

08-1293-CD
Brady Township vs Lonnie London

80
81



Commonwealth Court of Pennsylvania

Kristen W. Brown
Prothonotary
Michael Krimmel, Esq.
Chief Clerk of Commonwealth Court

Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2100
P.O. Box 69185
Harrisburg, PA 17106-9185
www.pacourts.us

November 26, 2013

NOTICE OF DOCKETING APPEAL

RE: **Brady Twp v. London**
1885 CD 2013
Filed Date: October 18, 2013
Trial Court Docket No: 08-1293 CD

FILED *m 9:22am*
DEC 04 2013
William A. Shaw
Prothonotary/Clerk of Courts

A Notice of Appeal from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within sixty (60) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on the next page of this notice.

NOTICE TO COUNSEL

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa.R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on the next page of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

(55)

Attorney Name	Participant Name	Participant Type
Patrick Lavelle, Esq. Loralee Anne Choman, Esq.	Lonnie London Brady Township	Appellant Appellee

Address all written communications and direct all filings to:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2100
P.O. Box 69185
Harrisburg, PA 17106-9185
(717) 255-1650

Filings may be made in person between 9:00 a.m. and 4:00 p.m. (except Saturdays, Sundays, and holidays observed by the Pennsylvania courts), by mail as provided by general rules, or as otherwise permitted by general rules of court.

FILED

DEC 04 2013

William A. Shaw
Prothonotary/Clerk of Courts

Date: 12/26/2013

Time: 09:40 AM

Page 1 of 4

Cliffield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge	
7/14/2008	New Case Filed. Filing: District Justice Appeals Paid by: Lavelle, Patrick (attorney for London, Lonnie) Receipt number: 1924972 Dated: 7/14/2008 Amount: \$95.00 (Check) 1 copy Atty Lavelle, Plff., MDJ Ford (mailed 7/14/08)	No Judge No Judge
	Case Filed.	No Judge
7/18/2008	DJ Judgment Transcript, filed.	No Judge
8/4/2008	Complaint, filed by s/ Blaise J. Ferraraccio, Esquire. 6 CC Atty.	No Judge
9/5/2008	Answer and New Matter, filed by s/ Patrick Lavelle, Esquire. 1CC Atty. Lavelle	No Judge
8/31/2009	Response to New Matter, filed by s/ Loralee A. Choman, Esquire. 3CC Atty. Choman	No Judge
9/3/2009	Certificate of Service, a copy of the Response to New Matter has been served on Sept. 2, 2009, via U.S. Mail upon Patrick Lavelle, Esquire. Filed by s/ Loralee A. Choman, Esquire. No CC	No Judge
7/12/2010	Motion to Consolidate, filed by s/ Loralee A. Choman, Esquire. 3CC Atty. Choman Certificate of Service, filed. That an original of Defendant's First Set of Interrogatories and Request of Documents to Plaintiff was served on Loralee A. Choman by 1st class mail, filed by s/ Patrick Lavelle Esq. 1CC Atty Lavelle.	No Judge No Judge
7/15/2010	Rule, this 15th of July, 2010, upon consideration of Plaintiff's Motion for consolidation, it is Ordered that: A Rule is issued upon the Defendants. Rule Returnable and a hearing thereon the 19th of Aug., 2010, at 9:00 a.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Choman	Fredric Joseph Ammerman
7/19/2010	Petition For Special Relief - Preliminary Injunction. Filed by s/ Loralee A. Choman, Esquire. 2CC Atty. Choman	Fredric Joseph Ammerman
7/20/2010	Rule, this 20th of July, 2010, upon consideration of Plaintiff's Petition for Special Relief-Preliminary Injunction, it is Ordered: A Rule and Order is issued upon the Defendants. Proposed Order Returnable and a hearing thereon the 20th of Aug., 2010 at 11:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Choman	Fredric Joseph Ammerman
8/4/2010	Response to Petition for Special Relief, filed by s/ Patrick Lavelle Esq. 1CC Atty Lavelle.	Fredric Joseph Ammerman
8/24/2010	Order this 20th day of August 2010, following the completion of taking testimony, it is the ORDER of this Court that counsel have no more than ten (10) days from this date in which to submit letter brief. Counsel for the Petitioner shall also submit proposed injunctive order. Upon agreement of the parties, the petitioner's Motion to Consolidate the case is hereby GRANTED. The above-captioned cases are hereby CONSOLIDATED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Attys: Choman and Lavelle.	Fredric Joseph Ammerman
9/10/2010	Order, AND NOW, this 10th day of September, 2010, following evidentiary hearing on the Plaintiff's Petition for Special Relief-Preliminary Injunction; Ordered that the request for a Temporary Preliminary Injunction be Granted. (See Original for details). BY THE COURT: /s/Fredric J. Ammerman, P.J. Two CC Attorneys Choman and Lavelle	Fredric Joseph Ammerman
10/24/2011	Motion For Summary Judgment, filed by s/ Patrick Lavelle, Esq. 1CC Atty.	Fredric Joseph Ammerman

Date: 12/26/2013

Time: 09:40 AM

Page 2 of 4

Cuyahoga County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge
10/26/2011	Order, in consideration of the Defendant's Motions for Summary Judgment, Fredric Joseph Ammerman it is Ordered that Argument on said Motions will be heard in Courtroom 1 on the 7th of Dec., 2011 at 2:30 p.m. By The Court, /s/ Fredric J. Ammerman, Pres Judge. 2CC to Atty.
11/21/2011	Motion for Continuance, filed by s/ Loralee A. Choman Esq. 1CC Atty Choman. Fredric Joseph Ammerman
11/29/2011	Order, this 23rd of Nov., 2011, Motion for Continuance is DENIED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Choman Fredric Joseph Ammerman
12/2/2011	Response to Motion for Summary Judgment, filed by s/ Loralee A. Choman, esq. 2CC Atty. Choman Fredric Joseph Ammerman
	Praecipe to File of Record, filed by s/ Loralee A. Choman, Esq. No CC Fredric Joseph Ammerman
	Answers to Defendant's 1st Interrogatories and Responses to Request for Documents, filed by s/ Loralee A. Choman, Esq. No CC Fredric Joseph Ammerman
12/12/2011	Order, this 8th of Dec., 2011, following argument on the Motion for Summary Judgement, it is Order that the said Motion is DISMISSED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Lavelle, Choman Fredric Joseph Ammerman
1/3/2012	Motion for Leave to Amend Complaint, filed by Atty. Choman no cert. copies. Fredric Joseph Ammerman
1/4/2012	Rule, this 3rd day of Jan., 2012, upon consideration of Plaintiff's Motion for leave to Amend Complaint, it is Ordered that a Rule is issued upon the Defendants. Rule Returnable and a hearing thereon the 20th of Jan., 2012 at 2:30 p.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Choman Fredric Joseph Ammerman
1/11/2012	Consolidated Response to Plaintiff's Moition for Leave to Amend Complaint, filed by Atty. Lavelle no cert. copies. Fredric Joseph Ammerman
	Case Management Order, this 6th of Jan., 2012, following conference among the Court and counsel on Dec. 8, 2011; it is Ordered: (see original). Settlement Conference will be on July 6, 2012 at 9:00 a.m. in Hearing Room 3. Assuming the cases are not settled, the case will proceed to non-jury trial on July 23, and 24, 2012 in Courtroom 1 each day at 9:00 a.m. By The Court, /s/Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle Fredric Joseph Ammerman
1/24/2012	Order, this 20th of Jan., 2012, the Petition Requesting Permission to File an Amended Complaint is hereby dismissed. By The Court /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle Fredric Joseph Ammerman
2/1/2012	Motion For Reconsideration, filed by s/ Loralee A. Choman, Esq. 1CC Atty. Fredric Joseph Ammerman Choman
2/6/2012	Rule to Show Cause, this 3rd of Feb., 2012, upon consideration of Plaintiff's Motion for Reconsideration, a Rule is issued upon the Defendants. Rule Returnable and a hearing thereon the 29th of Feb., 2012 at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC to Atty. Fredric Joseph Ammerman
3/5/2012	Order, this 29th of Feb., 2012, the Plaintiff's Motion for Reconsideration of the Court's Order of Jan. 20, 2012 is GRANTED. This Court's Order of Jan. 20, 2012 is hereby VACATED. The Court shall reschedule Argument on the Motion for Leave to Amend Complaint for 1:30 p.m. on April 5, 2012, Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle Fredric Joseph Ammerman

Date: 12/26/2013

Time: 09:40 AM

Page 3 of 4

Cuyahoga County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge	
3/22/2012	Order, this 21st of March, 2012, the Non-Jury Civil Trial previously scheduled for July 23 and 24, 2012, is re-scheduled to Sept. 20 and Sept. 21, 2012 at 9:00 a.m. in Courtroom 1. Two days have been reserved for this proceeding. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Lavelle, Choman	Fredric Joseph Ammerman
4/11/2012	Order, this 5th of April, 2012, Motion for Leave to Amend Complaint is granted. Plff. shall have no more than 15 days from this date to file an Amended Complaint. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Choman, Lavelle	Fredric Joseph Ammerman
4/20/2012	Amended Complaint, filed by Atty Choman 5 Cert. to Atty.	Fredric Joseph Ammerman
5/2/2012	Certificate of Service, filed. Served by USPS, certified copies of Plaintiff's Brady Township's Amended Complaints, to Patrick Lavelle Esq on April 30, 2012, filed by s/Loralee A. Choman Esq. No CC.	Fredric Joseph Ammerman
7/10/2012	Order, this 6th of July, 2012, following settlement conference, it is Ordered that an additional settlement conference is scheduled for July 20, 2012 at 9:00 a.m. in Hearing Room 3. At time of settlement conference counsel and their clients will be present. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Choman, Lavelle	Fredric Joseph Ammerman
8/28/2012	Motion for Contempt, filed by Atty. Choman no cert. copies.	Fredric Joseph Ammerman
8/30/2012	Answer to Plaintiff's Amended Complaint and New Matter, filed by s/ Patrick Lavelle, Esq. 1CC Atty. Lavelle	Fredric Joseph Ammerman
9/7/2012	Rule Returnable and Order, this 31st of Aug., 2012, a Rule is issued re: Plaintiff's Motion for Contempt. Argument on this matter in Courtroom 1 on the 12th of Sept., 2012, at 9:00 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Choman	Fredric Joseph Ammerman
9/12/2012	Order, filed Cert. to Atty's Choman and Lavelle NOW, this 12th day of Sept. 2012 RE: Petition for Contempt Dismissed.	Fredric Joseph Ammerman
9/18/2012	Answer to New Matter, filed by s/ Loralee A. Choman, Esq. 3CC Atty.	Fredric Joseph Ammerman
9/19/2012	Motion for Continuance, filed by s/ Loralee A. Choman, Esq. No CC	Fredric Joseph Ammerman
10/2/2012	Order this 27th day of September 2012, following hearing and settlement conference, it is the ORDER of this Court an additional hearing be and is hereby scheduled for November 15, 2012 at 1:30 pm. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty: Lavelle and Choman.	Fredric Joseph Ammerman
11/19/2012	Order, filed cert. to Lavelle and Choman NOW, this 15th day of Nov., 2012, RE: Counsel to provide brief within no more than 60 days from this date.	Fredric Joseph Ammerman
1/9/2013	Motion for Extension of Time to File Brief, filed by Atty. Choman no cert copies.	Fredric Joseph Ammerman
1/11/2013	Order, filed cert. to Atty. NOW, this 10th day of Jan., 2013, RE: Parties to provide brief within 30 days.	Fredric Joseph Ammerman
1/28/2013	Transcript of Proceedings, filed. Nonjury Trial, Day 1 of 4, held before Fredric J. Ammerman, Pres. Judge, on Sept. 20, 2012	Fredric Joseph Ammerman
	Transcript of Proceedings, filed. Nonjury Trial, Day 2 of 4, held Sept. 21, 2012 before Fredric J. Ammerman, Pres. Judge.	Fredric Joseph Ammerman
	Transcript of Proceedings, filed. Nonjury Trial, Day 3 of 4, held before Fredric J. Ammerman, Pres. Judge, on Sept. 24, 2012.	Fredric Joseph Ammerman

Date: 12/26/2013

Time: 09:40 AM

Page 4 of 4

Cliffield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date		Judge
1/28/2013	Transcript of Proceedings, filed. Nonjury Trial, Day 4 of 4, held before Fredric J. Ammerman, Pres. Judge on Nov. 15, 2012.	Fredric Joseph Ammerman
9/19/2013	Opinion of The Court, NOW, this 19th of Sept., 2013, following non-jury trial, consistent with the foregoing Opinion, it is the findings and Order of this Court as follows: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC to Attys: Choman, Lavelle; Law Library; Mikesell	Fredric Joseph Ammerman
	ROA for statistical purposes only.	Fredric Joseph Ammerman
10/18/2013	Filing: Notice of Appeal to High Court Paid by: Lavelle, Patrick (attorney for London, Lonnie) Receipt number: 1952166 Dated: 10/18/2013 Amount: \$50.00 (Check) For: London, Lonnie (defendant) Cert. to Atty. andd Cert. to Commonwealth Court with \$73.50 Check	Fredric Joseph Ammerman
	Request for Transcript, filed by Atty. Lavelle Cert. to Atty. and Comm. Court.	Fredric Joseph Ammerman
10/23/2013	Order, this 22nd of Oct. 22nd of Oct., 2013, it is Ordered that Lonnie London file a concise statement of the matters complained of on Appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle	Fredric Joseph Ammerman
11/12/2013	Concise Statement of Matters Complained of on Appeal, filed by Atty. Lavelle 2 Cert. to Atty.	Fredric Joseph Ammerman
12/4/2013	Appeal Docket Sheet from Commonwealth Court, filed. 1885 CD 2013	Fredric Joseph Ammerman
	Letter from Judge Ammerman regarding on further Opinion will be filed.	Fredric Joseph Ammerman
12/26/2013	Letter to Counsel, No 1885 CD 2013	Fredric Joseph Ammerman
	Letter to Commonwealth Court, No 1885 CD 2013	Fredric Joseph Ammerman

RECEIVED
CLIFFFIELD COUNTY COURT OF COMMON PLEAS
12/26/2013
Statement filed on 12/26/2013

Page 2 of 2

Attest:

William J. Lavelle
Prothonotary/
Clerk of Courts

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS
CLEARFIELD COUNTY

WILLIAM A. SHAW
PROTHONOTARY
AND
CLERK OF COURTS

JACKI KENDRICK
DEPUTY PROTHONOTARY

JOHN SUGHRUE
SOLICITOR

LYNN MILLER
ADMINISTRATIVE ASSISTANT



PO BOX 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 5013
FAX (814) 765-2641

December 26, 2013

Commonwealth Court of Pennsylvania
Office of Chief Clerk
601 Commonwealth Ave. Ste 2100
Po Box 69185
Harrisburg, PA 17106-9185

FILED
9:00 a.m.
DEC 26 2013

William A. Shaw
Prothonotary Clerk of Courts

IN RE: Brady Township vs Olan London
 Common Pleas No. 2008-1291-CD
 Appeal Docket No. 1883 CD 2013

Brady Township vs Olan London
Common Pleas No. 2008-1292-CD
Appeal Docket No. 1884 CD 2013

Brady Township vs Lonnie London
Common Pleas No. 2008-1293-CD
Appeal Docket No. 1885 CD 2013

Dear Prothonotary:

Enclosed please find the complete record for the above-captioned case.

58

Sincerely,



WILLIAM A. SHAW
PROTHONOTARY

WAS/lm.
Enclosures

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 08-1293-CD
Brady Township
VS.
Olan London

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
1	07/14/08	Notice of Appeal	02
2	07/18/08	District Justice Judgment Transcript	02
3	08/04/08	Complaint	22
4	09/05/08	Answer and New Matter	08
5	08/31/09	Response to New Matter	08
6	09/03/09	Certificate of Service	02
7	07/12/10	Motion to Consolidate	11
8	07/12/10	Certificate of Service	02
9	07/15/10	Rule to Show Cause	03
10	07/19/10	Petition for Special Relief-Preliminary Objections	21
11	07/20/10	Proposed Rule and Order to Show Cause	02
12	08/04/10	Response to Petition for Special Relief	06
13	08/24/10	Order	02
14	09/10/10	Order	01
15	10/24/11	Motion for Summary Judgment	20
16	10/26/11	Order	01
17	11/21/11	Motion for Continuance	04
18	11/29/11	Order	01
19	12/02/11	Response to Motion for Summary Judgment	54
20	12/02/11	Praecipe to File Record	03
21	12/02/11	Answers to Defendant's 1 st Interrogatories and Responses to Request for Documents	53
22	12/12/11	Order	01
23	01/03/12	Motion for Leave to Amend Complaint	11
24	01/04/12	Rule to Show Cause	01
25	01/11/12	Consolidated Response to Plaintiff's Motion for Leave to Amend Complaint	05
26	01/11/12	Case Management Order	02
27	01/24/12	Order	01
28	02/01/12	Motion for Reconsideration	08
29	02/06/12	Rule to Show Cause	01
30	03/05/12	Order	02
31	03/22/12	Order	01
32	04/11/12	Order	02
33	04/20/12	Amended Complaint	06
34	05/02/12	Certificate of Service	02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 08-1293-CD
Brady Township
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37	08/30/12	Answer to Plaintiff's Amend Complaint and New Matter	06
38	09/07/12	Rule Returnable and Order	01
39	09/12/12	Order	01
40	09/18/12	Answer to New Matter	05
41	09/19/12	Motion for Continuance	05
42	10/02/12	Order	01
43	11/19/12	Order	01
44	01/09/13	Motion for Extension of Time to File Brief	04
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57	12/26/13	Letter to Counsel docket #1885 CD 2013	03
58	12/26/13	Letter to Commonwealth Court docket #1885 CD 2013	03

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS
CLEARFIELD COUNTY

WILLIAM A. SHAW
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AND
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CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 5013
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December 26, 2013

Honorable Fredric J Ammerman,
President Judge
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Loralee A Choman Esq
1303 Treasure Lake
DuBois PA 15801

Patrick Lavelle Esq
25 East Park Avenue
Suite #4
DuBois PA 15801

RECEIVED
01/01/2014
23 2013

William A. Shaw
Prothonotary-Clerk of Courts

IN RE: *Brady Township vs Olan London*
Common Pleas No. 2008-1291-CD
Appeal Docket No. 1883 CD 2013

Brady Township vs Olan London
Common Pleas No. 2008-1292-CD
Appeal Docket No. 1884 CD 2013

Brady Township vs Lonnie London
Common Pleas No. 2008-1293-CD
Appeal Docket No. 1885 CD 2013

Dear Parties:

Please be advised that the original record for the above-captioned case along with four (4) transcript was mailed to Superior Court this date.

Attached is a copy of the document index for your records.

51
58

Sincerely,



William A. Shaw
Prothonotary/Clerk of Courts

WAS/lm – Attachment

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-1293-CD

Brady Township

VS.

Olan London

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No. 08-1293-CD
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VS.
Olan London

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FILED *RP*

DEC 04 2013

072-306

William A. Shaw
Prothonotary/Clerk of Courts
no 26

JOHN K. REILLY, JR.
SENIOR JUDGE

JUDGE'S CHAMBERS
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

FREDRIC J. AMMERMAN
PRESIDENT JUDGE

PAUL E. CHERRY
JUDGE

December 4, 2013

Kristen W. Brown, Prothonotary
Commonwealth Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2100
PO Box 69185
Harrisburg, PA 17106-9185

2008-1293-CB

Re: **Brady Twp. v. London - 3 cases**
Nos. 1883, 1884, 1885 CD 2013

Dear Ms. Brown:

In regard to the appeal filed by the London defendants to this Court's Opinion and Order finding in favor of Brady Twp., Clearfield County, please be advised that the Court will not be doing a further Opinion, but will rely on the Court's Opinion of September 19, 2013. This is due to the following reasons:

1. The Court's Opinion of September 19, 2013 adequately addresses all issues raised by the London defendants in their concise statement of reasons complained of on appeal;
2. Contrary to the provisions of Rule of Civil Procedure 227.1(c)(2), the Appellants did not file a post-trial motion within ten days after the decision of the cases following the non-jury trial. In these cases, no post-trial motions of any type were filed on behalf of the London Appellants. As the Rule requires parties to file post-trial motions in order to preserve issues for appeal and if an issue has not been raised in a post-trial motion it is waived for appeal purposes. I presume that the Commonwealth Court will quash the appeal, either based upon a motion to be filed by the Appellees or, *sua sponte*. See L.B. Foster Co. v. Lane Enterprises, Inc., 710 A.2d 55 (Pa. 1998); Benson v. Penn Central Transportation Company, 342 A.2d 393 (Pa. 1975); Diamond Reo Truck Co. v. Mid-Pacific Industries, Inc., 806 A.2d 423 (Pa. Super. 2002); and Lenhart v. Cigna Cos., 824 A.2d 1193 (Pa. Super. 2003).

If the Commonwealth Court would need any further information, please let us know.

Sincerely,

Fredric J. Ammerman
President Judge

cc: Patrick Lavelle, Esquire
Loralee Choman, Esquire
Blaise Ferraraccio, Esquire
W. Shaw - Prothonotary

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FILED

DEC 04 2013

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Plaintiff

v.

LONNIE LONDON

Defendant

9 12 2013
0732013
William A. Shaw
Prothonotary Clerk of Courts
Case No. 08-1293 CD 2 venu to

ADM

Type of Pleading:

**Concise Statement of Matters
Complained of on Appeal**

Filed on Behalf of:
Defendant

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

(54)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

LONNIE LONDON

Defendant

CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

Pursuant to the provisions of *Pa. R.A.P., 1925(b)*, the defendant hereby states all of the matters complained of on Appeal are set forth in, or are subsidiary to the issues herein stated as follows:

I. WHETHER THE COURT ERRED IN FINDING THAT DEFENDANT VIOLATED BRADY TOWNSHIP ORDINANCE #46 WHEN THE CONDUCT OF THE DEFENDANT ON MARCH 31, 2007 OCCURRED ON WHAT IS DESCRIBED AS THE LOWER RANGE, THE LOWER RANGE, IN ITS PRESENT FORM, PRE-EXISTED THE ORDINANCE BY SEVERAL YEARS, WAS LEGAL WHEN IT WAS CONSTRUCTED , AND WAS NOT SUBJECT TO ANY SUBDIVISION PLAN.

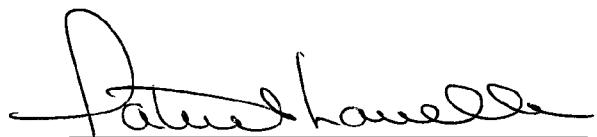
II. WHETHER THE COURT ERRED IN DETERMINING THAT THE LOWER RANGE WAS NOT A "NON-CONFORMING, PRE-EXISTING USE" WHEN THE BASIS FOR ITS FINDING WAS THAT THE "NON-CONFORMING, PRE-EXISTING USE" WAS ILLEGAL FOR FAILURE TO COMPLY WITH AN INAPPLICABLE SUBDIVISION PLAN.

III. WHETHER THE COURT ERRED WHEN IT DETERMINED THAT THE DEFENDANT WAS AN "OPERATOR" AS DEFINED IN BRADY TOWNSHIP ORDINANCE #46 WHEN THE EVIDENCE IS CLEAR THAT HE WAS NOT THE OWNER OF THE PROPERTY, HAD NO BASIS TO ASSERT ANY RIGHT IN THE PROPERTY OR ITS USE, WAS NOT PART OF ANY ORGANIZATION ESTABLISHED TO USE OR MANAGE THE PROPERTY, AND THE BASIS FOR THE COURT'S FINDING WAS THAT HE APPEARED AT TOWNSHIP

MEETINGS AS A CITIZEN AND VOICED HIS SUPPORT AND
ACKNOWLEDGED HIS ASSISTANCE IN HIS FATHER'S DISPUTE WITH THE
TOWNSHIP REGARDING THE USE OF HIS FATHER'S PROPERTY.

IV. WHETHER THE COURT ERRED IN FINDING THAT THE DEFENDANT
VIOLATED BRADY TOWNSHIP ORDINANCE #45 WHEN THE PLAINTIFF'S
EVIDENCE OF DEFENDANT'S PRESENCE IN ITS PHOTOGRAPHS WAS
EQUIVOCAL AND THE TESTIMONY OF THE DEFENDANT UNEQUIVOCALLY
STATED THAT HE WAS NOT DEPICTED IN THE PLAINTIFF'S PHOTOS AND
WAS NOT PRESENT WHEN SAME WERE TAKEN.

RESPECTFULLY SUBMITTED



Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

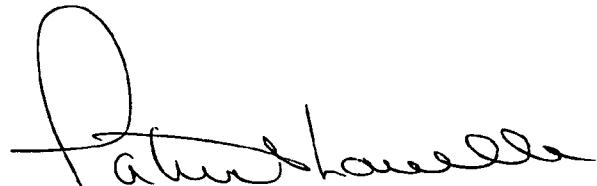
LONNIE LONDON

Defendant

CERTIFICATE OF SERVICE

I certify that on November 12, 2013, I served a copy of the Concise Statement of
Matters Complained of on Appeal by personally delivering same to the Office of the
Court Administrator at the Clearfield County Courthouse, directed to the following:

The Honorable Frederic J. Ammerman
Court of Common Pleas
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830



Patrick Lavelle, Esq.

FILED

NOV 12 2013

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP * NO. 2008-1293-CD
Plaintiff *
vs. *
LONNIE LONDON *
Defendant *

O R D E R

NOW, this 22nd day of October, 2013, the Court having been notified of Appeal to the Commonwealth Court of Pennsylvania in the above-captioned matter, it is the ORDER of this Court that **LONNIE LONDON**, Appellant, file a concise statement of the matters complained of on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED 10/23/2013
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William A. Shaw
Prothonotary/Clerk of Courts
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FILED

OCT 23 2013

*William A. Shaw
Prothonotary/Clerk of Courts*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

FILED

5 OCT 18 2013
D/A-00/00
William A. Shaw
Prothonotary/Clerk of Courts
Court to Party
+
Conn. Cour.

BRADY TOWNSHIP

Plaintiff

v.

LONNIE LONDON

Defendant

Case No. 08-1293 GD

Type of Pleading:

Request for Transcript

Filed on Behalf of:
Defendant

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

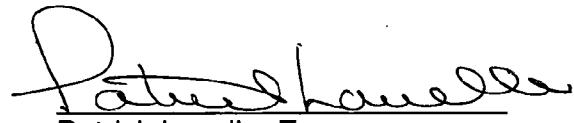
v.

LONNIE LONDON

Defendant

REQUEST FOR TRANSCRIPT

A Notice of Appeal having been filed in this case, the official Court reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

LONNIE LONDON

Defendant

CERTIFICATE OF SERVICE

In compliance with Rule 906 of the *Pa. R. App. P.*, I certify that I served a copy of the Request for Transcripts in this case my mailing same via 1st Class Mail, postage prepaid to the following:

Brady Township
% Loralee A. Choman, Esq.
1303 Treasure Lake
DuBois, PA. 15801

F. Cortez Bell, III
Court Administrator
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830

The Honorable Frederic J. Ammerman
Court of Common Pleas
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830

Office of the Court Reporter
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Plaintiff

v.

LONNIE LONDON

Defendant

FILED

S OCT 18 2013
079-006/c
William A. Shaw
Prothonotary/Clerk of Courts

sent to Atty
+ Comm. Court
473.50 Clerk

Case No. 08-1293
Type of Pleading:

Notice of Appeal

Filed on Behalf of:
Defendant

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1293 CD**

Plaintiff

v.

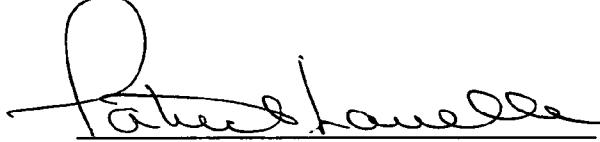
LONNIE LONDON

Defendant

NOTICE OF APPEAL

Notice is hereby given that Lonnie London, defendant above named, hereby appeals to the Commonwealth Court of Pennsylvania from the Order entered in this matter on the 19th day of September, 2013. This Order had been entered on the Docket as evidenced by the attached copy of the docket entry.

RESPECTFULLY SUBMITTED



Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

LONNIE LONDON

Defendant

CERTIFICATE OF SERVICE

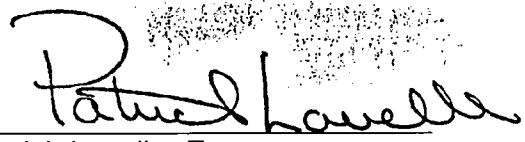
In compliance with Rule 906 of the *Pa. R. App. P.*, I certify that I served a copy of the Notice of Appeal in this case my mailing same via 1st Class Mail, postage prepaid to the following:

Brady Township
% Loralee A. Choman, Esq.
1303 Treasure Lake
DuBois, PA. 15801

The Honorable Frederic J. Ammerman
Court of Common Pleas
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830

F. Cortez Bell, III
Court Administrator
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830

Office of the Court Reporter
Clearfield County Courthouse
230 East Market St.
Clearfield, PA. 16830


Patrick Lavelle, Esq.

Date: 10/18/2013

Time: 08:48 AM

Page 1 of 4

Clearfield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge	
7/14/2008	New Case Filed. Filing: District Justice Appeals Paid by: Lavelle, Patrick (attorney for London, Lonnie) Receipt number: 1924972 Dated: 7/14/2008 Amount: \$95.00 (Check) 1 copy Atty Lavelle, Plff., MDJ Ford (mailed 7/14/08)	No Judge No Judge
	Case Filed.	No Judge
7/18/2008	DJ Judgment Transcript, filed.	No Judge
8/4/2008	Complaint, filed by s/ Blaise J. Ferraraccio, Esquire. 6 CC Atty.	No Judge
9/5/2008	Answer and New Matter, filed by s/ Patrick Lavelle, Esquire. 1CC Atty. Lavelle	No Judge
8/31/2009	Response to New Matter, filed by s/ Loralee A. Choman, Esquire. 3CC Atty. Choman	No Judge
9/3/2009	Certificate of Service, a copy of the Response to New Matter has been served on Sept. 2, 2009, via U.S. Mail upon Patrick Lavelle, Esquire. Filed by s/ Loralee A. Choman, Esquire. No CC	No Judge
7/12/2010	Motion to Consolidate, filed by s/ Loralee A. Choman, Esquire. 3CC Atty. Choman Certificate of Service, filed. That an original of Defendant's First Set of Interrogatories and Request of Documents to Plaintiff was served on Loralee A. Choman by 1st class mail, filed by s/ Patrick Lavelle Esq. 1CC Atty Lavelle.	No Judge No Judge
7/15/2010	Rule, this 15th of July, 2010, upon consideration of Plaintiff's Motion for consolidation, it is Ordered that: A Rule is issued upon the Defendants. Rule Returnable and a hearing thereon the 19th of Aug., 2010, at 9:00 a.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Choman	Fredric Joseph Ammerman
7/19/2010	Petition For Special Relief - Preliminary Injunction. Filed by s/ Loralee A. Choman, Esquire. 2CC Atty. Choman	Fredric Joseph Ammerman
7/20/2010	Rule, this 20th of July, 2010, upon consideration of Plaintiff's Petition for Special Relief-Preliminary Injunction, it is Ordered: A Rule and Order is issued upon the Defendants. Proposed Order Returnable and a hearing thereon the 20th of Aug., 2010 at 11:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Choman	Fredric Joseph Ammerman
8/4/2010	Response to Petition for Special Relief, filed by s/ Patrick Lavelle Esq. 1CC Atty Lavelle.	Fredric Joseph Ammerman
8/24/2010	Order this 20th day of August 2010, following the completion of taking testimony, it is the ORDER of this Court that counsel have no more than ten (10) days from this date in which to submit letter brief. Counsel for the Petitioner shall also submit proposed injunctive order. Upon agreement of the parties, the petitioner's Motion to Consolidate the case is hereby GRANTED. The above-captioned cases are hereby CONSOLIDATED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Attys: Choman and Lavelle.	Fredric Joseph Ammerman
9/10/2010	Order, AND NOW, this 10th day of September, 2010, following evidentiary hearing on the Plaintiff's Petition for Special Relief-Preliminary Injunction; Ordered that the request for a Temporary Preliminary Injunction be Granted. (See Original for details). BY THE COURT: /s/Fredric J. Ammerman, P.J. Two CC Attorneys Choman and Lavelle	Fredric Joseph Ammerman
10/24/2011	Motion For Summary Judgment, filed by s/ Patrick Lavelle, Esq. 1CC Atty.	Fredric Joseph Ammerman

Date: 10/18/2013

Time: 08:48 AM

Page 2 of 4

Clearfield County Court of Common Pleas

ROA Report

Case: 2008-01293-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge
10/26/2011	Order, in consideration of the Defendant's Motions for Summary Judgment, Fredric Joseph Ammerman it is Ordered that Argument on said Motions will be heard in Courtroom 1 on the 7th of Dec., 2011 at 2:30 p.m. By The Court, /s/ Fredric J. Ammerman, Pres Judge. 2CC to Atty.
11/21/2011	Motion for Continuance, filed by s/ Loralee A. Choman Esq. 1CC Atty Choman. Fredric Joseph Ammerman
11/29/2011	Order, this 23rd of Nov., 2011, Motion for Continuance is DENIED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Choman Fredric Joseph Ammerman
12/2/2011	Response to Motion for Summary Judgment, filed by s/ Loralee A. Choman, esq. 2CC Atty. Choman Fredric Joseph Ammerman
	Praecipe to File of Record, filed by s/ Loralee A. Choman, Esq. No CC Fredric Joseph Ammerman
	Answers to Defendant's 1st Interrogatories and Responses to Request for Documents, filed by s/ Loralee A. Choman, Esq. No CC Fredric Joseph Ammerman
12/12/2011	Order, this 8th of Dec., 2011, following argument on the Motion for Summary Judgement, it is Order that the said Motion is DISMISSED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Lavelle, Choman Fredric Joseph Ammerman
1/3/2012	Motion for Leave to Amend Complaint, filed by Atty. Choman no cert. copies. Fredric Joseph Ammerman
1/4/2012	Rule, this 3rd day of Jan., 2012, upon consideration of Plaintiff's Motion for leave to Amend Complaint, it is Ordered that a Rule is issued upon the Defendants. Rule Returnable and a hearing thereon the 20th of Jan., 2012 at 2:30 p.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Choman Fredric Joseph Ammerman
1/11/2012	Consolidated Response to Plaintiff's Moition for Leave to Amend Complaint, filed by Atty. Lavelle no cert. copies. Fredric Joseph Ammerman
	Case Management Order, this 6th of Jan., 2012, following conference among the Court and counsel on Dec. 8, 2011; it is Ordered: (see original). Settlement Conference will be on July 6, 2012 at 9:00 a.m. in Hearing Room 3. Assuming the cases are not settled, the case will proceed to non-jury trial on July 23, and 24, 2012 in Courtroom 1 each day at 9:00 a.m. By The Court, /s/Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle Fredric Joseph Ammerman
1/24/2012	Order, this 20th of Jan., 2012, the Petition Requesting Permission to File an Amended Complaint is hereby dismissed. By The Court /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle Fredric Joseph Ammerman
2/1/2012	Motion For Reconsideration, filed by s/ Loralee A. Choman, Esq. 1CC Atty. Fredric Joseph Ammerman Choman
2/6/2012	Rule to Show Cause, this 3rd of Feb., 2012, upon consideration of Plaintiff's Motion for Reconsideration, a Rule is issued upon the Defendants. Rule Returnable and a hearing thereon the 29th of Feb., 2012 at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC to Atty. Fredric Joseph Ammerman
3/5/2012	Order, this 29th of Feb., 2012, the Plaintiff's Motion for Reconsideration of the Court's Order of Jan. 20, 2012 is GRANTED. This Court's Order of Jan. 20, 2012 is hereby VACATED. The Court shall reschedule Argument on the Motion for Leave to Amend Complaint for 1:30 p.m. on April 5, 2012, Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Choman, Lavelle Fredric Joseph Ammerman

Date: 10/18/2013

Time: 08:48 AM

Page 3 of 4

Clearfield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge	
3/22/2012	Order, this 21st of March, 2012, the Non-Jury Civil Trial previously scheduled for July 23 and 24, 2012, is re-scheduled to Sept. 20 and Sept. 21, 2012 at 9:00 a.m. in Courtroom 1. Two days have been reserved for this proceeding. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Lavelle, Choman	Fredric Joseph Ammerman
4/11/2012	Order, this 5th of April, 2012, Motion for Leave to Amend Complaint is granted. Plff. shall have no more than 15 days from this date to file an Amended Complaint. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Choman, Lavelle	Fredric Joseph Ammerman
4/20/2012	Amended Complaint, filed by Atty Choman 5 Cert. to Atty.	Fredric Joseph Ammerman
5/2/2012	Certificate of Service, filed. Served by USPS, certified copies of Plaintiff's Brady Township's Amended Complaints, to Patrick Lavelle Esq on April 30, 2012, filed by s/Loralee A. Choman Esq. No CC.	Fredric Joseph Ammerman
7/10/2012	Order, this 6th of July, 2012, following settlement conference, it is Ordered that an additional settlement conference is scheduled for July 20, 2012 at 9:00 a.m. in Hearing Room 3. At time of settlement conference counsel and their clients will be present. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Choman, Lavelle	Fredric Joseph Ammerman
8/28/2012	Motion for Contempt, filed by Atty. Choman no cert. copies.	Fredric Joseph Ammerman
8/30/2012	Answer to Plaintiff's Amended Complaint and New Matter, filed by s/ Patrick Lavelle, Esq. 1CC Atty. Lavelle	Fredric Joseph Ammerman
9/7/2012	Rule Returnable and Order, this 31st of Aug., 2012, a Rule is issued re: Plaintiff's Motion for Contempt. Argument on this matter in Courtroom 1 on the 12th of Sept., 2012, at 9:00 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Choman	Fredric Joseph Ammerman
9/12/2012	Order, filed Cert. to Atty's Choman and Lavelle NOW, this 12th day of Sept. 2012 RE: Petition for Contempt Dismissed.	Fredric Joseph Ammerman
9/18/2012	Answer to New Matter, filed by s/ Loralee A. Choman, Esq. 3CC Atty.	Fredric Joseph Ammerman
9/19/2012	Motion for Continuance, filed by s/ Loralee A. Choman, Esq. No CC	Fredric Joseph Ammerman
10/2/2012	Order this 27th day of September 2012, following hearing and settlement conference, it is the ORDER of this Court an additional hearing be and is hereby scheduled for November 15, 2012 at 1:30 pm. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty: Lavelle and Choman.	Fredric Joseph Ammerman
11/19/2012	Order, filed cert. to Lavelle and Choman NOW, this 15th day of Nov., 2012, RE: Counsel to provide brief within no more than 60 days from this date.	Fredric Joseph Ammerman
1/9/2013	Motion for Extension of Time to File Brief, filed by Atty. Choman no cert. copies.	Fredric Joseph Ammerman
1/11/2013	Order, filed cert. to Atty. NOW, this 10th day of Jan., 2013, RE: Parties to provide brief within 30 days.	Fredric Joseph Ammerman
1/28/2013	Transcript of Proceedings, filed. Nonjury Trial, Day 1 of 4, held before Fredric J. Ammerman, Pres. Judge, on Sept. 20, 2012 Transcript of Proceedings, filed. Nonjury Trial, Day 2 of 4, held Sept. 21, 2012 before Fredric J. Ammerman, Pres. Judge. Transcript of Proceedings, filed. Nonjury Trial, Day 3 of 4, held before Fredric J. Ammerman, Pres. Judge, on Sept. 24, 2012.	Fredric Joseph Ammerman

Date: 10/18/2013

Time: 08:48 AM

Page 4 of 4

Old County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2008-01293-CD

Current Judge: Fredric Joseph Ammerman

Brady Township vs. Lonnie London

CIVIL OTHER

Date	Judge
1/28/2013	Fredric Joseph Ammerman
9/19/2013	Fredric Joseph Ammerman
ROA for statistical purposes only.	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP

vs

LINDA LONDON

* NO. 08-1290-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

OLAN LONDON

* NO. 08-1291-CD

Attest.

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

OLAN LONDON

* NO. 08-1292-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

LONNIE LONDON

* NO. 08-1293-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

MONTIE LONDON

* NO. 08-1294-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

LINDA LONDON

* NO. 08-1295-CD

*

*

OPINION OF THE COURT

Original filed for
08-1290-CD
cc Atts
10/24/2013 Choman
2 SEP 19 2013 Lawrie
William A. Shaw Law Library
Prothonotary/Clerk of Courts Mikesell

This case involves an ongoing dispute between members of the London family and the Brady Township Supervisors over the construction and use of two shooting ranges and from a third location the firing of rifles over public roads. Many residents of the Township who live in the general area of the Londons have voiced numerous concerns and complaints about the shooting. The dispute started in 2006, resulted in two Township ordinances being passed, and continues to date. The issues have made their way from Township meetings, through the Magisterial District Judge's office and now to the Court of Common Pleas.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

(50)

It is important to note that the Township has not in any manner attempted to interfere with the Defendants' Second Amendment right to bear arms. For the Township, this case has always been about ensuring the safety of Township residents. The record in this case shows the Township has asked nothing more than that any shooting range be 1) designed in accordance with safety specifications as recommended by the National Rifle Association (NRA), 2) the design certified by a professional engineer and 3) operated in a safe manner. Both Township Ordinances in question clearly indicate they are not intended to suppress or interfere with any activities protected by the Second Amendment.

A. Pre-Ordinance Factual Background

Brady Township is a relatively small and principally rural Township located in Clearfield County. In what the Court believes was the late Spring of 2006, the Brady Township Planning Commission received an application for a real estate subdivision from Matson Lumber Company. Matson Lumber proposed selling a large tract of property to Defendant Linda London.

Olan and Linda London are husband and wife. Lonnie and Montie London are their adult sons. The subdivision area includes what has been described in this case as the upper shooting range and the hillside on which a small trailer was placed where .50 caliber rifles were shot by the Londons. An addendum to the subdivision request contained language as follows:

Additional activities proposed on Lot number 1 include two private rifle ranges. A 250-yard range will be located along the southern boundary of the parcel, and a 600 yard range, shooting from Lot number 1 onto the adjacent parcel owned by Olan L. and Michael L. London (C7-28), will be located in the northeastern part of the parcel. The ranges will include shooting rests and canopies in the shooting area, earthen backstops in the target area, and will be constructed following National Rifle Association standards. Sewage and water supply facilities are not planned for the rifle range.

See Plaintiff's Exhibit 3, pg. 4. Also See Plaintiff's Exhibit 12, pg. 3 under Section F project narrative dated July, 2006.

Township minutes indicate that the first meeting by a Supervisor with Olan London on his property concerning the potential shooting range(s) was May 1, 2006. Thereafter, Olan and

Lonnie London attended many Township meetings concerning their desire to establish a shooting range(s). The Township asked the Londons for drawings or plans and a layout of any shooting range(s) at their meeting of June 5, 2006. At that time Olan and Lonnie London indicated that they were still working on it. The discussions over the establishment of a shooting range among Olan and Lonnie London and the Township Supervisors during Township meetings continued in 2006. Plaintiff's Exhibit 13 is a summary of discussions held and statements made beginning with May 1, 2006 through June 21, 2007 at Township meetings regarding establishment of a shooting range. The Township was always principally concerned with safety issues and continually asked for appropriate plans and blueprints of any shooting ranges to be constructed.

During the non-jury trial the Township presented the testimony of Wilson Fisher. Mr. Fisher is a registered engineer. His firm provides consulting and technical advice to the Clearfield County Sewage Agency as well as being a consulting engineer to Brady Township. He reviewed the original Matson subdivision plan which referenced two shooting ranges, one of 250 yards and another of 600 yards. Mr. Fisher found the plan lacking as it provided no specific details regarding the scope of the ranges, the number of people who may use it or the frequency of use. "[I]t was deficient as far as the planning requirements were concerned." Transcript of Testimony, September 21, 2012, page 11. These concerns were discussed by him with Township officials, as there was no indication the ranges were going to comply with any particular standards. Mr. Fisher is familiar with NRA "detailed standards for shooting ranges in order to protect public health and safety." Transcript, September 21, 2012, page 18. Mr. Fisher expressed further concerns that shooting at the 600 yard range would be over property not owned by the Londons; also Mr. Fisher felt there was a significant safety problem at the lower range with shooting being parallel to a township road which was only 25 feet away.

Olan and Lonnie London agreed that any shooting range would be constructed according to specifications as recommended by the NRA. Ultimately the Matson subdivision plan was granted on August 23, 2006 with the understanding on the part of the Township that any shooting

ranges would be constructed by the Londons pursuant to NRA recommended specifications.

During the fall and early winter of 2006, as well as into later winter and early spring of 2007 there were continuous discussions between the Supervisors and Olan and Lonnie London (and to a lesser degree with Montie London) concerning establishment of any shooting range(s).

In the late summer and early fall of 2006, the Supervisors started to receive a volume of complaints from various Township residents who lived in the area as to shooting activities which they believed were coming from the London property. Township residents were complaining that the shooting would sometimes go on for an entire day, sometimes from noon until 7:00 p.m., sometimes for one, two or three days in a row. It could be at any time or day, or at night. The complaints also included bullets or shrapnel passing over, or through, residents' property and township roads.

The circumstances involving Dr. and Mrs. Edward Shok is an example of the concerns and difficulties experienced by Township residents living in the area. In 2002, the Shoks purchased property from Olan and Linda London. This property was previously where the London's had their home and a horse boarding business. Upon purchasing the property and moving in, the Shoks continued to operate the stable. Dr. Shok knew the Londons liked to shoot and had concerns prior to the purchase about how any shooting would affect the horses and stable. At that time Olan London had a plan to open a shooting range in Penn Township, Clearfield County, and indicated there would not be much shooting in Brady Township. After Mrs. London purchased the Matson property, the Londons and the Shoks became next door neighbors. Apparently the plan for the Penn Township shooting range was not successful. The shooting on the London property then escalated, with the upper range being located immediately adjacent to the Shok property line. Shooting was occurring at any given day and time at the upper range perpendicular to the Shok property and also across public roads from the shoot house. Discussions with Olan London ultimately proved fruitless. Ultimately, due to safety concerns, in 2006 the Shoks closed the stable business.

As a result of residents' complaints concerning shooting of firearms over and across Township roads, the Supervisors on September 5, 2006 enacted Ordinance 45. This Ordinance regulated the discharge of bows and firearms over public roadways. A petition dated October 2, 2006 was presented to the Supervisors signed by approximately 27 area residents concerned with the establishment of any shooting range and suggesting certain considerations and restrictions. Plaintiff's Exhibit 14. As the London properties were posted 'No Trespassing', the Supervisors had great difficulty in determining where any shooting activities may actually have taken place. It is clear from the Exhibits and testimony that by early 2007 the Township Supervisors believed that the Londons had failed to comply with the assurances that they had made for the appropriate and safe establishment of any shooting ranges as set forth in the Matson subdivision, and had presented no formal engineering plans or blueprints or NRA sanctioned designs to the Township. As a result of their frustration with the Londons and the number of complaints being received from Township residents as to unsafe shooting, the Supervisors felt their only recourse was to pass an ordinance regulating private or public shooting ranges. The Supervisors believed that the provisions of the subdivision related to shooting ranges could not otherwise be enforced. Therefore, Brady Township Ordinance 46 was enacted by the Supervisors on March 5, 2007, to be effective 5 days after enactment.

B. The Township Ordinances

(i) The Shooting Range Ordinance

Brady Township's Ordinance 46 is entitled as "An Ordinance of the Township of Brady, Clearfield County, Pennsylvania, to provide for the regulation of any person or persons operating for profit, not for profit, or non-profit a private, or a public, shooting range and to prescribe fines and penalties for violations." The Court will refer to it as the 'shooting range ordinance'.

Notable definitions in Section 2 of the Ordinance include the following:

- 1. NRA Sourcebook** – means a 1999 technical publication of the NRA that contains suggested practices and procedures for shooting range builders and operators.

2. **Operator** – means a person or persons operating for profit, not for profit, or non-profit or corporation, or partnership operating either a private or public shooting range.
3. **Shooting Range** – means a place that is designed or intended for the safe discharge, *on a regular and structured basis*, of firearms for the purpose of target practice or target shooting competitions.

Section 3 of the Ordinance indicates that the regulations contained within the Ordinance apply to an **operator** who submits plans to the Board (of Supervisors), for a proposed shooting range.

Section 4 requires that the **operator** must submit a request for approval to the Township and provide information such as the proposed days and hours of operation of the shooting range (paragraph 1(c)) and with respect to each operator, each owner of the shooting range and each employee who handles firearms (paragraph 1(c)). Section 4 also requires that any plans submitted for a shooting range to the Township will be done by a registered professional engineer and that **all "rifle ranges" will follow the applicable suggested practices and procedures in the National Rifle Association Range Source book.**

It is important to note that by its own terms the shooting range ordinance only applies to an operator of a range. It is not applicable to other individual which may be associated with the range, including the individual(s) who may own the property on which a shooting range is located. For an area where firearms are discharged to be classified as a shooting range, the Ordinance provides that it must be used to discharge firearms "on a regular and structured basis". There is no definition or interpretation in the Ordinance as to what constitutes a regular and structured basis. Although an operator of a shooting range must provide the Township with information as to the proposed days and hours of operation of the shooting range, the Ordinance contains no restrictions or limitations on actual use of any shooting range. Therefore, hypothetically, an operator of a shooting range could run the same 7 days a week from dawn to dusk. The Ordinance does not limit or restrict in any way the size of a shooting range, how many users may shoot at the same time or the caliber of firearms to be used on the shooting range.

Section 4, 2(k) merely provides that the request for the approval of a shooting range must contain evidence of the caliber of guns proposed to be used. Lastly, the Ordinance contains no provision regulating any noise associated with a shooting range.¹ Quite clearly, the Ordinance is for the purpose of ensuring the safe design of a shooting range in order to protect the safety and welfare of area residents. Assuming the shooting range is then operated in a safe manner, the Ordinance is not an attempt to regulate or restrict the actual use of the range, nor does it attempt in any way to interfere or regulate the London's Second Amendment rights to own, discharge and enjoy firearms.

One of the difficulties in this case is that while the NRA Shooting Range Sourcebook is referenced in the Ordinance and was referred to many times during the course of the non-jury trial,² a copy of that document itself was never offered to be entered into evidence. This is notwithstanding the fact that the NRA Range Sourcebook was setting on the counsel table throughout the course of the case. This has created a deficiency in the record and made it more difficult for the Court to interpret the definition of a shooting range and to better understand the testimony of Engineer Richard Hughes, the Township's witness who discussed safe design of shooting ranges. The same applies to the testimony of Olan London in his description of his establishment of the shooting ranges.

(ii) The shooting over Public Roads Ordinance

Brady Township Ordinance 45, was enacted "to protect the health, safety, comfort and welfare of its citizens." Section 2 of the Ordinance makes it unlawful for any person "... to discharge any bow or firearm over any public roadway (township road)." Section 3 makes it unlawful for anyone, including corporations, "to authorize or permit the discharge of any bow or firearm over any public roadway... from their property." Excluded from the Ordinance is

¹ Although it is not part of the record in this case, apparently the Township has some type of noise (nuisance) ordinance from 1977 which predates this dispute.

² The NRA Shooting Range Sourcebook was referenced during the non-jury trial by numerous witnesses and by counsel as follows: Day One – Transcript pages 11, 49, 84 – 86, 94, 116 and pages 3 -4 of Plaintiff's Exhibit 3. Day Two – pages 18, 19, 20 and 92. Day Three – 19, 23 – 25, 29, 32, 37 – 38 and 46. Day Four – 17 – 25, 44 – 46 and 53.

discharge of bows or firearms over public roads during "lawful hunting" as permitted by the State Game laws. 34 Pa.C.S.A. § 2504, entitled Shooting on or across Highways, makes it unlawful for any person to shoot at game or wildlife at any time while the game is on a road. It is unlawful to shoot at game across a road "unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users of the highway."

C. Procedural History

On March 3, 2008, the Brady Township Supervisors filed a civil enforcement proceeding before Magisterial District Judge Patrick Ford. The enforcement proceeding alleged a violation under Section 10 of Brady Township Ordinance 46, which provides for the regulation of private or public shooting ranges and prescribes fines and penalties for violations thereof. The Township alleged that the shooting range ordinance had been violated by Linda London, Olan London, Lonnie London and Montie London. There had actually been two separate civil enforcement proceedings filed by the Township against both Olan London and Linda London. One involved allegations of a violation of the Ordinance for a shoot at the lower shooting range on March 31, 2007. The other relates to the alleged construction by Olan and Linda London of the upper shooting range area by the London home. The enforcement proceedings against Lonnie and Montie London related only to the alleged March 31, 2007 shoot. Following the proceedings before the Magisterial District Judge, the members of the London family were found guilty of violating Ordinance 46 in each case. Pursuant to the provisions of the Ordinance, a judgment was entered against Lonnie London and Montie London in the amount of \$600.00 plus costs for a total of \$610.00. Two such judgments were entered against Olan London and Linda London. The judgments were entered on June 19, 2008. Thereafter, each Defendant filed a timely Notice of Appeal to the Court of Common Pleas from the entry of the judgment by the Magisterial District Judge. A Praecept was entered on the Township to file a complaint with the Court.

The Township thereafter in response to the appeal documents filed the five suits as captioned above. Complaints were filed on or about August 4, 2008. In regard to Linda London,

case 2008-1295-CD relates to the alleged violation of the shooting range ordinance for the March 31, 2007 shoot on the lower range, while the case filed to number 2008-1290-CD relates to the alleged construction of the upper shooting range. The complaint against Olan London to number 2008-1291-CD also relates to the alleged March 31, 2007 shoot, while the case filed to number 2008-1292-CD relates to the alleged construction of the upper shooting range. An Answer and New Matter was filed on behalf of the Defendants on or about September 5, 2008 by their joint counsel, Patrick Lavelle, Esquire. Under the heading of New Matter, the Defendants set forth certain affirmative defenses including that any shooting range on the property was in existence prior to the enactment of the ordinance and as a pre-existing use is not subject to the regulatory provisions of the ordinance. The Londons also complained that the Shooting Range Ordinance is being enforced against them in a discriminatory manner and that the ordinance is so vague and ambiguous that it should be held to be constitutionally void. The pleadings were closed by the Township filing a Response to New Matter in September 2009.

In July 2010, the Township filed a Motion to Consolidate the six cases, which request was granted by the Court. The Township then filed a Petition for Special Relief requesting a preliminary injunction against the Defendants for violation of Ordinance 46, as well as violation of Brady Township Ordinance 45, related to the discharge of firearms over Brady Township roadways. Testimony was presented before the Court on August 20, 2010 as to the Township's request for a preliminary injunction. This Court's Order of September 10, 2010 granted the request for the injunction. The preliminary injunction was ordered to remain in effect during the pendency of the proceedings, and the Defendants were prohibited from conducting any shoots and any shooting range type of activity on the properties subject to the litigation. The Court notes that this injunction did not prohibit the Defendants from engaging in personal shooting activities on their property, only in regard to shooting range conduct as described within Ordinance 46. In addition, by this Court's Order of December 8, 2011, the Court granted Defendant Montie London's Motion for Summary Judgment. The Township's Complaint against him for violation of

Township Ordinance 46 was dismissed. There was no evidence that Montie London at any time was an operator of a shooting range.

On January 3, 2012 the Township filed a Motion for Leave to Amend their Complaint. Ultimately, by this Court's Order of April 5, 2012, the Motion to Amend the Complaint was granted. An Amended Complaint was thereafter filed on April 20, 2012 raising an additional claim against each of the Defendants for a violation of Ordinance 45. In the Defendants' New Matter, they claimed, *inter alia*, that any shooting that may have occurred was done in furtherance of lawful hunting activities permitted under the provisions of the State Game Law. On August 28, 2012 the Township filed a Motion for Contempt against the Defendants alleging a violation of the Court's preliminary injunction. Testimony was held on September 12, 2012 and following the same the Court concluded that the Plaintiff had not met its burden of proof and dismissed the Petition for Contempt against each of the Defendants in each case.

