PHONE: 610-926-4920 FAX: 610-926-6314

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

1 QUARRY ROAD * P.O. BOX 319 * BLANDON, PA 19510
www.maidencreek.net

June 19, 2020

Kenneth Stoudt, Chairman
3 Todd Drive
Leesport, PA 19533

William Klein, Vice-Chairman
463 Snyder Road
Reading, PA 19605

Gary Hadden, Supervisor
295 Ida Red Drive
Leesport, PA 19533

Re: Relations between our Townships

Dear Supervisors:

We write to you as the entire Board of Supervisors of Maidencreek Township for two reasons.

First, we wish to reply to a letter from Elizabeth Magovern dated June 15, 2020 asking us to meet with you so you could learn about the executive session we had in discussing litigation concerning the Northern Berks Police Commission. We are sorry, we must decline your invitation because if we proceed with the litigation we discussed, one or more of the elected or appointed officials of Ontelaunee Township will be defendants in that litigation. We wish to quickly emphasize that we have absolutely NO desire to pursue litigation against our sister municipality, but we must also candidly tell you that the conduct of Ontelaunee Township elected and appointed officials toward Maidencreek Township has reached an unacceptable point where Maidencreek Township believes that it may be forced to do so, and our Township may have no other choice. However, in a last ditch effort to avoid such an unproductive conflict, we wish to take this opportunity to share some facts and information with you that perhaps all of your Board may not be aware of, so that perhaps we can restore our previously excellent relationship, and THAT is the second purpose of this letter.

Our Solicitor has instructed us to include a statement that nothing in this letter is a waiver of any privilege and nothing in this letter is intended to disclose or waive the attorney-client privilege, or the confidentiality of our executive session. We will not share with you any part of our discussion. But, without waiving those rights and privileges, we believe we can share some documented facts that have compelled us to have such discussions.

1. It is no secret that your Supervisor, Gary Hadden, and our Chairperson, Heidi Fiedler, have a personality conflict and have disagreed on policies regarding the Northern Berks Police Commission. We as a Board understand that there are two sides to every story and all three of us have spent considerable time over the last year in discussing how we can reduce the Conflict and try to find common ground. However, there has been no effort on the part of Ontelaunee Township to try to work with us. In fact, the opposite is true. There has been a concerted effort to work against us and to undermine Ms. Fiedler which in turn harms our residents and the representation of our citizens on the Police Commission. Mr. Hadden has even gone so far as to attend our meetings and publicly state that your Board was withdrawing from the Police Commission unless Maidencreek Township caved into your alleged demand that we replace Ms. Fiedler as our Police Commissioner simply because Mr. Hadden refuses to work with her. There are many examples we can give concerning what we as a Board perceive to be improper and unproductive conduct by Gary Hadden towards Heidi Fiedler and we emphasize that this letter is NOT intended to list them all. If there is litigation, there will be plenty of time for that. But the most recent conduct and actions by Ontelaunee Township that we WILL include in this letter are so beyond the pale, that they cannot go unchallenged and unaddressed.

2. As a result of a Supreme Court decision concerning Officer Hobart, a discussion with the Commissioners concerning next steps was needed. Ontelaunee Township - without consulting Maidencreek, selected May 27, 2020 at 3 P.M. as the date and time for an executive session. Neither of the Maidencreek Commissioners were available at that time and we promptly asked for it to be moved to later in the day or rescheduled to another date in the immediate future. In what has sadly become Ontelaunee's pattern, your Township Secretary sent emails refusing any cooperation on scheduling. We asked our Solicitor to try to intervene and he sent an email which resulted in a further exchange which we attach as our first exhibit to this letter. It should be a no brainer that schedules for ALL Commissioners should be checked, coordinated, and mutually agreed upon before important meetings are scheduled and NOT merely dictated by Ontelaunee Township. But responses from your Township secretary not only show a refusal to cooperate, but actually document that she prefers misrepresenting your Township's availability for the SOLE purpose of excluding us from the meeting. The first attachment to this letter is documented proof of this statement. Ms. Berger's first email to Heidi Fiedler discourteously refuses to even consider a schedule accommodation based on Ms. Bergers perception of Ms. Fiedler's earlier email. See attached highlighted email sent by Ms. Berger at 9:21 AM on May 26 attached. Our Solicitor responded by pointing out the lack of cooperation and asking for cooperation to accommodate all participants, also attached. Mr. Hadden responded trying to lecture our solicitor on the law but he included in his email earlier emails between Mr. Hadden and Ms. Berger where Ms. Berger actually states that she would recommend pretending you weren't available for any rescheduled meeting in order to thwart our attendance. See Ms. Berger's highlighted email attached sent May 26, 2020 at 11:56 AM to Gary Hadden where she very clearly documents that she was prepared to obstruct any effort to accommodate Maidencreek by pretending Ontelaunee Commissioners were "unavailable". While we find Ms. Berger's emails reprehensible, we are even more grieved by what they say about your

Township's animosity toward Maidencreek. First you were completely discourteous in unilaterally scheduling the meeting without consulting us, and then your Township Secretary and alternate commissioner puts in writing an overt intention to obstruct any rescheduling just because we asked for it. Her emails are on the Ontelaunee Township official email account.

3. At the Northern Berks Police Commission meeting on June 8, 2020, Gary Hadden called an executive session of the Police Commission and physically excluded Ms. Fiedler from participating under the subterfuge that there was a complaint about her from Officer Mohl. The letter from Officer Mohl was dated May 16, 2020, and intentionally withheld from Maidencreek representatives for several weeks and only given to Maidencreek representatives moments before Mr. Hadden called the executive session. Most unbelievably, there is no authority to exclude an elected and appointed member of any Board regardless of the content of the alleged complaint and doing so is, according to our Solicitor, a clear violation of the Sunshine Act. Mr. Hadden's physical intimidation that he would have our designated representative removed from your building if she persisted in trying to join the executive session occurred on your property and ought to disturb the other members of Ontelaunee's Board. It certainly disturbs this Board.

4. Gary Hadden's utter and complete refusal to work with Maidencreek Township and its representatives is the single biggest problem right now in the Northern Berks Police Commission. He and Ms. Berger are directly impeding the ability of our two Townships to work together for effective policing in our municipalities. Attached as the second exhibit to this letter is an Affidavit signed under oath by Diane Hollenbach, our Township Manager. Please briefly stop here and take a moment to read the attached affidavit. In his first rant, Mr. Hadden announces his intention to violate the charter and the existing Northern Police Commission Budget. Not only does he announce his intention to act unlawfully, but he does so in the most vulgar and unprofessional manner. Please read the Affidavit again. In his second rant, Mr. Hadden's text announces that no matter what concerns Maidencreek Township may wish to discuss or raise as concerns, he rejects it and in his unprofessional vulgarity tell Maidencreek where it can "shove it."

As a result of significant changes in the entire country, we have legitimate concerns about what Covid-19 fallout will create. There have also been personnel changes and attrition which can help us all meet our goal of good policing for everyone with less money. But Hadden is so anti-Maidencreek that logic and changed circumstances are irrelevant to any kind of appropriate dialogue, even though hundreds of municipalities throughout the Commonwealth are reviewing these same issues right now.

5. At the Northern Berks Police Commission meeting, Ontelaunee Township and the Borough of Leesport authorized the payment of legal fees for Chief Horner's private attorney in direct contravention of Chief Horner's employment contract and outside any lawful authority to make such a payment. We understand that this was done contrary to advice given and thus approved by Ontelaunee and Leesport even though it was knowingly unlawful. We must tell you

right now, this Board believes it has a duty to challenge that illegal action and we will pursue that duty if Ontelaunee Township and the Borough of Leesport do not rectify this and reverse course. We extend this opportunity to do so because we believe dialogue and cooperation among all three municipalities is the way we should conduct ourselves and therefore, please reverse this illegal action not later than the next Police Commission meeting. If you have already made the payment, we expect Ontelaunee to repay the Commission for this illegal expenditure.

6. If the conduct of Ms. Berger and Mr. Hadden occurred for a private employer, they would both be fired. We recognize that they won't be and it is not our place to tell you to do that. You can run your Township as you see fit and appoint whomever you wish for various positions. However when your designated representatives act in this manner and treat Ms. Hollenbach, Ms. Fiedler, and in turn our Board and residents with this outrageous, unprofessional disrespect, we as a united Board say enough is enough. We don't need meetings with you to talk about Gary Hadden's unprofessional, vulgar, and completely unacceptable conduct on your behalf toward our Township. He has clearly become unhinged in his animosity toward our entire Township because he refuses to recognize that we have designated Ms. Fiedler as our representative – and like a child - that doesn't suit him.

What we do need is for Ontelaunee Township to put a stop to these antics, recognize and treat our Board, our representatives, and our citizens in the exact same way you would expect to be treated. If you do that and promptly rectify these problems, there will be no need for litigation. That is the sincere wish of every member of the Board of Supervisors signing this letter.

Thank you very much.

Very truly yours,

Heidi Fiedler, Chairperson

David Franke, Vice-Chairman

Claude Beaver, Supervisor

Enclosures (2)

Eugene Orlando

From: gmhdjclsh@outlook.com <ghmorrail313@outlook.com>
Sent: Tuesday, May 26, 2020 3:52 PM
To: Eugene Orlando
Subject: FW: NBRPD --- Hobart

Please be advised that the Sunshine Act only requires that members of a public agency be notified 24 hours in advance of the time, date, location and purpose of the executive session.
(Section 708 (b)). So with the urgent matters that need to be discussed, you only need to give members 24 hours advance notice. Maidencreek was given time to make arrangements
Like myself who came back from a trip to Codorado three days early so I was available for the meeting.
Gene, I would also like to take this time to ask you why you would let a township supervisor make a false statement to the public, knowing that the Reading Eagle had a reporter their, stating that I violated the Sunshine Act when asking for the three municipalities to meet last August and talk about the issues with the department? Your actions are just as much to blame as anyone else on the Commission. Joe Rutterow statement was a complete lie, you and Diane Hollenbach asked for the meetings between all parties, and I have the e-mails to prove this. All you did was sit their and let a complete lie go out to the public. You haver just as much as anyone in this mess, so don't blame others on this issue that you are adding to the " obstreperous disrespect".

Thanks
Gary Hadden

Sent from Mail for Windows 10

From: Ontelaunee Township
Sent: Tuesday, May 26, 2020 11:56 AM
To: Gary Hadden
Subject: FW: NBRPD --- Hobart
Importance: High

It is my opinion that if Gerber tries to change the day or time, we say we cannot attend.

Wait until June meeting.

Kim Y. Berger
Ontelaunee Township Secretary-Treasurer
Phone: 610-926-4240 ext. 200
Fax: 610-926-5476
ontelauneetownship@comcast.net

-----Original Message-----
From: Elizabeth Magovern [mailto:emagovern@hvmllaw.com]
Sent: Tuesday, May 26, 2020 11:45 AM
To: 'Ontelaunee Township (ontelauneetownship@comcast.net)' <ontelauneetownship@comcast.net>
Cc: ghmorrail313@outlook.com; Ken Stoudt (kenstoudt@comcast.net) <kenstoudt@comcast.net>
Subject: FW: NBRPD --- Hobart

Importance: High

Hi everyone,
I have not been in the loop on this but just read the emails below. Please be advised that the Sunshine Act only requires that members of the public agency be notified 24 hours in advance of the time, date, location and purpose of the executive session. (See Section 708 (b)). So if you have an urgent matter that needs to be discussed, you only need to give members 24 hours advance notice of the exec session but the notice must inform the member of the date, time, location and purpose of the session.

I am not going to respond to Gene unless you authorize me to get involved. Take care and stay safe.

Liz

From: Eugene Orlando [mailto:EOrlando@orlandolawoffices.com]
Sent: Tuesday, May 26, 2020 10:27 AM
To: 'Ontelaunee Township'; 'Heidi Fiedler'; 'Chris Gerber'; franke0127@aol.com; mrstrause@aol.com; 'Eric M. Brown'
Cc: BHorner@nbrpd.org; ghmorrail313@outlook.com; 'David Franke'; leesportboro@comcast.net; RManmiller@nbrpd.org; SPP@blakingerthomas.com; swr@blakingerthomas.com; Elizabeth Magovern
Subject: RE: NBRPD --- Hobart

Good morning Ontelaunee township representatives and other on this email.
I know Ontelaunee did not intend this result, but Ms. Berger's email below is classic documented evidence of the obstreperous disrespect which is THE SINGLE BIGGEST PROBLEM tearing this police commission apart. We need to work together as a commission and the disrespectful communication below (and prior communication from you that I previously ignored) are directly counterproductive to that cooperation. Please cease you petty sniping.
As a commission all of the municipalities involved face significant and critical issues that need cooperative resolution concerning officer Hobart and for that reason alone, all of the commissioners and alternates are both needed for input and entitled to participate in these discussions.
Whatever Ms. Berger perceived from Ms Fielder's prior email is irrelevant to the fact that Dave Franke can't make an afternoon meeting and the executive session needs to be scheduled when he can make it.
It is not clear to me what deadline or extension is being referred to that Mr. Gavin won't extend. There is presently no pleading or scheduled hearing. Yes I understand the urgency on the issue of whether and how Hobart is returned to work but the only consequence to a few more days to accommodate EVERYONE's schedule is the number of potential back pay days. The unfair labor practice matter pending on this case is not presently scheduled for hearing so please let's get a calendar date that all commissioners can make. I have spoken directly with Jim Gavin and confirmed this. I have the highest regard for my friend and colleague attorney Rahman, but if it's a difference between her on the call and not having a full complement of commission members, it is clear that the latter should prevail although I am hopeful a date can accommodate everyone.
Chris please schedule this executive session when both my township's representatives and everyone else's can attend.
Thank you,
gene
Eugene Orlando, Jr.
Orlando Law Offices, P.C.
2901 St. Lawrence Ave
Suite 202
Reading, Pa 19606
610-779-3830
eorlando@orlandolawoffices.com<mailto:eorlando@orlandolawoffices.com>
www.Orlandolawoffices.com<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.Orlandolawoffices.com&c=E,1,EElgLSMCiZrbx6Rx6t07tl-Pb0H9CfDzTL-glTLXXbaPZZMeuK64g3p4WCgHMQfqOhebQMxsY8SEWEhmowkX_-0YWhjk2mETR5LytsTqxK4pTlKrwDLjaBMb&typo=1>

From: Ontelaunee Township [mailto:ontelauneetownship@comcast.net]
Sent: Tuesday, May 26, 2020 9:21 AM
To: 'Heidi Fiedler' <heidifiedler@maidencreek.net>; 'Chris Gerber' <cpgerber@sianalaw.com>; franke0127@aol.com; mrstrause@aol.com; 'Eric M. Brown' <embrown@sianalaw.com>
Cc: BHorner@nbrpd.org; ghmorrail313@outlook.com; 'David Franke' <DavidFranke@maidencreek.net>; leesportboro@comcast.net; RManmiller@nbrpd.org; SPP@blakingerthomas.com; swr@blakingerthomas.com; Eugene Orlando <EOrlando@orlandolawoffices.com>
Subject: RE: NBRPD --- Hobart

Your email previously indicated:

"Dear all,

I am requesting that an executive session be scheduled on either May 26, 27 or 28, late afternoon or evening.

Please indicate your availability.

Thanks,

Heidi"

This is late afternoon.

We will see everyone who is available on Wednesday at 3 p.m.

Gary and Kim

[cid:image001.jpg@01D63345.01001170]

Kim Y. Berger
Ontelaunee Township Secretary-Treasurer
Phone: 610-926-4240 ext. 200
Fax: 610-926-5476
ontelauneetownship@comcast.net<mailto:ontelauneetownship@comcast.net>

From: Heidi Fiedler [mailto:heidifiedler@maidencreek.net]
Sent: Tuesday, May 26, 2020 9:16 AM
To: Ontelaunee Township <ontelauneetownship@comcast.net<mailto:ontelauneetownship@comcast.net>>; 'Chris Gerber' <cpgerber@sianalaw.com<mailto:cpgerber@sianalaw.com>>; franke0127@aol.com<mailto:franke0127@aol.com>; mrstrause@aol.com<mailto:mrstrause@aol.com>; 'Eric M. Brown' <embrown@sianalaw.com<mailto:embrown@sianalaw.com>>

AFFIDAVIT

I, Diane Hollenbach, being duly sworn according to law depose and say that:

1. I am the Township Manager for the Township of Maidencreek Berks County PA.

2. Maidencreek Township, Ontelaunee Township and the Borough of Leesport are all municipalities which together form the Northern Berks Regional Police Commission.

3. On June 11, 2020 at approximately 9:45 A.M. I received a phone call from Gary Hadden, Ontelaunee Township Supervisor.

4. I answered the phone and started to say: "Maidencreek Township, Diane speaking," (my normal phone greeting) but was not able to finish that phrase because Supervisor Hadden immediately began speaking over me and continued speaking nonstop for about seven minutes before he abruptly hung up the phone and ended the call.

5. During the phone call, Supervisor Hadden said, and I quote, "I called Ruth to find out what it will take to fund the department for the rest of the year. We are going around Maidencreek. I'm tired of this bullshit. I will just take the money from the reserve to fund the Department and not have a budget. We will go around having a budget and just take the money from the reserve, if Leesport goes along. After July, I won't bring the budget up again. Tell that bitch that I am going to make public everything she says and posts on Facebook. I'm going to tell everyone. Maidencreek might as well talk about forming their own department tonight because that is what it is coming to. Tell Heidi, tell your whole board I am going around Maidencreek and funding the police department out of the reserves. Heidi never worked with anyone. It was horrible how she acted in the meeting. Dave Franke knows. Talk to Dave Franke, he'll tell you. I didn't keep Heidi's boyfriend out of the meeting. He came late and we took 25. That's just the way it is. Maidencreek might as well form their own department because that's where this is going."

6. Immediately after the conversation, I wrote down to the best of my ability what Mr. Haddon said so that I could accurately recall it and advise my Board.

7. The person Mr. Hadden referred to as "that bitch" is Maidencreek Township Chairperson Heidi Feidler.

8. The June 11th phone call above is not the only time I have been subjected to communications by Mr, Hadden in this manner and there have been multiple occasions where Mr. Hadden calls and literally "goes off" in a very similar manner in communications with me concerning his intentions and perceptions.

9. Immediately following the Maidencreek Township Board of Supervisors meeting on the evening of June 11, 2020 at 9:49 P.M. I received the following text message from Mr. Hadden which I quote in full as follows:

> "You can not talk about budget or anything about money issues in executive session
>
> That is not allowed
>
> I'll let everyone know what your doing is not right
>
> There is no legal action with the police budget,,,,you just made it up so you could talk illegally. I'll find out what legal issues you think exists,,,,and you know the others will never agree to this bullshit Maidencreek budget,,,,, So what ever you come up with,,Shove it up Heidi Ass" (punctuation and grammatical errors in the original)

10. Mr. Hadden has repeatedly stated that he cannot and will not work with Maidencreek Supervisor Heidi Fiedler.

11. Mr. Hadden has repeatedly used vulgar and denigrating language in communications with Maidencreek Township.

12. I verify that the facts set forth in this Affidavit are true and correct to the best of my knowledge.

Dated: 6-18-20

Diane Hollenbach

Diane Hollenbach

State of PA County of Berks

Sworn to and subscribed before me this
18 day of June, 2020.

Cathy Claire Pilat

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Cathy Claire Pilat, Notary Public
Maidencreek Twp., Berks County
My Commission Expires Jan. 23, 2021
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES