

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.

JULIA R. BATES,  
Prosecutor of Lucas County, Ohio  
700 Adams Street  
Toledo, Ohio 43604

\*  
\*  
\*

CASE NO.

Relator

-vs-

\*

DAVID HILARION SMITH,  
1029 N. Crissey Road  
Holland, Ohio 43528

\*  
\*

ORIGINAL ACTION IN QUO  
WARRANTO

Respondent.

\*  
\*

---

**COMPLAINT FOR WRIT OF QUO WARRANTO  
WITH AFFIDAVITS IN SUPPORT**

---

JULIA R. BATES, PROSECUTING ATTORNEY  
LUCAS COUNTY, OHIO

By: Evy M. Jarrett, #0062485 (Counsel of Record)  
Elaine B. Szuch, #0080332  
Assistant Prosecuting Attorneys  
700 Adams Street, Suite 250  
Toledo, Ohio 43604  
Telephone:(419) 213-2001  
Facsimile:(419) 213-2011  
Email: ejarrett@co.lucas.oh.us

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.

JULIA R. BATES,  
Prosecutor of Lucas County, Ohio  
700 Adams Street  
Toledo, Ohio 43604

\*  
\*  
\*

CASE NO.

Relator

-vs-

\*

DAVID HILARION SMITH,  
1029 N. Crissey Road  
Holland, Ohio 43528

\*  
\*

ORIGINAL ACTION IN QUO  
WARRANTO

Respondent.

\*

---

**COMPLAINT FOR WRIT OF QUO WARRANTO**

---

Pursuant to R.C. 2733.03 and 2733.05, Relator Julia R. Bates, the prosecutor of Lucas County, Ohio, seeks a writ of quo warranto ousting Respondent David Hilarion Smith from the claimed office of trustee of Spencer Township, located in Lucas County, Ohio. In support of the complaint, Relator alleges:

**PARTIES AND JURISDICTION**

1. Relator is the elected prosecutor of Lucas County, Ohio, with authority to bring an action in quo warranto pursuant to R.C. 2733.05.
2. Respondent, a former trustee of Spencer Township, Lucas County, Ohio, has usurped and unlawfully holds and exercises the office of trustee of the township,

despite being defeated in the November 3, 2015, election for that office.

3. Respondent's claim to the office of trustee of Spencer Township is invalid pursuant to R.C. 503.241 and 121.22(F) and (H).
4. This Court has original jurisdiction over this complaint for a writ of quo warranto under Article IV, Section 2 of the Ohio Constitution.

**COUNT ONE-VIOLATION OF R.C. 503.241**

5. The statements in all preceding paragraphs are incorporated by reference as if set forth fully in this count.
6. In 2013, Shawn Valentine was elected trustee of Spencer Township with a term commencing January 1, 2014 and ending December 31, 2017. (Valentine Affidavit, ¶1, attached at Appendix I.)
7. Valentine also serves in the United States Army National Guard. (Valentine Affidavit, ¶2.)
8. In the spring of 2015, Valentine was notified that he would be deployed for active military service with the United States Army. (Valentine Affidavit, ¶3.)
9. In June 2015, Valentine gave verbal notice of his upcoming deployment to the two other township trustees, Michael Hood and David Hilarion Smith. Valentine also informed Hood and Smith that he did not intend to resign from his position as trustee but expected to maintain the position pursuant to R.C. 503.241. (Valentine Affidavit, ¶4).
10. Valentine attended a meeting of the trustees on September 3, 2015, just four days before he was required to report for duty at Fort Bliss, Texas on September 7, 2015. (Valentine Affidavit, ¶5).

11. During the course of the September 3, 2015 meeting of the trustees, Hood acknowledged that Valentine was being deployed overseas and requested that Township residents pray over Valentine's safety and service to the country. (McDonald Affidavit, ¶12 and accompanying minutes, attached at Appendix II.)
12. At the next five board meetings, on October 1, November 5, November 19, December 16, and December 30, 2015, Valentine was listed in the roll call as "military leave." (McDonald Affidavit, ¶14-8, and accompanying minutes.)
13. Teresa M. Bettinger defeated Smith in the November, 2015 election for township trustee, so that Smith's term was scheduled to end on December 31, 2015. (Election Summary Report, attached at Appendix III.)
14. On December 30, 2015, Trustees Smith and Hood participated in a meeting of the Spencer Township Board of Trustees. Hood presented a petition requesting Valentine's resignation. Smith read three resolutions seeking (a) Valentine's resignation; (b) the suspension of payments pending an opinion from the Prosecutor's Office on the issue of "double dipping;" and (c) official information regarding Valentine's deployment. That meeting adjourned at 11:15 a.m. on December 30, 2015. (McDonald Affidavit, ¶18 and accompanying minutes.)
15. After the December 30, 2015 meeting, a notice of an emergency meeting of the trustees was posted on the Township Hall door. The meeting was scheduled for the following day, December 31, 2015, at 11:00 a.m. (McDonald Affidavit, ¶19.)
16. On December 31, 2015, Smith and Hood met at 11:00 a.m. At that meeting, Smith moved that Valentine's absences from the township in September, October, November, and December be deemed to have exceeded the time

permitted for absences by a township officer under R.C. 503.241. Hood and Smith both voted yes. Hood then declared the office vacant and moved to have Smith fill the vacancy on January 1, 2016. Both Hood and Smith voted yes. Smith then asked that the fiscal officer inform Valentine that he should "surrender all Township equipment and keys." (McDonald Affidavit, ¶9.)

17. To date, Smith has not renounced his claim to the office and title of trustee of Spencer Township.
18. Since reporting for duty in September 2015, Valentine has continued to serve on active duty with the United States Army. He is currently stationed in Guantanamo Bay, Cuba. (Valentine Affidavit, ¶4).
19. Valentine continues to claim entitlement to the office of Spencer Township Trustee and remains competent and qualified to hold that office

**COUNT TWO - VIOLATION OF R.C. 121.22**

19. The statements contained in the preceding paragraphs are incorporated by reference as if set forth in full in this count.
20. Public notice of the meeting of the Spencer Township trustees held on December 31, 2015 did not comply with the notice requirements set forth in R.C. 121.22(F).
21. The meeting of the Spencer Township trustees on December 31, 2015 was not in response to an "emergency requiring immediate official action" as the term is used in R.C. 121.22(F).
22. The declaration of the vacancy and the subsequent appointment of respondent to fill that vacancy were invalid acts pursuant to R.C. 121.22(H).

WHEREFORE, Relator respectfully requests that the Court:

- A. Issue a writ declaring that Respondent is barred from exercising the functions of the office of Spencer Township Trustee or from receiving any compensation for that office, and declaring that Trustee Shawn Valentine is the rightful holder of the position of trustee and entitled to compensation for that office;
- B. Award Relator the costs of suit, including attorney fees pursuant to R.C. 2733.14; and
- C. Such other and further relief as the Court deems just, equitable or in accordance with law.

Respectfully submitted,

JULIA R. BATES,  
LUCAS COUNTY PROSECUTING ATTORNEY

By:   
Evy M. Jarrett  
Elaine B. Szuch  
Assistant Prosecuting Attorneys  
Counsel for Relator

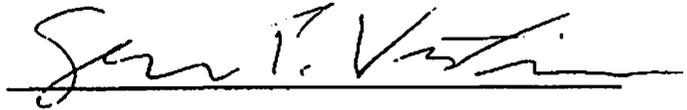
**AFFIDAVIT OF SHAWN P. VALENTINE**

I, Shawn P. Valentine, being first duly sworn, depose and say the following:

1. I am an elected trustee of Spencer Township, Lucas County, Ohio, with a term commencing January 1, 2014 and ending December 31, 2017.
2. I also serve in the Ohio Army National Guard.
3. In the spring of 2015, I was notified that I would be deployed for active military service with the United States Army in 2015.
4. In June, 2015, I gave verbal notice of the upcoming deployment to the other trustees, Michael Hood and D. Hilarion Smith. I also informed Trustees Hood and Smith that I did not intend to resign from my position but expected to maintain the position pursuant to Ohio Revised Code 503.241.
5. I attended a meeting of the trustees on September 3, 2015, just days before I was required to report for duty at Fort Bliss, Texas on September 7, 2015.
6. Since reporting for duty in September, 2015, I have continued to serve on active duty with the United States Army. I am currently stationed in Guantanamo Bay, Cuba.
7. I have not resigned my position as a trustee of Spencer Township and have no intention of doing so. I have requested to remain informed of township business and to participate in meetings by electronic means, although I understand that I cannot cast votes when I am not physically present. However, to date my requests to participate electronically in meetings have been refused.
8. I attach a true and accurate copy of my orders of deployment for active duty, with redactions of personal information and any information which is required to be kept confidential as a matter of

of  
national security.

