

RESOLUTION NO. 2024-188

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING CHARGES ASSOCIATED WITH THE DEMOLITION OF 108 EAST 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 108 E. 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-27-23 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

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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 additional incidental costs of demolition as set forth herein in accordance with the terms of the Order.

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 costs 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 325.105, Lot 5	108 E. Navasink Drive	\$7,887.76
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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 costs as delineated on the Certification 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.

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CERTIFICATION

I, **KELLY LETTERA, CMC, 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 **11th** day of **July, 2024**.



KELLY LETTERA, CMC, RMC
Township Clerk
Little Egg Harbor Township

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PARTNERS

Laura M. Halm
Jean L. Cipriani

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



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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. Tronccone P.J.Ch.
Ocean County Courthouse
206 Courthouse Lane, 1st Floor
Toms River, New Jersey 08753

**Re: Township of Little Egg Harbor v. Gary Kozlowski
Docket No. OCN-C- 000027-23**

Dear Judge Tronccone:

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 108 East 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@rmshc.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

TOWNSHIP OF LITTLE EGG HARBOR, Plaintiff, v. GARY KOZLOWSKI; JOHN AND JANE DOES 1-10; ABC LLC's 1-10; and ZYZ CORPS 1-10. Defendants.	SUPERIOR COURT OF NEW JERSEY OCEAN COUNTY CHANCERY DIVISION DOCKET NO. OCN-C-27-23 CIVIL ACTION <p style="text-align: center;">AFFIDAVIT OF SERVICES</p>
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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:

7/25/2022	Research as to 108 E. Navasink demolition status and property maintenance as to unsafe structures. (MSA)	1.0
8/1/2022	Receipt of file, scanned and saved same and review of file including multiple violation notices and photos and prepared notes on same. (DR)	.8
8/2/2022	Drafted letter to Mid-State Title Abstract requesting title search. (DR)	.5
8/10/2022	Receipt and review of email correspondence from Abstract Title with multiple enclosures and drafted response to same re: title search on multiple properties. (DR)	.5
8/11/2022	Review of Title Search (owner search, tax search, judgment search). (DR)	.5

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9/7/2022	Receipt and review of multiple updated photos and updated inspection violation notice dated 9/7/22. (DR)	.4
9/7/2022	Receipt and review of email correspondence from Township with multiple enclosures and drafted reply correspondence. (DR)	.5
9/19/2022	Drafted service list for property based on Title Serach (DR)	.5
9/19/2022	Draft letter to Gary Kozlowski noticing administrative hearing. (DR)	.5
9/19/2022	Draft letter to Independent Investors noticing administrative hearing. (DR)	.5
9/19/2022	Draft letter to J.N.H. Funding Corp. noticing administrative hearing. (DR)	.5
9/19/2022	Draft email correspondence to N.F. and K.H., receipt and review of email correspondence responding to same and drafted reply re: administrative hearing. (DR)	.8
9/27/2022	Phone call with Ethel Roerdomp. (DR)	.3
9/28/2022	Receipt and review of message from JNC Funding and phone call to J. Zimmerman regarding notice received. (DR)	.5
9/29/2022	Draft email correspondence to Tax Collector, receipt and review of multiple email correspondences responding to same. (DR)	1.0
10/20/2022	Received regular and certified mail back for Gary Kozlowski indicating "Return to Sender, Not Deliverable as Addressed, Unable to Forward" and updated file. (DR)	.3
10/20/2022	Searched records for valid address for Gary Kozlowski in order to provide required notice. (DR)	.3
10/21/2022	Review of file and service on property in preparation for hearing. (DR)	.4
10/24/2022	Drafted email correspondence to M.F. and K.H. advising of adjournment of tomorrow's hearing and receipt and review of email correspondence responding to same. (DR)	.2
10/24/2022	Draft email correspondence to Spartan Detective Agency to obtain valid address for service. (DR)	.1
10/24/2022	Phone call with R. Gormley. (DR)	.2
10/25/2022	Receipt and review of email correspondence from Spartan Detective Agency and drafted email correspondence responding to same. (DR)	.2

