



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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May 30, 2023

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Councilors:

I respectfully submit a docket item to the Honorable Council requesting authorization to appropriate and expend the sum of \$11,847.54 from the Stormwater Operating Fund, for full and final settlement of *Eastern Bus Company Inc. v. City of Newton (City Claim No. 22-255)*.

Please see the attached request from Jennifer Seich, Assistant City Solicitor.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller

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2023 MAY 30 PM 4:57

CITY CLERK
NEWTON, MA 02459

LAWDEPARTMENT



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CITY HALL

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May 25, 2023

Mayor Ruthanne Fuller
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Settlement of claim: *Eastern Bus Company Inc. v. City of Newton (City Claim No. 22-255)*.

Dear Honorable Mayor Fuller:

Eastern Bus Company filed a claim for damages against the City of Newton seeking damages for sustained to one of its fleet on May 9, 2022 when a Newton street sweeper driven by a Newton city employee began to change lanes to avoid a parked vehicle while reaching for his phone, resulting in side-swiping the bus. Both vehicles stopped to assess the damage, and the bus driver subsequently instructed the driver to move the vehicle out of the way of the bus door so that it could open and allow students off the bus, causing further damage to the bus. Plaintiff filed a claim case pursuant to MGL ch. 258 (MA Tort Claims Act), asserting negligence against the City.

The parties engaged in settlement discussions of this matter, and have arrived at a negotiated compromise whereby the City shall contribute \$11,847.54 in full and final settlement of all claims against the City resulting from the accident. We believe this settlement is reasonable given the circumstances of the case. Therefore, I respectfully request that you docket this item for City Council authorization for a transfer of funds in the amount of \$11,847.54 from an account designated by you into the Law Department's "judgments and settlements" account in accordance with City Ordinance § 15-5.

Sincerely,

/s/ Jennifer N. Seich
Assistant City Solicitor