Maidencreek Township Board of Supervisors
November 12, 2020

Attending: Heidi Fiedler, David Franke, Claude Beaver, Diane Hollenbach – Manager, Tom Unger – Systems Design Engineering, Eugene Orlando, Jr. – Orlando Law Office

Guests: Chrissy Shuman, David Batz, Charles Vorhees, Kevin Cunningham, David Reichlein, Mike Schittler, Kris Schittler, Anthony Spero, Ruth Manmiller, Scott Zimmerman, Joann Chabrol, Cody Rhoads, Tyler Galczynski, Allyson Hamburg, Cole Wesner, Edward Newcomb, David Brown, Jen DeCola, Jeremy Reinert, Bob Wood, Donna Franke, Josh Meck, Scott Eaken, Donna Culp, Glenn Scott, Lawrence Reidenhour, Gary Hadden, Jarrett Gibbony, Jared Meleta, Michael Meleta, Mike Adams, Heather Schoener, Mike Cordell, Brandi Brown, Ron Devlin, Fred Harrison, Eric Bauman, Debbie Didyoung, Nina Perone, Jamie Kilyk, Tim Snyder, Dan Miller, Jennifer Turk, Kim Berger, Dave Liptok, James Patterson, Dave Drazenovich, Tim Mills, Ivy Wenrich, John Bessey, Gary Brown, John Reiber, Heath Isamoyer, Maryann Cicale, Tim Ford, Tom Rader, Brian Horner, AnnMarie Troche, Dixon Troche, Eric Luckenbill, Mark Lacina, Dorothy Filippini, Kevin Tobias, Greg Boggia, Joan Campbell, Katelyn Gruber, Keith Shuman

Heidi Fiedler called the November 12, 2020 regular meeting of the Board of Supervisors to order at 7:00 p.m. in the Maidencreek Township Building Garage, 1 Quarry Road, Blandon and asked everyone to rise for the Pledge to the Flag. An executive session for personnel and potential litigation was held November 9, 2020 from 9:55 a.m. to 10:47 a.m.

MINUTES & FINANCES

Minutes

A motion was made by David Franke to waive the reading of the minutes and approve the minutes for the October 8, 2020 regular meeting. Claude Beaver seconded the motion and hearing no questions, it passed unanimously.

Treasurer's Report and Bill List

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

PUBLIC COMMENT

Scott Eaken of Berks Road, Shoemakersville thanked the Board of Supervisors for the in-person meeting and asked if the poll workers had ever been given recognition for the job they do for the township.

James Patterson of Spirit Court, Blandon asked if there was action at the October meeting in regards to his swale and the tree in the open space behind his property. Tom Unger of Systems Design Engineering, Inc. stated that it was discussed briefly in October that Mr. Patterson was going to discuss this with the Board directly. He did not survey the pipe to the stream but would

in the next week. Keith Shuman, Public Works Foreman looked at the tree but it would not be removed until after leaf collection sometime in December.

Eric Bauman, Wales Way, Blandon had comments on the Police Commission dissolution and was asked to wait until the Board reached that portion of the agenda.

ENGINEER

Tom Unger of Systems Design Engineering, Inc. reported that all land development and subdivision plans required time extensions. The Planning Commission recommended approval of the Redner's Quick Shop and Car Wash Preliminary Plan.

Subdivision Reviews

Jojaz Land Development Plan

A motion was made by Claude Beaver to accept the extension of time for the review period for the Jojaz Subdivision until February 28, 2021. David Franke seconded the motion and hearing no questions, it passed unanimously.

Kopfer Subdivision Plan

A motion was made by Claude Beaver to accept the extension of time for the review period for the Kopfer Subdivision until March 1, 2021. David Franke seconded the motion and hearing no questions, it passed unanimously.

Redner's Quick Shop and Car Wash Preliminary Land Development Plan

A motion was made by Claude Beaver to grant conditional preliminary plan approval to the Redner's Quickshop and Car Wash conditioned upon satisfaction of the October 7, 2020 Systems Design Engineering, Inc. review letter, which is incorporated by reference. David Franke seconded the motion and hearing no questions, it passed unanimously.

Road Work - Tom Unger stated that the street project is complete. Contract B was $6,499.48 under budget.

A motion was made by Claude Beaver to authorize the manager to sign change order #1 decreasing the contract B price of $135,317.50 by $6,499.48 to $128,818.02. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Claude Beaver to approve payment application #1 in the amount of $128,818.02 to New Enterprise. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Storm Water – Tom Unger reported the sinkhole had been repaired on Penrose Avenue. A site visit was made to 305 Faith Drive to discuss their storm water concerns. Mr. Unger and Mr. Shuman both were out to review the storm water issue at 241 W Walnut Tree Drive during a storm. Mr. Unger explained that the root of the problem is that the swale is the same elevation as

the stream. Mr. Unger suggested that the Township form a storm water committee to work on issues and bring recommendations to the Board of Supervisors. He suggested that it would not be cost effective to have the engineer inspect the 1,167 inlets in the township. The Board agreed with the storm water committee concept and agreed the road foreman could handle looking at the drain infrastructure.

115 Grove Road Subdivision

A motion was made by Claude Beaver to grant conditional final plan approval to the Grove Road Subdivision Plan conditional upon satisfaction of the April 29, 2019 Systems Design Engineering, Inc. review letter, which is incorporated by reference, and execution of an improvements agreement with posting of financial security. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

SOLICITOR

Maidencreek Township Authority - Mr. Orlando stated that there is nothing further for the Supervisors to do until the Authority adopts their resolution.

Cooperation Resolution with Fleetwood Borough

A motion was made by Claude Beaver to adopt Resolution 19-2020 authorizing the Township of Maidencreek to enter into an inter-municipal cooperation agreement with the Borough of Fleetwood providing for mutual aid and cooperation in the use of equipment and manpower. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

12 Chestnut Street – The temporary construction easement agreement submitted by the attorney for 12 Chestnut Street was altered from the standard township agreement. The indemnity paragraph was deleted and the township was given a deadline for completing work by March 31, 2021. The solicitor could not recommend the Board sign the agreement. The agreement was tabled.

MANAGER REPORT

Diane Hollenbach reported that the township was awarded a grant for COVID-19 expenses from the County of Berks and noted the upcoming PennDOT road closures at Schaeffer Road and Route 222 and Snyder Road and Route 222.

The volunteer lunch for 2021 has been cancelled due to the pandemic and the Board was asked to instead authorize and sign a thank you letter for the volunteers.

A motion was made by Claude Beaver to authorize a thank you letter, signed by the Board of Supervisors, be sent to the township volunteers and boards. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

BUSINESS

2021 Reorganization Meeting

A motion was made by Claude Beaver to authorize the manager to advertise the 2021 Reorganization meeting for January 4, 2021 at 9 a.m. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

2021 Budget

A motion was made by Claude Beaver to authorize the manager to advertise the 2021 draft budget. David Franke seconded the motion and hearing no questions on the motion, it passed unanimously.

Northern Berks Regional Police Dissolution

Heidi Fiedler asked the audience to raise their hand if they were in favor of having local police coverage. After some questions, the majority of the room raised their hands. Heidi Fiedler stated when it came time for the motion to dissolve the police Commission, I read this on behalf of the citizens of Maidencreek Township. "I vote no and oppose the dissolution of the Northern Berks Regional Police Department. We have great officers in the police department and they serve the residents of all of our municipalities very well. Therefore, Maidencreek Township opposes any dissolution. The issue is not the police department. The current problems within the Northern Berks Regional Police Commission stem directly from the refusal of Ontelaunee and Leesport Commissioners to try to work with the Maidencreek representative. The Maidencreek Board of Supervisors tried to address this problem in a letter to both Ontelaunee and Leesport dated June 19, 2020. Neither Ontelaunee or Leesport ever responded to our township concerning this matter. That letter was attached to my statement in opposition to the dissolution. The solution here is not dissolution but changes in the Police Commission where all three municipalities work together." Heidi Fiedler stated that there was no discussion about dissolution prior to the November police meeting. Maidencreek Township is committed to providing excellent local police coverage but it will take time and patience while the board and staff work to establish a department.

David Franke addressed the audience by asking who was in favor of maintaining the Northern Berks Regional Police Department by a show of hands. Most of the audience raised their hands. David Franke stated that the township was looking at their options because some things are out of our hands. He stressed that our officers are good officers. They have done their jobs and are not at fault in anyway. If the other two municipalities choose to walk away for the police department, there is nothing we can do to keep Northern Berks Regional Police. David Franke asked for community support as the township worked through the issue.