Further, Affiant sayeth naught.



AFFIANT, SHAWN P. VALENTINE

Sworn to before me and subscribed in my presence this 22<sup>nd</sup>  
day of January, 2016.



Manuel A. Delgado, SSG, JTF-GTMO/SJA  
U.S. Army  
Notary Public  
Under Authority 10 U.S.C 1044a  
No Seal Required  
Comm Exp: Indef.

FOR OFFICIAL USE ONLY - PRIVACY ACT

STATE OF OHIO  
ADJUTANT GENERAL'S HEADQUARTERS  
2825 West Dublin Granville Road  
Columbus, Ohio 43235-2789

CONGRS 216-164

04 August 2015

VALERTINE BEAVER 2

Home Station: 2002 S HOIH ST

MIDDLETON OHIO

45034

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

REPORT TO HOME STATION: 04 September 2015, MIDDLETON  
REPORT TO MOB STATION: 07 September 2015, FT BLISS  
Period of active duty: Not to exceed 100 days

Purpose: 150 Operation Enduring Freedom

Mobilization Category Code: [REDACTED]

Additional Instructions:

- (a) Funds are available upon the U.S. Congress Enacting FY15 Defense Appropriation.
- (b) Direct deposit is mandatory. Soldier must bring appropriate documentation to support the requirement to authorize direct deposit to the bank.
- (c) Non-temporary storage of household goods is authorized. POV storage is authorized. Excess baggage authorized due to mobilization and is not to exceed 125 pounds.
- (d) Not Authorized: Early reporting, rental car, unaccompanied baggage shipment, movement of household goods and dependents, travel by POV.
- (e) Call 1-800-336-4390 (National Committee for Employer Support of the Guard and Reserve) or check or line at www.esgr.org if you have questions regarding your employment and reemployment rights.
- (f) Pursuant to Presidential Executive Order 13223 of 14 September 2001, you are relieved from your present reserve component status and are ordered to report for a period of active duty not to exceed 25 days for mobilization processing.
- (g) Proceed from your present location in sufficient time to report by the date specified. If upon reporting for active duty you fail to meet deployment medical standards (whether because of a temporary or permanent medical condition), then you may be released from active duty, returned to your prior reserve status and returned to your home address, subject to a subsequent order to active duty upon resolution of the medical condition.
- (h) If, upon reporting for active duty you are found to satisfy medical deployment standards, then you are further ordered to active duty for a period not to exceed 545 days, such period to include the period (not to exceed 25 days) required for mobilization processing.
- (i) Reserve component members who are listed a delayed-effective-date active duty order are eligible for RICARD benefits along with their family members, upon the date of issuance of such order, or up to 60 days before the date on which the 30-day period of active duty for screening is to commence, whichever is later.

FOR OFFICIAL USE ONLY - PRIVACY ACT

**DEPARTMENT OF THE ARMY**  
**US ARMY INSTALLATION MANAGEMENT COMMAND**  
**HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BLISS**  
**1741 MARSHALL ROAD**  
**FORT BLISS, TX 79916**

ORDERS: BL-287-0107

14 October 2015

VALENTINE, SHAWN PAUL [REDACTED]

MP GUARD CO (WTJLAA) MIDDLETOWN, OH

You are deployed in a Temporary Change of Station (TCS) status as shown below and are to return to your permanent station upon completion of your tour in support of this operation. You will submit a reviewed travel voucher for this travel to the finance office within 5 working days after return to home station.

Assigned to: [REDACTED]

Purpose: Deployment will be in support of OPERATION ENDURING FREEDOM GUANTANAMO BAY GUANTANAMO BAY, CUBA

Number of days: Not to exceed 358 days.

Will proceed on or about: 16 October 2015

Security Clearance: [REDACTED]

Accounting classification: [REDACTED]

Funds are available upon the U.S. Congress Enacting FY15 Defense Appropriation. Funding is authorized only for the fiscal year indicated on this order. Amendments will be required for subsequent fiscal years. Soldiers and authorized Army officials must sign into [REDACTED]

SDN: [REDACTED]

Customer Identification Code (CIC): [REDACTED]

Movement designator code: [REDACTED]

Will Proceed Through: [REDACTED]

Demob Station: [REDACTED]

Additional Instructions: [REDACTED]

Weapon: [REDACTED]

FIN: [REDACTED]

- a. This a Temporary Change of Station (TCS), Soldiers will be attached to TCS duty stations. Normal PCS entitlements, allowances, and relocation of family members are not authorized. Consolidated Personnel Policy Guidance (PPG) for Operations Iraqi Freedom and Enduring Freedom is found on the DCS, G-1 web site
- b. ~~Can~~ authorized for TCS CONUS travel (VARIATION NOT AUTHORIZED). Commercial air is not authorized to/from the AOR without prior approval or authority of the specific Army Component Command (ARCENT, USARAF, USARBR, USARSO, ARNORTH, USARPAC, USASOC) and must be funded and authorized on separate travel orders. The Line of Accounting (LOA) above must not be used to fund any commercial transportation to/from the AOR(s) under any circumstance. The LOA contained on this order may be used to procure commercial transportation between the Home of Record (HOR), Home Station (HS) and Mobilization Station (MS) for individual Reserve Component (RC) Soldiers, but not for unit/group transportation (chartered air/bus). Army Materiel Command (AMC) is the executive agent for unit/group transportation between HOR, HS and MS.
- c. Temporary storage of HHG authorized if service member meets the eligibility criteria as outlined in the PPG. Storage of HHG at Government expense has no impact on BAH. Contact your servicing transportation office for assistance. For BAH questions, please contact your supporting finance office.
- d. Travel by POV is authorized if duty is in CONUS as not advantageous to the government; cost of transportation is limited to Official Directed Mode; reimbursement is limited to the government cost of transportation. POV storage may be authorized, contact the local Installation Transportation Office (ITO) for assistance.
- e. Soldiers are authorized shipment of 4 checked bags - one personal bag and two issued bags of OCIE (not to exceed 70 lbs/bag) and 1 standard carry-on bag on AMC/contracted flights. When AMC or contracted transportation is not available, Soldiers are authorized 4 checked bags weighing more than 50lbs to a max of 70lbs per bag authorized as excess baggage.
- f. Temporary Duty (TDY) Household Goods (HHG) Weight allowance is authorized for CONUS and OCONUS based personnel that are on active duty for a period greater than 200-days, excluding those areas designated as Hostile Fire/Immediate Danger Pay areas.
- g. You will bring only those items specified by the PPG or other appropriate authority. A list of those items will be provided by the servicing personnel service center/company.
- h. Soldier readiness processing will be accomplished prior to departure from losing installation/home station per chapter 4, AR 600-8-101. Losing installation commander will determine the extent of out-processing.

- i. Government quarters and dining facilities will be used at the replacement activity and during deployment. Essential Unit Mess (EUM) has been declared by Assistance Secretary of the Army (Manpower and Reserve Affairs) ASA(M&RA) for the mobilization and demobilization sites not to exceed (10) days. Per diem payable is \$5.00 per day for CONUS and \$3.50 per day for OCONUS for this period of duty.
- j. Within 48 hours of arrival at duty location, the Soldier must check with the supporting installation housing office before securing temporary lodging at the duty location and obtain a 1351-5 authorizing the appropriate entitlements for lodging and M&IE. With a SNA, the Soldier is authorized per diem IAW the JTR.
- k. During period of assignment/deployment, gaining/deployed unit commander has responsibility for personnel service support to include awards and decorations, UCMJ, and all other forms of personnel and legal administration support except Reserve Component promotional authority.
- l. For active duty Soldiers, Basic Allowance for Housing (BAH) is based upon their permanent duty station. For RC Soldiers and retired Soldiers called or ordered to active duty, BAH is based on principal residence when ordered to active duty in a Temporary Duty (TDY) Status. Shipment of HHG and movement of dependants are not authorized in a TDY status.
- m. Soldier may submit interim travel voucher if otherwise entitled to per diem and/or travel for the monthly payment of accrued travel payment. Care should be taken to keep all required documents to support payments/request for payments. Soldier must submit all ASA(M&RA) waivers and SNAs issued when filing claims. All supporting documents must accompany the final settlement voucher.
- n. Use of leave during this deployment is recommended for all Soldiers. A copy of the leave record will be submitted upon completion of this operation with the final settlement voucher. If unable to take leave during this period of duty, selling back leave, with "no impact" applies only to RC Soldiers. The only option for AC Enlisted Soldiers is a one-time opportunity to sell back leave in excess of 120 days. The days sold back will be "charged" against their current leave balance and count against the 60 day career sellback limit. AC Officers do not have this option.
- o. Additional movement requirements will be completed using amendment orders, order format [REDACTED] as appropriate.

