

RE: [EXTERNAL] Municipality of Monroeville [REDACTED]

Willig, Robert A.

Sent: Wednesday, March 17, 2021 10:47 AM**To:** [REDACTED]**Cc:** [REDACTED]**Attachments:** 30 Day-Acceptance Letter S~1.pdf (165 KB) ; 30 Day-Acceptance Letter.pdf (127 KB)

Dear [REDACTED],

[REDACTED] I received the ACRE complaint yesterday via email and I saw on the copy of the letter that you had been cc'd on the complaint. Thank you so much for acting on this so quickly. I agree that the timber harvesting fee is excessive based on prior cases that the Office of the Attorney General (OAG) has handled and I greatly appreciate the fact that Monroeville is going to be changing its fee schedule. I have attached for your review two letters that I have recently sent out to Townships dealing with timber harvesting permit application fees. The salient points as I see them are the fee has to be "reasonable," related to the actual costs of administering the ordinance, and the fees cannot be taxes disguised as fees. The OAG does not tell municipalities what a "reasonable" fee is. I offer up these letters for information purposes only and perhaps they can assist you and the Township in landing on what constitutes reasonable timber harvesting permit application fees.

[REDACTED] and [REDACTED] also mention that portion of the timber harvesting fee schedule that reads "[t]he Municipality reserves the right to assess additional costs for engineering review, legal, and [e]xpert service when deemed necessary." In the past, the OAG has found such provisions problematic. It is our position that such costs/fees/escrows violate the Municipalities Planning Code. When you read through the East Rockhill Township letter attached to this email, you will see that the OAG directed that Township's attention to the OAG ACRE website and to various cases where we had addressed the issue of charging for engineering, or legal, or expert services. One of those cases is the earlier Municipality of Monroeville case that you had with my predecessor. It is the OAG's position that a township cannot charge for such expenses and you can read in various letters on our website why we think that. I would recommend that if you are going to be changing the fee schedule you may want to seriously think about removing the "Miscellaneous Fees" section under "Timber Harvesting."

Thank you for being so proactive and if there is anything that I can do to help please do not hesitate to contact me. Stay safe.

Sincerely,

Robert A. Willig
Senior Deputy Attorney General
1251 Waterfront Place
Pittsburgh, PA 15222
[REDACTED]

From: [REDACTED]
Sent: Wednesday, March 17, 2021 9:26 AM
To: [REDACTED]
Subject: [EXTERNAL] Municipality of Monroeville [REDACTED]

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