Maidencreek Township Board of Supervisors
March 12, 2020

Attending: Heidi Fiedler, Claude Beaver, David Franke, Eugene Orlando, Jr. - Orlando Law Office, Tom Unger - Systems Design Engineering, Diane Hollenbach - Manager, Julie Mull - Recording Secretary

Guests: Donna Culp, Kim Berger, Eric Bauman, Cody Rhoads, Lee Turner, Heather Schoener, J. Helmgren, Gary Hadden, Brian Horner, Diane Dreibelbis, Keith Shuman, Jim Schoellkopf Jr., Greg Levan, Ronald Strause, Granville Sandridge, David Reichlein

Heidi Fiedler called the March 12, 2020 regular meeting of the Board of Supervisors to order at 7:00 p.m. in the Maidencreek Township municipal building and asked everyone to rise for the Pledge to the Flag.

Minutes

A motion was made by Claude Beaver to waive the reading of the minutes and approve the February 13, 2020 minutes of the Maidencreek Township Board of Supervisors as presented. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by Claude Beaver to approve the February 2020 Treasurer's Report and Bill List. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Fleetwood Public Library spokesperson Lee Turner gave an overview of services the library offers in the community and thanked the board for their continued support.

Greg Levan stated he can vouch for Heidi Fiedler as a woman of integrity, a good person and praised her for professionalism. Mr. Levan stated as a Chairperson she should be respected.

Eric Bauman questioned the minutes from the February meeting regarding the Police Budget. Heidi Fiedler responded, the minutes are a public document and they were approved by the Board.

ENGINEER'S REPORT = Tom Unger, P.E., Systems Design Engineering, Inc.
Mr. Unger reported the next Maidencreek Board of Supervisors Meeting will be held on April 9, 2020.

Sketch Plan JoJaz Subdivision - in review.

Sketch Plan Schick Dental Waiver Approved

A motion was made by David Franke to approve waiver to allow the Shick land development plan to proceed as a preliminary/final plan. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

Projects

Street Projects 2020

- Excelsior Drive - preparing bid document
- June Avenue - preparing bid document
- Investigating stormwater remediation to be completed by Township Road Crew.
- Handicap Parking Location - 401 Main Street. No reason why there could not be a handicap parking spot along Main Street, however, PennDOT is researching if handicap parking on state roads need to meet accessibility regulations.

Subdivision Improvement LOC/Escrow Release

A motion was made by Claude Beaver to authorize the Manager to sign the Escrow Release for GSP Properties in the amount of $223.35. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Mr. Unger also discussed the Sewage Enforcement Officer Activity Report.

SOLICITOR'S REPORT - Eugene Orlando, Jr.

Draft Firework Ordinance

A motion was made by Claude Beaver to authorize the Solicitor to establish a public hearing for April 9, 2020 with the Board of Supervisors meeting to follow, to consider adoption of the proposed Fireworks Ordinance. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Draft Traffic Ordinance - on hold

Maidencreek Township Authority Ordinance - on hold

Adopted Resolution #14-2020 - Non Uniform Pension Plan

A motion was made by David Franke to adopt **Resolution #14-2020** restating the Maidencreek Township Non Uniform Pension Plan naming Diane Hollenbach as Trustee. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by David Franke authorizing the Manager to contact alternative plans for other trustees for the Maidencreek Township Non Uniform Pension Plan. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

MANAGER'S REPORT - Diane Hollenbach

Road Crew Report

Buena Vista Road Project & Grant - Keith Shuman gave a presentation to the Board.

A motion was made by Claude Beaver to authorize Keith Shuman to apply for the grant for the Buena Vista Road Project as presented. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Summer Help

A motion was made by Claude Beaver to hire Owen Wolfe and Owen Fenerty as Summer Help. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Park & Recreation

Mulch Purchase

A motion was made by Claude Beaver to purchase 230 cubic yards of playground mulch from General Recreation, Inc., at a cost of $4,940.94 as quoted. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Ehrlich Weed Treatment Quotes

A motion was made by Claude Beaver to accept the Ehrlich quotes for Blandon Fire Company Ballfield Fence Line and Infield - $295.00, Willow Creek Dog Park Fence Line - $285.00, Community Park Ballfield Fence Line and Infield - $435.00 as quoted. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Police

COMMENTS FROM THE BOARD

Heidi Fiedler made a public statement. (see attached)

A motion was made by David Franke to remove Heidi Fiedler from the Police Commission.