Non-jury trial was scheduled in the consolidated matter for September 20 and 21, 2012. The parties were unable to conclude within that period of time and additional testimony was held before the Court on September 24, 2012, as well as the final day of proceedings on November 15, 2012. On the afternoon of Friday, September 21, 2012, at the request of the parties, the Court visited the area of Brady Township in question for a view of the premises. The attorneys for each side as well as Mr. Olan London and Township Supervisor Darryl Beatty accompanied the undersigned for purposes of the view. Following the conclusion of non-jury trial the Court entered an Order giving the parties sixty days to submit appropriate briefs to the Court. Upon Motion for Extension of Time to File Brief presented on behalf of the Township and concurred with by the Defendants, the parties confirmed that they had not received trial transcripts until December 20, 2012 and were given an additional thirty days from January 20, 2013 in which to submit briefs. The Court notes that the trial transcripts have now been filed with the record and the parties' briefs have been received. The matter is set for the Court's decision.

D. The shooting ranges or areas

(i) The "Upper Shooting Range"

Plaintiff's Exhibit 4 is a blowup of an aerial photograph of the area in Brady Township in question. The upper range is to the west of the London home and is a long rectangle that runs in an east to west direction. Its southern boundary runs directly parallel to the northern boundary line between the London and Shok properties. The Shok home, barn and outbuilding area is directly southwest of the western end of the range. A long thin shed building exists as part of the shooting range in the southern right side of the range. This building is open on the northern side, somewhat like an elaborate lean-to. There are areas in the shed where small caliber firearms may be discharged from a south to north direction. The larger portion of the range runs east to west. Persons firing would shoot from the eastern side, very close to Short Mag Lane, to the earthen barrier at the western side. Defendants' Exhibit G is a photo of part of the range, looking from east to west at the earthen barrier. The shed is not shown. Olan London testified that this range is on the Matson subdivision property. He began actual construction of the range before the purchase was completed, with Mr. Matson's consent.

(ii) The "Lower Shooting Range"

The "lower shooting range" is located at the corner of Stoney Lonesome Road, a township road, and Short Mag Lane, which leads to the London's home and the upper shooting range area. It is at a much lower elevation than the upper range. Entry is on to a private lane owned by the Londons. There are ten shooting benches/rests placed in a line north to south along and just off of the private lane. Shooting is done from these benches at an uphill angle to an earthen area carved out of the side of a hill and built up with a medium sized bulldozer. Defendants' Exhibit H shows Stoney Lonesome Road on the right. Some of the shooting benches can be seen in the center. The cleared area for shooting leading to the earthen backstop is visible between the trees on the center left side of Exhibit H. Shooting on this range is done generally from west to east. It would have to be bullets or shrapnel from this range that Glenn Schuckers complained about. Olan

London testifies that this range is not on the Matson subdivision property, but instead the property was acquired by him around the year 2000 through his son's divorce. In any event, there is no disputing that the lower range is on property owned by Linda and/or Olan London.

(iii) The .50 caliber area

The .50 caliber area is also described in this case as the "shoot house". It is located in a field at the top of the highest elevation on the London property, west and slightly north of the London home. Access is by walking or driving through the field. This area is clearly not a shooting range *per se*, but instead an area at the very top of the hill which provides a scenic view for several miles in all directions. It is used according to Olan London and other defense witnesses as an area to do long distance hunting. It is an informal area where a small number of persons could shoot. Initially there was a small lean-to type of structure beside the area to provide protection from the elements. *See* Plaintiff's Exhibit 5 and 6. Apparently this lean-to was removed in 2009. It has been replaced by a small trailer, which is on wheels and appears, with an effort, to be moveable. During the view, Olan London, using shooting binoculars on a tripod type stand, showed the undersigned a shooting target they used, which was on a hillside more than a considerable distance away. The existing trailer is shown, at a distance, on Defendants' Exhibit D. Exhibit D also shows the beginning of Miknis Road, a township road that the Londons would fire across from the shoot house. This is the road that Mrs. Shok became too concerned to walk on. It is from the shoot house that .50 caliber rifles were discharged. The Court considers the .50 caliber or shoot house area relevant only in consideration of the provisions of Ordinance 45.

E. Claim of Prior Non-Conforming Use

The Londons argue that the shooting ranges were established upon their properties prior to the enactment of Ordinance 46 and as such are grandfathered and not subject to the regulatory provisions of the Ordinance. However, their argument fails on factual and legal grounds. From the beginning of this matter, prior to the approval of the Matson subdivision, the Londons had agreed with the Township that they would follow all NRA guidelines and safety standards to

create their shooting range or ranges on the property. The representations at various Township meetings by Olan and Lonnie London clearly indicate their agreement to the subdivision narrative addendum and that NRA design and safety guidelines applied to any potential shooting ranges. Nevertheless, Olan London began moving earth to begin construction of the upper range without regard for any subdivision approval or guideline whether from the NRA handbook or otherwise. Olan London admitted during his testimony that he began construction of the upper range prior to the actual transfer of the Matson's subdivision property to Linda London.

The Court notes that the burden of proving the existence or extent of a non-conforming use rests on the property owner who would claim the benefits. The right to maintain a non-conforming use is only available for uses that were lawful when they came into existence and which existed when an ordinance took effect. It is the burden of the party proposing the existence of such a use to establish both its existence and legality before the enactment of the ordinance at issue. This burden includes the requirement of conclusive proof by way of objective evidence of the precise extent, nature, time of creation and continuation of the alleged non-conforming use.

Lamar Advantage GP Co. vs. Zoning Hearing Bd. of Adjustments of the City of Pittsburgh, 997 A.2d 423 (Pa.Cmwlth. Ct. 2010). The benefit of legal non-conforming use status is available only for a lawful use which existed on the land when the ordinance took effect and it is the burden of the party proposing the existence of such non-conforming use to establish both its existence and legality before the enactment of the ordinance at issue. *Lantos vs. Zoning Hearing Bd. of Haverford Twp.*, 621 A.2d 1208 (Pa.Cmwlth. 1993). Pre-existing illegal uses cannot become non-conforming uses with a protected right to exist upon enactment of an ordinance prohibiting them. *Hager vs. W. Rock Hill Twp. Zoning Hearing Bd.*, 795 A.2d 1104 (Pa.Cmwlth. 2002).

The record in this case does not reflect any specific testimony of the Londons nor evidence submitted to warrant a finding of prior non-conforming use. No reliable evidence indicates the date of establishment of a non-conforming use. No testimony or evidence was offered as to the extent of the shooting activities conducted on the properties. Bulldozing on the upper range

property, either before or following the approval of the subdivision, hardly constitutes a prior non-conforming use. Various statements made by Olan and Lonnie London at Township meetings indicate that they envisioned several potential options for the property, whether they were recreational hunting, private club, public shooting range or certain charitable endeavors related thereto. To meet their burden of establishing a prior non-conforming use the Londons are bound to establish the extent, nature, time of creation and duration of the non-conforming use. The Londons have failed to meet their factual burden in this regard. Lastly, without question the purchase of the land was strictly subject to language agreed upon relative the subdivision approval which required specific safety measures and adherence to NRA shooting range standards. Legally the Londons were bound by the subdivision requirements, but failed to follow through as had been agreed. This renders the establishment of any shooting range as illegal, even if the establishment did pre-date the enactment of Ordinance 46. The requirements of Ordinance 46 for safety and adherence to the NRA shooting range standards was in essence no different than the requirements contained within the subdivision approval, and as agreed to by the Londons.

Even assuming arguendo that the Londons' activities on the property are found to be a grandfathered shooting range, changes to the shooting range following enactment of Ordinance 46 undermine the prior use claim. The credible testimony of Dr. and Mrs. Shok showed that the character of the upper range changed dramatically from 2006 through the summer of 2007. The earthen embankment was constructed in 2007, after the Ordinance was passed and during the period of time that the Shoks were on vacation. Additionally, the testimony showed that the long lean-to structure on the upper range did not exist prior to June 2007. This is confirmed by the minutes of the June 21, 2007 Township meeting, Plaintiff's Exhibit 16, which notes that prior Supervisor Lester Wachob was on the London property. Olan London was constructing the "lean-to" shooting building on the upper range. Mr. Wachob was upset as Mr. London had no building or land use permit. Mr. London said he didn't think he needed one. This defeats any argument by

the Londons that the current use is sufficiently similar to the prior non-conforming use, such that it is exempt from the provisions of Ordinance 46.

F. The Claim that Ordinance 46 is Unconstitutional as Void for Vagueness

The Londons' claim that Ordinance 46 is constitutionally deficient as the definition of shooting range is so vague that no reasonable person could determine what is or is not a shooting range under its provisions. It is a basic legal principle that ordinances and statutes are presumed to be constitutional. A heavy burden is placed on the individual seeking to challenge the constitutionality of an ordinance. *Cmwlth. vs. Ebaugh*, 783 A.2d 846 (Pa.Cmwlth. 2001). A statute is constitutionally void only if it is so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application. A vague law impermissibly delegates basic policy matters for a resolution on a subjective basis, with the intended dangers of arbitrary and discriminatory application. However, a statute will not be deemed unconstitutionally vague if the terms, when read in context, are sufficiently specific that they are not subject to arbitrary and discriminatory application. *Cmwlth. vs. Cotto*, 753 A.2d 217 (Pa. 2000). *See also, Crews vs. City of Chester*, 35 A.3d 1267 (Pa.Cmwlth. 2012).

The Court has referenced different definitions of a shooting range and rifle range:

- A. 1. Rifle range – a place for practicing shooting with rifles.
2. Shooting range – an area provided with targets for the controlled practice of shooting.
See: www.Oxforddictionaries.com
- B. Rifle range – an area used for target practice with rifles
See: www.Collinsdictionary.com
- C. Rifle range – a place where people practice shooting with a rifle
See: www.Macmillandictionary.com
- D. Shooting range – a specialized facility designed for firearms practice. Each facility is typically overseen by one or more supervisory personnel, called a *range master* or "RSO – Range Safety Officer."
See: www.Wikipedia.org

Although poorly written in some regards, Ordinance 46 does afford a person of ordinary intelligence a readily comprehensible and reasonable understanding as to what is being regulated.

The various definitions of shooting range or rifle range set forth above do not differ materially from the definition in the Ordinance. The Londons may be confusing the proof required to show a violation of the shooting range Ordinance with an actual recognition of a shooting range based upon the definition contained within the Ordinance. This being said, there is no question but that the upper range and the lower range are both shooting ranges. The fact that they are shooting ranges was not contested by the Londons during the course of the non-jury trial. The Londons have argued that the shooting ranges existed prior to the enactment of Ordinance 46 and are grandfathered as non-conforming uses. Now, they indicate that they don't know what a shooting range is from the definition provided by Ordinance 46. The Court also notes that in both of the cases filed against Olan London, in his Response to Petition for Special Relief filed with the record on or about August 4, 2010, paragraph 1 thereof, Olan London in regard to the upper range provides an answer which states, "It is admitted that the Defendant has constructed a firing range on his Wife's property where he resides." The Court also notes that the other Defendants give the exact same response as just quoted in their response to the Township's Petition for Special Relief and Injunctive Relief. Although the response is clearly tailored to Olan London, in essence, that response is admitting that there is a shooting range in the area that has been described as the upper range. Clearly, the Londons know a shooting range when they construct and see it.

The Court also notes that during the view there was no doubt that the lower range and upper range are indeed shooting ranges. There was nothing vague about it. In addition, at the time of trial Olan and Lonnie London testified the Defendants had in fact obtained a report regarding the establishment of the ranges from a National Rifle Association engineer who allegedly came to the sites and made recommendations, including the construction of the earthen wall (described as a baffle by Olan London) identified by Mrs. Shok as having appeared in June or July 2007.³ This NRA engineer, Michael Banoski, is now alleged to be deceased. This report was

³ Lonnie London had also indicated during the Township meeting of February 5, 2007 that he didn't want representatives of the National Rifle Association to come in, and if the Township wanted the NRA it could pay the expenses. Plaintiff's Exhibit 16.

not available at time of the non-jury trial and according to Lonnie London allegedly could not now be located. Lonnie London claimed that at a prior Township meeting he had offered the report to the Supervisors but that they had refused to accept it.⁴ As the Township had consistently requested an engineering report of the design and establishment of the shooting ranges based upon NRA safety standards, testimony that such a report was offered by the Londons and refused by the Township Supervisors is clearly not credible. However, the testimony does show that Olan and Lonnie London were aware that shooting ranges had been established. There seemed to be no confusion as to what was a shooting range at that time.

In conclusion, upon review the evidence presented in this case it is reasonable to conclude that the areas designated as the upper and lower ranges fall within the Ordinance definition of a shooting range, and that the Defendants have not met their burden of the party seeking to challenge the constitutionality of the ordinance based upon vagueness of the definition of a shooting range or rifle range.

G. The Claim of Discrimination/Violation of Equal Protection

The Londons are claiming that their rights to Equal Protection under the United States and Pennsylvania Constitutions are being denied as they are being unfairly singled out for ordinance enforcement by the Township. The purpose of the Equal Protection clause of the Fourteenth Amendment of the United States Constitution is to secure every person within a state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through state acting agents. *Village of Willowbrook vs. Olech*, 528 U.S. 562, 120 S.Ct. 1073 (2000). Here the Londons are required to show that they have been intentionally treated differently from other similarly situated and that there was no rational basis for the difference in treatment. Generally, a person relying upon an Equal Protection claim must show intentional discrimination because of the membership in a particular

⁴ The record reflects that at the February 15, 2007 Township meeting Lonnie London offered a print from the NRA Sourcebook for a 100 yard shooting range. This print was only a copy of a page from the NRA Sourcebook. It was in no way tailored to the Londons' ranges and not prepared by an engineer. *See also* The minutes of the Township meeting of March 5, 2007. Plaintiff's Exhibit 16. This Court also notes there is no reference to NRA engineer Michael Banoski in the Township minutes.

class, not merely that he or she was treated unfairly as an individual. *Uniontown Newspapers, Inc. vs. Roberts*, 839 A.2d 185 (Pa. 2003). Further, it would have to be shown that Brady Township's demands under the Ordinance were irrational, wholly arbitrary and motivated by animus or ill-will. *Golembiewski v. Logie*, 852 F.Supp.2d 908 (N.D. Ohio 2012); *see also, Probst v. Com., Dept. of Transp., Bureau of Driver Licensing*, 849 A.2d 1135 (Pa. 2004).

In essence, the Londons claim that their shooting ranges are being singled out for enforcement proceedings under Ordinance 46 when no other township shooting range is being requested to comply. As evidence of the same, the testimony of Montie London was presented on September 21, 2012; Defendants' Exhibit E was introduced purporting to show a photo of the shooting range on the Arbaugh property. An examination of Defendants' Exhibit E reveals no obvious shooting range depicted thereon, although it is possible that a target is shown in a field on the upper right hand corner of the photograph. Exhibit F purports to be a photograph of the Scrubmasters Shooting Range. However, an examination of Exhibit F shows no shooting range visible to the undersigned. Finally, Defendants' Exhibit C purportedly depicts the Jack Gray property shooting range which again is not visible to the undersigned. It is of interest to note that during his testimony Montie London indicated as to all three of the shooting ranges described in Exhibits C, E and F that he had never seen anyone shooting there. There was also testimony to another shooting range which existed in another part of Brady Township on Route 219 prior to the difficulties with the London property and the enactment of Ordinance 46. Testimony from the Township did indicate that there were no ordinance enforcement proceedings underway in regard to the 219 or any other shooting range.

It is difficult for the Court to see how any valid argument can be made by the Londons that they are being subjected to intentional discrimination and that their Equal Protection rights are being violated. Registered Engineer Wilson Fisher had discussed his concerns with the deficiencies of range design, standards and safety with Township officials relative the subdivision request. The provisions of the Matson subdivision approval which required shooting ranges

designed to NRA standards and specifications was agreed to by the Londons in advance. After the subdivision was approved, the Londons failed to comply, even though Olan London had already started excavating the upper range. The Township found itself in a quandary, where the Londons had made plenty of assurances and had followed through with none of them. Competent evidence showed that there was a high volume of shooting ongoing in the area causing a plethora of complaints by other Township residents. It is fairly easy for the Township to make a legitimate assumption that based upon circumstantial evidence the majority, if not all, of the shooting was coming from property owned by the Londons.

As a result of the Londons' failure to comply with what they had agreed following the subdivision approval, the Supervisors received legal advice indicating that enforcement would be impossible without a Township ordinance being in place. As previously detailed herein, an ordinance was ultimately passed after months of discussion with the Londons as to the content of the ordinance. The Township appears to have gone to great lengths to attempt to work with the Londons in 2006 and early 2007. This process is described in Plaintiff's Exhibits 13 and 16. This was both to attempt to ensure the safety of Township residents and the appropriate design of any shooting range, while at the same time trying to protect the Londons' Second Amendment Rights.

The Township ultimately decided to file violation proceedings against the Londons at the Magisterial District Judge's office. The Londons then claimed that on the one hand the shooting ranges were in existence before the passage of the ordinance and as such were grandfathered; on the other hand they claimed they didn't know how a shooting range was defined and that the ordinance was constitutionally unenforceable as vague. As to the discrimination claim, it is unclear if the alleged shooting ranges described by Montie London in his testimony pre-date the passage of the ordinance.

In order to further show the shooting ranges were not designed safely, the Township presented their witness Richard Hughes. Mr. Hughes is a registered engineer, with a BS in Civil Engineering and MS in Engineering Science from Penn State. He is registered in seven states and

has decades of experience in the engineering field and as an expert witness. Mr. Hughes is also an avid hunter, NRA member and has constructed his own rifle range using NRA standards.

Plaintiff's Exhibit 16 shows Mr. Hughes had been present for the Township meeting on November 6, 2006 where he discussed design and safety issues regarding shooting ranges; he suggested at that time involving Guardian Inspection and then calling in the NRA. Olan, Lonnie and Montie London were present at this meeting. Prior to trial, he visited the lower range and found its design and use to be unsafe due to shooting occurring parallel to the road with no berms or mitigation. In his opinion the end of the range had no appropriate backstop, just shale in the side of the hill off of which bullets can ricochet. As to the shoot house area, he considered the situation with shooting over the road to be extremely dangerous. Mr. Hughes did not see the upper range. The Court found his testimony to be relevant and credible.

In any event, it makes perfect legal sense for the Supervisors to attempt to deal with the Londons and test the legality of the ordinance with this Court under these circumstances before attempting to apply the ordinance to any other potential shooting range in the Township. Two engineers have advised the Township the ranges are unsafe. The ranges and the Londons are the subject of considerable public complaint. The Londons gave numerous assurances as to safe design following NRA standards and failed to follow through. The Township clearly attempted to work with the Londons in good faith. Under the circumstances the Township Supervisors have acted reasonably and cannot be said to have engaged in discrimination in violation of the Londons right of Equal Protection. This claim must fail.

H. Violation of Ordinance 46

The Court will now examine whether the Defendants have violated the provisions of the Township's Shooting Range Ordinance.

- (i) **Linda London.** The Township claims that Mrs. London has violated the Shooting Range Ordinance on two occasions. One violation is for construction of the upper range, while the other is for the March 31, 2007 shoot at the lower range. As

previously noted, the regulatory provisions of the Ordinance only apply to an operator as defined by the Ordinance. There is no direct evidence in this case that Mrs. London is or was an operator of either range. The evidence showed no indication that Mrs. London ever appeared at any Township meeting to discuss the shooting ranges. Although Township secretary Sheryl DeBoer, who the Court found to be a competent and reliable witness, testified that Mrs. London "was to a couple" meetings, Plaintiff's Exhibits 13 and 16 exclude her attendance at any meetings described therein. Her name was mentioned in the minutes of the February 15, 2007 meeting noting she was the owner of the property and had filled out the Recreational Cabin Affidavit. (This recreation cabin was proposed by the Londons, but never built.) At the March 5, 2007 meeting she was not present even though the Supervisors apparently had requested her to attend. When Olan London was asked if he was authorized to speak for her, no answer was recorded. Instead, Attorney Lavelle rose and engaged in discourse with the Supervisors. *See generally* Plaintiff's Exhibit 16 for minutes of meetings.

No evidence shows she was at any shoot on either range or that she shot from the .50 caliber area. There is no evidence that she took any steps to construct, operate or maintain either shooting range. The Township argues that the actions of her husband Olan and son Lonnie are attributable to her, but this is not in any way direct proof. The Township could have called Mrs. London as a witness on cross during the non-jury trial and questioned her about her knowledge, actions and potential involvement, but it failed to do so.

Unfortunately the Township itself has created this difficulty. It would have been simple to include within the provisions of the ordinance language that would hold the OWNER of the property where a shooting range is located subject to the

regulatory provisions in the same manner as an operator.⁵ As the Township did not do so, it has by omission created an obstacle to enforcement. As the Court noted during the testimony of Mrs. DeBoer, it is inconceivable to believe that Mrs. London did not know what was going on in regard to the issues involving the shooting ranges. As owner of the property, wife of Olan London and mother of Lonnie and Montie London these issues undoubtedly were discussed. However, under the definitions contained with the Ordinance, knowledge does not an operator make. Operation requires action and deeds, not mere knowledge. As the Township has not met its burden of proof to show she was an operator of a shooting range, the Court will dismiss the two violations of Ordinance 46 against Linda London.

- (ii) **Montie London.** As previously set forth, by Order of December 8, 2011 the violation of Ordinance 46 claim against Montie London was dismissed.
- (iii) **Olan London and Lonnie London.** Lastly, the Court must determine if Olan and/or Lonnie London have violated the shooting range Ordinance. As previously stated, two instances for Olan London must be considered, being construction of the upper range and for the March 31, 2007 shoot. For Lonnie London only as to the March 31, 2007 shoot.

The first issue to determine is whether the evidence has shown that either or both of the said Defendants are an "operator" as defined by Ordinance 46. The Court believes that the evidence submitted does show that both Defendants are properly considered as operators. The record shows that both Defendants attended many Township meetings and discussed a plethora of proposals as to how they intended to operate their two shooting ranges. These proposals as well as their trial testimony included operating the ranges on regular hours, days,

⁵ The evidence clearly shows Linda London is the owner of the property where the upper range and the .50 caliber area are located.

organized shoots and the number of people who may be present.⁶ The two shooting ranges were actually constructed. A mock shoot was held in September, 2006, as well as the shoot on March 31, 2007. Circumstantial evidence shows there was both regular and irregular use of the ranges. The proposals for use meet the definition of "a place ... intended for the safe discharge, on a regular and structured basis, of firearms ... for target practice or ... competitions" set forth in the Ordinance for a shooting range. (Emphasis added).

Olan London constructed portions of the upper range and built the shooting lean-to⁷ after the Township Ordinance was passed. Olan and Lonnie London were both present for the March 31, 2007 shoot. It doesn't matter if the shooting ranges were for profit or not, as both instances are covered in the Ordinance. The Londons, by their own admission, did not comply with the design submission and receipt of Township approval requirements in the Ordinance. The Court has determined the Ordinance is valid. Accordingly, the two violations of the Ordinance by Olan London and the one violation by Lonnie London have been proven.

I. Violation of Ordinance 45

As to any violation of the shooting over the township roads Ordinance, no enforcement proceedings were filed by the Township against any of the Defendants at the Magisterial District Judge's office. As such, no fines were imposed that are subject to review by the Court of Common Pleas. Instead, the Township is requesting the Court to enter a permanent injunction against the Defendants to prevent them from shooting across any Township roads except when done for hunting in compliance with State Game Laws.

⁶ Lonnie London testified that up to 80 people at one shoot could use the lower range; use the 10 existing benches and shoot in sequence of 8 relays.

⁷ The shooting lean-to is of considerable length and is a fixed and substantial structure; it is not a shed or inconsequential building. It is unfortunate that apparently no photographs of it were taken for introduction into evidence. The same can be said as to no photographs of the upper range being introduced except one, which is only a partial view of the earthen wall, or 'baffle' as described by Olan London.

The evidence presented showed that Olan London, along with various family members and friends, would from time to time shoot over the Township road from the .50 caliber area. Shooting was not always with .50 caliber rifles. Smaller calibers were also used. Olan London says they were hunting groundhogs or deer. The Township says it was for target practice. As noted, during the view the undersigned was shown through binoculars a target which was used. The Court believes the competent evidence, direct and also to a significant length circumstantial, taken as a whole establishes multiple instances of shooting from the .50 caliber area for both targets and hunting, the former being in violation of the Ordinance.

As the Ordinance makes it unlawful to both discharge a firearm over a Township road and authorize or permit any discharge of any firearm over a Township road from a person's property, the scope of this Ordinance is broader than the one governing the shooting ranges. It covers Linda London as the owner of the property on which the .50 caliber range is located. It includes Olan and Lonnie London who shoot from the .50 caliber area. An injunction will be entered against Linda, Olan and Lonnie London precluding violation of the provisions of Ordinance 45.

In their New Matter to the Amended Complaint, the Londons raise the affirmative defenses of *res judicata* and *collateral estoppel*. No constitutional issues were pleaded or raised. No argument on the legal issues of *res judicata* or *collateral estoppel* was set forth in the Defendants' brief. The Court finds that these legal defenses are not relevant to this case. *Collateral estoppel* is defined as an affirmative defense barring a party from re-litigating an issue determined against that party in an earlier action. *Res judicata* is an issue that has been definitively settled by judicial decision; it is also defined as an affirmative defense barring the same parties from litigating a second lawsuit on the same claim, or any other claim arising from the same transaction. See generally Blacks Law Dictionary, Seventh Edition, 1999, West Group. As there has been no prior litigation among the parties as to Ordinance 45 or shooting over Brady Township roads, these affirmative defenses are not applicable.

J. Issuance of an Injunction

In this case Brady Township is requesting that the Court issue a permanent injunction in regard to both the shooting range Ordinance and the shooting over the highway Ordinance. In regard to the shooting ranges, the Court is being asked to find not only a specific violation under the Ordinance resulting in a civil penalty and costs being imposed, but also that the Defendants be enjoined from utilizing the shooting ranges until the requirements of the Ordinance are met and the Township authorizes their use. In regard to the shooting over the highway Ordinance, as noted no specific civil penalty is being requested, but instead that the Defendants be enjoined from shooting over Township roads with the exception of hunting in compliance with the Game Laws. In their brief, the Defendants claim that since a remedy for a violation already exists in each Ordinance, the Court cannot issue the injunction but instead the Township must rely on future alleged violation of either Ordinance and proceed to the Magisterial District Judge.

Generally speaking, a court operating in equity may not interfere to prevent an act merely because the act is illegal. Although a court may have equitable jurisdiction, that does not necessarily mean it can issue an injunction to enjoin a violation of a statute. *Cmwth. Dep't of Transp. v. Beam*, 756 A.2d 1179 (Pa. Cmwth. 2000), reversed on other grounds, 788 A.2d 357 (Pa. 2002). The logic behind the general rule is that in many instances a court would have no practical method of assuring future compliance and may be assuming an impossible burden in attempting to enjoin the commission of the act. *Pennsylvania Soc'y for Prevention of Cruelty of Animals v. Bravo Enterprises, Inc.*, 237 A.2d 342 (Pa. 1968).

In order to establish a claim for a permanent injunction, the party must prove the following elements relevant to the claim; 1) the right to relief is clear; 2) the injunction is necessary to avoid an injury that cannot be compensated by damages; and 3) that greater injury will result if the court does not grant the injunction than if it does. *Doe v. Zappala*, 987 A.2d 190 (Pa. Cmwth. 2009). These factors go hand in hand with the proposition that the Courts of the Common Pleas have jurisdiction to restrain public nuisances under certain circumstances. The

mere fact that there is a remedy at law will not alone prevent the exercise of the power. The equity court has the right to issue an injunction for the prevention or restraint of the commission or continuance of acts contrary to law and prejudicial to the interests of the community or the rights of individuals. *Cmwth. ex rel. Woods v. Soboleski*, 153 A. 898 (Pa. 1931). *See also Boggs v. Werner*, 94 A.2d 50 (Pa. 1953).

Our Commonwealth Court has held that a permanent injunction may issue to prevent the non-conforming use of a defendant's property in violation of a township zoning ordinance. In *Bd. of Supervisors of West Brandywine Twp. v. Matlack*, 394 A.2d 639 (Pa. Cmwth. 1978), it was held that the Common Pleas Court had equity jurisdiction where the supervisors sought an injunction restraining further expansion of the non-conforming use of the property and that the court's powers were not limited to merely imposing penalties for specific violations. In the case of *Babin v. City of Lancaster*, 493 A.2d 141 (Pa. Cmwth. 1985), the Commonwealth Court held it was not improper for the Court of Common Pleas sitting in equity to impose both an injunction and a civil fine on the owners of a health club which was in reality operating as a massage parlor in violation of zoning requirements. In *Canton Twp. v. Bedillion*, 7 Pa. D&C 2nd 716 (Washington Cnty. 1955), the Township had enacted an ordinance preventing the establishment of junk automobile yards and had indicated in the preamble to the ordinance that the junking or accumulation of wrecked cars within the township was a nuisance. In that case, the Court of Common Pleas imposed a permanent injunction against the defendants, restraining them from henceforth storing abandoned or junked automobiles upon their property.

The Court has previously noted that both Township Ordinances provide for civil enforcement of specific violations and penalties related thereto. The enforcement provisions for specific violations are to be filed originally with the office of the Magisterial District Judge. However, both Ordinances specifically indicate that "[F]urther, the Township may enforce any violation of this Ordinance through an equity action brought in the Court of Common Pleas..." Ordinance 46, page 8, section 10. Ordinance 45, page 2, section 5. Clearly this language was

inserted to permit the Township to request an injunction through the Court of Common Pleas sitting in equity.

Here, the evidence has shown that the Township has established the three required elements for an injunction against Olan and Lonnie London relative the shooting ranges. The Township has not proven a clear right to relief against Linda and Montie London in regard to the shooting range Ordinance. Concerning the shooting over the public road Ordinance, the required elements have been established for an injunction to be entered against Linda, Olan and Lonnie London. A clear right to relief has not been established against Montie London. Since the Londons have claimed they only shoot over Township roads for hunting, they should have no complaint about an injunction which prohibits target shooting over Township roads.

ORDER

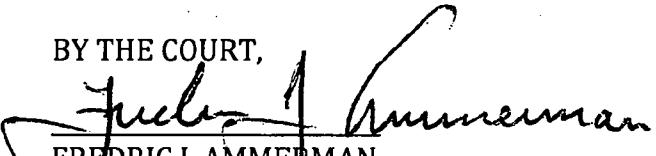
NOW, this 19th day of September, 2013, following non-jury trial, the filing of the trial transcript, receipt of the parties' briefs and the Court's review and consideration of the testimony of the witnesses, the exhibits, the Court's view of the property in question and the entire record, consistent with the foregoing Opinion; it is the findings and ORDER of this Court as follows:

1. The Court finds that Brady Township has not proven a violation of the shooting range Ordinance against Linda London. The original Complaints filed against Linda London to No. 2008-1290-CD and No. 2008-1295-CD are hereby DISMISSED.
2. Brady Township has established a violation of the shooting range Ordinance against Olan London in case 2008-1291-CD. A penalty in the amount of \$600.00, plus costs, is hereby imposed.

3. Brady Township has established a violation of the shooting range Ordinance against Olan London in case No. 2008-1292-CD. A penalty in the amount of \$600.00, plus costs, is hereby imposed.
4. Brady Township has established a violation of the shooting range Ordinance against Lonnie London in case No. 2008-1293-CD. A penalty in the amount of \$600.00, plus costs, is hereby imposed.
5. As noted in the Court's Opinion the shooting range violation claim against Montie London to case No. 2008-1294-CD was previously dismissed by this Court's Order of December 8, 2011.
6. Brady Township's Amended Complaint filed against Montie London requesting an injunction as to the shooting over the Township's roads is hereby DISMISSED.
7. The Township's request for a permanent injunction in its Amended Complaint precluding future violations of the shooting range Ordinance against Olan London and Lonnie London is hereby GRANTED. Olan London and Lonnie London are hereby enjoined and prohibited to conduct, or in any manner promote, permit, allow or participate in, any "shoots" and any shooting range type of activities on the property subject to this litigation until such time as Brady Township certifies that they have complied with the requirements of Ordinance 46. The Township's request for an injunction against Linda London and Montie London is hereby DENIED, and the Amended Complaints filed against them are DISMISSED.
8. The injunction entered by the Court in paragraph 7 above does not prohibit the said Defendants from engaging in personal shooting activities on their property. The injunction and prohibition is only in regard to shooting range conduct as defined and described within Ordinance 46.
9. The Township's request for a permanent injunction in its Amended Complaint precluding future violations of the shooting over public highways Ordinance against Linda London,

Olan London and Lonnie London is hereby GRANTED. Linda London, Olan London and Lonnie London are hereby enjoined and prohibited to conduct, or in any manner promote, permit, allow or participate in any target or non-hunting shooting activities across all public highways in Brady Township. Any hunting activities that involve shooting over any public highway must be done in compliance with the Pennsylvania State Game laws. The Township's request for an injunction against Montie London is hereby DENIED, and the Amended Complaint filed against him is DISMISSED..

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

SEP 19 2013

William A. Shaw
Prothonotary/Clerk of Courts

9-19-13

I declare under penalty for serving all appropriate parties.

The Prothonotary's Office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions: Law Library & mikesell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,	:	Clearfield County - Civil Action
Plaintiff	:	No. 08-1290 C.D.
-vs-	:	No. 08-1291 C.D.
Olan London, Linda London.	:	No. 08-1292 C.D.
Olan London, Lonnie London,	:	No. 08-1293 C.D. ✓
Montie London,	:	No. 08-1294 C.D.
and Linda London,	:	No. 08-1295 C.D.
Defendants	:	

FILED

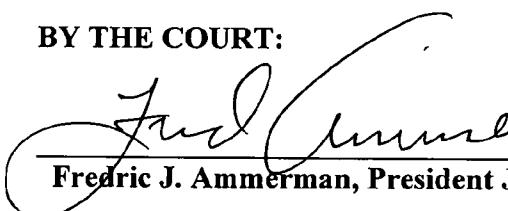
JAN 11 2013
0/10/13
William A. Shaw
Prothonotary/Clerk of Courts
CERT. TO APP

Type of Pleading:
Motion for Extension of Time to File
Brief

ORDER

AND NOW, this 10 day of Jan. 2013, upon review of Plaintiff's Motion for Extension of Time to File Brief, and in consideration of Defendant's agreement to the same, it is hereby ORDERED that counsel for all parties provide the Court with appropriate brief within no more than thirty (30) days from this date.

BY THE COURT:


Fredric J. Ammerman, President Judge

(45)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

FILED

CIVIL DIVISION

Brady Township,

Plaintiff

-VS-

Olan London,
Linda London.
Olan London,
Lonnie London,
Montie London,
and Linda London,

Defendants

Clearfield County - Civil Action No C/1
No. 08-1290 C.D.
No. 08-1291 C.D.
No. 08-1292 C.D.
No. 08-1293 C.D. ✓
No. 08-1294 C.D.
No. 08-1295 C.D.

Type of Pleading:
Motion for Extension of Time to File
Brief

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party
Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
(814) 375-0228
chomanlaw@verizon.net

(44)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

	:	Clearfield County - Civil Action
Brady Township,	:	
Plaintiff	:	No. 08-1290 C.D.
-vs-	:	No. 08-1291 C.D.
Olan London,	:	No. 08-1292 C.D.
Linda London.	:	No. 08-1293 C.D.
Olan London,	:	No. 08-1294 C.D.
Lonnie London,	:	
Montie London,	:	
and Linda London,	:	No. 08-1295 C.D.
	:	
Defendants	:	Type of Pleading:
	:	Motion for Extension of Time to File
	:	Brief
	:	
	:	Filed on Behalf of:
	:	Plaintiff

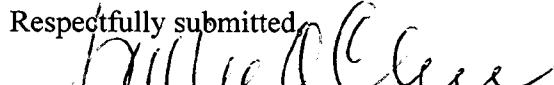
MOTION FOR EXTENSION OF TIME TO FILE BRIEF

Plaintiff, by and through its counsel, Loralee A. Choman, hereby moves this Honorable Court to allow additional time for filing of post-trial briefs, averring as follows:

1. By order dated November 15, 2012, this court ordered briefs filed no more than sixty days, or by January 12, 2013.
2. The parties received trial transcripts on or about December 20, 2012.
3. Counsel has not requested any prior extensions of time for filing in this matter.
4. Counsel for the parties are in agreement to request additional time to prepare and file post-trial briefs, per the email exchange of counsel attached hereto as Exhibit A.

WHEREFORE, counsel respectfully requests that this Honorable Court allow additional time for submission of briefs in this matter.

Respectfully submitted,


Loralee A. Choman
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,	:	Clearfield County - Civil Action
Plaintiff	:	No. 08-1290 C.D.
-vs-	:	No. 08-1291 C.D.
Olan London,	:	No. 08-1292 C.D.
Linda London.	:	No. 08-1293 C.D.
Olan London,	:	No. 08-1294 C.D.
Lonnie London,	:	No. 08-1295 C.D.
Montie London,	:	
and Linda London,	:	
Defendants	:	Type of Pleading: Motion for Extension of Time to File Brief
	:	
	:	

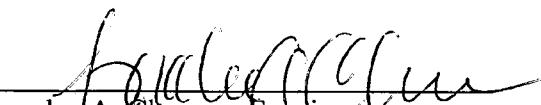
Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion for Extension of Time to File Brief by USPS, postage pre-paid, and by email to plavelle@plavellelaw.com:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 9 January 2013


Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814.375.0228 / cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

From: PatrickLavelle [mailto:plavelle@plavellelaw.com]
Sent: Wednesday, January 09, 2013 11:32 AM
To: Lorrie Choman
Subject: RE: Post-trial brief

Lorrie,

Of course I will agree to an extension. 30 days seems reasonable, but if you need additional time I would agree to that also. Please let me know when the new due date is. Thanks.

Pat

From: Lorrie Choman [mailto:chomanlaw@verizon.net]
Sent: Wednesday, January 09, 2013 11:18 AM
To: PatrickLavelle
Subject: Post-trial brief

Pat:

I could use some additional time to complete this brief, as I have to make an unexpected trip out of town with my daughter, who decided to attend college in Wilkes-Barre. Are you also finding the need for additional time? (Actually, we received the transcripts just before Christmas.) If so, let me know if you are in agreement for requesting a brief extension from Judge Ammerman, so that I can request the same.

Regards, Lorrie

Loralee A. Choman
Attorney
1303 Treasure Lake
Du Bois, PA 15801
610.360.6099
814.375.0228
chomanlaw@verizon.net

CONFIDENTIALITY NOTICE: This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC § 2510, is confidential and may otherwise be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, copying or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by return e-mail and delete the message. Thank you.

Exhibit A

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP :
-VS- : No. 08-1290-CD
LINDA LONDON :
-VS- : No. 08-1291-CD
OLAN LONDON :
-VS- : No. 08-1292-CD
OLAN LONDON :
-VS- : No. 08-1293-CD
LONNIE LONDON :
-VS- : No. 08-1295-CD
LINDA LONDON :

FILED

NOV 19 2012
S 0/30/12
William A. Shaw
Prothonotary/Clerk of Courts
Chancery Court

O R D E R

AND NOW, this 15th day of November, 2012, following the conclusion of Non-Jury Trial, it is the ORDER of this Court that counsel for all parties provide the Court with appropriate brief within no more than sixty (60) days from this date.

BY THE COURT,

/s/ Fredric J. Ammerman

President Judge

(43)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

BRADY TOWNSHIP * NO. 08-1290-CD

vs

LINDA LONDON * * * CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1291-CD

vs

OLAN LONDON * * * CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1292-CD

vs

OLAN LONDON * * * CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1293-CD

vs

LONNIE LONDON * * * CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1294-CD

vs

MONTI LONDON * * * CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1295-CD

vs

LINDA LONDON * * * **FILED**
OCT 02 2012
William A. Straw,
Prothonotary/Clerk of Courts
ICC Atlys.
Lavelle
Chanan

ORDER

AND NOW, this 27th day of September, 2012, following hearing and settlement conference among the Court and the parties; it is the ORDER of this Court an additional hearing be and is hereby scheduled for **November 15, 2012 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

Ninety minutes has been reserved for this hearing.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

OCT 02 2012

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Attest.

William A. Straw
Prothonotary/
Clerk of Courts

42

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

FILED

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SEP 19 2012

(Consolidated):

No. 08-1290 C.D. William A. Shaw
Prothonotary/Clerk of Courts

No. 08-1291 C.D.

No. 08-1292 C.D.

No. 08-1293 C.D. ✓

No. 08-1294 C.D.

No. 08-1295 C.D.

Type of Pleading:
Motion for Continuance

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party
Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801

PA Atty. ID No. 52210
office: 814. 375.0228/cell: 610.360.6099
chomanlaw@verizon.net

41

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

FILED *No. 11*

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SEP 19 2012

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(Consolidated):

: No. 08-1290 C.D.

William A. Shaw
Prothonotary/Clerk of Courts

: No. 08-1291 C.D.

: No. 08-1292 C.D.

: No. 08-1293 C.D. */*

: No. 08-1294 C.D.

: No. 08-1295 C.D.

: Type of Pleading:

: Motion for Continuance

Brady Township,
Plaintiff

-vs-

Linda London,
Olan London
Olan London,
Lonnie London
Montie London,
Linda London

Defendants

Motion for Continuance

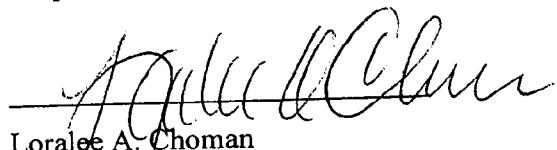
Plaintiff Brady Township, by and through its attorney, Loralee A. Choman, hereby moves for continuance of trial of this matter and in support avers as follows:

1. Trial of this matter has been scheduled for Thursday and Friday, September 20 - 21, 2012.
2. At 10:40 this morning, Mr. Charles Muth, President of the Brady Township Board of Supervisors, called to inform counsel that the mother of the Township secretary, Ms. Sheryl DeBoer, had just passed away.
3. Due to the death of her mother, it is assumed that Ms. DeBoer will be unavailable to testify at trial.

4. Ms. DeBoer's testimony is essential in Plaintiff's case, as she is expected to testify in her role as Township secretary, in her capacity as record keeper, in her personal interactions and conversations with certain defendants and in her keeping and preparation of evidentiary items, including video and audio recordings and still photos.
5. Ms. DeBoer has been Township secretary for the duration of the time germane to the underlying litigation, while the makeup of the Township Board of Supervisors has changed over that time.
6. Mr. DeBoer's husband is also expected to testify, though on a significantly more limited basis, as to photos and observations.
7. Based upon the foregoing, Ms. DeBoer's and Mr. DeBoer's testimony is essential to Plaintiff's case in chief; Plaintiff will be significantly prejudiced without the testimony of Ms. DeBoer.
8. Counsel has not spoken directly with Mr. or Ms. DeBoer out of respect for their privacy.
9. Counsel for Plaintiff called this morning to discuss this matter with Mr. Lavelle, attorney for the defendants, who advised that it is his position to have the matter decided by the court under the facts as conveyed to him.
10. Counsel is otherwise prepared for trial of the matter.
11. If this Honorable Court is inclined to grant a continuance under the circumstances as presented, counsel for Plaintiff and the Township's present and past officials will be available for a conference on the matter with the Court during the time period scheduled for trial.
12. Excepting a request for continuance of hearing on a Motion for Summary Judgment in December, 2011, Plaintiff has not made any prior request for continuance of trial of this matter.

Wherefore, Plaintiff respectfully requests that under the exigent circumstances as stated herein, this Honorable Court grant its motion for continuance of trial of this matter.

Respectfully submitted,



Loralee A. Choman
Attorney for Plaintiff
1303 Treasure Lake
DuBois, PA 15801

PA Atty. ID No. 52210
office: 814.375.0228 / cell: 610.360.6099
chomanlaw@verizon.net

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion for Continuance by email with delivery receipt requested, and by U.S.P.S., postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
Lavelle Law Offices
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 19 September 2012


Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814.375.0228 / cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

	: Clearfield County - Civil Action
Brady Township,	: No. 08-1290 C.D.
Plaintiff	: No. 08-1291 C.D.
-vs-	: No. 08-1292 C.D.
Linda London, Olan London, Olan London, Lonnie London, Montie London, and Linda London,	: No. 08-1293 C.D.✓ : No. 08-1294 C.D. : No. 08-1295 C.D. (Consolidated)
Defendants	: Type of Pleading: Answer to New Matter
	: Filed on Behalf of: Plaintiff

Counsel of Record for this Party
Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
814. 375.0228/(cell) 610.360.6099
chomanlaw@verizon.net

FILED 3 ce
01400014 SEP 18 2012 Atty
William A. Shaw Choman
Prothonotary/Clerk of Courts
6K

(40)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

	:	Clearfield County - Civil Action
	:	
Brady Township,	:	No. 08-1290 C.D.
	:	No. 08-1291 C.D.
Plaintiff	:	No. 08-1292 C.D.
	:	No. 08-1293 C.D.
-vs-	:	No. 08-1294 C.D.
	:	No. 08-1295 C.D.
Linda London,	:	(Consolidated)
Olan London.	:	
Olan London,	:	
Lonnie London,	:	Type of Pleading:
Montie London,	:	Answer to New Matter
and Linda London,	:	
	:	
Defendants	:	Filed on Behalf of:
	:	Plaintiff
	:	

ANSWER TO DEFENDANT'S NEW MATTER

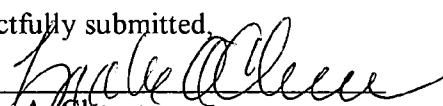
Plaintiff, by and through its counsel, Loralee A. Choman, hereby responds to Defendant Lonnie London's New Matter follows:

11. Denied. To the extent that Defendant is intending to incorporate the New Matter contained in response to Plaintiff's original complain, the same is hereby denied for the reasons set forth in Plaintiff's response to said New Matter, filed on August 31, 2009, and the same is hereby incorporated by reference, as if fully set forth herein. The remaining allegations are denied as conclusions of law to which no response is required.

12. Denied. The allegations of paragraph 12 of Defendant's New Matter are conclusions of law to which no response is required. By way of further response and without admitting said allegations, Plaintiff denies that incorporation of pleadings filed of record is "improper and redundant." To the contrary, the Pennsylvania Rules of Civil Procedure authorize incorporation of pleadings. Further, Plaintiff maintains that the application and interpretation of the relevant law is for the Court to decide.
13. Denied. The allegations of paragraph 13 are denied as conclusions of law to which no response is required. Further, the allegations of paragraph 13 concern interpretation and application of the relevant law, and remain for the Court to decide.
14. Denied. The allegations of paragraph 14 are denied as conclusions of law to which no response is required.
15. Denied. The allegations of paragraph 15 are denied as conclusions of law to which no response is required.
16. Denied. The allegations of paragraph 16 are denied as conclusions of law to which no response is required. To the extent a response is required, Plaintiff denies the same and demands strict proof thereof at the time of trial. Further, Plaintiff maintains that the application and interpretation of the relevant law is for the Court to decide.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court dismiss Defendant's New Matter and award judgment in favor of Plaintiff.

Respectfully submitted,



Loralee A. Choman
Attorney for Plaintiff

VERIFICATION

I, Charles Muth, verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that this statement is subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Charles Muth
Charles Muth
Brady Township Board of Supervisors

Date: 9/12/12

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Answer to New Matter by U.S.P.S., postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 18 September 2012



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814. 375.0228 / cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

FILED

SEP 18 2012

William A. Shaw
Prothonotary/Clerk of Courts

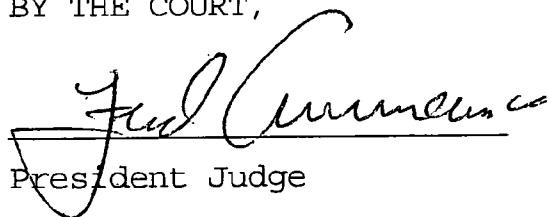
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP	}	
VS.	}	NO. 2008-1290-CD
LINDA LONDON	}	2008-1291-CD
OLAN LONDON	}	2008-1292-CD
OLAN LONDON	}	2008-1293-CD
LONNIE LONDON	}	2008-1294-CD
MONTIE LONDON	}	2008-1295-CD
LINDA LONDON	}	

O R D E R

NOW this 12th day of September, 2012, following testimony being presented by the Plaintiff in regard to the Plaintiff's petition requesting that the Defendants be held in contempt; with the Court agreeing with Defense counsel that the township has not met its burden of proof, it is the ORDER of this Court that the Petition for Contempt be and is hereby dismissed.

BY THE COURT,


President Judge

FILED

SEP 12 2012
073150 am
William A. Shaw
Prothonotary/Clerk of Courts

CRIM TO PART 1

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

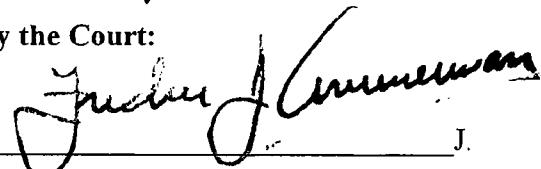
Brady Township,	Clearfield County - Civil Action
Plaintiff	No. 08-1290 C.D.
-vs-	No. 08-1291 C.D.
Olan London, Linda London.	No. 08-1292 C.D.
Olan London, Lonnie London, Montie London, and Linda London,	No. 08-1293 C.D. No. 08-1294 C.D. No. 08-1295 C.D.
Defendants	Type of Pleading: Motion for Contempt
	Filed on Behalf of: Plaintiff

FILED 2CC
09/4/2012 Atty
SEP 07 2012 choman
S William A. Stew
Prothonotary/Clearfield County
P-1 6K

RULE RETURNABLE AND ORDER

AND NOW, this 31st day of August, 2012, upon review of the Plaintiff's Motion for Contempt, a Rule is issued upon Defendants to show why Plaintiff is not entitled to the relief sought, with Defendants to respond to said motion no later than ten days from this order. Argument on this matter is to be heard in courtroom 1 in the Clearfield County courthouse on the 16th day of September, 20 12, at 9:00 A.M.

By the Court:


J.

(38)

DATE: 9/7/12

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

Type of Pleading:

v.

**Answer to Plaintiff's Amend
Complaint and New Matter**

RONNIE LONDON

Filed on Behalf of: **Defendant**

Defendant

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

FILED
03/30/09
S AUG 3 0 2012

William A. Shaw
Prothonotary/Clerk of Courts
1000 AMY
Lavelle
31

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

LONNIE LONDON

Defendant

ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

AND NOW comes the defendant, LONNIE LONDON, by and through his counsel, PATRICK LAVELLE, ESQ., and files a response to the Amended Complaint of the Plaintiff, averments in support of which are as follows:

1. Defendant hereby incorporates his responses numbered one (1) through fifteen (15) filed to the original complaint inclusive, the same as the same as though set forth fully herein. Defendant hereby incorporates his response to the plaintiff's petition for special relief filed in this case to the extent same is deemed as an appropriate pleading in this case.

COUNT TWO

2. Defendant hereby incorporates his response to paragraphs one (1) inclusive, the same as though set forth fully herein.

3. ADMITTED.

4. The provisions of Plaintiff's Ordinance #45 speak for themselves and as such

no response is required. To the extent a response is deemed to be required, the averments of paragraph #4 are DENIED.

5. ADMITTED.

6. The provisions of Plaintiff's Ordinance #45 speak for themselves and as such no response is required. To the extent a response is deemed to be required, the averments of paragraph #6 are DENIED.

7. The provisions of Plaintiff's Ordinance #45 speak for themselves and as such no response is required. To the extent a response is deemed to be required, the averments of paragraph #7 are DENIED.

8. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph #8, and they are therefore DENIED, full proof thereof is demanded at the time of trial of this case.

9. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph #9, and they are therefore DENIED, full proof thereof is demanded at the time of trial of this case.

10. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph #10, and they are therefore DENIED, full proof thereof is demanded at the time of trial of this case.

WHEREFORE the defendant named herein would pray that this Honorable Court will dismiss this complaint with prejudice.

NEW MATTER

11. Defendant hereby incorporates the New Matter contained in paragraphs

sixteen (16) through twenty-eight (28) inclusive, the same as though set forth fully herein.

12. Defendant asserts that the inclusion of the contents of Plaintiff's Petition for Special Relief as a Count in this Amended Complaint is improper and redundant.

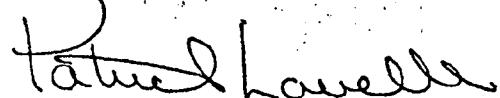
13. Defendant asserts that the contents of Plaintiff's Count two simply repeat the allegations as contained in her prior Petition for Special Relief, which has been disposed of at a pre-trial hearing with the grant of the requested relief.

14. Defendant hereby asserts the affirmative defense of Res Judicata.

15. Defendant hereby asserts the affirmative defense of Collateral Estoppel.

16. Defendant avers that any shooting that may have occurred was in furtherance of lawful hunting activities during which the township's ordinance by its own terms is preempted by the provisions of state law.

RESPECTFULLY SUBMITTED,



Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1293 CD**

Plaintiff

v.

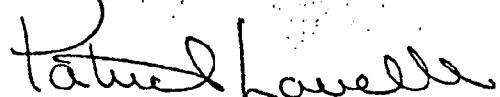
LONNIE LONDON

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 30th day of August, 2012, I served a copy of the foregoing Answer, New Matter, and Counterclaims, by mailing same via first class mail, postage prepaid to the following:

Loralee A. Choman, Esq.
1303 Treasure Lake
DuBois, PA 15801



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

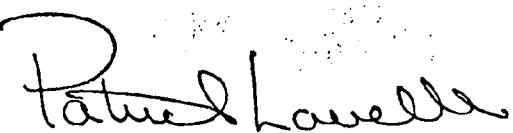
v.

LONNIE LONDON

Defendant

VERIFICATION

I, Patrick Lavelle, Esq., Attorney for the Lonnie London, the Defendant in this action, do hereby assert that I have authorized by the defendant to make this verification, and therefore do verify that all of the foregoing facts set forth in this Answer and New Matter are true and correct to the best of his knowledge, information and belief. Further, I make this verification after having informed the defendant of the provisions and implications of *18 Pa. C.S.A. § 4904 (Unsworn Falsification to Authorities)*, and assuring myself of his understanding of same.



Patrick Lavelle

FILED

AUG 30 2012

William A. Story
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

	Clearfield County - Civil Action
Brady Township,	No. 08-1290 C.D.
Plaintiff	No. 08-1291 C.D.
-vs-	No. 08-1292 C.D.
Olan London, Linda London.	No. 08-1293 C.D.
Olan London, Lonnie London, Montie London, and Linda London,	No. 08-1294 C.D.
	No. 08-1295 C.D. <i>RE</i>
Defendants	

FILED

Type of Pleading: 8
Motion for Contempt

AUG 23 2012
874-2012
William A. Shaw
Pittsburgh, PA
no c/c

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party
Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
(814) 375-0228
chomanlaw@verizon.net

(36)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

	Clearfield County - Civil Action
Brady Township,	No. 08-1290 C.D.
Plaintiff	No. 08-1291 C.D.
-vs-	No. 08-1292 C.D.
	No. 08-1293 C.D.
	No. 08-1294 C.D.
	No. 08-1295 C.D.
Olan London, Linda London.	
Olan London, Lonnie London, Montie London, and Linda London,	Type of Pleading: Motion for Contempt
Defendants	Filed on Behalf of: Plaintiff

MOTION FOR CONTEMPT

Plaintiff, by and through its counsel, Loralee A. Choman, hereby moves this honorable court to find the Defendants in contempt of this court's order of September 10, 2010, and in support thereof avers as follows:

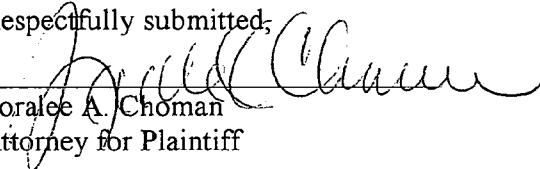
1. On September 10, 2010, this court granted plaintiff's request for a preliminary injunction prohibiting defendants from shooting across public roadways in Brady Township and from engaging in shooting activities as set forth in the court's order. (See Exhibit A, attached).

