

## Bath, PA - Community Hub



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### !! Urgent Call for Transparency, Fiscal Responsibility, and Accountability in Bath Borough Government

To the Residents of Bath Borough and Members of the Borough Council,

I am writing to address the concerning misinformation being propagated by Bath Borough officials, particularly Borough Manager Bradford Flynn, regarding my Right-to-Know (RTK) requests. The unfounded accusations of "vexatiousness" not only mischaracterize my actions but also undermine the principles of transparency and accountability that should be the foundation of our local government. These accusations, repeatedly made in Office of Open Records (OOR) appeals and consistently denied, appear to be a baseless narrative perpetuated solely by the Borough Manager. It's worth noting that these accusations are being made as key borough personnel have departed, including the office manager/bookkeeper prior to my first inquiry, the secretary nearing retirement, and the solicitor stepping away from municipal law.

#### 1. Clarifying the Nature and Frequency of RTK Requests

When I filed my first RTK request in September 2022, I embarked on an unexpected journey into a culture seemingly resistant to transparency. My initial requests, crafted in plain language, were met with denials, often citing a lack of specificity. This necessitated educating myself on the legal intricacies of the Right-to-Know Law, leading to more targeted requests. Ironically, this increased precision was then used by the borough to accuse me of abusing the system.

To provide further clarity, following my request on November 3, 2023, I refrained from filing another RTK request until June 25, 2024. This recent request was narrowly focused, seeking a single record with explicit permission from the involved party. This timeline clearly refutes any notion of excessive or frivolous requests.

#### 2. Refuting Baseless Claims and Exposing a Manufactured Crisis

The Office of Open Records (OOR) has consistently rejected the borough's claims that my requests are disruptive or made in bad faith. In the OOR Final Determination for case 2023-1083, and others, the OOR explicitly stated my requests were neither duplicative nor disruptive. This determination, along with others, clearly refutes the borough's accusations.

#### 3. Addressing the Borough's Claims of Excessive Costs

The borough's claim of \$144,000 in expenses related to my requests is a gross exaggeration, a manufactured crisis fueled by their own unnecessary legal actions and the hiring of costly outside counsel. These expenditures are not my burden; they are the direct result of the borough's obstructionist tactics. The OOR has consistently emphasized that a requester's identity or motivation is irrelevant to the determination of a record's accessibility, further invalidating the borough's attempts to shift blame.

#### 4. The QuickBooks Audit Trail Controversy

A particularly egregious example of the borough's lack of transparency involves the QuickBooks audit trail. The borough's evidence, as stated in the document, "consists of the Flynn sworn May 5, 2023, final response to the instant Requests that contains the Borough's explanation regarding why a QuickBooks audit trail does not exist, which was also submitted under penalty of perjury." Despite this sworn statement, I was later able to obtain the audit trail through mediation.

However, this was only possible after I had to outsmart the borough, who had consistently claimed this document didn't exist. I achieved this by referring to it by account number rather than name - a record I

had been requesting since the very beginning but was constantly lied to about its existence.

This situation raises serious questions about:

1. The veracity of the borough's sworn statements made under penalty of perjury
2. Their commitment to honesty and openness
3. Their willingness to obstruct legitimate inquiries through deceptive means
4. The potential legal implications of making false statements under oath

The fact that a document, whose existence was denied under oath, was later produced demonstrates a troubling pattern of obfuscation and potentially illegal behavior by borough officials.

#### 5. Uncovering Troubling Financial Practices

My RTK requests have brought to light numerous financial irregularities, including bounced checks, mishandling of state funds, discrepancies in financial reports, questionable healthcare arrangements, missing insurance payments by the mayor, and significant fluctuations in fund balances. Adding to these concerns, Borough Manager Bradford Flynn, after my initial inquiries began and after I refused to cease my investigation, approached the council to request a tenfold increase in his employee bond from \$50,000 – an amount that had remained unchanged since 2015 – to \$1 million. Such bonds are a form of insurance designed to protect the borough from financial losses due to the employee's own dishonesty or misconduct, such as theft or embezzlement. The substantial and unprecedented increase requested by Mr. Flynn after facing scrutiny raises serious questions about the perceived risks associated with his previous actions and the potential for financial impropriety. These findings necessitate a thorough, independent investigation into the borough's financial practices.

#### 6. Ethical Lapses and Abuse of Power

The borough's attempts to deflect blame onto a resident for their own fiscal mismanagement and to label legitimate inquiries as "vexatious" are not only a blatant abuse of power but also raise serious ethical concerns. The departure of key personnel amid these inquiries further emphasizes the need for immediate action and accountability. Borough Manager Flynn's unchecked narrative, unchallenged by other officials, is particularly troubling.

#### 7. A Threat to Public Safety, Democracy, and the Rule of Law

The borough's dissemination of false information not only jeopardizes my reputation but also potentially endangers my family's safety. This reckless disregard for the truth is unacceptable and potentially legally actionable. It erodes public trust, undermines democratic principles, and disregards the rule of law.

#### 8. Demands for Immediate Action and Accountability

I urge the Borough Council to take immediate and decisive action. This includes:

- Retracting all false statements about my RTK requests
- Providing a full public accounting of all related expenses
- Implementing transparent processes for handling public information requests
- Initiating a comprehensive, independent forensic audit of the borough's finances

Furthermore, I call for the removal or resignation of officials who have engaged in unethical behavior and contributed to the misuse of public funds.

#### 9. A Challenge to Council Members

To those council members troubled by the escalating costs associated with these matters, I implore you to take a proactive role in understanding the situation. Utilize the resources at your disposal to thoroughly review the relevant documents and communications, including OOR decisions. By doing so, you will gain a comprehensive understanding of the issues at hand, the borough's questionable tactics,

and the true reasons behind the escalating costs. This knowledge will empower you to make informed decisions and hold those responsible accountable.

The actions of Bath Borough officials in this matter are not merely unethical; they are a dangerous precedent that threatens the very foundation of open and accountable government. I urge all residents of Bath to join me in demanding better from our elected officials. We deserve a government that operates with transparency, fiscal responsibility, and respect for our rights as citizens.

Sincerely,

Michael Long

Concerned Citizen and Advocate  
for Government Transparency