

RESOLUTION NO. 2023-233

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING CHARGES ASSOCIATED WITH THE DEMOLITION OF 28 WEST NAVASINK DRIVE, PURSUANT TO CHAPTER 148 AND AUTHORIZING SAID CHARGE TO BECOME A LIEN AND TO BE ADDED TO AND BECOME A PART OF THE TAXES TO BE ASSESSED AND LEVIED ON SAID PROPERTY

WHEREAS, Chapter 148 of the Little Egg Harbor Township Code provides for the repair, closing and demolition of structures within the Township which are unsafe and unfit for human habitation; and

WHEREAS, in accordance with the terms of N.J.S.A. 40:48-2.4 et seq. and Chapter 148 of the Township Code, the Township provided notice and opportunity to the property owner of a hearing regarding the condition of the building and premise at 28 W. Navasink Drive, determined said building was unfit for human habitation, occupancy or use and issued an order setting forth the reasons for the decision and requiring the repair, alteration or improvement of said building or ordering its demolition if left in a state of disrepair; and

WHEREAS, said owner failed to comply with the order to repair or demolish; and

WHEREAS, the Township filed a Verified Complaint in Superior Court of New Jersey, Chancery Division, Ocean County, Docket No. OCN-C-30-23 and the Honorable Mark A. Troncone, P.J.Ch., executed an Order that the Township should act to abate the nuisance and that any and all funds expended to abate the nuisance shall become a Municipal Lien against the Defendant's real property; and

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

WHEREAS, the Township has gone out to bid for proposals to demolish the building pursuant to said Court Order but desires to establish the associated costs of attorney fees incurred to obtain the Order to demolish as a lien prior to proceeding with demolition; and

WHEREAS, it is the desire of the Township to place liens against the property, to provide reimbursement to the Township for the partial costs of demolition as set forth herein in accordance with the terms of the Order and the Filed Affidavit of Services dated June 13, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the following charge based on the filed Affidavit of Services has been found to be correct and the cost as shown shall be charged against such property:

Block 325.104, Lot 37

28 West Navasink Drive

\$7,877.93

The amount so charged shall forthwith become a lien upon such land and shall be added to and become a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the Township of Little Egg Harbor Tax Collector.

2. That the Township Clerk is hereby authorized and directed to file a statement of the amount due the Township for the associated attorneys' fees as delineated on the Filed Affidavit of Services for the costs allowed by the Court in seeking demolition, along with a copy of this Resolution, with the Tax Collector of the Township of Little Egg Harbor.

3. That the Tax Collector shall file, by registered mail, with the owners of said property and parties in interest a copy of the municipal lien certificate.

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

CERTIFICATION

I, KELLY LETTERA, RMC, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on this **10th** day of August, **2023**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

r|m|sh|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

PARTNERS

Laura M. Halm
Jean L. Cipriani

Melanie S. Appleby
Robin La Bue
Michael S. Nagurka
Andrea E. Wyatt



Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.

ATTORNEYS AT LAW

ASSOCIATES

Danielle Rosiejka
Matthew J. Donohue
Brandon A. Klimakowski

OF COUNSEL

Charles H. Mandell
Brian C. Bartlett

June 13, 2023

Via JEDS

The Honorable Mark A. Troncone P.J.Ch.
Ocean County Courthouse
206 Courthouse Lane, 1st Floor
Toms River, New Jersey 08753

**Re: Township of Little Egg Harbor v. Amy Beth Davey
Docket No. OCN-C-30-23**

Dear Judge Troncone:

This office represents the interests of the Plaintiff, Township of Little Egg Harbor in the above-referenced matter.

An Order to Show Cause Hearing to demolish the structure located at 28 West Navasink Drive, Little Egg Harbor, New Jersey took place on Friday, April 28, 2023. On the record, Your Honor requested counsel submit an affidavit of services.

Enclosed please find an affidavit of services representing the legal fees and expenses incurred through April 28, 2023.

Respectfully submitted,

Danielle A. Rosiejka

DANIELLE A. ROSIEJKA, ESQ.
For the Firm
drosiejka@rms|h|c.law

Enclosure

ROTHSTEIN, MANDELL, STROHM, HALM & CIPRIANI, P.A.

Danielle A. Rosiejka, Esq. Attorney ID No.: 022982012

98 East Water Street

Toms River, New Jersey 08753

Attorney for Plaintiff, Township of Little Egg Harbor

<p>TOWNSHIP OF LITTLE EGG HARBOR,</p> <p>Plaintiff,</p> <p>v.</p> <p>AMY BETH DAVEY; JOHN AND JANE DOES 1-10; ABC LLC's 1-10; and ZYZ CORPS 1-10.</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION, OCEAN COUNTY</p> <p>DOCKET NO. OCN-C-30-23 CIVIL ACTION</p> <p>AFFIDAVIT OF SERVICES</p>
--	--

I, DANIELLE A. ROSIEJKA, ESQ., being of full age certify as follows:

1. I am an Associate with the law firm of Rothstein, Mandell, Strohm, Halm & Cipriani, P.A., attorneys for the Plaintiff, Township of Little Egg Harbor. As such, I am fully familiar with the facts and circumstances surrounding this matter.

