

To: Washtenaw County Election Commission  
Chair - Darlene O'Brien, Judge of the Probate Court  
Secretary - Lawrence Kestenbaum, County Clerk/Register  
Member - Catherine McClary, County Treasurer

Dear Election Commissioner,

I am writing to challenge the recall petition language filed against me as Supervisor of Scio Township on October 4, 2021. The petition lists five reasons for my recall. It is my understanding that if any of the allegations in the petition is determined to be either vague or nonfactual, then the proposed petition is deemed invalid. I assert that all five of the allegations are unduly vague and not factual and I support this as follows:

***Allegation 1: Consistently ignored the Open Meetings Act by curtailing residents' right to participate remotely in Scio Township's public meetings***

**Nonfactual and Unduly Vague:**

The Scio Board of Trustees meetings afford our citizens, (both in person and via remote participation on Zoom), the opportunity to participate as follows:

- 1) 2 standing public comment opportunities-one near the beginning of the meeting and one at the end, allowing for public comment on any topic for up to 3 minutes.
- 2) public comment is also invited prior to any vote on every action item, limited to the topic of the action item, lasting for up to 3 minutes.
- 3) Additionally, public comment is included in all instances of matters that require a Public Hearing or for any other reason for which we are required to do so by law.

Given these opportunities, each member of the public at a minimum, can speak twice in any meeting on any topic, and, additionally, may also speak on any action items or as required by law. These robust opportunities for public comment, both in person and via remote, have evolved over time as we set the rules for each meeting, but all conform to the requirements under Michigan's Open meetings act including the newly adopted provisions from July 2021 regarding remote participation. This allegation is nonfactual.

The allegation against me claims I "consistently" ignored the Open meetings act by "curtailing" remote participation, yet this allegation fails to mention any example or situation in which a member of the public was curtailed and unable to participate or how I, as Supervisor did so. I have no involvement in the Zoom administration of our Board of Trustee meetings, I do not call on the "electronic hands" that are raised, I do not handle the timer, mute, chat or any other function of the electronic interface. With my support the Board of Trustees voted, in early 2021, to authorize spending \$30,000 on technology upgrades to Scio Township's meeting hall specifically to allow for better remote participation in Township meetings. I supported the installation of this technology and worked with our IT director to implement the Board's action.

Accordingly, this allegation is nonfactual and unduly vague.

**Allegation 2:** *Met with proponents of a neighborhood Special Assessment District without opponents present which resulted in pitting neighbor against neighbor*

**Nonfactual and Unduly Vague:**

This allegation gives no reason or any specifics for how my meeting “resulted” in “pitting neighbor against neighbor”. I believe it is incumbent on an elected official, to meet with the citizens who elected them. I do so with citizens of Scio Township who seek me out. I do not believe that it would be appropriate to limit that contact to only those situations where all sides of any disagreement or discussion are present. In fact, I believe it would be inappropriate to force anyone who simply wants to meet with their Township officer to also require that they also meet with any other interested party.

I am not responsible for any conflicts that may arise among Township residents. In this case, the conflict between these neighbors pre-existed my involvement and so, could not have “resulted” from my involvement. The discussions of the Special Assessment District in question began years prior to my even taking office as Supervisor of Scio Township.

An additional factual error is that I met with proponents *and* opponents. I attended the one meeting of the entire neighborhood, which included both those in favor and those opposed. Neither I, nor the Board, ever acted on this SAD because it was withdrawn before the proponents ever circulated their petition. The conflict was resolved by the SAD proponents’ decision not to go forward with their petition.

This allegation is unduly vague and nonfactual.

**Allegation 3:** *censured public comment at Township meetings*

**Nonfactual and Unduly Vague:** If “censure” refers to the official reprimand by a formal body of one of its own members, I am unaware of any such action by the Scio Township Board of Trustees. It is inappropriate to have to speculate about what this means with respect to public comment. Accordingly, this allegation is unduly vague.

**Allegation 4:** *denied select Board members their right to participate in Board discussions/debates during public meetings*

**Nonfactual and Unduly Vague:** As Supervisor, I serve as the moderator of Board meetings. During meetings it is incumbent on me to exercise control over parliamentary procedure, weighing a number of considerations as diverse as the privacy of job

applicants and private citizens and the legal advice of our Township Attorney. It is inappropriate for me to have to speculate what this allegation means with respect to “select Board members”. Accordingly, this allegation is unduly vague.

