

**TOWNSHIP BOARD OF TRUSTEES REGULAR**

June 11, 20

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall. Trustee Dress called the meeting to order at 6:00 p.m. It was rescheduled from Wednesday, June 10, 2020 due to severe weather.

Roll call indicated John Paul Dress, Dave Hirt, Dianne Rozak, Fire Chief Keith Kahler, Susan Dress were in attendance. Department heads and Fiscal Officer Carolyn Adams were excused.

**APPROVAL OF THE MINUTES**

Mr. Hirt moved and Mr. Dress seconded the motion to approve the regular meeting minutes of May 13, 2020 as presented. Roll call was unanimous and motion carried

**CORRESPONDENCE**

- Update from State Senator Theresa Gavarone
- Joe Miller – thank you to police for assistance with senior parade
- Ottawa County Municipal Court regarding expediency of bringing in those arrested
- Ballot from Mineyahta regarding voting for officers
- Robert Sprague emailed the fiscal officer regarding STAR Ohio
- Email from Robert Albright regarding the helpfulness of Vikki Fritz who assisted in retrieving their important paperwork that had blown all over SR 163
- Ottawa County Engineer correspondence regarding road closures
- Sanitary Engineering provided a pamphlet regarding storm water
- A note from Mike Heinberger thanking the police officers
- Jordyn Smith sent a note to the police along with masks she made to help keep them safe.

**FIRE**

		<b>Fire &amp; EMS Run Details</b>					
	<b>EMS</b>	<b>Fire</b>	<b>MVC*</b>	<b>Alarm **</b>	<b>CO***</b>	<b>Mutual Aid</b>	
May -	<b>55</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	
June 11	<b>22</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>1</b>	
Sub Total	<b>263</b>	<b>11</b>	<b>7</b>	<b>33</b>	<b>2</b>	<b>2</b>	
Total to date 6-11-2020	<b>318</b>						

Discussion was held regarding financing to build a new fire station. Ms. Rozak will obtain resolution language and levy language from Lafayette Township where she, Fire Chief Kahler and other members of the fire department visited on May 28th. The preliminary project budget from McCall Sharp Architecture is

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\$6,274,800. Chief Kahler reviewed the proposed architectural plan with the Trustees. Reasons why we need a new station: Response time will improve, as new location will be centrally located in the township. Will maintain one station instead of two, increased equipment storage, training areas and designated area for Fire Fighting gear currently being stored in engine room.

### **Roads, Buildings & Grounds**

Sackett Cemetery had one full burial and two cremation burials.

A May 31st. auto accident occurred on 163 in front of the cemetery resulting in a few stones being damaged. We are working with the Driver's insurance to get the damaged stones repaired or replaced.

Department will continue to mow and maintain the Parks and Road Right-of-Way, and install new signs as time permits.

Lightner Road update: The project is scheduled for fall and both Danbury and Portage agreed to fund the repair.

Playground and shelter houses were good to go and open. Trustees agreed to open the athletic fields. Ms. Rozak will contact Jim Fish regarding his request to use a field.

The camera for the recycle area should be installed on Friday, June 12 provided it is delivered today to Catawba Security. Signage for recycling is done.

The Meadowbrook Marsh dike is deteriorating quickly due to muskrats and erosion from the high water. Brett will advise regarding stone for the dike after he hears back from Joe Uhinck Ottawa County Soil and Water. Brett spoke with Ms. Rozak earlier in the day and advised that Meadowbrook will be partially open on Friday, June 12. A few trails will remain closed until numerous downed trees from yesterday's storm can be removed.