2. This office has performed legal services in accordance with the following:

8/3/2022	Receipt and review of documentation and photographs. (MSA)	.3
8/4/2022	Receipt and review of email correspondence from M. Fromosky with enclosures. (DR)	.3
8/4/2022	Receipt and review of updated photos of property and new violation notice. (DR)	.3
8/10/2022	Receipt and review of email correspondence from Abstract Title with multiple enclosures and drafted response to same re: title search. (DR)	.2
9/23/2022	Receipt and review of email correspondence from M. Fromosky with multiple enclosures and drafted email correspondence responding to same. (DR)	.5
10/3/2022	Draft correspondence to Title Company requesting title search. (DR)	.5

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

10/3/2022	Drafted email correspondence to Lor Vacca requesting title searches and receipt and review of email correspondence responding to same and drafted reply. (DR)	.8
10/21/2022	Receipt and review of email correspondence from Title Company with enclosure and drafted reply correspondence. (DR)	.5
10/21/2022	Receipt of invoice for title search on property and drafted correspondence enclosing payment re: title search. (DR)	.2
10/25/2022	Draft email correspondence to Tax Assessor confirming outstanding tax certificates. (DR)	.2
10/28/2023	Receipt and review of email correspondence from tax collector and drafted email correspondence responding to same. (DR)	.5
11/8/2022	Drafted letters to all persons with interest in the property noticing them for administrative hearing on December 6, 2023. (DR)	1.0
11/17/2022	Receipt and review of regular and certified mail unclaimed for Davey. (DR)	.2
11/22/2022	Receipt and review of email correspondence from M. Fromosky with multiple enclosures. (DR)	.2
11/22/2022	Receipt and review of updated photos of property and new violation notice. (DR)	.3
12/6/2022	Review of file in preparation for hearing. (DR)	.5
12/06/2022	Travel to and back from Little Egg Harbor for Administrative hearing. (DR)	1.2
12/6/2022	Attended Administrative hearing at Little Egg Harbor. (DR)	1.0
12/15/2022	Review of notes from hearing, violation notices and drafted administrative opinion. (DR)	1.0
12/15/2022	Draft letter to Amy Beth Davey enclosing administrative opinion. (DR)	.5
12/16/2022	Draft email correspondence to M. Fromosky with enclosure re: posting administrative opinions at property address. (DR)	.2
12/16/2022	Drafted email correspondence to M. Fromosky and K. Held re: administrative opinion. (DR)	.2

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW98 East Water Street
Toms River, NJ 08753o: 732.363.0777
f: 732.905.6555

12/16/2022	Receipt and review of executed administrative opinion from M. Fromosky, executed same, scanned and saved and combined with letters; mailed out regular and certified mail. (DR)	.4
12/16/2022	Revised various letters and opinions. (DR)	.2
12/19/2022	Receipt and review of email correspondence from M. Fromosky with enclosures. (DR)	.2
12/19/2022	Receipt and review of updated photos of property and new violation notice. (DR)	.3
2/1/2023	Receipt and review of message from D. Piserchia. (DR)	.2
2/2/2023	Phone call with D. Piserchia re: interest in property. (DR)	.4
2/8/2023	Receipt and review of email correspondence from M. Fromosky with multiple enclosures. (DR)	.2
2/8/2023	Review of updated violation notices and photos. (DR)	.3
3/7/2023	Perform and review legal research in preparation for drafting legal brief re: research on demolishing property. (DR)	1.0
3/7/2023	Draft legal brief in support of Order to Show Cause. (DR)	2.0
3/7/2023	Draft Verified Complaint, Order to Show Cause, Final Order, Certification of Service and Certification of Mike Fromosky re: Order to Show Cause to demolish. (DR)	4.5
3/8/2023	Drafted email correspondence to M. Fromosky requesting review and execution of certification. (DR)	.3
3/9/2023	Research on location and service of Amy Beth Davey. (DR)	2.0
3/9/2023	Receipt and review of email correspondence from M. Fromosky with enclosure and drafted email correspondence responding to same. (DR)	.5
3/9/2023	Compiled exhibits supporting Order to Show Cause and Complaint. (DR)	.5
3/9/2023	Finalized pleadings and filed Order to Show Cause and Complaint on JEDS. (DR)	.5

r|m|s|h|cRothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW98 East Water Street
Toms River, NJ 08753o: 732.363.0777
f: 732.905.6555

