

RECORD OF PROCEEDINGS

DANBURY TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held January 22, 2025

Trustee Hirt called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited. Roll call: Trustee Rozak, Trustee Dress and Trustee Hirt were present, along with Fiscal Officer Brinkley Paul, Township Assistant Lynne James, Fire Chief Shawn Hunsicker and Zoning and Planning Administrator Kathryn Dale. Visitor in attendance was Susan Dress.

Ms. Rozak motioned the approval of the January 8, 2025, Trustee meeting minutes. Mr. Dress seconded; all ayes and motion carried.

Fire

Fire & Ems Run Details						
	EMS	Fire	MVC*	Alarm **	CO***	Mutual Aid
January as of the 22 nd	51	1	1	4	0	0
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
2025	51	1	1	4	0	0
Total	57					

*Motor Vehicle Crash(s)

** Alarm Activation(s)

***Carbon Monoxide Investigation(s)

- Ms. Rozak motioned and Mr. Dress seconded to renew the Medicount contract which was at 8% and this year it will be 7.9%. All ayes and motion carried.
- AED language on House Bill 47 has changed and Ms. James will get more clarification at the Winter Conference.

Roads

- Sackett Cemetery – no burials.
- There have been several snow events.
- Superintendent Waldron is waiting for one more quote to grind at the Brush Collection site.
- Bayside Heating started installing heat in the new maintenance facility.

Police

- Chief Meisler submitted the incident report: From 1-1-2024 to 1-22-2025 the department responded to 151 calls.
- No serious incidents to report due to the recent weather.

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Held _____ January 22, _____ 20 _____ 25 _____

Zoning

PERMITS

To-date this month there have been 7 permit applications submitted/processed totaling \$752.40. collected in fees and application balances.

BOARD & COMMISSION ACTIVITY

The Board of Zoning Appeals –

The Board of Zoning Appeals held the following adjudication hearings on January 15, 2025:

a. **CONTINUATION from 12.18.24:**

BZA-2024-287

Withdrawn by Applicants

355 S. Bridge. Request for an Area Variance from Section 5.10.3.C.ii to allow for a reduction in the number of required on-site commercial parking spaces (85 required/ 62 proposed). **Peninsula Endeavors/ Roberta Bero, Owner/Applicant; Jill Stevenson, Co-Owner/Agent.**

- *Owners intend to resubmit a different application with less of a request on the number of parking spaces to be eliminated.*

b. **BZA-2025-001**

Approved as Presented

128 Leddy Lane. Request for an Area Variance to Section 5.1.7 to allow for an addition to encroach into the north, side-yard setback (2'6" proposed/ 5' required) and to Section 5.1.3 to exceed the maximum lot coverage [41.2% (2,015s.f.) proposed/ 40% (1,958s.f.) allowed]. **Steve & Kelly Brickner, Owners/ Applicant.**

The Zoning Commission -

The Zoning Commission meeting for January was cancelled. Their next scheduled meeting date is February 5, 2025, and will continue their discussions on Storage Building Regulations.

DEPARTMENT UPDATES

- Nothing new to report

VIOLATIONS/COMPLAINTS

Other Misc.:

None at this time.

Illegal Rentals:

None at this time.

Illegal Use:

None at this time.

Junk & Debris:

None at this time.

Tall Grass:

None at this time.

Camper Occupied:

None at this time.

Construction without Permits:

5802 Sweetbriar (*Fence w/out permit – Scrivens-Schneider*)

The owners have been very good about staying in contact with us on their plans for the fencing. They initially thought they were going to apply for a variance but are now going to check with their fence company to see what options they may have to cut the fence down to meet the requirements or to relocate the fencing so as to be in compliance.

Prior Info: Received notice from an adjacent property owner concerned over the height of a fence installed at this location. Upon inspection, all new fencing had been installed with no permit. The property owners were contacted 01.06.25 and emailed information they will need. Ultimately this will require a variance in order for some of the fencing to remain in place. The complainant was also updated with this information. The owners indicated that they were physically in the car driving to Florida for the winter and will not return until May. The complainant said they would not be opposed to us dealing with this until the owners return because they too winter out of the area and want to be able to attend any hearing for a variance.

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2991 Waterside Court (Lanai w/out permit – Bilton)

We're still just waiting for a decision from the 6th District Court of Appeals. We had hoped to have it by now.

