

TOWNSHIP BOARD OF TRUSTEES REGULAR

July 22, 2020

The Regular Meeting of the Danbury Township Board of Trustees was held at the Danbury Township Hall, and called to order at 6:00 p.m. by President John Paul Dress.

The pledge of allegiance was recited the roll was called and the following members were present: Mr. John Paul Dress, Ms. Dianne M. Rozak and Mr. David M. Hirt, Fire Chief Keith Kahler, Road Superintendent Brett Waldron and Fiscal Officer Assistant Susan Dress. Excused: department heads and Carolyn Adams.

APPROVAL OF THE MINUTES

Ms. Rozak moved and Mr. Dress seconded the motion to approve the regular meeting minutes for July 8, 2020 as presented. Roll call was unanimous and motion carried.

Guests:

Gary Quisno was present as a candidate running for Ottawa County Commissioner. He introduced himself and provided an overview of his background.

CORRESPONDENCE

- Ottawa Regional Planning Commission / rezoning recommendation.
- John Sebold land purchase inquiry

ROADS-BUILDINGS-GROUNDS

- Sackett Cemetery- trimming trees
- Mowing and maintaining the Parks and road ROW
- Met with Jim Darr and the Director of Joint Solid Waste District, to accommodate our recycling overflow they have agreed to add 2 more dumpsters
- Pre construction meeting for Lightner Road was last Thursday morning
- Pressure washing buildings before our spider spray application
- Snowplow truck proposals
- Township Cleanup begins August 18th

Discussion was held regarding video security at the recycling area and the brush drop-off area. Mr. Waldron will provide further information at the next meeting. The pre-construction meeting for Lightner Road was held on video conference last week. It will be scheduled after Labor Day.

Trustees reviewed the Proposals (state purchasing) for a cab & chassis (truck frame and tires). Selking International cost is \$87,184.55 v. \$83,150 from Valley Freightliner. Selking will assist us with disposal (sale) of the current truck. Mr. Waldron recommended Selking due to the sale assistance they offer.

Mr. Hirt moved to purchase the International from Selking. Second by Mr. Dress. All aye.

POLICE

The Department responded to 352 incidents in July to date. Chief Meisler received several thank you notes from the community residents. Trustees accepted the resignation of Patrolman Brayden Schrader effective August 1, 2020. The Department received in DARE Grant funding for the 2020-2021 school year in the amount of \$6199.74.

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FIRE

Chief Kahler presented the Fire Department Activity report:

		Fire & Ems Run Details					
		EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
7-22-2020		56	7	8	10	2	1
Year to date		377	23	19	46	5	3
Total		473					

*Motor Vehicle
Crash(es)
** Alarm Activation(s)
***Carbon Monoxide
Investgation(s)

Chief provided a “fly through” video of the new building. A few changes will be made and it will be available to be posted on the township website.

Ms. Rozak provided the annual cost of the levy to taxpayers from data received from the County Auditor. A house appraised at \$100,000 with an assessed value of \$35,000, the annual cost for this levy will be approximately \$26.25.

RESOLUTION 12- 2020

Trustee Hirt moved the adoption of the following Resolution and Trustee Dress seconded the motion.

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE LEVY OF AN ADDITIONAL PROPERTY TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE BUILDINGS AND SITES, FIRE APPARATUS AND OTHER EQUIPMENT AND APPLIANCES AND THE PROVISION OF EMERGENCY MEDICAL SERVICES OPERATED BY THE DANBURY TOWNSHIP FIRE DEPARTMENT AND THE PAYMENT OF OTHER RELATED COSTS

WHEREAS, on July 8, 2020 this Board adopted a resolution declaring the necessity of levying a property tax in excess of the ten-mill limitation for the purpose of providing and maintaining fire buildings and sites, fire apparatus and other equipment and appliances and the provision of emergency medical services operated by the Danbury Township Fire Department and the payment of other related costs and requesting certain certifications of the County Auditor (the Resolution of Necessity);