3/9/2023	Receipt and review of various email correspondence from M. Fromosky and drafted email correspondence responding to same re: certifications (DR)	1.0
3/10/2023	Receipt and review notice from Superior Court re: setting Order to Show Cause on March 31, 2023. (DR)	.2
3/10/2023	Receipt and review notice from ecourts re: notice of filing by Superior Court. (DR)	.2
3/10/2023	Receipt and review notice from Superior Court re: Order to Show Cause uploaded. (DR)	.2
3/10/2023	Receipt and review notice from Superior Court re: requesting courtesy copy. (DR)	.2
3/10/2023	Receipt and review notice from ecourts re: Order to Show Cause uploaded. (DR)	.2
3/10/2023	Receipt and review notice from ecourts re: notifying of complaint number. (DR)	.2
3/10/2023	Receipt and review notice from ecourts re: Complaint filed. (DR)	.2
3/10/2023	Receipt and review notice from ecourts online re: confirmation of filing. (DR)	.2
3/13/2023	Receipt and review of email correspondence from Guaranteed re: confirmation of receipt requesting service of OSC and Complaint. (DR)	.2
3/13/2023	Receipt and review of email correspondence from case processing and drafted email correspondence responding to same. (DR)	.5
3/13/2023	Drafted email correspondence to Guaranteed attaching pleadings and requesting service of process. (DR)	.3
3/13/2023	Drafted letter to Defendant enclosing pleadings. (DR)	.5
3/13/2023	Receipt and review of Amended Order to Show Cause and saved same to file re: Judge Troncone's order. (DR)	.2
3/13/2023	Receipt and review notice from ecourts re: notice of filing by Superior Court. (DR)	.2
3/13/2023	Drafted letter to Judge Troncone enclosing courtesy copy of Complaint and Order to Show Cause. (DR)	.5

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

3/13/2023	Phone call to Judge Troncone's chambers re: error in Order. (DR)	.5
3/13/2023	Drafted revised Order and drafted letter to Judge Troncone enclosing revised Order and uploaded same to JEDS; and receipt and review of ecourt notification confirming receipt of same and drafted email correspondence to Chancery Division enclosing revised Order as directed. (DR)	1.2
3/29/2023	Draft letter to Judge Troncone requesting adjournment of return date due to lack of service. (DR)	.5
3/29/2023	Filed request on JEDS and receipt and review of various ecourt notices confirming filing of same re: adjournment request. (DR)	.5
3/30/2023	Receipt and review notice from ecourts re: notice of filing by Superior Court. (DR)	.2
3/30/2023	Receipt and review notice from Superior Court re: rescheduling hearing to 4/28/23. (DR)	.2
4/4/2023	Receipt and review of returned certified mail from Texas with forwarding address re: service of Complaint. (DR)	.2
4/4/2023	Drafted revised letter to Amy Beth Davey to new address re: service of Complaint. (DR)	.5
4/6/2023	Drafted letter to Amy Beth Davey at new address re: service of Complaint. (DR)	.3
4/6/2023	Drafted email correspondence to Guaranteed enclosing Complaint to serve at new address re: service of Order to Show Cause and Complaint. (DR)	.3
4/10/2023	Receipt and review of email correspondence from M. Fromosky with enclosures. (DR)	.2
4/10/2023	Receipt and review of updated photos and violation notice and saved same to file. (DR)	.3
4/11/2023	Review of file and summarized status for monthly meeting. (DR)	.3
4/11/2023	Research on 40:48-2.7 and requirements for publication re: for Order to Show Cause. (DR)	.8
4/11/2023	Drafted notice by publication of Order to Show cause and Complaint. (DR)	.5

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

4/12/2023	Receipt, review of email correspondence from Asbury Park Press with enclosure; review of proofs for publication and drafted email correspondence responding to same. (DR)	.5
4/12/2023	Phone call from Amy Beth Davey in response to certified mail claiming not be the Amy Beth Davey we are looking for re: Service of Order to Show Cause. (DR)	.2
4/12/2023	Drafted 3 new letters to Amy Beth Davey and email correspondences x3 to three email addresses on file re: notice of Order to Show Cause and Complaint. (DR)	1.0
4/14/2023	Receipt and review of signed certified mail card from Amy Beth Davey. (DR)	.2
4/18/2023	Receipt and review of fax from Guaranteed re: unable to serve Amy Beth Davey in Las Vegas. (DR)	.2
4/18/2023	Receipt and review of affidavit of no service on Amy Beth Davey. (DR)	.2
4/26/2023	Receipt and review of email correspondence from the Court and drafted email correspondence responding to same re: link to hearing. (DR)	.5
4/26/2023	Receipt and review of affidavit of publication from Asbury Park Press. (DR)	.2
4/27/2023	Review of file in preparation for Affidavit of Diligent Inquiry, drafted Affidavit of Diligent Inquiry and service by publication. (DR)	2.0
4/27/2023	Compiled supporting exhibits to affidavit. (DR)	.5
4/27/2023	Filed Affidavit of Service and receipt and review of various court notices confirming filing of same. (DR)	.4
4/28/2023	Review of file in preparation of Court hearing. (DR)	.5
4/28/2023	Court appearance before Judge Troncone. (DR)	.7
4/28/2023	Drafted email correspondence to administrator summarizing court appearance. (DR)	.5