Format: [REDACTED]

FOR THE COMMANDER:



TROY ROBERTS  
Chief, MPD/Installation AG

DISTRIBUTION: 1- Cdr, FT BLISS  
1- Cdr, WTULAA, 0324 MP CO MP GUARD CO, MIDDLETOWN

DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BLISS  
1741 MARSHALL ROAD  
FORT BLISS, TX 79916

ORDERS: BL-287-0107 (A1)

14 October 2015

VALENTINE, SHAWN PAUL [REDACTED]

MP GUARD CO (WTJLAA) MIDDLETOWN, OH

The following order is amended as follows.

So much of: Order BL-287-0107, HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BLISS, dated 14 October 2015

Authority:

PCN: N/A

Added:

Accounting Code  
[REDACTED]

CIC: [REDACTED]

Funds are available upon the U.S. Congress Enacting FY16 Defense Appropriation. Funding is authorized only for the fiscal year indicated on this order. Amendments will be required for subsequent fiscal years. Soldiers and authorized Army officials must sign into [REDACTED]

ACCOUNTING CLASSIFICATION: [REDACTED]

CIC: [REDACTED]

Format: [REDACTED]

FOR THE COMMANDER:



TROY ROBERTS  
Chief, MPD/Installation AG

DISTRIBUTION: 1- Cdr, FT BLISS

1- Cdr, WTJLAA, 0324 MP CO MP GUARD CO, MIDDLETOWN

**AFFIDAVIT OF DAWN MCDONALD**

STATE OF OHIO        )  
                                  ) ss:  
COUNTY OF LUCAS    )

I, Dawn McDonald, being first duly sworn, depose and say the following:

1. I am the elected Fiscal Officer of Spencer Township. My responsibilities include being present at each meeting of the Spencer Township trustees and preparing minutes for those meetings.
2. I attach as Exhibit 1 the minutes for the meeting of the Spencer Township trustees which occurred on September 3, 2015. Trustee Shawn P. Valentine was present at that meeting. Additionally, Trustee Michael B. Hood stated during the course of the meeting that Trustee Valentine is being deployed overseas and requested that the Township pray over his safety and service to the country.
3. I attach as Exhibit 2 the minutes for the meeting of the Spencer Township Trustees which occurred on September 17, 2015. As noted in those minutes, the purpose of the meeting was to discuss and fill vacancies to the Joint Economic Development Zone, the Lucas County Health Department and the Fire Department as a result of Trustee Valentine's deployment to active military duty. Trustee Smith stated that Trustee Valentine never informed the Board of his deployment.
4. I attach as Exhibit 3 the minutes for the meeting of the Spencer Township Trustees which occurred on October 1, 2015. Trustee Shawn Valentine was designated as "military leave" during the roll call. Trustee Hood said that all positions held by Trustee Valentine are still held, although he could not make reports.
5. I attach as Exhibit 4 the minutes for the meeting of the Spencer Township Trustees which occurred on November 5, 2015. Trustee Shawn Valentine was designated as "military leave" during the roll call.
6. I attach as Exhibit 5 the minutes for the meeting of the Spencer Township Trustees which occurred on November 19, 2015. Trustee Shawn Valentine was designated as

"military leave" during the roll call.

7. I attach as Exhibit 6 the minutes for the meeting of the Spencer Township Trustees which occurred on December 16, 2015. Trustee Shawn Valentine was designated as "military leave" during the roll call.
8. I attach as Exhibit 7 in draft form the minutes for the meeting of the Spencer Township Trustees on December 30, 2015. At that meeting, Trustee Hood presented a petition requesting the resignation of Trustee Shawn Valentine. Trustee Smith read three resolutions seeking resignation of Trustee Valentine, suspension of payments pending an opinion from the Prosecutor's Office on the issue of "double dipping," and request of official information regarding Valentine's deployment. That meeting adjourned at 11:15 on December 30, 2015.
9. I attach as Exhibit 8 the notice of a meeting of the Board of Trustees for December 31, 2015, which was posted at the Township Hall. I attach as Exhibit 9 in draft form the minutes for the meeting of the Spencer Township Trustees on December 31, 2015. At that meeting, Trustee Smith moved that Trustee Valentine's absences from the township in September, October, November, and December exceeded the time permitted for absences under R.C. 503.241. Trustees Hood and Smith voted yes. Trustee Hood declared the office vacant and moved to have Trustee Smith fill the vacancy on January 1, 2016. Trustees Hood and Smith voted yes.
10. Exhibits 1 through 6 are true and accurate copies of the approved minutes. Exhibits 7 and 8 are draft minutes. Exhibits 1 through 8 accurately record my recollections of the events transpiring at those meetings. Exhibit 9 is a true and accurate copy of the notice of the meeting posted at the Township Hall.

Further, Affiant sayeth naught.

Dawn E. McDonald  
AFFIANT, DAWN MCDONALD

Sworn to before me and subscribed in my presence this 21<sup>st</sup> day of January, 2016.

Elaine M. Berendsen  
NOTARY PUBLIC

My commission expires: No expiration



ELAINE M. BERENDSEN  
Notary Public, State of Ohio  
My Commission has no Expiration  
Section 147.03 ORC

# Spencer Township Trustee Meeting September 3, 2015

Chairman of the Board, Michael B. Hood, called the meeting to order at 7:05 pm.

## Roll Call

Michael B. Hood	present
D. Hilarion Smith	present
Shawn P. Valentine	present

## Pledge of Allegiance

## Minutes

Trustee Smith made a motion to accept the minutes from August, Trustee Valentine seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.

## Financials

The Fiscal Officer gave the financial report.

Receipts:	\$16,271.32
Payments:	\$70,771.54
General Fund:	\$423,196.49
Motor Veh. Lic. Fund:	\$ 13,507.09
Permissive Mot.	\$ 10,627.64
Gas Tax Fund:	\$ 34,324.02
Fire Fund:	<u>\$ 69,027.31</u>
	\$550,682.55

The Fiscal Officer explained that the Lucas County Auditor's department mistakenly deposited over \$33,000.00 into Spencer Township's account. She explained these funds will be returned and the Township will have to amend the certificate to explain such a large non-budgeted receipt and expenditure.

Trustee Smith made the motion to accept the financials as read with any necessary corrections, Trustee Valentine seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.



## **Pay the Bill**

Trustee Smith made a motion to pay the bills for the month, Trustee Valentine seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.

## **Zoning**

The Fiscal Officer gave the zoning report. There was one fence permit issued on Berkey Road. Very positive feedback received on the website. Trustee Hood explained newly hired Zoning Inspector, Darrell Betts, begins September 8, 2015.

John Gulvas reported the Zoning Commission did not have a meeting

Jacqueline Gale of the BZA reported no meeting.

## **Road Report**

Trustee Hood gave the road report.

Mowing throughout the Township occurred during the month, pending work on the Fire department parking lot exists. Cleaning along Township roads occurred during the month. The unlimited pickup accumulated 3x as much as last year. Repair on the fence at the Township Hall. Engineers Office reported Bemis Lane will not be repaired this year.

## **Fire**

Interim Chief, Carl Arnold, gave the report.

	<b>Fires</b>	<b>Rescues</b>
<b>SPENCER</b>	<b>6</b>	<b>20</b>
<b>Harding</b>	<b>0</b>	<b>3</b>
<b>Swanton</b>	<b>1</b>	<b>14</b>
<b>Mutual Aid</b>	<b>0</b>	<b>1</b>

**Total Runs = 45**

The fire department is no in compliance with federal reporting requirements.

Letters were sent to 3 individuals regarding their desire to remain employed. No response.

The Interim Chief's computer crashed an new desktop computer is requested,

the purchase of a saw is requested to carry on fire apparatus used for ventilation and forcible entry into buildings with security doors was requested, fire hoses are in need of replacement, surveillance cameras are now inoperable, a request was made to replace, emergency vehicle lighting for the Journey was requested, repair of the garage door is also requested. After discussion the Trustees decided to accept all of the purchases. Trustee Valentine made the motion, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.

The interim Chief also requested uniforms, he will come back next month with more specifics and a policy and the Board will decide at that point.

Interim Chief Arnold requested enclosing the pavilion behind the Fire Department to protect the Jeep that is being stored. After discussion, it was decided space should be found in the maintenance building for the Jeep.

Resident, Curtis Lancaster, advised looking into whether plates are needed for the van.

Trustee Valentine made the motion to pay the interim Fire Chief \$15/hour, 16 hours per week retroactively to last month when he was appoint interim Chief, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.

## **JEDZ**

Payment will be received for the second quarter of \$334,000.00

There was no meeting due to scheduling conflicts.