WHEREAS, the County Auditor has certified that the amount that would be produced by a levy of three fourths of one mill would be \$353,565, and the total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$496,232,630 (the Auditor’s Certification); and

WHEREAS, this Board has determined to proceed with the levy described herein.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES, at least two (2) members of the Board concurring, that:

Section 1. This Board hereby determines to proceed with the submission of the question of levying an additional tax in excess of the ten-mill limitation pursuant to Section 5705.19(l) of the Revised Code for the benefit of the Township of Danbury (and including the Village of Marblehead) for the purpose of providing and maintaining fire buildings and sites, fire apparatus and other equipment and appliances and the provision of emergency medical services operated by the

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Danbury Township Fire Department and the payment of other related costs, as authorized by Ohio Revised Code Section 5705.19(l), at a rate of three-fourths of one mill (0.75 mills) for each one dollar (\$1.00) of valuation, for a continuing period of time, beginning in tax year 2020 and to be first collected in calendar year 2021.

Section 2. The question of approving the levy shall be submitted to the electors of the Township (and including the Village of Marblehead) at the election held on November 3, 2020.

Section 3. The Township Fiscal Officer is hereby directed to file a certified copy of this Resolution (together with the Resolution of Necessity and the Auditor's Certification) to the Board of Elections of the County of Ottawa on or before August 5, 2020 to make the necessary arrangements for the submission of the question to the electors.

Section 4. It is hereby found that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall become effective immediately upon its adoption.

Upon roll call on the adoption of this Resolution, the vote was as follows:

Mr. John Paul Dress yes Mr. David M. Hirt yes Ms. Dianne Rozak yes

The Township will continue discussion on funding the Fire Station levy.

Mr. Dress motioned contracting with the McDonald Hopkins Group with Amanda Gordon to advise on funding options. Mr. Hirt seconded the motion.

Mr. Hirt moved, Mr. Dress seconded hiring Amanda Miller as auxiliary/support personnel as needed at \$10/hr. All aye.

Dismissal Letters for removal of Dean Heberlein and Blake Molnar from the fire department roster. Moved by Mr. Hirt, second by Ms. Rozak. All aye.

ZONING

Permits

To-date this month there has been 25 permit applications submitted/processed totaling \$1,342.64 collected in fees and BZA balances.

Board & Commission Activity

The Board of Zoning Appeals –

The BZA held a Special adjudication hearing Tuesday, July 14, 2020, starting at 5:00p.m. via Zoom on the following cases:

a. **BZA-2020-111**

Approved as Presented

186 Sunnydale. Request for an Area Variance to Section 3.5 to allow for a new deck to encroach into the east, front-yard setback (28' proposed/ 35' required). **Jeanne Pruitt, Owner/ Applicant.**

b. **BZA-2020-117**

Approved as Presented

7618 E. Bayshore Road #26 (Maplewood Cove). Request for an Area Variance from Section 7.12 and Section 4.16 to allow for the removal and replacement of a nonconforming resort unit (RV Camper) to encroach into the required 55' rear-yard setback (20' proposed). **Beverly Kuenzli, Owner/Applicant.**

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- c. **BZA-2020-126**
Approved as Presented
341 Willowdale. Request for an Area Variance from Section 5.2.1.C.ii to allow for a garage addition to encroach into the west, rear-yard setback (2' proposed/ 5' required). **River Roubaix, Owner/Applicant.**
- d. **BZA-2020-127**
Approved as Presented
327 Shrock. Request for an Area Variance from Section 5.2.1.C.ii to allow for a shed to encroach into the south, side-yard setback and east, rear-yard setback (0' proposed/ 5' required). **Dennis & Diane Pamer, Owners/Applicants.**
- e. **BZA-2020-128**
Approved as Presented
255 Hamilton. Request for an Area Variance from Section 5.1.7 to allow for a deck to encroach into the north, front-yard setback (7.05' proposed/ 20' required). **Cerny Family Association, Owner/Applicants; Kevin Clere, Agent.**