Executive Session from 8:12 p.m. to 9:37 p.m. to discuss motion.

David Franke withdrew the motion to remove Heidi Fiedler from the Police Commission.

PUBLIC COMMENT

Sgt. Reichlein stated Heidi Fiedler is the best person for the job to protect the men; glad she was not removed.

Donna Culp stated she agrees with the motion to remove Heidi Fiedler from the Police Commission; she stated she wants Heidi Fiedler to step down.

Eric Bauman stated Maidencreek Township will need to get their own Police Department; asked Heidi Fiedler to step down, not good for the Police Department, please resign. Mr. Bauman asked David Franke why he withdrew the motion. Mr. Franke replied, he cannot comment at this time.

Brian Horner requested a copy of Heidi Fiedler's public statement and asked who filed the complaint regarding the facebook posts. Mr. Horner also thanked those in attendance who continue to support him.

Business

Service Electric Cablevision, Inc. Franchise Renewal

A motion was made by Claude Beaver to renew the cable franchise between Service Electric Cablevision, Inc. and Maidencreek Township for five years. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Life and Disability Insurance

A motion was made by Claude Beaver to authorize Diane Hollenbach to change the Life and Disability Insurance policies for Maidencreek Township to Reliance retroactive to effective date March 1, 2020. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Adopted Resolution #15-2020 - Declaration of Disaster

A motion was made by David Franke to adopt **Resolution #15-2020** declaring a disaster emergency for the handling of covid 19 virus. Claude Beaver seconded the motion and hearing no questions on the motion, it passed unanimously.

ADJOURNMENT

A motion was made by Claude Beaver, seconded by David Franke, to adjourn the March 12, 2020 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 10:06 p.m.

Julie Mull Idek

Julie Mull, Board of Supervisors Recording Secretary

Statement of Heidi Fiedler, Maidencreek Township Supervisor, 3-12-20

I believe in working with my fellow elected officials in order to have a good, well run police department that keeps our community safe. I continue to work hard and put in the extra time to ensure we do our best and follow the laws. Furthermore, I am willing to **compromise and work** with the other police commissioners to deal with the legal and personnel issues and find equitable solutions.

Since 2018, 2 federal lawsuits, 2 unfair labor practices and 14 grievances have been filed against the management of the police department. All of the these actions were filed by **members of the Northern Berks Regional Police Department.**

The lawsuits had to be settled, one unfair labor practice was settled and several grievances were sustained. The decision on the second unfair labor practice is pending.
All of these actions were expensive. The Northern Berks Regional Police Commission spent an unprecedented nearly $120,000 in legal fees in 2019.

In addition, there was an Internal Affairs Investigation into several other complaints that were submitted to the Police Commission. As a Commission, we **unanimously approved** the Internal Affairs Investigation and also **unanimously approved** the discipline that was issued.

I believe that the Police Commission can work together, as we have done on a variety of issues. Unfortunately, we don't agree on the current management of the police department and the escalating legal fees that have resulted from the current management of the department.

Many, if not most of the issues raised in the lawsuits, unfair labor practice complaints and grievances could have been resolved without going to any form of litigation or grievances.

As I stated earlier, we spent almost $120,000 in legal fees in 2019, and we are on track to spend that amount in 2020. If we had spent a more reasonable $40,000 in legal fees, we could have used the other $80,000 to buy **2 new police cars!!** Instead, the lawyers are receiving this money and they are probably buying new cars.

A nearby department, Central Berks Regional police, spends about $7000 per year on legal fees, despite the fact that they have 50% more officers than we do at Northern Berks Regional Police.
If they can keep the legal costs under control, we can too!

I don't support wasting tax payer dollars, especially since we have now entered into a very uncertain time with the corona virus epidemic and the current shaky economy, where people are losing their jobs.