PUBLIC COMMENT PERTAINING TO POLICE DEPARTMENT DISSOLUTION

Retired Sgt. Northern Berks Regional Police David Reichlein stated that he served the community for fifteen years under Northern Berks Regional Police and another six years as chief

of Leesport Borough. He jumped at the chance to regionalize because of the economy of scale and ability to have specialized positions like detectives. In his opinion, the problem is the leadership of the department, and the officers did not deserve to work in a toxic work environment. David Reichlein did not feel the problems of the department began when Heidi Fiedler became the Commissioner but rather because the Chief did not show her respect and was insubordinate. He felt Supervisor Fiedler asked questions about the Chief's exorbitant contract which included unlimited personal leave, and she held people accountable.

Kevin Cunningham of East Wesner Road, Blandon wanted Northern Berks Regional to stay and thought the question should be on a ballot referendum. If Maidencreek Township had to move forward on their own, he felt that the township needed to provide the options in writing to every resident with a cost analysis and details, and the residents should vote for what they want. He believed there was a lot of petty fighting. He asked what happens to grant money; how will equipment be divided up, and who will oversee that. Mr. Cunningham stated that Maidencreek Township should take legal action against Ontelaunee Township and Leesport Borough. He reminded the Board that they have a responsibility to the taxpayer to make sure the residents are safe, and if anything happens due to inadequate police protection, the board is responsible.

Ed Newcomb of Troy Drive Blandon stated that he has lived in the township for twenty-eight years and feels we have excellent police coverage. He suggested that the Commission may not have been put together correctly. He asked who owned the current police station and wondered how much was spent this year on police coverage. He wanted to see that the current officers be retained on the Maidencreek force as they are very polite and involved in the community.

Retired Chief of Northern Berks Regional Police Scott Eaken of Berk Road, Shoemakersville stated that it was ironic that the dissolution of the department in May of 2021 will fall on the department's 30th anniversary. Chief Eaken felt the crux of the matter was Ontelaunee and Leesport's dissatisfaction with Supervisor Fiedler on the Commission. He stated he was going to work for keeping the Commission together, and it needed to be determined if the relationship could be repaired. Six months is a very aggressive timeline to put together a police department. He suggested that the solicitors speak to determine if there are any other issues besides Ms. Fiedler. The easy answer is to keep the department together. Chief Eaken stated that he observed this past year Supervisor Fiedler not recognizing Sgt. Ron Mohl upon his retirement at a Commission meeting. Second, Supervisor Fiedler uses the same attorney that the Fraternal Order of Police uses and it is perceived that this is a conflict. This perception continued when Supervisor Fiedler attended a Labor Relations Board hearing and sat with the Fraternal Order of Police instead of with the Commission making the perception a reality. There is also a perception that Supervisor Fiedler knows about grievances before they are filed. Heidi Fiedler responded that she recused herself from important litigation because of the attorney issue. Chief Eaken continued that on a professional and personal level after spending a heck of a lot of years

with the officers in and out of the trenches that we have great police officers. After the last Police Commission meeting, Scott Eaken received a text from the Berks County District Attorney asking him what was going on. He will probably be coming to the next Commission meeting and wanted the Commission to know that his position is: "This may result in a potential threat to the safety of the communities impacted by this decision. This police department has done a good job protecting their respective jurisdictions and now the breakup threatens the teamwork and cooperation that we have seen since this police department was formed." Scott Eaken offered his assistance to the supervisors.

Charles Vorhees of W Walnut Tree Drive, Blandon stated that it is mindboggling that we are considering dismantling our law enforcement. He encouraged the townships to talk to each other and asked if it was true that a force could not be put together for one year after dissolution. Gene Orlando, solicitor for Maidencreek Township, answered that was not correct.

Josh Meck of E. Wesner Road, Blandon asked if the township looked at the potential cost of state police coverage since the Governor has been talking about charging municipalities for state police coverage. He was also concerned about response time. The Board responded that they are looking at local police and not state police coverage.

