

## Supervisors express concerns over Sunshine Act compliance

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Stock photo of the White Township sign.

Tom Peel / Indiana Gazette

White Township supervisors expressed concerns over the stewardship committee's Sunshine Act compliance during a board of supervisors meeting Wednesday at 7 p.m. at the White Township municipal building.

Township Manager Chris Anderson said the concerns come from an overabundance of caution to ensure the board and committee are following Sunshine laws, which require certain government proceedings to be open to the public. The current scope of the stewardship committee is to gather public input and information, relay that information to the board and make recommendations.

Because the stewardship committee has limited authority and makes only recommendations to White Township supervisors, it's unclear whether Sunshine laws apply to committee activities. But the board doesn't want to take any chances.

“It is a body of the township, or an extension somewhat of the supervisors,” Anderson said, explaining the importance of Sunshine compliance and public participation during stewardship committee activities.

“At this point, we’ve treated everything as a Sunshine law,” Anderson continued. “We’ve had advertised meetings, we’ve had the public comments, we’ve been open to open meetings, etc.”

Both committee members and meeting attendees have raised Sunshine Act concerns during stewardship committee meetings. The township supervisors’ solicitor, Ryan Fritz from Delaney & Fritz law firm, joined the board meeting Wednesday to provide legal insight on how Sunshine laws may apply to the committee.

Board members expressed their desires to comply with Sunshine laws for stewardship committee activities but raised concerns over whether compliance can slow down board deliberation.

“There’s a lot to look at,” said township recreation director Ryan Shaffer. “There’s been concerns by certain members about the committee interacting through emails or phone conversations between meetings to try and come to a consensus that they can bring to the public meeting to move things forward. So, their general fear is we can’t talk to each other outside an open meeting, but we don’t have enough time in the meeting space to hash all this out.”

Board chairman George Lenz and supervisor Eugene Gemmell aired suspicions about whether Sunshine inquiries were by critics trying to hinder White’s Woods initiatives.

“I don’t know if it exists or not,” Lenz said, “but there might be an element in our community that simply wants to (prevent) any attempt to do anything in White’s Woods. And ... the only thing they have is the elements of the Sunshine law. So, they’re hammering on that.”

The board discussed various solutions to ensure Sunshine compliance and eliminate doubt of board collusion, such as limiting the scope of the stewardship committee, having the committee make public recommendations during supervisor meetings, redefining the committee’s mission, giving Anderson primary authority over committee spending and/or limiting committee expenditures.

Anderson said he’d like to look at the committee’s scope more closely during the board’s May 11 meeting.

In other news Wednesday, Anderson read four bids for the 2022 paving contract. The bids came from Quaker Sales Corporation, in Johnstown, totaling \$472,502.50; Derry Construction Co., in Latrobe, totaling \$453,933.70; Grannas Brothers, in Hollidaysburg, totaling \$506,424.50; and East American Inc., in Indiana, totaling \$460,432.52.

“The roads (in the paving contract) include North Fifth Avenue, Josephine Avenue, Fairview Avenue, Center Street, Lincoln Avenue, portions of Shady Drive, Elkin Avenue and Ridge Avenue,” Anderson said.

The board unanimously approved a motion by Gemmel to take more time to review the bids to accept a lower price.

Under old business, the board discussed the pros and cons to changing the local ordinance on swimming pools and dangerous structures with the help of National Drowning Prevention Alliance executive director and IUP kinesiology professor Adam Katchmarchi.

The board wants to determine whether completely changing the current ordinance or revising it would be more beneficial regarding the township's ability to enforce the ordinance. On one hand, a vaguely worded law may give the township more flexibility when enforcing the ordinance. Conversely, the lack of specificity in the ordinance may hinder the township's enforcement capabilities.

The discussion of the ordinance was part of an ongoing conversation after the death of Lenny Hatinda, 5, who wandered away from his White Township home the evening of July 29 and was found unresponsive in a pool around 11 p.m. about a tenth of a mile away from his home.

Also Wednesday, Anderson gave specifics on a loss of revenue application for S&T Bank Arena after temporarily shutting down the arena due to COVID protocols.

“It was unfortunate (the arena shut down) because it was kind of the end of the season when we had a lot of peak ice time,” Anderson said. “We had a lot of tournaments scheduled that were canceled ... so we did have a loss of revenue that was a big part of our budget.

“We worked through our insurance company, which (had) a pot of money allocated that if a municipality had lost revenue, they could file this claim.”

The claim, which was filed a little over a year ago, according to Anderson, is for around \$27,000. However, Anderson doesn't know whether the \$27,000 will be awarded in its entirety or just a portion.

In other news Wednesday, the board announced:

- The closing of a municipal authority S&T bank loan took place April 20.
- The Route 286 Highway East sewer project is opening May 10.
- The Pennsylvania State Association of Township Supervisors held its annual conference April 24, which ended Wednesday.
- The local planning team will go on hiatus during the summer and reconvene in fall.
- The county hazard mitigation plan, which is updated on a five-year cycle, will be updated in 2023.
- Poor weather conditions have caused a number of private and township stormwater issues.

- Another accident occurred at the intersection between Acorn Street and Philadelphia Street early Saturday morning, and the board is considering ways to reduce accidents at the intersection.
- A May/June newsletter article and education campaign will include any changes to the swimming pools and dangerous structures ordinance.
- The board had a kickoff meeting with a PennDOT representative to discuss the Saltsburg Avenue bike lane and sidewalk project.
- There was an abundance of April occasions such as Rural Road Safety Week, National Safe Digging Month and National Work Zone Awareness Week. •