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10/27/2022	Receipt and review of multiple faxes from Spartan Detective Agency. (DR)	.2
11/3/2022	Receipt and review of email correspondence with enclosure. (DR)	.2
11/3/2022	Review of skip trace result for Gary Kozlowski providing new California address and updated file. (DR)	.2
11/4/2022	Research deeds and property records to find additional service addresses for multiple properties, including 108 East Navasink. (DR)	.25
11/7/2022	Receipt and review of email correspondence from M. Fromosky and drafted reply correspondence. (DR)	.5
11/9/2022	Research on address of homeowner. (DR)	.3
12/6/2022	Attended hearing at Little Egg Harbor. (DR)	.3
12/6/2022	Review of multiple files in preparation for hearing, including 108 East Navasink. (DR)	.2
12/15/2022	Review of notes from hearing, violation notices and draft Administrative Opinion. (DR)	1.0
12/15/2022	Drafted multiple letters to Gary Kozlowski at several addresses enclosing Administrative Opinion. (DR)	1.0
12/16/2022	Drafted email correspondence to M. Fromosky and K. Held re: Administrative Opinions, including 108 East Navasink. (DR)	.1
12/16/2022	Receipt and review of executed Administrative Opinions from 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)	.25
1/25/2023	Receipt and review of email correspondence from M. Fromosky with multiple enclosures and drafted email correspondence responding to same re: status of property. (DR)	.5
1/25/2023	Receipt and review of multiple updated photos of property and updated inspection violation notice. (DR)	.3
2/9/2023	Receipt and review of correspondence from Committeeman Gormley on East Navasink property. (MSA)	.2

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3/6/2023	Perform and review legal research in preparation for drafting legal brief re: research demolishing property. (DR)	1.0
3/6/2023	Draft legal brief in support of Order to Show Cause. (DR)	2.0
3/6/2023	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
3/7/2023	Draft email correspondence to Fromosky requesting review and signature and receipt and review of email correspondence responding to same re: Order to Show Cause to demolish. (DR)	.5
3/7/2023	Revised pleadings re: Order to Show Cause to demolish. (DR)	.8
3/8/2023	Receipt and review notice from ecourts re: notice of filing by Super Court. (DR)	.2
3/8/2023	Drafted letter to the Honorable Francis R. Hodgson. (DR)	.5
3/8/2023	Drafted letter to Defendant enclosing copy of Complaint. (DR)	.5
3/8/2023	Receipt and review notice from Superior Court re: requesting courtesy copy by mail to Judge. (DR)	.2
3/8/2023	Receipt and review notice from Superior Court re: case number has been assigned. (DR)	.2
3/8/2023	Receipt and review notice from Superior Court re: Complaint uploaded by case management. (DR)	.2
3/8/2023	Receipt and review notice from ecourts re: confirmation of filing Order to Show Cause to demolish. (DR)	.2
3/8/2023	Finalized pleadings and filed same on JEDS re: Order to Show Cause to demolish. (DR)	.5
3/8/2023	Receipt and review of filed OSC and saved same to file. (DR)	.2
3/8/2023	Draft email correspondence to Guaranteed re: service of Order to Show Cause and Complaint. (DR)	.3
3/9/2023	Receipt and review of email correspondence from Guaranteed re: confirmation of request for service on G. Kozlowski. (DR)	.2

