

Friends of White's Woods, Inc.
Friendsofwhiteswoods.org

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FRIENDS OF WHITE'S WOODS FILE COMPLAINT AGAINST WHITE TOWNSHIP BOARD OF SUPERVISORS

In order to stop the mechanized removal of invasive species and timbering of White's Woods by the White Township Board of Supervisors and to allow time for public input into the plans, the Friends of White's Woods on Friday filed a complaint in the Indiana County Court of Common Pleas.

The complaint, which seeks a declaratory judgment, was filed by counsel for FWW Tim Fitchett of Fair Shake Environmental Legal Services of Pittsburgh. The suit claims violations of the Pennsylvania Sunshine Act and the Municipal Planning Code. In addition, the suit seeks an injunction to stop the invasive species removal and timbering asserting that White Township's proposed actions would cause irreparable harm to the woods.

The suit seeks the vacating of all township decisions made in executive sessions and declaring that the contract for invasive species plant eradication between the township and Millstone Land Management, LLC, of Marion Center is void.

On April 8, an FWW member noticed that many trees in the woods were marked with blue and green paint. Upon inquiry, he learned that the trees were marked as part of a plan to remove invasive species and timber in the woods.

Sara King, president of FWW, requested minutes and documents from the Board of Supervisors through an open records request since agenda and minutes of White Township meetings are not archived on their website. She received those documents April 22nd and the FWW Board noticed that critical actions on White's Woods were taken during Executive Session at board meetings on June 12, Sept. 11, Feb. 12 and March 11.

According to the Pennsylvania Sunshine Act, there are limited exceptions to open meetings. According to Fitchett, the White Township supervisors' Executive Sessions on White's Woods

did not meet those exceptions. In addition, the Sunshine Act requires that the reason for the Executive Session must be presented at the open meeting. This, also, was not done.

The suit also alleges that the supervisors avoided advertising for bids for the removal of the invasive species by dividing the White's Woods plan into seven stages, thus allowing each separate stage to stay under the Municipal Planning Code maximum (\$21,000) that mandates advertising. According to the code, a township may not evade the advertising requirements "by purchasing or contracting for services and personal properties piecemeal to obtain prices under the required advertising price."

"The supervisors, both at their April and May meetings and in recent newspaper articles, have claimed that they have been open and transparent about the plans for White's Woods," King said. "An examination of the minutes reveals something less than openness."

White's Woods is the only White Township wooded area that was purchased with Project 70 funds, which regulates the usage of the woods, and states that the lands must be utilized for recreation, conservation, and historical purposes, and contribute to meet the recreation or conservation needs of the community.

The suit alleges that the plans include extensive surface operations including demolishing 60-year-old walking, hiking and biking trails throughout the park; earth moving and tree cutting removal to construct new trails; defacing hundreds of trees with colored paint to mark for timbering; constructing roads and timbering skid-trails; timbering and removing hundreds of trees to open the forest canopy; and removing and destroying the 60-year-old forest floor.

"The proposed operations of the Township will cause irrevocable harm to the White's Woods Nature Park," the suit reads.

According to Fair Shake Environmental Legal Services, the best path forward for now is to leave the trees in place in the Nature Center.

"The township also needs to involve the public in the consideration of a forest stewardship plan," King said. "We need the input of the public, environmentalists, biologists, conservationists and those with expertise in recreation, park and forestry management to achieve a plan that will keep White's Woods vibrant and healthy for future generations."

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