Township clean-up, Brett and Ms. Rozak discussed a mid-August date with an early October date for the second clean up depending on the board's desire to have two. Cyclone will provide two men at \$25 per hour on weekdays and \$37.50 per hour on the weekend (time and one-half). Brett and Ms. Rozak would like the board to consider Tuesday through Friday from 9 a.m. to 6 p.m. and Saturday from 6 a.m. until noon. One township maintenance person would be working the backhoe during those hours with Cyclone staff dealing with the residents. Additional incurred labor as a contracted service would be in the range of \$2,250 not including a township employee working overtime on a Saturday. Dates could be: August 18-22 and October 13-17. Trustees agreed two cleanup weeks should be held. Ms. Rozak will ask the prosecutor if it is acceptable to utilize contract labor for this project.

Mr. Hirt moved and Mr. Dress 2<sup>nd</sup> to bring Mark Turinsky back to work from COVID-19 CARES leave on Monday, June 15. Ms. Rozak will prepare a letter confirming the return.

### **Police**

Mr. Hirt motioned, Kyle Lewis Scott be hired as a K-9 officer effective May 30, 2020 at \$20.50 per hour. Second by Mr. Dress. All aye. Officer Scott and

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Kalahan are scheduled to begin patrol together on the 20th. with certification on the 30th. During the month of May the Department responded to 223 incidents. For the month of June 88 incidents. The department will cancel their Verizon Wireless Plan. There is no contract. A number of phones need replaced.

Zoning

Permits

27 permit applications were processed for the month of May totaling \$2,532.99 in collected fees.

Accessory Building:	5
Addition	
Commercial:	
Residential:	2
Appeals:	
Area Variance:	5
Conditional Use:	
Deck:	5
Dock:	
Fence:	3
New SF Home:	
New Commercial Structure:	2
Other:	1
Refusal:	3
Signage:	
Swimming Pool:	1
Text/Map Amendment:	
<b>Total:</b>	<b>27</b>

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held an adjudication hearing May 20, 2020 via Zoom on the following cases:

- a. **BZA-2020-047** **Approved as Presented**  
**5935 E. Bayshore Road.** Request to for an Area Variance to Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (2,304s.f. proposed) and Section 5.2.1.C.i to exceed the maximum height of 20' (22'8" proposed) **Jason & Sarah Clemons, Owners/Applicant.**
  
- b. **BZA-2020-054** **Approved as Presented**  
**7316 E. Bayshore Road.** Request to for an Area Variance to Section 5.2.1.A.ii to allow for an accessory structure to exceed 1,200s.f. (1,920s.f. proposed). **Jeffrey Monaco & Joshua Blevins, Owners/Applicant; BEC Associates, Agent.**

The Zoning Commission -

The Zoning Commission meeting May 6, 2020 was cancelled due to the Covid-19 stay-at-home-orders.

Department Updates

- All work is being conducted from home due to Covid-19.
- Most permits issued in a single month since September 2018. Also 6 permits ahead of where we were at the end of May last year.

Office Activity

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During the month of May, the Department went on 98 site visits, responded to 895 calls, e-mails and in-person inquiries as follows:

- Outgoing 92
- Incoming 342
- Other
- Emails 461
- Violation Letters 6

**Permits**

To-date this month (**JUNE**) there has been 11 permit applications submitted/processed totaling \$ 1,084.30 collected in fees and BZA balances.

**Board & Commission Activity**

**The Board of Zoning Appeals –**

The BZA will hold a Special adjudication hearing Tuesday, June 16, 2020, starting at 5:00p.m. via Zoom on the following cases:

- a. **BZA-2020-083**  
**201 Elizabeth.** Request for an Area Variance to Section 5.2.C to allow for a detached garage to be 2' from the principal structure where 5' is required. **William Beatty & Christine Costello, Owners/Applicants; Pete Johnson, Agent.**
- b. **BZA-2020-088**  
**660 Walnut.** Request for an Area Variance to Section 5.5.8 to allow for a 6' high fence to be 100% opaque where 66% opacity is required. **Carol Raber, Owner/Applicant.**
- c. **BZA-2020-082**  
**602 E. 2<sup>nd</sup> Street.** Request for an Area Variance to Section 3.5 to allow for a second story & covered porch addition to encroach into the west, front-yard setback (4' proposed/ 5' required) and to Section 7.12.3.A. to allow more square footage than permitted onto a nonconforming structure (289.2s.f. [20%] permitted/ 408s.f. [28%] proposed). **Roger & Patti Gilcrest; PNGilcrest LTD, Owners/Applicant; John Feick, Agent.**
- d. **BZA-2020-089**  
**602 Lakefront.** Request for an Area Variance to Section 3.5 to allow for a storage addition to encroach into the east, side-yard setback (2' proposed/ 3' required) and to exceed the allowable lot coverage (59.8% proposed/ 55% required). Also requesting a variance from Section 7.12.3.C. to allow for more than 75% of the floor area contained in the nonconforming structure to be demolished, removed or structurally altered. **William Williams, Owner/Applicant; John Feick, Agent.**

The BZA will hold their regular adjudication hearing Wednesday, June 17, 2020, starting at 6:30.m. via Zoom on the following case:

- a. **BZA-2020-090**  
**1696 Jeannie Drive.** Request for an Appeal of the Zoning Inspectors Decision in reference to Section 7.2.4 regarding the refusal of a bridge/deck permit (Permit# 2020-020). **John & Dawn Henderson, Owner/Applicant; Michael Bassett, Esq., Agent.**

**The Zoning Commission -**

The Zoning Commission meeting for June 3, 2020 was cancelled as there were no cases to be heard. Next meeting is scheduled for July 1, 2020.

**Department Updates**

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- Nothing New to Report

**Violations/ Complaints:**

**DILAPIDATED STRUCTURES:**

**7597 E. Harbor Road** (*Mazur Barn*)

**Open**

Trustee Resolution 07-2020 passed 05.13.20 giving Mr. Mazur until July 1, 2020 to remove remaining debris.

**Prior Info:** The barn was knocked down 2/20/20. KAD contacted Mr. Mazur 2/24/20 to get an update about the removal of the barn. He indicated that while he had someone lined up who wants the wood and to remove it, he did not have a set date for that to be completed and indicated it likely would not be done by the March 9, 2020 deadline. The owner still has a dumpster on the property. There are misc. piles of debris, including quite a few tires. Deadline has technically passed for the owner to complete this. Question of the Trustees is whether they wish to allow him to continue or proceed with entering the property. At your March 11, 2020 meeting, the Trustees asked that I contact Mr. Mazur and let him know the Board would be taking no further action until your next meeting. That didn't happen due to Covid-19. He has a pile of tires that he stated he plans to take to the County fairground tire recycling day which isn't scheduled until October 17, 2020 and they will only accept 10 tires per resident. There appears to be another smaller pile of debris still left and I do not recall what he said his intentions were with that, but it may be some of the wood from the barn that someone wanted to keep. Just let me know if any further action needs to be taken on this or if we can close the case. April 8, 2020, the Board of Trustees decided to give Mr. Mazur another 90 days to finish cleaning up the debris from his barn tear down. A resolution is enclosed for your consideration documenting that he has until a date certain that the Board sets to finish cleaning up the property. Staff would recommend July 1, 2020, but if you follow your initial 90 days, that would put him at July 7, 2020.

**JUNK & DEBRIS:**

**248 Erie Beach** (*Misc. household Junk & Debris – Richards*)

**Open**

Final Notice letter was sent via Certified Mail May 19, 2020. Owner is refusing to claim the letter at the post office. Letter sent via regular mail also. Next step if failure to correct will be filing a complaint with Municipal Court.

**Prior Info:** Complaint was received 03/19/20 regarding the condition of this property. Letter was sent to the property owner via Certified Mail on 04/02/20. Letter attached for your review. Owner signed for and received his letter 04/08/2020. Upon reinspection 04/22/20 the yard has been slightly picked up, they have removed some recreational vehicles so they are in compliance with only 3 items on the property. They have not removed 2 junk vehicles and another letter was sent to them 04/24/20. This will be reinspected this week to see if any additional improvements have been made.

**5706 E. Harbor** (*Garbage blowing onto neighboring properties – Breezy Acres*)

**CLOSING**

Neighbor who was concerned has spoken with the MHP Management and is understanding of the issue they are having and satisfied that the Park has decided to schedule extra pick-ups.

**Prior Info:** 04/21/20 we received only a verbal concern. Made contact with Park Management 04/24/20. They are aware of the situation and have been in contact with Cyclone for extra pick-up dates and possibly getting a larger container. The manager said the biggest issue is that people driving by just stop and drop their garbage on their way out of town. They are interested in

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putting a fence up, but have to wait until the owners return to get permission to spend that money and do the work.

**1030 Deer Run Trail** (*Junk Vehicle & Junk & Debris – Kobak*)

**Open**

Six complaints were received 06.02.20 from multiple neighbors regarding the condition of the property at the corner of Deer Run Trail & E. Port Clinton Eastern Road including the truck with flat tires. Certified Letter sent to the owner and occupants 06.05.20.

**JUNK VEHICLES:**

**2468 Cook's Dock** (*Junk Vehicle – Nesser*)

**CLOSED**

Owner did not meet court order to correct by May 20, 2020. 4<sup>th</sup> complaint was filed with Municipal Court on May 29, 2020. As of June 5, 2020 the vehicle has been removed from the property and the charges have been dismissed.

**Prior Info:** Owner was cited in September 2019 and found guilty. Some fines were waived so-as-long as they stayed law-abiding for one year. A second complaint was filed in January 2020, but we dismissed it after they corrected the matter upon receiving their summons and notice of a court action. The covering they have installed so that the vehicle is not visible from public view continues to collapse and fall apart. Was the 3<sup>rd</sup> complaint filed with the court over this. Complaint was filed 04/24/20 at Municipal Court for continued violation of an uncovered junk vehicle in the rear yard. Hearing was scheduled for May 6, 2020 and the owner was found guilty again with an order to correct the matter by May 20, 2020 and with the same conditions previously applied by waiving some fines so-as-long as they stayed law-abiding for one year. The owner was told that if there is another entry before the court that he risks losing the vehicle and the next order will be to have the car removed.

**TALL GRASS:**

**607 John Street** (*Tall grass– Vayda/Elkington*)

**Monitoring**

Owner signed for Certified Letter 05.14.20 and called saying they would have it cut over Memorial Day Weekend. Upon re-inspection 05.26.20 grass had been cut but was not as low as would be expected.

**Prior Info:** Complaint received 05.12.20. Certified letter was sent to the property owner 05.12.20.

**140 Tibbels** (*Tall grass– Wowk*)

**Open**

Complaint filed 05.15.20. Certified Letter sent 05.19.20 and signed for by owner 05.21.20. Grass has been cut, but was not as low as would be expected

**9955 E. Bayshore Road** (*Tall grass– Burton*)

**Open**This property is at the corner of Seneca Trail and Bayshore. We have not received a formal complaint, but the grass is waist high and needs to be addressed, especially at the corner for vehicular sight pulling out from Seneca Trail. The owner passed away in June 2019. Trying to find a good contact to send a letter to.

**CONSTRUCTION WITHOUT PERMITS:**

**562 Sycamore** (*Fence w/out Permit*)

**Open**

Lakeside advised that a fence that has been removed for more than 4 years was being reinstalled in the road ROW. Letter was sent to the owners and

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posted at the property. All work has ceased for the time-being while the property owner goes through the Lakeside review process.

**2601 Walleye** (*Fence w/out Permit - Weiland*)

**Open**

Replacement of fence without proper permits. Ugly side is facing neighbor. Warning letter send via regular mail 06.05.20.

**186 Sunnydale** (*Deck w/out Permit - Pruitt*)

**Open**

Construction of a deck without a permit even after the owner emailed asking. When told they would need a variance, she had someone build the deck anyway. Certified letter sent 06/08/2020

**97 Woodwinds** (*Shed w/out Permit – Hoffman*)

**CLOSED**

Owner received permit 05.23.20 and has move the shed into compliance.

**Prior Info:** Letter was sent to the property owner 05/12/20 notifying them their shed on the side of the house did not have proper permits.

**5881 Oakmont** (*Shed w/out Permit – Rogers*)

**CLOSED**

Owner received permit on 05.13.20.

**Prior Info:** While out on inspections 04/22/20, noticed that a shed was installed on the property without proper permits. Letter was sent to the property owner via regular mail on 04/23/20. Owner called and stated they are in the process of having a survey completed and will submit the permit paperwork once they have received the survey information.

**1696 Jeanie** (*Deck/Bridge w/out Permit – Henderson*)

**Open**

Case is scheduled before the BZA on June 17, 2020 at 6:30p.m. via Zoom.

**Prior Info:** Letter sent to the property owner 06/26/19 regarding a deck/bridge being constructed without proper permits which so happens to be over a drainage ditch easement. Owner came in 07/01/19 after receiving letter. He provided a copy of letter sent to his association asking for approval of the bridge that may be in the private drainage easement. Association member came in 07/03/19 and 07/08/19 asking for clarification on what is and is not allowed. Awaiting decision by the association. Association emailed over 09/28/19 weekend and stated that the bridge had been denied and asked the homeowner to remove what of the structure was in place by November 1, 2019. Will monitor to see if that work takes place before pursuing any zoning action further. 11/07/19 spoke with homeowner and they indicated that they have been in touch with their attorney over this issue. Spoke to homeowner's attorney on 11/12/19 regarding the matter. Homeowners & their Atty met 12/3/19. As of 12/5/19 they are going to request mediation with the Association. They are giving the Association until 12/23 or 12/30 to respond. Received an email from the Association 12/16/19 indicating that they have not heard anything from the Henderson's or their attorney regarding this matter. Follow-up was requested from the Attorney, he indicated he got behind in some of his paperwork and intends to file the mediation request 12/23/19. To-date the attorney representing this homeowner has failed to follow thru and submit the necessary paperwork to Ottawa County Municipal Court requesting mediation. He has assured me for over a month that this was being taken care of. A certified letter has been sent out to both the property owner and attorney requiring that the bridge/deck be removed by February 1, 2020. Atty. & property owner received their certified letters 1/10 & 1/11 respectively. Atty. called 1/17 to say they have filed mediation paperwork. Court has confirmed this has been

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filed and the mediation date is to be held at 10:00a.m. on 1/28. On 01/27/20, the day before the scheduled mediation, the association's attorney called for background information and stated they refuse to sit at the table for mediation. I contacted the Prosecutor because this case could result in claims that I wanted to see if he would be able to pursue or represent the Township on. He in turn contacted the attorney on behalf of the property owner in question and the association's attorney and they are supposed to all sit down and meet together without the formal process of mediation. Henderson's attorney was made aware by the Prosecutor that the deadline to file an appeal is this Friday (2/28/20) at noon. If an appeal is not filed, then a citation will be filed with Municipal Court to have the bridge removed. February 28<sup>th</sup> the attorney for the property owner submitted a permit application for the bridge which was subsequently refused. It is anticipated that the attorney will be submitting an appeal application to the BZA for their consideration. The next deadline is March 27<sup>th</sup> for the April 15<sup>th</sup> hearing. March 27, 2020 the Henderson's have submitted their application to appeal my decision to deny their permit application to the Board of Zoning Appeals. Since this case is going to involve Attorneys, residents and likely a court reporter, we are going to hold off on having the hearing until we can meet in person. If restrictions do not lift for the State, then we will attempt to hold this hearing via Zoom. The Association President emailed 04/21/20 asking for a status update because he was surprised to have returned from Florida to still see the bridge in place. He was told that a permit application had been filed and refused and subsequently a BZA application has been received, but we are waiting until the Board can meet in-person for the hearing. He was also told that had the Association agreed to meet in mediation this could have been resolved sooner, but now these applications put a Stay on any further action, which will likely end up in court and further Stay any action on the bridge for possibly a year or more.

There were no visitors at the meeting. Trustees agreed to keep township buildings closed with the exception of the meeting room for trustee meetings and zoning meetings as needed. Mrs. Dale may come into the office or continue to work from home as it has been working out very well with her performing her duties remotely and holding meetings on zoom.

Township meetings will return to twice monthly beginning at a new time, 6 p.m., on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays with department heads excused until further notice.

Census Bureau request for use of township hall was denied but shelter house or open maintenance garage area may be used.

### **Ohio Senate Bill 310**

#### **In the matter of fulfilling the requirements of Ohio Senate Bill 310 for the passage of a resolution in order to receive and expend federal funds under section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act**

A motion was made by Trustee **Dress** to adopt the following:

**WHEREAS**, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

**WHEREAS**, the Ohio General Assembly established a process for distributing funds provided by the "Coronavirus Aid, Relief, and Economic Security Act" in Amended Substitute Senate Bill 310 of the 133<sup>rd</sup> General Assembly (S.B. 310); and



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**WHEREAS**, S.B. 310 requires subdivisions receiving funds, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations before receiving said funds; and

**WHEREAS**, **Danbury Township Board of Trustees** is requesting its share of funds from the County Coronavirus Relief Distribution Fund; and, therefore be it

**RESOLVED** by the **Danbury Township Board of Trustees** affirms that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310 be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations and guidance only to cover expenses that:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) Were not accounted for in **Danbury Township's** most recently approved budget as of March 27, 2020; and
- (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. And be it further

**RESOLVED** by the **Danbury Township** Board of Trustees that the **Danbury Township Fiscal Officer** take the following actions and all other necessary actions to remain in compliance with S.B. 310:

- (1) On or before October 15, 2020, pay any unencumbered balance of money in the county's local coronavirus relief fund to the county coronavirus relief distribution fund;
- (2) On or before December 28, 2020, pay the balance of any money in the county's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
- (3) Provide any information related to any payments received under S.B. 310 to the Director of the Ohio Office of Budget and Management as requested.

RESOLVED, that the Fiscal Officer is hereby authorized and instructed to transmit a certified copy of this resolution to the county auditor and to the Director of the Ohio Office of Budget and Management.

Trustee Hirt seconded the motion for adoption.

Adopted on: **June 11, 2020** pending final approval with the Governor's signature. All aye.

Ms. Rozak moved and Mr. Hirt seconded a motion to move into executive session 7:59pm. to discuss property purchase and appointment, employment or compensation of a public employee. All aye. At 8:27pm. Mr. Dress motioned to leave executive session and return to regular session, seconded by Mr. Hirt. All voted aye.

Ms. Rozak moved to permit Kyra and John Veverka to secure a surveyor to perform a survey for a portion of a lot that encompasses township property on Huron Trail. The approximate area to be surveyed is 190' x 50' directly behind the Veverka's property. Trustees were favorable with a selling price of \$1,000 for the property with the purchasers assuming all related costs for the purchase. Second by Mr. Hirt. All aye.

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Mr. Hirt moved and Mr. Dress 2<sup>nd</sup> to bring Mark Turinsky back to work from COVID-19 CARES leave on Monday, June 15. Ms. Rozak will prepare a letter confirming the return. We may need to make staffing changes based on the Road Department budget, the situation will be monitored. All voted aye.

**FISCAL BUSINESS**

Mr Hirt motioned and Mr. Dress second payment of payroll and bills for the period of 5/14 – 6-10-2020 in the amount of \$234,485.17. All voted yes. There being no further business before the Board, Mrs Rozak moved and Mr. Hirt seconded a motion to adjourn at 8:35 pm. All aye.

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Fiscal Officer

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Danbury Township Board of Trustees