

# Discussions continue on White's Woods issue

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- Aug 13, 2020 Updated 7 min ago

A letter to the editor of The Indiana Gazette became a flashpoint, as did a letter from Indiana Borough, during another round of discussion of the White's Woods Nature Center on Wednesday, before the White Township board of supervisors.

Those topics were raised as well as a petition and survey numbers from Friends of White's Woods, and reported responses to the draft stewardship plan the township had posted on its website.

The letter released July 21 by the borough prompted the group's secretary, Tom Miller, to question whether the township had reacted, particular with respect to its points about stormwater runoff.

Supervisor Gail McCauley acknowledged that she had read the letter, but because of the lawsuit filed by FWW against the township, "our hands are tied right now to respond to that."

Township Solicitor Matthew Ross said he had talked to borough officials.

FWW Vice President Dave Dahlheimer asked, "Do you have a plan to respond?"

"We take all that information in consideration," Supervisor Rich Gallo said. However, "we have to be sensitive due to litigation."

"Even about stormwater?" Dahlheimer asked.

"Anything related to White's Woods is on hold until the court resolves this," board Chairman George Lenz said.

"Friends of White's Woods made the decision early on to make this a legal process," Supervisor Sandi Gillette said.

Lenz and Miller argued over the idea of a motion authorizing Indiana Borough Council to tackle the recommendations in the borough's letter, at the borough's expense.

Miller said Lenz was misquoting him about that idea.

The group's president, Sara King, said the borough's letter, as well as one from the Indiana County Planning Commission, were received by the township as it sought response to a draft stewardship plan for the nearly 250-acre forested area along the Indiana Borough line.

About 15 acres of the preserve are within the borough.

The county's letter was discussed briefly later Wednesday afternoon at a county planning commission meeting.

King said they were among 71 responses, 69 of which questioned or opposed the plan, while two supported it.

She also said FWW's petition had 1,240 signatures from across western Pennsylvania in opposition to timbering in White's Woods, as proposed as part of a plan by township contractor Millstone Land Management LLC of Marion Center that also involved removal of invasive species.

King said FWW received 600 signatures on that petition from ZIP codes 15701 and 15705, covering the borough and township. She also said a survey by her organization drew 98 percent support from 229 respondents to leaving White's Woods as a natural area.

After the borough's letter was discussed, Supervisor Eugene Gemmell said attorney Tim Fitchett of Fair Shake Environmental Legal Services in Pittsburgh, counsel for FWW in their court battle with the township, wrote an "absolutely ridiculous" letter to the editor that "accused the White Township supervisors of being a bunch of liars."

The letter, published July 27 in the Gazette, questioned how the state's Sunshine Law allowed the township to "cure any violations of the act after the fact by making the same decisions in open session."

Or, as Ross said at a special July 20 board meeting: "The purpose ... is to, if necessary, cure the Pennsylvania Sunshine Act violations alleged by the Friends of White's Woods."

"I have never seen anything by a solicitor that was so unprofessional," Gemmell said.

"Regardless of the merit of our claim, that portion of the lawsuit is effectively ended because of this loophole," Fitchett wrote. "What this ultimately means is that communities are forced to expend time and resources to bring valid concerns of violations of the Sunshine Act into court, only to leave with nothing when the municipality cures the violation and moots the case."

That special meeting came prior to what was supposed to be a July 22 hearing in Indiana County Court of Common Pleas, which has been postponed until a date to be determined.

Ross said a status conference is scheduled Monday by Judge William Martin, involving Fitchett as well as Greensburg attorney Bernard P. Matthews Jr., who was retained by the township to oppose the motion for a preliminary injunction.

Lenz suggested that perhaps the township should sue Friends of White's Woods for court costs.

The stewardship plan also was submitted to the Pennsylvania Department of Conservation and Natural Resources. Township Manager Milt Lady said there has been no response to date from DCNR.

Litigation also impacted a discussion about a proposed forestry commission. Gallo proposed a 12-member panel, with each supervisor choosing two members and two others being chosen from applications, to look at forests in the township, including White's Woods.

He would have Recreation Director Ryan Shaffer chair that panel. Gillette seconded his motion, but Gemmell said he would not vote for anything like that until the FWW lawsuit is resolved.

Likewise, McCauley said the board should not move forward "on anything that has 'White's Woods' in it." She suggested that Gallo could bring the idea up at another time.

Lenz suggested an amendment to delay implementing Gallo's idea until after the lawsuit is settled, but Gallo then withdrew his motion.