**Allegation 5:** *Bypassed the Township Compensation Commission and doubled his yearly salary to \$72,000 for the part-time position to which he was elected. This matter is currently under litigation.*

**Nonfactual:** When I filed nominating papers to run for office in April 2020, the incumbent supervisor was being paid \$72,000 and working in a full-time capacity (see attached *2020 01 14 BOT Minutes p.7*). The position of supervisor was full-time and compensated at an annual salary of \$75,000 when I was elected November 3, 2020.

After the November 3, 2020 election, but prior to my taking office, the prior Board of Trustees voted to lower the supervisor’s salary to \$36,000 (see attached *2020 11 10 BOT Minutes p.2* and *Consent-2-Supevisor Salary*). That vote, which reduced the supervisor’s salary took place *after* the 2020 Election so it is not correct to say that I was elected to a part-time position.

After I was in office for a few months, it was clear that I was working far more than 40 hours per week. In discussions related to the Fiscal Year End 2022 Budget, I raised with the Board that, like my predecessor, I should be compensated for the full-time work I was doing and the supervisor's salary should be adjusted back up to \$72,000. To be clear, the FYE 2022 budget, was *approved unanimously by the entire Board* in March, 2021 (see attached *2021 03 23 BOT Minutes p.7*). The Board voted in March 2021 to appropriate funds for a \$72,000 annual salary for the supervisor when it approved the budget (see attached *2021 03 23 Scio FYE22 Budget adopted p.4*). It is nonfactual to say I “bypassed” the Township Compensation Committee (which was not created until June 22, 2021 and will make salary recommendations for the next fiscal year budget) but instead, clearly the entire Board of Trustees passed the salary increase for the present year budget.

This allegation is nonfactual.

As the foregoing demonstrates, the five reasons provided by the recall petition author are each unduly **vague** and **not factual**. I ask that you reject this petition language as insufficient.

Sincerely,



Will Hathaway  
Supervisor, Scio Township

Martin provided background on this issue.

**20013: Motion by Martin, support by Read, to amend the motion passed by Board of Trustees on January 8, 2019 to purchase a conservation easement on 23 acres (LPC application 2017-5).**

**YES: 7**

**No: 0**

**MOTION CARRIED.**

7. Action to approve Bendzinski & Co. as our official Dissemination Agent.

Flintoft provided background on this item.

**20014: Motion by Martin, support by Read, to approve Bendzinski & Co. as our official Dissemination Agent, billing 50% costs to DDA, charging 25% to Water and 25% to Sewer.**

**YES: 7**

**No: 0**

**MOTION CARRIED.**

8. Action to approve a temporary adjustment to the Supervisor's compensation.

Knowles provided an overview of his request.

Green said she is in favor of this request because Knowles is spending more time working than he used to.

Knol asked Knowles about his hours worked, and expressed her concern for approving this request in light of other outstanding compensation requests for staff.

Flintoft asked Knowles for some delineation between what he sees as Supervisor duties and what are Manager position duties, and said she would not support this request at this time.

Read suggested revising the proposal to an additional \$3,250 per month.

Knol said it would be terrible for the Board to push this through tonight with other outstanding staffing requests.

Palmer voiced her support for the proposal.

Martin moved to appoint Knowles as Acting Township Manager. Flintoft expressed concern about such an appointment. There was no second. Martin removed the motion.

Martin suggested that after a Manager is on board that the Board could consider giving Knowles a bonus in recognition of his efforts. Knowles said he would not support that because he doesn't want to wait.

**20015: Motion by Read, support by Green, to provide a stipend of \$3,250 per month to the Supervisor for additional duties performed, retroactive to January 1, 2020, extending to and terminating 30 calendar days after a new manager is onboarded.**

**YES: Martin, Palmer, Read, Green.**

**NO: Knol, Flintoft**

**ABSTAIN: Knowles**

**20275: Motion by Martin, support by Green,** to adopt the minutes of 4/14/20, 4/28/20, 5/1/20, 5/12/20, 5/26/20, 6/9/20, 6/23/20 as corrected and with understanding that Clerk will add names of public who commented and brief summary of Reports.

**YEAS:** Knowles, Palmer, Flintoft, Read, Knol, Martin, Green.

**NAYS:** None.

**Motion passed 7-0.**

**E) CITIZEN COMMENTS:**

Members of the public provided comments to the Board.

**F) PRESENTATIONS & REPORTS TO THE BOARD**

1. Annual Audit – presentation by Plante & Moran.
2. Fire Report for October 2020-written report only.

**G) PUBLIC HEARINGS - None**

**H) CONSENT AGENDA**

Consent 1-Township Meeting Schedules; Consent 2-Supervisor Salary; Consent 4-CWA Master Plan fee; Consent 5-Plante & Moran audit fee.