The BZA held their Regular adjudication hearing Wednesday, July 15, 2020, starting at 5:00.m. via Zoom on the following cases:

- a. **BZA-2020-129**
Approved as Presented
443 Walnut. Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [325s.f. (29%) proposed/ 223.8 (20%) allowed) and to Section 5.5.8 to allow a 6' high fence in the side-yard (4' high permitted). **Eugene & Nancy Jacob, Owner/Applicant.**
- b. **BZA-2020-130**
Postponed per Applicant
177 S. Bridge Road (Lakeshore Canvas). Request for an Area Variance from Section 3.5 to allow for new commercial building to encroach in to the east, rear-yard setback (5' proposed/15' required) and south, side-yard setback (5' proposed/ 10' required). **Nate Schmitt, Owner/ Applicant.**
- c. **Postponed from June 17, 2020**
BZA-2020-090
Withdrawn
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.**
- d. **BZA-2020-137**
Approved as Presented
9440 Northern Avenue. Request for an Area Variance to Section 7.12.3.A to allow more square footage onto a nonconforming structure than permitted [2,008s.f. (115%) proposed/ 348s.f. (20%) allowed). **Clay & Becki Tice, Owners/Applicants; Pete Johnson, Agent.**
- e. **BZA-2020-138**
Approved as Presented
432 E. 2nd Street. Request to for an Area Variance to Section 3.5 to allow for a front porch addition to encroach into the west, side-yard setback (0' proposed/ 3' required), east, side-yard setback (1'6" proposed/ 3' required), and to exceed the allowable lot coverage (58% proposed/ 55% required). Also requesting an Area Variance from Section 7.12.3.A to exceed the allowable addition square footage onto a nonconforming structure (705.04 s.f.; 38% proposed/ 394.2 s.f.; 20% required). **David & Meredith Workman, Owners/Applicant; John Feick, Agent.**

The Zoning Commission -

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The next Zoning Commission meeting scheduled for July 1, 2020 was cancelled. The next meeting is scheduled for August 5, 2020.

Ottawa County Regional Planning Commission will be considering a Map Amendment request on the following application at their July 21, 2020 meeting:

ZC-2020-143 0, 419 & 479 S. Lightner Road. Request for a Map Amendment from "A" Agricultural to "R-C" Recreational Commercial for PIN# 0141174415277000 (Sec. 4, part of Lot 16 NW Corner 70'x 125' Firelands Survey – 0.200ac.), 0141866525006000 (35.543acres) & 0141866525006001 (7.324ac.)(both Sec. 4, part of Lot 16 Firelands Survey) consisting of 43.067 total acres. **Francisco & Pamela Davis-Guerra, Owner/Applicant; R. Brian Hunt, Owner/Applicant; Holly Hunt, International Animal Exchange/ Agent; Rod Gillespie, BEC Associates/Agent.**

Department Updates

- Nothing new to report.

Violations/ Complaints:

ILLEGAL RENTAL:

5849 Dennis (*Illegal Rental – Northcoast Anchor Development*)

Open

Complaint filed 07.11.2020 about on-going illegal use of the house as a rental to charters. Certified letter sent July 13, 2020 and was delivered & signed for 07.17.2020.

ILLEGAL CAMPERS:

8183 & 8193 E. Lake Blvd. (*Illegal Camper – Zimlich*)

Open

Complaint received 07.13.20 about a camper on this property over the weekend and is apparently staying for the week. Complainant verified people are definitely staying in it. Certified Letter was sent the same day and received by the owner 07.18.20.