Prior Info: Letter sent to property owner 10.26.22 notifying them that a permit is necessary for the lanai, screened-in porch they constructed without any permits on the rear of the condo unit. The owner contacted me 11.04.22 and understands that a variance will be necessary. Paperwork has begun for them to be able to get on the December meeting agenda. Application was denied at the December BZA Meeting. The owner has retained legal counsel and is indicating they intend to proceed with an appeal with the Ottawa County Court of Common Pleas. On January 26, 2023, the property owner through their legal counsel has filed their Notice to Appeal the BZA decision to the Court of Common Pleas. Transcript has been ordered, case file and transcript must be filed with the court no later than March 7, 2023. Jeff Stopar will be handling the case for us. The transcript was submitted by the Court Reporter and case filed 02.23.23 with the Court. Attorney Conference call is scheduled to be held the morning of 03.13.23. Would assume at that time a briefing scheduled will be laid out. The Attorney Conference call took place 03.13.23. The Bilton brief is due May 4, 2023. The Township response brief will be due June 8, 2023, and then their final counter brief will be due June 29, 2023. At any point, the attorneys from either side can request extensions. On May 1, 2023, the appellants and property owner requested a 14-day extension to file their brief, to now be due May 18, 2023. This will push all subsequent briefs back equally in time. A second extension was requested from the appellant's attorney and their brief was submitted to the court on May 23, 2023. The Township brief is due June 27, 2023. J. Stopar was going to request a 10-day extension for filing our brief that was due 06.27.23. Should now be due 07.07.23. J. Stopar filed the Township's Brief & Response 07.07.23. The Appellant's final brief will now be due 07.28.23. The Appellant's final brief was supposed to be due 07.28.23 but they filed another extension request to file it no later than 08.11.23. The Appellants final brief was submitted to the Court 08.08.23. Have not had a chance to touch base with J. Stopar on what the "Next Steps" are. I believe the options will be for either to request Oral Arguments or just let the briefs speak for themselves and wait for the Judge's Decision. The local, Court of Common Pleas Judge's Decision came in on November 20, 2023, affirming or upholding the BZA's decision. The homeowners had 30 days to file a further appeal with the 6th District Court of Appeals. This Appeal was filed December 8, 2023, and we will now be at the disposal of that Court's timeline on this matter. I will keep the Board abreast of what occurs. In 6th District Court of Appeals. The Appellants filed a brief January 18, 2024, and requested Oral Arguments. The Township's reply brief is due by February 5, 2024, but J. Stopar has indicated that he will likely take an automatic 10-day extension. In 6th District Court of Appeals. The Township was granted an extension to file the reply brief which is now due March 8, 2024. J. Stopar filed the reply brief on behalf of the Township 03.08.24. Appellant will have the opportunity to submit a reply brief to our reply which is due in 10 days so as long as no further extensions are requested. 4-6 weeks after that, oral arguments will be scheduled. Will have to report back what those dates are once scheduled. Bilton's attorneys have requested an extension to file their last brief by March 28th. The property owner attorney filed their last brief on March 28th and we are now just awaiting word on when oral arguments will be scheduled. Oral arguments were held 06.05.24 in Toledo. The hearing lasted approximately a half hour. Many of the same, expected arguments were made from the briefs that have been filed. The panel of judges asked the Appellants attorney a number of questions, but overall, had a feeling that the BZA's decision may be upheld:

****Ms. Dale** stated she submitted information due to a call today letting her know the Court of Appeals found in favor of Danbury Township Board of Zoning Appeals. Attorney Stopar says Appellants can appeal to the Supreme Court of Ohio within 45 days, but the Supreme Court would also have to accept the appeal. That will be unknown for a few weeks if they choose to go that route. Ms. Dale will keep the Board advised and with no further zoning to discuss, left the meeting.

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Correspondence

Jefferson Health Plan emailed their January 2025 News and Announcements; also if the Fiscal Officer gets the SERB, forward to Jefferson, they will complete and submit. Ottawa Co. Township Association meeting is tomorrow night and this year the Executive Officers would like to ask for an appointed representative and an alternate to attend the quarterly meetings. Mr. Hirt volunteered to be Danbury Township's representative and Mr. Dress volunteered to be the alternate.

Old Business

- The Trustees reviewed the 2021/2022 Audit Report with Ms. Paul. All errors were largely due to incorrect recording by the previous Fiscal Officer into the proper fund categories. No monies were missing and fund corrections were made by the State Auditor's office and Fiscal Officer Paul. Working closely with the State Auditor and Benton Township Fiscal Officer Gayle Millinger, 2024 has been corrected and measures have been put into place for both the Trustees and Fiscal Officer, to assure proper reporting moving forward.
- Mr. Dress requested to have a discussion at the next meeting, regarding all Departments wish lists. Ms. James will update next month's agenda.
- Mr. Dress still has questions regarding the report showing carryover, expenses and revenue. They asked Ms. Paul to check with Deb Paul and Gayle Millinger. Ms. Paul will have more information at the next meeting regarding clarification of this issue.