## **Correspondence**

The Fiscal Officer gave the correspondence report.

The Bureau of Workers Compensation sent correspondence informing the Township a former employee filed a claim and are waiting to be examined. The injured employee is attempting to get permanent partial disability Trustee Hood pointed out.

ABLE sent a records request regarding the transportation the Township provided in 2014. The Fiscal Officer is working on the request. A receipt of the records request was sent to ABLE. Former Transportation Director, Jacky Dale, gave a report. She summarized the services the Silver Cab offered.

Trustee Valentine reported that the MetroParks are interested moving a ditch and building a bike bath along Eber Road to link Secor Park to Wiregrass Lake.

Trustee Valentine also proposed the repair and resurfacing of Bemis Lane and resurfacing of Oak Hill, Oak Bend, Oak Terrace, Oak Place, Oak View, Oak Green and Oak Red Court in Oak Grove Estates for 2017 by an OPWC grant, based on an assessment by the Lucas County Engineers earlier in the year. Trustee Hood mentioned Oak Grove roads have never been resurfaced in their 45 years of existence. The Township will enter into a joint project with Lucas County. After discussion Trustee Valentine made the motion for the road repairs, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.

The Township is in receipt of the printer that Trustee Smith used to do Township work. See attached letter from the Fiscal Officer.

## **Old Business**

No old business

## **New Business**

No new business

## **Open to the Public**

Resident, Curtis Lancaster, asked if the ditch cleaning was part of the Schwamberger Road project. The Board will look into this. He also asked why the Township paid for an appraisal. Trustee Valentine explained property was appraised on the corner of Crissey and Angola. Mr. Lancaster also mentioned a speed limit sign is missing on Eber Road.

Resident, John Gulvas, asked if it was found out who would pay for ditch cleaning. Trustee Valentine answered the Storm water coalition fund and/or the general fund.

Resident asked about trees on the wires on Schwamberger. It was explained road work signs are up.

Mr. Lancaster asked if a permit was issued for a barn built on Eber Road. No permit was issued.

Resident, Ray Pawlawczyk, asked who would pay for the bike path ditch moving. Trustee Valentine answered the MetroPark.

Mr. Gulvas asked if the building on Frankfort was going to continue construction. No one knew the answer, but it was mentioned there was a holdup with Lucas County.

Interim Chief Arnold asked if the Township has a policy in place to recoup expenses from non-resident EMS runs. There is no policy Trustee Valentine explained.

Trustee Hood mentioned Trustee Valentine is being deployed overseas and he asked that the Township pray over his safety and service to our Country.

Trustee Smith made a motion to adjourn, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes, Trustee Valentine: yes.

The meeting adjourned at 8:09pm.

# Spencer Township Trustee Meeting September 17, 2015

Chairman of the Board, Trustee Michael B. Hood called the meeting to order at 7:08pm.

## Roll Call

Trustee Michael B. Hood	present
Trustee D. Hilarion Smith	present
Trustee Shawn P. Valentine	absent

## Pledge of Allegiance

## Board Vacancies

Trustee Hood explained the purpose of this second meeting was to fill vacancies that were created since Trustee Valentine has been deployed to active military duty.

The Township representative for the Joint Economic Development Zone, the Lucas County Health Department and the Fire Department were all declared vacant in the absence of Trustee Valentine. Trustee Hood made this motion, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Hood declared the Vice Chairman of the Board position vacant in the form of a motion, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Smith made the motion all the vacant positions be taken by Trustee Michael B. Hood, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Smith asked the Fiscal Officer to notify the entities of the Township representative change.

## Fire Chief

Trustee Smith explained the Township brought charges against the fire Chief and he was promised a hearing and the Township never delivered on the hearing. Trustee Smith also explained the person who the Township chose to conduct the investigation was told by the Prosecutor's office he did not have to complete the investigation since Chief Spillis had moved out of the state.



Trustee Smith continued Chief Spillis did not receive his hearing and the Township should compensate him retroactively with a raise from the time he left until now. Trustee Smith also recommended \$500 for pain and suffering.

Trustee Smith explained there was precedence from Zoning Inspector John Meyers and former Fire Chief James Meredith.

Trustee Smith stated if he accepts this settlement, he would also acknowledge resigning as fire chief from Spencer Township. The Fiscal Officer explained no official letter of resignation has ever been received from her office.

Trustee Hood agreed there was no other way to resolve this issue. This will be paid out of the general fund.

Trustee Smith made this motion and Trustee Hood seconded it. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

### **Land Use Committee**

Trustee Hood announced the members of the Land Use Committee as follows:

James L. Morgan  
Diane Randle  
Katherine Roth  
Alan Lalonde  
Richard Dominguez Jr.  
Adam Thomas  
Robert Klumm  
John Gulvas  
Lee Herbert

Trustee Hood explained after the committee is finished with its purpose, it would be disbanded.

Trustee Smith made the motion to accept the nine members, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

Kattie Hancock of Toledo, Ohio formerly of Eber Road in Springfield Township gave a presentation on revitalization initiatives for Spencer Township, see attachment A.

Trustee Hood made the motion to appoint Mrs. Hancock as the Township consultant at a rate of \$30/hour, the non-profit fee, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

There was discussion on the presentation and various land uses in the Township. Trustee Smith asked the members present to organize themselves and set a meeting date and time.

Trustee Hood made the motion to allow the Fiscal Officer, Dawn McDonald, to be the recording secretary of the Land Use Committee, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

Trustee Hood explained he wants the Land Use Committee to be more active and useful than other Boards such as the JEDZ Board.

Mrs. Hancock's contract was reviewed and will be decided upon at the October 2015 meeting.

### **Credit Cards**

After discussion, it was decided the Township would secure a credit card for the fire chief in lieu of petty cash. The credit card will have a \$1000 limit.

The Township will also obtain a credit card for the maintenance department.

Trustee Hood will work with both departments to determine spending guidelines.

Trustee Smith made the motion for the credit cards be issued, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

### **Line of Credit Increase**

Trustee Hood explained with the upcoming road projects and the rebranding of Spencer Township, the Fiscal Officer will be directed to seek a line of credit increase.

### **Old Township Records**

Trustee Smith made the action to proceed with putting all the Spencer Township historical information online. Darrell Betts will be asked help the Township out with this endeavor.

### **Other Business**

Trustee Smith submitted bills and made the motion from Tim Lewis to tie the Township Hall and the maintenance building to Toledo city water. The Township will keep a deep well tap in cases of emergency, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

Trustee Smith also made the motion to request the County Engineers to come out and consult on parking lot work needed at the fire station, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

### **Fire**

Interim Chief Arnold presented the requested draft regarding the uniform proposal. He also reported he spoke with the BMV to get municipal plates issued.

## **Other**

Trustee Hood announced there would be a 170<sup>th</sup> birthday celebration for the Township at the October meeting. See Attachment B

Trustee Hood explained warrants needed to be issued for the water work. Those warrants would be issued at the close of the meeting.

## **Open to the Public**

Mr. Randle of Frankfort Road asked what is being done about the flooding in the Township. After much discussion and illustration, it was explained the Metro Parks will not allow ditches on their land to be cleaned and the Township is and has been working on this issue. Trustee Valentine worked on this issue earlier in the year. Resident Curtis Lancaster, suggested Mr. Randle get on the Storm Water Coalition Board.

Resident, Jack Gulvas wanted to know which side would the new ditch on Eber road be located. The Board is not aware. Mr. Gulvas asked if the construction on Frankfort road was looked into. Trustee Hood explained the Zoning Inspector is looking into this property. The permit will be reviewed.

Resident, Connetta Harkness, asked what happens if there is disagreement on the Board, who will be the tiebreaker? It was explained the Township is following the Ohio Revised Code and Trustee Valentine will remain in his position. Trustee Hood also explained he and Trustee Smith have made efforts to discuss their issues and reach consensus since there is no third Trustee at the present time. Trustee Hood made clear there is nothing the Township can do about this, Trustee Valentine did not step aside so he remains in his position.

Resident, Jacky Dale, asked for clarification on the position on the Health department. It was explained that Board met once per year and Trustee Valentine was active on this Board earlier in the year with sewer rate increases.

Trustee Hood made the motion that Curtis Lancaster is no longer a Trustee with Spencer Township therefore he needs to be removed as a signer at Fifth Third Bank, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

Curtis Lancaster thanked the Trustees for all the improvements in the Township. He also commented that Whitehouse is only collecting, they are doing nothing to help promote the JEDZ. He asked Trustee Hood to make a difference on the Board. Mr. Lancaster asked for a copy of the proposed uniform proposal from Interim Chief Arnold.