**20276: Motion by Palmer, support by Green,** to adopt the items on the Consent Agenda as presented.

**YEAS:** Knowles, Palmer, Flintoft, Read, Knol, Martin, Green.

**NAYS:** None.

**Motion passed 7-0.**

**I) ACTION ITEMS**

1. Action to accept the Annual Audit of 2019-2020 from Plante & Moran.

**20277: Motion by Flintoft, support by Knol,** to accept the Annual Audit of 2019-2020 from Plante & Moran.

**YEAS:** Knowles, Palmer, Flintoft, Read, Knol, Martin, Green.

**NAYS:** None.

**Motion passed 7-0.**

2. Action to approve the 6-year Capital Improvement Plan.

**20278: Motion by Read, support by Green,** to approve the below Resolution to adopt the Capital Improvement Plan Workbook for years 2022-2028.

**YEAS:** Knowles, Palmer, Flintoft, Read, Knol, Martin, Green.

**NAYS:** None.

**Motion passed 7-0.**

**SCIO TOWNSHIP**  
**BOARD ACTION – CONSENT ITEM 2**  
**Administration**

**FOR MEETING DATE OF:** November 10, 2020  
**PREPARED:** November 5, 2020

**ACTION REQUESTED:** Action to rescind the additional \$39,000 per year Supervisor stipend as of noon on November 20, 2020.

**BACKGROUND:** The BOT approved a \$39,000 per year increase in the Supervisor's compensation at the January 14, 2020 meeting, due to the increased work responsibilities that resulted from not having a Township Manager on staff. It was noted at that time, that the additional stipend would cease 30 days after a manager commenced work, which has not occurred. With a new BOT taking over at noon on November 20, 2020, it will be their decision to determine how to handle the different administrative responsibilities within the Township.

**ATTACHMENTS:** None

**MODEL RESOLUTION:** motion by Trustee \_\_\_\_\_, support by Trustee\_\_\_\_\_ to rescind the additional Supervisor stipend of \$39,000 per year as of noon on November 20, 2020, and for the Supervisor salary to revert to the \$36,000 per year as previously established.

Roll Call Required

**Motion by Palmer, support by Courteau, to adopt the proposed budget Resolution on General Appropriations Act Approving FY21-22 Budget in reference to the *FYE22 Supervisor's Proposed Budget*, with all amendments passed.**

**YES:** Hathaway, Flintoft, Palmer, Courteau, Jerome, Knol, Vogel.

**NO:** None.

**ABSENT:** None.

**MOTION PASSED 7-0.**

**J.4 Authorization for Remote Attendance by Members of Township's Board and all of its Committees**

Jerome suggested that the Clerk confer again with the Township Attorney regarding all options the Township had in regards to length of protocols we set in place.

**Motion by Jerome, support by Courteau, to table this item until our Special Meeting on March 25<sup>th</sup>.**

**YES:** Hathaway, Flintoft, Palmer, Courteau, Jerome, Knol, Vogel.

**NO:** None.

**ABSENT:** None.

**MOTION PASSED 7-0.**

**K. PUBLIC COMMENT**

There were none.

**L. ADJOURNMENT**

**Motion by Jerome, second by Courteau, to adjourn.**

**YES:** Hathaway, Palmer, Flintoft, Courteau, Jerome, Knol, Vogel.

**NO:** None.

**ABSENT:** None.

**MOTION PASSED 7-0.**

Meeting adjourned at 10:19pm.

Scio Township Budget for FYE22 (April 1, 2021 - March 31, 2022)		
As Adopted on 3/23/21		
		2021-22
ACCOUNT	DESCRIPTION	ORIGINAL BUDGET
Dept 171 - SUPERVISOR		
<No Project>		
702.000	OFFICERS SALARIES	72,000
715.000	F.I.C.A.	5,508
719.000	HEALTH INSURANCE	
719.100	POST EMPLOYMENT HEALTH INSURANCE	7,022
720.000	LIFE INSURANCE	375
722.000	PENSION	5,760
723.000	EMPLOYEE REIMBURSED HEALTH	
724.000	LONG TERM DISABILITY	400
724.100	SHORT TERM DISABILITY	200
NET OF REVENUES/APPROPRIATIONS - <NO PROJECT>		(91,265)
NET OF REVENUES/APPROPRIATIONS - 171 - SUPERVISOR		(91,265)