New Business

- Ms. Rozak has been in touch with Biologist, John Blakeman; responsible for the controlled burns at Meadowbrook, as ODOT asked the Township about landscaping the inside of the new roundabout, slated to begin construction this year after Labor Day. The design Mr. Blakeman would be working with involves about a 40-foot diameter circle at the center of the roundabout.

The idea is to use native grasses and wild flowers to create a pollinator garden and small signs will be allowed to designate it as a pollinator garden. Danbury Township would be responsible for the mowing and maintenance of this inner circle and Mr. Blakeman is anticipating that to be only once a year.

Mr. Blakeman is in the process now of drawing up some preliminary plans and when Ms. Rozak receives those, she will bring them to the Board and get confirmation from ODOT.

This may also become a master plan for other roundabouts going in throughout Ohio and once everything is implemented, Ms. Rozak would like to publish this in the OTA Magazine and other media sources.
- Ms. James submitted the annual 300AP form, from the Bureau of Workers Comp, for confirmation Trustee signature as it must be posted at all departments from Feb 1st to April 30th this year. It states that Danbury Township had zero accidents and injuries to report for 2024.
- Ms. James and Chief Hunsicker went to the Ottawa County Safety Council meeting today and requested to host on September 17th, for campfire safety and how to properly use fire extinguishers. They will keep the Board advised of the approval, but OCSC was excited Danbury has extended the invitation again this year.
- OCSC will be hosting a safety conference at CIC again this year on May 7th and the Board has approved attendance for Ms. James. Ms. Rozak asked if it would be beneficial for other department heads to attend the conference and Ms. James said once she receives the Agenda and class topics, she will advise the Board and the Department Heads.

Fiscal Business

- Ms. Rozak motioned and Mr. Dress seconded, to approve bills and payroll totaling \$143,208.31 for the period January 9, 2024 through January 22, 2025. All ayes and motion carried. (see next page)