Accordingly, I voted **for the people of Maidencreek Township** and against the bloated 2020 Police Commission budget. This budget proposed a $500,000 spending increase over 2019, which is 19%. We pay high property taxes in Berks County and **I will not vote to increase the property tax burden on my fellow citizens.** Maidencreek already pays $1.2 million annually for police coverage.
In order to reduce the inequities of the Police Commission, I propose re-opening the CHARTER. Currently, important decisions cans be decided by a 2-1 vote, except for passing the budget. Numerous times over the past year, critical decisions were passed 2-1, against Maidencreek's objections.
One glaring example was the police chief's employment contract. Despite Maidencreek's objections to raising his salary to $115,000 and allowing the police chief to take UNLIMITED PAID personal time, the other 2 police commissioners voted for it, resulting in a 2-1 vote. I have not met any other

government or private employee that is PAID for as much personal time as he chooses to take.

As a result, Maidencreek township is not fully represented on the Commission, yet we pay 47.5% of the budget, close to half. It is unfair to expect Maidencreek taxpayers to shoulder this large burden, yet get SHUT OUT of making costly decisions, and effectively. We have no representation on the police commission.

I believe that we can not continue to also shoulder the huge legal and financial liability of any misconduct. Recently, Police Chief Brian Horner posted the following on Face Book: (see attached Face Book posts)
I do not condone the Chief's Face Book posts and I believe that they are a serious violation of the Police Department's Internal Affairs policy. When I brought these Face Book posts to the attention of my fellow Police Commissioners, **they chose to take no action.**

Other Maidencreek residents were also appalled and some complained about the Face Book postings.
It is the job of the police chief to enforce laws, not create his own laws.
We should not let the police chief to put taxpayers at risk for a multi-million dollar lawsuit.

In other cases, when we did vote unanimously on an issue, the next meeting the other 2 commissioners voted to **reverse** that decision over my objections.

Clearly, this is no way to run a police a commission.
I believe that we need new rules to govern the police commission.

By opening the charter, we can establish new rules, including requiring unanimous votes for the solicitor, police chief and other important contracts. Currently, only the approval of the budget requires a unanimous vote. In addition, discipline and all legal issues should require a unanimous vote.
Then, I will continue to be willing to work out an equitable solution to out budget.

I will not be bullied, intimidated or harassed by other elected officials or their cronies in the audience, which was attempted at the Monday night police commission meeting. I bring over 10 years of township supervisor experience, including previous experience with a large township police department.

Further, my small business ownership has taught me the value of a dollar.
I believe it is very important to treat all individuals fairly and equally.
I put a lot of time into my job, meeting with people, reviewing documentation and researching issues.
Look forward to continue working with my fellow elected officials to find solutions for the issues before us and have a well run police department. We have dedicated officers who do a good job and deserve our support. I pledge to work to continue to keep Maidencreek a safe and vibrant community.
In conclusion, I propose to re-open the Commission charter to ensure that all 3 municipalities are equally represented in all important decisions and requiring a unanimous vote on all contracts, employment decisions, discipline and other important issues.

By requiring a unanimous vote, the Commission will be forced to work together and compromise when necessary, and reach equitable decisions. This way all 3 municipalities are truly represented.
Finally, after the charter is re-opened, I will work and vote for a reasonable police commission budget.

Brian Horner

Add Friend

Intro

Chief of Police at Northern Berks Regional Police

Went to Lock Haven Junior - Senior High School

Lives in Blandon, Pennsylvania

Joined August 2009



Brian Horner

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DO YOU KNOW BRIAN?



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Brian Horner
Yesterday at 7:53 AM ·

I've bitched about this from day one. Keep enabling them to do drugs. This isn't helping but hurting to put a stop to it.
The law even sucks!!!!



So if a kid has an allergic reaction the parents have to pay a ridiculous price for an Epi pen. But a junkie who has OD'd for their 15th time gets Narcan for free?

What a screwed up world we live in.

Exposing Liberals
May 29, 2018 ·

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Will Raibeck Forget the cost of epi we need to discuss the price of beef jerky