7558 E. Bayshore Road. (*Illegal Camper – Leimbach*)

Monitoring

Verbal, phone complaint was received over 4th of July holiday from an adjacent property owner there were multiple campers on this property for the holiday weekend and tend to show up other weekends also. Letter was sent July 6, 2020. Owner called and asked if they could become an RV Park. Explained that they would need to receive a Conditional Use from the BZA, but that RV parks have a 10 acre minimum lot size, which this property does not have. In addition, they would be required to have a Campground license from the Health District and possibly approvals thru the EPA, depending if sewer & water were to be extended. Owner had a bit of an attitude about it over the phone which gave the impression they may continue to do this. We'll continue to monitor.

JUNK & DEBRIS:

1265 Englebeck Road (*Multiple Junk Vehicles – Carr*)

Open

Complaint was filed 06.24.20. Due to office workload and amount of vehicles that had to be inventoried on this property (7 visible), a letter was delayed in going out. Certified letter was sent 07.07.2020. Owner received the letter 07.17.20. Owner will have 14 days to remove or conceal vehicles. Property will be re-checked 07.31.20

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

Open

Owner pled Not Guilty which is now causing this case to go before the Muni Court as a bench trial which is scheduled to take place August 12, 2020 at 9:00a.m.

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

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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. 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. Complaint filed with Municipal Court 06.19.20 for 2 junk vehicles and exceeding allowable number of recreational vehicles on the property. Hearing is to be held morning of 07.08.20. Will give Trustee Rozak update of outcome.

TALL GRASS:

7426 E. Bayshore (*Tall grass– Smecker*)

Open

Complaint received over the weekend on 07.18.20 regarding tall grass on this property. It is in the middle of a foreclosure. Letters will go out this week to interested parties.

8569 & 8581 Billings (*Tall grass– Kowalski*)

Open

Complaint was received 07.08.2020 regarding tall weeds around the trees and house and a couch out in the yard. Certified letter was sent later the same day. Owner signed for and received the letter 07.10.20 and called last week about it. Will be re-checked 07.24.20.

129 S. Bridge (*Tall grass– Scott Thompson*)

Open

Complaint received 06.29.20. Certified letter sent same day. Owner still has not claim, but the owner called 07.15.20 and is aware of the letter, and asked what it was about.

140 Tibbels (*Tall grass– Wowk*)

Monitoring

Second Certified letter sent 06.11.20 and was signed for by the owners 06.13.20. Grass has been cut as of 07.02.20, but I can't tell if they have it on a regular schedule or if they are doing it after they receive a letter from us.

Prior Info: 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.

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

CLOSED

Complaint received 07.06.20. 2nd formal notice – Order to Comply will be sent via Certified Mail this week.

Prior Info: Complaint received 05.12.20. Certified letter was sent to the property owner 05.12.20. 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. Owner was contacted again 06.08.20 and grass has been properly cut as of 06.13.20.

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

CLOSED

07.16.20 Printy Enterprises cut the grass on this property on behalf of the Township. Just waiting on their invoice to know what the final cost was. Once received, we'll ensure the proper paperwork gets filed with the County Auditor's Office for the assessment.

Prior Info: 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. Since sending the letter, which was received by the interested parties, we have received 2 formal written complaints and one phone call about this property. The grandson of the late Mr. Burton called and indicated that since

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he does not have possession of the property from the estate and bank (multiple mortgages were taken out), he has no intentions of maintaining it until he has rightful title to it. Tall grass resolution is included for the Board's passage. Trustees passed Resolution 10-2020 on June 24, 2020. Certified letters were sent to the known interested parties June 29, 2020 via certified mail. The lien report came back from Hartung Title 07.01.20 and letters were sent out to additional interested parties that same day. It is anticipated that the property can be cut sometime the week of July 13.

1935 Ellsworth (*Tall grass- Brown*)

CLOSED

Certified letter was received 07.09.2020. Upon reinspection 07.16.20 grass had been cut.

Prior Info: Complaint received 07.05.20 regarding tall grass at this property. Had prior history of being a repeat offender. Certified letter will go out to the owner this week.

CONSTRUCTION WITHOUT PERMITS:

172 Elizabeth (*Shed w/out Permit - Guy Tibbels*)

Open

Owner is actively working on getting the necessary paperwork in order.

Prior Info: A replacement shed was installed without a permit. Located partially on property not owned solely by the lot owner. Letter was sent via regular mail 06.26.20. Owner called 06.29.20 and is trying to make sure property agreements with his siblings and family business are in place and have actually been recorded.

562 Sycamore (*Fence w/out Permit*)

CLOSED

Lakeside approved part of the fencing in the road right-of-way which a zoning permit cannot be issued for. The other portion of fencing does require a permit and the owner has applied for this which was issued 07.19.20.

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

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

CLOSED

BZA approved the variance. Permit will be issued following August 19, 2020 meeting

Prior Info: 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. Owner has submitted a variance application for the deck which will be heard in July.

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

CLOSED

Applicant formally withdrew the application the morning of the 07.15.20 hearing. The bridge has been removed.

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

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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 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 28th 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 27th for the April 15th 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. Homeowners requested a 1 month continuance/ postponement because they intend to remove the bridge. Case is scheduled before the BZA on June 17, 2020 at 6:30p.m. via Zoom. Applicant requested a postponement at the June BZA hearing with the intent to get the bridge removed before the July 15th BZA hearing. Owner called 07.01.20 and stated the bridge has been removed. Upon inspection, it has indeed been removed. I have not received official word from their attorney that they are withdrawing the BZA application, but would anticipate receiving that prior to the July 15th meeting.

OTHER:

1432 N. Buck Road (*So-Lucki Lodge - Solecki*)

OPEN

This application could be modified as a Minor Amendment to a Conditional Use, but we're waiting on the Building Department to get back with us on occupancy before officially taking that action.

Prior Info: Owner was sent a letter 07.03.20 notifying them that according to their marketing material they are not operating their B&B Conditional Use as approved and risk having their permit revoked if they continue to operate illegally.

OLD BUSINESS

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Mr. Hirt motioned acceptance of the Danbury Township Pandemic Safety Policy for Travel , Mr. Dress seconded. The purpose of this policy is to establish requirements and guidelines for the safety of Danbury Township employees planning voluntary out-of-Ohio personal or vacation travel during the COVID-19 State of Emergency Pandemic. The ultimate goal of the Board of Trustees is to utilize all measures within the scope of the law to protect their employees from contagion. Roll call, all voted aye.

NEW BUSINESS

Trustees discussed future options for State Routes 2 & 269 off ramp. The board, the police chief and the county engineer would like ODOT to continue to pursue additional funding for a roundabout.

Discussion was held regarding a request for no-wake buoys at Marblehead Estates and Yacht Club. Ms. Rozak is waiting for ODNR to respond to her questions regarding the process.

A meeting of the Records Commission is scheduled for August 8th at 5:55 pm. to review and complete form R-1 for disposal of obsolete records. The meeting will be held with the chairman of the trustees and the fiscal officer.

Employee compensation will be discussed after the August tax settlement is received.

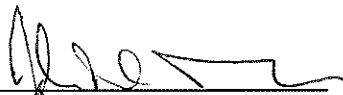
FISCAL BUSINESS

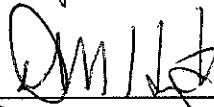
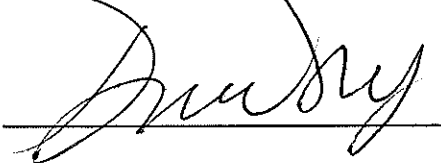
A motion by Ms. Rozak and seconded by Mr. Dress to approve the payroll and bills totaling \$57,552.83 for the period 7/9– 7/22. Roll call was unanimous and motion carried. Ms. Rozak motioned and Mr. Hirt seconded the acceptance of the June bank reconciliation. Roll Call all voted yes.

There being no further business before the Board, Mr. Dress moved and Ms. Rozak seconded a motion to adjourn at 7:35 p.m. Motion carried.



Fiscal Officer



Danbury Township Board of Trustees