

RESOLUTION NO. 2023- 163

RESOLUTION APPROVING A COMPROMISED PAYMENT OF A
DISPUTED BILL FROM THE SOUTH JERSEY REGIONAL ANIMAL
SHELTER

WHEREAS, On January 1, 2021, the South Jersey Regional Animal Shelter and the City of Vineland entered in to a contract which required the City of Vineland to pay SJRAS \$20.00 per day for Captured Seized and Impounded animals brought to the shelter by the City of Vineland, this included animals brought to the Shelter and placed on hold;

WHEREAS, during the term of the Contract the Animal Control Officer for the City of Vineland brought 49 abandoned chickens to SJRAS which were placed on hold and sheltered at the facility from June 26, 2021 to July 7, 2021, the resulting bill was \$6,300.00, which was consistent with past practice. The City of Vineland contested this bill as unreasonable.

WHEREAS, on October 24, 2022 SJRAS filed a collection action in Superior Court of New Jersey seeking payment of the outstanding bill, which SJRAS refused to compromise or otherwise negotiate.

WHEREAS, after three Court hearings, and two mediations, SJRAS agreed to accept \$4,000.00 in full and final satisfaction of the bill, on the condition that the City of Vineland would not contest the \$20.00 per day charge for chickens brought to the animal shelter by the City of Vineland, and placed on hold, for the remainder of the current contract term, which expires on December 31, 2023. However, SJRAS agreed to negotiate the terms of future contracts in good faith and that the settlement did not constitute an admission for future contract negotiations.

WHEREAS, the Settlement was incorporated in an Order dated April 12, 2023 a copy of which is attached to this Resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of the City of Vineland, the governing body of the City of Vineland, that the statements of the preamble, hereinabove, are incorporated herein as though fully set forth herein;

BE IT FURHTER RESOLVED, that the settlement incorporated in the Court's April 12, 2023 Order is hereby approved.

Adopted:

President of Council

ATTEST:

City Clerk

PREPARED BY THE COURT

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SPECIAL CIVIL PART
ORDER OF DISPOSITION**

SJ REGIONAL ANIMAL SHELTER

VS.

DC-2502-22

CITY OF VINELAND

IT IS ON THIS 12th day of April, 2023 ORDERED that this matter is hereby dismissed/disposed due to the following:

- | | |
|--|---|
| <input type="checkbox"/> 05 Tried to completion w/ jury | <input type="checkbox"/> 08 No appearance defendant/default |
| <input type="checkbox"/> 07 Tried to completion w/o jury | <input type="checkbox"/> 09 Summary judgment |
| <input type="checkbox"/> 10 Dismissed case with prejudice | <input type="checkbox"/> 12 Dismissed w/o prejudice |
| <input type="checkbox"/> 24 Settled before trial date | <input type="checkbox"/> 12 No appearance either party /dismissed w/o prejudice |
| <input checked="" type="checkbox"/> 35 Settled on trial date - mediation | <input type="checkbox"/> 12 No appearance plaintiff /dismissed w/o prejudice |
| <input type="checkbox"/> 36 Settled on trial date - other | <input type="checkbox"/> 25 Settled while scheduled for Arbitration |

Objections to Executions

Objection to Wage Execution granted / denied _____

Objection to Levy granted / denied _____

Money on deposit with _____ in the amount of \$ _____ shall be released to the Defendant.

Order to Show Cause

Granted

Denied

Judgment entered in favor of plaintiff against defendant:

Judgment Date:

Judgment:

Taxed Costs: Filing Fees:

Atty.'s Fees:

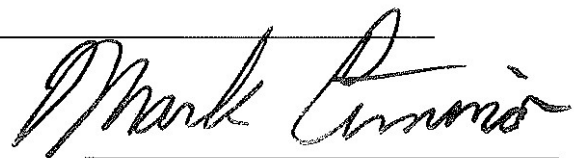
Total:

Order to be prepared by:

Plaintiff

Defendant

Other: _____



**MARK CIMINO
J.T.C. v/a Superior Court**

SUPERIOR COURT OF NEW JERSEY – SPECIAL CIVIL PART/SMALL CLAIMS

SETTLEMENT FACILITATION AGREEMENT

srothman@lipmanlaw.org

agebner@vinelandcity.org

Plaintiff: South Jersey Regional Animal Shelter Defendant: City of Vineland

DOCKET NUMBER: CUM-DC-2502-22

SETTLEMENT AGREEMENT

The parties hereby agree as follows:

a. Defendant(s) shall pay Plaintiff the sum of \$ 4,000 which shall be in complete satisfaction of the Cause of Action/Claim. Payment of this sum shall be made in the following manner:

1. In full on or before 60 days after City Council Approval

2. In installments as follows:

\$ _____ per _____ on or before _____

A _____ day grace period will be allowed.

Payments shall be sent to: (print name & address)

b. Additional stipulations or agreements: Nothing agreed to today is considered an admission. Subject to the approval of the Vineland City Council, the City of Vineland is committed to paying \$20 per day per chicken, rooster, hen, and all other poultry until the completion of the 2023 contract. South Jersey Regional Animal Shelter is committed to negotiate all future contracts in good faith.

for future contract negotiations.

This settlement agreement disposes of any and all claims which now or may hereafter exist against the defendant(s) in the above case of action.

If, however, the defendant(s) fails to abide by any portion of the agreement or defaults in making any payment, then judgment may be entered in the amount of \$ 4,000. The plaintiff must file a Motion with the Court detailing defendant(s) payments made and what is due or otherwise out of compliance with the settlement agreement in order for plaintiff to have a judgment entered against the defendant(s).

CONSENT JUDGMENT

The defendant(s) agree to have a judgment entered against them in the amount of \$ _____. The defendant admits the obligation.

VOLUNTARY DISMISSAL

The plaintiff(s) agrees to voluntarily dismiss their complaint against the defendant(s).

DATE: 4/12/23

PLAINTIFF(S): [Signature]

DEFENDANT(S): [Signature]

(PRINT) Steven K. Egg

(PRINT) ALAN GIBNER

FACILITATOR/WITNESS _____

Jazlyne Cabán