2. On Sunday, July 29, 2012, Mr. William Miknis was working outside his property on Miknis Road in Brady Township, along with his wife and granddaughter, who were picking blueberries on the property.
3. Suddenly and without warning, shots emanating from the London property on Short Mag Lane off of Stoney Lonesome Road began flying about the Miknis property, causing Mr. Miknis, his wife and granddaughter to fear for their safety and immediately seek shelter in their home and barn.
4. Calling the Township to report the hazardous activity, Mr. Miknis spoke with Township Board Chairman Charles Muth, who went out to investigate the matter and who determined that shooting activities were occurring on the London property.
5. Again, on Wednesday, August 15, 2012, Dr. Edward Shok and his wife Angela were walking along Miknis Road in Brady Township when they heard shots fired across the roadway; the shooting began suddenly and without warning, causing them to fear for their safety.
6. Within a short time, upon looking onto the London property, Dr. Shok and his wife Angela saw individuals near the vehicles of Montie and Olan London, and watched those vehicles travel away from the mobile "shack" located on the London property; it is their firm belief that the shots they heard across the roadway originated near the mobile shack and traversed the public roadway on which the Shoks were walking.
7. The Shoks reported the later incident to the Township secretary.
8. These incidents (along with others reported to the Township but unable to be verified by the time Townships officials arrived) display complete disregard for this court's order of September 10, 2010, as well as total disregard for the health safety and welfare of the Township's residents.
9. Plaintiff has no other recourse but to request the court's intervention in a finding of contempt, as complaints by counsel about the defendant's ongoing shooting activities in violation of this court's order have gone unanswered and unheeded.

10. The defendants' conduct is not merely wrongful or mistaken; rather, it amounts to willful violation of this court's "definite, clear and specific" order, with wrongful intent and with full knowledge of the meaning of this court's order.¹

WHEREFORE, Plaintiff respectfully requests that this honorable court find the defendants in contempt of the subject order and assess penalties, fines, and/or issue additional orders as this court deems appropriate.

Respectfully submitted,



Loralee A. Choman
Attorney for Plaintiff

¹ See Harcar v. Harcar, 982 A.2d 1230, 1235 (Pa. Super. 2009). See also, Barrett v. Barrett 368 A.2d 616,621 (PA 1997); In Re Trust Under Deed of Jane E. McPeak 147 Montco L.P. 285 (2010).

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP

vs

LINDA LONDON

* NO. 08-1290-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

OLAN LONDON

* NO. 08-1291-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

OLAN LONDON

* NO. 08-1292-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

LONNIE LONDON

* NO. 08-1293-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

MONTIE LONDON

* NO. 08-1294-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

LINDA LONDON

* NO. 08-1295-CD

*

*

ORDER

AND NOW, this 10th day of September, 2010, following evidentiary hearing on the Plaintiff's Petition for Special Relief – Preliminary Injunction; it is hereby ORDERED that the Plaintiff's request for a Temporary Preliminary Injunction be GRANTED.

It is the ORDER of this Court that a Preliminary Injunction shall remain in effect during the pendency of the underlying proceedings until a decision can be reached on the merits. The Defendants are prohibited from any and all shooting activities across all public roadways in Brady Township. The Defendants are forbidden to conduct, or in any manner promote or participate in, any "shoots" and any and all shooting range type of activities on the property

subject to this litigation.

I hereby certify this to be a true
and accurate copy of the original
statement filed in this case.

SEP 10 2010

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Exhibit "A"

Attest.



William J. Ammerman
Prothonotary/
Clerk of Courts

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion for Contempt by U.S.P.S., postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 28 August 2012



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814.375.0228 / cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

FILED
AUG 26 2011
CLERK, U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP

* NO. 08-1290-CD

VS

LINDA LONDON

*

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

* NO. 08-1291-CD

VS

OLAN LONDON

*

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

* NO. 08-1292-CD

VS

OLAN LONDON

*

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

* NO. 08-1293-CD

VS

LONNIE LONDON

*

*

*

CONSOLIDATED WITH

* NO. 08-1294-CD

VS

MONTI LONDON

*

*

*

CONSOLIDATED WITH

* NO. 08-1295-CD

VS

LINDA LONDON

*

*

*

FILED

08-5783
JUL 10 2012

William A. Shaw
Prothonotary/Clerk of Courts

ICC Attns: Chanan
Lavelle

6K

In this case it is to be a true
and attested copy of the original
statement filed in this case.

JUL 10 2012

Attest.

John C. Brown
Prothonotary
Clerk of Courts

ORDER

AND NOW, this 6th day of July, 2012, following settlement conference this date among the parties and Senior Judge Charles C. Brown, Specially Presiding; it is the ORDER of this Court an additional settlement conference with the Senior Judge Charles C. Brown, Jr. be and is hereby scheduled for **July 20, 2012 at 9:00 a.m.** in Hearing Room # 3, Clearfield County Courthouse. At time of settlement conference counsel and their clients will be present

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

(35)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL DIVISION

: Clearfield County
: **No. 08-1293 C.D.**
:
: Consolidated with:
: No. 08-1290 C.D.
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1294 C.D.
: No. 08-1295 C.D.
:
Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant
:
:
: Type of Pleading:
: Certificate of Service
:
: Filed on Behalf of: Plaintiff
:
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: 814.375.0228/cell: 610.360.6099
: chomanlaw@verizon.net

5
FILED
MAY 02 2012
NO CC
WILLIAM A. SHAW
PROSECUTOR, CLEARFIELD COUNTY


341

Certificate of Service

I hereby certify that I have served upon the following, by USPS, postage pre-paid, certified copies of Plaintiff Brady Township's Amended Complaints, as filed with the court on April 20, 2012:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 30 April 2012



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
Attorney for Plaintiff
814.375.0228/cell: 610.360.6099
chomanlaw@verizon.net

FILED

MAY 02 2012

William A. Shaw
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

FILED

APR 20 2012
073:406
William A. Shaw
Prothonotary/Clerk of Courts

5 copy to Attn

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

: Clearfield County
: No. 08-1293 C.D.
:
: Consolidated with:
: No. 08-1290 C.D.
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1294 C.D.
: No. 08-1295 C.D.
:
: Type of Pleading:
: Amended Complaint
:
: Filed on Behalf of Plaintiff
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

(33)

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

Brady Township,
Plaintiff

-vs-

Lonnie London,
Defendant

: Clearfield County
: No. 08-1293 C.D.
:
: Civil Action
:
: Type of Pleading:
: Amended Complaint
:
: Filed on Behalf of:
Plaintiff
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

	:	Clearfield County
	:	No. 08-1293 C.D.
	:	
	:	Civil Action
	:	
	:	Type of Pleading:
	:	Amended Complaint
	:	
Brady Township, Plaintiff	:	Filed on Behalf of:
		Plaintiff
-vs-	:	
Lonnie London, Defendant	:	
	:	Counsel of Record for this Party
	:	Loralee A. Choman, Esquire
	:	1303 Treasure Lake
	:	DuBois, PA 15801
	:	PA Atty. ID No. 52210
	:	(814) 375-0228
	:	Fax: (814) 375-9141
	:	<u>chomanlaw@verizon.net</u>

AMENDED COMPLAINT

AND NOW, Plaintiff Brady Township, by and through its counsel,
Loralee A. Choman, hereby amends its complaint as follows:

1. Plaintiff, pursuant to Pa. R.C.P. 1019(g), hereby incorporates fully by reference the pleadings as filed in this matter, including, but not limited to, Plaintiff's Complaint filed on August 4, 2008, and Plaintiff's Petition for Special Relief – Preliminary Injunction, filed on July 19, 2010, in this matter as if the same were fully set forth herein.

COUNT TWO

2. Plaintiff incorporates by reference paragraph 1, above, as if the same were fully set forth herein.

3. On or about the 5th day of September 2006 the Brady Township Board Of Supervisors passed Brady Township Ordinance Number 45 which is "**AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF INDIVIDUALS, AND PRIVATE, PUBLIC, OR, COMMERCIAL ARCHERY RANGES, PISTOL RANGES, AND RIFLE RANGES DISCHARGING BOWS OR FIREARMS OVER PUBLIC ROADWAYS (TOWNSHIP ROADWAYS) AND TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS.**"

(A true and correct copy of Ordinance #45 is attached to Plaintiff's Petition for Special Relief -- Preliminary Injunction and labeled Exhibit "B")

4. Ordinance #45 was adopted to protect the health, safety, comfort and welfare of the Township citizens.

5. The authority to pass ordinances is granted to Brady Township by the Second Class Township Code.

6. Ordinance #45 prohibits the discharge of any bow or firearm over any public roadway in the Township.

7. Ordinance #45 does not, and is not intended to, restrict or regulate the discharge of bows or firearms over Township roadways when such activities are done as part of lawful hunting as defined by and regulated by the Pennsylvania Game Commission.

8. Based upon information and belief, the Township avers that on numerous occasions Mr. Lonnie London has discharged, or allowed to be discharged, firearms across and

over Township roadways, all to the detriment of the citizens of the Township, and without regard to the health, safety and welfare of the Township citizens and guests.

9. The Township has concerns for the health, safety, comfort, and welfare of the citizens who travel and walk on London Road, Stoney Lonesome Road, Miknis Road and other roadways in the Township, and for those living in the surrounding neighborhoods.

10. Lonnie London is in violation of Ordinance #45 because he is believed and therefore averred to have discharged, or allowed to be discharged, firearms over Township roadways as heretofore alleged.

WHEREFORE, Plaintiff requests this Honorable Court to enter a judgment against Defendant and in favor of Plaintiff in accordance with the provisions of Ordinance #45 for each and every violation of said Ordinance and to permanently enjoin Defendant from engaging in activities that violate Ordinance #45.

Respectfully submitted,



Loralee A. Choman, Esquire
Counsel for Plaintiff

VERIFICATION

I, Darryl Beatty, verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that this statement is subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Darryl Beatty
Brady Township Board of Supervisors

4

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FILED

APR 11 2012 10:40 AM
S A M Hays

William A. Shaw
Prothonotary/Clerk of Courts

Thomas
Lavelle
6K

BRADY TOWNSHIP	:	
-VS-	:	No. 08-1290-CD
LINDA LONDON	:	
-VS-	:	No. 08-1291-CD
OLAN LONDON	:	
-VS-	:	No. 08-1292-CD
OLAN LONDON	:	
-VS-	:	No. 08-1293-CD
LONNIE LONDON	:	
-VS-	:	No. 08-1294-CD
MONTI LONDON	:	
-VS-	:	No. 08-1295-CD
LINDA LONDON	:	

O R D E R

AND NOW, this 5th day of April, 2012, following
argument on the Plaintiff's Motion for Leave to Amend
Complaint, it is the ORDER of this Court that said Motion be
and is hereby granted. The Plaintiff shall have no more than
fifteen (15) days from this date to file an Amended Complaint

(32)

to each caption adding provisions alleging a further
violation of Township Ordinance 45.

BY THE COURT,

/S/ Fredric J Ammerman

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 11 2012

Attest.

William J. Ammerman
Prothonotary/
Clerk of Courts

FILED

APR 11 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP
Plaintiff

vs.

LINDA LONDON : NO. 2008-1290-CD
OLAN LONDON : NO. 2008-1291-CD
OLAN LONDON : NO. 2008-1292-CD
LONNIE LONDON : NO. 2008-1293-CD
MONTIE LONDON : NO. 2008-1294-CD
LINDA LONDON : NO. 2008-1295-CD

Defendants

ORDER

AND NOW, this 21st day of March, 2012, due to a scheduling conflict, it is the Order of the Court that the **NON-JURY CIVIL TRIAL** in the above captioned case, previously scheduled for July 23 and 24, 2012, shall be and is hereby **re-scheduled to Thursday, September 20 and Friday, September 21, 2012,** **beginning at 9:00 o'clock A.M. in Courtroom #1.**

Two days have been reserved for this proceeding.

BY THE COURT:

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

MAR 22 2012

Attest.

100-2277
F. J. Ammerman
President Judge

(31)

FILED

MAR 22 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

01/00/01
S
ICC Atty's:
Chonan
Lavelle
6K

BRADY TOWNSHIP	}	
VS	}	
LINDA LONDON	}	NO. 2008-1290-CD
VS	}	
OLAN LONDON	}	NO. 2008-1291-CD
VS	}	
OLAN LONDON	}	NO. 2008-1292-CD
VS	}	
LONNIE LONDON	}	NO. 2008-1293-CD
VS	}	
MONTI LONDON	}	NO. 2008-1294-CD
VS	}	
LINDA LONDON	}	NO. 2008-1295-CD

O R D E R

NOW, this 29th day of February, 2012, this being the date set for Argument on the Plaintiff's Motion for Reconsideration of the Court's Order of January 20, 2012; with the Court noting that counsel for the Defendant has indicated no objection to the request for reconsideration under the circumstances as described, it is the ORDER of this Court that said Motion be and is hereby GRANTED. This Court's Order of January 20, 2012 is hereby VACATED.

(30)

The Court Administrator shall reschedule Argument on the Motion for Leave to Amend Complaint for 1:30 p.m. on April 5th, 2012, Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT,

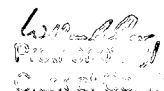


President Judge

President Judge
Clearfield County
State Court of Pennsylvania

MAR 05 2012

Attest.



W. C. Wolf, Esq.
President Judge
Clearfield County
State Court of Pennsylvania

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

: Clearfield County
: No. 08-1290 C.D.
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1293 C.D.
: No. 08-1294 C.D.
: No. 08-1295 C.D.
Brady Township,
Plaintiff
-vs-
Linda London, Defendant;
Olan London, Defendant;
Olan London, Defendant;
Lonnie London, Defendant;
Montie London, Defendant;
Linda London, Defendant

FILED

FEB 06 2012
01/11-361
William A. Shaw
Prothonotary/Clerk of Court

lent to

ATTY

GK

RULE TO SHOW CAUSE

AND NOW, this 3rd day of February, 2012, upon consideration of Plaintiff's Motion for Reconsideration, it is hereby ordered that:

A Rule is issued upon the Defendants to show cause why Plaintiff is not entitled to the relief requested.

Rule Returnable and a hearing thereon on the 29th day of February, 2012, at 1:30 p.m. in the Clearfield County Courthouse, courtroom number 1, with 1/2 hour allotted for hearing on the matter

By the Court:


J.

361

FILED

FEB 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

: Clearfield County
: **No. 08-1293 C.D.**
:
: Consolidated with:
: No. 08-1290 C.D.
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1294 C.D.
: No. 08-1295 C.D.
:
: Type of Pleading:
: Motion for Reconsideration
:
:
: Filed on Behalf of Plaintiff

: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

FILED
14:00pm
FEB 08 2012
S
William A. Shaw
Prothonotary/Clerk of Courts
GL
28

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township, Plaintiff	:	Consolidated
-vs-	:	
Linda London, Defendant;	:	No. 08-1290 C.D.
Olan London, Defendant;	:	No. 08-1291 C.D.
Olan London, Defendant;	:	No. 08-1292 C.D.
Lonnie London, Defendant;	:	No. 08-1293 C.D.
Montie London, Defendant;	:	No. 08-1294 C.D.
Linda London, Defendant	:	No. 08-1295 C.D.
	:	
	:	Type of Pleading:
	:	Motion for Reconsideration
	:	
	:	Filed on Behalf of Plaintiff
	:	Counsel of Record for this Party
	:	Loralee A. Choman, Esquire
	:	1303 Treasure Lake
	:	DuBois, PA 15801
	:	PA Atty. ID No. 52210
	:	814. 375.0228/610.360.6099
	:	chomanlaw@verizon.net
	:	

Motion for Reconsideration

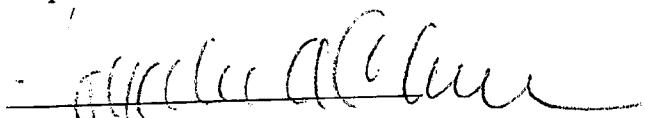
Plaintiff Brady Township, by and through its attorney, Loralee A. Choman, hereby moves for reconsideration of this court's order of January 20, 2012, and in support thereof avers as follows:

1. Plaintiff filed a Motion for Leave to amend Complaint on December 29, 2011.
2. Plaintiff's counsel spoke with the judge's secretary regarding her availability for hearing on said motion, at which time she advised plaintiff's counsel that she would be conferring with defense counsel as to his availability for that hearing and would follow up with an scheduling order and confirmation of the same.

3. On Friday, January 20, 2012, apparently a hearing was held on Plaintiff's Motion to Amend, resulting in the court's denying plaintiff's motion insofar as neither counsel nor client appeared on behalf of Plaintiff.
4. On Friday, January 27, 2012, at 4 p.m., Plaintiff's counsel received time-stamped copies of the motion she filed in December, along with a scheduling order for the underlying case, a rule to show cause on the motion to amend and a notice from the prothonotary advising that she was to serve the rule upon counsel. See copy of envelope containing said items, attached here as Exhibit A.
5. On Saturday, January 28, 2012, at 1:30 p.m., counsel received a copy of the court's January 20th order (certified on January 24th by the Prothonotary). See copy of envelope containing said order, attached here as Exhibit B.
6. Insofar as counsel for Plaintiff had no rule returnable returned to her until one week after the scheduled hearing, she could not be present, nor could she have notified defense counsel of the same.
7. It is inconceivable that Plaintiff would put forth effort to prepare a Motion to Amend, along with proposed rule and order and nonetheless fail to appear.
8. Plaintiff therefore requests reconsideration of the court's January 20, 2012 order.
9. No prejudice will result to Defendants if the court grants Plaintiff's request.
10. To date, the merits of Plaintiff's motion to amend have not been addressed.

Wherefore, Plaintiff respectfully requests that this court grant its motion for reconsideration.

Respectfully submitted,


Loralee A. Choman
Attorney for Plaintiff

1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
814. 375.0228/610.360.6099
chomanlaw@verizon.net

Date: 31 January 2012

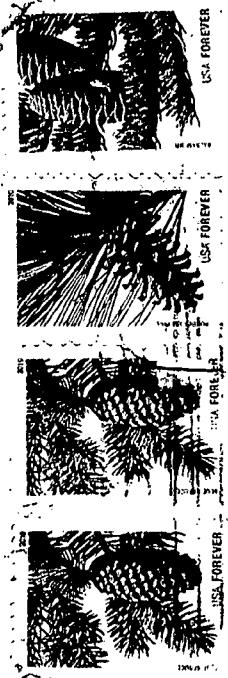
IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

: Clearfield County
: No. 08-1290 C.D.
:
: Consolidated with:
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1293 C.D.
: No. 08-1294 C.D.
: No. 08-1295 C.D.
:
:
: Type of Pleading:
: Motion for Reconsideration
:
:
: Filed on Behalf of Plaintiff
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net
:

Woman Law Offices
13 Treasure Lake
Dobois, PA 15801



CHOMAN LAW OFFICES
1303 TREASURE LAKE
DUBOIS, PA 15801

Exhibit "A"

CHOMAN LAW OFFICES
1303 TREASURE LAKE
DUBOIS, PA 15801

JOHNSTOWN PA 15901
26 JAN 2012 13:31:31
U.S. FOREVER

CHOMAN LAW OFFICES

1303 TREASURE LAKE

DUBOIS, PA 15801

LESSONS

Exhibit "B"

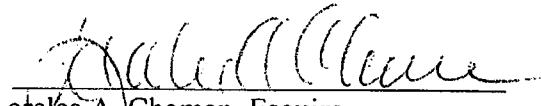
Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion for Reconsideration by UPS, postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 1 February 2012


Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
814. 375.0228/610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

FILED

FEB 08 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township, Plaintiff	:	Consolidated
	:	
-vs-	:	
Linda London, Defendant;	:	No. 08-1290 C.D.
Olan London, Defendant;	:	No. 08-1291 C.D.
Olan London, Defendant;	:	No. 08-1292 C.D.
Lonnie London, Defendant;	:	No. 08-1293 C.D.
Montie London, Defendant;	:	No. 08-1294 C.D.
Linda London, Defendant	:	No. 08-1295 C.D.
	:	

ORDER

AND NOW, this _____ day of _____ 2012, upon review of Plaintiff's Motion for Reconsideration and Defendants' response thereto, it is hereby ORDERED, that Plaintiff's motion is granted, with hearing scheduled per the accompanying Rule Returnable.

By the Court:

J.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

F
d3:00pm 10C
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William A. S.
Prothonotary Clerk
Choman
Lavelle
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BRADY TOWNSHIP)	
)	
VS.)	NO. 2008-1290-CD
)	2008-1291-CD
LINDA LONDON)	2008-1292-CD
OLAN LONDON)	2008-1293-CD
OLAN LONDON)	2008-1294-CD
LONNIE LONDON)	2008-1295-CD
MONTIE LONDON)	
LINDA LONDON)	

O R D E R

NOW this 20th day of January, 2012, this being the date set for argument on the Plaintiff's Petition to File Amended Complaint; the Court noting that the attorney for the Defendants is present; the Court noting that the attorney for the Township has not appeared, nor has anyone appeared on behalf of the Township for the proceeding; accordingly, it is the ORDER of this Court that the Petition Requesting Permission to File an Amended Complaint is hereby dismissed.

BY THE COURT,

I hereby certify this to be a true and attested copy of the original statement filed in this case.

/S/ Fredric J Ammerman

President Judge

JAN 24 2012

Attest.

William A. S.
Prothonotary/
Clerk of Courts

(21)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP

VS

LINDA LONDON

* NO. 08-1290-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

VS

OLAN LONDON

* NO. 08-1291-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

VS

OLAN LONDON

* NO. 08-1292-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

VS

LONNIE LONDON

* NO. 08-1293-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

VS

LINDA LONDON

* NO. 08-1295-CD

*

*

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FILED
01/09/2012
JAN 11 2012

William A. Shaw,
Prothonotary/Clerk of Courts

ICCA Atlys:
Choman
Lavelle
GK

CASE MANAGEMENT ORDER

AND NOW, this 6th day of January, 2012, following conference among the Court and counsel on Decemeber 8, 2011; it is the ORDER of this Court as follows:

1. In the event either party shall call any expert witness at time of trial, the expert's written report and Curriculum Vitae shall be provided to opposing counsel by no later than March 1, 2012;
2. All discovery shall be completed by no later than June 15, 2012;
3. The case will proceed to a settlement conference before the Honorable Senior Judge Charles C. Brown, Jr. on **July 6, 2012 at 9:00 a.m.** in Hearing Room # 3, Clearfield County Courthouse. At time of settlement conference counsel and their clients will be present; and

36

4. Assuming the cases are not settled, the case will proceed to non-jury trial before the undersigned on **July 23 and 24, 2012** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania commencing each day at 9:00 a.m.

BY THE COURT,

/S/ Fredric J Ammerman
FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JAN 11 2012

Attest.

William A. Ober
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Plaintiff

Case No. 08-1290 CD
08-1291 CD
08-1292 CD
08-1293 CD
08-1295 CD

6
FILED
JAN 11 2012
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William A. Straw
Prothonotary/Clerk of Courts
No 9/

v.

Type of Pleading:
**Consolidated Response to
Plaintiff's Motion for Leave to
Amend Complaint**

LINDA LONDON

Defendant

Filed on Behalf of: **Defendant**

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

25

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1290 CD**
08-1291 CD
08-1292 CD
08-1293 CD
08-1295 CD

Plaintiff

v.

LINDA LONDON, et al

Defendants

RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

AND NOW comes the defendants, LINDA LONDON, OLAN LONDON AND LONNIE LONDON, by and through his counsel, PATRICK LAVELLE, ESQ., and files the following consolidated response to the Plaintiff's Motion for Leave to Amend its Complaint, averments and supports of which are as follows:

1. Admitted.

2. Admitted in part and Denied in part. It is admitted that the defendants herein named are residents of Brady Twp. Defendants are without sufficient information as to the scope of the remaining averments to allow them to admit or deny them, and they are therefore denied, full proof thereof being demanded at the time of trial of this matter.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted in part and Denied in part. It is admitted that the plaintiff has filed the instant motion seeking leave to amend its complaint. Defendants are without sufficient knowledge, information or belief to admit or deny the remaining averments of paragraph seven (7) and they are therefore denied.

8. The averments of paragraph eight (8) merely recite the provisions of the *Pa. R. C. P. 1033*, and to the extent that the paragraph accurately reproduces the content of that rule, it is admitted.

9. The averments of paragraph nine (9) are Denied. By way of further response the defendants assert that Plaintiff has previously litigated an action seeking equitable relief in the form of an injunction alleging violations of Brady Twp. Ordinance #45. Said relief was granted by this Court following a hearing on the merits of those allegations. Defendants would be prejudiced by an amendment to the original complaint allowing the Plaintiff to now seek a legal remedy that it averred was unavailable to it at the time of the previous litigation.

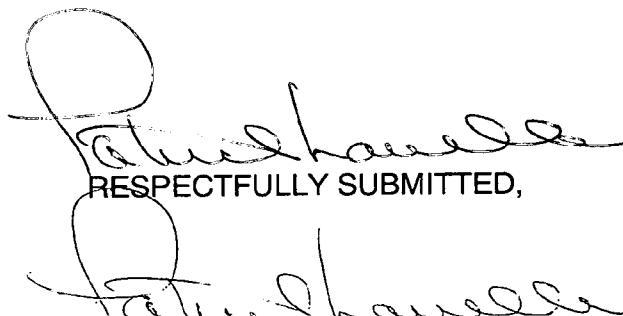
10. Denied. By way of further response defendants aver that allowing the plaintiff's proposed amendment would be contrary to the existing law as it relates to the doctrine of *res judicata*.

11. Defendants hereby incorporate their response to paragraph ten (10) in its entirety the same as though set forth fully herein.

WHEREFORE Defendant request this Honorable to deny the Motion of the Plaintiff in this matter.

NEW MATTER

12. Defendants aver that this Motion should be dismissed as to Case no. 08-1294 CD, as that case has been dismissed pursuant to the order of this Court dated December 8, 2011.


RESPECTFULLY SUBMITTED,


Patrick Lavelle
Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1290 CD

08-1291 CD

08-1292 CD

08-1293 CD

08-1295 CD

v.

LINDA LONDON, et al

Defendants

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby
certify that on the ¹⁰ ~~6~~th day of January, 2012, I served a copy of the foregoing
Response to the Plaintiff's Motion for Leave to Amend its Complaint, by mailing
same via first class mail, postage prepaid to the following:

Loralee A. Choman, Esq.
1303 Treasure Lake
DuBois, PA. 15801



Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

	:	Clearfield County
	:	
Brady Township,	:	No. 08-1290 C.D.
Plaintiff	:	No. 08-1291 C.D.
-vs-	:	No. 08-1292 C.D.
Linda London, Defendant;	:	No. 08-1293 C.D.
Olan London, Defendant;	:	No. 08-1294 C.D.
Olan London, Defendant;	:	No. 08-1295 C.D.
Lonnie London, Defendant;	:	Type of Pleading:
Montie London, Defendant;	:	Motion for Leave to Amend Complaint
Linda London, Defendant	:	

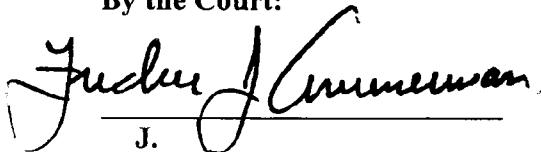
RULE TO SHOW CAUSE

AND NOW, this 3rd day of January, 2012, upon consideration of Plaintiff's Motion for leave to Amend Complaint, it is hereby ordered that:

A Rule is issued upon the Defendants to show cause why Plaintiff is not entitled to the relief requested.

Rule Returnable and a hearing thereon on the 20th day of January, 2012, at 2:30 p.m. in the Clearfield County Courthouse, courtroom number 1, with 1 hour allotted for hearing on the matter

By the Court:


J. C. Cumerman
J.

FILED

01/04/2012
JAN 10 2012

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Atty Cheman

William A. Shaw
Prothonotary/Clerk of Courts

6K

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FILED

JAN 04 2012

William A. Shaw
Prothonotary/Clerk of County

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

: Clearfield County
: **No. 08-1293 C.D.**
:
: Consolidated with:
: No. 08-1290 C.D.
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1294 C.D.
: No. 08-1295 C.D.
:
: Type of Pleading:
: Motion for Leave to Amend Complaint
:
:
: Filed on Behalf of Plaintiff

FILED

JAN 03 2012
RM 112-306
William A. Shaw
Prothonotary/Clerk of Courts

no 9c

: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township, Plaintiff	:	Consolidated
-vs-	:	
Linda London, Defendant;	:	No. 08-1290 C.D.
Olan London, Defendant;	:	No. 08-1291 C.D.
Olan London, Defendant;	:	No. 08-1292 C.D.
Lonnie London, Defendant;	:	No. 08-1293 C.D.
Montie London, Defendant;	:	No. 08-1294 C.D.
Linda London, Defendant	:	No. 08-1295 C.D.
	:	
	:	Type of Pleading:
	:	Motion for Leave to Amend Complaint
	:	Filed on Behalf of Plaintiff
	:	
	:	Counsel of Record for this Party
	:	Loralee A. Choman, Esquire
	:	1303 Treasure Lake
	:	DuBois, PA 15801
	:	PA Atty. ID No. 52210
	:	814. 375.0228/610.360.6099
	:	chomanlaw@verizon.net
	:	

Motion for Leave to Amend Complaint under Pa.R.C.P 1033

Plaintiff Brady Township, by and through its attorney, hereby moves to amend its complaints in the captioned matters, and in support thereof avers as follows:

1. Plaintiff is a Second Class Township organized and existing under the laws of the Commonwealth of Pennsylvania.
2. Defendants are residents of Brady Township and conduct or permit to be conducted various shooting activities and/or otherwise discharge firearms within Brady Township.

3. Following defendants' appeal of judgment in favor of plaintiff at the district justice court, plaintiff filed complaints against the defendants on August 4, 2008, to regulate shooting activities within Brady Township, specifically alleging defendants' violations of Township public ordinance number 46, as more fully set forth in Plaintiff's complaints, incorporated here by reference.
4. Upon agreement of the parties, the court consolidated these cases on August 20, 2010.
5. Following hearing and the submission of letter briefs, this court granted Plaintiff's request for a temporary preliminary injunction on September 10, 2010, prohibiting defendants from engaging in specified shooting and shooting-related activities in Brady Township. See Exhibit A, September 10, 2010, order, Ammerman, P.J., attached hereto.
6. Trial of the underlying matter is scheduled for July 5, 2012.
7. Plaintiff now moves for leave to amend its complaints to aver the various defendants' violations of its public ordinance number 45, regulating, *inter alia*, the discharge of firearms over the roadways of Brady Township. See Exhibit B, copy of duly recorded ordinance number 45, attached hereto.
8. Rule 1033 of the Pennsylvania Rules of Civil Procedure permits a party to amend its complaint either by filed consent of the adverse party or by leave of court. Pa.R.C.P. 1033. The rule also provides that "[t]he amended pleading may aver transactions or occurrences which have happened before or after the filing of the original pleading, even though they give rise to a new cause of action or defense" and also allows amendment "to conform the pleading to the evidence offered or admitted." Id.
9. Neither prejudice nor surprise will result from amendment of the original complaints insofar as:
 - 1) the temporary preliminary injunction currently in place includes prohibition against the activities regulated by Township public ordinance number 45;
 - 2) said ordinance was raised without objection throughout the paragraphs of Plaintiff's request for preliminary injunction, without Defendants' objection or responsive pleading;

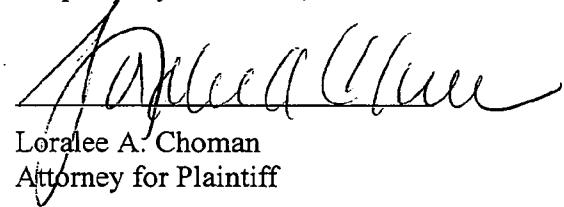
- 3) the testimony presented by Plaintiff's witnesses supported the allegations raised in Plaintiff's request for injunction as it related to shooting across township roadways; and
- 4) the court's order granting the preliminary injunction specifically refers to a prohibition on activities regulated by public ordinance number 45. (See Exhibit "A")

10. The proposed amendment is not against a positive rule of law.

11. To conform the pleadings to the evidence offered thus far and in the interest of conserving judicial resources, Plaintiff submits that amendment would be appropriate and warranted under these circumstances.

Wherefore, Plaintiff respectfully requests that this court grant its motion for leave to amend the complaints in these matters.

Respectfully submitted,



Loralee A. Choman
Attorney for Plaintiff

1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
814. 375.0228/610.360.6099
chomanlaw@verizon.net

Date: 29 December 2011

VERIFICATION

I, Darryl Beatty, verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that this statement is subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Darryl Beatty
Brady Township Board of Supervisors

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion for Leave to Amend Complaint by UPS, postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 29 December 2011



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
814. 375.0228/610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP * NO. 08-1290-CD
vs
LINDA LONDON *
*
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1291-CD
vs
OLAN LONDON *
*
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1292-CD
vs
OLAN LONDON *
*
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1293-CD
vs
LONNIE LONDON *
*
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1294-CD
vs
MONTIE LONDON *
*
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1295-CD
vs
LINDA LONDON *

ORDER

AND NOW, this 10th day of September, 2010, following evidentiary hearing on the Plaintiff's Petition for Special Relief – Preliminary Injunction; it is hereby ORDERED that the Plaintiff's request for a Temporary Preliminary Injunction be GRANTED.

It is the ORDER of this Court that a Preliminary Injunction shall remain in effect during the pendency of the underlying proceedings until a decision can be reached on the merits. The Defendants are prohibited from any and all shooting activities across all public roadways in Brady Township. The Defendants are forbidden to conduct, or in any manner promote or participate in, any "shoots" and any and all shooting range type of activities on the property subject to this litigation.

I hereby certify this to be a true
and accurate copy of the original
statement filed in this case.

SEP 10 2010



William J. Ammerman
Prothonotary/
Clerk of Courts

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Exhibit "A"

Attest.

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

Instrument Number - 200615754

Recorded On 9/18/2006 At 11:11:43 AM

*** Instrument Type - ORDINANCES**

*** Total Pages - 4**

Invoice Number - 155217

*** Grantor - ORDINANCE**

*** Grantee - BRADY TOWNSHIP**

*** Customer - BRADY TOWNSHIP**

BRADY TOWNSHIP

P O BOX 125

LUTHERSBURG, PA 15848

*** FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL PAID	\$18.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

**Karen L. Starck
Recorder of Deeds**

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Exhibit "B"

BRADY TOWNSHIP
CLEARFIELD COUNTY

ORDINANCE 45

AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY,
PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF INDIVIDUALS, AND
PRIVATE, PUBLIC, OR COMMERCIAL ARCHERY RANGES, PISTOL RANGES, AND
RIFLE RANGES DISCHARGING BOWS OR FIREARMS OVER PUBLIC ROADWAYS
(TOWNSHIP ROADWAYS) AND TO PRESCRIBE FINES AND PENALTIES FOR
VIOLATIONS.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Brady, Clearfield County, Pennsylvania as follows:

SECTION 1. PURPOSE AND FINDINGS

A. **PURPOSE:** Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, safety, comfort and welfare of the citizens of Brady Township, the Township of Brady (hereinafter "Township") enacts this Ordinance to protect the health, safety, comfort and welfare of its citizens.

The Board of Supervisors does not intend this Ordinance to suppress any activities protected by the Second Amendment, but to enact a content neutral ordinance which addresses the public health, safety, comfort and welfare of its citizens. It is not the intent of the Board in enacting this legislation to deny any person rights to keep and bear arms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any person to obtain bows and firearms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of bows or firearms may have to sell or distribute or exhibit bows and firearms.

SECTION 2. It shall be unlawful for any person within the limits of the Township to discharge any bow or firearm over any public roadway (township road). This in order to protect the public health, safety, comfort and welfare of its citizens.

SECTION 3. It shall be unlawful for anyone, including individuals, partnerships, corporations or landowners to authorize or permit the discharge of any bow or firearm over any public roadway (township road) from their property. This in order to protect the public health, safety, comfort and welfare of its citizens.

SECTION 4. This ordinance is not regulating or prohibiting hunting in Brady Township as only the Pennsylvania Game Commission has been empowered to do that. This ordinance does not restrict bow or firearm hunting over any public roadway (township road) when the activities are being done as part of lawful hunting.

SECTION 5. The Township shall enforce any violation of this Ordinance through a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by Complaint or by such other means as may be provided by the Pennsylvania rules of Civil Procedure. Any person, partnership, corporation, or landowner who or which has violated any provision of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) for each violation, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate violation shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Ordinance which is found to have been violated. Additionally, the Township shall be exempt from the payment of costs in any civil case brought to enforce an Ordinance in accordance with this paragraph. Further, the Township may enforce any violation of this Ordinance through an equity action brought in the Court of Common Pleas of the County where the Township is situated.

SECTION 6. The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted is such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

SECTION 7. This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW THIS 5 DAY OF
Sept., 2006.

BRADY TOWNSHIP
BOARD OF SUPERVISORS

Lester Wachob
Darryl Beatty
Bryan Hartzfeld

ATTEST:

Sheryl DoBoe
Secretary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

On this, the 7 day of Sept., 2006, before me, the undersigned officer, a Notary Public, personally appeared, Lester Wachob, Bryan Hartzfeld, and Darryl Beatty and, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires FEB 9, 08

Candice J. Alvetro
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Candice J. Alvetro, Notary Public
Winslow Twp., Jefferson County
My Commission Expires Feb. 9, 2008

Member, Pennsylvania Association of Notaries

FILED

JAN 03 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

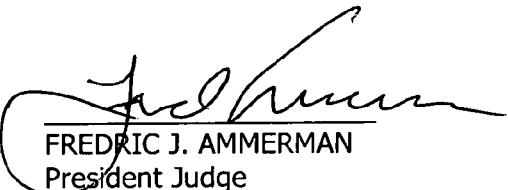
BRADY TOWNSHIP
Plaintiff
vs
LONNIE LONDON
Defendant

* NO. 08-1293-CD
*
*
*
*

ORDER

AND NOW, this 8th day of December, 2011, following argument on the Motion for Summary Judgment filed on behalf of Lonnie London; it is the ORDER of this Court that the said Motion be and is hereby DISMISSED as the Court believes there are material issues of fact remaining.

BY THE COURT,


FREDRIC J. AMMERMAN

President Judge

FILED
01/03/2012
S DEC 12 2011
William A. Shaw
Prothonotary/Clerk of Courts
1CC Attns:
Lavelle
Choman
61C

(27)

FILED

DE 12 2011

William A. Shaw
Probationary Client of Course

1211211

X

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X

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X

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

Type of Pleading:
**Answers to
Defendant's 1st Interrogatories
and Responses to
Request for Documents**

LONNIE LONDON

Filed on Behalf of: **Plaintiff**

Defendant

Filed By:

Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
814. 375.0228/610.360.6099
chomanlaw@verizon.net

FILED
S 014:0037 NO
DEC 02 2011 CC
GK

William A. Shaw
Prothonotary/Clerk of Courts
(21)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

v.

LONNIE LONDON

Defendant

DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

AND NOW comes the Defendant, Lonnie London, by his undersigned attorneys, and serves on the Plaintiff, BRADY TOWNSHIP, the following Interrogatories, to be answered in writing and properly verified, pursuant to the Pennsylvania Rules of Civil Procedure within thirty (30) days from the date of service hereof.

I. Definitions and Instructions

Please note that the following definitions and instructions shall apply and shall be considered an integral part of these interrogatories:

A. "Plaintiff", "you" and/or "yours" shall mean Plaintiff Brady Township or any person acting on behalf of Brady Township.

B. "Defendant" shall mean Lonnie London, or any employee, agent, servant, representative, or any other person acting on behalf of Lonnie London.

C. "Document" shall mean all written or graphic matter of every kind or description, however produced or reproduced; whether drafted or final, original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, memoranda, minutes, notes, computer files, photographs, slides, motion pictures, telegrams, telex messages, tape or sound recordings, recordings of any type, contracts, agreements, purchase or sale orders, memoranda of telephone conversations or personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, logs, financial statements, checks, checkbooks, invoices, requisitions, personal expense accounts, or material similar to any

of the foregoing; however denominated and by whomever prepared and to whomever addressed which are in your possession, custody or control or to which you have had, or can obtain access. "Document" shall not include exact duplicates when originals are available but shall include all copies made different from originals by virtue of any writing or notation thereon.

D. "Identify" shall mean, when used in reference to:

1. A natural person—to state the person's:
 - (a) full name;
 - (b) present or last known business and residential addresses;
 - (c) present or last known position, business affiliation and job description; and
 - (d) position, business affiliation, and job description at the time in question with respect to the interrogatory or other request involved.
2. A document—to state the following with respect to the document:
 - (a) its description (e.g., letter, memorandum, report, etc.);
 - (b) its title, date, and number of pages;
 - (c) its subject matter;
 - (d) the name, address, and position of the author(s) or signer(s) thereof;
 - (e) the name, address and position of the addressee(s);
 - (f) the name, address and position of each person who received a copy of the documents; and
 - (g) its present location and the name, address, and position of the person having present possession, custody and/or control thereof.
3. An oral communication—to state the following with respect to the communication:
 - (a) the date and place where it occurred;
 - (b) its substance;
 - (c) the name, address and position of the person who made the communication;
 - (d) the name, address and position of each person to whom such communication was made; and
 - (e) the name, address and position of each person who was present when such communication was made.
4. A company, corporation, association, partnership or other legal or business entity not a natural person—to state its:
 - (a) full name;
 - (b) address of principal place of business; and
 - (c) description of type of entity.

5. An act, occurrence, or specific conduct (hereinafter referred to collectively as "act"):

- (a) describe the substance of the event or events constituting such act;
- (b) state the date when such act occurred;
- (c) identify each person who participated in such act;
- (d) identify all other persons who were present when such act occurred; and
- (e) state whether any document was made recording such act and if so, identify each such document.

E. "Communication" shall mean any transmission of thoughts, opinions or information by speech, writing or signs.

F. "Person" shall include natural persons, partnerships, associations, corporations, leagues, governments, (including all instrumentalities, officers, agents and subdivisions thereof) and all other business, legal and artificial entities.

G. In answering these interrogatories, you are required to furnish all information which is available to you, including that which has been obtained by and that which is now in the possession of your attorneys, employees, agents and other representatives, and not merely the information known by the individual or individuals preparing the response.

H. If you are unable to answer any of the within interrogatories fully and completely, after exercising due diligence to secure the information necessary to make such full and complete answers, so state, and in addition, answer the remainder, and state whatever information or knowledge you may have concerning the unanswered portions thereof.

I. Insert your answers in the spaces provided, attaching additional pages as required for complete answers, identifying the interrogatory being answered, and attach an affidavit hereto, filing the original hereof with the undersigned counsel.

J. These interrogatories shall be deemed to be continuing, as defined by Rule 4007.4, so as to require supplemental answers under oath if you obtain additional or further information pertaining to any interrogatory subsequent to the time an answer to that interrogatory is served.

K. If you file an objection to any of the interrogatories propounded herein, you are nevertheless required to answer within the aforesaid thirty (30) day period the interrogatories not objected to.

L. Whenever any interrogatory calls for the identity of a document or communication as to which you claim privilege, include in the identification of such document or communication the fact of such claim of privilege and the basis asserted for such claim.

M. In lieu of identifying documents, you may supply the documents, or true and correct copies thereof, with your answers to these interrogatories. The documents

should be segregated or otherwise identified to reflect the number of the interrogatory or interrogatories to which the document is responsive.

N. With respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify all documents which were referred to in preparing your answer thereof.

O. Unless the context otherwise requires, words in the singular include the plural and words in the plural include the singular; words of the neuter include the feminine and the masculine.

1. With respect to the allegations contained in Plaintiff's complaint at Paragraph Nine (9), please state whether it is Plaintiff's contention that the Defendant is an operator as that term is defined in its ordinance, and state whether it is the Plaintiff's contention that Lonnie London constructed a shooting range on the property of Linda London.

Yes Yes

2. If your answer to Interrogatory No. 1 is yes:

(a) state the basis for your response including when and how Plaintiff determined that Lonnie London was an operator of the firing range at issue in this case.

As early as May, 2006, the Londons, including Lonnie London, represented at various Township public meetings and to Township officials outside of the conduct of those meetings that they were in fact interested in the construction and operation of a shooting range on the Matson Lumber site. Lonnie London was present at several public meetings throughout 2006 and 2007, where he discussed the Londons site plans, NRA approval guidelines, noise studies, etc. related to the proposed shooting range and public shoots. Subsequently, the Londons, including Lonnie London, conducted a public shoots at the subject firing range that they constructed, without Township approval.

(b) state the basis for your response including when and how Plaintiff determined that Lonnie London constructed the firing range at issue in this case.

Mr. London discussed the firing range, and parameters related to the construction and operation of the range with various Township officials and represented at Township public meetings that he was in contact with the NRA regarding parameters for the design

and construction of the range. As the facts and the minutes of the public meeting disclose, the Londons, including Lonnie and Montie London, constructed and operated a shooting range on the property of Linda London, at times advertising such public shoots along the roadways of the Township, all in violation of the subject Ordinances related to shooting ranges and to the detriment of the health safety and welfare of the Township residents and visitors.

(c) state the specific date(s), time(s), place(s) and nature of any conduct or acts performed by Lonnie London that would support the Plaintiff's contention that Lonnie London constructed a firing range on the property of Linda London, or is an operator of such firing range located on the property of Linda London.

Again, Lonnie London appeared along with Olan London at various public meetings, as more fully set forth above.

(d) identify all persons who have knowledge or information of any conduct or acts of Lonnie London as set forth in (c) above.

Township officials, NRA officials contacted by Mr. London, defendant's attorney, Township residents.

(e) identify all documents that depict, reflect, refer or relate to or contain information supporting Plaintiff's contention that Lonnie London constructed a shooting range on the property of Linda London, or is an operator of such shooting range.

See minutes of public Township meetings attached in response to defendant's Request for Production of Documents.

3. With respect to the allegations contained in Paragraph thirteen (13) of the Complaint, state whether it is Plaintiff's contention that Brady Township Ordinance #46 imposes any liability for conduct or acts performed by persons on a shooting range who are not operators of said range.

Ordinance 46 speaks for itself, and contains in Section 2 a definition of "operator." It is the Township's contention that the defendants, individually and collectively, are operators as defined in the subject ordinance.

4. If your answer to Interrogatory No. 3 is yes:

(a) state the basis for your response including when and how and under what circumstances persons who are not operators of a shooting range would be liable for their conduct under Brady Township Ordinance #46.

Liability for such conduct would be found where the operator is attempting to circumvent the law and appear not as an operator. For example, Lonnie London has averred in paragraph 15 of his answer to Plaintiff's Complaint that "he had no rights nor interest in what may occur on the property of his Mother" and that his "legal status with respect to his presence on the property of Linda London on March 31, 2007, was as an invitee, a status which imposes no responsibilities upon him with regards to the Ordinance in question." However, Mr. London's appearance and verbal representations at various Township meetings and his conversations with various residents and representatives of the Township reveal that he has substantial vested interest in the planning, construction and promotion of the subject shooting range. Characterizing himself as an invitee for legal purposes therefore shows an attempt to circumvent liability under the subject Ordinance.

(b) state the basis for imposing liability on this defendant for conduct of a person who is not an operator, in the absence of enforcement action taken against all persons who engaged in such conduct on the date of the alleged violation.

This interrogatory appears to be premised on the assumption that "this defendant" (and the Township assumes this reference is to Lonnie London) is not an operator as defined under the Ordinance. The Township believes and has averred that Lonnie London is an operator as that term is defined in the Ordinance. See also, answer to 4 (a), above.

(c) identify all documents that depict, reflect, refer or relate to or contain information supporting Plaintiff's contention that Lonnie London engaged in conduct or acts which would expose him to liability under the provisions of Brady Township Ordinance #46.

See minutes and recordings of public Township meetings attached hereto in response to defendant's Request for Production of Documents.

(d) identify all persons who have knowledge or information pertaining to conduct of Lonnie London that would support the Plaintiff's contention that this defendant is liable under the provisions of Brady Township Ordinance #46.

Township officials and Township residents, with Plaintiff reserving the right to supplement this response as necessary.

5. Please state whether it is Plaintiff's contention that Lonnie London possesses any right, title or interest in the property of Linda London, upon which the shooting range in question is located.

No. See paragraphs 13 and 15 of Plaintiff's Complaint.

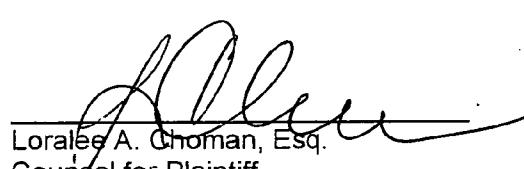
If the Answer to question no. five (5) is YES,

(a) please state the basis for such contention.

(b) please identify and provide any and all documents which support such a contention by the Plaintiff,

(c) Please identify any and all persons who possess any information to support such a contention by the Plaintiff.

Respectfully Submitted,



Loralee A. Choman, Esq.
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP
Plaintiff

Case No. 08-1293 CD

v.

LONNIE LONDON
Defendant

AFFIDAVIT

)

COMMONWEALTH OF PENNSYLVANIA

SS:
COUNTY OF)

Before me, the undersigned authority, personally appeared Darryl Beatty, who, being duly sworn according to law, deposes and says that he is Chairman, Brady Township Board of Supervisors of Brady Township, Clearfield County, Pennsylvania, and that in said capacity he executed this Affidavit on behalf of Brady Township, Clearfield County, Pennsylvania, and that he is duly authorized to do so. He further deposes and says that the matters stated in the foregoing Answers to Interrogatories are not all within the personal knowledge of affiant and that affiant is informed that there is not one single official of Brady Township, Clearfield County, Pennsylvania who has personal knowledge of all such matters, but that the Answers to Interrogatories have been based upon information assembled by authorized employees, and affiant is informed that the answers are true and correct to the best of his knowledge and information.

Darryl Beatty
Chairman, Brady Township Board of Supervisors

SWORN to and subscribed
before me this _____ day
of _____, 2010.

May 1, 2006

The regular monthly meeting of the board of supervisors met on May 1, 2006 at the municipal office with Mr. Wachob, Mr. Hartzfeld, and Mr. Beatty present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Charles Muth, Olan London, Lonnie London, Pat Griffiths, Ken Galentine, John Vos, Sam Armagost, Bernard Wells, Mike Kurtz, and David Harvey.

Minutes and Treasures Report

The minutes and the treasurer's report of the previous month were approved as presented.

Bids

Bids for emulsion and aggregate were received and opened with the following:

Jefferson Paving of Brookville:	60,000 gallons of E-4 or E-5 (last years bid price)	\$1.31 per gal * .94 per gal)
Whitaker Corp. of Clearfield	60,000 gallons of E-4 or E-5	\$1.32 per gal
Glenn O'Hawbaker	60,000 gallons of E-4 or E-5	\$1.477 per gal
Hanson Aggregate of Boalsburg	500 ton of 1/4" washed limestone (last years bid price)	\$13.10 per ton* 12.10)
	3000 ton of 1B washed limestone (last years bid price)	\$14.60 per ton* 12.00)

Mr. Hartzfeld made a motion, second by Mr. Beatty to award the emulsion bid to Jefferson Paving. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to award the aggregate bid to Hanson Aggregate. All in favor, motion carried.

Park and Recreation

Pat Griffiths request the supervisors uncover the air conditioner for #2 building and check on the wire in the parking lot because she has received some concerns with it. There was some discussion concerning the insurance coverage with John, the work release gentleman. Donna Hartzfeld will check into this. Pat also reported that four benches have been ordered for the community park with the cost coming from the Memorial Fund money.

Pat request permission for the board of park and recreation to get bids for replacing the door in the #1 community center. (She was given the permission)

Abandonment Vehicle Ordinance

There were no comments or remarks given concerning the Abandonment Vehicle Ordinance. Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt Ordinance #42 the Abandonment Vehicle Ordinance. All in favor, motion carried.

In the Abandonment Vehicle Ordinance there is a provision for a three member board to be established. Mr. Beatty made a motion, second by Mr. Hartzfeld to appoint Mr. John Vos, Mr. Sam Armagost, and Mr. Charles Muth. All in favor, motion carried. Mr. Beatty suggested that if the board were called upon that they be given permission to use a township vehicle to investigate the complaint.

Subdivision

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt the William Hilliard Subdivision. All in favor, motion carried.

Adult Oriented Business and Employee Ordinance

The Adult Oriented Business and Employee Ordinance was presented and Mr. Hartzfeld made a motion, second by Mr. Beatty to advertise a summary of the ordinance for review and adopt it at the June meeting. All in favor, motion carried.

Resolution 5-2006

Mr. Beatty made a motion, second by Mr. Hartzfeld to pass Resolution 5-2006. All in favor, motion carried for the following:

WHEREAS a group of municipalities desire to participate in an intermunicipal, cooperative project for the preparation of a Regional Comprehensive Plan, and

WHEREAS THE Township of Brady wishes to participate in said intermunicipal, cooperative project, and

WHERE AS THE Pennsylvanian Department of Community and Economic Development makes available grants-in-aid to such projects through the Land Use Planning and Technical Assistance Program.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of the Township of Brady hereby authorizes the Township of Sandy to make application for such a grant on our behalf, and

BE IT FURTHER RESOLVED that the Board of Supervisors of the Township of Brady hereby allocates municipal resources in the amount indicated as the Brady Township share of the submitted grant application to said project.

It is to be noted that the cost for such a comprehensive plan will be divided by per capita.

2

June 5, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on June 5, 2006 at the municipal office with Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Glenn Schuckers, Ken Galentine, Bob DeBoer, Jill Smith, Travis Smith, Kris Suhadocnik, John Vos, Sam Armagost, Mike Kurtz, Olan London, Montie London, Lonnie London, William Swatsworth, Edward Shok, Angela Shok, Charles Muth, Blaise Ferraccio, Donna and Lynn Hartzfeld.

Minutes and Treasurers Report

The minutes and treasurer's report of the previous month were approved as presented.

Park and Recreation

Mr. Wachob recognized Park and Recreation Board member, Leroy Folmar. He passed away June 4th and will be missed.

Subdivision

Travis Smith presented his subdivision and stream discharge system to the board for approval. Mr. Beatty made a motion, second by Mr. Hartzfeld to pass Resolution 6-06 to adopt and submit to DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality. All in favor, motion carried.

Road Agreement

Kris Suhadocnik, a representative of Shelly Oil, requested right of way on Rimer Road. After some discussion an executive meeting was held. It was agreed upon that Shelly Oil pay \$1.75 per foot, that the pipe would be 18" under culverts; the contract would be reworded to address a time frame of payment of the bond, a time frame of completion of the project and seeding. A \$5000 performance bond is to be received by the township. Mr. Beatty made a motion, second by Mr. Hartzfeld to agree to sign the contract as amended when the rewording is done on the contract. All in favor, motion carried.

Ordinance

Ordinance #43, the Adult Business and Employee Ordinance was presented and there were no comments. Mr. Hartzfeld made a motion, second by Mr. Beatty to adopt the ordinance, all in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to advertise the Real Estate Transfer Tax Amendment Ordinance, to be adopted at the July meeting, all in favor, motion carried.

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Residence Concerns

Donna Hartzfeld expressed her concern with vision of traffic at the corner of Church Street and Shamokin Trail. The secretary is to contact Curry and Associates to see if prior survey work showed that the spot in question belonged to the township and if the township could cut the brush on the Alan Spencer property.

She also stated that the Building #1 has had some electrical problems and that United Electric would be using the building on June 7th. She hoped that the problems would be corrected.

Shooting Range

Dr. Shok expressed his concerns with the shooting range at Olan London's property. He mentioned that the noise and the safety were concerns and he wanted assurances that these would not be a problem.

Olan stated that his site was not the Allegheny Shooting Club as was planned for the Irishtown /Penn Township site.

Mr. Beatty stated that in his research he was instructed that the shooting range should do the following:

1. Not have the township road in view.
2. Berming to be done to protect the twp road.
3. Red flags or warnings in place when firing.
4. A ten million liability insurance coverage by the range.
5. Set by-laws

Mr. London stated that he did not have any blue prints

Some of the questions from the board and citizens were:

Answers:

How many individuals would be using the range?

Usually 15

How often would there be shooting?

How many in a match?

How many hours?

How many rounds possible?

Possibility 600

4

How many competitions per year?