Trustee Smith wanted to publicly state that Trustee Hood is one that brought the idea of the JEDZ to the Township and he should be acknowledged and congratulated.

Mr. Randle asked if the Township could provide new mailbox posts for all residents for uniformity. Trustee Hood said he would take this into consideration.

Jacky Dale asked where is the JEDZ recorded. It was explained it is receipted into the General Fund.

Trustee Hood stated since there is no 3<sup>rd</sup> Trustee, disagreements will be made in private, they (he and Trustee Smith) come to the meeting to conduct the business of the people. He also asked for prayer for Trustee Valentine as he is deployed overseas.

Trustee Smith also mentioned Trustee Valentine never informed the Board of his deployment. The Board has no right to go to his commanding officer. That's where we are.

Trustee Hood made a motion to adjourn, Trustee Smith seconded. Roll call vote:  
Trustee Smith: yes, Trustee Hood: yes

X

---

Dawn E. McDonald  
Fiscal Officer

X

---

Michael B. Hood  
Chairman of the Board of Trustees

X

---

D. Hilarion Smith  
Vice Chairman of the Board of Trustees

# Spencer Township Trustee Meeting October 1, 2015

Chairman of the Board Michael B. Hood called the meeting to order at 7:03pm.

## Role Call

Trustee Michael B. Hood	present
Trustee D. Hilarion Smith	present
Trustee Shawn P. Valentine	military leave

## Pledge of Allegiance

## Minutes

Trustee Smith made a motion to accept the minutes from both the September 3, 2015 and September 17, 2015 meetings, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

## Pay the Bills

Trustee Smith made a motion to pay the bills for the month, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

## Financials

The Fiscal Officer gave the financial report.

Receipts: \$463,675.01

Payments: \$102,743.03

## Fund Status



<b>General Fund</b>	<b>\$783,480.26</b>
<b>Motor Vehicle License</b>	<b>\$ 13,381.71</b>
<b>Gas Tax</b>	<b>\$ 29,543.12</b>
<b>Permissive Mot. Vehicle</b>	<b>\$ 10,627.64</b>
<b>Fire</b>	<b><u>\$107,836.77</u></b>
<b>Total Funds</b>	<b>\$944,874.50</b>

At this time, Trustee Hood presented the contract presented by the proposed land use consultant, Kattie Bond. The Trustees agreed to sign the contract and hire Ms. Bond at \$30/hour. Trustee Smith made the motion, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

### **Zoning**

Chairman, Jack Gulvas, reported no meeting.

### **BZA**

Vice Chairman, Jacky Dale reported no meeting.

### **Road Maintenance**

Trustee Hood gave the road report.

Trustee Hood explained the department has been maintain the roads and grass cutting. He also mentioned the Township Hall and maintenance departments lost water. The Township invested in getting connected with the City of Toledo water system.

### **Fire**

Chief, Carlton Arnold, gave the fire report and congratulated the Township on its 170<sup>th</sup> birthday.

	<b>Fires</b>	<b>Rescues</b>
<b>Spencer</b>	<b>10</b>	<b>8</b>
<b>Swanton</b>	<b>3</b>	<b>9</b>
<b>Harding</b>	<b>1</b>	<b>3</b>
<b>Other</b>	<b>1</b>	
<b>Total Call = 35</b>		

Billing issues pertaining to the Township's we service were brought to the Chief's attention and have been corrected in the department.

The Chief requested to promote/appoint 3 individuals in the department, one individual to fire inspector and two to trainers. Trustees Smith and Hood agreed.

The Chief informed the Board engine 56 is starting to have more and more problems and will probably need to be replaced in the next 1 to 2 years. The Trustees asked the Chief to look for funding for a new engine.

The Chief is evaluating the new mobile paramedic servicing needs in our Community. The State of Ohio just launched this program.

Trustee Smith informed the Chief the County is not able to access the condition of the bays until next spring. Trustee Smith asked the Board to put a bid out to have the bay entrances evaluated as soon as possible since the condition is deteriorating. Trustee Hood agreed.

Trustee Hood announced the Zoning Inspector, Darrel Betts, resigned due to health issues. In the meantime, road superintendent, Dean Croskey was asked to undertake the zoning needs of the Township on a temporary basis. He will keep hours on Tuesday and Thursday from 7am to 12:00pm. He will work 30 hours/month. He will make \$15/hour. Trustee Smith made the motion, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes. Zoning hours will be posted.

## **JEDZ**

No meeting. Trustee Hood announced that all positions held by Trustee Valentine are still held, but due to his military leave he is not able to make the reports. Trustee Valentine still holds all positions he held before his military leave.

## **Correspondence**

The Fiscal Officer gave the correspondence report.

The 170<sup>th</sup> birthday celebration proclamation was read. Trustee Hood invited all to have refreshments after the meeting.

100 tons of salt was ordered at \$72.83/ton. We also can obtain from ODOT if needed. The Township used 78 ton last year.

Land Use Committee names and contact information is available to the public. The meetings for the land use committee are the first Thursday of the month at 6:00pm at the Township Hall.

Trustee Hood also announced that one piece of correspondence given to the Board tonight is available on the table. The Board is waiting on an opinion from the Prosecutor's Office on this matter.

The Township's unresolved issue with the Fire Chief, Edmund Spillis, is on hold pending a clear and definitive legal ruling from the Lucas County Prosecutor's office on Mr. Spillis' relationship with the Township. Attached (A) is the request to the Prosecutor's office. It should be noted no settlement has been received by Mr. Spillis regarding this issue.

### **Old Business**

A resolution for funding on roadwork for Oak Grove Estates, Bemis Lane and Bancroft Streets was read. Trustee Smith made the motion to pass the resolution, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes. The Board signed the resolution.

Trustee Hood read the leaf pickup schedule for Oak Grove Estates. He mentioned the Township receives storm water coalition dollars to help alleviate some of these costs.

### **New Business**

Trustee Hood entertained the motion that all meeting information will be available once the Spencer Township Board of Trustees certifies the information. Trustee Smith made the motion, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

### **170<sup>th</sup> Celebration**

Trustee Smith gave a brief history on the Township's birthday. He mentioned it took him 3 to 4 years to complete the task. The Board recognized all the living elected officials that were in attendance at the meeting:

James Robinson  
Ronald Bettinger  
Mrs. Wilma Thomas  
The Zenk family represented by Marilyn Yoder of Springfield Township  
James Cox  
Tim Lewis  
Robert Klumm

Trustee Hood acknowledged Trustee Smith for all of his hard work on this endeavor.

Trustee Smith made a motion to adjourn at 8:10pm, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

# Spencer Township Trustee Meeting November 5, 2015

Chairman of the Board, Michael B. Hood called the meeting to order at 7:05pm.

## Roll Call

Trustee Michael B. Hood	present
Trustee D. Hilarion Smith	present
Trustee Shawn P. Valentine	military leave

## Pledge to the Flag

## Minutes

Trustee Smith made a motion to accept the minutes, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

## Financials

The Fiscal Officer gave the financial report:

Receipts:	\$26,852.24
Payments:	\$72,540.91

## Fund Balances

General	\$761,531.04
Motor Vehicle	\$ 13,361.71
Gas Tax	\$ 20,725.00
Permissive Motor	\$ 10,627.64
Fire	<u>\$ 92,940.44</u>
	\$899,185.83

Trustee Smith made a motion to accept the financials, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

## Pay the Bills

Trustee Smith made a motion to pay the bills. Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes



## **Zoning Report**

Trustee Hood gave the zoning report prepared by the interim Zoning Inspector, Dean Croskey.

Permits were issued for garages and building additions and remodels throughout the Township over the past month.

All zoning complaints need to be made in writing and there are forms available at the Township Hall. The Zoning hours are now Monday through Friday by appointment.

Jack Gulvas reported there was no Zoning Commission meeting for the month.

Jacky Dale, reported the BZA had no meeting for the month.

## **Road Report**

Trustee Hood gave the road report.

Mowing occurred throughout the Township along with maintenance on Township equipment. Potholes were covered on Schwamberger Road. Garbage (dumped refrigerator) and leaf pick up occurred throughout the month.

Fall leaf pickup is: November 17, 18, and 19<sup>th</sup> in Oak Grove Estates. Trustee Smith added leaf pickup occurs in the Estates due to sewer maintenance and the Storm Water Coalition guidelines.

Preventative maintenance in preparation for the upcoming winter was performed.

## **Fire**

Chief, Carl Arnold, gave the fire report.

