

**Darlene Horr**

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**From:** [REDACTED]  
**Sent:** Monday, September 27, 2021 11:52 AM  
**To:** Willig, Robert A.  
**Cc:** [REDACTED] 65  
[REDACTED]  
[REDACTED]  
**Subject:** RE: [ EXTERNAL ] ACRE Request for Review - Borough of Long Branch, Washington County

**COPY**

Dear Mr. Willig:

I am in receipt of your letter dated September 16, 2021 and the [REDACTED] Complaint that was emailed to my office on September 22, 2021. In response to your email, please note the following responses:

1. Long Branch Borough is a Borough organized and existing under the Pennsylvania Borough Code. The governing body is a Council and not a Board of Supervisors.
2. The Borough has not enacted a Zoning Ordinance as of the date of this response. Therefore, the Municipalities Planning Code does not apply in this situation.
3. I take great umbrage at the unprofessional comments of [REDACTED] regarding [REDACTED], who is the Borough Code Enforcement Officer. [REDACTED] is not ignorant, rude or unprofessional. [REDACTED] is a pleasant man who treats everyone with respect. In fact, I have spoken to other foresters who have dealt with him and they have stated he is nice to deal with.
4. In regards to [REDACTED] comments that timber harvesting is a "use as a right in all zoning districts," the Borough does not have zoning. Therefore, this comment by [REDACTED] lacks merit. Since the Borough does not have zoning, then the averment that the Borough scheduled a conditional use hearing is also without merit. These zoning comments indicate that [REDACTED] is making baseless comments.
5. I have advised the Borough Code Enforcement Officer that if [REDACTED] contacts him in the future, that his is to direct [REDACTED] to my attention. During [REDACTED] interaction with the Borough Code Enforcement Officer [REDACTED] used profane language such as [REDACTED], etc. With this type of language [REDACTED] has acted unprofessional and ignorant.
6. Long Branch Borough utilizes the former Ordinance as prepared by Penn State. In fact, the Borough will be updating its current Ordinance to come into compliance with the Pennsylvania Model Forestry Regulations as recommended by the Office of the Attorney General as detailed in "Pennsylvania Sustainable Forestry Ignition Implementation Committee".
7. [REDACTED] makes baseline allegations that are vague as set forth in comments regarding Section 6. The Borough Ordinance was based upon the Penn State Model and a review of the Ordinance indicates it is in compliance with current operating procedures.
8. In [REDACTED]'s comments regarding Section 7 of the Borough Ordinance [REDACTED] makes a general statement as to industry standards, but he does not specify the particularities as to the violation of the standards.

9. In terms of Section 8 regarding road maintenance, repairs and road bonding [REDACTED] is definitely unaware of State Law regarding the same. The Borough has an engineering study and an Ordinance regarding the weight limits for Borough roads. The Washington County Court of Common Pleas has already held that the Borough has met the requirements of State Law. I am uncertain as to [REDACTED]'s claims that the Borough "arbitrarily imposes road use fees and maintenance agreements." I suggest that [REDACTED] review the applicable PennDOT Publication. The Borough uses a Maintenance Agreement and imposes an application fee and an escrow fee to cover engineering, legal expenses, etc.. The engineering review is done prior and post use of the road. The Borough requires an escrow to cover the appropriate fees in advance of the services rendered. In the past, the applicants have refused to pay the cost that the Borough incurs and then the Borough will incur litigation expenses to recover its monies. If there is no engineering review, the applicant will then argue that there should have been an engineering review and will object to the municipality attaching the bond. There is no real reason why tax payers should be responsible for those types of expenses. The roads are posted, however it is the experience of this office, which represents over thirty (30) municipalities, that the aforesaid signs go missing, if used by a hauler that damages the roads of the municipality.
10. [REDACTED] avers that the enforcement mechanism in the Borough Ordinance violates State Law by unreasonably restricting forestry operations. The Borough enacted this Ordinance based upon the recommendations of Penn State University. Mr. O'Barto position is contrary to the Penn State University Study. The current Borough Ordinance is consistent with the enforcement mechanisms of Penn State University.

As always, if you have any questions or concerns, please do not hesitate to contact my office.

Thank You,

[REDACTED]  
[REDACTED]  
[REDACTED]

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From: [REDACTED]

Sent: Wednesday, September 22, 2021 10:44 AM

To: [REDACTED]

Subject: RE: [ EXTERNAL ] ACRE Request for Review - Borough of Long Branch, Washington County

[REDACTED]  
[REDACTED]  
[REDACTED]