Olan London

Who is designing the layout?

Yes

Will there be fees?

Presently \$200,000 umbrella

Insurance coverage?

Olan stated that he is willing to work with anyone, the township and the neighbors.

It was suggested shutting the township road down while shooting is being done.

Mr. Schuckers and Dr. Shok would like to see drawings or a plan and have assurances on the safety and noise issues.

Mr. Swatsworth stated that if regulations be put on the shooting range concerning the noise then it should affect such things as the speedway or skeet shoot also.

Olan and Lonnie informed the board that the basic is there now and that more berthing is needed and more work on the impact area is needed. The shooting range is going to be a "small private range", but if someone wants to use it there would be a fee.

Mr. Wachob suggested setting up a meeting in the near future to meet at the site with those who have concerns and see first hand the layout of the range. Mr. Hartzfeld made a motion, second by Mr. Beatty to set a meeting up. All in favor, motion carried.

New Business

Devonian Resources will be applying to D.E.P. for permission to apply salt brine to the following roads: Stoney Lonesome, Micknis, Hartzfeld, Bancosky, and Barabas Roads.

A meeting is to be scheduled with Wilson Fisher of Hess and Fisher Engineering to discuss his plan for a community sewage treatment plan.

It is to be noted that D.E.P. has given Allegheny Enterprise a permit to strip 38 acres in Helvetia.

Mr. Beatty made a motion, second by Mr. Hartzfeld to install a "Hidden Driveway" sign for the Bob Ellinger property on DeLarme Road. All in favor, motion carried.

It is to be noted that there is grant money available from the county for electrical work that needs to be done for the new voting machines for this fall. Quotes need to be made on official letterhead of an electrician and forwarded to the commissioners before work begins for them to approve the work.

The health insurance will increase 42% starting July coverage. The secretary did not budget that kind of money and was instructed to contact Swift Kennedy for quotes on other group plans.

There was concerns voiced with the emergency response and Bill Swatsworth explained the 911 protocol.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINJune05.06

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July 3, 2006

The regular monthly meeting of the board of supervisors met on July 3, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraccio, Donna Hartzfeld, John Vos, Sam Armagost, Ken Galentine, Bernard Wells, Olan London, Lonnie London, Pat Griffiths, Gabe Rivera, Bob Gray, Ernest Lyons, Jack Beard, T. Beard, Doug Beard, Lisa Perkins, Ron Perkins, Monte London, William Swatsworth, and Enos Kurtz.

Minutes and Treasurers Report

The minutes and treasurer's report of the previous month were approved as presented.

Reports

It was reported that the three member abandon vehicle committee responded to a formal complaint on the Kevin Crouch property on Kriner Road. Their findings and actions can be found on the "Investigation Form". Mr. Beatty made a motion, second by Mr. Hartzfeld to have a certified letter delivered by constable informing Mr. Crouch of the ordinance and that he has fifteen days to respond. All in favor, motion carried.

Devonian Resources was contacted about the progress with the D.E.P. permitting for applying salt brine to the township roads. Devonian said that it should be a couple more days.

Reorganization of Citizens Present

Lonnie London request tar & chip work done in front of his house.

Lisa Perkins spoke concerning that her neighbor in the Salem area has complained that her dog is barking and he is going to file a complaint. She reported that he has been video taping the dog and she is uneasy about that. She also presented letters from neighbors saying the dog is not a nuisance.

Donna Hartzfeld questioned the procedure with buying a house with an old septic system and if it fails the out come and what would need to be done.

Bob Gray gave the fire company report of calls for the months of April through June. He also stated that the company has applied for grant money for the purpose of purchasing equipment.

Park and Recreation

Pat requested that the board consider appointing Llyn Hartzfeld to the Park and Recreation Board to replace Leroy Folmar. His term would be till 2008. Mr. Hartzfeld made that motion, second by Mr. Beatty. All in favor, motion carried.

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Mr. Beatty made a motion, second by Mr. Hartzfeld to have the secretary contact Dana Tubbs, an electrician, to give a quote for wiring the election room in the Community Center #1 building for the new voting machines. A quote is needed on official letterhead. All in favor, motion carried.

Shooting Range

There were many concerns voiced by citizens in the area of the proposed shooting range on the London property. Some of the concerns were: The frequency of the shooting and having to listen to shooting every other weekend, the health, safety, and welfare of neighbors and other people that may be in the area.

Some items that were mentioned by the London's concerning the range were:

- (1). that the range on the London property will be a private range and is privately funded, but if he is putting a lot on money in it he will need to charge.
- (2). There would be three to five hours of shooting per match.
- (3). The range would be a private business.
- (4). Mark Benson of Jefferson County was contacted about applications
- (5). A sewage system for approximately 50 people is to be designed.
- (6). Olan is willing to speak with the neighbors to try to resolve problems.
- (7). An approximate schedule would look something like:

 Noon to 3:00 p.m. on Fridays

 9:00 a.m. or 10:00 a.m. to 5:00 p.m. on Saturdays and Sundays for four matches a year, of 50 cal. shoots during the months of May, June, Sept, and Oct. with 15 benches and 30 rounds with approximately 500 shots.

 Other weekends of the 30 cal shoots would be Saturdays and Sundays from 9:00 a.m. to 5:00 p.m.

- (8). Matches of approximately 25 weekends a year.
- (9). A schedule would be made and given to the neighbors.

 There was much discussion with the schedules of the matches, the work intended to be done and what has been done to date. Mr. Ferraccio expressed that the township has very serious concerns with the shooting over the township road and that that was something that wouldn't be allowed. Olan said he would move the road and was not interested in paying the township to do the work. A survey and certain specifications concerning the road would need to be done if it was in agreement to the township to move the road.

 In closing the shooting range discussion, Mr. London was instructed that he would have to be in compliance with the law concerning obtaining the proper permits, to have written plans, blueprints, and etc. for the next meeting for the board to see.

 Mr. Swatsworth reported that he has a private business with a shooting range in the Salem area. He also mentioned that if the township was to regulate the noise it would need to address all noise such as the go kart business.

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Ordinance

Mr. Hartzfeld made a motion, second by Mr. Beatty to adopt Ordinance #43 the Real Estate Transfer Tax Ordinance. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to file this and any future ordinances with the Deed and Recorders Office along with the county law library. All in favor, motion carried.

New Business

It was reported that the Lansberry/Smith Subdivision and the Small Flow Discharge System was rejected by D.E.P. and additional information will be needed.

Mr. Beatty made a motion, second by Mr. Hartzfeld to file the completion report for the County Aid money. All in favor, motion carried.

Other insurance companies have requested giving a quote on the township policy for 2007. It was the consensus of the board to do that this year.

Mr. Beatty made a motion, second by Mr. Hartzfeld to hire Hess and Fisher Engineering of Clearfield to do the 537 update for the sewage facility. All in favor, motion carried.

Mr. Wachob reported that the Comprehensive Plan with other municipalities would cost approximately \$2152. Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the proposal. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MinJuly03.06

August 7, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on August 7, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Angela Shok, Ed Shok, Glenn Schuckers, Bob DeBoer, Jack Beard, Ken Galentine, Bernard Wells, Shirley Wells, Sam Armagost, John Vos, Monte London, Lonnie London, Enos Kurtz, Charles Muth, Donna and Lyn Hartzfeld, Mike Kurtz and Jim Fullerton.

Minutes and Treasurers Report

The minutes and treasurers report for the previous month were approved as presented.

Old Business

Kevin Crouch on Kriner Road had been served papers that he is in violation of the abandon vehicle ordinance was given 15 days to respond. That date would have been July 22, 2006 and as of this date there are still abandon vehicles and he has not contacted the township. Mr. Beatty made a motion, second by Mr. Hartzfeld to file charges with the District Justice, all in favor, motion carried.

A revised resolution needs to be signed for the Lansberry/Smith stream discharge as pre request by D.E.P. Mr. Beatty made a motion, second by Mr. Hartzfeld to sign the updated agreement. All in favor, motion carried.

The County Aid completion report was approved and the township is awaiting the check from the County Commissioners.

New Business

Lonnie London reported that salt brine has been applied to Stoney Lonesome Road and his house is full of salt and dust. It is not doing a good job.

Dana Tubbs was contacted to give a quote for the electrical work for the voting machines. He is to have either Mr. Wachob or Mr. Hartzfeld go with him when he inspects the community center so they can make a suggestion.

Glenn Schuckers reported that the planning commission rejected the Matson Lumber Subdivision and request it be re-summit. It was reported that Mr. Beatty abstained from voting at the planning commission meeting. It was explained that those who serve on the planning commission are volunteers and do not receive compensation for the work they do or the time spent. Mr. Beatty made a motion, second by Mr. Hartzfeld that the subdivision be given back to either the London's or Matson Lumber for resubmission at the regular monthly meeting of the planning commission in August. All in favor, motion carried.

The James Maddox Subdivision was accepted by the planning commission pending it be notarized. It has been since been notarized, therefore Mr. Hartzfeld made a motion, second by Mr. Beatty to accept the Maddox subdivision, all in favor, motion carried.

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Mr. Ferraraccio presented a draft ordinance to provide for regulations of individuals, private, public or commercial archery range, pistol ranges or rifle ranges discharging bows or firearms over public roadways (township roadways) and to prescribe fines and penalties for violations.

There was discussion concerning the ordinance that it is to provide for the safety, welfare, and comfort of the citizens of the township.

In the discussion it was mentioned that Ruskin Dressler needed to be sent a letter to put Kupp Road back to township specifications.

Lonnie expressed his interpretation that they can shoot on their property with no restrictions as long as they don't shoot over the township road. His interpretation is that they can shoot whenever and however until an ordinance or the law is broken and they receive a letter of the offence then they will comply with the law. With this being said Mr. Wachob expressed his feelings that another ordinance would need to be drawn up to set up regulations.

There was more discussion as to how many days there would be shooting and reference to the nuisance ordinance and written complaints would need to be given before any recognition of a problem would be considered.

With the conversation on regulations, Mr. London stated that if regulations are made for one then restrictions would affect all.

Mr. Ferraraccio questioned if the neighbors have been contacted by Lonnie and Mr. Wachob questioned where the plans are that were requested from the board for this shooting range. Mr. Wachob feels regulations need to be drawn up to protect the neighbors.

Lonnie presented plans. Mr. Wachob had hoped for more detailed plans. The sewage test was questioned since it was tested for a residence and not a commercial system. (50 people for three days—as per S.E.O.).

Mr. Beatty would like to see the noise issue addressed. Mr. London presented a noise study.

Dr. Shok stated that there is a big difference between a few friends shooting a couple hours here and there than public shoots all the time.

Mr. Wachob stated that the township has obligations to the citizens to protect and those owning a shooting range have an obligation to the neighbors. He feels that an ordinance needs to be adopted to protect and to regulate.

With the discussion being closed Mr. Beatty made a motion, second by Mr. Hartzfeld to advertise the ordinance for adoption at the next meeting and to gather suggestions in order to draw up some regulations for a possible ordinance. All in favor, motion carried.

Zoning was discussed and Mr. Ferraraccio suggested that Brady Township consider it, especially now, since a new township comprehensive plan is being worked on. The county is willing to work with the township at putting a zoning plan together.

Mr. Schuckers, chairman of the planning commission, requested that the township's subdivision ordinance be updated. Mr. Beatty made a motion, second by Mr. Hartzfeld to authorize the commission to update the ordinance with a couple meetings with the Jody of the county planning commission, to be scheduled to work on it and try to have the 1st reading available by October. All in favor, motion carried.

The secretary is to contact Center Communication, from Bellfonte about quotes on township radios.

It was reported that the barking dog complaint from Charles Sloppy was investigated and it was determined that this was not a habitual barking dog and this complaint was not a founded complaint.

There is a bee problem at community center #1 and a gentleman is to try to remove them Tuesday, Aug. 8th.

It was reported that the township health care has switched from Highmark Blue Cross/Blue Shield to UPMC starting Sept. 1st.

Road Work Reports

Mr. Wachob reported that Swope Rd, Evergreen Rd, Hatten Rd, and Wells Rd have been worked on.

Mr. Wachob reported that he will contact Hess and Fisher concerning the delay from D.E.P. for the bridge work on Kinderman Road.

Invoices and Next Meeting

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

The next meeting is scheduled for Tuesday, Sept. 5, 2006

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINAUG07.06

12

Sept. 5, 2006

The regular monthly meeting of the board of supervisors met on Sept. 5, 2006 with Mr. Hartzfeld, Mr. Beatty, and Mr. Wachob present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Edward and Angela Shok, Glenn Schuckers, R.J. Fullerton, Jim Fullerton, M. Fullerton, Bob DeBoer, Ken Galentine, Shelia Doane, Olan London, Lonnie London, Monte London, Enos Kurtz, Stephen Arbaugh, Sam Armagost, Doug Beard, Tonda Beard, Jack Beard, Jerry Paulinelli, Ernest Lyons, Ed Lockwood, Eugene Overbeck, Russell and Eric Perks, Russell Gray, and Lynwood Radaker.

Minutes and Treasurers Report

The minutes and treasurers report from the previous month were approved as presented.

Old Business

It was reported that Kevin Crouch has been contacted by the supervisors and he has started to clean up. The charges that are to be filed with the District Justice are on hold for the time being to see if Mr. Crouch complies with the cleaning process. He was in agreement to have Eugene Overbeck and Ed Lockwood contact him to see if they could haul any vehicles from his property. Mr. Overbeck and Mr. Lockwood reported that they had been to Mr. Crouch's property two times and he was never home.

The township received a letter from D.E.P. informing the township that the Lansberry Subdivision was accepted and included guidelines for inspection twice a year.

Lonnie London reported that since the township did road work on Stoney Lonesome the dust problem has been controlled.

Shelly Oil requests the bond release for their bonded road. Mr. Wachob reported that there is work that needs done before considering the release of any money.

No quotes have been received yet for the electrical wiring for community center #1 from Dana Tubbs.

Proposed Shooting Range

Mr. and Mrs. Fullerton of New Castle own property and a house in Brady Township and they questioned the board what was happening with the proposed shooting range proposed by the London's. They voiced their concerns with the safety and noise. They were under assumption that there would be shooting in the direction of their property.

Mr. Wachob questioned the London's if there would be any money received for the construction of the shooting range and was informed by the London's that it would be privately funded.

Lonnie London explained the noise study and stated that the study was done by Richard Hughes of Clearfield at the site of the proposed London shooting range. The township requested a copy of the Richard Hughes noise report.

Mr. Ferraraccio explained his research findings on shooting ranges. He quoted the different distances from property lines that have been enforced in various states. He questioned the safety issue with shooting parallel to the township road. A figure he questioned was 250 feet from roadways, property lines and gas wells.

The number of matches was again stated: four weekends for matches and every other weekend for regular shoots. Times and the number of shooters was discussed as being approximately 9:00 a.m. to 4 p.m.

Mr. Fullerton and Dr. Shok stated they didn't feel that hearing shooting every other weekend was fair to the neighbors and that the property value would decrease. It was questioned if the range against the Shok property line would be strictly pistol.

Mr. Wachob questioned if there were to be a shooting range how the sewage facilities would be addressed. Lonnie London stated that if sewage needed addressed the porta johns would be rented.

Mr. Ferraraccio questioned those present what they felt would be a safe distance from living swellings, property lines and roadways and if written permission should be requested. He stated that the township has a right to pass an ordinance for safety issues. The township has a responsibility to protect the health, safety and welfare of the township citizens. He questioned what could be safe and not annoy the neighbors.

After much more discussion it was decided to have the London's do a mock shoot on Sept. 16 and 17 for the concerned citizens to see what is planned and listen to what would be in store. Dr. Shok and Lonnie London will see that the neighbors are informed of this shoot.

New Business

✓ Ordinance

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt ordinance #45 the No Shooting Over Township Roadway's. All in favor, motion carried.

✓ Subdivision

Mr. Schuckers questioned the narrative in the Matson Lumber Subdivision and Olan and Lonnie both agreed that the wording was correct in stating the shooting range would be constructed as per NRA specifications.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Matson Lumber Subdivision with lot #1 showing a single family swelling and lot #2 as a non building lot. All in favor, motion carried.

Park and Recreation Board

Mr. Beatty made a motion, second by Mr. Hartzfeld to re-appoint Pat Griffith and Jim Gray to the Park and Recreation Board for another five year term. All in favor, motion carried.

Resolution 9-06

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt the following resolution:

WHEREAS, The Brady Township Board of Supervisors desire to add a new road to its liquid fuel roads by the 21 year law.

WHEREAS, The Brady Township Board of Supervisors voted on Sept. 5, 2006 to add a road using the proposed name of Dahl (pronounced Dale) Road, assigned TR-386, this road runs south of TR-377, Barr Road for a distance of .18 miles, with a 33 ft right-of way and the width of 16 ft. gravel cart way.

NOW, THEREFORE BE IT RESOLVED, The Brady Township Board of Supervisors voted to pass Resolution 9-06 to add said section of road. All in favor, motion carried.

Road Work and Issues

Lynwood Radaker questioned if the township could close the alley in Salem permanently. He feels that this alley poses an unsafe condition for traffic. No action was taken.

Mr. Hartzfeld made a motion, second by Mr. Beatty to order 100 tons of salt from American Rock Salt for \$43.60 per ton. All in favor, motion carried.

Mr. Wachob reported that the paving is done and some patching will be done. D.E.P. has still not given an okay for work on the Kinderman Road.

The township received a letter from Penn DOT informing the township a complaint had been received from Mr. Charles Sloppy that he feels that the speed in Salem is too fast. The letter informed the township that a speed study for Route 219 would be done at the request of the township. It was the consensus of the board that if a study needs done on a state road the Penn DOT should do it and not pass the responsibility to the township and then have the township have to purchase new speed limit signs for a state road. The board did not feel that it was a justified request.

Mr. Beatty made a motion, second by Mr. Hartzfeld to sign the Dirt and Gravel Contract for \$2710.00. All in favor, motion carried.

Mr. Wachob reported that Dressler Coal Company was informed about opening up Kupp Road. The road needs some work and will be open to public traffic in the next day or so.

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Planning Commission

The Planning Commission will have a workshop meeting to work on the update of the township's subdivision ordinance on Sept 12 at 7:00 p.m.

Convention

The Clearfield County Convention will be held Oct 6th at West Decatur. All three supervisors plan on attending. The other officials are to be contacted.

In Closing

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINSept.05.06

October 2, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on Oct. 2, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Edward Shok, Angela Shok, Kimberly Finnigan of the Courier Express, Bob DeBoer, Mike Kurtz, Ken Galentine, Mr. Deitch, Jerry Paulinelle, Bernard Wells, John Vos, Sam Armagost, Charles Muth, Monte London, Lonnie London, Enos Kurtz, Glenn Schuckers, Ernest Lyons, Doug Beard, Tonda Beard, Jack Beard, R.J. Fullerton, N. Fullerton, Jim Fullerton, Shelia Doane, and Blaise Ferraccio.

Minutes and Treasurers Report

The minutes and treasurers report of the previous month were approved as presented.

Old Business

Mr. Wachob reported that Kevin Crouch of Kriner Road doesn't seem to be cleaning up the vehicles as he had implied that he would, therefore Mr. Hartzfeld made a motion, second by Mr. Beatty to file charges with the District Magistrates office that Mr. Crouch is in violation of the Abandon Vehicle Ordinance. All in favor, motion carried.

Mr. Wachob reported that D.E.P. has finally sent, this month, a permit for the two bridges on the Kinderman Road. Mr. Wachob stated that the township has had the permission from the Army Corp of Engineers since June 9th and questioned why D.E.P. has been holding this all summer.

Subdivision

Glenn Schuckers, chairman of the planning commission reported that the board has been working on the updates to the township's present subdivision ordinance. He presented 13 amendments which reflect wording and definition changes. He requested that the township post the present ordinance and the amendments for comparison. There will be set backs included which will follow the county planning set backs. Mr. Beatty made a motion, second by Mr. Hartzfeld to start the process to amend the ordinance and to let the county planning review the amendments before adopting anything. All in favor, motion carried.

Due to the amount of typing and corrections needed for the subdivision ordinance Mr. Hartzfeld made a motion, second by Mr. Beatty to allow the secretary to purchase a scanner, all in favor, motion carried.

Petition and Shooting Range

A petition of 27 signatures was presented to the board of supervisors requesting and ordinance be adopted on the regulations and guidelines for a shooting range. Angela Shok read the petition to those present.

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After much discussion concerning the decibels and the regulations and the possibility of drafting an ordinance to address the safety issues, Mr. Beatty made a motion, second by Mr. Hartzfeld to contact someone from the NRA to get recommendations and guidelines from the NRA before adopting another ordinance, all in favor, motion carried.

Petition and Speeding

A petition with 83 signatures was presented to the board of supervisors concerning the speeding on the Helvetia Road. The board accepted the petition as presented, but since this road is a state road the supervisors instructed the secretary to notify Penn DOT and the Pennsylvania State Police of the petition and the concerns. Mr. Hartzfeld made a motion, second by Mr. Beatty to forward a copy of the petition to Penn DOT and the PSP, all in favor, motion carried.

Insurance

St. Marys Insurance and Swift Kennedy presented their proposals of coverage and costs to the supervisors this month and after reviewing the quotes Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the quote from Swift Kennedy with a company named EMC, all in favor, motion carried.

Judicial Sale

The secretary reported that the county assessment office contacted her and reported that they have finally, after two years, started the proceedings of a judicial sale for the Wm. Lingenfelter property on Route 219.

Dirt and Gravel

The secretary reported that a check for 50% of the amount of the Dirt and Gravel project (\$1355.00) was received.

2007 Proposed Budget

The 2007 proposed budget was discussed. The secretary is to budget a stainless steel hopper spreader for approximately \$15,000.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

Adjournment

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINOct02.06

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Nov. 6, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on Nov. 6, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Ken Galentine, C. Deitch, Jerry Paulinelle, Bob DeBoer, Bernard Wells, Shelia Doane, Jim Fullerton, Angela Shok, Ed Shok, Charlie Muth, William Swatsworth, Lonnie London, Olan London, Monte London, Bud Fullerton, Rich Hughes, Robert Sheroke, Gary Thorp, Ernest Lyons, Tonda Beard, and Doug Beard.

Minutes and Treasurers Report

The minutes and treasurers report of the previous month were approved as presented.

Old Business

Mr. Wachob reported that a private criminal complaint has been filed with the District Magistrate's office on Kevin Crouch.

The secretary was instructed to write to the Army Corp of Engineers and request a six month extension for the work on the two bridges on the Kinderman Road. Permission was received from them in June and it wasn't until Sept. that permission was granted by D.E.P. Since the weather isn't suitable now work will have to wait until spring or summer of 2007.

Subdivision

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Shirley London Subdivision. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Sommers Subdivision. All in favor, motion carried.

Proposed Shooting Range

Mr. Beatty reported that he had contacted the NRA and that they needed a letter requesting them as the township would like hear their recommendations. After the secretary had faxed a request to a contact person of the NRA, they contacted the township that they would need the request from the London's. Lonnie has been in touch with John Henchman of NRA from this area. The NRA's cost is \$150 per day plus expenses. Olan London said that he didn't have a problem with making the request, but he wanted to know the credentials of the individual with the NRA before making such a request. Mr. Hartzfeld made a motion, second by Mr. Beatty to absorb the cost of the NRA if Mr. London would get them here. All in favor, motion carried.

Mr. Richard Hughes, of Clearfield introduced himself and explained that he understood that his name had been mentioned a prior meeting as having done a decibel

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study for the shooting range. He expressed his thoughts with the procedures of submitting plans. He felt that Guardian Inspection should get involved and that then the NRA would be called in. Some of the suggestions that he made were: He feels that this shooting range would be considered a park, there could be a \$1000 fine for every offense, he felt that 600 acres would be needed for shooting 50 calibers, any decibels over 50 could be grounds to go to court, the shooting range being in the valley as proposed the sound will automatically go up, 20 rounds of shooting be the threshold, he felt that those proposing the shooting range should be responsible for any expenses.

Mr. Beatty made a motion, second by Mr. Hartzfeld to resend the motion to absorb the cost of the NRA, all in favor, motion carried.

Mr. Hughes suggested that there be sound studies, project studies, a public meeting were questions can be asked of the engineer of the proposed shooting range, and that the township engineer be present at this meeting, the planning board to be involved and to follow Act 45.

It was decided that the proposed shooting range should have blue prints and plans that are done by a professional engineer to present to the board of supervisors. (To be noted: blue prints and plans were requested by the township at the July 2006 meeting).

Mr. Schuckers remarked that he felt the section stating "freedom to use ones property as one sees fit remains the rule under our laws." Mr. Schuckers also added that the township has ordinances to regulate what can and cannot be done and they stand up in court.

New Business

Mr. Wachob expressed his concerns for the township and that planning for the future is in order. Mr. Hartzfeld made a motion, second by Mr. Beatty that the township should proceed looking into zoning, all in favor, motion carried.

Bob DeBoer questioned whether having a shooting range next door to a persons property would devalue it especially if there is shooting 7 days a week. He also reported that there is more dumping along Shomokin Trail.

Mr. Schuckers informed the secretary to add environment impact study be included on the subdivision checklist.

Mr. Wachob explained that at the last meeting a hopper spreader was needed. Mr. Wachob received quotes from:

Seigworth for an 11 ft. stainless spreader	\$13,638
Walsh for	\$10,850
Bradco for	\$13,150.75
Chemung for	\$8344.00

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Equipment was budgeted for \$20,000 for 2006 and a spreader could be purchased this year. Mr. Beatty made a motion, second by Mr. Hartzfeld to purchase a spreader from Chemung, all in favor, motion carried.

A letter was received from Penn DOT in response to the Helvetia Road petition and they reported that they will review the area and consider the petition.

Whitetail Coal Co. is requesting a bond release for the Beard property, there were no objections.

W. Ruskin Dressler Coal is requesting a bond release for the Kupp Hill area. It was reported that he is gating the township road at night. Mr. Wachob reported that Mr. Dressler was informed to take the gates down. The secretary was instructed to write to W. Ruskin Dressler informing him that the township road needed repaired and the gates to be taken down. If this is not done then the township will notify D.E.P. of their objections to the bond release.

Johnson Bros. Coal is requesting a bond release for the Clarence Thomas property. There were no objections.

The secretary reported that the township received a CD from the Clearfield County concerning the county's comprehensive plan and the township has 45 days to review and make comments.

A sample resolution from Comcast was received, it was tabled.

Township radios were discussed, once the base units work hopefully the truck radios will also work. It is to be noted that the fire company is still using their low band radios. Mr. Beatty made a motion, second by Mr. Hartzfeld to purchase a base station, and 2 remotes for now as some of the radios still work in the trucks from Palmer Radio from Punxsutawney. All in favor, motion carried.

The 2007 proposed budget was discussed and will be presented at the Dec. 4th meeting.

Invoices

Mr. Hartzfeld made a motion, second by Mr. Beatty to pay the township invoices. All in favor, motion carried.

Adjournment

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINNOV06.06

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Dec. 4, 2006

The regular monthly meeting of the board of supervisors met on Dec. 4, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Angela Shok, Ed Shok, Ken Galentine, Bob DeBoer, Shirley Wells, Shelia Doane, Audrey Doane, Bernard Wells, Sam Armagost, RJ Fullerton, Jim Fullerton, Lonnie London, Monte London, and Olan London.

Minutes and Treasurers Report

The minutes and treasurers report of the previous month are accepted as presented.

Old Business

The complaint against Mr. Kevin Crouch that had been filed with the District Justice Office had had a hearing scheduled for Jan. 8, 2007 at 1:30 p.m.... Mr. Wachob, John Vos, Charles Muth and Sheryl DeBoer need to attend this hearing.

It was reported that W. Ruskin Dressler has removed the gates on Kupp Hill Road.

Shooting Range

Mr. Wachob questioned Olan London if they had any plans such as blue prints and studies ready as previously requested. They do not.

It was reported by the London's that they have held two matches since last meeting and wondered if anyone heard them.

Olan also reported that he is looking at approximately 20 or 30 individuals at each match. Mr. Wachob then stated that he felt that this definitely is a commercial endeavor.

Mr. Wachob expressed his feeling that the township needs to consider the health, safety, and welfare of the public and that it is hard to be fair. He stated that he understands where both the London's and the surrounding neighbors are coming from.

The supervisors expressed their concerns of liability and the need to protect the roadway.

Mr. Ferraraccio questioned the London's how they would address the safety.

The London's stated that if they were not breaking any ordinance they are going to continue to shoot.

There was some discussion about amending the present ordinance that addresses no shooting over roadways and to add a 500 foot set back from the road, property line and gas wells.

It was mentioned that if the shooting range would be engineered as requested then a sound study would be addressed.

Mr. Beatty, made a motion, second by Mr. Hartzfeld to table amending the present ordinance until an amendment that addresses fencing, posting of signs, liability insurance and set backs could all be considered. All in favor, motion carried.

New Business

The secretary reported that a Judicial Sale is scheduled for Dec. 27, 2006 at 10:00 a.m. for the Lingenfelter property.

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Mr. Wachob made a motion, second by Mr. Hartzfeld to increase Alicia Freeman's rate for cleaning the township office and restrooms to \$9.00 per hour. All in favor, motion carried.

Fuel is to be advertised in the same amounts as advertised last time (5000 gallons of low sulfur diesel fuel and 500 gallons regular gasoline) and bids are to be opened Jan. 3, 2007

The secretary's bond was discussed and Mr. Hartzfeld made a motion, second by Mr. Beatty to leave the amount at \$115,000, all in favor, motion carried.

Subdivision

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the DeLarme Subdivision, all in favor, motion carried.

The Brady Township Planning Commission request that the board of supervisors considers repealing the present Brady Township Subdivision Ordinance until they can adequately update the ordinance and bring it up to compliance.

Mr. Hartzfeld made a motion, second by Mr. Beatty to repeal the local subdivision ordinance and for the proceeding to begin to do this, all in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty that the township would then fall under the Clearfield County Subdivision Ordinance, all in favor, motion carried.

Equipment

Mr. Hartzfeld made a motion, second by Mr. Beatty to purchase a two wheel roller from Henderson Township, Jefferson County for \$1500, all in favor, motion carried.

Proposed budget for 2007

After reviewing the proposed budget for 2007 and some discussion Mr. Hartzfeld made a motion, second by Mr. Beatty to calculate the new budget adding a $\frac{1}{2}$ mill since the surplus that is carried over each year is decreasing and with the Act 537 plan being revised and the comprehensive plan being updated increased expenditures need to be planned.

A special year end meeting is scheduled for Dec. 29th at 8:00 p.m.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

January 2, 2007

The annual reorganization meeting of the board of supervisors met on Jan. 2, 2007 at the township office with Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob present. The meeting began with the pledge to the flag.

Reorganization

Mr. Beatty made a motion, second by Mr. Hartzfeld to appoint Lester Wachob as temporary chairman. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to appoint Sheryl DeBoer as temporary secretary. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Lester Wachob as chairman of the board of supervisors. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Wachob to appoint Bryan Hartzfeld as vice chairman of the board of supervisors. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Sheryl DeBoer as secretary-treasurer. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to retain the three road masters (Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob). All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to retain the First Commonwealth, CSB, and Clearfield Bank & Trust as the township depositories. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Orville Marshall as the vacancy board chairman. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to retain Blaise Ferraraccio as the township solicitor. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Sheryl DeBoer as the permit officer (for road and land us permits). All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to meet the first Monday of each month at 8:00 p.m. except for September and that will be the first Tuesday. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to retain the same paid holidays (7), sick days (3), personal day (1), and vacation days (1 day for every 200 hours worked) for the labors as before. All in favor motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Sheryl DeBoer as the voting representative from the township to the water association. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to keep the secretary's bond at \$115,000. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to leave the secretary's compensation at (5%) commission on township invoices except on the purchases of equipment, building or land where any of these exceeds \$10,000, and then the commission shall be 2%. If the above mentioned falls below \$10,000 the commission shall be 5%. The secretary shall serve as treasurer for Park and Recreation with no compensation. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to raise the laborer by \$.50 bringing the rate to \$11.00 per hour. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to delegate all responsibility of the board of supervisors that can be delegated under 607 of the township code to the

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township road masters and to authorize them to purchase parts for equipment repairs which occur during any given month. All in favor, motion carried.

Mr. Wachob made a motion, second by Mr. Beatty to grant Mr. Hartzfeld permission to attend the Pennsylvania State Convention in Hershey on April 22-25 and his compensation is the regular daily rate for road master. All in favor, motion carried.

Mr. Wachob made a motion, second by Mr. Beatty to appoint Mr. Hartzfeld as voting delegate to the State Convention. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to set the mileage rate at \$.40 per mile. All in favor, motion carried.

Regular meeting

With the reorganization meeting complete, Mr. Wachob called the regular monthly meeting to order with the minutes of Dec. 4, 2006 and Dec. 29, 2006 and the December treasurers report accepted as presented.

Present at the meeting were: Bob DeBoer, Ken Galentine, Glenn Schuckers (Courier Express), Lonnie London, Monte London, Olan London, Ed Shok, Angela Shok, M. Fullerton, RJ Fullerton, Jim Fullerton, Doug Beard, Tonda Beard, Jack Beard, Ernest Lyons, Jerry Paulinelle, Victor Wells, and Shelia Doane

Bids

Bids for low sulfur diesel fuel and gasoline were opened:

Wm. G. Satterlee	5000 gal diesel	\$1.8685	Total \$9342.00
	500 gal gasoline	1.7960	896.00
Glassmere	5000 gal diesel	\$1.7748	\$8874.00
	500 gal gasoline	1.8398	919.00

Mr. Beatty made a motion, second by Mr. Hartzfeld to award the fuel bid to Glassmere. All in favor, motion carried.

Reports

Mr. Wachob reported that there will be a hearing at the District Magistrates office on Jan. 8, 2007 concerning the Kevin Crouch complaint on the abandon cars.

The Brady Township Subdivision Ordinance was rescinded on Dec. 29, 2006 and all subdivisions and land development projects must follow the Clearfield County Subdivision Ordinance.

Scott Huey purchased the Lingenfelter property at the judicial sale in December 2006. He plans on tearing the house down.

Planning Commission

Mr. Wachob made a motion, second by Mr. Hartzfeld to reappoint Darryl Beatty to the Brady Township Planning Commission. All in favor, motion carried.

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Shooting Range

There was much discussion concerning the proposed ordinance and what is needed in spelling out some responsibilities that a shooting range must follow. Some suggestions were: set backs from roads, set back from property lines, the decibel level from a property line, warning signs showing that a shooting range is in the area.

Lonnie London quoted that Federal Standards 62 decibels is the standard level from a living dwelling.

Mr. Wachob read a draft of an amendment to add set back to the "No Shooting over Roads" ordinance.

Lonnie reported that he spoke with the NRA and they prefer to wait until the township has set their restrictions or whatever before they come in. They NRA reported that if the township is going to restrict below the NRA standards then they will be in. Lonnie stated that if you pay \$35 donation to the insurance company then the NRA will certify a range. Lonnie said that the amount of days to shoot and the size of the guns being shot should be worked out with the shooting range operators instead of bringing someone else in.

Mrs. Shok reported that she can hear the shooting in the house with the television on. Dr. Shok referred to the suggestions on the petition.

Mr. Beatty suggested hiring someone to guide the township in drawing up regulations.

Bob DeBoer questioned how this may devalue property and what is that going to do to the tax base.

There was a suggestion for the township to hire an engineer.

Another suggestion was to make a reasonable ordinance and if it goes to court then let the court decide what is acceptable

Lonnie reported that they have applied for a 911 address for a recreational cabin for (40 members only). It will be "recreational use" and he doesn't feel that it will fall under L&I since it is a recreational camp.

They will have to submit plans to the county for land use.

A workshop was discussed and Jan. 9, 11, 12 were suggested. Mr. Beatty made a motion, second by Mr. Hartzfeld to schedule a workshop that will suit Mr. Ferraraccio. The secretary is to contact him and then advertise the workshop. A list of those interested in attended will be given to the secretary.

Items of concern

It was reported that there is garbage on Route 410.

The London Road sign is missing

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

Feb. 5, 2007

The regular monthly meeting of the Brady Township Board of Supervisors met on Feb. 5, 2007 with Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Kim Finnigan of the Courier Express, Ken Galentine, Glenn Schuckers, Bob DeBoer, Jack Beard, John Vos, Sam Armagost, Monte London, Olan London, Stephen Arbaugh, Enos Kurtz, Ed Shok, Angela Shok, Jim Fullerton, Jerry Paulinelle, Ernest Lyons, Lonnie London, Joe Reitz, Bill Swatsworth, Bill Swatsworth Sr., David D. Mast, Ervin M. Byler, and Joseph D. Mast.

The minutes and treasurers report of the previous month were accepted as presented.

Citizens Concerns

Sam Armagost expressed his concerns with the condition of the township road near his home and a couple other roads he observed especially the one near the elementary school. He reported that it is a sheet of ice and requested more anti skid be used on the township roads. He feels that there could be an accident in the future and that the township will be liable.

Shooting Range

Mr. Wachob reported that Olan and Lonnie London have expressed their feelings after the last township meeting that they have not been given ample time to explain what they would like to do. Mr. Wachob is willing to do that at this time.

Mr. Olan London has questioned if his Recreational Cabin Affidavit has been denied or approved. It was explained to him that that decision was turned over to the Clearfield County Planning Commission. Olan reported that the supervisors need to get in contact with Jodi Brennen, since she is saying the county has nothing to do with it. Mr. Wachob feels then that it is up to Guardian to make a decision. Lonnie reported that the municipality still governs building and sewage permits. The county only governs the subdivision and land use. Lonnie went on to say that if the township was not denying the recreational cabin affidavit then they were in good standing with the county.

The secretary explained that the last she had heard on the London's decisions concerning the recreational cabin was from the S.E.O. and that was that they didn't want to pursue all of the testing and extra on lot site that would be required and that a holding tank would be simpler. Therefore if a holding tank were to be used then the facility would be commercial, since commercial sites can use holding tanks. Olan reported that there would be no food involved and the amount of gallons of effluent would be decreased. Lonnie reported that the system would be the same as if it were to be a single family resident.

Lonnie asked if the township board wanted them (the London's) to go commercial and that if the township does not want a recreational facility for part time sportsmen's shooting and want them to go commercial then they would go commercial and put in a commercial shooting range on the advisement of the township. Lonnie stated that the township is forcing them to go commercial.

Olan stated that there would be no more than 45 people at one time. Lonnie reported that the sewage and water had been addressed on the subdivision and it was approved.

Mr. Wachob read the subdivision narrative and pointed out that it stated that the proposed shooting range would be constructed as per NRA standards or recommendations and that according to the NRA the London's needed to submitted plans of the shooting range and that still has not been done and that is what the township has been requesting all along. He also stated that when the three supervisors were first invited to the London's last summer that there wasn't a plan presented, but that dirt had already been moved and that an ENS plan has just recently been done.

After Mr. Wachob explained that right now the township has no idea if the shooting range will work in the site that is proposed and if it is safe. How is the noise and bullets going to be handled? He questioned where the engineered plan that has been requested is, where the barriers, etc are. He stated that he is not against shooting ranges if they are built in the right place.

Lonnie pointed out that the township does not have any regulation at this time and that the county is okay with their land use.

Lonnie also stated that the top range is not constructed for 50 caliber guns when asked what the area would be for the Surface Danger Zone for 50 caliber guns.

Lonnie requested that copies of a law he provided be distributed. This law states that a noise complaint cannot be filed against a shooting range if there isn't a noise ordinance in place at the time the range is constructed. He further went on to say that the township passed a nuisance ordinance that addressed noise. The ordinance was passed one year prior to the intent of the building of the range. He was informed by Mr. Wachob that the township has another nuisance ordinance in place that was passed in 1977 that addresses noise with different wording than the newer ordinance. The new ordinance is an additional ordinance and doesn't cancel out the old one and the old one is still on the books.

Olan stated that he doesn't feel he can lay a plan down to convince Mr. Wachob that there isn't going to be any ricochets.

The board expressed that if a state certified engineer draw up plans that covers the safety factor there should not be a problem. Such plans have been requested since July 2006.

Mr. Beatty reminded the London's that the township tried to get the NRA in for advice and they would not come in unless the range owners requested them. The board was advised by Mr. Hughes at the November meeting when he was present, not to pay for the expenses of the NRA to come in that he felt that the developer or the range owners should pay for that expense. Lonnie went on to say that he doesn't want the NRA to come in and that if the township wants them to come in then the township pays the \$150 expenses.

Lonnie stated that the township doesn't have zoning and that the county set back is 10 feet left and right from the property line and that the township right of way is 33 feet for roads.

Mr. Ferraraccio informed Lonnie that under the Township 2nd Class Code the township is allowed to pass laws for the safety and welfare of the general public. He questioned Lonnie what is planned for safety in the range since they are so close the township road.

Lonnie stated that if the township wants a professionally engineered plan then they (the London's) will make the shooting range commercial operation instead of a recreational operation.

Mr. Wachob reminded Lonnie that the day D.E.P. was to the site in January and Mr. Yenason was also present he (Mr. Yenason) informed Mr. Wachob the need for a shooting range with homeland security, the sheriffs department, the local police, and the state police and local people and kids wanting to shoot. At that point Mr. Wachob asked Mr. Yenason if he was talking commercial and when all of the shooting would be going on at which point he was told that there would be shooting during the week.

Lonnie again stated that the township is pushing them to go commercial. The plan was originally for a small shooting range for Brady Township and if the London's have to spend money on the shooting range then they will go commercial so that the money can be recouped.

Mr. Ferraraccio added that all the township is requesting are plans that will show the barriers, etc.

Mr. Schuckers questioned Lonnie that if they chose to go recreational then why a cabin for forty people is being proposed if it is going to be just the London's and people from the immediate area. Lonnie's answered "We have 600 acres leased for hunting and would love to have a cabin that would hold forty people for our hunting facility." Mr. Schuckers explained his confusion as, "if a recreational range is proposed then why is a cabin for forty people is needed?" He also explained

his understanding of the township and county's code that addressed a "Recreational Cabin". He explained his understanding is that anything that is built as a single non residential building, regardless of the number of occupants, how long they intend on staying that they would come under land development, and that requires a plan being submitted to Clearfield County Planning Commission for any building that is a single non residential building. He feels that this building, whether commercial or recreational would come under the county.

Olan's answer to Mr. Schuckers question was that they want to build for more than twenty in case more than twenty would be in attendance at one time and he was using forty as the figure and that according to Jodi Brennen it would not come under the county. If the shooting range goes to land use then Jodi will deal with it and they (the London's) will go commercial. If they go to the recreational cabin then the township has to address that.

It is to be noted that the "Recreation Cabin Affidavit" was received by the township on Jan. 3, 2007 the day after the township meeting.

When Mr. Schuckers questioned how section 1003.4 of the county planning code would be addressed on the requirement how the individual water supply would adequately provide for the development and that a statement prepared by a professional engineer was needed that addressed this. Lonnie replied that bottled water would be used for drinking purposes and well water for the lavatories and that it would be up to Jodi Brennen to enforce.

Olan stated that Jodi got confirmation from the township that the London's were applying for commercial sewage and that is where the word commercial came into play. The word commercial came about from the discussion of a holding tank. If the township would approve the Recreational Cabin tonight they will move forward and if not they will go back to Jodi and take care of the paper work. He went on to explain about the cabin and that there would be shooting out of it, and that the people that come during hunting season will be in it.

Bill Swatsworth Jr. explained that he is a member of the hunting club that is leasing several hundred acres from Matson Lumber and there are currently ten members. Under the agreement of the club each member can bring one guest, therefore there could be twenty people in the cabin at one time. It was thought to build a cabin that would accommodate more than twenty if more members were to be added or more guests and that was to address the sewage issue. He explained that this is separate from what Olan London owns and they are trying to obtain several hundred more acres. He stated that according to the county ordinance a blue print of the building would have to be provided.

Mr. Wachob asked what assurance does the township have that members are not going to keep being added and yes if the building were commercial then it will fall under the county.

Bill Swatsworth stated that the building will be use by the hunting club and Olan will also be allowing people to shoot from it.

Olan explained that he would like the building to be a recreational cabin where he can hold recreational shoots with twenty to twenty-five people.

Bill Swatsworth Sr. spoke that right now they get together at Lonnie's house and it would be nice to be able to gather in a building to get warm and eat a sandwich. He feels that it is a sporting facility and feels that the quality of people is safe.

Lonnie again stated that if the township insists that they spend the money to provide a plan then a plan will be provided and they will make the shooting range commercial. If the township would leave them alone as they are and the supervisors supervise them a little, then everyone would get along. If they have to go to the expense of engineers and building permits and L & I and the expense then they will go commercial to get their money back.

Lonnie stated that they have exceeded the requirements that are stated in the NRA book for suggested ranges.

The question was raised as to whether 50 caliber guns would be used at a recreational facility. Olan's response was he uses the 50 caliber on a 600 yard range, and people come to shoot 50 caliber guns on a 1000 yard range.

It was explained that the initial purpose of the smaller plot of subdivision, next to the Fullerton's was to be able to shoot the 50 caliber guns, but after the township passed the "No Shooting Over Roads" ordinance, Olan has decided to plant the land for food plots for the wildlife. The 1000 yard shooting range was abandoned and they will go with a 600 yard shooting range. The London's stated that if they had a recreational shooting range then shooting would be two weekends a month and during the summer maybe every Saturday and maybe 20 to 30 people vs. commercial and then it would be open to the public. If the cabin were to be built then there would be shooting all year long because they would be out of the weather.

After Mr. Wachob expressed his frustration with asking for plans and not receiving them, Olan stated that upon the advice of Kim Kesner, his attorney, he was instructed not to give any plans to the township.

Mr. Beatty made a motion, second by Mr. Hartzfeld to have a ten minutes recess in order for those present to read the updated draft of the Shooting Range Regulation Ordinance, all in favor, motion carried.

With the meeting being recalled to order there was discussion on the proposed ordinance of the Shooting Range Regulation Ordinance and an amendment to the No Shooting Over Roads Ordinance.

There was much discussion on the proposed amendment to the No Shooting Over Roads Ordinance. There was discussion concerning leasing. It was explained that Olan is leasing the ground from Matson Lumber and the other people involved have a contract listing the ten members of the hunting club and they are not named as the lessee, but they have bought into the lease. The contract allows: hunting, shooting, ATV's, recreation, and sports activities.

Mr. Beatty made a motion, second by Mr. Hartzfeld to table the proposed amendment, all in favor, motion carried.

Upon reviewing the proposed ordinance on regulating shooting ranges, Mr. Ferraraccio explained that the 500 feet that is used in the proposed ordinance is based on the average footage that other states are using.

Lonnie stated that the township doesn't have anything in writing that requires him to submit plans for land use. This ordinance that addresses the request for plans is six months after the fact. Mr. Ferraraccio explained that yes six months after initially requesting for plans for the shooting range and now the township is faced with an ordinance.

Mr. Wachob explained that the township isn't against target practice and the purpose of the proposed ordinance is to address the fact that if a range is to be built then it needs to be built properly, safely, and so that it won't effect the neighbors. Get an engineer to draw up plans and verify that it will be safe. Lonnie said that money will buy whatever blueprints he wants. He needs the specks of Brady Township. The board responded that the township isn't qualified to build a shooting range and that is why in the ordinance it states to get a licensed engineer who is qualified to design a shooting range so that the range is safe.

Lonnie stated that he felt that the board would be punishing the whole township to get back at one man. Mr. Ferraraccio's come back was to refer back to Section 1 "The Purpose" in the proposed ordinance. It states, "promote and secure the health, safety, comfort and welfare of the citizens of Brady Township".

Lonnie questioned why the township didn't send them a written letter stating that plans were to be produced by a certified architect?

Mr. Wachob responded that the subdivision narrative stated that the shooting range would follow the NRA guideline. He went on to say that one of the first things that the NRA source book states is that a professionally engineered plan be drawn and that is what the township has been waiting for.

Lonnie repeated what Jodi Brennen told him, that if they do not build a building on the land they purchased from the Matson Subdivision then they can go ahead and use their property. If a building was to be built, and it was commercial then they would have to address the land use requirements by the county. If the building is recognized as a "Recreational Cabin", then it comes back to the township for a "land use" permit (old building permit). By signing an affidavit that this building is a Recreational Cabin it does not fall under Guardian Inspection or L & I. If the township would issue a land use permit to the London's and in the future find them doing something other than recreation, then the township can do something.

Since there seems to be so much confusion over the "Recreational Cabin Affidavit" as it has never been used in the township, it was decided to set up a meeting with Jodi Brennen, Clearfield County Planning, Rick Vaow, the S.E.O. of Hess and Fisher Engineering, Bill Kulbacki of Guardian Inspection, the supervisors, the attorney, and concerned parties. The secretary will set up a meeting place and time and advertise the meeting.

Mr. Beatty made a motion, second by Mr. Hartzfeld that if the S.E.O. and Jodi Brennen come to an agreement on the Recreational Cabin then the permit officer would be able to issue a "land use" permit for the building of the cabin, all in favor, motion carried.

Olan stated that they would like to be able to use a holding tank at present time and then when the weather is suitable, the required perks tests will be done and an in ground system or whatever will be put in.

After much discussion Mr. Wachob made a motion, second by Mr. Hartzfeld to remove the wording "unless written permission is obtained from the owner thereof," this wording is found under "safety zone" in the definition section of the proposed ordinance. All in favor, motion carried.

Mr. Olan London requested having the word private road taken out of the proposed ordinance. After much discussion Olan stated that Mr. Schaffer's right of way to his property isn't accessed from Stoney Lonesome, his right of way is across Mr. Beard's property. Upon the advice of the township attorney the word private road will stay in.

Mr. Beatty made a motion, second by Mr. Hartzfeld to advertise the proposed Shooting Range Regulation Ordinance for adoption to be at the March 7th meeting. All in favor, motion carried.

Lonnie wants it on the record that the township requested that D.E.P. come in and give their recommendations on possible lead contaminations as the township had concerns with the area being the head waters of West Mahoning Creek. D.E.P. found no problem at this time.

Resolution 2-07

Mr. Hartzfeld made a motion, second by Mr. Beatty to pass a resolution of the following: all in favor, motion carried.

Resolved by the Brady Township Board of Supervisors of Brady Township, Clearfield County, Pennsylvania, That

WHEREAS, by virtue of Resolution No. 2-07, adopted February 5, 2007, Brady Township declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED That the Brady Township Board of Supervisors of Brady Township, Clearfield County, Pennsylvania, in accordance with the above cited Municipal Records Manual hereby authorizes the disposition of the following public records:

1998 County aid project

1999 Invoices, bank statements, cancelled checks, bids and county aid project.

2001 Insurance policy

2000 Central Tax audit

2001 treasurers bond

The pension files for Michael Lee and John Wells.

1971 through 1997 Journals and Ledgers

D.E.P. Letter

The township received a letter from D.E.P. that was sent on Jan 8th of violations with the two trailer parks in the Salem area. It is to be noted that there was a meeting with Hess and Fisher Engineering to review the area and try to determine what could be done. Hess and Fisher sent D.E.P. a letter in response to this matter.

Fire Company

The township budgets \$1000 towards the fire company garage electric and \$1200 towards the gas usage for the building per year. For 2006 the electric usage was under \$1000 by \$140.08 and the gas was over by \$1320.60, which leaves a balance of \$1180.52 if the electric is subtracted from the gas. Mr. Hartzfeld made a motion, second by Mr. Beatty to waive half the bill. This would be \$590.26. All in favor, motion carried.

County Aid

The County Aid for 2007 is in the amount of \$3643.14.

Other Business

Redbank Creek Watershed information is available to be reviewed and will be on the secretary's desk.

Allegheny Coal Co. papers for mining on Mine Road are available for review.

It is to be noted that Kevin Crouch will need a letter from the township for his meeting with District Magistrate Ford.

There will be a comprehensive plan meeting on Feb. 8 at 7:00 p.m. at Sandy Township and the three supervisors will be attending

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

There being no further business, Mr. Beatty made a motion, second by Mr. Hartzfeld to adjourn, all in favor, motion carried.

ATTEST: Sheryl DeBoer, Secretary

MinFeb05.07

Feb. 14, 2007

A special meeting was held at the Clearfield County Multi-Service Center with Mr. Wachob and Mr. Beatty of the Brady Township Board of Supervisors, Jodi Brennen the Clearfield County Planning Director, Bill Kulbacki and Brian Wruble of Guardian Inspection, Rick Vaow of Hess and Fisher Engineering, the S.E.O for Brady Township, Blaise Ferraraccio the township attorney, Lonnie London and Olan London the operators of the proposed shooting range, and neighbors of the proposed shooting range were: Dr. Shok, D. Deitch, Jerry Paullinelli, Ernest Lyons, Jack Beard and Doug Beard.

Mr. Wachob called the meeting to order with the pledge to the flag and explained the purpose of the meeting was to discuss the "Recreational Cabin Affidavit".

Mr. Olan London explained that his plan for the use of the "Recreational Cabin" or camp is to take memberships and hold fund raisers.

Mr. Wachob stated that the decision will have to be made as to whether they will use it for a "recreational cabin" or use it for a commercial operation once it is up and running.

Mr. Olan London stated that, "I swore that it will be a Recreational Cabin on the affidavit. At any point and time that I abuse that privilege is the time to slap me."

Mr. Ferraraccio question Mr. London how much the membership will cost and how many membership's there will be, with Mr. London's response being that he didn't know. He further explained, "I'm going to hold a shoot for a fund raiser and the money will be used for maintenance of the building and stuff like that."

Mr. London upon being questioned by Mr. Ferraraccio stated that he didn't know how many fund raisers he would be having, and couldn't answer how many people would be involved.

Lonnie stated, "We are going to put a hunting camp a cabin together and use it in Brady Township, like Gray's camps, Scrub Master's camps, Donahue's camp, there are twenty five of them if you would like to name them. Your not worried about them, you are worried about us. We swore on a piece of paper that we are going to build a recreational cabin and use it for hunting and fund raisers. I don't know what else to tell you."

He commented that the number forty has been mentioned in the past so if forty is used for occupancy and he does not know how much the membership fees will be. The membership will be selective and probably around forty. Mr. Ferraraccio questioned whether all forty members could be there at one time and could bring a guest.

Lonnie said, "We have an occupancy of forty for our sewage."

Olan London's response was, "Okay Rick, if we have an occupancy of forty, and we would decide to have a raffle, have a special event where we would know that there would be fifty or sixty people, could be not set a porta potty?"

Rick Vaow responded that yes, but sometimes a permit is required.

Olan stated that he understands that if he goes over occupancy he is responsible.

Bill Kulbacki asked who would police the shooting range if they went over the occupancy.

Mr. Lonnie London questioned, "Would the township be happy if we did sewage for occupancy of seventy?"

Mr. Vaow commented how D.E.P would interpret it. Design it for the largest amount of people there at any one time. He also stated that Stephanie of Williamsport D.E.P had originally talked about a holding tank and felt that this facility needed to be handled as a commercial operation. She felt that selling membership's sounded like a commercial. It didn't fall under the classification of a camp because no one would be staying there over night. The thinking was, first, that the cost of pumping a holding tank would fall under the cost of maintenance and the fund raising money could be used for that and secondly if they went commercial and a leach bed or sand mound then a second test sight would need to be done, which is a requirement for commercial from D.E.P.

Mr. London stated that on a past discussion it was mentioned that there would be 50 gallons per day per person and then with no food and the gallons per day would drop to 10 gallons. If you used 40 people then that would be 400 gallons per day. He questioned if they could use what was already perked for a three bedroom house.

It was discussed that a back up site would be needed unless a holding tank were to be used then a back sited would not be needed. Mr. Olan London questioned if they could put a holding tank in now and then tie it into a regular leach bed when the weather got better. Mr. Vaow felt that would work.

When Mr. Ferraraccio asked if this would be a commercial operation, both Olan London and Lonnie London stated, "No".

Mr. Vaow informed those present he would have to get some clarification from Stephanie from Williamsport D.E.P. as to the question of the holding tank and commercial. He said that it depends on L& I's definition of a cabin. Mr. Vaow went on to say that a regular hunting camp can't have a holding tank.

Mr. Lonnie London stated that they have leased 350 acres with ten lease members right now and intend to gather up another 300 acres to lease. Lonnie said that now with the weather as it is they may as well put a back up system in or go in ground, or sand mound.