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3/9/2023	Receipt and review notice from Superior Court re: setting return date for March 31 st . (DR)	.2
3/9/2023	Receipt and review notice from ccourts re: notice of filing by Superior Court. (DR)	.2
3/9/2023	Receipt and review of fax from Guaranteed re: confirmation of receipt of subpoena. (DR)	.2
3/10/2023	Receipt and review of updated inspection violation notice and photos. (DR)	.4
3/10/2023	Receipt and review of filed OSC and Complaint. (DR)	.4
3/10/2023	Receipt and review of email correspondence from M. Fromosky with enclosures. (DR)	.2
3/15/2023	Draft email correspondence to Guaranteed requesting service of G. Kozlowski at new address. (DR)	.3
3/15/2023	Receipt and review of email correspondence with enclosure from Guaranteed re: service of OSC and Complaint. (DR)	.2
3/15/2023	Receipt and review of affidavit of service re: unable to serve Kozlowski at Viking Yachts. (DR)	.2
3/15/2023	Review of file for alternative addresses and drafted revised letter to G. Kozlowski to new address re: service of Complaint (DR)	.5
3/16/2023	Receipt and review of email correspondence from Guaranteed re: confirmation of new service request. (DR)	.2
3/23/2023	Receipt and review of various correspondences from Guaranteed advising that they were unable to serve G. Kozlowski at Viking Yachts due to refusal by owner re: service of the Complaint. (DR)	.2
3/23/2023	Receipt and review of various correspondences from Guaranteed advising that they were unable to serve G. Kozlowski at new address re: service of Complaint. (DR)	.4
3/23/2023	Received affidavit of no service for Gary Kozlowski at Viking Yachts. (DR)	.2
3/23/2023	Received affidavit of no service for Gary Kozlowski at new address. (DR)	.2

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3/23/2023	Receipt and review of invoices from Guaranteed for attempted service on G. Kozlowski. (DR)	.4
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 court notices confirming filing of same re: adjournment request. (DR)	.5
3/30/2023	Receipt and review notice from courts online 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
4/6/2023	Drafted subpoena to registered agent for Viking Yachts related to service issue. (DR)	.5
4/6/2023	Drafted letter enclosing subpoena. (DR)	.5
4/6/2023	Drafted email correspondence to service company re: service of subpoena. (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	Drafted notice by publication of Order to Show Cause and Complaint. (DR)	1.0
4/12/2023	Receipt and review of email correspondence from Asbury Park Press with enclosure; review of proofs for publication; drafted email correspondence responding to same. (DR)	.5
4/13/2023	Receipt and review of invoice from Guaranteed re: cost of subpoena. (DR)	.2
4/13/2023	Receipt and review of affidavit of service from Guaranteed on employer, Viking Yachts, for last known address of employe Gary Kozlowski re: service of OSC. (DR)	.2

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4/18/2023	Receipt and review of email correspondence from Viking Yachts with enclosure and drafted reply correspondence re: subpoena response. (DR)	.5
4/18/2023	Receipt and review of documents responsive to subpoena to Viking Yachts and redacted confidential personal identifiers. (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
4/27/2023	Compiled supporting exhibits to affidavit. (DR)	.5
4/27/2023	Filed Affidavit of Service and receipt and review of various ecourt notices confirming filing of same. (DR)	.4
4/28/2023	Review of file in preparation of Court hearing. (DR)	.5
04/28/2023	Attended Order to Show Cause Hearing before Judge Troncone. (DR)	.7
4/28/2023	Drafted email correspondence to administrator summarizing court appearance re: OSC hearing. (DR)	.5

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EXPENSES

9/19/2022	Title report for 108 East Navasink	\$336.00
11/8/2022	Certified and regular mail letters re: 12/6/22 hearing	\$8.42
11/15/2022	Skip Trace Spartan Detective Agency/location of Owner, Gary Kozlowski	\$79.96
12/19/2022	Certified and regular mail letters re: 12/6/22 hearing to last known address and address of employer	\$16.84
1/2/2023	Certified and regular mail letters for hearing	\$107.10
3/8/2023	Filing fee for Order to Show Cause/Complaint	\$300.00
3/23/2023	Subpoena service for G. Kozlowski at Viking Yachts	\$56.70
3/23/2023	Subpoena service for G. Kozlowski at new address	\$56.70
4/11/2023	Fee for Publication in the Asbury Park Press of hearing	\$108.04
4/13/2023	Service of Subpoena to employer for last known address	\$82.00
Total:		\$1,151.76

Total Hours (Melanie Szuba Appleby, Esq.) **1.2 hours x \$160 = \$176.00**

Total Hours (Danielle A. Rosiejka, Esq.) **41 hours x \$160 = \$6,560.00**

TOTAL COMBINED HOURS: **42.2**
TOTAL EXPENSES: **\$1,151.76**

TOTAL AMOUNT DUE: \$7,887.76

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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.

Dated: 6/13/23

By: Danielle A. Rosiejka
Danielle A. Rosiejka