	<b>Fire</b>	<b>EMS</b>
<b>SPENCER</b>	<b>4</b>	<b>16</b>
<b>Harding</b>	<b>0</b>	<b>2</b>
<b>Swanton</b>	<b>5</b>	<b>5</b>
<b>Mutual Aid</b>	<b>1</b>	

**Total Runs = 33**

-Chief Arnold reported he represented Spencer Township at the Michigan State Capital in Lansing, Michigan. He testified in front of the house Committee on Talent

and Workforce Development in support of a bill which would allow firefighters to transfer their certification to Michigan from other states, including Ohio. He expressed the honor and privilege he felt.

- Repair on Engine 56 are complete
- Bids received on turnout gear grant for \$73,650
- Chief Arnold worked with the Fiscal Officer to create a 2016 budget for the fire department.
- The Chief to the Board submitted Fire Chief job descriptions.
- Replacement on the portable suction unit is needed for Medic 57.

## **JEDZ**

Mr. Bettinger reported no JEDZ meeting.

## **Correspondence**

The Fiscal Officer gave the correspondence report.

-A resolution for the amounts and rates (budget) for 2016 was read. The General fund will receive \$92,500 in taxes; the Fire Fund will receive \$147,000 in taxes. Trustee Smith moved to accept the resolution, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

-The Revenue and Appropriations budget was presented to the Board.

-Lucas County Engineers gave options for the repair of Harriett Road they gave costs for 2 options. One totaling \$86,000 and the other more extensive repair with longer lasting results totaled \$150,000.

-Lucas County Engineers gave the Township the salt settlement refund of approximately \$300.

-The County Commissioners sent letter to inform of the Veterans Appreciation Breakfast on November 11, 2015 at the University of Toledo.

-Trustee Hood read a resolution expressing the intent of Spencer Township to enter into discussions with Toledo Area Regional Transit Authority (TARTA). He discussed different funding options for the service and that the Township would use the funds from the JEDZ to finance the transportation services. Trustee Smith made a motion to accept the resolution, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

## **Old Business**

Trustee Smith explained Dean Croskey has done a good job as the interim Zoning Inspector and he should now be made permanent. Mr. Croskey sent a letter with a few conditions that the Fiscal Officer read. He would like to be paid \$800/month with \$100 phone allowance for this part time position. The Board agreed to these conditions. Trustee Smith made the motion, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

### **New Business**

No new business

### **Open to the Public**

Resident, Ms. Cate Roth asked for specifics on the hours worked for the Zoning Inspector position along with his other responsibilities. After discussion it was clarified Mr. Croskey will make \$800/month and he will be available 5 days a week with a \$100 phone allowance.

Resident, Ms. King, asked what happened to the previous Zoning Inspector. It was explained he had to quit due to medical issues.

Resident, Carol Shull, asked if the transportation would be comparable service. It was explained for the most part yes, but not the big busses by Trustee Hood.

Resident, Jacky Dale, asked how long would the contract last? It is no known yet Trustee Hood explained.

Resident, Teresa Bettinger, asked how much would the service cost and Resident, Dean Anderson, wanted to know where is the money coming from. Trustee Hood explained the cost is unknown at this time and the dollars would come from the JEDZ.

Ms. Shull asked if the Township would still receive federal assistance for the payment. Trustee Hood answered yes.

Mr. Gulvas reported the dumped tires.

There will be a meeting on November 19, 2015 at 10:00am for the TARTA contract.

Mr. Anderson asked if roadwork was being considered for the northern end of Schwamberger. Trustee Hood explained that's a heavy truck area and the Township would not like to see it torn up. Trustee Hood explained the Township is trying to repair the roads in rotation.

Mrs. Bettinger asked if the Township was responsible for the trees on the lines. Trustee Hood explained that would be an ideal use for the recently purchased chipper.

Resident, Ray Pawlacyzk, asked if the Township was going to look into a possible junkyard.

Ms. Roth asked if the ditches would be cleaned by the County on Schwamberger. It was explained; ditch cleaning was not in the contract.

Jacky Dale thanked the Fire Department for the participation in a fair at the Spencer Neighborhood Center.

Trustee Smith motion to adjourn the meeting, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes

X

---

Dawn E. McDonald  
Fiscal Officer

X

---

Michael B. Hood  
Chairman of the Board of Trustees

X

---

D. Hilarion Smith  
Trustee

# Spencer Township Trustee Meeting November 19, 2015

Chairman of the Board Trustee Michael B. Hood called the meeting to order at 10:05am.

## Roll Call

Trustee Michael B. Hood	present
Trustee D. Hilarion Smith	present
Trustee Shawn P. Valentine	military leave

## Pledge of Allegiance

## TARTA

Sheliah McAdams, legal counsel, gave a presentation on the Trustee Boards intention to enter into a proposed contract with TARTA for **TARPS** and **Call a Ride** services in the Township. Funds from the JEDZ would fund the contract.

Trustee Hood reviewed the proposed contract with TARTA. The proposed length of the contract would be 5 years, beginning January 1, 2016, and the proposed cost would be \$80,000.00 per year. Trustee Smith made the motion to enter into a contract with TARTA, Trustee Hood seconded. Roll call: Trustee Smith: yes, Trustee Hood: yes.

The Fiscal Officer, Dawn McDonald, read the official resolution authorizing the execution of the contract with TARTA and declaring an emergency.

## Property Acquisition

Sheilah McAdams explained the Township's intent on purchasing property on the corners of Crissey and Angola Roads (former Spuds junkyard) for \$165,000.00 consisting of 10.2 acres. Trustee Smith made the motion for the purchase of the property and Trustee Hood seconded. Roll call: Trustee Smith: yes, Trustee Hood: yes.

The Fiscal Officer read the resolution for the purchase and declaring an emergency.

## Miscellaneous



The resolution for the Oak Grove, Bancroft and Bemis Lane work for 2017 was read and signed by the Trustees.

Trustee Smith reviewed the proposed contract for the current Zoning Inspector, Dean Croskey. It is a three-year contract. It was decided that Mr. Croskey would assume the housekeeping duties of the Township Hall. Trustee Hood will send a letter to the current cleaning company, Sandy Lewis, to inform her that her services would no longer be needed after December of 2015. Trustee Smith made a motion to sign the contract, Trustee Hood seconded. Roll call: Trustee Smith: yes, Trustee Hood: yes.

Trustee Smith made a motion to adjourn, Trustee Hood seconded. Roll call: Trustee Smith: yes, Trustee Hood: yes.

The meeting adjourned at 10:30am.

X

---

Dawn E. McDonald  
Fiscal Officer

X

---

Michael B. Hood  
Chairman of the Board of Trustees

X

---

D. Hilarion Smith  
Trustee

# Spencer Township Trustee Meeting December 16, 2015

Chairman of the Board, Trustee Michael B. Hood, called the meeting to order at 7:05.

## Roll Call

Trustee Michael B. Hood	present
Trustee D. Hilarion Smith	present
Trustee Shawn P. Valentine	military leave

## Pledge to the Flag

## Minutes

Trustee Smith made a motion to accept the minutes, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

## Financials

The Fiscal Officer gave the financial report.

Receipts	\$47,451.60
Payments	\$92,870.79

### Fund Balances

General	\$706,976.40
Motor Veh. License	\$ 13,996.84
Gasoline Tax	\$ 30,164.16
Fire District	\$ 84,461.42
Perm. Motor Veh.	<u>\$ 10,627.64</u>
	\$846,226.46

Trustee Smith made a motion to accept the minutes, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

## Pay the Bills

Trustee Smith made the motion to pay the bills for the month, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

## Zoning Report

No meeting was held according to Chairman Jack Gulvas.

Zoning Inspector, Dean Croskey, gave the zoning report.



There have been citations issued throughout the month along with warnings. Mr. Croskey informed the audience that there are citizens complaint forms available at the Township Hall.

Mr. Croskey explained he attended a meeting with the Lucas County Planning Commission to recommend the approval for a zoning change of the property that will house the Neighborhood Health Association. It was made clear that the land will still be accessible to the residents as a park/open space.

The Zoning Commission will have to have a meeting to discuss this matter, and then it will come before the Trustee Board for final approval.

Trustee Hood added each Zoning Board should meet with the Zoning Inspector regularly to stay abreast of current events. Trustee Hood also informed the Boards they will need to appoint a secretary that will perform the administrative functions needed.

### **Road Report**

Maintenance Superintendent, Dean Croskey, gave the report.

He explained he plowed during the last major snow and the Township was not able to gain access to our salt from Springfield because they were locked up.

Mr. Croskey explained a salt bin was constructed in the past month to curb issues like this occurring again. The Township also completed the fall leaf pickup. Finally there was maintenance done to the Township Hall floors.

Trustee Hood mentioned that the road maintenance employees have done more work this year than past years and they have done a good job.

Trustee Smith made the motion to sign a job description and contract for part time maintenance employee, Ray Croskey., Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.. Both Trustees signed the contract and job description.