Rick went on to say that a regular hunting camp cannot have a holding tank. He would have to do what ever Stephanie of D.E.P. advises him to do. He pointed out that if it has been decided that you have a Recreational Cabin, she may feel that selling membership warrants commercial.

Lonnie corrected, "Leased membership."

Mr. Lonnie London stated that now a days these hunting clubs are getting to be a big market and you pay a lease. It isn't for profit for anyone. He also stated that if everyone is a leased member then they all own a part of the building. That is what a Recreational Cabin is.

Mr. Kulbacki quoted #3 of the hand out, it states "will not be used for commercial purposes". To go further the law doesn't address the definition of (commercial purposes). He informed everyone that an e-mail would be sent to the UCC administrator and requests the definition of a "commercial purposes". The County doesn't have a definition of commercial purpose either. He feels that item # 3 needs to be addresses and that the definition needs to be explained by the administrator of the UCC. Why is there a form for a Recreational Cabin and no clear definition for it? He stated that if the law doesn't address it then a person would have to go to the last edition of Webster's dictionary.

Mr. Wachob questioned that if Mr. London was to build this building and he was to be the sole owner and sell memberships and inviting people into it, why wouldn't it fall under L & I.

Mr. Kulbacki stated that the seven items on the affidavit constitutes what a "Recreational Cabin" is. If the use of the building as described at this meeting do not fall under commercial purpose then it would be invalid, at this time UCC does not provide the definition of "commercial purpose". He quoted page # 2, "commercial construction", a building structure facility that is not a residential building.

Item # 3 on a "Recreational Cabin" states-- will not be used for any commercial purposes. Mr. Kulbacki stated that he can not give a decision until he get the true definition of "commercial purposes".

Mr. Lonnie London questioned if membership's is commercial.

Mr. Vaow gave the explanation of the different definitions as per the sewage chapters. He said that a hunting camp is under recreational and seasonal and considered non residential and not commercial either.

Mr. Kulbacki said that the law book does not show any definition for public or private definition whatsoever, only residential or commercial and no definition for "commercial purpose" is stated. He feels that the key to this entire problem is the definition of "commercial purposes". He feels that the UCC administrator needs make that definition.

Mr. Lonnie London stated that membership says private and not open to public.

Bill's answer to Lonnie was that is neither here nor there, commercial purpose is the determining phrase. He would like UCC to define it with what they intended.

Jodi Brennen stated that the Clearfield County Planning doesn't not have a definition of the "commercial purposes" either. Jodi would like something in writing from the state and is waiting for something from D.E.P.

If the UCC denies the definition then the dictionary would have to be used.

Mr. Kulbacki explained the procedures for commercial construction and L & I. If this building were to be commercial then the building would have to be engineered and it would also fall under the County Plans.

Mr. Lonnie London stated that he has a commercial application.

Jodi Brennen stated that if it is a single residential structure it would not fall under land development. If two or more residential structures are on the same lot then it would be considered land development. If they would be considered commercial then they would have to go through the Clearfield County Planning before a building permit could be issued. If a "Recreational Cabin" is going to be used then a Land Use permit would be issued from the township.

Jodi Brennen said that the county's land development talks about structures and a mound of dirt does not constitute land development. If the cabin is defined as commercial then they would have to go through the county requirements. She questions a structure as if habitable, is it producing sewage and water. She sees a cabin as something you sleep and eat in. She questioned a building that is being use for shooting from, is that commercial?

Mr. Olan London wanted to clarify that there would not be any shooting from the main recreational cabin. There will be an echo box off of the side of the recreational cabin to curb noise this structure would be like an enclosed porch.

The county would have no involvement if there were no building to address. Jodi Brennen explained all of the regulations for ENS, sewage, DEP, etc.

There was a question on the floor asking about the definition and if marrying two definitions together. Mr. Kulbacki stated that he would probably have to do that if the state doesn't produce a definition.

Jodi Brennen state that it all comes down to is are they commercial or are they recreational.

If they are commercial then they will have to address all of the L & I requirements.

Mr. Deitch expressed his concerns with the shooting of 50 calibers being shoot so close to his house.

Mr. Ferraraccio pointed out that the township has an ordinance that addresses noise dated 1977.

Mr. Wachob expressed that the township has concerns for safety and that the neighbors also have concerns.

Mr. Kulbacki questioned the London's if this cabin or club set for profit or non profit.

Mr. Olan London stated that it would be set for "not for profit".

Mr. Lonnie London explained that "a non profit is a 501C3 with tax exemption and not for profit is commercially a group, board or otherwise, drawing a pay check from the funds of the said entity." He went on to explain that Anderson Creek Sportsman Club is Not for Profit. No one draws a pay check out of the checking and it all goes back to the sportsman club, and the hunting.

Mr. Ferraraccio questioned if this would be in conflict with # 5 of the affidavit where is speaks of not being used for a place of employment since you speak of individuals receiving a pay checks.

Mr. Lonnie London answered that there would not be a conflict because "that is if it is for commercial and for profit, this is not for profit, there will be money taken out to plant food plots for the deer, lime and fertilizer, five target, build target rails, it all goes back into that."

When questioned about the pay checks by Mr. Ferraraccio, Mr. Lonnie London is now saying that no one draws a pay check from it. No body will draw a pay check! Mr. Lonnie London also went on to say "there will five members to make a club, make it an entity in the state, Not for Profit Club."

It is to be noted that Linda London is the owner of this property and she is the one who filled out the affidavit.

The meeting closed with the consensus that an answer to the definition of "commercial purpose" will be needed.

There being no further business Mr. Wachob adjourned the meeting.
ATTEST: The recording of the minutes. Sheryl DeBoer, Secretary

MinFeb14.07

March 5, 2007

The regular monthly meeting was held on March 5, 2007 at the Brady Township Community Center, building #1, with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

(See attached list of those who signed that were present)

The minutes of Feb. 5, 14, and 15 and the Feb treasurers report were approved as presented.

Fire Police

Mr. Wachob swore in Mark and Jamie Krach as fire company police.

Shooting Range

Mr. Wachob began with addressing the anonymous letter that was mailed to Brady Township citizens. He expressed his feelings on freedoms and how important freedom is to him. He went on to say that in 2004 the board had received complaints from township citizens with the problems of shooting.

Mr. Olan London informed the board that his wife, Linda, was not present as requested by the board. When Mr. Wachob questioned if Olan was authorized to speak for her since she is the landowner and the person who signed the Recreational Cabin Affidavit, Mr. Patrick Lavelle, introduced himself as the London's attorney.

Mr. Wachob questioned Mr. Lavelle if Linda London understands the Recreational Cabin Affidavit and what she has signed and the terms. Does she understand that this cabin once erected can only be used as a Recreational Cabin and nothing else? The answer was "yes". Mr. Wachob questioned if she knows where she proposes to build the cabin on her property? The answer is west of the house in a field.

Mr. Wachob explained to Mr. Lavelle what has happened in the past months:

- (1) The London's intent on building a shooting range.
- (2) The Matson Subdivision's two tracts of land and the narrative stating that the range would be build to "NRA" standards or regulations.
- (3) The Brady Township Subdivision Ordinance that was in force at the time of the subdivision. It states that nothing can be done with the land until the subdivision's final approval by the township's planning commission and the board of supervisors.
- (4) To date the board has not received any plans for the shooting range that has been requested by the township and the London's have gone ahead and moved dirt.
- (5) If they are going to abide by what they stated on the narrative and in a public meeting then they need to submit plans by a professional engineer to the township.
- (6) The proposed ordinance should spell out how to make a shooting range safe and is designed around the NRA Source book.
- (7) Two tracts were purchased and one was tested for a single family dwelling and the second tract as a non building lot that was originally planned for a long distance shooting range.

Mr. Lavelle stated that the past doesn't matter and that there wasn't an ordinance in place when Mr. London proposed the range.

Mr. Wachob believes Mrs. London was sincere when she signed the affidavit and the board cannot deny the affidavit on the grounds that she may be lying.

Mr. Lavelle questioned if the issue is the construction of the shooting range.

Mr. Wachob explained to Mr. Lavelle that the township requests plans by a Pennsylvania registered professional engineer to look over their property and design a shooting range that would be safe and address the noise.

Mr. Lavelle questioned if the board would accept the London's plan if it would comply with the NRA standards. Mr. Wachob's response was, if there is a professional engineered plan stating that it is safe then the township couldn't deny it.

Mr. Lonnie London presented plans of a shooting range from the NRA.

Mr. Wachob pointed out that the London's diagram was obtained from the NRA Source book, but that it isn't specific to their property and not designed by a professional engineer. He went on to say that the township is requesting a sound study to be done to protect the neighbors and the range be designed by a professional engineer to be safe.

Mr. Lavelle questioned if they were discussing an existing a range or a proposed range. There was much discussion on a non existing range and existing range.

Mr. Wachob tried to explain to Mr. Lavelle that he thinks that he is speaking about the existing range that was proposed, but is in fact there.

Mr. Beatty added that one of the subdivision requirements is to requires plans.

Mr. Wachob stated that the subdivision the township received had plans of a proposed shooting range, but before the subdivision was approved the construction of the range was started, which is in violation with the ordinance at the time. The subdivision was passed in good faith with the understanding that the range would be built to NRA standards using a professional engineer.

Mr. Beatty is trying to understand that Mr. Lavelle is requesting that they want the plans submitted for the range that is already built.

Mr. Lavelle questioned the ranges, one on parcel #1 and one on parcel #3.

Mr. Lonnie London stated that the 400 yard range on the bottom was proposed to be extended to 700 yards. Mr. Olan London added that nothing has been done on the proposed lower range beyond the lane going to the Schaffer property shooting east.

Mr. Lavelle feels that it needs to be clarified what is proposed. He questioned if the board is willing to review new proposals.

There was much more discussion concerning the plans and the plans the London's have is not specific to the property lines or the topographic terrain of the London's property.

When questioned as to the caliber of the guns to be used Mr. Olan London stated that they would be 30 calibers.

Mr. Wachob explained his conversation with Dan Surra and his intent for the Recreational Cabin. It was explained to Mr. Wachob that his intent was for an individual to build a camp for occasional use and not for a shooting club and he looked at that as being commercial.

The affidavit that Linda London signed stated that it will not ever be used as a commercial purpose or be rented. Mr. Wachob went on to read the exclusions. Mr. Lonnie London stated they understood that there would be a \$1000 per day fine if they were in violation of the guidelines set in the affidavit.

Mr. Ferraraccio suggested that he felt that Mrs. London should be present so that the board would be assured that she did understand what she swore to. He questioned Olan's past comments on holding fund raisers and not doing anything for nothing.

There was discussion on a holding tank and that it could only be used for a commercial operation and that there is no definite definition of "commercial purpose". It was mentioned that the S.E.O. had instructed Olan that a component #2 would need to be done.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Recreational Cabin Affidavit signed by Linda London, subject to the type of sewage system used and the location of the cabin on the plot. All in favor, motion carried.

Mr. Wachob opened the meeting to the public for questions concerning the proposed ordinance and there was discussion. Mr. Schucker's read a letter that he wrote in response to the previously mentioned anonymous letter. He request it be added to the minutes. (See attachment of two pages).

Mr. Monroe Yoder complained about an incident the summer of 06 on Rimer Road. Mr. Wachob apologized to Mr. Yoder and stated that he would personally speak to Mrs. Yoder.

Mr. Lavelle questioned if the enactment of the proposed ordinance would be beyond the comprehensive plan. Mr. Wachob feels that Mr. Lavelle is a bit misinformed and explained what a comprehensive plan is and what the township is in the process of doing.

Mr. Ferraraccio explained that the township has the right to pass and ordinance to protect the citizens of the township.

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt Ordinance #46 the Shooting Regulation Ordinance. All in favor, motion carried.

Sewage System Update

The secretary informed those present that Hess and Fisher is in the process of doing a "Needs Study" of Brady Township and whenever the weather allows they will be able to do an on sight study.

New Business

Joseph Mast questioned why the Marshall Road hasn't been plowed and why it hasn't been fixed. He stated that he requested work be done on it Feb. 2006 and is upset that it hasn't been tar and chipped. He said he would contact Harrisburg if something isn't done. Mr. Beatty said he would look at the Marshall Road and see what he could do to clear the snow and that they would look at the road when weather permits to see if anything can be done.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

May 14, 2007

The regular monthly meeting met on May 14, 2007 at the municipal office with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Ron Ward, Bill Craig, Glenn Schuckers, Shelia Doane, Mark Shenkle, Angela Shok, Ed Shok, Kristine Dixon, Sharon Zartman, Bernard Wells, Shirley Wells, William Fike, Lynwood Radaker, Olan London, Lonnie London, Audry Bolton, Russ Bolton, Holly Schaffer, Dennis Walburn William Ayrault, Linsey McClure, Butch Voax, Sean Armagost, Teresa McManig, Jim Radaker, Bill Swatsworth, Gary Givannell, Monte London, Pamela Frantz, Moss Yoder, Janet Heath, Waunita Ballard, Bob DeBoer and Judy S???, Dorain Bingman.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the minutes of the previous meeting as presented. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the treasurer's report from last month as presented. All in favor, motion carried.

Public comments

Lindsay McClure of Luthersburg explained that she received a letter from the township in response to the township receiving an official complaint. Ms. McClure and Mr. Ayrault are having a dispute over the alley. She went on to explain the process of cleaning up the vehicles and junk and requested more time to finish up the process. Mr. Wachob felt that as long as they are working on it the township will grant some more time.

Dennis Walburn of Luthersburg questioned if the alleys are public or private. Mr. Wachob informed him that they are to be open to the public. Mr. Walburn stated that he was a roadmaster for four years and he knows if an alley is open to public then the township is to maintain them and if the private citizens have to maintain them then the alleys are to be considered private. He said he received a letter (dated August 2004) stating that he had to maintain the alley, he expressed his feelings that his rights are being infringed upon by the township because some of the neighbors do not have to maintain an alley that isn't even open. He feels that either all of the designated alleys be open or none be open.

Mr. Wachob explained that many many years ago the alleys were designated as alleys, but never deeded or dedicated over to the township; they were left there for the public to use.

Mr. Walburn said that everyone has access to their property and therefore he can close his alley. He stated that he will talk to his state representative and to the district attorney and let them read his letter from the township. He expressed that he wants to be treated fairly and wants to use the alley that goes up over the hill so he can bring his camper in by the back way from the alley from Station Hill. He wanted to cut down the trees on the alley and was told he would be sued if he did.

Ms. McClure and Mr. Walburn questioned the board if the township could notify the landowners along the back alley that is not being used and inform them that they must

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open it up and maintain it. Mr. Walburn stated that the township has now received a complaint that he would like them to open the alley. Since he received a letter from the township about his alley from a complaint now he wants the township to respond to his complaint by writing to the other neighbors to open and maintain the back alley. Mr. Wachob stated that the township has nothing to do with the alley.

Mr. Walburn then questioned about the township equipment and if the township rents a backhoe from Mr. Wachob. Mr. Walburn does not want another letter from the township and stated that he can do whatever he wants with the alley and plans to close it since the township has nothing to do with the alley.

Fire Company Police

Mr. Wachob swore in five current fire police: Mark Shenkle, Lynwood Radaker, Bernard Wells, William Fike, and Shirley Wells.

Chapman Trailer Court

Mr. Bill Craig informed the board that he is the new owner of the Chapman Trailer Court and explained that he has requested the renters to clean up the surroundings in the park. He questioned the board if the township could help him to get Sharon Zartman to comply. He also does not want her to stay in the trailer since it is not livable or to sleep in the car outside of the trailer. Ms Zartman explained that she uses the trailer and cars for storage and that she has health problems and cannot get it cleaned up in the time Mr. Craig has requested. Mr. Wachob informed those present that over six years ago that he and Michael Lee tried to help her clean up the trailer and it is just as it was then. He told her that she will have to comply with the letter from Mr. Craig to have her area cleaned up by June 6, 2007. Those present from the trailer court were: Ron Ward, Bill Craig, Dorain Bingman, Audry Bolton, Buss Bolton, Holly Schaffer, Sean Armagost, Teresa McMandy, Jim Radaker, Gary Givannelli, Janet Heath, Waunita Ballard expressing their concerns with Sharon Zartman and her trailer.

Road Condition

Kristy Dixon expressed the concern of dust on Kinderman Road. Mr. Wachob stated that the township will be working on the road in two or three weeks.

Shooting Range

Lonnie London presented a proposal to the board that he would like to hold a special event and raise \$10,000 for Make a Wish by having a shoot in September. He stated that he didn't know that by holding a special event he needed a legal shooting range. He requested the township close the township road in order to have a 1000 yard shoot. Lonnie questioned the board if they were unwilling to help raising money for Make a Wish. Mr. Ferraraccio, township solicitor, explained that township is unwilling to change an ordinance that has already been passed and cannot grant closing the road. Lonnie then stated that he would shoot the 400 yard and the 100 yard ranges, which are both the top and bottom ranges. Mr. Ferraraccio questioned if he understood that he would be in violation of the ordinance. Mr. London said that he didn't know that they were involved with the ordinance with those ranges.

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Mr. Wachob again stated that the township had been requesting blueprints of the proposed ranges since July 2006. Lonnie explained that he raised money before for Make a Wish and they asked him if he would do it again and he sees no problem shooting at bowling pins with 22's on the upper range and shooting hunting rifles on the lower range at bowling pins. It was pointed out to Lonnie that he would be in violation to both the Shooting and the Nuisance Ordinance. Lonnie requested the supervisors ride out to the property and look at the range again and consider it before they say no. Mr. Wachob expressed his concern with the safety and Lonnie stated they turned the range from east to west and that the side of Shok's is now the back of the rifle range and the shooting would be due north 33 feet into a bank. Mr. Wachob said that they were there in May of 2006 when they were in the process of subdividing the property. They were in violation of the subdivision ordinance then, when they were already moving dirt and the subdivision hadn't been approved until September 2006.

Dr. and Mrs. Shok stated that they understood that this fundraiser was done in Ridgway before at a range and why couldn't it be done there again. They have nothing against the Make a Wish Foundation just where Lonnie proposes the shoot.

Mr. Wachob asked where the engineered plan is for the shooting range. Mr. Beatty reminded Lonnie that in March 2007, when Mr. Wachob asked if you were building a new range his attorney stated that the range doesn't exist.

Mr. Wachob voiced his concern that when they held their Fun Shoot in March that there wasn't one sign along the road warning of a shoot in progress. Lonnie stated that he didn't know that there was an organized or scheduled event to shoot that day. Mr. Wachob's answer was that there were two illegal signs on road signs at the end of the roads showing where the shoot was.

When asked again if the supervisors would come out and look at the site, and consider the event. Mr. Wachob stated that he did not want to come out again and understands what they want to do, but feels that they need to find another place to have this shoot that would be legal. Mr. Beatty explained that he has spent a lot of time concerning the shooting range and has never been paid for his time and doesn't want to do it anymore. Mr. Beatty stated, "We passed an ordinance, you guys said that you would comply with the ordinance, you spelled it out in the narrative on your subdivision and when you made your subdivision you were supposed to have a proposed range and then you were supposed to follow through with the subdivision to tell this township what you were going to do in that subdivision. You never did that and you never had it engineered, so I'm not getting involved with it anymore, myself."

Mr. Wachob stated that he has a lot of respect for those who do things for Make a Wish, it is a great organization. He went on to say that he can't permit them to do something on that range that he feels isn't safe. He also stated that he doesn't think that an engineer can find a place on their property for a safe range. Lonnie stated that nothing has changed in the range except that they are now shooting north on the upper range. Lonnie stated "If you can, stand there and truthfully tell me that you feel unsafe, we will deal with it at that point."

Mr. Wachob expressed that this has been trouble to this township from day one, and for the neighbors concerned. Lonnie's response was, "The township and the Shok's are not willing to give one day to Make a Wish." "I would like ten hours of Brady Township's time and the neighbors of Brady Township to raise money for Make a Wish.

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If the township and neighbors don't have ten hours for sick children, we are a sick township." Mr. Wachob's response was that Lonnie had one purpose and that was to make the board look like a bunch of saps, you have deliberately done this to make us look bad.

Lonnie then state that the township call Pam Renwick since she was the one who sent Lonnie the letter requesting that he do another benefit.

When Dr. Shok was approached by Lonnie if he would mind a shoot being held, Dr. Shok's answer was that he feels Lonnie is trying to open the door to something.

Mr. Wachob explained that Lonnie would be in direct violation of the township ordinance if they were to hold a shoot. Mr. Beatty added that if that was an engineered range he wouldn't have a problem with it, at which time Lonnie stated he would contact All Season's Sportsman Trap and hold the shoot there.

Lonnie requested that Mr. Glenn Schuckers put it in the newspaper and make it public record that "The township does not approve the Make A Wish request."

Mr. Ferraraccio voiced his feelings that this is a cheap political trick on your part, this is a low blow and you are reprehensible for making this kind of a situation and statement to these supervisors, if Make a Wish knew this they would disown you totally and completely.

Mr. Wachob explained that he saw them shooting 50 calibers from the one hill to the other, over the road, that as soon as the supervisors turn their back they do as they wish. The London's stated that they are not in violation of the No Shooting Over the Road Ordinance since they are only shooting three nights a week at groundhogs since they are in season.

When a copy of the letter from Pam Renwick was requested from the township, Lonnie refused to make a copy.

Mr. Wachob recommended to the other two supervisors that the request be denied due to the fact that the range is not an engineered, safe shooting range. He went on to say that what the London's did was to build a range without any engineering design work and nothing has come through the township. A narrative stated that they would comply with the NRA regulations when it comes to building a range and this has been completely ignored. The township was told that they would comply with the ordinance and now they turn around and do this.

Mr. Hartzfeld stated that the board is not qualified to go look at the range and say whether it is safe or not and that is why the ordinance requires a qualified engineer to say whether it is safe or not. Lonnie's response was to get the NRA in to approve it. He stated, "Scott Folmar went to school with two other people to design ranges and he is licensed and certified, through NRA to hold events and shoots."

Upon being asked for the solicitor's advice, Mr. Ferraraccio responded that if the township were to grant permission to Mr. London for the shoot, the township would be violating their own ordinance that was just passed.

Mr. Beatty made a motion, second by Mr. Hartzfeld that Lonnie's request be denied on the grounds that they have a range that has not been approved or engineered by a professional engineer. All in favor, motion carried.

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Other Business

Monte London complained about pink water in Troutville and he was instructed to come to the water company meeting the second Tuesday of each month.

There were requests from some present to have a Land Use application sent to them.

Uniform Construction Code

Mr. Wachob made a motion, second by Mr. Hartzfeld to give Mr. Beatty permission to consult with Guardian Inspection to work on the UCC code on the backfill material. All in favor, motion carried.

County Aid

Mr. Wachob made a motion, second by Mr. Beatty to change the use of the County Aid money from sewer pipe to 2RC aggregate. All in favor, motion carried.

Recycle

The County has requested placing a second dumpster for modified recycling material. Mr. Beatty made a motion, second by Mr. Hartzfeld to approve the second dumpster pending the location and the room for a second dumpster. The county will have to be contacted. All in favor, motion carried.

Comprehensive Plan

The township received a letter requesting 150 names and addresses for the comprehensive plan for a survey. Mr. Hartzfeld made a motion, second by Mr. Beatty to obtain the names from the 911 addresses, all in favor, motion carried.

Road Work

Mr. Wachob discussed the two bridges on Kinderman Road and new quotes would need to be obtained since last years quotes. Mr. Beatty made a motion, second by Mr. Hartzfeld to receive three telephone quotes for the bridges and in front of the township building. All in favor, motion carried.

A new sewer pipe was placed on the Barr Road

Invoices

Mr. Beatty made motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINMAY14.07

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June 21, 2007

A special meeting was held at the municipal office on June 21, 2007 for the purpose of discussing legal issues. Present at the meeting were Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Angela Shok, Ed Shok, Ken Galentine, Bernard and Shirley Wells, Shelia Doane, Doug and Tonda Beard, Jack Beard, and Bob DeBoer.

Shooting Range

Mr. Wachob explained why he called the special meeting. He went on to tell of a meeting he had with Mr. Olan London the prior week on the London property questioning the building that Olan is constructing. When Mr. Wachob asked what the use was he was informed from Mr. London that it was a place to get in the shade. After further questioning from Mr. Wachob, Mr. London said that a person could shoot out of the building. When asked about the building or land use permit. Mr. London said he didn't think he needed one. When questioned about the "Recreational Cabin" Mr. London pointed in a location different from what was proposed on the subdivision plan.

According to Mr. Wachob, Mr. London finally did admit that he would be shooting 22's from the building. From what Mr. Wachob observed the building looks like a commercial shooting bench for people to shoot from. The building is approximately 200 or 250 feet long with 20 some partitions (each about 10 feet wide) and about 10 or 12 feet deep. It is questionable that they will be shooting 22's for a distance of 30 feet. Mr. Wachob feels that the upper proposed range will be shooting south to north now by the way the long building is facing and that the London's plan on moving the dirt berm on the north side.

It was questioned whether this building is going to be used by the public and should L&I be involved.

It is to be noted that several people have been observed shooting from the property where the proposed upper shooting is located across the township road to the upper property next to Fullerton's. The London's response was that they are shooting groundhogs.

Mr. Wachob feels that it is time to file charges and take it before the District Magistrates office. The board of supervisors has the responsibility to protect the health, safety and welfare of the public and there are ordinances that state that.

After much discussion Mr. Beatty made a motion, second by Mr. Hartzfeld to refer the situation to the township attorney and have charges filed against the appropriate person or people. All in favor, motion carried.

ATTEST: Sheryl DeBoer, Secretary

MINJune 21.07

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FILED

DEC 02 2011

William A. Shaw
Prosecutor/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

CIVIL DIVISION

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Prothonotary/Clerk of Courts

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**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA -- CIVIL DIVISION**

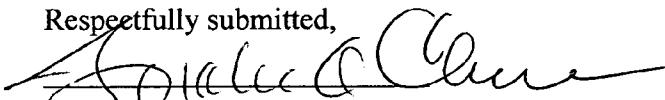
	: (Consolidated):
	: No. 08-1290 C.D.
	: No. 08-1291 C.D.
	: No. 08-1292 C.D.
	: No. 08-1293 C.D.
	: No. 08-1294 C.D.
	: No. 08-1295 C.D.
	: Defendants
	: Type of Pleading:
	: Praecipe to File of Record
	: : :

Praecipe to File of Record

TO THE PROTHONOTARY:

Kindly file of record the attached answers to interrogatories and responses to request for production of documents on behalf of Plaintiff Brady Township.

Respectfully submitted,



Loralee A. Choman,
Attorney for Brady Township

Counsel of Record for this Party
Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
Office: 814.375.0228/Cell: 610.360.6099
chomanlaw@verizon.net

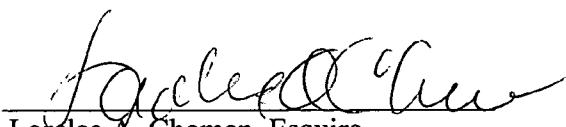
Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Praecipe to File of Record by U.S.P.S., postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 28 November 2011



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814. 375.0228/cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

FILED

DEC 02 2011

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

No. 08-1293 C.D.

Consolidated with:
No. 08-1290 C.D.
No. 08-1291 C.D.
No. 08-1292 C.D.
No. 08-1293 C.D.
No. 08-1295 C.D.

Type of Pleading:
Response to Motion for Summary
Judgment

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party
Loralee A. Choman, Esquire
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William A. Shaw
Prothonotary/Clerk of Courts

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**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA -- CIVIL DIVISION**

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

: **No. 08-1293 C.D.**
:
: Consolidated with:
: No. 08-1290 C.D.
: No. 08-1291 C.D.
: No. 08-1292 C.D.
: No. 08-1293 C.D.
: No. 08-1295 C.D.
:
:
: Type of Pleading:
: Response to Motion for Summary
Judgment
:
:

Response to Motion for Summary Judgment

Plaintiff Brady Township, by and through its attorney, Loralee A. Choman, hereby responds to the Motion of Defendant Lonnie London for Summary Judgment as follows:

1. Admitted.
2. Denied as stated. The referenced Brady Township Ordinance No. 46 is a legal document, the interpretation of which is a matter of law; as such, Defendant's interpretation of the ordinance is denied as a conclusion of law.
3. Admitted. Plaintiff admits that Ordinance No. 46 defines the term "operator" in Section 2 as stated.
4. Denied. The allegations of paragraph 4 are conclusions of law to which no response is required. By way of further response and without admitting said allegations, Brady Township submits that as early as May, 2006, the Londons, including Lonnie London, represented at various Township public meetings and to Township officials outside of the conduct of those meetings that they were in fact interested in the construction and operation of a shooting range on the Matson Lumber site. Lonnie London was present at several public meetings throughout 2006 and 2007, where he

visually and verbally acquiesced, along with Olan London and Montie London, in the London's site plans, NRA approval guidelines, noise studies, etc. related to the proposed shooting range and public shoots. Subsequently, the Londons, including Lonnie London, conducted public shoots at the subject firing range that they constructed without Township approval. At those meetings, he discussed the parameters related to the construction and operation of the range with various Township officials and represented at Township public meetings that he was in contact with the NRA regarding parameters for the design and construction of the range. See, e.g. page 38 ("Mr. Lonnie London presented plans of a shooting range from the NRA."); page 28 ("Lonnie again stated that the township is pushing them [the Londons] to go commercial. The plan was originally for a small shooting range for Brady Township and if the London's(sic) have to spend money on the shooting range then they will go commercial so that the money can be recouped.") As the facts and the minutes of the public meeting disclose, the Londons, including Lonnie London, constructed and operated a shooting range on the property of Linda London, at times advertising such public shoots along the roadways of the Township, all in violation of the subject Ordinances related to shooting ranges and shooting activities, all to the detriment of the health, safety and welfare of the Township residents and visitors. It must be noted that the Plaintiff's request for preliminary injunction in this matter extends to both Ordinance 46 and 45, the latter of which regulates, *inter alia*, the discharge of firearms over public roadways. Testimony at the underlying hearing disclosed that shooting activities by the Londons extends over the townships public roadways from one London property to another. See Exhibit "A," minutes of Brady Township Board of Supervisors meetings.

5. Denied. The allegations of paragraph 5 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above.
6. Denied. The allegations of paragraph 6 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above.

7. Denied. The allegations of paragraph 7 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above. Moreover, Defendant's exhibit is self-serving and contrary to his acquiescence to the actions of the London family as a whole as they appeared at public meetings of Brady Township, where they promoted their shooting range, public shoots and shooting activities.
8. Denied. The allegations of paragraph 8 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above.
9. Denied. The allegations of paragraph 9 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above.
10. Denied. The allegations of paragraph 10 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above.
11. Denied. The allegations of paragraph 11 are conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph 4, above. Additionally, Plaintiff submits that interpretation of the subject ordinance is a legal matter subject to judicial interpretation only.
12. Admitted that Plaintiff has so stated in its answers to Defendant's Interrogatories. By way of further response, Plaintiff incorporates by reference its responses to Defendant's interrogatories, as filed under Praecipe to file of Record with this court.
13. Admitted that Plaintiff filed of record and referenced support of its contention that Defendant is an owner operator within the ordinance. By way of further response, Plaintiff incorporates by reference the transcript of the testimony presented at the hearing on Plaintiff's request for preliminary injunction, wherein it was asserted, by testimony of the Plaintiff's witnesses and by the video exhibits presented by Plaintiff that the Londons, including Lonnie London, represented and held forth themselves as owners and operators of a shooting range in the Township.
14. Denied. The allegations of paragraph 14 are denied as conclusions of law to which no response is required. By way of further response, Plaintiff submits that the referenced exhibit 2, defendant's affidavit, is self-serving and in contrast to the actions and words

of defendant at the many public meetings he attended in Brady Township, both alone and with other members of the London family.

15. Denied. The allegations of paragraph 15 are denied as conclusions of law to which no response is required. By way of further response, Plaintiff avers that this defendant was present at the meetings wherein the shooting range and activities were discussed before the Board of Supervisors and that this defendant at all times held himself out as one of the interested London parties seeking to establish and operate a shooting range within the Township. The absence of any specific references in the minutes of the meetings pertaining to this defendant's comments on the proposed shooting range does not lead to the inference that he was not present at this meetings as part of the London group seeking to establish and operate a shooting range in the Township.
16. Denied. The allegations of paragraph 16 are denied as conclusions of law to which no response is required. By way of further response, Plaintiff incorporates by reference paragraph above.
17. Admitted that Pa.R.C.P. No 1035.2 so states the standard for summary judgment.
18. Denied. The allegations of paragraph 18 are conclusions of law or fact to which no response is required. By way of further answer, Plaintiff incorporates by reference paragraphs 13 and 15 above.

WHEREFORE, Plaintiff requests that Defendant's request for summary judgment should be denied and the matter proceed to trial on the merits.

Respectfully submitted,


Loralee A. Choman,
Attorney for Brady Township

1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
Office: 814. 375.0228/Cell: 610.360.6099
chomanlaw@verizon.net

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Response to Motion for Summary Judgment by USPS, postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 1 December 2011



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814.375.0228/cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

EXHIBIT A

MINUTES OF MEETINGS OF BRADY TOWNSHIP SUPERVIORS, May 1, 2006 - June 21, 2007

May 1, 2006

The regular monthly meeting of the board of supervisors met on May 1, 2006 at the municipal office with Mr. Wachob, Mr. Hartzfeld, and Mr. Beatty present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Charles Muth, Olan London, Lonnie London, Pat Griffiths, Ken Galentine, John Vos, Sam Armagost, Bernard Wells, Mike Kurtz, and David Harvey.

Minutes and Treasures Report

The minutes and the treasurer's report of the previous month were approved as presented.

Bids

Bids for emulsion and aggregate were received and opened with the following:

Jefferson Paving of Brookville:	60,000 gallons of E-4 or E-5 (last years bid price	\$1.31 per gal * .94 per gal)
Whitaker Corp. of Clearfield	60,000 gallons of E-4 or E-5	\$1.32 per gal
Glenn O'Hawbaker	60,000 gallons of E-4 or E-5	\$1.477 per gal
Hanson Aggregate of Boalsburg	500 ton of $\frac{1}{4}$ " washed limestone (last years bid price	\$13.10 per ton* 12.10)
	3000 ton of 1B washed limestone (last years bid price	\$14.60 per ton* 12.00)

Mr. Hartzfeld made a motion, second by Mr. Beatty to award the emulsion bid to Jefferson Paving. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to award the aggregate bid to Hanson Aggregate. All in favor, motion carried.

Park and Recreation

Pat Griffiths request the supervisors uncover the air conditioner for #2 building and check on the wire in the parking lot because she has received some concerns with it. There was some discussion concerning the insurance coverage with John, the work release gentleman. Donna Hartzfeld will check into this. Pat also reported that four benches have been ordered for the community park with the cost coming from the Memorial Fund money.

Pat request permission for the board of park and recreation to get bids for replacing the door in the #1 community center. (She was given the permission)

Abandonment Vehicle Ordinance

There were no comments or remarks given concerning the Abandonment Vehicle Ordinance. Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt Ordinance #42 the Abandonment Vehicle Ordinance. All in favor, motion carried.

In the Abandonment Vehicle Ordinance there is a provision for a three member board to be established. Mr. Beatty made a motion, second by Mr. Hartzfeld to appoint Mr. John Vos, Mr. Sam Armagost, and Mr. Charles Muth. All in favor, motion carried. Mr. Beatty suggested that if the board were called upon that they be given permission to use a township vehicle to investigate the complaint.

Subdivision

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt the William Hilliard Subdivision. All in favor, motion carried.

Adult Oriented Business and Employee Ordinance

The Adult Oriented Business and Employee Ordinance was presented and Mr. Hartzfeld made a motion, second by Mr. Beatty to advertise a summary of the ordinance for review and adopt it at the June meeting. All in favor, motion carried.

Resolution 5-2006

Mr. Beatty made a motion, second by Mr. Hartzfeld to pass Resolution 5-2006. All in favor, motion carried for the following:

WHEREAS a group of municipalities desire to participate in an intermunicipal, cooperative project for the preparation of a Regional Comprehensive Plan, and

WHEREAS THE Township of Brady wishes to participate in said intermunicipal, cooperative project, and

WHERE AS THE Pennsylvanian Department of Community and Economic Development makes available grants-in-aid to such projects through the Land Use Planning and Technical Assistance Program.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of the Township of Brady hereby authorizes the Township of Sandy to make application for such a grant on our behalf, and

BE IT FURTHER RESOLVED that the Board of Supervisors of the Township of Brady hereby allocates municipal resources in the amount indicated as the Brady Township share of the submitted grant application to said project.

It is to be noted that the cost for such a comprehensive plan will be divided by per capita.

New Business

Charles Muth reported that the cost of a lap top computer to be used for the township emergency management material will be approximately \$1500.00

Mr. Beatty made a motion, second by Mr. Hartzfeld to apply to D.E.P. for permission to apply salt brine from gas wells on certain township roads. All in favor, motion carried.

Mr. Olan London informed the board that he is in the process of putting in a private shooting range on his property. It was reported that he had invited the supervisors to his property earlier that day.

The secretary is to contact Hess and Fisher to inquire about getting more information concerning a public sewer system.

The secretary is to write to Mr. Spencer about ball team traffic starting up again and that there was a concern with scratching a car that was parked at the end of the drive leading back to the ball field.

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

Mr. Wachob reported that Devonian Gas may try to drill a well on township property.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINMay01.06

June 5, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on June 5, 2006 at the municipal office with Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Glenn Schuckers, Ken Galentine, Bob DeBoer, Jill Smith, Travis Smith, Kris Suhadocnik, John Vos, Sam Armagost, Mike Kurtz, Olan London, Montie London, Lonnie London, William Swatsworth, Edward Shok, Angela Shok, Charles Muth, Blaise Ferraccio, Donna and Lynn Hartzfeld.

Minutes and Treasurers Report

The minutes and treasurer's report of the previous month were approved as presented.

Park and Recreation

Mr. Wachob recognized Park and Recreation Board member, Leroy Folmar. He passed away June 4th and will be missed.

Subdivision

Travis Smith presented his subdivision and stream discharge system to the board for approval. Mr. Beatty made a motion, second by Mr. Hartzfeld to pass Resolution 6-06 to adopt and submit to DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality. All in favor, motion carried.

Road Agreement

Kris Suhadocnik, a representative of Shelly Oil, requested right of way on Rimer Road. After some discussion an executive meeting was held. It was agreed upon that Shelly Oil pay \$1.75 per foot, that the pipe would be 18" under culverts; the contract would be reworded to address a time frame of payment of the bond, a time frame of completion of the project and seeding. A \$5000 performance bond is to be received by the township. Mr. Beatty made a motion, second by Mr. Hartzfeld to agree to sign the contract as amended when the rewording is done on the contract. All in favor, motion carried.

Ordinance

Ordinance #43, the Adult Business and Employee Ordinance was presented and there were no comments. Mr. Hartzfeld made a motion, second by Mr. Beatty to adopt the ordinance, all in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to advertise the Real Estate Transfer Tax Amendment Ordinance, to be adopted at the July meeting, all in favor, motion carried.

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Residence Concerns

Donna Hartzfeld expressed her concern with vision of traffic at the corner of Church Street and Shamokin Trail. The secretary is to contact Curry and Associates to see if prior survey work showed that the spot in question belonged to the township and if the township could cut the brush on the Alan Spencer property.

She also stated that the Building #1 has had some electrical problems and that United Electric would be using the building on June 7th. She hoped that the problems would be corrected.

Shooting Range

Dr. Shok expressed his concerns with the shooting range at Olan London's property. He mentioned that the noise and the safety were concerns and he wanted assurances that these would not be a problem.

Olan stated that his site was not the Allegheny Shooting Club as was planned for the Irishtown /Penn Township site.

Mr. Beatty stated that in his research he was instructed that the shooting range should do the following:

1. Not have the township road in view.
2. Bering to be done to protect the twp road.
3. Red flags or warnings in place when firing.
4. A ten million liability insurance coverage by the range.
5. Set by-laws

Mr. London stated that he did not have any blue prints

Some of the questions from the board and citizens were:

Answers:

How many individuals would be using the range?

Usually 15

How often would there be shooting?

4

How many in a match?

Olan London

How many hours?

Possibility 600

How many rounds possible?

Yes

How many competitions per year?

Presently \$200,000 umbrella

Who is designing the layout?

Will there be fees?

Insurance coverage?

Olan stated that he is willing to work with anyone, the township and the neighbors.

It was suggested shutting the township road down while shooting is being done.

Mr. Schuckers and Dr. Shok would like to see drawings or a plan and have assurances on the safety and noise issues.

Mr. Swatsworth stated that if regulations be put on the shooting range concerning the noise then it should affect such things as the speedway or skeet shoot also.

Olan and Lonnie informed the board that the basic is there now and that more bering is needed and more work on the impact area is needed. The shooting range is going to be a "small private range", but if someone wants to use it there would be a fee.

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Mr. Wachob suggested setting up a meeting in the near future to meet at the site with those who have concerns and see first hand the layout of the range. Mr. Hartzfeld made a motion, second by Mr. Beatty to set a meeting up. All in favor, motion carried.

New Business

Devonian Resources will be applying to D.E.P. for permission to apply salt brine to the following roads: Stoney Lonesome, Micknis, Hartzfeld, Bancosky, and Barabas Roads.

A meeting is to be scheduled with Wilson Fisher of Hess and Fisher Engineering to discuss his plan for a community sewage treatment plan.

It is to be noted that D.E.P. has given Allegheny Enterprise a permit to strip 38 acres in Helvetia.

Mr. Beatty made a motion, second by Mr. Hartzfeld to install a "Hidden Driveway" sign for the Bob Ellinger property on DeLarme Road. All in favor, motion carried.

It is to be noted that there is grant money available from the county for electrical work that needs to be done for the new voting machines for this fall. Quotes need to be made on official letterhead of an electrician and forwarded to the commissioners before work begins for them to approve the work.

The health insurance will increase 42% starting July coverage. The secretary did not budget that kind of money and was instructed to contact Swift Kennedy for quotes on other group plans.

There was concerns voiced with the emergency response and Bill Swatsworth explained the 911 protocol.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINJune05.06

July 3, 2006

The regular monthly meeting of the board of supervisors met on July 3, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraccio, Donna Hartzfeld, John Vos, Sam Armagost, Ken Galentine, Bernard Wells, Olan London, Lonnie London, Pat Griffiths, Gabe Rivera, Bob Gray, Ernest Lyons, Jack Beard, T. Beard, Doug Beard, Lisa Perkins, Ron Perkins, Monte London, William Swatsworth, and Enos Kurtz.

Minutes and Treasurers Report

The minutes and treasurer's report of the previous month were approved as presented.

Reports

It was reported that the three member abandon vehicle committee responded to a formal complaint on the Kevin Crouch property on Kriner Road. Their findings and actions can be found on the "Investigation Form". Mr. Beatty made a motion, second by Mr. Hartzfeld to have a certified letter delivered by constable informing Mr. Crouch of the ordinance and that he has fifteen days to respond. All in favor, motion carried.

Devonian Resources was contacted about the progress with the D.E.P. permitting for applying salt brine to the township roads. Devonian said that it should be a couple more days.

Reorganization of Citizens Present

Lonnie London request tar & chip work done in front of his house.

Lisa Perkins spoke concerning that her neighbor in the Salem area has complained that her dog is barking and he is going to file a complaint. She reported that he has been video taping the dog and she is uneasy about that. She also presented letters from neighbors saying the dog is not a nuisance.

Donna Hartzfeld questioned the procedure with buying a house with an old septic system and if it fails the out come and what would need to be done.

Bob Gray gave the fire company report of calls for the months of April through June. He also stated that the company has applied for grant money for the purpose of purchasing equipment.

Park and Recreation

Pat requested that the board consider appointing Llyn Hartzfeld to the Park and Recreation Board to replace Leroy Folmar. His term would be till 2008. Mr. Hartzfeld made that motion, second by Mr. Beatty. All in favor, motion carried.

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Mr. Beatty made a motion, second by Mr. Hartzfeld to have the secretary contact Dana Tubbs, an electrician, to give a quote for wiring the election room in the Community Center #1 building for the new voting machines. A quote is needed on official letterhead. All in favor, motion carried.

Shooting Range

There were many concerns voiced by citizens in the area of the proposed shooting range on the London property. Some of the concerns were: The frequency of the shooting and having to listen to shooting every other weekend, the health, safety, and welfare of neighbors and other people that may be in the area.

Some items that were mentioned by the London's concerning the range were:

- (1). that the range on the London property will be a private range and is privately funded, but if he is putting a lot on money in it he will need to charge.
- (2). There would be three to five hours of shooting per match.
- (3). The range would be a private business.
- (4). Mark Benson of Jefferson County was contacted about applications
- (5). A sewage system for approximately 50 people is to be designed.
- (6). Olan is willing to speak with the neighbors to try to resolve problems.
- (7). An approximate schedule would look something like:

 Noon to 3:00 p.m. on Fridays

 9:00 a.m. or 10:00 a.m. to 5:00 p.m. on Saturdays and Sundays for four matches a year, of 50 cal. shoots during the months of May, June, Sept, and Oct. with 15 benches and 30 rounds with approximately 500 shots.

 Other weekends of the 30 cal shoots would be Saturdays and Sundays from 9:00 a.m. to 5:00 p.m.

- (8). Matches of approximately 25 weekends a year.
- (9). A schedule would be made and given to the neighbors.

 There was much discussion with the schedules of the matches, the work intended to be done and what has been done to date. Mr. Ferraccio expressed that the township has very serious concerns with the shooting over the township road and that that was something that wouldn't be allowed. Olan said he would move the road and was not interested in paying the township to do the work. A survey and certain specifications concerning the road would need to be done if it was in agreement to the township to move the road.

 In closing the shooting range discussion, Mr. London was instructed that he would have to be in compliance with the law concerning obtaining the proper permits, to have written plans, blueprints, and etc. for the next meeting for the board to see.

 Mr. Swatsworth reported that he has a private business with a shooting range in the Salem area. He also mentioned that if the township was to regulate the noise it would need to address all noise such as the go kart business.

8

Ordinance

Mr. Hartzfeld made a motion, second by Mr. Beatty to adopt Ordinance #43 the Real Estate Transfer Tax Ordinance. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to file this and any future ordinances with the Deed and Recorders Office along with the county law library. All in favor, motion carried.

New Business

It was reported that the Lansberry/Smith Subdivision and the Small Flow Discharge System was rejected by D.E.P. and additional information will be needed.

Mr. Beatty made a motion, second by Mr. Hartzfeld to file the completion report for the County Aid money. All in favor, motion carried.

Other insurance companies have requested giving a quote on the township policy for 2007. It was the consensus of the board to do that this year.

Mr. Beatty made a motion, second by Mr. Hartzfeld to hire Hess and Fisher Engineering of Clearfield to do the 537 update for the sewage facility. All in favor, motion carried.

Mr. Wachob reported that the Comprehensive Plan with other municipalities would cost approximately \$2152. Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the proposal. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MinJuly03.06

August 7, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on August 7, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Angela Shok, Ed Shok, Glenn Schuckers, Bob DeBoer, Jack Beard, Ken Galentine, Bernard Wells, Shirley Wells, Sam Armagost, John Vos, Monte London, Lonnie London, Enos Kurtz, Charles Muth, Donna and Lyn Hartzfeld, Mike Kurtz and Jim Fullerton.

Minutes and Treasurers Report

The minutes and treasurers report for the previous month were approved as presented.

Old Business

Kevin Crouch on Kriner Road had been served papers that he is in violation of the abandon vehicle ordinance was given 15 days to respond. That date would have been July 22, 2006 and as of this date there are still abandon vehicles and he has not contacted the township. Mr. Beatty made a motion, second by Mr. Hartzfeld to file charges with the District Justice, all in favor, motion carried.

A revised resolution needs to be signed for the Lansberry/Smith stream discharge as pre request by D.E.P. Mr. Beatty made a motion, second by Mr. Hartzfeld to sign the updated agreement. All in favor, motion carried.

The County Aid completion report was approved and the township is awaiting the check from the County Commissioners.

New Business

Lonnie London reported that salt brine has been applied to Stoney Lonesome Road and his house is full of salt and dust. It is not doing a good job.

Dana Tubbs was contacted to give a quote for the electrical work for the voting machines. He is to have either Mr. Wachob or Mr. Hartzfeld go with him when he inspects the community center so they can make a suggestion.

Glenn Schuckers reported that the planning commission rejected the Matson Lumber Subdivision and request it be re-summit. It was reported that Mr. Beatty abstained from voting at the planning commission meeting. It was explained that those who serve on the planning commission are volunteers and do not receive compensation for the work they do or the time spent. Mr. Beatty made a motion, second by Mr. Hartzfeld that the subdivision be given back to either the London's or Matson Lumber for resubmission at the regular monthly meeting of the planning commission in August. All in favor, motion carried.

The James Maddox Subdivision was accepted by the planning commission pending it be notarized. It has been since been notarized, therefore Mr. Hartzfeld made a motion, second by Mr. Beatty to accept the Maddox subdivision, all in favor, motion carried.

Mr. Ferraraccio presented a draft ordinance to provide for regulations of individuals, private, public or commercial archery range, pistol ranges or rifle ranges discharging bows or firearms over public roadways (township roadways) and to prescribe fines and penalties for violations.

There was discussion concerning the ordinance that it is to provide for the safety, welfare, and comfort of the citizens of the township.

In the discussion it was mentioned that Ruskin Dressler needed to be sent a letter to put Kupp Road back to township specifications.

Lonnie expressed his interpretation that they can shoot on their property with no restrictions as long as they don't shoot over the township road. His interpretation is that they can shoot whenever and however until an ordinance or the law is broken and they receive a letter of the offence then they will comply with the law. With this being said Mr. Wachob expressed his feelings that another ordinance would need to be drawn up to set up regulations.

There was more discussion as to how many days there would be shooting and reference to the nuisance ordinance and written complaints would need to be given before any recognition of a problem would be considered.

With the conversation on regulations, Mr. London stated that if regulations are made for one then restrictions would affect all.

Mr. Ferraraccio questioned if the neighbors have been contacted by Lonnie and Mr. Wachob questioned where the plans are that were requested from the board for this shooting range. Mr. Wachob feels regulations need to be drawn up to protect the neighbors.

Lonnie presented plans. Mr. Wachob had hoped for more detailed plans. The sewage test was questioned since it was tested for a residence and not a commercial system. (50 people for three days—as per S.E.O.).

Mr. Beatty would like to see the noise issue addressed. Mr. London presented a noise study.

Dr. Shok stated that there is a big difference between a few friends shooting a couple hours here and there than public shoots all the time.

Mr. Wachob stated that the township has obligations to the citizens to protect and those owning a shooting range have an obligation to the neighbors. He feels that an ordinance needs to be adopted to protect and to regulate.

With the discussion being closed Mr. Beatty made a motion, second by Mr. Hartzfeld to advertise the ordinance for adoption at the next meeting and to gather suggestions in order to draw up some regulations for a possible ordinance. All in favor, motion carried.

Zoning was discussed and Mr. Ferraraccio suggested that Brady Township consider it, especially now, since a new township comprehensive plan is being worked on. The county is willing to work with the township at putting a zoning plan together.

Mr. Schuckers, chairman of the planning commission, requested that the township's subdivision ordinance be updated. Mr. Beatty made a motion, second by Mr. Hartzfeld to authorize the commission to update the ordinance with a couple meetings with the Jody of the county planning commission, to be scheduled to work on it and try to have the 1st reading available by October. All in favor, motion carried.

The secretary is to contact Center Communication, from Bellfonte about quotes on township radios.

It was reported that the barking dog complaint from Charles Sloppy was investigated and it was determined that this was not a habitual barking dog and this complaint was not a founded complaint.

There is a bee problem at community center #1 and a gentleman is to try to remove them Tuesday, Aug. 8th.

It was reported that the township health care has switched from Highmark Blue Cross/Blue Shield to UPMC starting Sept. 1st.

Road Work Reports

Mr. Wachob reported that Swope Rd, Evergreen Rd, Hatten Rd, and Wells Rd have been worked on.

Mr. Wachob reported that he will contact Hess and Fisher concerning the delay from D.E.P. for the bridge work on Kinderman Road.

Invoices and Next Meeting

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

The next meeting is scheduled for Tuesday, Sept. 5, 2006

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINAUG07.06

12

Sept. 5, 2006

The regular monthly meeting of the board of supervisors met on Sept. 5, 2006 with Mr. Hartzfeld, Mr. Beatty, and Mr. Wachob present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Edward and Angela Shok, Glenn Schuckers, R.J. Fullerton, Jim Fullerton, M. Fullerton, Bob DeBoer, Ken Galentine, Shelia Doane, Olan London, Lonnie London, Monte London, Enos Kurtz, Stephen Arbaugh, Sam Armagost, Doug Beard, Tonda Beard, Jack Beard, Jerry Paulinelli, Ernest Lyons, Ed Lockwood, Eugene Overbeck, Russell and Eric Perks, Russell Gray, and Lynwood Radaker.

Minutes and Treasurers Report

The minutes and treasurers report from the previous month were approved as presented.

Old Business

It was reported that Kevin Crouch has been contacted by the supervisors and he has started to clean up. The charges that are to be filed with the District Justice are on hold for the time being to see if Mr. Crouch complies with the cleaning process. He was in agreement to have Eugene Overbeck and Ed Lockwood contact him to see if they could haul any vehicles from his property. Mr. Overbeck and Mr. Lockwood reported that they had been to Mr. Crouch's property two times and he was never home.

The township received a letter from D.E.P. informing the township that the Lansberry Subdivision was accepted and included guidelines for inspection twice a year.

Lonnie London reported that since the township did road work on Stoney Lonesome the dust problem has been controlled.

Shelly Oil requests the bond release for their bonded road. Mr. Wachob reported that there is work that needs done before considering the release of any money.

No quotes have been received yet for the electrical wiring for community center #1 from Dana Tubbs.

Proposed Shooting Range

Mr. and Mrs. Fullerton of New Castle own property and a house in Brady Township and they questioned the board what was happening with the proposed shooting range proposed by the London's. They voiced their concerns with the safety and noise. They were under assumption that there would be shooting in the direction of their property.

Mr. Wachob questioned the London's if there would be any money received for the construction of the shooting range and was informed by the London's that it would be privately funded.

Lonnie London explained the noise study and stated that the study was done by Richard Hughes of Clearfield at the site of the proposed London shooting range. The township requested a copy of the Richard Hughes noise report.

Mr. Ferraraccio explained his research findings on shooting ranges. He quoted the different distances from property lines that have been enforced in various states. He questioned the safety issue with shooting parallel to the township road. A figure he questioned was 250 feet from roadways, property lines and gas wells.

The number of matches was again stated: four weekends for matches and every other weekend for regular shoots. Times and the number of shooters was discussed as being approximately 9:00 a.m. to 4 p.m.

Mr. Fullerton and Dr. Shok stated they didn't feel that hearing shooting every other weekend was fair to the neighbors and that the property value would decrease. It was questioned if the range against the Shok property line would be strictly pistol.

Mr. Wachob questioned if there were to be a shooting range how the sewage facilities would be addressed. Lonnie London stated that if sewage needed addressed the porta johns would be rented.

Mr. Ferraraccio questioned those present what they felt would be a safe distance from living swellings, property lines and roadways and if written permission should be requested. He stated that the township has a right to pass an ordinance for safety issues. The township has a responsibility to protect the health, safety and welfare of the township citizens. He questioned what could be safe and not annoy the neighbors.

After much more discussion it was decided to have the London's do a mock shoot on Sept. 16 and 17 for the concerned citizens to see what is planned and listen to what would be in store. Dr. Shok and Lonnie London will see that the neighbors are informed of this shoot.

New Business

Ordinance

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt ordinance #45 the No Shooting Over Township Roadway's. All in favor, motion carried.

Subdivision

Mr. Schuckers questioned the narrative in the Matson Lumber Subdivision and Olan and Lonnie both agreed that the wording was correct in stating the shooting range would be constructed as per NRA specifications.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Matson Lumber Subdivision with lot #1 showing a single family swelling and lot #2 as a non building lot. All in favor, motion carried.

