

[REDACTED]

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C101L

Law Offices

Matthew J. Canan

137 Locust Street
P.O. Box 510
Oxford, Pennsylvania 19363-0510

[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED
OCT 28 2016
Office of Attorney General
EXECUTIVE OFFICE

October 26, 2016

Pennsylvania Office of
The Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

RECEIVED
OCT 28 2016
SR-77512-076
Office of Attorney General
RECEIVED
Office of Attorney General

Re: [REDACTED] - Lower Milford Township Ordinance

DEC 02 2016
Legal Review Section

Ladies/Gentlemen:

My name is Matthew J. Canan, Esquire. I represent a timber harvesting operation in Lower Milford Township in Lehigh County, Pennsylvania. The Township's Ordinance seems to provide that my client is to pay an engineer's fee for review of his timber harvesting plan. I believe that this ordinance runs afoul of 53. P.S. § 10617.3(e). I write to request a review of Lower Milford Township's ordinance with respect to forestry operations. The relevant sections of the ordinance are Section 1004, 1005, and 1200.A.31.

I have provided a copy of a letter I sent to Lower Milford Township regarding this issue. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Matthew J. Canan, Esquire

MJC/lt
Enclosures

Law Offices

Matthew J. Canan

137 Locust Street
P.O. Box 510
Oxford, Pennsylvania 19363-0510

October 26, 2016

Via: Regular Mail & Email: info@lowermilford.org

The Board of Supervisors of
Lower Milford Township
7606 Chestnut Hill Church Road
Coopersburg, PA 18036

Re: [REDACTED]

Ladies/Gentlemen:

My name is Matthew J. Canan, Esquire. I am an attorney representing [REDACTED] Inc., a forestry corporation operated by [REDACTED]. [REDACTED] is currently engaged in a timber harvesting operation in your township, and he has advised me that you have ordered him to cease operation and pay a non-refundable escrow fee. [REDACTED] informs me that the purpose of this fee is to pay for the payment of an engineer's services for reviewing [REDACTED] timber harvest plans. [REDACTED] informs me that this escrow fee was upwards of \$4,000.00. In reviewing your ordinance, I see no provision for such payment. I found no fee schedule or other documentation evidencing the amount and purpose of the fee. 53 P.S. § 10617.3(e) of the MPC prohibits the municipality from charging for costs or expenses for engineering consultants in administrating a zoning ordinance. As such, the levying of a non-refundable escrow fee against my client's timber harvest operation for purposes of paying an engineering consultant's fee for reviewing his timber harvesting plans is in violation of Pennsylvania Law.

Please return the escrowed funds to my client immediately. If you refuse to return the escrowed funds, please provide a written response explaining why. I am sending a copy of this letter the Attorney General's Office for review of your township's ordinance.

Sincerely,



Matthew J. Canan, Esquire

MJC/lt

cc:

[REDACTED]
Attorney General's Office ✓