Brandi Brown of Via Dolorosa Drive asked if it was a violation of the Sunshine Act for Leesport and Ontelaunee to have not made the resolution to dissolve the police department public. Gene Orlando did not believe they were in violation of the Act. Brandi Brown felt that they were not transparent in their actions and their citizens had not had the opportunity for input. She asked Ontelaunee and Leesport to reconsider their decision. She did watch all the videos from the Commission meeting and it seems that there is petty infighting and some budgetary concerns. She felt the officers did a tremendous job but wondered if we looked into other options if we would be better off. As part of the Fleetwood School District, Fleetwood Police might be a better fit. More information is needed before anyone should make a decision. She felt that Ms. Fiedler had a valid concern with legal fees. She was concerned about posting a budget for 2021 without all the information. Heidi Fiedler answered that Maidencreek was going to talk to police consultants to give us guidance but municipalities must have a budget by law by December 31of each year so the budget adoption can't wait. Brandi Brown asked what would happen if we don't have a plan in place for police by the deadline. David Franke answered that the PA State Police would respond. She felt that the residents should have all options presented to them so they can provide feedback. She was also concerned about how the department assets would be divided. She ended by saying her questions were not a reflection on the officers because she felt they did a fantastic job.

Mark Lacina of Galean Drive, Fleetwood stated that he recently moved to the township. He felt that the people that should be here answering questions were Leesport Borough and Ontelaunee

Township because they voted to dissolve the Police Commission over personality issues and not on safety or financial issues. They should be held accountable by their communities. The other municipalities must have another reason and suggested that when the Commission was formed the populations were smaller and now, they are better able to do it on their own. He believed that differences should be worked out and did not believe it was realistic to say it is based on personalities. He had attended a meeting in the summer and there was a lot of bickering over a retiree keeping their badge. He was amazed and thought the chief's behavior was inappropriate. He believed that no matter how things worked out, Maidencreek Township would have good coverage. He came tonight to reassure himself of that.

James Patterson of Spirit Court, Blandon stated he did research and watched recordings and spoke to people and the common theme as to why there is so much tension between the townships at these meetings is Heidi (Fiedler). He stated that he wasn't here to make her look bad or say she is a bad person but that didn't change the fact tempers have flared more often than not at the meetings. He asked that Heidi Fiedler step down tonight and a new Commissioner be appointed.

Eric Bauman of Wales Way, Blandon stated that he had been attending meeting for fourteen to fifteen months and when people rely on social media for information, there is a lot of misinformation. He stated that there were three major legal cases that cost the Commission a ton of money - the Hobart case when Chief Eaken was still chief, an internal investigation of Chief Horner from a complaint brought forward by Heidi Fiedler and an unfair labor practice brought against the Commission which was ruled unfounded. Eric Bauman continued that he did not have the details of the internal investigation but assumes that the Chief was exonerated because he was allowed to return to work and Leesport and Ontelaunee voted to pay the Chief's legal fees. He believed that Chief Horner is being unfairly blamed for the exorbitant legal costs. Heidi Fiedler responded that Chief Horner terminated Hobart for a second time and that resulted in additional litigation. The reimbursement of Chief Horner for his legal fees was illegal because his contract called for him to pay for his own defense in the course of his employment and the Commission had an internal investigation because a complaint was forwarded to her from one of the officers and resulted in three officers being reprimanded. Eric Bauman continued by encouraging the audience to go the Northern Berks website and Facebook page to see pictures and videos of National Night Out, car shows where the Chief set up a table with a nice banner so the officers could talk to the community, officers out during Trick or Treat Night, and the Chief dressed up as the McGruff Crime Dog greeting the kids on the first day of school. There are pictures of businesses and residents dropping off ppe, snacks and lunches because they respect and love the police department. He reminded everyone that the Commissioners were temporary but their actions effect the lives of officers who have served the department for decades. He hoped things could be worked out and that the Board would not reappoint Heidi Fiedler as Commissioner.

Eric Luckenbill of W Walnut Tree Drive, Blandon stated he came tonight because of a water issue. He thanked the Board for looking into it and wanted assurances that it would be addressed. Heidi Fiedler stated she was committed to it. He thanked the officers for their service and hoped that common sense would prevail to protect the children of the community. It was ridiculous spending so much time quarreling instead of thinking about a solution.

