

# to the Editor

## Township Officials Won't Publish Our Ordinances

*The Roman Emperor Caligula put the laws in tiny lettering high up in a corner of a public building to keep the people from knowing them. By doing so, the emperor powerfully reigned with unrestricted freedom and authority to say who had – and had not – violated them. It was a cunning and clear abuse of power.*

Are South Park Township officials grossly incompetent or intentionally refusing to codify and publish our ordinances? Either way, they should resign.

In August, 2014, the Board of Supervisors (Dave Buchewicz, Walt Sackinsky, Ed Snee) unanimously voted to accept General Code's proposal to codify and publish our ordinances online.

General Code provides ordinance codification and online publication of collections of ordinances (codes) on its eCode360 platform for over 4000 local government clients (please see [generalcode.com](http://generalcode.com)). On August 18, 2014, Township Manager, Karen Fosbaugh, signed this General Code contract.

The Performance Schedule in this contract states that (1) a preliminary telephone conference will occur within 30 business days of contract signing, (2) submission of the Organizational Analysis will occur within 90 business days of contract signing and receipt of the materials, (3) submission of the Manuscript and Editorial and Legal Analysis will occur within 145 business days of receipt of the Township's responses to the Organizational Analysis, and (4) delivery of the Code will occur within 120 business days of the Township's approval to proceed with publication.

In short, Township Officials should have had our ordinances codified and published online in two years – in 2016. But that never happened.

In 2020, I received the 2157-page South Park Township Code in electronic format. This document contained both older

codified and newer uncodified ordinances and was complete up to 2018.

In April 2021, the Board of Supervisors (Walt Sackinsky, Ed Snee, Brian Lucot) addressed my petition signed by residents: "Mr. Sackinsky explained that the petition requests that the Township Code be placed on-line. The Township has been trying for quite a few years to digitize the Township Code to place it on-line. With the due diligent efforts of Mrs. Fosbaugh, Mr. Bonidie, and Gary Wargo, the Township anticipates that the Township Code will be placed on-line in the near future. Mrs. Fosbaugh clarified that the "Township is in the process of updating the entire code book from a legal perspective. This is a very lengthy process in making sure that all ordinances are incorporated, prior to placing the code on-line."

After this meeting, I asked Karen Fosbaugh for General Code's manuscript. The manuscript is the codification of our ordinances as they exist but with a new numbering system. She claimed it was exempt from disclosure. I appealed this denial to the Pennsylvania Office of Open Records (OOR), which is a quasi-judicial, independent agency that has binding authority over citizen access to government records.

The OOR ordered the Township to give me the manuscript. The Township appealed this decision in court. Judge W. Terrence O'Brien affirmed the OOR and ordered the Township to give me the manuscript.

I received the 800-page manuscript in February 2022. Just like the ordinances, the manuscript appeared complete up to 2018. According to the Editorial and Legal Analysis Introduction, which I received during the Township's court appeal, the Township received the manuscript in January, 2019.

Walt Sackinsky and Karen Fosbaugh's excuses and Ed Snee's campaign statements were not only insulting to our intelligence but also to the thousands of local governments that complied with their General Code Performance Schedules. During his 2021 re-election campaign, Township

Supervisor Ed Snee stated in the *Park News*: "The Township Code will be placed online in 2022. The codification project is underway and is being reviewed by the Township Solicitor for accuracy and to make sure the update complies with current legal and engineering standards." That never happened. And no reasonable person would believe that our ordinances remain uncodified and unpublished because of due diligence efforts or unique legal complexities.

The fact that the ordinances and manuscript I received were complete up to 2018 strongly suggests that Township Officials did not even provide the materials (ordinances) to General Code until 2018.

The fact that the Township received the manuscript in January, 2019 suggests that in the past five and a half years, Township Officials have either: (1) not responded to General Code, or (2) responded and enjoy private online access to our codified ordinances but deliberately decided to not share them with the public. The Township has been paying General Code \$1195 every year since 2020 for "eCode360 Annual Maintenance."

Responsibility for not having our ordinances codified and published online – now a decade after the contract signing – lies with former and current Township Supervisors (Dave Buchewicz, Walt Sackinsky, Ed Snee, Brian Lucot, Lawrence Vogel) and Township Manager, Karen Fosbaugh.

Whether gross incompetence or intentional refusal is the reason our ordinances are not codified and published, one thing is certain: it is unjustified, inexcusable, and unconscionable. The Township Manager and the current Township Supervisors should resign and step aside for new public officials who will serve the people of South Park Township in good faith.

Links to these public records can be found in the "Featured" section of the public Facebook group: [South Park Township – A Citizen's Right to Know Source](https://www.facebook.com/SouthParkTownship).

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South Park Resident