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January 22,

2025

DANBURY TOWNSHIP, OTTAWA COUNTY

1/22/2025 2:43:10 PM

Payment Listing

UAN v2025.1

1/9/2025 to 1/22/2025

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
15-2025	01/10/2025	01/21/2025	CH	Columbia Gas	\$1,787.55	O
16-2025	01/15/2025	01/21/2025	CH	Ohio Edison	\$132.04	O
17-2025	01/15/2025	01/21/2025	CH	Ohio Edison	\$770.87	O
18-2025	01/10/2025	01/21/2025	CH	Ohio Edison	\$96.50	O
19-2025	01/17/2025	01/21/2025	CH	Ohio Edison	\$1,627.94	O
20-2025	01/17/2025	01/21/2025	CH	Aflac	\$1,059.28	O
21-2025	01/20/2025	01/21/2025	CH	Verizon Wireless	\$309.41	O
22-2025	01/16/2025	01/21/2025	CH	OPERS	\$22,657.57	O
23-2025	01/21/2025	01/21/2025	CH	Ottawa County Sanitary Engineering	\$24.00	O
24-2025	01/21/2025	01/21/2025	CH	Ottawa County Sanitary Engineering	\$24.00	O
25-2025	01/21/2025	01/21/2025	CH	Ottawa County Sanitary Engineering	\$66.84	O
26-2025	01/21/2025	01/21/2025	CH	Ottawa County Sanitary Engineering	\$108.42	O
27-2025	01/15/2025	01/21/2025	CH	dotnet technologies llc	\$2,204.53	O
28-2025	01/17/2025	01/21/2025	CH	Ohio Police & Fire Pension Fund	\$15,036.70	O
29-2025	01/17/2025	01/21/2025	CH	Ohio Public Employees Deferred	\$6,945.00	O
30-2025	01/16/2025	01/21/2025	CH	OPERS	\$14,036.84	O
31-2025	01/17/2025	01/21/2025	CH	Auditor of State	\$635.50	O
32-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$51,778.93	O
33-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$1,346.26	O
34-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$2,008.86	O
35-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$4,949.09	O
36-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$1,462.82	O
37-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$101.63	O
38-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$152.35	O
39-2025	01/15/2025	01/21/2025	CH	Paychex of New York, LLC	\$925.55	O
40-2025	01/15/2025	01/22/2025	CH	Columbia Gas	\$193.23	O
48566	01/22/2025	01/21/2025	AW	Firelands Regional Medical Center	\$332.50	O
48567	01/22/2025	01/21/2025	AW	Culligan of Northern Ohio	\$24.19	O
48568	01/22/2025	01/21/2025	AW	Charter Communications	\$2,458.02	O
48569	01/22/2025	01/21/2025	AW	Genoa Bank	\$667.26	O
48570	01/22/2025	01/21/2025	AW	Gannett Ohio LocalIQ	\$148.74	O
48571	01/22/2025	01/21/2025	AW	Genoa Bank	\$629.24	O
48572	01/22/2025	01/21/2025	AW	U.S. Bank Equipment Finance	\$500.85	O
48573	01/22/2025	01/21/2025	AW	H.B. Magruder Hospital	\$136.69	O
48574	01/22/2025	01/21/2025	AW	Valley Ford Lakeside	\$248.23	O
48575	01/22/2025	01/21/2025	AW	Semro Henry & Spinazze Ltd.	\$710.01	O
48576	01/22/2025	01/21/2025	AW	Catawba Interiors	\$2,197.34	O
48577	01/22/2025	01/21/2025	AW	Charter Communications	\$30.80	O
48578	01/22/2025	01/21/2025	AW	Baumann Auto Center, Inc.	\$519.09	O
48579	01/22/2025	01/21/2025	AW	Ohio Diesel	\$191.73	O
48580	01/22/2025	01/21/2025	AW	Lakeland Auto & Marine Inc.	\$385.50	O
48581	01/22/2025	01/21/2025	AW	Galls, AN Aramark Company	\$488.35	O
48582	01/22/2025	01/21/2025	AW	Bound Tree Medical LLC	\$413.09	O
48583	01/22/2025	01/21/2025	AW	Capital Tire, Inc.	\$580.00	O
48584	01/22/2025	01/21/2025	AW	Darr's Cleaning Inc.	\$485.00	O
48585	01/22/2025	01/21/2025	AW	The Standard	\$1,619.97	O

DANBURY TOWNSHIP, OTTAWA COUNTY

1/22/2025 2:43:10 PM

Payment Listing

UAN v2025.1

1/9/2025 to 1/22/2025

Total Payments:	\$143,208.31
Total Conversion Vouchers:	\$0.00
Total Less Conversion Vouchers:	\$143,208.31

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.

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Held _____ January 22, _____ 20 _____ 25 _____

- Appropriation Fund, Revenue Fund and Fund Summary were provided to the Trustees.
- Ms. Rozak motioned and Mr. Dress seconded to approve the December 2024 bank reconciliation; all ayes and motion carried.
- Ms. Paul called the credit card company that Marblehead suggested, as she faxed them a W-2 and receipt of that fax had been confirmed. They are now stating they did not receive it and we must start over with the application process. Ms. Paul then contacted Genoa and she will proceed with them on new cards, since our credit cards are currently through this bank. They assure us they can update the cards for individual department use.
- Ms. James asked if Ms. Paul will need to be on the 2025 Ballot; Ms. Rozak asked Ms. Paul to contact the Board of Elections for clarification.
- Due to Marblehead Bank merging with State Bank, Ms. Paul presented Resolution 02-2025 Amendment of the Memorandum of Agreement for Deposit of Public Funds. Mr. Hirt motioned and Ms. Rozak seconded approval. Roll call vote: Mr. Hirt Yes, Mr. Dress Yes, Ms. Rozak Yes.

02-2025
**AMENDMENT TO
MEMORANDUM OF AGREEMENT
FOR DEPOSIT OF PUBLIC FUNDS**

This Amendment to Memorandum of Agreement for Deposit of Public Funds (this "Amendment Agreement") is made and entered into by and between The State Bank and Trust Company ("State Bank"), as successor in interest by merger to The Marblehead Bank ("Marblehead"), and Danbury Township ("Danbury").

WHEREAS, Marblehead and the Danbury are parties to a certain Memorandum of Agreement for Deposit of Public Funds dated as of August 25, 2021 (the "Agreement");

WHEREAS, Marblehead has merged with and into State Bank, pursuant to a merger agreement, under which the separate corporate existence of Marblehead has ceased, and State Bank has survived and continues to exist as a state bank (the "Merger"); and

WHEREAS, State Bank and Danbury (collectively hereinafter the "Parties") desire to enter into this Amendment Agreement to memorialize the assignment of the Agreement from Marblehead to State Bank, as successor in interest pursuant to the Merger, and to make other changes to the Agreement as are set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Assignment.** Danbury hereby acknowledges that Marblehead assigned the Agreement to State Bank pursuant to the Merger as of January 17, 2025. State Bank, as successor in interest by Merger to Marblehead, has accepted the assignment and hereby agrees to assume, undertake, perform and discharge any and all such obligations, commitments, terms and conditions of Marblehead under the terms of the Agreement.
2. **Amendments.** The Agreement is hereby amended as follows:
 - A. All references to "The Marblehead Bank" in the Agreement are hereby replaced with "The State Bank and Trust Company".
 - B. The following language is hereby inserted into the Agreement following the second paragraph thereto:

"WHEREAS the Financial Institution is required by the laws of the State of Ohio to collateralize the uninsured public deposits of the Public Entity and has elected to do so through the Ohio Pooled Collateral System (OPCS) as prescribed in section 135.182 of the Ohio Revised Code (ORC)."

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3. **Effective Date.** This Amendment Agreement is effective as of the date set forth below.

4. **No Other Changes.** Except as expressly set forth in this Amendment Agreement, all other terms and conditions in the Agreement shall continue in full force and effect as written and the Parties hereto agree to be bound thereby.

IN WITNESS WHEREOF, the Parties have hereunto set their hands by their duly authorized officers, this 22nd day of January, 2025.

THE STATE BANK AND TRUST COMPANY

Sean LaFontaine

By: Sean LaFontaine

Its: Director of Treasury Management

DANBURY TOWNSHIP

Don Hirt

By: Don Hirt

Its: Trustee Chair

Comments and Concerns

- Ms. Dress asked Chief Hunsicker if billing was changing, regarding fire calls. Chief Hunsicker stated they only charge if they are transporting and that will not change.
- Ms. Dress inquired as to Mr. Blakeman helping with landscaping on the new maintenance property and Ms. Rozak said they are already in discussion regarding the landscaping.
- Ms. Dress requested a copy of the report of appropriation budget by fund for 2024 and 2025 from Ms. Paul.
- Ms. Dress asked if website could be updated regarding budget information. Ms. Paul will work with Ms. Dale to upload 2020 through 2024 information after Winter Conference in Columbus.
- Ms. Dress also requested a copy of the lease payment schedule for new maintenance building purchase and then left the meeting.

Executive Session: Ms. Rozak motioned and Mr. Hirt seconded to move into Executive Session at 7:00 pm to discuss benefits and compensation of public employees and an invitation to Chief Hunsicker to stay for the Fire department portion of the discussion. All ayes, motion carried and the Board moved into Executive Session.

Ms. Rozak motioned and Mr. Hirt seconded to come out of Executive Session at 7:38 pm; all ayes and motion carried.

Ms. Rozak motioned and Mr. Hirt seconded to go back into Regula Session at 7:38 pm; all ayes and motion carried.

Ms. Rozak motioned to remove auxiliary personnel from the Fire Department due to non-utilization. Mr. Dress seconded, all ayes and motion carried.

*Ms. Rozak motioned that at the first pay period in March; 3-26-2025, all full-time personnel, Ron Eckel and Marcel Sorgi receive a 3 % pay raise. Mr. Hirt seconded, all ayes and motion carried.

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January 22, 20 25

Ms. Rozak motioned for Chief Mike Meisler, Chief Shawn Hunsicker and Roads Superintendent Brett Waldron to receive \$8000 bonuses, half paid May 7th and remaining half December 3rd. Mr. Dress seconded, all ayes and motion carried.

*Ms. Rozak motioned that due to Zoning and Planning Administrator Kathryn Dale's recent pay increase, she will not receive the 3% pay increase and will receive a \$2000 bonus, half paid May 7th and the remaining half December 3rd. Mr. Dress seconded, all ayes and motion carried.

All remaining full-time employees will be paid \$6000, half paid May 7th and remaining half December 3rd. Mr. Hirt seconded, all ayes and motion carried.

Ms. Rozak motioned for hourly rate changes effective first pay period in March; 3-26-2025 and 2026 to the following part-time positions at the Fire Department as follows:

Basic EMT \$20.00, Advanced EMT \$21.00, Paramedic \$22.00

Mr. Dress seconded; all ayes and motion carried.

Adjourn

There being no further comments, concerns or business before the Board, Ms. Rozak motioned and Mr. Hirt seconded, to adjourn at 7:42 pm. All ayes and motion carried.



Fiscal Officer







Danbury Township Board of Trustees