Park and Recreation Board

Mr. Beatty made a motion, second by Mr. Hartzfeld to re-appoint Pat Griffith and Jim Gray to the Park and Recreation Board for another five year term. All in favor, motion carried.

Resolution 9-06

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt the following resolution:

WHEREAS, The Brady Township Board of Supervisors desire to add a new road to its liquid fuel roads by the 21 year law.

WHEREAS, The Brady Township Board of Supervisors voted on Sept. 5, 2006 to add a road using the proposed name of Dahl (pronounced Dale) Road, assigned TR-386, this road runs south of TR-377, Barr Road for a distance of .18 miles, with a 33 ft right-of way and the width of 16 ft. gravel cart way.

NOW, THEREFORE BE IT RESOLVED, The Brady Township Board of Supervisors voted to pass Resolution 9-06 to add said section of road. All in favor, motion carried.

Road Work and Issues

Lynwood Radaker questioned if the township could close the alley in Salem permanently. He feels that this alley poses an unsafe condition for traffic. No action was taken.

Mr. Hartzfeld made a motion, second by Mr. Beatty to order 100 tons of salt from American Rock Salt for \$43.60 per ton. All in favor, motion carried.

Mr. Wachob reported that the paving is done and some patching will be done. D.E.P. has still not given an okay for work on the Kinderman Road.

The township received a letter from Penn DOT informing the township a complaint had been received from Mr. Charles Sloppy that he feels that the speed in Salem is too fast. The letter informed the township that a speed study for Route 219 would be done at the request of the township. It was the consensus of the board that if a study needs done on a state road the Penn DOT should do it and not pass the responsibility to the township and then have the township have to purchase new speed limit signs for a state road. The board did not feel that it was a justified request.

Mr. Beatty made a motion, second by Mr. Hartzfeld to sign the Dirt and Gravel Contract for \$2710.00. All in favor, motion carried.

Mr. Wachob reported that Dressler Coal Company was informed about opening up Kupp Road. The road needs some work and will be open to public traffic in the next day or so.

Planning Commission

The Planning Commission will have a workshop meeting to work on the update of the township's subdivision ordinance on Sept 12 at 7:00 p.m.

Convention

The Clearfield County Convention will be held Oct 6th at West Decatur. All three supervisors plan on attending. The other officials are to be contacted.

In Closing

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINSept.05.06

October 2, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on Oct. 2, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Edward Shok, Angela Shok, Kimberly Finnigan of the Courier Express, Bob DeBoer, Mike Kurtz, Ken Galentine, Mr. Deitch, Jerry Paulinelle, Bernard Wells, John Vos, Sam Armagost, Charles Muth, Monte London, Lonnie London, Enos Kurtz, Glenn Schuckers, Ernest Lyons, Doug Beard, Tonda Beard, Jack Beard, R.J. Fullerton, N. Fullerton, Jim Fullerton, Shelia Doane, and Blaise Ferraraccio.

Minutes and Treasurers Report

The minutes and treasurers report of the previous month were approved as presented.

Old Business

Mr. Wachob reported that Kevin Crouch of Kriner Road doesn't seem to be cleaning up the vehicles as he had implied that he would, therefore Mr. Hartzfeld made a motion, second by Mr. Beatty to file charges with the District Magistrates office that Mr. Crouch is in violation of the Abandon Vehicle Ordinance. All in favor, motion carried.

Mr. Wachob reported that D.E.P. has finally sent, this month, a permit for the two bridges on the Kinderman Road. Mr. Wachob stated that the township has had the permission from the Army Corp of Engineers since June 9th and questioned why D.E.P. has been holding this all summer.

Subdivision

Glenn Schuckers, chairman of the planning commission reported that the board has been working on the updates to the township's present subdivision ordinance. He presented 13 amendments which reflect wording and definition changes. He requested that the township post the present ordinance and the amendments for comparison. There will be set backs included which will follow the county planning set backs. Mr. Beatty made a motion, second by Mr. Hartzfeld to start the process to amend the ordinance and to let the county planning review the amendments before adopting anything. All in favor, motion carried.

Due to the amount of typing and corrections needed for the subdivision ordinance Mr. Hartzfeld made a motion, second by Mr. Beatty to allow the secretary to purchase a scanner, all in favor, motion carried.

Petition and Shooting Range

A petition of 27 signatures was presented to the board of supervisors requesting and ordinance be adopted on the regulations and guidelines for a shooting range. Angela Shok read the petition to those present.

After much discussion concerning the decibels and the regulations and the possibility of drafting an ordinance to address the safety issues, Mr. Beatty made a motion, second by Mr. Hartzfeld to contact someone from the NRA to get recommendations and guidelines from the NRA before adopting another ordinance, all in favor, motion carried.

Petition and Speeding

A petition with 83 signatures was presented to the board of supervisors concerning the speeding on the Helvetia Road. The board accepted the petition as presented, but since this road is a state road the supervisors instructed the secretary to notify Penn DOT and the Pennsylvania State Police of the petition and the concerns. Mr. Hartzfeld made a motion, second by Mr. Beatty to forward a copy of the petition to Penn DOT and the PSP, all in favor, motion carried.

Insurance

St. Marys Insurance and Swift Kennedy presented their proposals of coverage and costs to the supervisors this month and after reviewing the quotes Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the quote from Swift Kennedy with a company named EMC, all in favor, motion carried.

Judicial Sale

The secretary reported that the county assessment office contacted her and reported that they have finally, after two years, started the proceedings of a judicial sale for the Wm. Lingenfelter property on Route 219.

Dirt and Gravel

The secretary reported that a check for 50% of the amount of the Dirt and Gravel project (\$1355.00) was received.

2007 Proposed Budget

The 2007 proposed budget was discussed. The secretary is to budget a stainless steel hopper spreader for approximately \$15,000.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

Adjournment

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINOct02.06

Nov. 6, 2006

The regular monthly meeting of the Brady Township Board of Supervisors met on Nov. 6, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Ken Galentine, C. Deitch, Jerry Paulinelle, Bob DeBoer, Bernard Wells, Shelia Doane, Jim Fullerton, Angela Shok, Ed Shok, Charlie Muth, William Swatsworth, Lonnie London, Olan London, Monte London, Bud Fullerton, Rich Hughes, Robert Sheroke, Gary Thorp, Ernest Lyons, Tonda Beard, and Doug Beard.

Minutes and Treasurers Report

The minutes and treasurers report of the previous month were approved as presented.

Old Business

Mr. Wachob reported that a private criminal complaint has been filed with the District Magistrate's office on Kevin Crouch.

The secretary was instructed to write to the Army Corp of Engineers and request a six month extension for the work on the two bridges on the Kinderman Road. Permission was received from them in June and it wasn't until Sept. that permission was granted by D.E.P. Since the weather isn't suitable now work will have to wait until spring or summer of 2007.

Subdivision

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Shirley London Subdivision. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Sommers Subdivision. All in favor, motion carried.

Proposed Shooting Range

Mr. Beatty reported that he had contacted the NRA and that they needed a letter requesting them as the township would like hear their recommendations. After the secretary had faxed a request to a contact person of the NRA, they contacted the township that they would need the request from the London's. Lonnie has been in touch with John Henchman of NRA from this area. The NRA's cost is \$150 per day plus expenses. Olan London said that he didn't have a problem with making the request, but he wanted to know the credentials of the individual with the NRA before making such a request. Mr. Hartzfeld made a motion, second by Mr. Beatty to absorb the cost of the NRA if Mr. London would get them here. All in favor, motion carried.

Mr. Richard Hughes, of Clearfield introduced himself and explained that he understood that his name had been mentioned a prior meeting as having done a decibel

study for the shooting range. He expressed his thoughts with the procedures of submitting plans. He felt that Guardian Inspection should get involved and that then the NRA would be called in. Some of the suggestions that he made were: He feels that this shooting range would be considered a park, there could be a \$1000 fine for every offense, he felt that 600 acres would be needed for shooting 50 calibers, any decibels over 50 could be grounds to go to court, the shooting range being in the valley as proposed the sound will automatically go up, 20 rounds of shooting be the threshold, he felt that those proposing the shooting range should be responsible for any expenses.

Mr. Beatty made a motion, second by Mr. Hartzfeld to resend the motion to absorb the cost of the NRA, all in favor, motion carried.

Mr. Hughes suggested that there be sound studies, project studies, a public meeting where questions can be asked of the engineer of the proposed shooting range, and that the township engineer be present at this meeting, the planning board to be involved and to follow Act 45.

It was decided that the proposed shooting range should have blue prints and plans that are done by a professional engineer to present to the board of supervisors. (To be noted: blue prints and plans were requested by the township at the July 2006 meeting).

Mr. Schuckers remarked that he felt the section stating "freedom to use ones property as one sees fit remains the rule under our laws." Mr. Schuckers also added that the township has ordinances to regulate what can and cannot be done and they stand up in court.

New Business

Mr. Wachob expressed his concerns for the township and that planning for the future is in order. Mr. Hartzfeld made a motion, second by Mr. Beatty that the township should proceed looking into zoning, all in favor, motion carried.

Bob DeBoer questioned whether having a shooting range next door to a persons property would devalue it especially if there is shooting 7 days a week. He also reported that there is more dumping along Shomokin Trail.

Mr. Schuckers informed the secretary to add environment impact study be included on the subdivision checklist.

Mr. Wachob explained that at the last meeting a hopper spreader was needed. Mr. Wachob received quotes from:

Seigworth for an 11 ft. stainless spreader	\$13,638
Walsh for	\$10,850
Bradco for	\$13,150.75
Chemung for	\$8344.00

Equipment was budgeted for \$20,000 for 2006 and a spreader could be purchased this year. Mr. Beatty made a motion, second by Mr. Hartzfeld to purchase a spreader from Chemung, all in favor, motion carried.

A letter was received from Penn DOT in response to the Helvetia Road petition and they reported that they will review the area and consider the petition.

Whitetail Coal Co. is requesting a bond release for the Beard property, there were no objections.

W. Ruskin Dressler Coal is requesting a bond release for the Kupp Hill area. It was reported that he is gating the township road at night. Mr. Wachob reported that Mr. Dressler was informed to take the gates down. The secretary was instructed to write to W. Ruskin Dressler informing him that the township road needed repaired and the gates to be taken down. If this is not done then the township will notify D.E.P. of their objections to the bond release.

Johnson Bros. Coal is requesting a bond release for the Clarence Thomas property. There were no objections.

The secretary reported that the township received a CD from the Clearfield County concerning the county's comprehensive plan and the township has 45 days to review and make comments.

A sample resolution from Comcast was received, it was tabled.

Township radios were discussed, once the base units work hopefully the truck radios will also work. It is to be noted that the fire company is still using their low band radios. Mr. Beatty made a motion, second by Mr. Hartzfeld to purchase a base station, and 2 remotes for now as some of the radios still work in the trucks from Palmer Radio from Punxsutawney. All in favor, motion carried.

The 2007 proposed budget was discussed and will be presented at the Dec. 4th meeting.

Invoices

Mr. Hartzfeld made a motion, second by Mr. Beatty to pay the township invoices. All in favor, motion carried.

Adjournment

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

MINNOV06.06

21

Dec. 4, 2006

The regular monthly meeting of the board of supervisors met on Dec. 4, 2006 with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Angela Shok, Ed Shok, Ken Galentine, Bob DeBoer, Shirley Wells, Shelia Doane, Audrey Doane, Bernard Wells, Sam Armagost, RJ Fullerton, Jim Fullerton, Lonnie London, Monte London, and Olan London.

Minutes and Treasurers Report

The minutes and treasurers report of the previous month are accepted as presented.

Old Business

The complaint against Mr. Kevin Crouch that had been filed with the District Justice Office had had a hearing scheduled for Jan. 8, 2007 at 1:30 p.m.... Mr. Wachob, John Vos, Charles Muth and Sheryl DeBoer need to attend this hearing.

It was reported that W. Ruskin Dressler has removed the gates on Kupp Hill Road.

Shooting Range

Mr. Wachob questioned Olan London if they had any plans such as blue prints and studies ready as previously requested. They do not.

It was reported by the London's that they have held two matches since last meeting and wondered if anyone heard them.

Olan also reported that he is looking at approximately 20 or 30 individuals at each match. Mr. Wachob then stated that he felt that this definitely is a commercial endeavor.

Mr. Wachob expressed his feeling that the township needs to consider the health, safety, and welfare of the public and that it is hard to be fair. He stated that he understands where both the London's and the surrounding neighbors are coming from.

The supervisors expressed their concerns of liability and the need to protect the roadway.

Mr. Ferraraccio questioned the London's how they would address the safety.

The London's stated that if they were not breaking any ordinance they are going to continue to shoot.

There was some discussion about amending the present ordinance that addresses no shooting over roadways and to add a 500 foot set back from the road, property line and gas wells.

It was mentioned that if the shooting range would be engineered as requested then a sound study would be addressed.

Mr. Beatty, made a motion, second by Mr. Hartzfeld to table amending the present ordinance until an amendment that addresses fencing, posting of signs, liability insurance and set backs could all be considered. All in favor, motion carried.

New Business

The secretary reported that a Judicial Sale is scheduled for Dec. 27, 2006 at 10:00 a.m. for the Lingenfelter property.

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Mr. Wachob made a motion, second by Mr. Hartzfeld to increase Alicia Freeman's rate for cleaning the township office and restrooms to \$9.00 per hour. All in favor, motion carried.

Fuel is to be advertised in the same amounts as advertised last time (5000 gallons of low sulfur diesel fuel and 500 gallons regular gasoline) and bids are to be opened Jan. 3, 2007

The secretary's bond was discussed and Mr. Hartzfeld made a motion, second by Mr. Beatty to leave the amount at \$115,000, all in favor, motion carried.

Subdivision

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the DeLarme Subdivision, all in favor, motion carried.

The Brady Township Planning Commission request that the board of supervisors considers repealing the present Brady Township Subdivision Ordinance until they can adequately update the ordinance and bring it up to compliance.

Mr. Hartzfeld made a motion, second by Mr. Beatty to repeal the local subdivision ordinance and for the proceeding to begin to do this, all in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty that the township would then fall under the Clearfield County Subdivision Ordinance, all in favor, motion carried.

Equipment

Mr. Hartzfeld made a motion, second by Mr. Beatty to purchase a two wheel roller from Henderson Township, Jefferson County for \$1500, all in favor, motion carried.

Proposed budget for 2007

After reviewing the proposed budget for 2007 and some discussion Mr. Hartzfeld made a motion, second by Mr. Beatty to calculate the new budget adding a $\frac{1}{2}$ mill since the surplus that is carried over each year is decreasing and with the Act 537 plan being revised and the comprehensive plan being updated increased expenditures need to be planned.

A special year end meeting is scheduled for Dec. 29th at 8:00 p.m.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

January 2, 2007

The annual reorganization meeting of the board of supervisors met on Jan. 2, 2007 at the township office with Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob present. The meeting began with the pledge to the flag.

Reorganization

Mr. Beatty made a motion, second by Mr. Hartzfeld to appoint Lester Wachob as temporary chairman. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to appoint Sheryl DeBoer as temporary secretary. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Lester Wachob as chairman of the board of supervisors. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Wachob to appoint Bryan Hartzfeld as vice chairman of the board of supervisors. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Sheryl DeBoer as secretary-treasurer. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to retain the three road masters (Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob). All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to retain the First Commonwealth, CSB, and Clearfield Bank & Trust as the township depositories. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Orville Marshall as the vacancy board chairman. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to retain Blaise Ferraraccio as the township solicitor. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Sheryl DeBoer as the permit officer (for road and land us permits). All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to meet the first Monday of each month at 8:00 p.m. except for September and that will be the first Tuesday. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to retain the same paid holidays (7), sick days (3), personal day (1), and vacation days (1 day for every 200 hours worked) for the labors as before. All in favor motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to appoint Sheryl DeBoer as the voting representative from the township to the water association. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to keep the secretary's bond at \$115,000. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to leave the secretary's compensation at (5%) commission on township invoices except on the purchases of equipment, building or land where any of these exceeds \$10,000, and then the commission shall be 2%. If the above mentioned falls below \$10,000 the commission shall be 5%. The secretary shall serve as treasurer for Park and Recreation with no compensation. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to raise the laborer by \$.50 bringing the rate to \$11.00 per hour. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to delegate all responsibility of the board of supervisors that can be delegated under 607 of the township code to the

township road masters and to authorize them to purchase parts for equipment repairs which occur during any given month. All in favor, motion carried.

Mr. Wachob made a motion, second by Mr. Beatty to grant Mr. Hartzfeld permission to attend the Pennsylvania State Convention in Hershey on April 22-25 and his compensation is the regular daily rate for road master. All in favor, motion carried.

Mr. Wachob made a motion, second by Mr. Beatty to appoint Mr. Hartzfeld as voting delegate to the State Convention. All in favor, motion carried.

Mr. Hartzfeld made a motion, second by Mr. Beatty to set the mileage rate at \$.40 per mile. All in favor, motion carried.

Regular meeting

With the reorganization meeting complete, Mr. Wachob called the regular monthly meeting to order with the minutes of Dec. 4, 2006 and Dec. 29, 2006 and the December treasurers report accepted as presented.

Present at the meeting were: Bob DeBoer, Ken Galentine, Glenn Schuckers (Courier Express), Lonnie London, Monte London, Olan London, Ed Shok, Angela Shok, M. Fullerton, RJ Fullerton, Jim Fullerton, Doug Beard, Tonda Beard, Jack Beard, Ernest Lyons, Jerry Paulinelle, Victor Wells, and Shelia Doane

Bids

Bids for low sulfur diesel fuel and gasoline were opened:

Wm. G. Satterlee	5000 gal diesel	\$1.8685	Total \$9342.00
	500 gal gasoline	1.7960	896.00
Glassmere	5000 gal diesel	\$1.7748	\$8874.00
	500 gal gasoline	1.8398	919.00

Mr. Beatty made a motion, second by Mr. Hartzfeld to award the fuel bid to Glassmere. All in favor, motion carried.

Reports

Mr. Wachob reported that there will be a hearing at the District Magistrates office on Jan. 8, 2007 concerning the Kevin Crouch complaint on the abandon cars.

The Brady Township Subdivision Ordinance was rescinded on Dec. 29, 2006 and all subdivisions and land development projects must follow the Clearfield County Subdivision Ordinance.

Scott Huey purchased the Lingenfelter property at the judicial sale in December 2006. He plans on tearing the house down.

Planning Commission

Mr. Wachob made a motion, second by Mr. Hartzfeld to reappoint Darryl Beatty to the Brady Township Planning Commission. All in favor, motion carried.

Shooting Range

There was much discussion concerning the proposed ordinance and what is needed in spelling out some responsibilities that a shooting range must follow. Some suggestions were: set backs from roads, set back from property lines, the decibel level from a property line, warning signs showing that a shooting range is in the area.

Lonnie London quoted that Federal Standards 62 decibels is the standard level from a living dwelling.

Mr. Wachob read a draft of an amendment to add set back to the "No Shooting over Roads" ordinance.

Lonnie reported that he spoke with the NRA and they prefer to wait until the township has set their restrictions or whatever before they come in. They NRA reported that if the township is going to restrict below the NRA standards then they will be in. Lonnie stated that if you pay \$35 donation to the insurance company then the NRA will certify a range. Lonnie said that the amount of days to shoot and the size of the guns being shot should be worked out with the shooting range operators instead of bringing someone else in.

Mrs. Shok reported that she can hear the shooting in the house with the television on. Dr. Shok referred to the suggestions on the petition.

Mr. Beatty suggested hiring someone to guide the township in drawing up regulations.

Bob DeBoer questioned how this may devalue property and what is that going to do to the tax base.

There was a suggestion for the township to hire an engineer.

Another suggestion was to make a reasonable ordinance and if it goes to court then let the court decide what is acceptable

Lonnie reported that they have applied for a 911 address for a recreational cabin for (40 members only). It will be "recreational use" and he doesn't feel that it will fall under L&I since it is a recreational camp.

They will have to submit plans to the county for land use.

A workshop was discussed and Jan. 9, 11, 12 were suggested. Mr. Beatty made a motion, second by Mr. Hartzfeld to schedule a workshop that will suit Mr. Ferraraccio. The secretary is to contact him and then advertise the workshop. A list of those interested in attended will be given to the secretary.

Items of concern

It was reported that there is garbage on Route 410.

The London Road sign is missing

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

Feb. 5, 2007

The regular monthly meeting of the Brady Township Board of Supervisors met on Feb. 5, 2007 with Mr. Beatty, Mr. Hartzfeld, and Mr. Wachob present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Kim Finnigan of the Courier Express, Ken Galentine, Glenn Schuckers, Bob DeBoer, Jack Beard, John Vos, Sam Armagost, Monte London, Olan London, Stephen Arbaugh, Enos Kurtz, Ed Shok, Angela Shok, Jim Fullerton, Jerry Paulinelle, Ernest Lyons, Lonnie London, Joe Reitz, Bill Swatsworth, Bill Swatsworth Sr., David D. Mast, Ervin M. Byler, and Joseph D. Mast.

The minutes and treasurers report of the previous month were accepted as presented.

Citizens Concerns

Sam Armagost expressed his concerns with the condition of the township road near his home and a couple other roads he observed especially the one near the elementary school. He reported that it is a sheet of ice and requested more anti skid be used on the township roads. He feels that there could be an accident in the future and that the township will be liable.

Shooting Range

Mr. Wachob reported that Olan and Lonnie London have expressed their feelings after the last township meeting that they have not been given ample time to explain what they would like to do. Mr. Wachob is willing to do that at this time.

Mr. Olan London has questioned if his Recreational Cabin Affidavit has been denied or approved. It was explained to him that that decision was turned over to the Clearfield County Planning Commission. Olan reported that the supervisors need to get in contact with Jodi Brennen, since she is saying the county has nothing to do with it. Mr. Wachob feels then that it is up to Guardian to make a decision. Lonnie reported that the municipality still governs building and sewage permits. The county only governs the subdivision and land use. Lonnie went on to say that if the township was not denying the recreational cabin affidavit then they were in good standing with the county.

The secretary explained that the last she had heard on the London's decisions concerning the recreational cabin was from the S.E.O. and that was that they didn't want to pursue all of the testing and extra on lot site that would be required and that a holding tank would be simpler. Therefore if a holding tank were to be used then the facility would be commercial, since commercial sites can use holding tanks. Olan reported that there would be no food involved and the amount of gallons of effluent would be decreased. Lonnie reported that the system would be the same as if it were to be a single family resident.

Lonnie asked if the township board wanted them (the London's) to go commercial and that if the township does not want a recreational facility for part time sportsmen's shooting and want them to go commercial then they would go commercial and put in a commercial shooting range on the advisement of the township. Lonnie stated that the township is forcing them to go commercial.

Olan stated that there would be no more than 45 people at one time. Lonnie reported that the sewage and water had been addressed on the subdivision and it was approved.

Mr. Wachob read the subdivision narrative and pointed out that it stated that the proposed shooting range would be constructed as per NRA standards or recommendations and that according to the NRA the London's needed to submitted plans of the shooting range and that still has not been done and that is what the township has been requesting all along. He also stated that when the three supervisors were first invited to the London's last summer that there wasn't a plan presented, but that dirt had already been moved and that an ENS plan has just recently been done.

After Mr. Wachob explained that right now the township has no idea if the shooting range will work in the site that is proposed and if it is safe. How is the noise and bullets going to be handled? He questioned where the engineered plan that has been requested is, where the barriers, etc are. He stated that he is not against shooting ranges if they are built in the right place.

Lonnie pointed out that the township does not have any regulation at this time and that the county is okay with their land use.

Lonnie also stated that the top range is not constructed for 50 caliber guns when asked what the area would be for the Surface Danger Zone for 50 caliber guns.

Lonnie requested that copies of a law he provided be distributed. This law states that a noise complaint cannot be filed against a shooting range if there isn't a noise ordinance in place at the time the range is constructed. He further went on to say that the township passed a nuisance ordinance that addressed noise. The ordinance was passed one year prior to the intent of the building of the range. He was informed by Mr. Wachob that the township has another nuisance ordinance in place that was passed in 1977 that addresses noise with different wording than the newer ordinance. The new ordinance is an additional ordinance and doesn't cancel out the old one and the old one is still on the books.

Olan stated that he doesn't feel he can lay a plan down to convince Mr. Wachob that there isn't going to be any ricochets.

The board expressed that if a state certified engineer draw up plans that covers the safety factor there should not be a problem. Such plans have been requested since July 2006.

Mr. Beatty reminded the London's that the township tried to get the NRA in for advice and they would not come in unless the range owners requested them. The board was advised by Mr. Hughes at the November meeting when he was present, not to pay for the expenses of the NRA to come in that he felt that the developer or the range owners should pay for that expense. Lonnie went on to say that he doesn't want the NRA to come in and that if the township wants them to come in then the township pays the \$150 expenses.

Lonnie stated that the township doesn't have zoning and that the county set back is 10 feet left and right from the property line and that the township right of way is 33 feet for roads.

Mr. Ferraraccio informed Lonnie that under the Township 2nd Class Code the township is allowed to pass laws for the safety and welfare of the general public. He questioned Lonnie what is planned for safety in the range since they are so close the township road.

Lonnie stated that if the township wants a professionally engineered plan then they (the London's) will make the shooting range commercial operation instead of a recreational operation.

Mr. Wachob reminded Lonnie that the day D.E.P. was to the site in January and Mr. Yenason was also present he (Mr. Yenason) informed Mr. Wachob the need for a shooting range with homeland security, the sheriffs department, the local police, and the state police and local people and kids wanting to shoot. At that point Mr. Wachob asked Mr. Yenason if he was talking commercial and when all of the shooting would be going on at which point he was told that there would be shooting during the week.

Lonnie again stated that the township is pushing them to go commercial. The plan was originally for a small shooting range for Brady Township and if the London's have to spend money on the shooting range then they will go commercial so that the money can be recouped.

Mr. Ferraraccio added that all the township is requesting are plans that will show the barriers, etc.

Mr. Schuckers questioned Lonnie that if they chose to go recreational then why a cabin for forty people is being proposed if it is going to be just the London's and people from the immediate area. Lonnie's answered "We have 600 acres leased for hunting and would love to have a cabin that would hold forty people for our hunting facility." Mr. Schuckers explained his confusion as, "if a recreational range is proposed then why is a cabin for forty people is needed?" He also explained

his understanding of the township and county's code that addressed a "Recreational Cabin". He explained his understanding is that anything that is built as a single non residential building, regardless of the number of occupants, how long they intend on staying that they would come under land development, and that requires a plan being submitted to Clearfield County Planning Commission for any building that is a single non residential building. He feels that this building, whether commercial or recreational would come under the county.

Olan's answer to Mr. Schuckers question was that they want to build for more than twenty in case more than twenty would be in attendance at one time and he was using forty as the figure and that according to Jodi Brennen it would not come under the county. If the shooting range goes to land use then Jodi will deal with it and they (the London's) will go commercial. If they go to the recreational cabin then the township has to address that.

It is to be noted that the "Recreation Cabin Affidavit" was received by the township on Jan. 3, 2007 the day after the township meeting.

When Mr. Schuckers questioned how section 1003.4 of the county planning code would be addressed on the requirement how the individual water supply would adequately provide for the development and that a statement prepared by a professional engineer was needed that addressed this. Lonnie replied that bottled water would be used for drinking purposes and well water for the lavatories and that it would be up to Jodi Brennen to enforce.

Olan stated that Jodi got confirmation from the township that the London's were applying for commercial sewage and that is where the word commercial came into play. The word commercial came about from the discussion of a holding tank. If the township would approve the Recreational Cabin tonight they will move forward and if not they will go back to Jodi and take care of the paper work. He went on to explain about the cabin and that there would be shooting out of it, and that the people that come during hunting season will be in it.

Bill Swatsworth Jr. explained that he is a member of the hunting club that is leasing several hundred acres from Matson Lumber and there are currently ten members. Under the agreement of the club each member can bring one guest, therefore there could be twenty people in the cabin at one time. It was thought to build a cabin that would accommodate more than twenty if more members were to be added or more guests and that was to address the sewage issue. He explained that this is separate from what Olan London owns and they are trying to obtain several hundred more acres. He stated that according to the county ordinance a blue print of the building would have to be provided.

Mr. Wachob asked what assurance does the township have that members are not going to keep being added and yes if the building were commercial then it will fall under the county.

Bill Swatsworth stated that the building will be use by the hunting club and Olan will also be allowing people to shoot from it.

Olan explained that he would like the building to be a recreational cabin where he can hold recreational shoots with twenty to twenty-five people.

Bill Swatsworth Sr. spoke that right now they get together at Lonnie's house and it would be nice to be able to gather in a building to get warm and eat a sandwich. He feels that it is a sporting facility and feels that the quality of people is safe.

Lonnie again stated that if the township insists that they spend the money to provide a plan then a plan will be provided and they will make the shooting range commercial. If the township would leave them alone as they are and the supervisors supervise them a little, then everyone would get along. If they have to go to the expense of engineers and building permits and L & I and the expense then they will go commercial to get their money back.

Lonnie stated that they have exceeded the requirements that are stated in the NRA book for suggested ranges.

The question was raised as to whether 50 caliber guns would be used at a recreational facility. Olan's response was he uses the 50 caliber on a 600 yard range, and people come to shoot 50 caliber guns on a 1000 yard range.

It was explained that the initial purpose of the smaller plot of subdivision, next to the Fullerton's was to be able to shoot the 50 caliber guns, but after the township passed the "No Shooting Over Roads" ordinance, Olan has decided to plant the land for food plots for the wildlife. The 1000 yard shooting range was abandon and they will go with a 600 yard shooting range. The London's stated that if they had a recreational shooting range then shooting would be two weekends a month and during the summer maybe every Saturday and maybe 20 to 30 people vs. commercial and then it would be open to the public. If the cabin were to be built then there would be shooting all year long because they would be out of the weather.

After Mr. Wachob expressed his frustration with asking for plans and not receiving them, Olan stated that upon the advice of Kim Kesner, his attorney, he was instructed not to give any plans to the township.

Mr. Beatty made a motion, second by Mr. Hartzfeld to have a ten minutes recess in order for those present to read the updated draft of the Shooting Range Regulation Ordinance, all in favor, motion carried.

With the meeting being recalled to order there was discussion on the proposed ordinance of the Shooting Range Regulation Ordinance and an amendment to the No Shooting Over Roads Ordinance.

There was much discussion on the proposed amendment to the No Shooting Over Roads Ordinance. There was discussion concerning leasing. It was explained that Olan is leasing the ground from Matson Lumber and the other people involved have a contract listing the ten members of the hunting club and they are not named as the lessee, but they have bought into the lease. The contract allows: hunting, shooting, ATV's, recreation, and sports activities.

Mr. Beatty made a motion, second by Mr. Hartzfeld to table the proposed amendment, all in favor, motion carried.

Upon reviewing the proposed ordinance on regulating shooting ranges, Mr. Ferraraccio explained that the 500 feet that is used in the proposed ordinance is based on the average footage that other states are using.

Lonnie stated that the township doesn't have anything in writing that requires him to submit plans for land use. This ordinance that addresses the request for plans is six months after the fact. Mr. Ferraraccio explained that yes six months after initially requesting for plans for the shooting range and now the township is faced with an ordinance.

Mr. Wachob explained that the township isn't against target practice and the purpose of the proposed ordinance is to address the fact that if a range is to be built then it needs to be built properly, safely, and so that it won't effect the neighbors. Get an engineer to draw up plans and verify that it will be safe. Lonnie said that money will buy whatever blueprints he wants. He needs the specks of Brady Township. The board responded that the township isn't qualified to build a shooting range and that is why in the ordinance it states to get a licensed engineer who is qualified to design a shooting range so that the range is safe.

Lonnie stated that he felt that the board would be punishing the whole township to get back at one man. Mr. Ferraraccio's come back was to refer back to Section 1 "The Purpose" in the proposed ordinance. It states, "promote and secure the health, safety, comfort and welfare of the citizens of Brady Township".

Lonnie questioned why the township didn't send them a written letter stating that plans were to be produced by a certified architect?

Mr. Wachob responded that the subdivision narrative stated that the shooting range would follow the NRA guideline. He went on to say that one of the first things that the NRA source book states is that a professionally engineered plan be drawn and that is what the township has been waiting for.

Lonnie repeated what Jodi Brennen told him, that if they do not build a building on the land they purchased from the Matson Subdivision then they can go ahead and use their property. If a building was to be built, and it was commercial then they would have to address the land use requirements by the county. If the building is recognized as a "Recreational Cabin", then it comes back to the township for a "land use" permit (old building permit). By signing an affidavit that this building is a Recreational Cabin it does not fall under Guardian Inspection or L & I. If the township would issue a land use permit to the London's and in the future find them doing something other than recreation, then the township can do something.

Since there seems to be so much confusion over the "Recreational Cabin Affidavit" as it has never been used in the township, it was decided to set up a meeting with Jodi Brennen, Clearfield County Planning, Rick Vaow, the S.E.O. of Hess and Fisher Engineering, Bill Kulbacki of Guardian Inspection, the supervisors, the attorney, and concerned parties. The secretary will set up a meeting place and time and advertise the meeting.

Mr. Beatty made a motion, second by Mr. Hartzfeld that if the S.E.O. and Jodi Brennen come to an agreement on the Recreational Cabin then the permit officer would be able to issue a "land use" permit for the building of the cabin, all in favor, motion carried.

Olan stated that they would like to be able to use a holding tank at present time and then when the weather is suitable, the required perks tests will be done and an in ground system or whatever will be put in.

After much discussion Mr. Wachob made a motion, second by Mr. Hartzfeld to remove the wording "unless written permission is obtained from the owner thereof," this wording is found under "safety zone" in the definition section of the proposed ordinance. All in favor, motion carried.

Mr. Olan London requested having the word private road taken out of the proposed ordinance. After much discussion Olan stated that Mr. Schaffer's right of way to his property isn't accessed from Stoney Lonesome, his right of way is across Mr. Beard's property. Upon the advice of the township attorney the word private road will stay in.

Mr. Beatty made a motion, second by Mr. Hartzfeld to advertise the proposed Shooting Range Regulation Ordinance for adoption to be at the March 7th meeting. All in favor, motion carried.

Lonnie wants it on the record that the township requested that D.E.P. come in and give their recommendations on possible lead contaminations as the township had concerns with the area being the head waters of West Mahoning Creek. D.E.P. found no problem at this time.

Resolution 2-07

Mr. Hartzfeld made a motion, second by Mr. Beatty to pass a resolution of the following: all in favor, motion carried.

Resolved by the Brady Township Board of Supervisors of Brady Township, Clearfield County, Pennsylvania, That

WHEREAS, by virtue of Resolution No. 2-07, adopted February 5, 2007, Brady Township declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED That the Brady Township Board of Supervisors of Brady Township, Clearfield County, Pennsylvania, in accordance with the above cited Municipal Records Manual hereby authorizes the disposition of the following public records:
1998 County aid project

1999 Invoices, bank statements, cancelled checks, bids and county aid project.

2001 Insurance policy

2000 Central Tax audit

2001 treasurers bond

The pension files for Michael Lee and John Wells.

1971 through 1997 Journals and Ledgers

D.E.P. Letter

The township received a letter from D.E.P. that was sent on Jan 8th of violations with the two trailer parks in the Salem area. It is to be noted that there was a meeting with Hess and Fisher Engineering to review the area and try to determine what could be done. Hess and Fisher sent D.E.P. a letter in response to this matter.

Fire Company

The township budgets \$1000 towards the fire company garage electric and \$1200 towards the gas usage for the building per year. For 2006 the electric usage was under \$1000 by \$140.08 and the gas was over by \$1320.60, which leaves a balance of \$1180.52 if the electric is subtracted from the gas. Mr. Hartzfeld made a motion, second by Mr. Beatty to waive half the bill. This would be \$590.26. All in favor, motion carried.

County Aid

The County Aid for 2007 is in the amount of \$3643.14.

Other Business

Redbank Creek Watershed information is available to be reviewed and will be on the secretary's desk.

Allegheny Coal Co. papers for mining on Mine Road are available for review.

It is to be noted that Kevin Crouch will need a letter from the township for his meeting with District Magistrate Ford.

There will be a comprehensive plan meeting on Feb. 8 at 7:00 p.m. at Sandy Township and the three supervisors will be attending

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

There being no further business, Mr. Beatty made a motion, second by Mr. Hartzfeld to adjourn, all in favor, motion carried.

ATTEST: Sheryl DeBoer, Secretary

MinFeb05.07

Feb. 14, 2007

A special meeting was held at the Clearfield County Multi-Service Center with Mr. Wachob and Mr. Beatty of the Brady Township Board of Supervisors, Jodi Brennen the Clearfield County Planning Director, Bill Kulbacki and Brian Wruble of Guardian Inspection, Rick Vaow of Hess and Fisher Engineering, the S.E.O for Brady Township, Blaise Ferraraccio the township attorney, Lonnie London and Olan London the operators of the proposed shooting range, and neighbors of the proposed shooting range were: Dr. Shok, D. Deitch, Jerry Paullinelli, Ernest Lyons, Jack Beard and Doug Beard.

Mr. Wachob called the meeting to order with the pledge to the flag and explained the purpose of the meeting was to discuss the "Recreational Cabin Affidavit".

Mr. Olan London explained that his plan for the use of the "Recreational Cabin" or camp is to take memberships and hold fund raisers.

Mr. Wachob stated that the decision will have to be made as to whether they will use it for a "recreational cabin" or use it for a commercial operation once it is up and running.

Mr. Olan London stated that, "I swore that it will be a Recreational Cabin on the affidavit. At any point and time that I abuse that privilege is the time to slap me."

Mr. Ferraraccio question Mr. London how much the membership will cost and how many membership's there will be, with Mr. London's response being that he didn't know. He further explained, "I'm going to hold a shoot for a fund raiser and the money will be used for maintenance of the building and stuff like that."

Mr. London upon being questioned by Mr. Ferraraccio stated that he didn't know how many fund raisers he would be having, and couldn't answer how many people would be involved.

Lonnie stated, "We are going to put a hunting camp a cabin together and use it in Brady Township, like Gray's camps, Scrub Master's camps, Donahue's camp, there are twenty five of them if you would like to name them. Your not worried about them, you are worried about us. We swore on a piece of paper that we are going to build a recreational cabin and use it for hunting and fund raisers. I don't know what else to tell you."

He commented that the number forty has been mentioned in the past so if forty is used for occupancy and he does not know how much the membership fees will be. The membership will be selective and probably around forty. Mr. Ferraraccio questioned whether all forty members could be there at one time and could bring a guest.

Lonnie said, "We have an occupancy of forty for our sewage."

Olan London's response was, "Okay Rick, if we have an occupancy of forty, and we would decide to have a raffle, have a special event where we would know that there would be fifty or sixty people, could be not set a porta potty?"

Rick Vaow responded that yes, but sometimes a permit is required.

Olan stated that he understands that if he goes over occupancy he is responsible.

Bill Kulbacki asked who would police the shooting range if they went over the occupancy.

Mr. Lonnie London questioned, "Would the township be happy if we did sewage for occupancy of seventy?"

Mr. Vaow commented how D.E.P would interpret it. Design it for the largest amount of people there at any one time. He also stated that Stephanie of Williamsport D.E.P had originally talked about a holding tank and felt that this facility needed to be handled as a commercial operation. She felt that selling membership's sounded like a commercial. It didn't fall under the classification of a camp because no one would be staying there over night. The thinking was, first, that the cost of pumping a holding tank would fall under the cost of maintenance and the fund raising money could be used for that and secondly if they went commercial and a leach bed or sand mound then a second test sight would need to be done, which is a requirement for commercial from D.E.P.

Mr. London stated that on a past discussion it was mentioned that there would be 50 gallons per day per person and then with no food and the gallons per day would drop to 10 gallons. If you used 40 people then that would be 400 gallons per day. He questioned if they could use what was already perked for a three bedroom house.

It was discussed that a back up site would be needed unless a holding tank were to be used then a back sited would not be needed. Mr. Olan London questioned if they could put a holding tank in now and then tie it into a regular leach bed when the weather got better. Mr. Vaow felt that would work.

When Mr. Ferraraccio asked if this would be a commercial operation, both Olan London and Lonnie London stated, "No".

Mr. Vaow informed those present he would have to get some clarification from Stephanie from Williamsport D.E.P. as to the question of the holding tank and commercial. He said that it depends on L& I's definition of a cabin. Mr. Vaow went on to say that a regular hunting camp can't have a holding tank.

Mr. Lonnie London stated that they have leased 350 acres with ten lease members right now and intend to gather up another 300 acres to lease. Lonnie said that now with the weather as it is they may as well put a back up system in or go in ground, or sand mound.

Rick went on to say that a regular hunting camp cannot have a holding tank. He would have to do what ever Stephanie of D.E.P. advises him to do. He pointed out that if it has been decided that you have a Recreational Cabin, she may feel that selling membership warrants commercial.

Lonnie corrected, "Leased membership."

Mr. Lonnie London stated that now a days these hunting clubs are getting to be a big market and you pay a lease. It isn't for profit for anyone. He also stated that if everyone is a leased member then they all own a part of the building. That is what a Recreational Cabin is.

Mr. Kulbacki quoted #3 of the hand out, it states "will not be used for commercial purposes". To go further the law doesn't address the definition of (commercial purposes). He informed everyone that an e-mail would be sent to the UCC administrator and requests the definition of a "commercial purposes". The County doesn't have a definition of commercial purpose either. He feels that item # 3 needs to be addresses and that the definition needs to be explained by the administrator of the UCC. Why is there a form for a Recreational Cabin and no clear definition for it? He stated that if the law doesn't address it then a person would have to go to the last edition of Webster's dictionary.

Mr. Wachob questioned that if Mr. London was to build this building and he was to be the sole owner and sell memberships and inviting people into it, why wouldn't it fall under L & I.

Mr. Kulbacki stated that the seven items on the affidavit constitutes what a "Recreational Cabin" is. If the use of the building as described at this meeting do not fall under commercial purpose then it would be invalid, at this time UCC does not provide the definition of "commercial purpose". He quoted page # 2, "commercial construction", a building structure facility that is not a residential building.

Item # 3 on a "Recreational Cabin" states-- will not be used for any commercial purposes. Mr. Kulbacki stated that he can not give a decision until he get the true definition of "commercial purposes".

Mr. Lonnie London questioned if membership's is commercial.

Mr. Vaow gave the explanation of the different definitions as per the sewage chapters. He said that a hunting camp is under recreational and seasonal and considered non residential and not commercial either.

Mr. Kulbacki said that the law book does not show any definition for public or private definition whatsoever, only residential or commercial and no definition for "commercial purpose" is stated. He feels that the key to this entire problem is the definition of "commercial purposes". He feels that the UCC administrator needs make that definition.

Mr. Lonnie London stated that membership says private and not open to public. Bill's answer to Lonnie was that is neither here nor there, commercial purpose is the determining phrase. He would like UCC to define it with what they intended.

Jodi Brennen stated that the Clearfield County Planning doesn't not have a definition of the "commercial purposes" either. Jodi would like something in writing from the state and is waiting for something from D.E.P.

If the UCC denies the definition then the dictionary would have to be used.

Mr. Kulbacki explained the procedures for commercial construction and L & I. If this building were to be commercial then the building would have to be engineered and it would also fall under the County Plans.

Mr. Lonnie London stated that he has a commercial application.

Jodi Brennen stated that if it is a single residential structure it would not fall under land development. If two or more residential structures are on the same lot then it would be considered land development. If they would be considered commercial then they would have to go through the Clearfield County Planning before a building permit could be issued. If a "Recreational Cabin" is going to be used then a Land Use permit would be issued from the township.

Jodi Brennen said that the county's land development talks about structures and a mound of dirt does not constitute land development. If the cabin is defined as commercial then they would have to go through the county requirements. She questions a structure as if habitable, is it producing sewage and water. She sees a cabin as something you sleep and eat in. She questioned a building that is being use for shooting from, is that commercial?

Mr. Olan London wanted to clarify that there would not be any shooting from the main recreational cabin. There will be an echo box off of the side of the recreational cabin to curb noise this structure would be like an enclosed porch.

The county would have no involvement if there were no building to address. Jodi Brennen explained all of the regulations for ENS, sewage, DEP, etc.

There was a question on the floor asking about the definition and if marrying two definitions together. Mr. Kulbacki stated that he would probably have to do that if the state doesn't produce a definition.

Jodi Brennen state that it all comes down to is are they commercial or are they recreational.

If they are commercial then they will have to address all of the L & I requirements.

Mr. Deitch expressed his concerns with the shooting of 50 calibers being shoot so close to his house.

Mr. Ferraraccio pointed out that the township has an ordinance that addresses noise dated 1977.

Mr. Wachob expressed that the township has concerns for safety and that the neighbors also have concerns.

Mr. Kulbacki questioned the London's if this cabin or club set for profit or non profit.

Mr. Olan London stated that it would be set for "not for profit".

Mr. Lonnie London explained that "a non profit is a 501C3 with tax exemption and not for profit is commercially a group, board or otherwise, drawing a pay check from the funds of the said entity." He went on to explain that Anderson Creek Sportsman Club is Not for Profit. No one draws a pay check out of the checking and it all goes back to the sportsman club, and the hunting.

Mr. Ferraraccio questioned if this would be in conflict with # 5 of the affidavit where is speaks of not being used for a place of employment since you speak of individuals receiving a pay checks.

Mr. Lonnie London answered that there would not be a conflict because "that is if it is for commercial and for profit, this is not for profit, there will be money taken out to plant food plots for the deer, lime and fertilizer, five target, build target rails, it all goes back into that."

When questioned about the pay checks by Mr. Ferraraccio, Mr. Lonnie London is now saying that no one draws a pay check from it. No body will draw a pay check! Mr. Lonnie London also went on to say "there will five members to make a club, make it an entity in the state, Not for Profit Club."

It is to be noted that Linda London is the owner of this property and she is the one who filled out the affidavit.

The meeting closed with the consensus that an answer to the definition of "commercial purpose" will be needed.

There being no further business Mr. Wachob adjourned the meeting.
ATTEST: The recording of the minutes. Sheryl DeBoer, Secretary

MinFeb14.07

March 5, 2007

The regular monthly meeting was held on March 5, 2007 at the Brady Township Community Center, building #1, with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

(See attached list of those who signed that were present)

The minutes of Feb. 5, 14, and 15 and the Feb treasurers report were approved as presented.

Fire Police

Mr. Wachob swore in Mark and Jamie Krach as fire company police.

Shooting Range

Mr. Wachob began with addressing the anonymous letter that was mailed to Brady Township citizens. He expressed his feelings on freedoms and how important freedom is to him. He went on to say that in 2004 the board had received complaints from township citizens with the problems of shooting.

Mr. Olan London informed the board that his wife, Linda, was not present as requested by the board. When Mr. Wachob questioned if Olan was authorized to speak for her since she is the landowner and the person who signed the Recreational Cabin Affidavit, Mr. Patrick Lavelle, introduced himself as the London's attorney.

Mr. Wachob questioned Mr. Lavelle if Linda London understands the Recreational Cabin Affidavit and what she has signed and the terms. Does she understand that this cabin once erected can only be used as a Recreational Cabin and nothing else? The answer was "yes". Mr. Wachob questioned if she knows where she proposes to build the cabin on her property? The answer is west of the house in a field.

Mr. Wachob explained to Mr. Lavelle what has happened in the past months:

- (1) The London's intent on building a shooting range.
- (2) The Matson Subdivision's two tracts of land and the narrative stating that the range would be build to "NRA" standards or regulations.
- (3) The Brady Township Subdivision Ordinance that was in force at the time of the subdivision. It states that nothing can be done with the land until the subdivision's final approval by the township's planning commission and the board of supervisors.
- (4) To date the board has not received any plans for the shooting range that has been requested by the township and the London's have gone ahead and moved dirt.
- (5) If they are going to abide by what they stated on the narrative and in a public meeting then they need to submit plans by a professional engineer to the township.
- (6) The proposed ordinance should spell out how to make a shooting range safe and is designed around the NRA Source book.
- (7) Two tracts were purchased and one was tested for a single family dwelling and the second tract as a non building lot that was originally planned for a long distance shooting range.

Mr. Lavelle stated that the past doesn't matter and that there wasn't an ordinance in place when Mr. London proposed the range.

Mr. Wachob believes Mrs. London was sincere when she signed the affidavit and the board cannot deny the affidavit on the grounds that she may be lying.

Mr. Lavelle questioned if the issue is the construction of the shooting range.

Mr. Wachob explained to Mr. Lavelle that the township requests plans by a Pennsylvania registered professional engineer to look over their property and design a shooting range that would be safe and address the noise.

Mr. Lavelle questioned if the board would accept the London's plan if it would comply with the NRA standards. Mr. Wachob's response was, if there is a professional engineered plan stating that it is safe then the township couldn't deny it.

Mr. Lonnie London presented plans of a shooting range from the NRA.

Mr. Wachob pointed out that the London's diagram was obtained from the NRA Source book, but that it isn't specific to their property and not designed by a professional engineer. He went on to say that the township is requesting a sound study to be done to protect the neighbors and the range be designed by a professional engineer to be safe.

Mr. Lavelle questioned if they were discussing an existing a range or a proposed range. There was much discussion on a non existing range and existing range.

Mr. Wachob tried to explain to Mr. Lavelle that he thinks that he is speaking about the existing range that was proposed, but is in fact there.

Mr. Beatty added that one of the subdivision requirements is to requires plans.

Mr. Wachob stated that the subdivision the township received had plans of a proposed shooting range, but before the subdivision was approved the construction of the range was started, which is in violation with the ordinance at the time. The subdivision was passed in good faith with the understanding that the range would be built to NRA standards using a professional engineer.

Mr. Beatty is trying to understand that Mr. Lavelle is requesting that they want the plans submitted for the range that is already built.

Mr. Lavelle questioned the ranges, one on parcel #1 and one on parcel #3.

Mr. Lonnie London stated that the 400 yard range on the bottom was proposed to be extended to 700 yards. Mr. Olan London added that nothing has been done on the proposed lower range beyond the lane going to the Schaffer property shooting east.

Mr. Lavelle feels that it needs to be clarified what is proposed. He questioned if the board is willing to review new proposals.

There was much more discussion concerning the plans and the plans the London's have is not specific to the property lines or the topographic terrain of the London's property.

When questioned as to the caliber of the guns to be used Mr. Olan London stated that they would be 30 calibers.

Mr. Wachob explained his conversation with Dan Surra and his intent for the Recreational Cabin. It was explained to Mr. Wachob that his intent was for an individual to build a camp for occasional use and not for a shooting club and he looked at that as being commercial.

The affidavit that Linda London signed stated that it will not ever be used as a commercial purpose or be rented. Mr. Wachob went on to read the exclusions. Mr. Lonnie London stated they understood that there would be a \$1000 per day fine if they were in violation of the guidelines set in the affidavit.

Mr. Ferraraccio suggested that he felt that Mrs. London should be present so that the board would be assured that she did understand what she swore to. He questioned Olan's past comments on holding fund raisers and not doing anything for nothing.

There was discussion on a holding tank and that it could only be used for a commercial operation and that there is no definite definition of "commercial purpose". It was mentioned that the S.E.O. had instructed Olan that a component #2 would need to be done.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the Recreational Cabin Affidavit signed by Linda London, subject to the type of sewage system used and the location of the cabin on the plot. All in favor, motion carried.

Mr. Wachob opened the meeting to the public for questions concerning the proposed ordinance and there was discussion. Mr. Schucker's read a letter that he wrote in response to the previously mentioned anonymous letter. He request it be added to the minutes. (See attachment of two pages).

Mr. Monroe Yoder complained about an incident the summer of 06 on Rimer Road. Mr. Wachob apologized to Mr. Yoder and stated that he would personally speak to Mrs. Yoder.

Mr. Lavelle questioned if the enactment of the proposed ordinance would be beyond the comprehensive plan. Mr. Wachob feels that Mr. Lavelle is a bit misinformed and explained what a comprehensive plan is and what the township is in the process of doing.

Mr. Ferraraccio explained that the township has the right to pass and ordinance to protect the citizens of the township.

Mr. Beatty made a motion, second by Mr. Hartzfeld to adopt Ordinance #46 the Shooting Regulation Ordinance. All in favor, motion carried.

Sewage System Update

The secretary informed those present that Hess and Fisher is in the process of doing a "Needs Study" of Brady Township and whenever the weather allows they will be able to do an on sight study.

New Business

Joseph Mast questioned why the Marshall Road hasn't been plowed and why it hasn't been fixed. He stated that he requested work be done on it Feb. 2006 and is upset that it hasn't been tar and chipped. He said he would contact Harrisburg if something isn't done. Mr. Beatty said he would look at the Marshall Road and see what he could do to clear the snow and that they would look at the road when weather permits to see if anything can be done.

Invoices

Mr. Beatty made a motion, second by Mr. Hartzfeld to pay the township invoices, all in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

An answer to the letter that was sent to residents of Brady Township:

A couple of weeks ago I received a letter that was addressed to me personally but was directed to "residents of Brady Township. The letter was signed "anonymously" so I have no way of knowing who wrote it. If its author or authors are here tonight I'm here to answer it. My name is Glenn Schuckers, that's S-C-H-U-C-K-E-R-S. I have lived in Brady Township since 1971, and in a couple of months that will make me a thirty six year resident here. I have tried to record the proceedings of the township supervisors meetings for the local newspaper fairly and accurately for the past fifteen years.

During that time I have watched three men govern the township, fix its roads, plow them in the winter, and try to keep peace among its residents. In all those years I have had some disagreements with them and the things they did, but I have never known them to be anything but hardworking and most of all, honest, men. What they have done has always, without exception, been for the good of the township, and most of all, they have always told me the truth.

Now, someone has called into question the motives of one of the township's supervisors. Since the writer of the letter never named the supervisor who he said has a hidden agenda, I have no way of knowing which supervisor he was targeting. It makes no difference. The letter writer or writers seems to object to a number of laws which the township has found it necessary to enact, saying that these laws do not serve the way of life the majority of the residents enjoy.

Many years ago a longtime judge in a neighboring county told me why laws are passed. "Laws," he said, "are passed so that people can live together in harmony." So long as one man does not cause discord with his neighbors, laws are not necessary. "Laws," he went on, "are a necessary evil that get enacted when people live in contact with one another." If we can all live in harmony with each other, no laws would be necessary. But when someone causes discord with his neighbors, it is the duty of the elected officials to pass a law to restore that harmony.

Some people don't like some of the laws under which we have to live; it is their right to object, and when a majority of the people want a law changed it should be. We don't live in a democracy, that would mean that everybody would get to vote on every law that is proposed. What we have is a democratic republic, from Congress to the state Assembly to the Township Supervisors. We don't usually think of supervisors as legislators, but that is as much of their job as keeping the roads cleared in winter.

These supervisors pass laws that try to keep the township the kind of place where most of us want to live. Most of us don't want to live next to a property that is covered with junk cars; we don't want garbage piled up in a field next to where we live. We don't want pornography shops opened up next to where our children play or where we go for a walk on a Saturday afternoon. And we don't want a constant barrage of gunfire on a Sunday afternoon. We want to keep the rural, peaceful and quiet countryside that we all enjoy.

For the past months the supervisors have been trying to find a way that this atmosphere can be maintained. One resident has chosen to attempt to have a shooting range on his property. No one in this room objects to target shooting, to hunting or to

anyone owning or using guns. I myself have a cabinet with seven guns in it, and I shoot those guns from time to time. No one has ever objected to shooting. What a number of us do object to is a shooting range which destroys the peace and quiet we are entitled to on our own property. Many of you do not know what it is like to live where you have to listen to two hundred or more shots being fired on one Sunday afternoon. You may not know what it is like to sit on your deck and hear projectiles whistle through the trees around you. If you are lucky enough not to have had this experience you may not know why we object to a range close to our property. But put yourselves in our places and imagine what it wold be like.

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Some property owners came to the supervisors and asked them pass a law against junk cars. Events in surrounding areas prompted them to pass a law regulating adult entertainment. The anonymous letter writer sounds as though he or she would favor a garbage dump or a porn shop if that is what a property owner wanted to have. Some of us asked the supervisors to do something to allow us to enjoy our property without the fear or annoyance of large caliber guns being fired. That was almost a year ago. Last month the supervisors passed the first reading of a law that places some restrictions on shooting ranges. It does not prohibit shooting ranges in any way shape or form. It only prohibits shooting ranges that do not meet certain minimum standards.

Contrary to the letter that was sent out by some unknown writer, the purpose of this law is not to ban all shooting in the township. The opening paragraph of the law clearly states that it in no way will infringe on any citizen's constitutional rights. That did not stop the writer from using innuendo and lies. Just as some laws try to insure a worker's right to a safe place to work and others protect children from dangerous jobs or people, the purpose of this law is to protect everyone in the township. Its purpose is to allow all of us to enjoy the rights we have as property owners to the full use and enjoyment of our property.

When the actions of one property owner infringe on the rights of another, government has a duty to intervene. I can do whatever I want on my property but only if what I am doing does not infringe on my neighbor's right to use his property as he wishes. That is a long standing tradition in America. We all want to feel safe to come and go as we please; it is one of the main reasons our President says we have boys and girls dying on foreign soil. They are not fighting and dying so that any one of us can have a completely unregulated freedom to do whatever we want. That is not what America is about.

America is a land of law and order; we have a long history of living within the laws our elected representatives enact. Rumors, half-truths and out and out lies have no place in how we govern ourselves. Neither do anonymous letters that make threats based on half truths, rumors and character assassination. If a township resident believes that one of the supervisors has a hidden agenda let him stand up in public, identify himself and make that accusation to the supervisor by name and let the true facts be presented and then let the people decide who they want to represent them.

I would ask that this letter be made part of the public record of this meeting.

Glenn Schuckers

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May 14, 2007

The regular monthly meeting met on May 14, 2007 at the municipal office with Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld present. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Ron Ward, Bill Craig, Glenn Schuckers, Shelia Doane, Mark Shenkle, Angela Shok, Ed Shok, Kristine Dixon, Sharon Zartman, Bernard Wells, Shirley Wells, William Fike, Lynwood Radaker, Olan London, Lonnie London, Audry Bolton, Russ Bolton, Holly Schaffer, Dennis Walburn William Ayrault, Linsey McClure, Butch Voax, Sean Armagost, Teresa McManig, Jim Radaker, Bill Swatsworth, Gary Givannell, Monte London, Pamela Frantz, Moss Yoder, Janet Heath, Waunita Ballard, Bob DeBoer and Judy S???, Dorain Bingman.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the minutes of the previous meeting as presented. All in favor, motion carried.

Mr. Beatty made a motion, second by Mr. Hartzfeld to accept the treasurer's report from last month as presented. All in favor, motion carried.

Public comments

Lindsay McClure of Luthersburg explained that she received a letter from the township in response to the township receiving an official complaint. Ms. McClure and Mr. Ayrault are having a dispute over the alley. She went on to explain the process of cleaning up the vehicles and junk and requested more time to finish up the process. Mr. Wachob felt that as long as they are working on it the township will grant some more time.

Dennis Walburn of Luthersburg questioned if the alleys are public or private. Mr. Wachob informed him that they are to be open to the public. Mr. Walburn stated that he was a roadmaster for four years and he knows if an alley is open to public then the township is to maintain them and if the private citizens have to maintain them then the alleys are to be considered private. He said he received a letter (dated August 2004) stating that he had to maintain the alley, he expressed his feelings that his rights are being infringed upon by the township because some of the neighbors do not have to maintain an alley that isn't even open. He feels that either all of the designated alleys be open or none be open.

Mr. Wachob explained that many many years ago the alleys were designated as alleys, but never deeded or dedicated over to the township; they were left there for the public to use.

Mr. Walburn said that everyone has access to their property and therefore he can close his alley. He stated that he will talk to his state representative and to the district attorney and let them read his letter from the township. He expressed that he wants to be treated fairly and wants to use the alley that goes up over the hill so he can bring his camper in by the back way from the alley from Station Hill. He wanted to cut down the trees on the alley and was told he would be sued if he did.

Ms. McClure and Mr. Walburn questioned the board if the township could notify the landowners along the back alley that is not being used and inform them that they must

open it up and maintain it. Mr. Walburn stated that the township has now received a complaint that he would like them to open the alley. Since he received a letter from the township about his alley from a complaint now he wants the township to respond to his complaint by writing to the other neighbors to open and maintain the back alley. Mr. Wachob stated that the township has nothing to do with the alley.

Mr. Walburn then questioned about the township equipment and if the township rents a backhoe from Mr. Wachob. Mr. Walburn does not want another letter from the township and stated that he can do whatever he wants with the alley and plans to close it since the township has nothing to do with the alley.

Fire Company Police

Mr. Wachob swore in five current fire police: Mark Shenkle, Lynwood Radaker, Bernard Wells, William Fike, and Shirley Wells.

Chapman Trailer Court

Mr. Bill Craig informed the board that he is the new owner of the Chapman Trailer Court and explained that he has requested the renters to clean up the surroundings in the park. He questioned the board if the township could help him to get Sharon Zartman to comply. He also does not want her to stay in the trailer since it is not livable or to sleep in the car outside of the trailer. Ms Zartman explained that she uses the trailer and cars for storage and that she has health problems and cannot get it cleaned up in the time Mr. Craig has requested. Mr. Wachob informed those present that over six years ago that he and Michael Lee tried to help her clean up the trailer and it is just as it was then. He told her that she will have to comply with the letter from Mr. Craig to have her area cleaned up by June 6, 2007. Those present from the trailer court were: Ron Ward, Bill Craig, Dorain Bingman, Audry Bolton, Buss Bolton, Holly Schaffer, Sean Armagost, Teresa McMandy, Jim Radaker, Gary Givannelli, Janet Heath, Waunita Ballard expressing their concerns with Sharon Zartman and her trailer.

Road Condition

Kristy Dixon expressed the concern of dust on Kinderman Road. Mr. Wachob stated that the township will be working on the road in two or three weeks.

Shooting Range

Lonnie London presented a proposal to the board that he would like to hold a special event and raise \$10,000 for Make a Wish by having a shoot in September. He stated that he didn't know that by holding a special event he needed a legal shooting range. He requested the township close the township road in order to have a 1000 yard shoot. Lonnie questioned the board if they were unwilling to help raising money for Make a Wish. Mr. Ferraraccio, township solicitor, explained that township is unwilling to change an ordinance that has already been passed and cannot grant closing the road. Lonnie then stated that he would shoot the 400 yard and the 100 yard ranges, which are both the top and bottom ranges. Mr. Ferraraccio questioned if he understood that he would be in violation of the ordinance. Mr. London said that he didn't know that they were involved with the ordinance with those ranges.

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Mr. Wachob again stated that the township had been requesting blueprints of the proposed ranges since July 2006. Lonnie explained that he raised money before for Make a Wish and they asked him if he would do it again and he sees no problem shooting at bowling pins with 22's on the upper range and shooting hunting rifles on the lower range at bowling pins. It was pointed out to Lonnie that he would be in violation to both the Shooting and the Nuisance Ordinance. Lonnie requested the supervisors ride out to the property and look at the range again and consider it before they say no. Mr. Wachob expressed his concern with the safety and Lonnie stated they turned the range from east to west and that the side of Shok's is now the back of the rifle range and the shooting would be due north 33 feet into a bank. Mr. Wachob said that they were there in May of 2006 when they were in the process of subdividing the property. They were in violation of the subdivision ordinance then, when they were already moving dirt and the subdivision hadn't been approved until September 2006.

Dr. and Mrs. Shok stated that they understood that this fundraiser was done in Ridgway before at a range and why couldn't it be done there again. They have nothing against the Make a Wish Foundation just where Lonnie proposes the shoot.

Mr. Wachob asked where the engineered plan is for the shooting range. Mr. Beatty reminded Lonnie that in March 2007, when Mr. Wachob asked if you were building a new range his attorney stated that the range doesn't exist.

Mr. Wachob voiced his concern that when they held their Fun Shoot in March that there wasn't one sign along the road warning of a shoot in progress. Lonnie stated that he didn't know that there was an organized or scheduled event to shoot that day. Mr. Wachob's answer was that there were two illegal signs on road signs at the end of the roads showing where the shoot was.

When asked again if the supervisors would come out and look at the site, and consider the event. Mr. Wachob stated that he did not want to come out again and understands what they want to do, but feels that they need to find another place to have this shoot that would be legal. Mr. Beatty explained that he has spent a lot of time concerning the shooting range and has never been paid for his time and doesn't want to do it anymore. Mr. Beatty stated, "We passed an ordinance, you guys said that you would comply with the ordinance, you spelled it out in the narrative on your subdivision and when you made your subdivision you were supposed to have a proposed range and then you were supposed to follow through with the subdivision to tell this township what you were going to do in that subdivision. You never did that and you never had it engineered, so I'm not getting involved with it anymore, myself."

Mr. Wachob stated that he has a lot of respect for those who do things for Make a Wish, it is a great organization. He went on to say that he can't permit them to do something on that range that he feels isn't safe. He also stated that he doesn't think that an engineer can find a place on their property for a safe range. Lonnie stated that nothing has changed in the range except that they are now shooting north on the upper range. Lonnie stated "If you can, stand there and truthfully tell me that you feel unsafe, we will deal with it at that point."

Mr. Wachob expressed that this has been trouble to this township from day one, and for the neighbors concerned. Lonnie's response was, "The township and the Shok's are not willing to give one day to Make a Wish." "I would like ten hours of Brady Township's time and the neighbors of Brady Township to raise money for Make a Wish.

If the township and neighbors don't have ten hours for sick children, we are a sick township." Mr. Wachob's response was that Lonnie had one purpose and that was to make the board look like a bunch of saps, you have deliberately done this to make us look bad.

Lonnie then state that the township call Pam Renwick since she was the one who sent Lonnie the letter requesting that he do another benefit.

When Dr. Shok was approached by Lonnie if he would mind a shoot being held, Dr. Shok's answer was that he feels Lonnie is trying to open the door to something.

Mr. Wachob explained that Lonnie would be in direct violation of the township ordinance if they were to hold a shoot. Mr. Beatty added that if that was an engineered range he wouldn't have a problem with it, at which time Lonnie stated he would contact All Season's Sportsman Trap and hold the shoot there.

Lonnie requested that Mr. Glenn Schuckers put it in the newspaper and make it public record that "The township does not approve the Make A Wish request."

Mr. Ferraraccio voiced his feelings that this is a cheap political trick on your part, this is a low blow and you are reprehensible for making this kind of a situation and statement to these supervisors, if Make a Wish knew this they would disown you totally and completely.

Mr. Wachob explained that he saw them shooting 50 calibers from the one hill to the other, over the road, that as soon as the supervisors turn their back they do as they wish. The London's stated that they are not in violation of the No Shooting Over the Road Ordinance since they are only shooting three nights a week at groundhogs since they are in season.

When a copy of the letter from Pam Renwick was requested from the township, Lonnie refused to make a copy.

Mr. Wachob recommended to the other two supervisors that the request be denied due to the fact that the range is not an engineered, safe shooting range. He went on to say that what the London's did was to build a range without any engineering design work and nothing has come through the township. A narrative stated that they would comply with the NRA regulations when it comes to building a range and this has been completely ignored. The township was told that they would comply with the ordinance and now they turn around and do this.

Mr. Hartzfeld stated that the board is not qualified to go look at the range and say whether it is safe or not and that is why the ordinance requires a qualified engineer to say whether it is safe or not. Lonnie's response was to get the NRA in to approve it. He stated, "Scott Folmar went to school with two other people to design ranges and he is licensed and certified, through NRA to hold events and shoots."

Upon being asked for the solicitor's advice, Mr. Ferraraccio responded that if the township were to grant permission to Mr. London for the shoot, the township would be violating their own ordinance that was just passed.

Mr. Beatty made a motion, second by Mr. Hartzfeld that Lonnie's request be denied on the grounds that they have a range that has not been approved or engineered by a professional engineer. All in favor, motion carried.

Other Business

Monte London complained about pink water in Troutville and he was instructed to come to the water company meeting the second Tuesday of each month.

There were requests from some present to have a Land Use application sent to them.

Uniform Construction Code

Mr. Wachob made a motion, second by Mr. Hartzfeld to give Mr. Beatty permission to consult with Guardian Inspection to work on the UCC code on the backfill material. All in favor, motion carried.

County Aid

Mr. Wachob made a motion, second by Mr. Beatty to change the use of the County Aid money from sewer pipe to 2RC aggregate. All in favor, motion carried.

Recycle

The County has requested placing a second dumpster for modified recycling material. Mr. Beatty made a motion, second by Mr. Hartzfeld to approve the second dumpster pending the location and the room for a second dumpster. The county will have to be contacted. All in favor, motion carried.

Comprehensive Plan

The township received a letter requesting 150 names and addresses for the comprehensive plan for a survey. Mr. Hartzfeld made a motion, second by Mr. Beatty to obtain the names from the 911 addresses, all in favor, motion carried.

Road Work

Mr. Wachob discussed the two bridges on Kinderman Road and new quotes would need to be obtained since last years quotes. Mr. Beatty made a motion, second by Mr. Hartzfeld to receive three telephone quotes for the bridges and in front of the township building. All in favor, motion carried.

A new sewer pipe was placed on the Barr Road

Invoices

Mr. Beatty made motion, second by Mr. Hartzfeld to pay the township invoices. All in favor, motion carried.

There being no further business the meeting was adjourned.
ATTEST: Sheryl DeBoer, Secretary

June 21, 2007

A special meeting was held at the municipal office on June 21, 2007 for the purpose of discussing legal issues. Present at the meeting were Mr. Wachob, Mr. Beatty, and Mr. Hartzfeld. Mr. Wachob called the meeting to order with the pledge to the flag.

Present at the meeting were: Blaise Ferraraccio, Glenn Schuckers, Angela Shok, Ed Shok, Ken Galentine, Bernard and Shirley Wells, Shelia Doane, Doug and Tonda Beard, Jack Beard, and Bob DeBoer.

Shooting Range

Mr. Wachob explained why he called the special meeting. He went on to tell of a meeting he had with Mr. Olan London the prior week on the London property questioning the building that Olan is constructing. When Mr. Wachob asked what the use was he was informed from Mr. London that it was a place to get in the shade. After further questioning from Mr. Wachob, Mr. London said that a person could shoot out of the building. When asked about the building or land use permit. Mr. London said he didn't think he needed one. When questioned about the "Recreational Cabin" Mr. London pointed in a location different from what was proposed on the subdivision plan.

According to Mr. Wachob, Mr. London finally did admit that he would be shooting 22's from the building. From what Mr. Wachob observed the building looks like a commercial shooting bench for people to shoot from. The building is approximately 200 or 250 feet long with 20 some partitions (each about 10 feet wide) and about 10 or 12 feet deep. It is questionable that they will be shooting 22's for a distance of 30 feet. Mr. Wachob feels that the upper proposed range will be shooting south to north now by the way the long building is facing and that the London's plan on moving the dirt berm on the north side.

It was questioned whether this building is going to be used by the public and should L&I be involved.

It is to be noted that several people have been observed shooting from the property where the proposed upper shooting is located across the township road to the upper property next to Fullerton's. The London's response was that they are shooting groundhogs.

Mr. Wachob feels that it is time to file charges and take it before the District Magistrates office. The board of supervisors has the responsibility to protect the health, safety and welfare of the public and there are ordinances that state that.

After much discussion Mr. Beatty made a motion, second by Mr. Hartzfeld to refer the situation to the township attorney and have charges filed against the appropriate person or people. All in favor, motion carried.

ATTEST: Sheryl DeBoer, Secretary

MINJune 21.07

47

FILED

DEC 02 2011

William A. Straw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP * NO. 08-1290-CD
vs *
LINDA LONDON *
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1291-CD
vs *
OLAN LONDON *
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1292-CD
vs *
OLAN LONDON *
CONSOLIDATED WITH

BRADY TOWNSHIP * **NO. 08-1293-CD**
vs
LONNIE LONDON *
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1294-CD
vs *
MONTIE LONDON *
CONSOLIDATED WITH

BRADY TOWNSHIP * NO. 08-1295-CD
vs *
LINDA LONDON *

ORDER

AND NOW, this 23rd day of November, 2011, upon review of the Plaintiff's Motion for Continuance of hearing scheduled for December 7, 2011; it is the ORDER of this Court that said Motion be and is hereby DENIED.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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11/5/2011 3:00 PM
Atty Choman

William A. Shaw
Prothonotary, Clerk of Courts

61

(48)

FILED

May 20 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/29/11

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other
 Co-Plaintiff(s) Defendant(s) Defendant(s) Attorney
 Plaintiff(s) Defendant(s) Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BRADY TOWNSHIP

NO. 08-1293-CD

Plaintiff

v.

Type of Case: Civil

LONNIE LONDON,
an individual,
Defendant

Type of Pleading:
Motion for Summary Judgment

Filed on Behalf of: Defendant

Filed By:

PATRICK LAVELLE, ESQ
PA ID# 85537
25 East Park Ave.
Suite #2
DuBois, PA. 15801
(814) 371-2232
(814) 371-4480 (Fax)

FILED
10/10/2011
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Atty
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BRADY TOWNSHIP

Plaintiff

v.

No. 08-1293-CD

LONNIE LONDON,
an individual,
Defendant

MOTION FOR SUMMARY JUDGMENT

AND NOW comes the defendant, LONNIE LONDON, by and through his attorney, PATRICK LAVELLE, ESQ., and files the within stated Motion Summary Judgment, the facts in support of which are as follows:

1. Plaintiff filed a complaint on August 4, 2008, alleging that the Defendant violated Brady Township Ordinance Number 46. (*See copy of ordinance attached and marked as Exhibit #1*).
2. Section 3 of Ordinance Number 46 addresses the applicability of the statute, limiting the scope of the ordinance to "an operator who submits plans to the board, drawings by a registered professional engineer, licensed in Pennsylvania, for a proposed shooting range."
3. The term "Operator" is defined in Section 2 of Ordinance 46 which states that the term operator "means a person or persons operating for profit, not for profit, or non-profit, or corporation, or partnership, operating either a private or public shooting range."
4. There has been no evidence adduced in this case to establish that this defendant has any right, title or legal interest in the property on which the

shooting range is constructed, and in fact he does not. (*See Affidavit of Defendant, attached and marked as Exhibit #2*).

5. Defendant, having no right, title or legal interest in the property, is without legal authority to exercise any dominion or control over the property.
6. Further, having no right, title or interest in the subject property, this defendant has no authority to schedule, manage or control any events occurring on the property.
7. There has been no evidence adduced in this case to establish that this defendant is a partner, shareholder, officer or member of any partnership, corporation, association or other entity that is engaged in the function of operating a public or private shooting range on the property in question, and in fact he is not. (*See Exhibit #2*).
8. There has been no evidence adduced in this case to establish that this defendant has any contractual right to operate a public or private shooting range on the property in question, and in fact he does not. (*See Exhibit #2*).
9. Although the defendant was present on the subject property on the date in question; his legal status at that time was that of an invitee, and he was a legal participant in the activities occurring at that time.
10. At the time of the activities giving rise to the allegations of ordinance violations, there were approximately fifteen (15) invitees present and participating in shooting activities.
11. The ordinance in question does not impose any liability upon any person or persons based only on their use of the shooting range for shooting activities.
12. Plaintiff has supported his contention that this defendant is an "operator" under the ordinance definition because of the Defendant's presence and representations made at Township Supervisors' meetings. (*See Plaintiffs*

response to Defendant's Interrogatories, question 2, attached and marked as Exhibit #3).

13. In support of their contention, plaintiffs have submitted copies of the minutes of twelve (12) Supervisors' meetings, occurring between May 1, 2006 and June 21, 2007.
14. It is clear that this defendant is a resident of Brady Township, has a right to attend supervisors' meetings, and no inference may be made as to any of his intentions by his mere presence at such meetings. (*See Exhibit #2*).
15. Although the defendant participated at times in discussions about the adoption of this ordinance, and appeared for his absent father on one occasion, there is nothing in the minutes to indicate that there was ever a discussion of the planning or operation of an organized shooting event to occur on March 31, 2007.
16. Further, the appropriate discussion and debate at a township meeting regarding the adoption of a proposed ordinance cannot lead to an inference that this defendant should be considered an "operator" under such an ordinance.
17. In the absence of evidence to the contrary, and in consideration of the aforementioned facts, there is no factual issue to be resolved in determining that, under the facts of this case, this defendant is NOT an "operator" as that term is defined by Ordinance 46.
18. Summary Judgment is proper when there is "no genuine issue of any material fact as to a necessary element of the cause of action." Pa.R.C.P. No. 1035.2
19. Because the plaintiff has not adduced any evidence to establish that this defendant meets the definition of an "operator" as defined in the ordinance,

his cause of action must fail, as this ordinance applies only to those persons shown to be "operators".

WHEREFORE the Defendant prays that this honorable court will grant his Motion for Summary Judgment, and dismiss the claim against the Defendant.

Respectfully Submitted,



Patrick Lavelle, Esq.
Counsel for the Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BRADY TOWNSHIP

Plaintiff

v.

No. 08-1293-CD

LONNIE LONDON,
an individual,
Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify
that on the 25 day of October, 2011, I served a copy of the foregoing
Motion for Summary Judgment, by mailing same via first class mail, postage prepaid to
the following:

Loralee A. Choman, Esq.
1303 Treasure Lake
DuBois, PA 15801



Patrick Lavelle, Esq.

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

Instrument Number - 200703800

Recorded On 3/9/2007 At 9:44:58 AM

* Instrument Type - ORDINANCES

* Total Pages - 9

Invoice Number - 163454

* Grantor - ORDINANCE

* Grantee - BRADY TOWNSHIP

* Customer - BRADY TOWNSHIP

*** FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES -	\$21.00
RECODER	
RECODER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL PAID	\$26.50

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen J. Starck

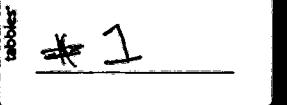
Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

EXHIBIT



* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

BRADY TOWNSHIP, CLEARFIELD COUNTY

ORDINANCE 46

AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF ANY PERSON OR PERSONS OPERATING FOR PROFIT, NOT FOR PROFIT, OR NON PROFIT, A PRIVATE, OR A PUBLIC, SHOOTING RANGE AND TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Brady, Clearfield County, Pennsylvania as follows:

SECTION 1. Purpose and Findings

A. **Purpose:** Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, safety, comfort and welfare of the citizens of Brady Township, the Township of Brady (hereinafter "Township") enacts this Ordinance to protect the health, safety, comfort and welfare of its citizens.

The Township does not intend this Ordinance to suppress any activities protected by the Second Amendment, but to enact a content neutral ordinance which addresses the public health, safety, comfort and welfare of its citizens. It is not the intent of the Board in enacting this legislation to deny any person rights to keep and bear arms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any person to obtain bows and firearms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of bows or firearms may have to sell or distribute or exhibit bows and firearms.

SECTION 2. Interpretation

The definitions in this section apply in these Regulations.

- "approved" means approved by Brady Township Board of Supervisors.
- "board" means Brady Township Board of Supervisors.
- "building" means any type of structure
- "NRA" means National Rifle Association.
- "NRA Source Book" means a 1999 technical publication of the NRA that contains suggested practices and procedures for shooting range builders and operators.
- "operator" means a person or persons operating for profit, not for profit, or non-profit, or corporation, or partnership, operating either a private or public shooting range.
- "range officer" means an individual who oversees the shooting activities at the firing line of a shooting range.
- "safety zone" means a distance of 500 feet from a building or a private roadway, unless written permission is obtained from the owners thereof. Or for a distance of 500 feet from public roadways, and from operating gas wells or fuel storage containers.
- "shooting range" means a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.
- "Township" means the Brady Township Board of Supervisors

SECTION 3. Application

These Regulations apply to :

- (a) an operator who submits plans to the board, drawings by a registered professional engineer, licensed in Pennsylvania, for a proposed shooting range.

SECTION 4. Request for Approval of Shooting Range

1. An operator who wishes to establish and or operate a shooting range shall submit a request for approval to the Township and provide the following information in the request:
 - (a) the applicant's name, address, phone number and, if applicable, facsimile number and electronic mail address;
 - (b) the location of the shooting range, including road directions to reach it;
 - (c) the proposed days and hours of operation of the shooting range; and
 - (d) with respect to each operator, each owner of the shooting range, and each employee of the shooting range who handles firearms
 - (i) his or her name, address and phone number, and
 - (ii) the number of his or her license to possess firearms or, if one does not exist, his or her date of birth.
2. The request for approval of a shooting range must be accompanied by the following documentation:
 - (a) all plans submitted shall be done by a registered professional engineer, licensed in Pennsylvania;
 - (b) all rifle ranges being designed shall follow the applicable suggested practices and procedure of the NRA Range Source Book;
 - (c) a copy of the proposed safety rules;
 - (d) evidence of at least \$2,000,000 of commercial general liability insurance with coverage on an occurrence basis;
 - (e) copies of, and evidence of compliance with, any operating licenses required by federal, or state.
 - (f) evidence that the shooting range complies with any federal, and state law that applies to the establishment and operation of such a facility in regard to environmental protection.

(g) an operator must make application and submit documents detailing the operation to federal, state and local firearms and other business regulatory agencies. This process is necessary to receive such credentials as (1) a federal employment identification number, (2) an IRS account for withholding taxes, (3) state income and retail sales tax accounts, (4) federal firearms licenses, (5) local business licenses, including a use and occupancy permit.

(h) evidence that the shooting range is not in violation of the safety zone which is five hundred (500) feet.

(i) post rules and regulations at the site.

(j) post warning signs of a shooting range area as per design or as proposed by the board.

(k) evidence of caliber of guns proposed to be used on the shooting range.

SECTION 5. Operations

Compliance with Safety Standards and Other Obligations

An operator who wishes to establish and or operate a shooting range shall ensure that the discharge of firearms on the shooting range does not endanger the safety of persons at the shooting range or in the portion of the surrounding area described in paragraph 4(2)(a), by taking appropriate measures, including ensuring that

(a) the design and operation of the shooting range

(i) is such that projectiles discharged from firearms will not leave the shooting range if they are discharged there in accordance with the safety rules, and

(ii) promotes the safety of all persons on the shooting range, including by accommodating any adaptation that may be appropriate given the nature of the shooting activities that may take place and the type and caliber of firearms that may be used there;

(b) the shooting range has an adequate sign warning system to warn persons that they are entering a shooting range.

(c) appropriate safety rules for the shooting range are applied that are consistent with the nature of the shooting activities that may take place and the type and caliber of firearms that may be used there;

(d) the safety rules are posted in a conspicuous place on the shooting range; and

(e) if more than one person is simultaneously engaged in shooting activities on the shooting range, a person acts as the range officer.

(f) shall not shoot within five hundred (500) feet of the safety zone.

SECTION 6. Safety Training

1. The operator of a shooting range shall ensure that every person who indicates an intention to use the shooting range for the first time is informed of the safety rules used at that shooting range.
2. No person may use a shooting range for the first time without having received the information referred to in subsection (1).

SECTION 7. Continuing Compliance

Insurance

1. The operator of a shooting range shall at all times maintain the insurance coverage referred to in paragraphs 4(2) (d) and provide the township with a copy of the insurance policy and documentation of each paid premium of said policy.

Evidence

2. Every five years after the date of this passage of this ordinance or after the approval of a shooting range was granted, the operator shall submit current copies of the documents set out in paragraphs 4(2) (c) and (d), as well as evidence of continuing compliance with the requirements referred to in paragraphs 4(2) (e) to (k) and sections 5 and 7(1), to the Township.
3. The Township may request an operator of a shooting range to provide evidence as described in section 8(2) no more than once in a calendar year.

Despite subsection (3), the Township may make a request more frequently if they

- (a) have received, in the preceding 12 months

(i) a personal injury report in accordance with section 9, or

(ii) a change report in accordance with section 9 change report; or

(b) have reasonable grounds to believe that the continued operation of the shooting range may endanger the safety of any person.

SECTION 8. Reports and Records

Personal Injury Report

1. The operator of an approved shooting range shall report any personal injury occurring on a shooting range that is caused by the discharge of a firearm
 - (a) same day to the local police; and
 - (b) same day of the personal injury, to the Township.
2. The report referred to in subsection (1) must include the following information relating to the personal injury:
 - (a) its date, time and location;
 - (b) the names of the individuals involved;
 - (c) the name of any range officer who was on duty at the time;
 - (d) whether or not medical attention was sought; and
 - (e) a general description of the incident, including the circumstances in which the personal injury occurred, if known.

Change Report

3. The operator of an approved shooting range who proposes to make a change that affects the matters set out in the documentation submitted under subsection 4(2) shall give advance notice of the proposed change to the township within sufficient time, given the nature and complexity of the proposed change, to allow the Township to evaluate it.
4. The operator of an approved shooting range shall report immediately to the Township any change, other than one referred to in section 8(3)
 - (a) to the shooting range or the portion of the surrounding area described in paragraph 4(2)(a) that could endanger the safety of any person; and
 - (b) in operating permits or licenses issued under state or municipal laws that may be relevant to the approval of the shooting range or its activities.

Records

5. Every record made under subsection (8) must be maintained for at least six years.
6. At the Township's request, the operator of the approved shooting range shall submit to the township a report containing all or any requested part of the information described in subsection (8).

Participation of Officers, Members and their Guests

7. The operator of an approved shooting range or those that use the range, on the request of the Township, shall supply a written description of the participation, if any, of a current or past member or officer of the shooting range or those that use the range, in target practice or target shooting competitions within the previous five years.
8. The operator of an approved range shall, on the request of a current or past member or officer of the shooting range or his or her guest, supply to the requestor the description referred to in subsection (8), 7 that concerns the requestor.

SECTION 9. Notice of Refusal or Revocation or Approval

1. A notice of a decision by the Township to refuse to approve a shooting range or revoke approval of a shooting range or to approve a shooting range is sufficiently given if the notice is addressed to the applicant or operator of a shooting range at the address of that person that is set out in the request for approval, or, if the person has advised the township of a change of address, at the new address, and the notice is

(a) delivered personally

- (i) if the applicant or operator is an individual, at any time that is reasonable in the circumstances, and
- (ii) if the applicant or operator is a business, during normal business hours;

(b) sent by registered or certified mail or by constable; or

(c) transmitted by electronic means that can produce a paper record.

2. The notice is deemed to be received

(a) on the day of delivery, if it is delivered personally;

(b) on the fifth working day, excluding Saturdays and holidays, after

- (i) the postmark date, if it is sent by mail, and
- (ii) the date of shipment on the registered or certified mail, if it is sent by constable; and

(c) if it is sent by electronic means,

- (i) if the applicant or operator is an individual, on the day of the transmission, and
- (ii) if the applicant or operator is a business, on the day of the transmission, if that day is a working day, or, if that day is not a working day, on the first working day after the day of transmission.

SECTION 10. Violations and Penalties

The township shall enforce any violation of this Ordinance through a civil enforcement proceeding before the District Justice. The civil enforcement proceeding shall be initiated by Complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person, partnership or corporation who or which has violated any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) for each violation, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therfor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate violation shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Ordinance which is found to have been violated. Additionally, the Township shall be exempt from the payment of costs in any civil case brought to enforce and Ordinance in accordance with this paragraph. Further, the Township may enforce any violation of this Ordinance through an equity action brought in the Court of Common Pleas of the County where the Township is situated.

SECTION 11. Severability

The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any

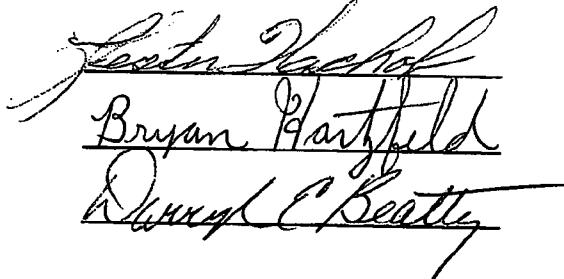
Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

SECTION 12. Effective Date

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW THIS 5 DAY OF
March, 2007.

BRADY TOWNSHIP
BOARD OF SUPERVISORS



ATTEST—



Kelly A. Baer

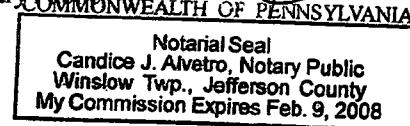
Secretary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

On this, the 8th day of March, 2007, before me, the undersigned officer, a Notary Public, personally appeared, Lester Wachob, Bryan Hartzfeld, and Darryl Beatty and, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires Feb 9, 08



Notary Public
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Candice J. Alvetro, Notary Public
Winslow Twp., Jefferson County
My Commission Expires Feb. 9, 2008
Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BRADY TOWNSHIP

Plaintiff

v.

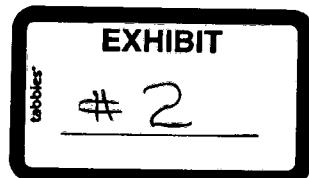
No. 08-1293-CD

LONNIE LONDON,
an individual,
Defendant

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

I, Lonnie London, the defendant in the above captioned case, in support of this Motion for Summary Judgment, do hereby verify and attest to the following facts and circumstances:

1. I am a bona fide resident of Brady Township, Clearfield County, Pennsylvania.
2. I reside with my family at 690 Stony Lane Sanc Rd, Luthersburg, PA.
3. I do not now, nor have I ever had or possessed any right, title or interest in any real property that is presently owned by my mother, Linda London.
4. I am not now, nor have I ever been a partner, shareholder, officer or member of any partnership, corporation, association or other entity that is engaged in the function of operating a public or private shooting range on the property of Linda London.
5. I do not have any right, contractual or otherwise, license or continuing permission to utilize the property of my mother, Linda London, for the purpose of operating a public or private shooting range.
6. I was present on the property of my mother, Linda London, on March 31, 2007 at the invitation of my parents to participate in shooting activities on that date, along with several other people.



I hereby verify that all of the foregoing facts are true and correct to the best of my knowledge, information and belief, and I make this statement with the knowledge and understanding of the provisions of 18 Pa. C.S.A. §4904 (Unsworn Falsification to Authorities).

8-19-11
Date

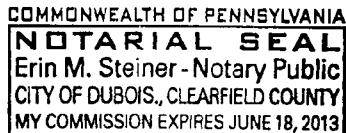


Lonnie London

Commonwealth of Pennsylvania)
ss.)
Clearfield County)

ON THIS, the 19th day of August, 2011 before me, the undersigned officer, personally appeared Lonnie London, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.





Erin M. Steiner (SEAL)
Notary Public

N. With respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify all documents which were referred to in preparing your answer thereof.

O. Unless the context otherwise requires, words in the singular include the plural and words in the plural include the singular; words of the neuter include the feminine and the masculine.

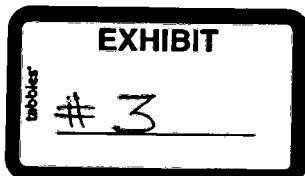
1. With respect to the allegations contained in Plaintiff's complaint at Paragraph Seven (7), please state whether it is Plaintiff's contention that the Defendant is an operator as that term is defined in its ordinance, and state whether it is the Plaintiff's contention that Montie London constructed a shooting range on the property of Linda London.

Yes. Yes.

2. If your answer to Interrogatory No. 1 is yes:

(a) state the basis for your response including when and how Plaintiff determined that Montie London was an operator of the firing range at issue in this case.

As early as May, 2006, the Londons, including Montie London, represented at various Township public meetings and to Township officials outside of the conduct of those meetings that they were in fact interested in the construction and operation of a shooting range on the Matson Lumber site. Montie London was present at several public meetings throughout 2006 and 2007, where he visually and verbally acquiesced, along with Lonnie and Olan, in the Londons site plans, NRA approval guidelines, noise studies, etc. related to the proposed shooting range and public shoots. Subsequently, the Londons, including Montie London, conducted public shoots at the subject firing range that they constructed without Township approval.



(b) state the basis for your response including when and how Plaintiff determined that Montie London constructed the firing range at issue in this case.

FILED

OCT 24 2011

William A. Shaw
Probate and Family Court
Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA -- CIVIL DIVISION**

Brady Township, : **No. 08-1293 C.D.**
Plaintiff :
-vs- :
Lonnie London, :
Defendant :

ORDER

AND NOW this _____ day of _____, 201_____,
following hearing, upon consideration of the Motion for Summary
Judgment of Defendant Lonnie London and Plaintiff's response thereto, it
is hereby ordered that said motion is denied with prejudice.

By the court:

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BRADY TOWNSHIP

Plaintiff

v.

No. 08-1293-CD

LONNIE LONDON,
an individual,

Defendant

FILED

OCT 26 2011
8/4/00
William A. Shaw
Prothonotary/Clerk of Courts
William A. Shaw
Prothonotary/Clerk of Courts 61

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ATTU

ORDER

AND NOW, in consideration of the Defendant's Motions for Summary Judgment, it is the
ORDER of this Court that Argument on said Motions will be heard in Courtroom No. 1 in
the Clearfield County Courthouse on the 7th day of December, 2011 at 2:30
P.M.

BY THE COURT

Judie J. Kumerow
J.

10/26/11

ORIGINAL

16

FILED

OCT 26 2011

William A. Sharif
Clerk of Courts

pro tem

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

: (Consolidated):

Brady Township, : No. 08-1290 C.D.

Plaintiff

-vs-

Linda London, : No. 08-1291 C.D.

Olan London

Olan London,

Lonnie London

Montie London,

Linda London

Defendants

: No. 08-1292 C.D.

: No. 08-1293 C.D.

: No. 08-1294 C.D.

: No. 08-1295 C.D.

: :

: Type of Pleading:

Motion for Continuance

: :

: :

: Filed on Behalf of:

Plaintiff

10/26/2011 Choman
S NOV 21 2011 (original filed
to 08-1290c0)

: Counsel of Record for this Party William A. Shaw

: Loralee A. Choman, Esquire Prothonotary/Clerk of Courts

: 1303 Treasure Lake

: DuBois, PA 15801

: PA Atty. ID No. 52210

: (814) 375-0228

: Fax: (814) 375-9141

: chomanlaw@verizon.net

11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

	: (Consolidated):
	: No. 08-1290 C.D.
Brady Township, Plaintiff	: No. 08-1291 C.D.
-vs-	:
Linda London, Olan London	: No. 08-1292 C.D.
Olan London, Lonnie London	: No. 08-1293 C.D.
Montie London, Linda London	: No. 08-1294 C.D.
Defendants	: No. 08-1295 C.D.
	:
	: Type of Pleading:
	: Motion for Continuance
	:
	:

Motion for Continuance

Plaintiff Brady Township, by and through its attorney, hereby moves for continuance of hearing on Motions for Summary Judgment of Defendants Lonnie London and Montie London and in support avers as follows:

1. Plaintiff is a Second Class Township organized and existing under the laws of the Commonwealth of Pennsylvania.
2. Upon agreement of the parties before this court on August 20, 2010, the above captioned matters, including those of defendants Montie London and Lonnie London, were consolidated by order of this court.

3. Following hearing on August 20, 2010, and the submission of letter briefs by counsel for all parties, this court entered its order on September 10, 2010, granting Plaintiff Brady Township's request for a preliminary injunction.
4. On October 30, 2011, defendants Montie London and Lonnie London filed separate Motions for Summary Judgment.
5. Argument on the defendants' Motions for Summary judgment is scheduled for December 7, 2011 at 2:30 p.m. in courtroom one.
6. One of Plaintiff's witnesses expected to testify at hearing on the matter, Township secretary Sheryl DeBoer, is obligated to attend a long standing appointment with her parent in State College on the date scheduled for hearing, and thus she will be unavailable for testimony.
7. Based upon the foregoing unavailability of witness, the Township respectfully requests a continuance of hearing on this matter.
8. Defense counsel for the Londons, Patrick Lavelle, Esq., does not object to this request for continuance, and has confirmed the same to counsel via email.
9. Plaintiff has not made any prior request for continuance of this matter.

Wherefore, Plaintiff respectfully requests that this court grant its motion for continuance of hearing on this matter.

Respectfully submitted,



Loralee A. Choman
Attorney for Plaintiff

1303 Treasure Lake
DuBois, PA 15801

PA Atty. ID No. 52210
office: 814.375.0228 / cell: 610.360.6099
chomanlaw@verizon.net

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion for Continuance by U.S.P.S., postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 17 November 2011



Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
office: 814.375.0228 / cell: 610.360.6099
Attorney for Plaintiff
chomanlaw@verizon.net

FILED

NOV 21 2011

William A. Shaw
Honorary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP

vs

LINDA LONDON

* NO. 08-1290-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

OLAN LONDON

* NO. 08-1291-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

OLAN LONDON

* NO. 08-1292-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

LONNIE LONDON

* NO. 08-1293-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

MONTIE LONDON

* NO. 08-1294-CD

*

*

CONSOLIDATED WITH

BRADY TOWNSHIP

vs

LINDA LONDON

* NO. 08-1295-CD

*

*

ORDER

AND NOW, this 10th day of September, 2010, following evidentiary hearing on the Plaintiff's Petition for Special Relief – Preliminary Injunction; it is hereby ORDERED that the Plaintiff's request for a Temporary Preliminary Injunction be GRANTED.

It is the ORDER of this Court that a Preliminary Injunction shall remain in effect during the pendency of the underlying proceedings until a decision can be reached on the merits. The Defendants are prohibited from any and all shooting activities across all public roadways in Brady Township. The Defendants are forbidden to conduct, or in any manner promote or participate in, any "shoots" and any and all shooting range type of activities on the property subject to this litigation.

I hereby certify this to be a true
and accurate copy of the original
statement filed in this case.

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

SEP 10 2010



William A. Shaw
Prothonotary/Clerk of Courts

orig. filed to
08-1290-CD

FILED

07/06/2011
SEP 10 2010

William A. Shaw
Prothonotary/Clerk of Courts
2CC Attn:
Chowan
Lavelle

Attest.

(14)

FILED

of 11/26/2010
10/24/2010

William A. Shaw
Prothonotary/Clerk of Courts

COPY CA
Attns:
Cheman
Lavelle
Orig. to 08-1290-CD

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP	}
VS	}
LINDA LONDON,	} NO. 2008-1290-CD
OLAN LONDON,	} NO. 2008-1291-CD
OLAN LONDON,	} NO. 2008-1292-CD
LONNIE LONDON,	} NO. 2008-1293-CD
MONTIE LONDON,	} NO. 2008-1294-CD
LINDA LONDON	} NO. 2008-1295-CD

O R D E R

NOW, this 20th day of August, 2010, following the completion of taking of testimony relative the Petitioner's Petition for Special Relief requesting an preliminary injunction and upon agreement of counsel for the parties, it is the ORDER of this Court that counsel have no more than Ten (10) Days from this date in which to submit letter brief to the Court. Counsel for the Petitioner shall also submit proposed injunctive order.

Upon agreement of the parties, the Petitioner's Motion to Consolidate the case is hereby GRANTED. The

above-captioned cases are hereby CONSOLIDATED.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judge J. Cunningham".

President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brady Township,

CASE NO. 08-1293 CD

Plaintiff

v.

TYPE OF CASE: Civil Action

Lonnie London,

TYPE OF PLEADING: Response to
Petition for Special Relief

Defendant

FILED ON BEHALF OF:
Defendant

FILED BY:

Patrick Lavelle, Esq.
PA ID # 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814)371-2232
(814) 371-4480 Fax

S
FILED
M 12/5/08 10:11 AM
AUG 04 2010
Atty
William A. Shaw
Prothonotary/Clerk of Courts
Lavelle

(12)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brady Township,

CASE NO. 08-1293 CD

Plaintiff

v.

Lonnie London,

Defendant

RESPONSE TO PETITION FOR SPECIAL RELIEF AND INJUNCTIVE RELIEF

AND NOW comes the defendant, Lonnie London, by and through his attorney, PATRICK LAVELLE, ESQ., and files the within stated Response to the plaintiff's Petition for Special Relief, averments in support of which are as follows:

1. Plaintiff's paragraph one (1) is admitted in part, and denied in part. It is admitted that the defendant has constructed a firing range on his wife's property where he resides. Defendant is without sufficient knowledge or information to admit or deny the remaining averments of paragraph (1) and they are therefore denied, sufficient proof thereof being demanded at the time of trial.

2. Plaintiff's paragraph two (2) is admitted in part and denied in part. It is admitted that plaintiff's instituted the underlying action. The remaining averments of paragraph (2) are denied. By way of further response, the purpose of the filing

was to effect the enforcement of Ordinance 46, and the relief sought was that which is available to plaintiff under the provision of said ordinance.

3. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph three (3), and they are therefore denied, sufficient proof thereof being demanded at the time of trial.

4. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph four (4, and they are therefore denied, sufficient proof thereof being demanded at the time of trial.

5. The averments of paragraph five (5) are denied. By way of further response, other than the plaintiff's action of filing this action, defendant has not received any notices from plaintiff or other requests such as are averred in plaintiff's paragraph five (5).

6. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph six (6), and they are therefore denied, sufficient proof thereof being demanded at the time of trial.

7. The defendant is without sufficient knowledge, information or belief to admit or deny the averments of paragraph seven (7), and they are therefore denied, sufficient proof thereof being demanded at the time of trial.

8. The averments of paragraph eight (8) amount to a conclusion of law, for which no response is necessary. To the extent a response is required, they are denied.

9. The averments of paragraph nine (9) amount to a conclusion of law, for which no response is necessary. To the extent a response is required, they are denied.

10. The averments of paragraph ten (10) are denied. By way of further response the defendant avers that he has not engaged in any conduct of any type which is reckless, or otherwise poses a threat to the health, safety or welfare of any person,³ sufficient proof thereof is demanded at the time of trial.

11. The averments of paragraph eleven (11) are denied. By way of further response, any action which infringes upon the rights and freedoms of the defendant amounts to a significant detriment to the defendant, and under the circumstances of this case amount to impermissible prior restraint.

12. The averments of paragraph twelve (12) are denied. By way of further response the defendant incorporates his response to paragraph ten (10) above. Further, injunction is not available to the plaintiff in the presence of an adequate remedy at law, i.e. the ability to take enforcement action for any discovered violations of existing township ordinances.

13. The averments of paragraph thirteen (13) amount to a conclusion of law, for which no response is necessary. To the extent a response is required, they are denied.

14. The averments of paragraph fourteen (14) amount to a conclusion of law, for which no response is necessary. To the extent a response is required, they are denied.

WHEREFORE the defendant prays that this Honorable Court will deny the petition and direct the plaintiff to proceed with the prosecution of its case.

RESPECTFULLY SUBMITTED



Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brady Township,

CASE NO. 08-1293 CD

Plaintiff

v.

Lonnie London,

Defendant

CERTIFICATE OF SERVICE

AND NOW this 3rd day of August, 2010, I hereby certify
that I have served a copy of the foregoing Response to the
Petition for Special Relief by mailing same via 1st class mail,
postage prepaid to the following:

Loralee Choman, Esq.
1303 Treasure Lake
DuBois, PA. 15801



Patrick Lavelle, Esq.

FILED
AUG 04 2010

William A. Show
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township, : Clearfield County
Plaintiff : No. 08-1293 C.D.
-vs- : Civil Action
Lonnie London, : Type of Pleading:
Defendant : Petition for Special Relief -
: Preliminary Injunction - Rule
: Filed on Behalf of:
: Plaintiff
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

FILED 2cc
JUL 20 2010 Atty Choman

William A. Shaw
Prothonotary/Clerk of Courts

(11)

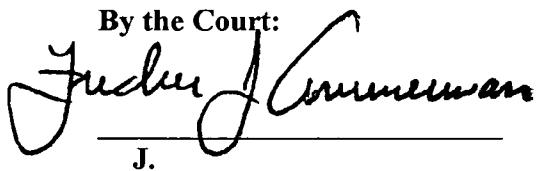
PROPOSED RULE AND ORDER TO SHOW CAUSE

AND NOW, this 20th day of July, 2010, upon consideration of Plaintiff's Petition for Special Relief - Preliminary Injunction, it is hereby ordered that:

A Rule and Order is issued upon the Defendants to show cause why Plaintiff is not entitled to the relief requested.

Proposed Order Returnable and a hearing thereon on the 20th day of August, 2010, at 11:00 a.m. in the Clearfield County Courthouse, courtroom number 1, with 1 HOUR allotted for hearing on the matter

By the Court:



J.

FILED

JUL 20 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 7/20/10

X You are responsible for serving all appropriate parties.

The Prothonotary's Office has provided service to the following parties:

**Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Inspector(s)**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,

Plaintiff

-vs-

Lonnie London,

Defendant

: Clearfield County
: No. 08-1293 C.D.
:
: Civil Action
:
: Type of Pleading:
: Petition for Special Relief -
: Preliminary Injunction - Proposed
: Order
:
: Filed on Behalf of:
: Plaintiff
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

PROPOSED ORDER

AND NOW, this _____ day of _____ 2010, upon review of the Plaintiff's Petition for Special Relief - Preliminary Injunction and Defendants' Response, it is hereby ordered, pursuant to Pa. R.C.P. No. 213, as follows:

That a preliminary injunction shall remain in effect during the pendency of the underlying proceedings until a decision can be reached on the merits;

That Defendants are prohibited from any and all shooting activities across all public roadways in Brady Township;

That Defendants are forbidden to conduct, or in any manner promote or participate in, any "shoots," and any and all shooting-range type of activities

That Plaintiff is entitled to such other relief as the Court deems fair and just.

By the Court:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff

-VS-

Lonnie London,
Defendant

: Clearfield County
: No. 08-1293 C.D.
:
: Civil Action
:
: Type of Pleading:
: Petition for Special Relief -
: Preliminary Injunction
:
: Filed on Behalf of:
: Plaintiff
:
:
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
:
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

FILED
JUL 19 2010
Scc
Atty Choman

William A. Shaw
Prothonotary/Clerk of Courts

(6)

(10)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff

-VS-

Lonnie London,
Defendant

Clearfield County
No. 08-1293 C.D.

Civil Action

Type of Pleading:
Petition for Special Relief - Preliminary
Injunction

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party
Loralee A. Choman, Esquire
1303 Treasure Lake
DuBois, PA 15801

PA Atty. ID No. 52210
(814) 375-0228
Fax: (814) 375-9141
chomanlaw@verizon.net

PETITION FOR SPECIAL RELIEF----PRELIMINARY INJUNCTION

NOW COMES Brady Township, Plaintiff above named, and by its Attorney, Loralee A. Choman, petitions this Honorable Court to grant its Petition for Special Relief in the form of a Preliminary Injunction, as follows:

1. On or about July, 2006, Defendants began operation of a shooting range in Brady Township, including, to the best of Plaintiff's knowledge, the firing of small firearms and high-powered rifles, including twenty-two, thirty and fifty caliber firearms upon Defendant's property.
2. Plaintiff instituted the underlying action seeking costs, damages and permanent enjoinder in connection with Defendant's violation of Township Ordinance Number 46
3. As part of the shooting activities conducted by Defendant and or individuals upon Defendant's property, shots are fired across public roadways adjacent to Defendant's property, including, but not limited to, Stoney Lonesome Road and Miknis Road.
4. Additionally, Defendant and or individuals upon the property conduct random unexpected shooting activities across public roadways in the Township, all to the fear, detriment and potential harm to the residents, invitees and the public at large in the areas near and adjacent to Defendant's property.
5. Plaintiff has repeatedly requested that Defendant ceases shooting activities involving violations of its duly enacted Ordinances related to shooting activities in the Township. Specifically, Plaintiff has requested that Defendant abide by the provisions of Brady Township Ordinance Number 46, relating to the regulation of any person or persons operating for profit, not for profit, or non-profit, a private, or a public, shooting range and to prescribe fines and penalties for violations, and Ordinance Number 45, relating to the regulation of individuals, and private, public or commercial archery ranges, pistol ranges, and rifle ranges discharging bows or firearms over public roadways (township roadways) and to prescribe fines and penalties for violations (Copies of said Ordinances are attached as Exhibits "A" and "B").
6. Despite Plaintiff's requests, Defendant and/or Defendant's invitees continue random shooting activities in violation of the subject Ordinances.

7. Plaintiff has received numerous complaints from township residents regarding Defendant's shooting activities, particularly with regard to shooting over and along the public roadways in the Township.
8. There is no question but that Defendant's shooting activities violate the subject ordinances and threaten the health, safety and welfare of the Township's residents and visitors.
9. To be entitled to a preliminary injunction, the plaintiff must demonstrate the following elements:
 - a. that relief is necessary to prevent immediate and irreparable harm that cannot be compensated by damages;
 - b. that greater injury will occur from refusing the injunction than by granting it;
 - c. that the injunction will restore the parties to the status quo as it existed immediately before the alleged wrongful conduct;
 - d. that the wrong is actionable and an injunction is reasonably suited to abate that wrong; and
 - e. that the plaintiff's right to relief is clear.¹
10. Because the Defendant has engaged in shooting activities adjacent to and across a public road, this reckless behavior poses an immediate and irreparable harm to the health, safety and welfare of Brady Township constituents.
11. Any possible detriment or injury to the Defendant is minimal because the terms of the injunction are not meant as a strict prohibition on shooting, but merely limits the location of such activity for safety purposes.

¹ School District of Wilkinsburg v. Wilkinsburg Education Association, 542 Pa. 335, 338, 667 A.2d 5, 6 n.2 (1995); Valley Forge Historical Society v. Washington Memorial Chapel, 493 Pa. 491, 500, 426 A.2d 1123, 1128 (1981); New Castle Orthopedic Assoc. v. Burns, 481 Pa. 460, 464, 392 A.2d 1383, 1385 (1978).

12. The injunction will restore the Brady Township and its constituents to the safety and peace of mind that they possessed prior to the Defendant's act. Therefore, the institution of a preliminary injunction while the case is pending will restore the status quo.
13. The wrong is actionable as is evidenced by the current litigation.
14. The Township's right to provide for the health, safety and welfare of its constituents is clear.

WHEREFORE, Petitioner requests that the Court enter an Order granting the following relief:

- a. A preliminary injunction during the pendency of the proceedings until a decision regarding this issue is reached on the merits.
- b. Such other relief as the Court deems fair and just.



Loralee A. Choman
Loralee A. Choman
Attorney for Plaintiff

BRADY TOWNSHIP, CLEARFIELD COUNTY

ORDINANCE 46

AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF ANY PERSON OR PERSONS OPERATING FOR PROFIT, NOT FOR PROFIT, OR NON PROFIT, A PRIVATE, OR A PUBLIC, SHOOTING RANGE AND TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Brady, Clearfield County, Pennsylvania as follows:

SECTION 1. Purpose and Findings

A. **Purpose:** Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, safety, comfort and welfare of the citizens of Brady Township, the Township of Brady (hereinafter "Township") enacts this Ordinance to protect the health, safety, comfort and welfare of its citizens.

The Township does not intend this Ordinance to suppress any activities protected by the Second Amendment, but to enact a content neutral ordinance which addresses the public health, safety, comfort and welfare of its citizens. It is not the intent of the Board in enacting this legislation to deny any person rights to keep and bear arms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any person to obtain bows and firearms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of bows or firearms may have to sell or distribute or exhibit bows and firearms.

EXHIBIT "A"

SECTION 2. Interpretation

The definitions in this section apply in these Regulations.

- "approved" means approved by Brady Township Board of Supervisors.
- "board" means Brady Township Board of Supervisors.
- "building" means any type of structure
- "NRA" means National Rifle Association.
- "NRA Source Book" means a 1999 technical publication of the NRA that contains suggested practices and procedures for shooting range builders and operators.
- "operator" means a person or persons operating for profit, not for profit, or non-profit, or corporation, or partnership, operating either a private or public shooting range.
- "range officer" means an individual who oversees the shooting activities at the firing line of a shooting range.
- "safety zone" means a distance of 500 feet from a building or a private roadway, unless written permission is obtained from the owners thereof. Or for a distance of 500 feet from public roadways, and from operating gas wells or fuel storage containers.
- "shooting range" means a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.
- "Township" means the Brady Township Board of Supervisors

SECTION 3. Application

These Regulations apply to :

- (a) an operator who submits plans to the board, drawings by a registered professional engineer, licensed in Pennsylvania, for a proposed shooting range.

