and 106 Springcrest have been abated and Printy Enterprises has been hired to cut both lawns.

1915 Bayview and 302 Willowdale both have been partially cut.

1049 Englebeck was cut and the case was closed.

With regard to Gravel Bar, the Trustees and Mrs. Dale discussed the passage of a resolution to abate the property, however since the lawn was cut, yet debris remains the Trustees asked Mrs. Dale to send the owner a follow-up notification.

Signage Change along State Route 163

Mrs. Dale reported that there have been a number of phone calls received into the office following a sign message being changed along 163 of a potential new development. Discussion was had on what the property was zoned as well as the uses listed in that zoning district that are permitted and not. The Trustees directed Mrs. Dale and the Zoning Commission to start reviewing the uses in the "R-C" zoning district since there are a number of platted residential lots that also fall under this commercial zoning district.

Zoning Code Text Amendment Changes

Mrs. Dale shared that as a result of an inquiry to the Prosecutor with questions from a Board of Zoning Appeals member, it is recommended that text amendments related to policy for both the Board of Zoning Appeals and Zoning Commission members is incorporated into the zoning resolution. Mrs. Dale gave a comprehensive overview of the proposed changes to the Zoning Resolution regarding meetings of both Boards, a required radius for participation in hearings before either Board, and other miscellaneous amendments in both Articles 6 & 7 of the Zoning Resolution.

The Trustees briefly discuss the draft amendments and discussion resulted in the passage of the following resolution:

Resolution No. 15-2015

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in regular session at 6:30 p.m., on June 24, 2015, at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present: Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt.

Ms. Rozak introduced the following resolution and moved its adoption:

RESOLUTION NO. 15- 2015**RESOLUTION TO INITIATE A TEXT AMENDMENT TO THE ZONING RESOLUTION RELATED TO ARTICLE 6 DEVELOPMENT PROCEEDURES AND ARTICLE 7 ADMINISTRATION, APPEALS AND ENFORCEMENT**

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning resolution initiated by passage of a resolution by the Board of Trustees; and

WHEREAS, the Board desires to initiate the following text amendments to the Danbury Township Zoning Resolution:

- Clarify that Zoning Commission and Board of Zoning Appeals meetings are to be held monthly; and
- Establish a reasonable period of time an application submitted to the Board of Zoning Appeals shall be heard; and
- Modify any sections quoting the Ohio Revised Code are as worded in the Ohio Revised Code; and
- Establish criteria in which Zoning Commission and Board of Zoning Appeals members are required to recuse themselves from participation in hearing proceedings before their respective Commission or Board in which they sit; and
- Amend Section 7.9 Nonconformities per legal counsel's advisement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board directs the Danbury Township Zoning & Planning Administrator to prepare a text amendment to the appropriate sections of Article 6 & Article 7 addressing the aforementioned desires for change; and
- 2) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 3) That this Resolution shall be effective at the earliest date allowed by law.

Mr. Hirt seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows: Vote Record: Ms. Rozak-yes; Mr. Scott-yes; Mr. Hirt-yes.

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ADOPTED this 24th day of June, 2015.**Legal Updates**

Mrs. Dale provided a copy of the 6th District Court of Appeals decision rendered June 19, 2015 affirming the Court of Common Pleas decision and Board of Zoning Appeals regarding Steiny's A+ Taxi Service.

Mrs. Dale also shared she had spoken with Gene Abercrombie with Eastman & Smith and he highly recommended that we stay with Jeff Stopar and his new law firm for zoning related issues and other Township legal matters as they arise because they would no longer honor the quoted hourly rates previously provided to us. The Board consensus was to stay with Jeff Stopar once all written documentation was obtained regarding hourly rates and his new firms W-9 paperwork was filed.

Tree Complaint at 242 Worthy

Mrs. Dale and Ms. Rozak spoke about the complaint received from Tony Novak regarding his neighbor's dead/dying tree and its proximity (should it fall in relation to his property). The Trustees and Mrs. Dale discussed the matter and agree that the Board would send Mr. Novak's neighbor a courtesy letter regarding Mr. Novak's concern should the dead/dying tree fall. Mr. Scott will send the letter on behalf of the Board as President of the Board.