EXPENSES

10/21/2022	Fee for Title Search for 28 East Navasink	\$385.00
11/8/2022	Certified and regular mail letters re: 12/6/22 hearing	\$8.42

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

12/19/2022	Certified and regular mail letters re: 12/6/22 hearing	\$8.42
1/2/2023	Certified and regular mail letters for hearing	\$53.55
3/9/2023	Filing fee Order to Show Cause and Complaint	\$300.00
3/14/2023	Certified and regular mail letters	\$12.90
4/4/2023	Certified and regular mail letters	\$12.90
4/11/2023	Fee for Publication in the Asbury Park Press of hearing	\$108.04
5/11/2023	Service of Process of OSC and Complaint	\$76.70

Total: **\$6,912.00**

Total Hours (Melanie Szuba Appleby, Esq.) **.3 hours x \$160 = \$48.00**

Total Hours (Danielle A. Rosiejka, Esq.) **42.9 hours x \$160 = \$6,864.00**

TOTAL COMBINED HOURS: **43.2**
 TOTAL EXPENSES: **\$965.93**

TOTAL AMOUNT DUE: \$7,877.93

I certify that the foregoing statements made by me are true. I am aware that if anything is willfully false, I am subject to punishment.

ROTHSTEIN, MANDELL, STROHM,
 HALM & CIPRIANI, P.A.

By: *Danielle A. Rosiejka*
 Danielle A. Rosiejka

Dated: 6/13/23

r|m|s|h|c
 Rothstein, Mandell, Strohm,
 Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
 Toms River, NJ 08753

o: 732.363.0777
 f: 732.905.6555

ROTHSTEIN, MANDELL, STROHM, HALM & CIPRIANI, P.A.

Danielle A. Rosiejka, Esq. Attorney ID No.: 022982012

98 East Water Street

Toms River, New Jersey 08753

Attorney for Plaintiff, Township of Little Egg Harbor

TOWNSHIP OF LITTLE EGG HARBOR,	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION, OCEAN COUNTY
Plaintiff,	
v.	DOCKET NO. OCN-C- 30-23 CIVIL ACTION
AMY BETH DAVEY; JOHN AND JANE DOES 1-10; ABC LLC's 1-10; and ZYZ CORPS 1-10.	ORDER
Defendants.	

THIS MATTER being brought before the Court by Danielle A. Rosiejka, Esq. on behalf of the law firm of Rothstein, Mandell, Strohm, Halm & Cipriani, P.A., attorney for Plaintiff, Township of Little Egg Harbor, seeking relief by way of summary action pursuant to N.J. Ct. R. 4:67- 1(a). Based upon the facts set forth in the verified complaint filed herewith and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to N.J. Ct. R. 4:52 and the court having established a return date of April 28, 2023 and having reviewed such evidence and heard such testimony as deemed necessary and appropriate.

IT IS ON THIS 28th day of April, 2023;

ORDERED that the court finds the Defendant's property is a continuing public nuisance and is a danger to the health safety and welfare of the members of the Township of Little Egg Harbor and must be immediately abated; and it is further

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

ORDERED that the Plaintiff is hereby granted access on and over the Defendant's property, located at 28 West Navasink Drive in Little Egg Harbor Township, New Jersey, for the purpose of demolishing the structure to cure and abate the public nuisance; and it is further

ORDERED that the Plaintiff shall cure and abate the condition at the Defendant's property between the hours of 9:00 am and 4:00 p.m. on any weekday, Monday through Friday after first having served this order on the Defendant; and it is further

ORDERED that Pursuant to N.J.S.A. 40:48-2.12(f) the Township is acting as set forth in the Verified Complaint to expend public funds to abate the nuisance on the Defendant's property. Upon the completion of such action / abatement by the Plaintiff any and all funds expended by the Plaintiff to abate the nuisance shall become a Municipal Lien against the Defendant's real property; and it is further

ORDERED that copies of this Order be served upon all parties within seven (7) days of the date herein.

This motion was: unopposed.

Mark A. Troncone

HON. MARK A. TRONCONE P.J.Ch.

r|m|s|h|c

Rothstein, Mandell, Struhm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555