SECTION 4. Request for Approval of Shooting Range

1. An operator who wishes to establish and or operate a shooting range shall submit a request for approval to the Township and provide the following information in the request:
 - (a) the applicant's name, address, phone number and, if applicable, facsimile number and electronic mail address;
 - (b) the location of the shooting range, including road directions to reach it;
 - (c) the proposed days and hours of operation of the shooting range; and
 - (d) with respect to each operator, each owner of the shooting range, and each employee of the shooting range who handles firearms
 - (i) his or her name, address and phone number, and
 - (ii) the number of his or her license to possess firearms or, if one does not exist, his or her date of birth.
2. The request for approval of a shooting range must be accompanied by the following documentation:
 - (a) all plans submitted shall be done by a registered professional engineer, licensed in Pennsylvania;
 - (b) all rifle ranges being designed shall follow the applicable suggested practices and procedure of the NRA Range Source Book;
 - (c) a copy of the proposed safety rules;
 - (d) evidence of at least \$2,000,000 of commercial general liability insurance with coverage on an occurrence basis;
 - (e) copies of, and evidence of compliance with, any operating licenses required by federal, or state.
 - (f) evidence that the shooting range complies with any federal, and state law that applies to the establishment and operation of such a facility in regard to environmental protection.

(g) an operator must make application and submit documents detailing the operation to federal, state and local firearms and other business regulatory agencies. This process is necessary to receive such credentials as (1) a federal employment identification number, (2) and IRS account for withholding taxes, (3) state income and retail sales tax accounts, (4) federal firearms licenses, (5) local business licenses, including a use and occupancy permit.

(h) evidence that the shooting range is not in violation of the safety zone which is five hundred (500) feet.

(i) post rules and regulations at the site.

(j) post warning signs of a shooting range area as per design or as proposed by the board.

(k) evidence of caliber of guns proposed to be used on the shooting range.

SECTION 5. Operations

Compliance with Safety Standards and Other Obligations

An operator who wishes to establish and or operate a shooting range shall ensure that the discharge of firearms on the shooting range does not endanger the safety of persons at the shooting range or in the portion of the surrounding area described in paragraph 4(2)(a), by taking appropriate measures, including ensuring that

(a) the design and operation of the shooting range

(i) is such that projectiles discharged from firearms will not leave the shooting range if they are discharged there in accordance with the safety rules, and

(ii) promotes the safety of all persons on the shooting range, including by accommodating any adaptation that may be appropriate given the nature of the shooting activities that may take place and the type and caliber of firearms that may be used there;

(b) the shooting range has an adequate sign warning system to warn persons that they are entering a shooting range.

(c) appropriate safety rules for the shooting range are applied that are consistent with the nature of the shooting activities that may take place and the type and caliber of firearms that may be used there;

(d) the safety rules are posted in a conspicuous place on the shooting range; and

- (e) if more than one person is simultaneously engaged in shooting activities on the shooting range, a person acts as the range officer.
- (f) shall not shoot within five hundred (500) feet of the safety zone.

SECTION 6. Safety Training

1. The operator of a shooting range shall ensure that every person who indicates an intention to use the shooting range for the first time is informed of the safety rules used at that shooting range.
2. No person may use a shooting range for the first time without having received the information referred to in subsection (1).

SECTION 7. Continuing Compliance

Insurance

1. The operator of a shooting range shall at all times maintain the insurance coverage referred to in paragraphs 4(2) (d) and provide the township with a copy of the insurance policy and documentation of each paid premium of said policy.

Evidence

2. Every five years after the date of this passage of this ordinance or after the approval of a shooting range was granted, the operator shall submit current copies of the documents set out in paragraphs 4(2) (c) and (d), as well as evidence of continuing compliance with the requirements referred to in paragraphs 4(2) (e) to (k) and sections 5 and 7(1), to the Township.
3. The Township may request an operator of a shooting range to provide evidence as described in section 8(2) no more than once in a calendar year.

Despite subsection (3), the Township may make a request more frequently if they

- (a) have received, in the preceding 12 months
 - (i) a personal injury report in accordance with section 9, or
 - (ii) a change report in accordance with section 9 change report; or

(b) have reasonable grounds to believe that the continued operation of the shooting range may endanger the safety of any person.

SECTION 8. Reports and Records

Personal Injury Report

1. The operator of an approved shooting range shall report any personal injury occurring on a shooting range that is caused by the discharge of a firearm
 - (a) same day to the local police; and
 - (b) same day of the personal injury, to the Township.
2. The report referred to in subsection (1) must include the following information relating to the personal injury:
 - (a) its date, time and location;
 - (b) the names of the individuals involved;
 - (c) the name of any range officer who was on duty at the time;
 - (d) whether or not medical attention was sought; and
 - (e) a general description of the incident, including the circumstances in which the personal injury occurred, if known.

Change Report

3. The operator of an approved shooting range who proposes to make a change that affects the matters set out in the documentation submitted under subsection 4(2) shall give advance notice of the proposed change to the township within sufficient time, given the nature and complexity of the proposed change, to allow the Township to evaluate it.
4. The operator of an approved shooting range shall report immediately to the Township any change, other than one referred to in section 8(3)
 - (a) to the shooting range or the portion of the surrounding area described in paragraph 4(2)(a) that could endanger the safety of any person; and
 - (b) in operating permits or licenses issued under state or municipal laws that may be relevant to the approval of the shooting range or its activities.

Records

5. Every record made under subsection (8) must be maintained for at least six years.
6. At the Township's request, the operator of the approved shooting range shall submit to the township a report containing all or any requested part of the information described in subsection (8).

Participation of Officers, Members and their Guests

7. The operator of an approved shooting range or those that use the range, on the request of the Township, shall supply a written description of the participation, if any, of a current or past member or officer of the shooting range or those that use the range, in target practice or target shooting competitions within the previous five years.
8. The operator of an approved range shall, on the request of a current or past member or officer of the shooting range or his or her guest, supply to the requestor the description referred to in subsection (8), 7 that concerns the requestor.

SECTION 9. Notice of Refusal or Revocation or Approval

1. A notice of a decision by the Township to refuse to approve a shooting range or revoke approval of a shooting range or to approve a shooting range is sufficiently given if the notice is addressed to the applicant or operator of a shooting range at the address of that person that is set out in the request for approval, or, if the person has advised the township of a change of address, at the new address, and the notice is
 - (a) delivered personally
 - (i) if the applicant or operator is an individual, at any time that is reasonable in the circumstances, and
 - (ii) if the applicant or operator is a business, during normal business hours;
 - (b) sent by registered or certified mail or by constable; or
 - (c) transmitted by electronic means that can produce a paper record.
2. The notice is deemed to be received
 - (a) on the day of delivery, if it is delivered personally;
 - (b) on the fifth working day, excluding Saturdays and holidays, after

- (i) the postmark date, if it is sent by mail, and
- (ii) the date of shipment on the registered or certified mail, if it is sent by constable; and

(c) if it is sent by electronic means,

- (i) if the applicant or operator is an individual, on the day of the transmission, and
- (ii) if the applicant or operator is a business, on the day of the transmission, if that day is a working day, or, if that day is not a working day, on the first working day after the day of transmission.

SECTION 10. Violations and Penalties

The township shall enforce any violation of this Ordinance through a civil enforcement proceeding before the District Justice. The civil enforcement proceeding shall be initiated by Complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person, partnership or corporation who or which has violated any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) for each violation, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therfor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate violation shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Ordinance which is found to have been violated. Additionally, the Township shall be exempt from the payment of costs in any civil case brought to enforce and Ordinance in accordance with this paragraph. Further, the Township may enforce any violation of this Ordinance through an equity action brought in the Court of Common Pleas of the County where the Township is situated.

SECTION 11. Severability

The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any

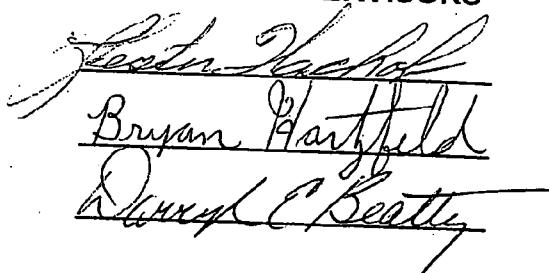
Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

SECTION 12. Effective Date

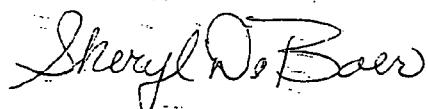
This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW THIS 5 DAY OF
March, 2007.

BRADY TOWNSHIP
BOARD OF SUPERVISORS



ATTEST:



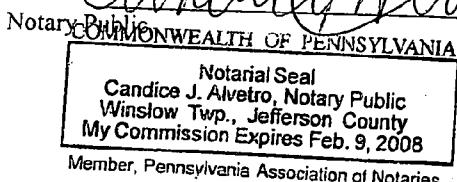
Secretary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

On this, the 8th day of March, 2007, before me, the undersigned officer, a Notary Public, personally appeared, Lester Wachob, Bryan Hartzfeld, and Darryl Beatty and, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires Feb 9, 08



BRADY TOWNSHIP
CLEARFIELD COUNTY

ORDINANCE 45

AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF INDIVIDUALS, AND PRIVATE, PUBLIC, OR COMMERCIAL ARCHERY RANGES, PISTOL RANGES, AND RIFLE RANGES DISCHARGING BOWS OR FIREARMS OVER PUBLIC ROADWAYS (TOWNSHIP ROADWAYS) AND TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Brady, Clearfield County, Pennsylvania as follows:

SECTION 1. PURPOSE AND FINDINGS

A. **PURPOSE:** Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, safety, comfort and welfare of the citizens of Brady Township, the Township of Brady (hereinafter "Township") enacts this Ordinance to protect the health, safety, comfort and welfare of its citizens.

The Board of Supervisors does not intend this Ordinance to suppress any activities protected by the Second Amendment, but to enact a content neutral ordinance which addresses the public health, safety, comfort and welfare of its citizens. It is not the intent of the Board in enacting this legislation to deny any person rights to keep and bear arms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any person to obtain bows and firearms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of bows or firearms may have to sell or distribute or exhibit bows and firearms.

SECTION 2. It shall be unlawful for any person within the limits of the Township to discharge any bow or firearm over any public roadway (township road). This in order to protect the public health, safety, comfort and welfare of its citizens.

SECTION 3. It shall be unlawful for anyone, including individuals, partnerships, corporations or landowners to authorize or permit the discharge of any bow or firearm over any public roadway (township road) from their property. This in order to protect the public health, safety, comfort and welfare of its citizens.

SECTION 4. This ordinance is not regulating or prohibiting hunting in Brady Township as only the Pennsylvania Game Commission has been empowered to do that. This ordinance does not restrict bow or firearm hunting over any public roadway (township road) when the activities are being done as part of lawful hunting.

SECTION 5. The Township shall enforce any violation of this Ordinance through a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by Complaint or by such other means as may be provided by the Pennsylvania rules of Civil Procedure. Any person, partnership, corporation, or landowner who or which has violated any provision of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) for each violation, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate violation shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Ordinance which is found to have been violated. Additionally, the Township shall be exempt from the payment of costs in any civil case brought to enforce an Ordinance in accordance with this paragraph. Further, the Township may enforce any violation of this Ordinance through an equity action brought in the Court of Common Pleas of the County where the Township is situated.

SECTION 6. The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted is such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

SECTION 7. This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW THIS 5 DAY OF
Sept., 2006.

BRADY TOWNSHIP
BOARD OF SUPERVISORS

Lester Wachob
Darryl Beatty
Bryan Hartzfeld

ATTEST:

Sheryl DeBoer
Secretary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

On this, the 7 day of Sept., 2006, before me, the undersigned officer, a Notary Public, personally appeared, Lester Wachob, Bryan Hartzfeld, and Darryl Beatty and, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires Feb 9, 08

Candice J. Alvetro
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Candice J. Alvetro, Notary Public
Winslow Twp., Jefferson County
My Commission Expires Feb. 9, 2008
Member, Pennsylvania Association of Notaries

VERIFICATION

I, Darryl Beatty, verify that the statements made in the foregoing Motion for Injunctive Relief are true and correct to the best of my knowledge, information and belief. I understand that this statement is subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Darryl Beatty
Darryl Beatty
Brady Township Board of Supervisors

Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Petition for Special Relief - Preliminary Injunction by U.S.P.S pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801



Dated: 16 July 2010

Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
Telephone: (814) 375-0228
Attorney for Plaintiff
chomanlaw@verizon.net

FILED

JUL 19 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

Clearfield County
No. 08-1292 C.D.

Civil Action

Type of Pleading:
Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

Clearfield County
No. 08-1293 C.D.

Civil Action

Type of Pleading:
Motion to Consolidate

Filed on Behalf of:
Plaintiff

FILED 2CC
014:00 03 2010
S. Atty
William A. Shaw
Montgomery County Clerk of Courts
⑩

Brady Township,
Plaintiff
-vs-
Montie London,
Defendant

Clearfield County
No. 08-1294 C.D.

Civil Action

Type of Pleading:
Motion to Consolidate

Filed on Behalf of:
Plaintiff

⑨

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

: Clearfield County
: No. 08-1290 C.D.
: Civil Action
: Type of Pleading:
: Rule Returnable/Motion to
: Consolidate
: Filed on Behalf of:
: Plaintiff

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

: Clearfield County
: No. 08-1291 C.D.
: Civil Action
: Type of Pleading:
: Rule Returnable/Motion to
: Consolidate
: Filed on Behalf of:
: Plaintiff

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

Clearfield County
No. 08-1295 C.D.

Civil Action

Type of Pleading:
Rule Returnable/Motion to
Consolidate

Filed on Behalf of:
Plaintiff

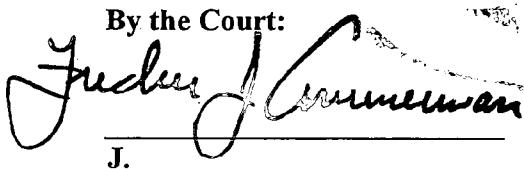
RULE TO SHOW CAUSE

AND NOW, this 15th day of July, 2010, upon consideration of Plaintiff's Motion for consolidation, it is hereby ordered that:

A Rule is issued upon the Defendants to show cause why Plaintiff is not entitled to the relief requested.

Rule Returnable and a hearing thereon on the 19th day of August, 2010, at 9:00 A. m. in the Clearfield County Courthouse, courtroom number 1, with 1/2 HR allotted for hearing on the matter

By the Court:


J.

FILED

Jul 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/15/10

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1293 CD**

Plaintiff

v.

Type of Pleading:
Certificate of Service

LONNIE LONDON

Filed on Behalf of: **Defendant**

Defendant

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

FILED 1CC 144
M/11/04 Cn Lavelle
JUL 12 2010
S
William A. Shaw
Prothonotary/Clerk of Courts

(8)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP
Plaintiff

Case No. 08-1293 CD

v.

LONNIE LONDON
Defendant

CERTIFICATE OF SERVICE

TO: PROTHONOTARY:

We hereby certify that an original copy of Defendant's First Set of Interrogatories and Request of Documents to Plaintiff was served on counsel for Plaintiff, by mailing the same, 1st Class Mail, postage prepaid, to the following:

Loralee A. Choman, Esq.
1303 Treasure Lake
DuBois, PA. 15801

DATE: 7/9/2010

By Patrick Lavelle

Patrick Lavelle, Esq.
Attorney for Defendant

FILED

JUL 12 2010

William A. Shaw
Prothonotary/Clerk of Courts

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

Clearfield County
No. 08-1292 C.D.

Civil Action

Type of Pleading:
Rule Returnable/Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

Clearfield County
No. 08-1293 C.D.

Civil Action

Type of Pleading:
Rule Returnable/Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Montie London,
Defendant

Clearfield County
No. 08-1294 C.D.

Civil Action

Type of Pleading:
Rule Returnable/Motion to Consolidate

Filed on Behalf of:
Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

Clearfield County
No. 08-1290 C.D.
Civil Action
Type of Pleading:
Proposed Order/Motion to
Consolidate
Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

Clearfield County
No. 08-1291 C.D.
Civil Action
Type of Pleading:
Proposed Order/Motion to
Consolidate
Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

: Clearfield County
: No. 08-1295 C.D.
:
: Civil Action
:
: Type of Pleading:
: Proposed Order/Motion to
: Consolidate
:
: Filed on Behalf of:
: Plaintiff
:
:

PROPOSED ORDER

AND NOW, this _____ day of _____ 2010, upon review of the Plaintiff's Motion for Consolidation and Defendants' Response, it is hereby ordered, pursuant to Pa. R.C.P. No. 213, that the captioned matters are consolidated at docket number _____ - _____ C.D. for all purposes, including hearing and/or trial of the underlying matters, subject to this court's further order(s) to avoid unnecessary cost or delay.

By the Court:

J.

CA

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

Clearfield County
No. 08-1292 C.D.

Civil Action

Type of Pleading:
Proposed Order/Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

Clearfield County
No. 08-1293 C.D.

FILED

7 JUL 12 2010

William A. Shaw
Prothonotary/Clerk of Courts

Brady Township,
Plaintiff
-vs-
Montie London,
Defendant

Clearfield County
No. 08-1294 C.D.

Civil Action

Type of Pleading:
Proposed Order/Motion to Consolidate

Filed on Behalf of:
Plaintiff

7

: Clearfield County
: No. 08-1295 C.D.
:
: Civil Action
:
: Type of Pleading:
: Motion to Consolidate
:
: Filed on Behalf of:
: Plaintiff
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

Clearfield County
No. 08-1290 C.D.
Civil Action
Type of Pleading:
Motion to Consolidate
Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

Clearfield County
No. 08-1291 C.D.
Civil Action
Type of Pleading:
Motion to Consolidate
Filed on Behalf of:
Plaintiff

FILED 300
M 11/2/2010 Atty
JC 15 2010 Choman

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

: Clearfield County
: No. 08-1290 C.D.
: Civil Action
: Type of Pleading:
: Motion to Consolidate
: Filed on Behalf of:
: Plaintiff

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

: Clearfield County
: No. 08-1291 C.D.
: Civil Action
: Type of Pleading:
: Motion to Consolidate
: Filed on Behalf of:
: Plaintiff

Brady Township,
Plaintiff
-vs-
Olan London,
Defendant

Clearfield County
No. 08-1292 C.D.

Civil Action

Type of Pleading:
Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

Clearfield County
No. 08-1293 C.D.

Civil Action

Type of Pleading:
Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Montie London,
Defendant

Clearfield County
No. 08-1294 C.D.

Civil Action

Type of Pleading:
Motion to Consolidate

Filed on Behalf of:
Plaintiff

Brady Township,
Plaintiff
-vs-
Linda London,
Defendant

: Clearfield County
: No. 08-1295 C.D.
:
: Civil Action
:
: Type of Pleading:
: Motion to Consolidate
:
: Filed on Behalf of:
: Plaintiff
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: chomanlaw@verizon.net

Motion to Consolidate

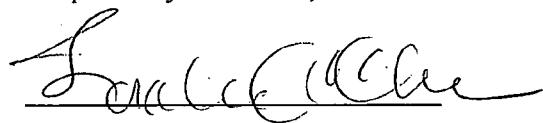
Plaintiff Brady Township, by and through its attorney, hereby moves to consolidate the above captioned actions and in support avers as follows:

1. Plaintiff is a Second Class Township organized and existing under the laws of the Commonwealth of Pennsylvania.
2. Defendants own land from which they conduct shooting activities and otherwise discharge firearms within Brady Township.
3. Plaintiff instituted the present action to enforce its lawfully enacted ordinances related to shooting activities within Brady Township, as more fully set forth in Plaintiff's complaints, incorporated here by reference.

4. Pursuant to Pennsylvania Rule of Civil Procedure No. 213 (Consolidation, Severance and Transfer of Actions and Issues within a County...) (2010), a party may move for consolidation of actions, as follows:
 - (a) In actions pending in a county which involve a common question of law or fact or which arise from the same transaction or occurrence, the court on its own motion or on the motion of any party may order a joint hearing or trial of any matter in issue in the actions, may order the actions consolidated, and may make orders that avoid unnecessary cost or delay.
5. The underlying actions involve common questions of law and fact with regard to the ordinances enacted by the Supervisors of Brady Township.
6. Thus, Plaintiff may petition the court to order a joint trial of the underlying actions, order the actions consolidated and make any other order to avoid unnecessary cost or delay.

Wherefore, Plaintiff respectfully requests that this court grant its motion for consolidation of the captioned actions.

Respectfully submitted,



Loralee A. Choman
Attorney for Plaintiff

1303 Treasure Lake
DuBois, PA 15801
PA Atty. ID No. 52210
(814) 375-0228
chomanlaw@verizon.net

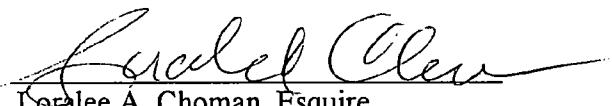
Certificate of Service

I hereby certify that I have served upon the following a true and correct copy of Plaintiff's Motion to Consolidate by U.S.P.S., postage pre-paid:

Attorney for Defendants:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801

Dated: 10 July 2010


Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
Telephone: (814) 375-0228
Attorney for Plaintiff
chomanlaw@verizon.net

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

: Clearfield County
: No. 08-1293 C.D.
:
: Civil Action
:
: Type of Pleading:
: Response to New Matter
:
Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant
:
:
: Filed on Behalf of:
: Plaintiff
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

FILED
MTO 4/8/2011
SEP 03 2009
S
William A. Shaw
Prothonotary/Clerk of Courts
611

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Response to New Matter on behalf of Plaintiff has been served via U.S. Mail upon the following:

Patrick Lavelle, Esquire
25 East Park Avenue, Suite #4
DuBois, PA 15801


Loralee A. Choman, Esquire
PA ID No. 52210
1303 Treasure Lake
Du Bois, PA 15801
Telephone: (814) 375-0228
Attorney for Plaintiff

Date: 2 September 2009

FILED
SEP 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

Brady Township,
Plaintiff
-vs-
Lonnie London,
Defendant

: Clearfield County
: No. 08-1293 C.D.
:
: Civil Action
:
: Type of Pleading:
: Response to New Matter
:
: Filed on Behalf of:
Plaintiff
:
:
: Counsel of Record for this Party
: Loralee A. Choman, Esquire
: 1303 Treasure Lake
: DuBois, PA 15801
: PA Atty. ID No. 52210
: (814) 375-0228
: Fax: (814) 375-9141
: chomanlaw@verizon.net

3CC A44
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William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD
JUDICIAL DISTRICT OF PENNSYLVANIA**

CIVIL DIVISION

	: Clearfield County
	: No. 08-1293 C.D.
	:
	: Civil Action
	:
	: Type of Pleading:
	: Response to New Matter
	:
Brady Township, Plaintiff	: Filed on Behalf of:
	Plaintiff
-vs-	:
Lonnie London, Defendant	:
	:
	: Counsel of Record for this Party
	: Loralee A. Choman, Esquire
	: 1303 Treasure Lake
	: DuBois, PA 15801
	: PA Atty. ID No. 52210
	: (814) 375-0228
	: Fax: (814) 375-9141
	: <u>chomanlaw@verizon.net</u>

Plaintiff's Answer to New Matter

AND NOW, Plaintiff Brady Township, by and through its counsel, Loralee A. Choman, hereby responds to the New Matter of Defendant Lonnie London, and in support thereof avers as follows:

16. Denied. The factual averments of this paragraph of Defendant's New Matter are denied; to the contrary it is believed that Defendant London is an operator, or in partnership with other individuals who are operators, of a shooting range on his property and/or the property of Olan, Linda and/or Montie London. Strict proof of Defendant's factual averments is demanded at the time of trial.

17. Denied. The factual averments of this paragraph of Defendant's New Matter are denied; to the contrary it is believed that Defendant London is an operator, or in partnership with other individuals who are operators of a shooting range. Strict proof of Defendant's factual averments is demanded at the time of trial. Further, the allegations contained in this paragraph concern interpretation and application of law, to which no response is required. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide.

18. Denied. The allegations contained in this paragraph concern interpretation and application of law, to which no response is required. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide. To the extent a response is required, Plaintiff denies the same and demands strict proof thereof at the time of trial.

19. Denied. The factual averments of this paragraph of Defendant's New Matter are denied; to the contrary it is believed that Defendant London is an

operator, or in partnership with other individuals who are operators, of a shooting range on her property. Strict proof of Defendant's factual averments is demanded at the time of trial. Further, the allegations contained in this paragraph concern interpretation and application of law, to which no response is required. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide.

20. Denied. The allegations contained in this paragraph concern interpretation and application of law, to which no response is required. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide. To the extent a response is required, Plaintiff denies the same and demands strict proof thereof at the time of trial.

21. Denied. The factual averments of this paragraph of Defendant's New Matter are denied; to the contrary it is believed that Defendant London is an operator, or in partnership with other individuals who are operators, of a shooting range on her property. Strict proof of Defendant's factual averments is demanded at the time of trial. Further, the allegations contained in this paragraph concern interpretation and application of law, to which no response is required. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide.

22. Denied. The allegations contained in this paragraph are conclusions of law to which no response is required. Further, the allegations contained in this paragraph concern interpretation and application of law, which remains for the Court to decide.

23. Denied. The factual averments of this paragraph of Defendant's New Matter are denied; to the contrary it is believed that Defendant London is an operator, or in partnership with other individuals who are operators, of a shooting range on her property. Strict proof of Defendant's factual averments is demanded at the time of trial. Further, the allegations contained in this paragraph concern interpretation and application of law, to which no response is required. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide.

24. Denied. The factual averments of this paragraph of Defendant's New Matter are denied; to the contrary it is believed that Defendant London is an operator, or in partnership with other individuals who are operators, of a shooting range on her property. Strict proof of Defendant's factual averments is demanded at the time of trial. Further, to the extent that this paragraph contains conclusions of law, no response is required thereto. By way of further response, Plaintiff maintains that interpretation and application of the relevant law is for the Court to decide.

25. Denied. The factual averments of this paragraph of Defendant's New Matter are denied. Strict proof of Defendant's factual averments is demanded at the time of trial.

26. Denied. The allegations contained in this paragraph are conclusions of law to which no response is required. Further, the allegations contained in this paragraph concern interpretation and application of law, interpretation and application of the relevant law is for the Court to decide. To the extent that this paragraph contains factual allegations, said allegations are denied, with strict proof thereof demanded at the time of trial.

27. Denied. The allegations contained in this paragraph are conclusions of law to which no response is required. Further, the allegations contained in this paragraph concern interpretation and application of law, which remains for the Court to decide.

28. Denied. The allegations contained in this paragraph are conclusions of law to which no response is required. Further, the allegations contained in this paragraph concern interpretation and application of law, which remains for the Court to decide.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court dismiss defendant's New Matter and award judgment in its favor.

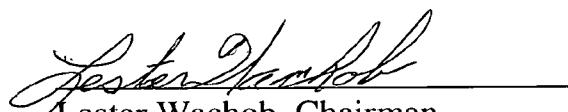
Respectfully submitted,



Loralee A. Choman, Esquire
Counsel for Plaintiff

VERIFICATION

I, Lester Wachob, verify that the statements made in the foregoing Response to New Matter are true and correct to the best of my knowledge, information and belief. I understand that this statement is subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Lester Wachob, Chairman
Brady Township Board of Supervisors

FILED

AUG 31 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1293 CD**

Plaintiff

v.

Type of Pleading:
Answer and New Matter

LONNIE LONDON

Filed on Behalf of: **Defendant**

Defendant

Filed By:

Patrick Lavelle, Esq.
PA. ID. No. 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232
(814) 317-4480 Fax

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William A. Shaw
Prothonotary/Judge of Courts
(4)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1293 CD**

Plaintiff

v.

LONNIE LONDON

Defendant

ANSWER TO PLAINTIFF'S COMPLAINT

AND NOW comes the defendant, LONNIE LONDON, by and through his counsel, PATRICK LAVELLE, ESQ., and files the following Answer and New Matter to the Complaint of the Plaintiff, averments and supports of which are as follows:

ANSWER

1. ADMITTED.
2. ADMITTED.
3. ADMITTED.
4. Contents of Ordinance 46 speak for themselves; therefore, no answer is required to paragraph 4.
5. Paragraph 5 constitutes conclusion of law for which no response is necessary.

6. The averments of paragraph 6 relate to provisions of the Ordinance which speak for themselves therefore no answer is required.

7. Defendant is without sufficient information, knowledge, or belief to admit or deny the averments of paragraph 7; therefore they are denied. Strict proof of which would be demanded at the time of trial.

8. Defendant is without sufficient information, knowledge, or belief to admit or deny the averments of paragraph 8; therefore they are denied. Strict proof of which would be demanded at the time of trial.

9. The averments of paragraph nine (9) are Denied. The defendant has no title or legal interest in the property of his parents, and if in fact he was involved in the construction of a shooting range on his parent's property it was only as a son assisting his parents. Further, the defendant, having no right or title in the subject property, is without legal authority to exercise any dominion or control over the property or events occurring on the property in the absence of a contractual right, which does not exist.

10. The averments of paragraph ten (10) merely recite the provision of the ordinance. The contents of the Ordinance will speak for themselves therefore no response is required.

11. The averments of paragraph eleven (11) merely recite the provision of the ordinance. The contents of the Ordinance will speak for themselves therefore no response is required.

12. The averments of paragraph twelve (12) merely recite the provision of the ordinance. The contents of the Ordinance will speak for themselves therefore no response is required.

13. Admitted in part and denied in part. It is admitted that the Defendant was present on the property of Linda London on the stated date. It is denied that any of the conduct of the Defendant occurring on the date was in violation of any applicable Ordinance. It is further denied that the Defendant had any obligation with regards to the duties of an operator of a shooting range while he was present on his parent's property on March 31, 2007.

14. There are multiple averments in paragraph fourteen (14). With regards to said averments that merely recite the provisions of the stated ordinance, the ordinance speaks for itself and therefore no answer is required. With regards to the remaining averments of paragraph fourteen (14), the defendant is without sufficient knowledge, information or belief to admit or deny said averments and they are therefore denied.

15. The averments of paragraph fifteen (15) are denied. The defendant has no right, title or interest in his Mother's property and is not legally responsible for any construction that may have been completed on her property. Defendant is not an operator as that term is defined in the Ordinance as he had no rights nor interest in what may occur on the property of his Mother. Further, the defendant's legal status with respect to his presence on the property of Linda London on March 31, 2007, was as an invitee, a status which imposes no responsibilities upon him with regards to the Ordinance in question.

NEW MATTER

16. Defendant in this case is not an owner of the property on which the shooting was occurring, and has no other cognizable right, title or interest in the property.

17. Defendant in this case is not a member of, an officer of, or in any way associated in any association which conducts any type of organized shooting on the land of Linda London, nor is there any other existing contract which would impose any duties or responsibilities on this defendant in connection with any activities occurring on his mother's property.

18. The Defendant cannot be considered an operator under the statute under any interpretation of that term as his legal status on the property of his mother on the date in question was that of invitee.

19. Defendant would assert that under any sets of circumstances, the Ordinance in question would not apply to him or to anyone engaged in shooting activities on the date in question as the range existing on the property was known to exist at least six (6) months prior to the enactment of the Ordinance.

20. Defendant asserts that he cannot be considered an operator under the circumstances of this particular case as such a conclusion would have exposed every person present on the property on the day in question to prosecution by the Township under this Ordinance.

21. It is clear that only those persons who were present on Linda London's property on March 31, 2007 who had the last name of "London" were

subject to prosecution by the Township for activities occurring on the date in question, despite the admission of the Township that there were more than ten (10) people present at the site on that date.

22. The actions of enforcement of the stated Ordinance undertaken by the Township were arbitrary and capricious.

23. The conduct of the township in its enforcement efforts would indicate that the underlying purpose of the statute was not to advance the police power, but was directed only at the activities of the London family.

24. There is evidence to establish that there are numerous properties in the township that contain active shooting ranges that do not comport with the ordinance.

25. Township officials have indicated to those other property owners that the ordinance would not apply to their property.

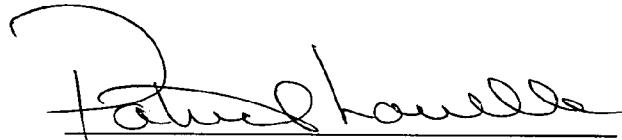
26. The discriminatory manner in which the ordinance is applied to this defendant renders the ordinance unconstitutional as applied, in violation of both the U.S. and Pennsylvania Constitutions.

27. The defendant asserts that the provisions of the stated Ordinance are vague and ambiguous and should therefore be held as constitutionally void.

28. The defendant asserts that the subject ordinance fails to provide sufficient notice as to who or to which class of persons the ordinance applies, or what conduct is proscribed, and therefore violates the defendant's Constitutional right to procedural due process.

WHEREFORE Defendant request this Honorable to dismiss the Complaint
of the Plaintiff in this matter.

RESPECTFULLY SUBMITTED,



Patrick Lavelle
Patrick Lavelle, Esq.
Counsel for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. **08-1293 CD**

Plaintiff

v.

LONNIE LONDON

Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 5th day of September, 2008, I served a copy of the foregoing Answer and New Matter, by mailing same via first class mail, postage prepaid to the following:

Blaise J. Ferraraccio, Esq.
Ferraraccio & Noble
Attorneys and Counselors at Law
301 East Pine Street
Clearfield, PA 16830



Patrick Lavelle
Patrick Lavelle, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL DIVISION

BRADY TOWNSHIP

Case No. 08-1293 CD

Plaintiff

1

LONNIE LONDON

Defendant

VERIFICATION

I, Lonnie London, the Defendant in this action, do hereby verify that all of the foregoing facts set forth in this Answer and New Matter are true and correct to the best of my knowledge, information and belief. Further, I make this verification with knowledge and understanding of the provisions of 18 Pa. C.S.A. § 4904 (*Unsworn Falsification to Authorities*).


Lonnie London

FILED

SEP 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 04 2008

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William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP,
Plaintiff

NO. 08-1293-CD
Type of Case: Civil

vs.

Type of Pleading: Complaint

LONNIE LONDON,
an individual,
Defendant

Filed on behalf of: Brady Township

Counsel of Record for this Party:
Blaise J. Ferraraccio, Esquire
Ferraraccio & Noble
Attorneys and Counselors at Law
301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
FAX (814) 765-9377

Supreme Court No.: 47753

3

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP,
Plaintiff

vs.

LONNIE LONDON,
an individual,
Defendant

NO. 08-1293-CD

Type of Case: Civil

Type of Pleading: Complaint

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO
OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT
WHERE YOU CAN GET LEGAL HELP.

Dan Nelson
Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Telephone: 814-765-2641 Ext. 1300 or
1301

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

BRADY TOWNSHIP,
Plaintiff

vs.

LONNIE LONDON,
an individual,
Defendant

: NO. 08-1293-CD

: Type of Case: Civil

: Type of Pleading: Complaint

COMPLAINT

AND NOW, comes the Plaintiff, BRADY TOWNSHIP, and for its cause of action, respectfully represents as follows:

1. BRADY TOWNSHIP, is a Pennsylvania Township, duly organized and existing under and in accordance with the laws of the Commonwealth of Pennsylvania with its address being 3906 Shamokin Trail, P.O. Box 125, Luthersburg, Clearfield County, PA 15848-0125.

2. The Defendant, LONNIE LONDON, is an individual, whose address is 690 Stoney Lonesome Road, Luthersburg, Clearfield County, PA 15848.

3. On or about the 5th day of March 2007 the Brady Township Board Of Supervisors passed Brady Township Ordinance Number 46 which is "**AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF ANY PERSON OR PERSONS OPERATING FOR PROFIT, NOT FOR PROFIT, OR NON PROFIT, A PRIVATE, OR A PUBLIC, SHOOTING RANGE AND TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS.**" A true and correct copy of Ordinance #46 is attached hereto, incorporated herein and labeled: Exhibit "A".

4. Ordinance #46 was adopted on March 5, 2007 to promote the health, safety, comfort and welfare of the township citizens.

5. The authority to pass ordinances is granted to Brady Township by the Second Class Township Code.

6. Ordinance #46 requires that a shooting range be engineered by a registered professional engineer, licensed in Pennsylvania in order to ensure the safety of the range.

7. The township has been requesting plans from Mr. Olan London for his proposed shooting range since July of 2006 at numerous township meetings throughout the year. Mr. Olan London and Mr. Lonnie London both stated at a public meeting on September 5, 2006 that the wording on the Matson/London Subdivision was correct and that they would comply with the NRA recommended specifications taken from the NRA Source Book.

8. Both Mr. Olan London and Mr. Lonnie London, from July 2006 to July 2008, have made numerous comments about the shooting ranges at the monthly, public meetings of the Brady Township Board Of Supervisors which were tape recorded and transcribed as the minutes of the meetings.

9. Lonnie London has constructed and is an operator of the property where the lower shooting range is located.

10. "Operator" means a person or persons operating for profit, not for profit, or non-profit, or corporation, or partnership, operating either a private or public shooting range.

11. Ordinance #46 states in part that there is a safety zone of five hundred (500) feet for a shooting range.

12. ““Safety zone” means a distance of 500 feet from a building or a private roadway unless written permission is obtained from the owner thereof. Or for a distance of 500 feet from public roadways, and from operating gas wells or fuel storage containers.”

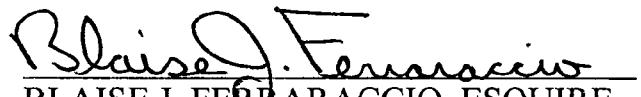
13. A shoot was held on March 31, 2007 on this property, owned by Linda London, located next to TR-357, Stoney Lonesome Road, in Brady Township. Pictures and DVD's will show that Lonnie London not only was shooting within the 500 feet safety zone of the road and three (3) active gas wells, he also did not put up any signs warning the public of a shoot within the area. There were five (5) to ten (10) people present firing weapons all within 25 to 50 feet of TR-357.

14. The Township has concerns for the health, safety, comfort, and welfare of the citizens who drive on London Road, and Stoney Lonesome Road as well as any surrounding neighbors to the range. The township requires a shooting range operator to follow the ordinance and have the proposed range engineered to ensure the safety of the range. Any building on the proposed range would need to be presented as safe according to an engineered plan. There are three (3) active gas wells very close to the shooting range.

15. Lonnie London is in violation of Ordinance #46 because he, as an operator, has constructed an unapproved shooting range on his Mother's property. As an operator, Lonnie London, is in violation of said ordinance for not having it professionally engineered by a Pennsylvania licensed engineer to ensure that the shooting range is safe and in compliance with Ordinance #46 that was adopted on March 5, 2007.

WHEREFORE: Plaintiff requests this Honorable Court to enter a judgment against Defendant and in favor of Plaintiff in the amount of \$610.00 plus costs, interest, and reasonable attorney fees. Plaintiff also requests this Honorable Court to permanently enjoin and stop the use of this property as a shooting range.

Respectfully submitted:


BLAISE J. FERRARACCIO, ESQUIRE
FERRARACCIO & NOBLE
Attorneys and Counselors at Law
Attorney for Plaintiff
301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
FAX (814) 765-9377

Dated: August 1, 2008

VERIFICATION

I hereby verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to Unsworn Falsification to Authorities.

Aug. 1, 2008
Dated



Lester Wachob, Chairman
Brady Township Board of Supervisors

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Date: _____

District Court Administrator

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

BRADY TOWNSHIP

P. O. BOX 125

LUTHERSBURG, PA 15848

ATTN: SHERYL DEBOER

Instrument Number - 200703800

Recorded On 3/9/2007 At 9:44:58 AM

*** Instrument Type - ORDINANCES**

*** Total Pages - 9**

Invoice Number - 163454

*** Grantor - ORDINANCE**

*** Grantee - BRADY TOWNSHIP**

*** Customer - BRADY TOWNSHIP**

*** FEES**

STATE WRIT TAX \$0.50

RECORDING FEES - \$21.00

RECORDER

RECORDER IMPROVEMENT \$3.00

FUND

COUNTY IMPROVEMENT FUND \$2.00

TOTAL PAID \$26.50

200703800

I hereby certify this to be a true
and certified copy of the original
document filed in this office.

AUG 30 2007

Attest:

Karen L. Starck

Reg. of Wills, Rec. of Deeds & Ch. of Orphans' Court

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

**Karen L. Starck
Recorder of Deeds**

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Exhibit A

BRADY TOWNSHIP, CLEARFIELD COUNTY

ORDINANCE 46

AN ORDINANCE OF THE TOWNSHIP OF BRADY, CLEARFIELD COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF ANY PERSON OR PERSONS OPERATING FOR PROFIT, NOT FOR PROFIT, OR NON PROFIT, A PRIVATE, OR A PUBLIC, SHOOTING RANGE AND TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Brady, Clearfield County, Pennsylvania as follows:

SECTION 1. Purpose and Findings

A. **Purpose:** Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, safety, comfort and welfare of the citizens of Brady Township, the Township of Brady (hereinafter "Township") enacts this Ordinance to protect the health, safety, comfort and welfare of its citizens.

The Township does not intend this Ordinance to suppress any activities protected by the Second Amendment, but to enact a content neutral ordinance which addresses the public health, safety, comfort and welfare of its citizens. It is not the intent of the Board in enacting this legislation to deny any person rights to keep and bear arms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any person to obtain bows and firearms protected by the Constitution of the United States or the Constitution of Pennsylvania, or both. Nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of bows or firearms may have to sell or distribute or exhibit bows and firearms.

SECTION 2. Interpretation

The definitions in this section apply in these Regulations.

"approved" means approved by Brady Township Board of Supervisors.

"board" means Brady Township Board of Supervisors.

"building" means any type of structure

"NRA" means National Rifle Association.

"NRA Source Book" means a 1999 technical publication of the NRA that contains suggested practices and procedures for shooting range builders and operators.

"operator" means a person or persons operating for profit, not for profit, or non-profit, or corporation, or partnership, operating either a private or public shooting range.

"range officer" means an individual who oversees the shooting activities at the firing line of a shooting range.

"safety zone" means a distance of 500 feet from a building or a private roadway, unless written permission is obtained from the owners therof. Or for a distance of 500 feet from public roadways, and from operating gas wells or fuel storage containers.

"shooting range" means a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.

"Township" means the Brady Township Board of Supervisors

SECTION 3. Application

These Regulations apply to :

(a) an operator who submits plans to the board, drawings by a registered professional engineer, licensed in Pennsylvania, for a proposed shooting range.

SECTION 4. Request for Approval of Shooting Range

1. An operator who wishes to establish and or operate a shooting range shall submit a request for approval to the Township and provide the following information in the request:

- (a) the applicant's name, address, phone number and, if applicable, facsimile number and electronic mail address;
- (b) the location of the shooting range, including road directions to reach it;
- (c) the proposed days and hours of operation of the shooting range; and
- (d) with respect to each operator, each owner of the shooting range, and each employee of the shooting range who handles firearms
 - (i) his or her name, address and phone number, and
 - (ii) the number of his or her license to possess firearms or, if one does not exist, his or her date of birth.

2. The request for approval of a shooting range must be accompanied by the following documentation:

- (a) all plans submitted shall be done by a registered professional engineer, licensed in Pennsylvania;
- (b) all rifle ranges being designed shall follow the applicable suggested practices and procedure of the NRA Range Source Book;
- (c) a copy of the proposed safety rules;
- (d) evidence of at least \$2,000,000 of commercial general liability insurance with coverage on an occurrence basis;
- (e) copies of, and evidence of compliance with, any operating licenses required by federal, or state.
- (f) evidence that the shooting range complies with any federal, and state law that applies to the establishment and operation of such a facility in regard to environmental protection.

(g) an operator must make application and submit documents detailing the operation to federal, state and local firearms and other business regulatory agencies. This process is necessary to receive such credentials as (1) a federal employment identification number, (2) and IRS account for withholding taxes, (3) state income and retail sales tax accounts, (4) federal firearms licenses, (5) local business licenses, including a use and occupancy permit.

(h) evidence that the shooting range is not in violation of the safety zone which is five hundred (500) feet.

(i) post rules and regulations at the site.

(j) post warning signs of a shooting range area as per design or as proposed by the board.

(k) evidence of caliber of guns proposed to be used on the shooting range.

SECTION 5. Operations

Compliance with Safety Standards and Other Obligations

An operator who wishes to establish and or operate a shooting range shall ensure that the discharge of firearms on the shooting range does not endanger the safety of persons at the shooting range or in the portion of the surrounding area described in paragraph 4(2)(a), by taking appropriate measures, including ensuring that

(a) the design and operation of the shooting range

(i) is such that projectiles discharged from firearms will not leave the shooting range if they are discharged there in accordance with the safety rules, and

(ii) promotes the safety of all persons on the shooting range, including by accommodating any adaptation that may be appropriate given the nature of the shooting activities that may take place and the type and caliber of firearms that may be used there;

(b) the shooting range has an adequate sign warning system to warn persons that they are entering a shooting range.

(c) appropriate safety rules for the shooting range are applied that are consistent with the nature of the shooting activities that may take place and the type and caliber of firearms that may be used there;

(d) the safety rules are posted in a conspicuous place on the shooting range; and

(e) if more than one person is simultaneously engaged in shooting activities on the shooting range, a person acts as the range officer.

(f) shall not shoot within five hundred (500) feet of the safety zone.

SECTION 6. Safety Training

1. The operator of a shooting range shall ensure that every person who indicates an intention to use the shooting range for the first time is informed of the safety rules used at that shooting range.
2. No person may use a shooting range for the first time without having received the information referred to in subsection (1).

SECTION 7. Continuing Compliance

Insurance

1. The operator of a shooting range shall at all times maintain the insurance coverage referred to in paragraphs 4(2) (d) and provide the township with a copy of the insurance policy and documentation of each paid premium of said policy.

Evidence

2. Every five years after the date of this passage of this ordinance or after the approval of a shooting range was granted, the operator shall submit current copies of the documents set out in paragraphs 4(2) (c) and (d), as well as evidence of continuing compliance with the requirements referred to in paragraphs 4(2) (e) to (k) and sections 5 and 7(1), to the Township.

3. The Township may request an operator of a shooting range to provide evidence as described in section 8(2) no more than once in a calendar year.

Despite subsection (3), the Township may make a request more frequently if they

- (a) have received, in the preceding 12 months

- (i) a personal injury report in accordance with section 9, or

- (ii) a change report in accordance with section 9 change report; or

(b) have reasonable grounds to believe that the continued operation of the shooting range may endanger the safety of any person.

SECTION 8. Reports and Records

Personal Injury Report

1. The operator of an approved shooting range shall report any personal injury occurring on a shooting range that is caused by the discharge of a firearm
 - (a) same day to the local police; and
 - (b) same day of the personal injury, to the Township.
2. The report referred to in subsection (1) must include the following information relating to the personal injury:
 - (a) its date, time and location;
 - (b) the names of the individuals involved;
 - (c) the name of any range officer who was on duty at the time;
 - (d) whether or not medical attention was sought; and
 - (e) a general description of the incident, including the circumstances in which the personal injury occurred, if known.

Change Report

3. The operator of an approved shooting range who proposes to make a change that affects the matters set out in the documentation submitted under subsection 4(2) shall give advance notice of the proposed change to the township within sufficient time, given the nature and complexity of the proposed change, to allow the Township to evaluate it.
4. The operator of an approved shooting range shall report immediately to the Township any change, other than one referred to in section 8(3)
 - (a) to the shooting range or the portion of the surrounding area described in paragraph 4(2)(a) that could endanger the safety of any person; and
 - (b) in operating permits or licenses issued under state or municipal laws that may be relevant to the approval of the shooting range or its activities.

Records

5. Every record made under subsection (8) must be maintained for at least six years.
6. At the Township's request, the operator of the approved shooting range shall submit to the township a report containing all or any requested part of the information described in subsection (8).

Participation of Officers, Members and their Guests

7. The operator of an approved shooting range or those that use the range, on the request of the Township, shall supply a written description of the participation, if any, of a current or past member or officer of the shooting range or those that use the range, in target practice or target shooting competitions within the previous five years.
8. The operator of an approved range shall, on the request of a current or past member or officer of the shooting range or his or her guest, supply to the requestor the description referred to in subsection (8), 7 that concerns the requestor.

SECTION 9. Notice of Refusal or Revocation or Approval

1. A notice of a decision by the Township to refuse to approve a shooting range or revoke approval of a shooting range or to approve a shooting range is sufficiently given if the notice is addressed to the applicant or operator of a shooting range at the address of that person that is set out in the request for approval, or, if the person has advised the township of a change of address, at the new address, and the notice is

- (a) delivered personally
 - (i) if the applicant or operator is an individual, at any time that is reasonable in the circumstances, and
 - (ii) if the applicant or operator is a business, during normal business hours;

- (b) sent by registered or certified mail or by constable; or

- (c) transmitted by electronic means that can produce a paper record.

2. The notice is deemed to be received

- (a) on the day of delivery, if it is delivered personally;

- (b) on the fifth working day, excluding Saturdays and holidays, after

- (i) the postmark date, if it is sent by mail, and
- (ii) the date of shipment on the registered or certified mail, if it is sent by constable; and

(c) if it is sent by electronic means,

- (i) if the applicant or operator is an individual, on the day of the transmission, and
- (ii) if the applicant or operator is a business, on the day of the transmission, if that day is a working day, or, if that day is not a working day, on the first working day after the day of transmission.

SECTION 10. Violations and Penalties

The township shall enforce any violation of this Ordinance through a civil enforcement proceeding before the District Justice. The civil enforcement proceeding shall be initiated by Complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person, partnership or corporation who or which has violated any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) for each violation, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therfor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate violation shall arise for each day or portion therof in which a violation is found to exist or for each section of the Ordinance which is found to have been violated. Additionally, the Township shall be exempt from the payment of costs in any civil case brought to enforce and Ordinance in accordance with this paragraph. Further, the Township may enforce any violation of this Ordinance through an equity action brought in the Court of Common Pleas of the County where the Township is situated.

SECTION 11. Severability

The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any

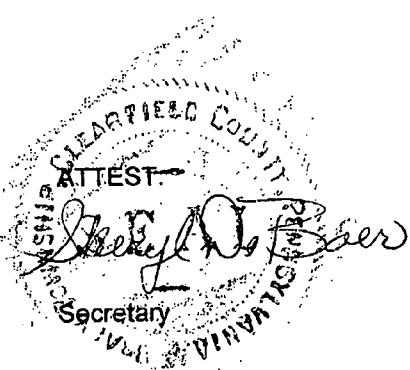
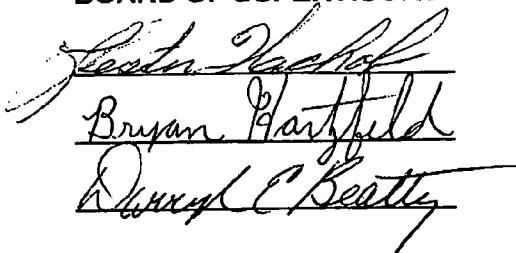
Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

SECTION 12. Effective Date

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW THIS 5 DAY OF
March, 2007.

**BRADY TOWNSHIP
BOARD OF SUPERVISORS**

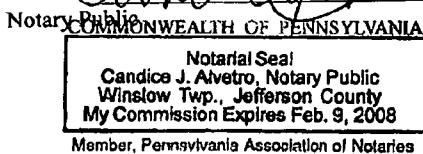


**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

On this, the 8th day of March, 2007, before me, the undersigned officer, a Notary Public, personally appeared, Lester Wachob, Bryan Hartzfeld, and Darryl Beatty and, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires Feb 9, 08



200703800
I hereby certify this to be a true
and accurate copy of the original
deed record in this office.

AUG 30 2007

Attest: 
Reg. of Wills, Rec. of Deeds & Ch. of Orphans' Court

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008

FILED

AUG 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
PO BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

PATRICK N. FORD
309 MAPLE AVENUE
PO BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

BRADY TOWNSHIP
PO BOX 125
LUTHERSBURG, PA 15848

NAME and ADDRESS

VS.

DEFENDANT:

LONDON, LONNIE
690 STONEY LONESOME ROAD
LUTHERSBURG, PA 15848

NAME and ADDRESS

Docket No.: **CV-0000114-08**
Date Filed: **3/03/08**



08-1293-CD

6/19/08

(Date of Judgment)

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) BRADY TOWNSHIP	Amount of Judgment \$ 600.00
<input checked="" type="checkbox"/> Judgment was entered against: (Name) LONDON, LONNIE in the amount of \$ 610.00	
<input type="checkbox"/> Defendants are jointly and severally liable.	Judgment Costs \$ 10.00
<input type="checkbox"/> Damages will be assessed on Date & Time _____	Interest on Judgment \$.00
<input type="checkbox"/> This case dismissed without prejudice.	Attorney Fees \$.00
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____	Total \$ 610.00
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____	Post Judgment Credits \$ _____
	Post Judgment Costs \$ _____
	Certified Judgment Total \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

FILED

(Signature)
JUL 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

(Signature)
Date 6/19/08 Patrick N. Ford, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: **6/19/08** **1:19:00 PM**

②

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

CIVIL COMPLAINT

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
PO BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PLAINTIFF:

NAME and ADDRESS

Brady Township
P.O. Box 125
Luthersburg, PA 15848

DEFENDANT:

NAME and ADDRESS

VS.
Lonnie London
690 Stoney Lonesome Road
Luthersburg, PA 15848

	AMOUNT	DATE PAID
FILING COSTS	\$ <u>10.00</u>	<u>3/3/08</u>
POSTAGE	\$ _____	<u>1/1</u>
SERVICE COSTS	\$ _____	<u>1/1</u>
CONSTABLE ED.	\$ _____	<u>1/1</u>
TOTAL	\$ _____	<u>1/1</u>

Docket No.: **CV-114-08**
Date Filed: **3/3/08**



Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for **\$750.00** together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Brady Township accuses the above named defendant who lives at the address set forth above with violating Ordinance # 46 of Brady Township, Clearfield County, Pennsylvania.

See attached sheet and enclosed Ordinance # 46

I, Lester Wachob verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: Blaise Ferraraccio Address: 301 E. Pine St.

Telephone: 814-765-4990 Clearfield, PA 16830

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

FILED

JUL 18 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Judicial District, County Of Clearfield

46th

NOTICE OF APPEAL

FROM

MAGISTERIAL DISTRICT JUDGE JUDGMENT

COMMON PLEAS No.

08-1293-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case referenced below.

NAME OF APPELLANT Lonnie London	MAG. DIST. NO. 46-3-01	NAME OF MDJ Patrick N. Ford
ADDRESS OF APPELLANT 690 Stoney Lonesome Road	CITY Luthersburg	STATE PA
DATE OF JUDGMENT 6/19/08	IN THE CASE OF (Plaintiff) Brady Township	(Defendant) vs Lonnie London
DOCKET No. CV-0000114-08	SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT <i>Patrick Lavelle</i>	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.D.J. No. 1008B. This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>If appellant was Claimant (see Pa. R.C.P.D.J. No. 1001(6) in action before a Magisterial District Judge, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.</p> <p>_____ Signature of Prothonotary or Deputy</p>		

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon Brady Township

appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 08-1293-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Patrick Lavelle
Signature of appellant or attorney or agent
Patrick Lavelle, Esq.

RULE: To Brady Township

, appellee(s)

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of the mailing.

Date: July 1, 2008

FILED
03:59:01
JUL 1 1 2008
Copy to: Atty Lavelle
PA
MDJ Ford

William A. Shaw
Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL.

William A. Shaw
Prothonotary/Clerk of Courts

AOPC 312-05

(1)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
PO BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

ATTORNEY DEF PRIVATE :

PATRICK LAVELLE
25 EAST PARK AVE APT/STE 4
DU BOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

BRADY TOWNSHIP
PO BOX 125
LUTHERSBURG, PA 15848

NAME and ADDRESS

DEFENDANT:

LONDON, LONNIE
690 STONEY LONESOME ROAD
LUTHERSBURG, PA 15848

NAME and ADDRESS

Docket No.: **CV-0000114-08**
Date Filed: **3/03/08**



THIS IS TO NOTIFY YOU THAT:

FOR PLAINTIFF

(Date of Judgment)

6/19/08

Judgment:

Judgment was entered for: (Name) **BRADY TOWNSHIP**

Judgment was entered against: (Name) **LONDON, LONNIE**
in the amount of \$ **610.00**

Defendants are jointly and severally liable.

Damages will be assessed on Date & Time _____

This case dismissed without prejudice.

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 600.00
Judgment Costs	\$ 10.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 610.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

Certified Judgment Total \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

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UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

6/19/08 Date *Patrick N. Ford*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: **6/19/08 1:19:00 PM**

FILED

JUL 14 2008

William A. Shaw
Prothonotary/Clerk of Courts