
ACRE review Butler Township

From [REDACTED]

Date Sun 1/25/2026 12:58 PM

To [REDACTED]

Cc [REDACTED]

 1 attachment (236 KB)

IMG_0001.pdf;

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Rob,

Please be reminded that I am the Solicitor for Butler Township, Schuylkill County. I am emailing in response to your January 12, 2026 letter to Butler Township, and its invitation to respond to the ACRE complaint of [REDACTED] within 30 days. My response in this email is based on information received from relevant Butler Township officials.

Butler Township charges a fee of \$1,500.00 per permit request to engage in timber harvesting.

As your letter regarding Industry Borough states, a municipality may charge a reasonable fee commensurate with **issuance and supervision** of the permit. (Your citation is to Mastrangelo v. Buckley, 250 A.2d 447).

Butler Township obviously incurs basic administrative costs with the **issuance** of any permit, as the Secretary must spend time providing the applicant with an application, receiving the completed application, forwarding the application to the appropriate official, filing the application, depositing the fee. In addition to administrative costs associated with the application itself, Butler Township also incurs costs for **supervision** of the permit.

Butler Township has engaged the services of a Forester [REDACTED] to ensure the existence of a validly issued E&S Plan, accurate descriptions of property lines, and to supervise compliance. He charges Butler Township \$60.00 per hour, which I submit is a reasonable hourly rate for his professional services.

I admit that [REDACTED] of [REDACTED] required minimal supervision, and that he, as he states in his December 16, 2025 application to you, practices "sound forest management as well as invasive mitigation along with all of our timber harvests to protect the resources at hand as well as promoting forest health and sustainability". [REDACTED] finds as much in his October 1, 2025 report (which you provided), wherein [REDACTED] states [REDACTED] did a "great job", his "work appears to be

skilled", and that [REDACTED] and his group are "conscientious stewards of the woods". The problem is that not all timber harvesters do great jobs, are equally skilled, or are as conscientious.

There are several instances where [REDACTED] has had to make several trips to a harvesting site due to the need to ensure the harvesting is being done correctly per the requirements of the E&S Plan. For example, to address neighbor complaints about runoff and harvesting encroaching too closely to the property lines.

Butler Township can never know at the time of the permit application and the payment of the fee what [REDACTED] ultimate bill will be. I am attaching some billing statements of [REDACTED] it is my understanding that the [REDACTED] entry on the April 18, 2025 statement, and the [REDACTED] entry on the October 6, 2023 statement, are for the same project. [REDACTED] spent 15.5 hours supervising this project alone (15.5 hours x \$60 per hour is \$930.00). Both the May 31, 2024 statement and the November 15, 2023 statement contain entries for the [REDACTED] project, totaling 17 hours, or \$1,020.00.

In addition, Butler Township has its Code Officer visit the site of any harvesting operation to confirm the roads that will be the route of the hauling of the fallen timber. This is to ensure that the relevant roads do not require bonding by the hauler for overweight loads per any Butler Township ordinance. The Code Officer also ensures whether an existing driveway will service the hauling, or whether a new driveway must be installed under the relevant Butler Township ordinance. It is my understanding that the Code Officer typically bills Butler Township for 2 hours at \$88.00 per hour per project. (Butler Township has engaged [REDACTED] as its zoning/code officer, and this professional engineering firm has set the \$88.00 per hour fee, which I again submit is reasonable for the professional services offered).

In addition, sometimes a timbering project does involve a road where bonding is required. On the attached October 6, 2023 invoice, the "N.S.S.D." (North Schuylkill School District) project referred to was, to my understanding, a project where bonding was required. If bonding is required, Butler Township incurs much greater costs for its Code Officer to perform the required inspections (beginning of project where roads are videotaped to establish baseline condition, during the project to monitor any damage occurring, and end of project to establish whether any damage has occurred). Butler Township incurs still greater costs in paying its Solicitor to draft the necessary Excess Maintenance Agreement whereby the hauler becomes obligated to post bond and pay for any road damage.

There is no doubt that for some projects, such as the [REDACTED] project, the permit fee is greater than Butler Township's costs to issue and supervise. There are some projects, however, such as one that ultimately requires road bonding, where the permit fee will not cover Butler Township's costs to issue and supervise. Butler Township believes that \$1,500.00 is a reasonable fee that evens things out in the long run. It is obviously not possible to know exactly what to charge each applicant at the time of permit application in order to exactly match ultimate costs.

In conclusion, I will add that the \$1,500.00 charged by Butler Township is significantly lower than the \$8,000.00 fee found "grossly disproportionate" in the Industry Borough matter. Given the costs detailed in this email, I submit that \$1,500.00 is reasonable, and is not "grossly disproportionate" in relation to costs on Butler Township to supervise compliance with the E&S Plan, and relevant ordinances (like those regulating driveways and road bonding for overweight loads).