



September 22, 2016

Via electronic mail and First Class mail
Robert A. Willig, Esquire
Senior Deputy Attorney General
Office of Attorney General
6th Floor, Manor Complex
564 Forbes Ave.
Pittsburgh, PA 15219

RE: Maxatawny Township Zoning Ordinance - Act 38 review

Dear Attorney Willig:

Thank you for your correspondence regarding the status of the ACRE review. Please note that no plans are currently pending at the Township relative to the [REDACTED] Property and the Red Barn project. At present a stormwater plan for the [REDACTED] farm is pending for mitigation measures and the Township is reviewing said proposal.

The Township previously heard very limited testimony regarding a conditional use proposal. Based upon the testimony provided several of the intensive agricultural provisions of the ordinance may not apply. However, absent a full record it is difficult to determine the exact use and applicability of all provisions of the ordinance.

I would also like to reiterate the position in my April 10, 2015 letter to Attorney Bucknum concerning the prior review by your office of these exact provisions of the Maxatawny Ordinance. Therefore, we feel this matter has already been decided by your office.

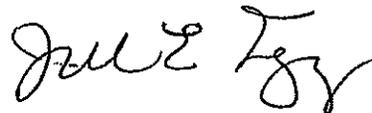
Finally, based upon the language of the Act, I would like to assert the Township's claim that due to the delay the Act 38 review constitutes a deemed approval of the Township's ordinance based upon the following language:

(c) Response.--Within 120 days after receiving a request under subsection (a), the Attorney General shall advise the person that made the request whether or not the Attorney General will bring legal action under section 315(a). If the request under subsection (a) is in writing, the response shall be in writing. 3 Pa.C.S.A. § 314(c).

The Township would like to work with the Attorney General's office, but we believe that as a matter of law this issue has been resolved.

Thank you for your attention. If you would like to further discuss this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill E. Nagy". The signature is written in a cursive style with a large, stylized "J" and "N".

Jill E. Nagy

cc: Maxatawny Township



SUMMERS NAGY LAW OFFICES

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May 26, 2017

Via First Class Mail and Electronic Mail

to [REDACTED]
Office of the Attorney General
ATTN: Robert A. Willig, Esq.
6th Floor Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Re: ACRE Review Request – Maxatawny Township

Dear Attorney Willig:

The Township disagrees with your legal analysis and the procedure by which this particular matter was processed. Not only due to inappropriate communications and delay but because your office already reviewed all of the provisions of the ordinance at issue and has issued a finding that the Ordinance complies with all state laws. As such, the Township stands by its ordinance as adopted.

Thank you for your attention.

Very truly yours,

Jill E. Nagy

JEN:rmq