Ottawa County Drug Task Force Donation

Mr. Scott reported that the Township would be receiving about \$9,000.00, which was from the Estate of Eloise Mohrman and suggested to the Board to donate \$5,000.00 of these funds to the Ottawa County Drug Task Force.

Ms. Rozak expressed that she would vote no. Ms. Rozak explained Detective Sergeant Mark Meisler was involved with the Drug Task Force for a long time however no longer is and the Township also has drug dog "Joe-Joe" available for assistance to the entire county, which is not an expensive item to have.

Ms. Rozak explained that she was going solely on the opinion of Police Chief Meisler whereas the majority of the drug issues appear to be west of Danbury Township. Ms. Rozak stated that she would see that money as a windfall and the money could be better utilized in the General Fund.

Mr. Hirt questioned if the funds would go into the General Fund.

Mrs. Seamon responded that the funds would be receipted to Estate Tax within the General Fund.

Mr. Scott shared that he wanted the Board to revisit the matter due to the knowledge of the unexpected estate tax funding the Township would be receiving.

Mr. Hirt expressed that the Drug Task Force does a lot of good, however he did not know if we (the Board) could justify giving the Drug Task Force \$5,000.00.

Ms. Rozak indicated that her point was that we (the Township) have done a lot of good for them.

Mr. Hirt concurred with Ms. Rozak referring to the in-kind donation of the Township's drug dog "Joe-Joe".

Discussion concluded and no action was taken.

Wal-Mart Credit Card

Mr. Scott reported that due to the addition of the Fire Department the credit limit for the Wal-Mart credit card had been exceeded this month.

Fiscal Officer explained that she had called to get the balance because the monthly bill for the Wal-Mart had not come and she learned that the charges had exceeded the credit limit. Mrs. Seamon shared that departments were notified of this in order that no one was turned away.

Mr. Scott moved and Mr. Hirt seconded the motion to increase the Wal-Mart credit card line to \$2,500.00 from \$1,000.00. The vote was unanimous and motion carried.

Years of Service Acknowledged

Jared Griffith, 13 years of service as of 6/10/15, longevity (\$0.05) increased hourly rate to \$21.30 from \$21.25, sick and vacation accruals adjusted, all effective in the pay date of 7/1/15.

Brett Waldron, 13 years of service as of 6/10/15, longevity (\$0.05) increased hourly rate to \$24.62 from \$21.57, sick and vacation accruals adjusted, all effective in the pay date of 7/1/15.

Brian Sloan, 5 years of service as of 6/8/15, longevity (\$0.25) increased hourly rate to \$22.85 from \$22.60, effective in the pay date of 7/1/15. (Note Brian's sick and vacation accruals were processed in the pay date of 2/8/15, that coincides with his full time hire date of 1/29/2011).

Brandon Taylor, 8 years of service as of 6/8/15, longevity increased hourly rate to \$23.02 from \$22.97, sick and vacation accrual adjusted, all effective in the pay date of 7/1/15. In accordance to Section 7.3 Vacation Leave, Brandon earns 3 weeks' vacation at a bi-weekly accrual of 4.60 and received an additional 40 vacation hours that was processed in the pay date of 7/1/15.

Ottawa County Safety Council Membership Renewal Approved

Fiscal Officer Shelley Seamon acknowledged the annual membership for the Ottawa County Safety Council was due by June 30, 2015. Mrs. Seamon stated she had received notification from Cheryl Harmsen this evening regarding this renewal and deadline, therefore payment for the renewal was not

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prepared for this evenings meeting.

Mr. Scott moved and Ms. Rozak seconded the motion to continue the membership for the Ottawa County Safety Council and authorize that payment in the amount of \$120.00 be approved. The vote was unanimous and motion carried.

Approve Payroll & Payment of Bills

After examining payroll and bills totaling \$97,684.27, Mr. Scott moved and Mr. Hirt seconded the motion that they be accepted and warrants or electronic transfers for the various amounts be processed. The vote was unanimous and motion carried.

413-2015	Shannon M Belcher	Wages 5/23/15-6/5/15	\$333.51
414-2015	John L Belcher	Wages 5/23/15-6/5/15	\$1,297.86
415-2015	Daniel J Bergman	Wages 5/23/15-6/5/15	\$1,302.20
416-2015	Bradley L Biers	Wages 5/23/15-6/5/15	\$601.97
417-2015	Terry L Conaway	Wages 5/23/15-6/5/15	\$241.14
418-2015	J. Charles Cunningham	Wages 5/23/15-6/5/15	\$1,320.69
419-2015	Kathryn A. Dale	Wages 5/23/15-6/5/15	\$1,893.91
420-2015	Jared E Griffith	Wages 5/23/15-6/5/15	\$1,209.75
421-2015	Cheryl K Harmsen	Wages 5/23/15-6/5/15	\$747.69
422-2015	Dean G Heberlein	Wages 5/23/15-6/5/15	\$652.58
423-2015	David M Hirt	Trustee Salary June	\$800.80
424-2015	Stephanie A Hunsicker	Wages 5/23/15-6/5/15	\$462.51
425-2015	Matilda A Johnson	Wages 5/23/15-6/5/15	\$558.69
426-2015	Keith M Kahler	Wages 5/23/15-6/5/15	\$1,285.39
427-2015	Tammy J Kahler	Wages 5/23/15-6/5/15	\$523.06
428-2015	Lindsey N Knox	Wages 5/23/15-6/5/15	\$531.36
429-2015	Bradford K LaMarca	Wages 5/23/15-6/5/15	\$1,382.65
430-2015	Brian C McCune	Wages 5/23/15-6/5/15	\$273.95
431-2015	Mark A Meisler	Wages 5/23/15-6/5/15	\$1,436.09
432-2015	Michael S Meisler	Wages 5/23/15-6/5/15	\$1,981.35
433-2015	Zachary D Miramontes	Wages 5/23/15-6/5/15	\$284.15
434-2015	Randy R Rakosky	Wages 5/23/15-6/5/15	\$322.88
435-2015	Trevor J Ross	Wages 5/23/15-6/5/15	\$510.38
436-2015	Dianne M Rozak	Trustee Salary June	\$870.80
437-2015	Matthew J Salyers	Wages 5/23/15-6/5/15	\$322.98
438-2015	Charles B Scott	Trustee Salary June	\$904.10
439-2015	Shelley J Seamon	Fiscal Officer Salary June	\$1,337.95
440-2015	Brian P. Sloan	Wages 5/23/15-6/5/15	\$1,406.87
441-2015	Brandon L Taylor	Wages 5/23/15-6/5/15	\$1,566.83
442-2015	Mark M Turinsky	Wages 5/23/15-6/5/15	\$1,100.14
443-2015	Brett A Waldron	Wages 5/23/15-6/5/15	\$1,560.99
444-2015	Joshua P. Young	Wages 5/23/15-6/5/15	\$1,692.42
446-2015	Public Employees Retirement System	OPERSG Contributions	\$5,948.77
447-2015	Public Employees Retirement System	OPERSL Contributions	\$9,798.99
448-2015	Ohio Police & Fire Pension Fund	Ohio P&F Contributions	\$1,351.28
449-2015	Internal Revenue	Federal WH	\$6,687.73
450-2015	Ohio Public Employees Deferred Comp.	Voluntary Contributions	\$520.00
451-2015	Treasurer of State of Ohio	State WH	\$1,867.21
39468	Warrant Adjustment-West Publishing	Subscription Refund (OCR)	-\$7.72
39787	Austin Lucas	Wages 5/23/15-6/5/15	\$374.08
39788	Megan A. Rakosky	Wages 5/23/15-6/5/15	\$98.30
39789	Ohio Child Support Payment Central	Child Support WH	\$185.95
39790	Ohio Fire Chiefs Association, Inc.	Registration Fee -KMK	\$395.00
39791	Ottawa Regional Planning Commission	Annual Fee	\$2,558.40
39792	H2 Designs, LLC	Lettering Fire Dept. Vehicle	\$525.00
39793	Mark A. Meisler	Postage Reimbursement-Police	\$8.77
39794	Charles B. Scott	Postage Reimbursement-Zoning	\$13.48
39795	Kathryn A. Dale	Postage Reimbursement-Zoning	\$40.44
39796	Hartung Title Agency	Lien Report-367 Deerwood	\$100.00
39797	Ohio Township Association	Registration Fee -KAD	\$25.00
39798	Minuteman Press	Printing -Newsletter	\$206.40

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39799	Judco, Inc.	Recycling Signage	\$35.00
39800	Gene Ptacek & Sone Fire Equipment co.	Fire Extinguisher Inspections- Police /Twp. Hall	\$379.57
39801	Ohio Edison	Street Lights	\$600.85
39802	Ohio Edison	Electricity Various Depts.	\$1,033.77
39803	H.B. Magruder Hospital	Medication-EMS	\$171.84
39804	Fire Safety Services Inc.	SCBA Repairs	\$644.65
39805	Staples Business Advantage	Supplies-Admin & Fire Dept.	\$339.07
39806	Shell Credit Card Center	Gasoline-Fire Dept.	\$102.85
39807	Certified Pest Control, Inc.	Spider Control-Variou Depts.	\$530.00
39808	Momar Inc.	Supplies Police	\$136.05
39809	JVS Garage Door Co.	FS1 Garage Door Repair	\$765.25
39810	Rakich & Rakich, Inc.	Supplies & Other Materials -Police	\$664.90
39811	Time Warner Cable Northeast	Telephone/Internet Services- Police & FS2	\$276.83
39812	MT Business Technologies, Inc.	Copier Maint./Color Copies - Twp. Hall/Zoning	\$134.12
39813	Harry R Bell DBA Bell Heating & Electric	Electrical Repair to Twp. Hall	\$2,360.00
39814	Ohio Insurance Services Agency, Inc.	July Premiums	\$27,042.02
39815	Wal-Mart Community	Supplies -Various Depts.	\$841.26
39816	Village of Marblehead	Light Bulbs -Sub-Station 3	\$211.52
		Total Payments	\$97,684.27

Warrant Adjustment Approved

Mr. Hirt moved and Ms. Rozak seconded the motion to approve adjusting warrant #35907 from account code 2281-230-490-2201 to account code 2281-220-420-0000 to correct the account code for th purchase of the Fire Chief's badge. The vote was unanimous and motion carried.

Fund Status Report

The Trustees signed the Fund Status Report dated June 24, 2015

Comments & Concerns

There were none.

Executive Session

Mr. Scott moved and Mr. Hirt seconded the motion to go into executive session from regular session at 7:51 p.m. to discuss matters that must be kept confidential in accordance to federal and state law. The vote was unanimous and motion carried.

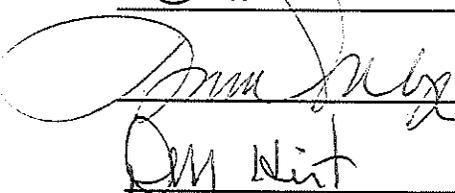
Mr. Scott moved and Ms. Rozak seconded the motion to reconvene to regular session from executive session at 8:02 p.m. The vote was unanimous and motion carried.

Discussion during executive session resulted in the following action: Mr. Scott moved and Ms. Rozak seconded the motion to contact CareWorks Comp to enter into negotiations to settle a outstanding Bureau of Workers' Compensation claim. . The vote was unanimous and motion carried.

Mr. Scott stated that he would contact Cheryl tomorrow regarding the Board's decision to settle the outstanding Bureau of Workers' Compensation claim.

There being no further business before the Board, Ms. Rozak moved and. Mr. Hirt seconded the motion to adjourn at 8:03 p.m. The vote was unanimous and motion carried.


Fiscal Officer

Danbury Township Board of Trustees