### **BZA**

No report, but previous zoning books were requested.

### **Fire Report**

Chief, Carl Arnold, gave the fire report.

	<b>Fire</b>	<b>EMS</b>
<b>Spencer</b>	<b>4</b>	<b>24</b>
<b>Harding</b>	<b>4</b>	<b>2</b>
<b>Swanton</b>	<b>6</b>	<b>7</b>
<b>Mutual Aid</b>	<b>2</b>	<b>1</b>

**Total Runs = 50**

Chief Arnold explained the fema grant came in for the turnout gear. The department has received the washer and dryer from the FEMA grant. Nathan Keil passed his EMT certification test and received his license from the State of Ohio.

The following requests were made from the fire chief:

- NFPA recommended replacement water supply hose at a cost of \$1980
- Replacement of ball valve at a cost of \$1325
- ID card system set up at a cost of \$2000
- Wage increases for volunteer employees at the same rate as the paid part time employees

Chief Arnold brought up remodeling of the current fire station as the building is in need of many updates as well as apparatus replacements.

After discussion on each issue, Trustee Smith made the motion to approve all requests, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Smith made a motion to make Interim Chief Arnold a permanent part time Chief, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes. Both Trustees signed a contract and job description.

During discussion it was mentioned that there were rumors throughout the Township that the Spencer Township fire station would close and Springfield would take on fire services for Spencer Township. Trustee Hood assured the public that this would not happen. Trustee Jeff Michael from Swanton Township spoke on the great job and how fortunate Spencer Township is to have it's own fire department. Trustee Marilyn Yoder from Springfield also added that Trustee Valentine had spoken to Fire Chief Cousino of Springfield regarding taking on Spencer's fire services.

Trustee Hood recognized the fire personnel at the meeting for the great job that they do as well as the fire Chief.

Trustee Smith made the written motion in the form of a resolution that Spencer Township would not surrender fire services to Springfield Township or any other governmental entity, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Hood advised the fire Chief and Swanton Township to get together to discuss the possible construction of a fire station on the west end of the Township.

### **Fire Oversight Committee**

No meeting

### **JEDZ**

No meeting. JEDZ Board member, Tony Bettinger informed the board there is a recent vacancy in the Industrial Park. Trustee Hood asked if any advertisement had been done over the past year to promote the Industrial Park. None has been done Mr. Bettinger reported.

### **Correspondence**

Trustee Smith made a motion to approve temporary appropriations for expenditures through the first quarter of 2016, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

TARTA ridership of January of 2013 was received.

TMACOG renewal was received.

JEDZ dollars for the third quarter of 2015 was received. The Spencer share was over \$419,000.00.

Health Department sewage treatment fee invoice was received.

Resident, Mr. Dave Luce spoken on the TARTA issue. He feels the public spoke with their vote, only certain people in Spencer Township desire transportation in the Township. Mr. Luce said the Township does not want the empty busses rolling around the Township again.

There was discussion on the matter of TARTA.

Resident, Debbie Bettinger informed the Board that Trustee Smith supported removing TARTA when it was defeated. Trustee Smith was accused of segregating the Township. Trustee Smith explained he did in fact support the removal of TARTA off of the property taxes of Spencer Township residents. TARTA will now be paid for through the JEDZ funds he explained.

Trustee Smith made the motion to transfer \$284,000 from the general fund to the fire, road and maintenance departments for remodels and updates. This amount includes the closing on the Spuds property which will be paid in January of 2016, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

The Fiscal Officer read the resolution that Spencer Township would enter into a contract with TARTA. Trustee Smith offered the motion on the resolution, Trustee Hood seconded the resolution. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Hood read a resolution authorizing the Board to pay for an environmental study on the Spuds property, Trustee Smith made the motion; Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes. It was discovered there are no environmental hazards on the property.

#### **Old Business**

No old business

#### **New Business**

No new business

#### **Open to the Public**

Jack Gulvas asked if the Township can purchase the parkland in the Industrial Park. Trustee Smith answered no, the land was bought with funds that have restrictions.

Carol Shull asked if the Irwin Hall Parkland would remain accessible to the public. The answer was yes.

Curtis Lancaster asked what is the hold up on the property on Frankfort Road. The Zoning Inspector explained the owner is having funding issues that is preventing the progress. Mr. Lancaster also asked about the violations of Mr. Henderson. Trustee Hood said this situation would be revisited.

Fire Chief Arnold requested new uniforms. It would be a \$14,000 initial cost. The Trustees tabled this request.

Trustee Smith made the motion to adjourn, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

# Spencer Township Trustee Meeting December 30, 2015 Draft Copy

Chairman of the Board Trustee Michael B. Hood called the meeting to order at 10:10am

## Roll Call

Trustee Michael B. Hood	present
Trustee D. Hilarion Smith	present
Trustee Shawn P. Valentine	military leave

## Financial Report

Total Receipts for the Year	\$1,869,177.05
Total Payments for the Year	\$1,336,312.21
Total Fund Balance	\$ 937,184.19

## Fire

Total runs for the year equal 502 for all Townships fire and ems along with mutual aid.

## Improvements

Trustee Hood gave an extensive report on all purchases, upgrades, and improvements for the year. Road Superintendent Dean Croskey gave a zoning update since the last meeting. The suggestion box is mounted on the wall. A zoning violation exists for an illegal driveway on Angola Road.

The Chairman called an executive session with Mr. Jack Gulvas.

## Petition

Trustee Hood presented a petition the Board received. Mr. James Morgan explained the residents are requesting the resignation of Trustee Shawn Valentine due to his lack of performance and lack of providing information about his absence to the Community

Trustee Smith asked the Fiscal Officer to read a prepared resolution. It was dated December 2015. It contained the following points:

1. The absence of fulfilling his responsibility as an elected official.
2. Receiving pay of Per Diem for services not rendered.
3. For not official notifying the Township residents of this deployment with the United States military.
4. We are requesting a public records request as to the length, place, time and compensation of his deployment.

Trustee Smith read 3 resolutions that he will present to the prosecutor's office as listed:



1. Resignation of Trustee Valentine by resolution
2. Suspension of further per diem payments pending an official opinion from the Prosecutor's Office on the issue of "double dipping" by resolution
3. An official request of his deployment from the US armed forces: when, where and how long deployed

At this time Trustee Hood asked the Fiscal Officer if Trustee Valentine had presented any documentation regarding his deployment, length of time or location to the Board. The Fiscal Officer stated Trustee Smith had asked for written documentation and Trustee Valentine informed her he would not present written documentation because he did not have to. Trustee Smith stated Trustee Valentine was hiding behind the color of his office as a member of the United States Armed Forces. Trustee Smith also stated the Board tried to void out his responsibilities with the Township's various committees, but Trustee Valentine invoked the vacancy laws. Trustee Smith stated Trustee Valentine held on to all of the responsibilities knowing he would not be in the Township, he had no intention of performing his duties and based on that should be held accountable of non-performance of duties.

All 3 points were brought forth in the form of a resolution. Trustee Smith made the resolution and Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Hood stated this is very serious and the Township must act on the concerns of the voters since a petition was brought forth.

Trustee Smith stated the actions taken place would be sent to Trustee Valentine's address.

Trustee Hood made a motion on offering health insurances to all elected officials, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

#### **Reorganization of the Board for 2016**

<b>Chairperson</b>	<b>Teresa M. Bettinger</b>
<b>Vice Chairman</b>	<b>Michael B. Hood</b>
<b>Member</b>	<b>Shawn P. Valentine</b>
<b>Fiscal Officer</b>	<b>Dawn E. McDonald</b>
<b>JEDZ Trustee</b>	<b>Michael B. Hood</b>
<b>Member JEDZ</b>	<b>Priscilla Jackson</b>
<b>Member JEDZ</b>	<b>Keith Miller</b>
<b>TARTA Board</b>	<b>Donald Thomas</b>
<b>TMACOG</b>	<b>Teresa M. Bettinger</b>
<b>Health Department</b>	<b>Teresa M. Bettinger</b>
<b>Drainage Chairman</b>	<b>Teresa M. Bettinger</b>
<b>Land Use Chair</b>	<b>James L. Morgan</b>
<b>Land Use Vice Chair</b>	<b>Robert Klumm</b>
<b>Land Use Secretary</b>	<b>Kate Roth</b>
<b>BZA</b>	<b>Adam Thomas replacing Brian Bettinger</b>
<b>Zoning Chair</b>	<b>Jack Gulvas</b>
<b>Fire Chief</b>	<b>Carl Arnold</b>
<b>Zoning Inspector</b>	<b>Dean Croskey</b>
<b>Road Superintendent</b>	<b>Dean Croskey</b>
<b>Fire Oversight Trustee</b>	<b>Teresa M. Bettinger</b>

**Trustee Bettinger will determine her board for the drainage committee**

**Trustee Duties****Road/Maintenance  
Fire  
Zoning****Trustee Hood  
Trustee Bettinger  
Trustee Valentine**

Trustee Smith made a motion to accept the appointments, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

**Meeting Times**

All meetings will convene at the Township Hall on Meilke Road.

Township meetings will convene the first Thursday of every month at 7:00pm, third Thursday if needed

Zoning Commission meetings will convene 2<sup>nd</sup> Thursday at 7:00pm

BZA Meetings will convene the 4<sup>th</sup> Thursday at 7:00pm

Land Use meetings will convene the 3<sup>rd</sup> Thursday at 6:00pm

Trustee Smith made a motion to accept the entire meeting times and positions, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

**Reserve Account**

Trustee Smith made a motion to start a reserve account. Every quarter 25% of JEDZ payouts will go into the account. The monies will be invested. The Fiscal Officer will look into all available options. \$100,000 from the last payout will go into the account. Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

**Open to the Public**

Mr. Lancaster, resident, pointed out a typo on the agenda and he thanked the 2 Trustees for their teamwork and accomplishments.

Mrs. Clynell Robinson, resident, thanked the Board for the great job they have performed. She is truly appreciative of what they have accomplished and the teamwork.

Ms. Carol Shull, resident, thanked the Trustees for TARTA and requested that TARTA be placed on the November ballot. After discussion, the Board declined to act on a ballot issue at this time.

Trustee Hood recognized Trustee Jeff Michael, and Fiscal Officer Peggy Michael both of Swanton Township and Trustee Marilyn Yoder from Springfield Township. Mrs. Yoder commented on a residency in Spencer Township that does not have a home, just a shed. This was brought to her attention. She had the deputy sheriff check it out and there was no home. The address is 327 N. Meilke Road. Jane Valentine, Eric Valentine, Robin Valentine and Pat Mahorney all voted in the past election from this address. Mrs. Yoder will follow up with the Board of Elections on this matter she stated. Trustee Smith also mentioned there were zoning violations on this property and there was no home. Mrs. Yoder will be meeting with the Board of elections on this matter.

Priscilla Jackson, resident, wondered if this has occurred throughout the Township.... possible Voter fraud.

Trustee Smith made the motion to adjourn, Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

**The meeting adjourned at 11:15AM**

# EMERGENCY MEETING

Posted: 12-30-2015

**WHEN:** December 31, 2015

**WHERE:** Spencer Township Hall

**TIME:** 11:00 AM

**Re: To declare a vacancy on The Board  
of Spencer Township Trustees**

**This meeting is open to the general public**



# Spencer Township Trustee Meeting December 31, 2015 Draft Copy

Trustee Hood called the meeting to order at 11:03am

## Roll Call

Trustee D. Hilarion Smith	present
Trustee Michael B. Hood	present
Trustee Shawn P. Valentine	leave

Trustee Hood turned the meeting over to Trustee Smith; a trustee resignation letter was read that is signed by both Trustee Smith and Trustee Hood (attached).

Trustee Smith read points of information:

1. Trustee Valentine never informed the Board as to when, where and how long he would be deployed. Trustee Smith asked Trustee Valentine if he would inform the Board in writing and he told Trustee Smith he did not have to tell him. The Fiscal Officer confirmed the response.
2. USERRA requires service members give advance notice written or verbal unless certain conditions are met. Trustee Smith stated Trustee Valentine never satisfied this requirement.

Trustee Smith explained Trustee Valentine never came to the Board with his orders in writing.

Trustee Hood had veterans from the audience explain their military service and their understanding of deployment:

Daniel Bush: United States Marine Corp and Army 14 years total service

Gregory Benton: United States Navy 4 years total service

The gentlemen spoke of their service and how when deployed you have no time to think about what is going on Stateside. Your total focus is on what is going on where you are!! In their opinion it is next to impossible to hold office and do your duties in the military at the same time. Trustee Hood read a letter from Mr. Leonard Dabon, US Air Force. He stressed he always had a mailing address.



Trustee Hood is asking that Trustee Valentine not be considered on leave, he is absent since no orders have ever been presented other than word of mouth throughout the Community.

Trustee Smith explained if Trustee Valentine was deployed since September, how could he have been seen in the Township in September and October of 2015? Trustee Smith states until he proves he has been deployed and prove it to the Board, his position should be considered vacant. Trustee Smith read O.R.C. 503.241 and Trustee Hood read 503.24. Based on this information, Trustee Smith made the motion: September, October, November, December exceeded the requirement of not being in the Township and he is invoking ORC 503.241. Trustee Hood seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Hood declared the office vacant and made the motion to have Trustee Smith fill the vacancy as of January 1, 2016. Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Hood stated this decision is based on facts, the Government has to continue to function. The people deserve better representation.

Trustee Hood explained the position of the Trustees. Trustee Smith asked the Fiscal Officer to inform former Trustee Valentine to surrender all Township equipment and keys.

Trustee Hood explained when offices are appointed; the individual has the right to decline.

Trustee Hood made adjustments to the Trustee assignments; Trustee Smith will be over the Zoning Department in the form of a motion, Trustee Smith seconded. Roll call vote: Trustee Smith: yes, Trustee Hood: yes.

Trustee Smith made the motion to adjourn the meeting at 11:33am, Trustee Hood seconded. Roll call: Trustee Smith: yes, Trustee Hood: yes.

**Election Summary Report  
General Election  
Lucas County, Ohio  
November 3, 2015**

Date: 11/22/15  
Time: 22:12:21  
Page: 1 of 2

**Summary For Spencer Township, All Counters, All Races**

\* \* \* OFFICIAL RESULTS \* \* \*

Registered Voters 1197 - Cards Cast 525 43.86%

Num. Report Precinct 2 - Num. Reporting 2 100.00%

Spencer Township Trustee		Total
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	525/1197	43.9 %
Total Votes	510	
D. Hilarion Smith	215	42.16%
Teresa M. Bettinger	295	57.84%

Swanton Local School District BOE		Total
Member		
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	156/300	52.0 %
Total Votes	137	
David S. Smith Jr.	81	59.12%
Shannon M. Crow	56	40.88%

Spencer Township Fiscal Officer		Total
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	525/1197	43.9 %
Total Votes	380	
Dawn E. McDonald	380	100.00%

Toledo City School District BOE		Total
Member		
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	332/821	40.4 %
Total Votes	338	
Perry Lefevre	87	25.74%
Randall Parker III	119	35.21%
Stephanie Eichenberg	132	39.05%

Educational Service Center of Lake Erie West Governing Board Member		Total
Number of Precincts	1	
Precincts Reporting	1	100.0 %
Times Counted	25/53	47.2 %
Total Votes	20	
James A. Telb	13	65.00%
Jeff Bunck	7	35.00%

State Issue 1		Total
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	525/1197	43.9 %
Total Votes	478	
YES	324	67.78%
NO	154	32.22%

Evergreen Local School District BOE		Total
Member		
Number of Precincts	1	
Precincts Reporting	1	100.0 %
Times Counted	12/23	52.2 %
Total Votes	7	
Jack Carson	6	85.71%
Nora Kiefer	0	0.00%
Write-in Votes	1	14.29%

State Issue 2		Total
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	525/1197	43.9 %
Total Votes	498	
YES	226	45.38%
NO	272	54.62%

Springfield Local School District BOE		Total
Member		
Number of Precincts	1	
Precincts Reporting	1	100.0 %
Times Counted	25/53	47.2 %
Total Votes	26	
Kenneth W. Musch	6	23.08%
Rachel N. Gelger	11	42.31%
Rick P. Haskins	9	34.62%

State Issue 3		Total
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Times Counted	525/1197	43.9 %
Total Votes	509	
YES	221	43.42%
NO	288	56.58%

Election Summary Report  
General Election  
Lucas County, Ohio  
November 3, 2015

Date:11/22/15  
Time:22:12:21  
Page:2 of 2

Summary For Spencer Township, All Counters, All Races  
\* \* \* OFFICIAL RESULTS \* \* \*

Registered Voters 1197 - Cards Cast 525 43.86%

Num. Report Precinct 2 - Num. Reporting 2 100.00%

11. Lucas County Zoological Tax Levy	
	Total
Number of Precincts	2
Precincts Reporting	2 100.0 %
Times Counted	525/1197 43.9 %
Total Votes	508
<b>FOR THE TAX LEVY</b>	265 52.17%
<b>AGAINST THE TAX LEVY</b>	243 47.83%

I certify that this is a true and correct  
copy of a document in possession of  
the Lucas County Board of Elections

  
\_\_\_\_\_  
Sheri Hain