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Response to Requests for Public Documents

To: Kenneth Timko
From: Danielle La Valle, Municipal Clerk
Date: July 24, 2020
Re: OPRA Requests dated June 29, 2020, and

In further response to your various requests for public documents made on June 29, 2020, please be advised that the updated responses on behalf of the Township are as follows.

1. Please provide copies of all sprinkler permits issue[d] in Long Beach Twp from January 2013 to June 2020.

Response – All sprinkler permits requested have been provided.

2. Please provide a copy of all correspondence to the divisions of pensions in which the Township has notified the division of a retiree or employee death from January 2010 to June 2020.

Response – No such documents exist. The Human Resource Department contacts the State via telephone for these matters.

3. Please provide all correspondence concerning the termination of employee pensions due to death when they were in fact not deceased and required reinstatement of their pensions from January 2010 to June 2020.

Response – No such documents exist.

4. Please provide a list of any lawsuits from January 2011 until June 2020 in which the township is named a plaintiff or defendant. Include the names of all Township employees who are specifically named. Please provide the names of the attorneys who are representing the Township in these matters and a detailed billing record and what services were rendered.

Response – As to the request for a list of lawsuits during that time period, the names of the Township employees, and the names of the attorneys who represented the Township in such matters, no such

records exist. As to the billing records for all litigation during that time period, the Township's response is that the request is overly broad, vague, and not sufficiently specific. At any given time, the Township is involved in various matters that could be deemed lawsuits, such as litigation in State and Federal Court, arbitrations, and workers compensation matters. In addition, for matters involving insurance coverage, the insurance carrier appoints and assigns legal counsel and remits payment to those attorneys for the services rendered. The request for detailed billing records relating to litigation must be more specific as to the types of lawsuits. In addition, please be advised that certain details set forth in the billing records may be subject to redaction in accordance with the attorney-client privilege, attorney-work-product doctrine, the personnel records exception, etc. The Township, therefore, requests that you make a more specific request as to the types of lawsuits and seek to narrow same given the scope of the requests. Finally, please note that in accordance with the applicable law, the Township is not in possession of billing records older than six years.

5. Please provide records of all homeowners who have filed tax appeals to the Township from January 2018 to June 2020.

Response – The 2019 and 2020 filed tax appeals have been provided. Please be advised that the Township does not possess “records of all homeowners who have filed tax appeals” (no such documents exist) and does not possess the capability of running a report to compile such information.

6. Please provide records where the town has requested indemnification for employees who have been injured on private property. Please provide copies of all correspondence and letters. Please also include workers compensation claims made by employees. Please provide the names of the attorneys who are representing the Township in these matters and a detailed billing record and what services were rendered.

Response – This request is overly broad, vague, and subject to attorney-client privilege, attorney-work-product doctrine, as well as, among others, the deliberative process privilege. There is no specific date range set forth in the request, no identification of sender or recipient, and, in terms of the records relating to requests for indemnification, the Township has no such record or list of these occurrences. The request needs to be more specific, narrow, and clear. In terms of the billing records, the Township's insurance carrier appoints workers' compensation counsel, and, therefore, even if a date range and more specificity is provided, the Township is not in possession of such documents.

7. Please provide a copy of any and all traffic studies, emails and correspondence in regard to the speed limit changes enacted in June 2020 on Ocean Blvd, Beach Ave and Atlantic Avenue.

Response – No traffic study exists. In addition, the request for emails and correspondence is overly broad and vague, as well as being subject to attorney-client privilege, attorney work-product doctrine, and the deliberative process privilege.

8. Please also provide a copy of the traffic study and any correspondence with the Police Department regarding the installation of the stop sign at 68th Street and Ocean Blvd and any correspondence regarding enforcement of the stop sign.

Response – No such documents exists. In addition, the request for emails and correspondence is overly broad and vague, as well as being subject to attorney-client privilege, attorney work-product doctrine, and the deliberative process privilege.

9. Request copies of email logs for the municipality's Chief of Police Bradley and Captain/Chief Deely from January 01, 2016 to June 28, 2020. Please include sender, recipient, date and subject.

Response – In accordance with *Paff v. Galloway Township*, 229 N.J. 340 (2017), the Township is working diligently with the Police Department and its IT personnel to see if obtaining these records is technically possible. The Township expects to have an updated response on this issue by the end of next week. In addition, if the logs can be created with the information technology possessed by the Police Department, please be advised that certain details set forth in the subject lines may be subject to redaction in accordance with the attorney-client privilege, attorney-work-product doctrine, the personnel records exception, etc.

10. Request copies of email logs for Officers Kevin Mahon, Michael Brennan, Edward Bernhard, from January 01, 2016 to June 28, 2020. Please include sender, recipient, date and subject.

Response – In accordance with *Paff v. Galloway Township*, 229 N.J. 340 (2017), the Township is working diligently with the Police Department and its IT personnel to see if obtaining these records is technically possible. The Township expects to have an updated response on this issue by the end of next week. In addition, if the logs can be created with the information technology possessed by the Police Department, please be advised that certain details set forth in the subject lines may be subject to redaction in accordance with the attorney-client privilege, attorney-work-product doctrine, the personnel records exception, etc.

11. Request copies of email logs for all Township Commissioners from January 01, 2012 to June 28, 2020. Please include sender, recipient, date and subject.

Response – The Township's information technology (different from the Police Department software) is capable of providing such logs. Please be advised that they are presently being reviewed for potential and required redactions and will be provided. Reports are ready to send. As referenced above, certain details set forth in the subject lines may be subject to redaction in accordance with the attorney-client privilege, attorney-work-product doctrine, the personnel records exception, etc.

12. Request copies of email logs for Deborah Bonicky from January 01, 2016 to June 28, 2020.

Response – See the Township's response to paragraph 10 above.