Gary Hadden of Ontelaunee Township stated that the comment made that Brian Horner fired Officer Hobart was incorrect and when the Commission reimbursed Chief Horner for legal fees, the Commission solicitor said it was legal. He said anyone was welcome to the December 3rd meeting of the Ontelaunee Township Supervisors, and he will tell everyone what is going on financially. This is one hundred percent financial. Heidi Fiedler has cost the Commission tens of thousands of dollars. He stated that Ontelaunee and Leesport voted at advertised meetings and nothing was done illegally. Gary Hadden stated that he warned Heidi Fiedler to stop over and over again and last year Maidencreek Township came to the Commission and defunded the police by saying they were no longer paying 47.5% of the budget. Heidi Fiedler stated that the Commission charter states Maidencreek Township's contribution is 43% and she wanted transparency and accountability. She did not support the contract with the Chief of Police with unlimited time off. She is responsible to the taxpayers of her township, and she wants to make sure that we have the best service at a reasonable cost. She did not support outrageous litigation that goes on and on. Gary Hadden responded that she is uncooperative and after 21 months this should not have been a surprise. Gary Hadden asked Heidi Fiedler if on July 15th of 2020 did, she not tell him to withdraw from the Commission at the end of a Commission meeting. Heidi Fiedler then accused Gary Hadden of verbally and physically accosting her numerous times. She added that Gary Hadden had come to Maidencreek Township a year ago and was belligerent and threatened to withdraw from the Commission and nothing happened. She asked why as Commission Chair, didn't Gary Hadden put the vote to dissolve on the Commission agenda and Maidencreek had to find out about it from a Facebook post. This action puts the citizens at risk and fires twelve officers. Gary Hadden stated we tried to work with you for twenty-one months and told you things had to change. He accused Maidencreek Township of not sending any representatives to an executive session in 2019 and Joe Rudderow called the meeting illegal. Gene Orlando stated that he and the township manager had attended and asked why Ontelaunee simply did not do as we requested and advertise the meeting then go into executive session so Maidencreek Supervisors could feel comfortable that they would not be breaking the Sunshine Law. Gary Hadden concluded by saying that Ontelaunee Township was forming their own department.

Fred Harrison of Loose Lane, Leesport, believed the Commission was beyond repair. He hoped not and had spoken with Dave Franke about how to resolve the problem. He believed that police consultants will cost hundreds of thousands of dollars. He asked Heidi Fiedler to resign.

Mike Cardell of Cassidy Court, Blandon spoke to the Board of his experience at Berks Lehigh Regional Police when Upper Macungie withdrew and the department of thirty officers and two secretaries ceased to exist. The equipment was sold at auction. Upper Macungie spent another million dollars to build a police department from vehicles to uniforms to guns. They spent more and built a police station. He warned that there is fallout from what Ontelaunee and Leesport have done which we are not seeing yet but will. He stated that he hoped Northern Berks Regional could be saved. As an officer of Berks Lehigh, he had to reapply for his job with Upper Macungie, he lost $12,000 in salary and was on probation for a year. Other officers didn't get hired and they had to start over somewhere else. He warned under Act 600, our officers would not be able to get their full pension unless something can be worked out. He stated that a police department couldn't be built in six months. It took Upper Macungie over a year. He thought there were personality conflicts on the Commission and there is a failure to communicate and a failure of leadership. Mike Cardell stated leaders need to remain humble. We all need to humble ourselves and do the right thing by the officers and residents.

Brian Horner, Chief of the Northern Berks Regional Police Department spoke about his accomplishments and rise to the position of chief after thirty years of service. He stated he was proud of all his officers. Brian Horner admitted to screwing up at times because he's human. He is hard on his officers that don't step up to do the job because its your tax money paying the bills. He stated that he doesn't know what he will do when the department dissolves, but he won't work for Maidencreek Township if Heidi Fiedler was on the board. She has been asked to step down numerous times. Brian Horner brought up the fact that he was being investigated for violating the Hatch Act and found out Heidi Fiedler had made the complaint thus wasting more Commission money. He stated that he did not think that there was any way of saving the department but would have a professional department until May 10, 2021. Heidi Fiedler commented that it was very interesting Chief Horner didn't stand up to support his officers at the Commission meeting and oppose the dissolution. She found it interesting that he accused her but there were lawsuits, fifteen grievances and arbitrations and hundreds of thousands of dollars of legal fees because of his lack of leadership since he became chief which predated her by two years. Heidi Fiedler called a recess of the meeting at 9:25 p.m. when it became out of order and not possible to conduct business.

A motion was made by Claude Beaver, seconded by David Franke, to adjourn the November 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 9:26 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer