

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, AUGUST 10, 2015

Present Ald. Fuller (Acting Chair), Ciccone, Norton, and Lappin

Also present: Kelly Brown (Workers' Compensation Manger), Maureen Lemieux (Chief of Staff/Chief Financial Officer)

#177-15      HIS HONOR THE MAYOR requesting authorization to appropriate of five thousand one hundred sixty-two dollars and twenty- two cents (\$5,162.22) from the Workers' Compensation Trust Fund for a claim of loss of function as a result of a left shoulder rotator cuff tear suffered in a work related injury. [07/08/15 @ 1:46 PM]

**ACTION:**      **APPROVED 4-0**

**NOTE:**      Chief of Staff Maureen Lemieux introduced Workers' Compensation Manager Kelly Brown. Ms. Brown started with the City in March 2015. She has handled workers' compensation claims and insurance claims for over twenty-seven years. She reviewed her work history, which included handling municipal workers' compensation claims. She is also a resident of the City of Newton; therefore, has a stake in efficient claims management in Newton.

Ms. Brown reviewed the proposed workers' compensation claim settlement for \$5,162.22. It is an older claim from 2008 filed by a custodian working in the School Department, who injured his shoulder. The injury required two rotator cuff repair surgeries. The treating physician assigned a twelve percent permanent loss of function after the surgeries. Ms. Brown explained that the amount of the settlement is established in Massachusetts General Law Chapter 152, section 36 through a formula for specific permanent injuries. There can be some variations if there are conflicting medical reports. In this case, the treating physician reported a 12% loss and the city's doctor reported 14% loss of function. The claimant filed at the lower percentage and the City agreed to the settlement. The claim was settled before reaching conciliation resulting in savings of \$700 in legal fees.

Chief of Staff Maureen Lemieux added that the City is essentially required to pay the claim at \$5,162.22 by the related statute and the State's Department of Industrial Accidents. There was a question concerning the timing of the claim, as the injury occurred in 2008. Ms. Brown explained that there is no time limit on when a claim for permanent loss of function can be filed and that the employee may have forgotten about his ability to seek a workers' compensation claim until recently. Ald. Lappin moved approval on the item, which carried unanimously.

#176-15      HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifteen thousand dollars (\$15,000) from the Department of Public Works Stormwater Cleaning Catch Basins Account to the Department of Public Works Stormwater Wages for the purposes of funding additional work that was done toward the end of the fiscal year on storm water infrastructure. [07/08/15 @ 1:47 PM]

**ACTION:**      **APPROVED AS AMENDED 4-0 @ \$20,720**

**NOTE:**      Chief of Staff Maureen Lemieux presented the request to transfer funds from a Department of Public Works storm water expenses account to the Department of Public Works storm water wages account. The transfer money is available because of a favorable bid for catch basin cleaning in Fiscal Year 2015. His Honor the Mayor submitted the attached letter requesting the transfer amount be increased to \$20,720. During the course of Fiscal Year 2015, the Administration changed how it was accounting for employees engaged in Storm Water Division work. Approximately six months ago the City transferred funds into the Storm Water Fund to pay employees from Water or Sewer Fund that worked on the storm water utility appropriately out of the Storm Water Salary Fund. Prior to six months ago, the city had a practice of using both Water and Sewer Division employees to perform work in the Storm Water Division. The Water and Sewer Division employees were paid out of either the Water or the Sewer Fund. Until the fiscal year ended, there was no way to know if the funds that were previously transferred would cover the increase in salary costs. The fiscal year ended and it became apparent that there needed to be an additional transfer of \$20,720 to cover salary expenses in the Storm Water Division for Fiscal Year 2015. The Administration shifted the Water and Sewer Division employees that were primarily working in the Storm Water Fund into the Storm Water Fund Fiscal Year 2016 Budget.

Ms. Lemieux added that there appears to be approximately \$17,000 in reserve in the Storm Water Fund and in next year's budget, there is a line item for funds for the Storm Water Fund Reserve. In response to a question regarding how the funds generated by the increase in storm water fees will be used, Ms. Lemieux explained that the increased funds that result from the storm water fee increase would be used for storm water infrastructure repairs over a number of years and not storm water salaries.

Ald. Lappin moved approval of the item as amended at \$20,720, which carried unanimously.

All other items before the Committee were held with no discussion and the Committee adjourned at 7:30 PM.

Respectfully submitted,

Ruthanne Fuller, Chairman



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August 10, 2015

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

Upon final determination of the FY15 enterprise fund transfer billing, I write to request that your Honorable Board amend Docket Item # 176-15 by replacing the sum of fifteen thousand dollars (\$15,000) with the sum of twenty thousand seven hundred twenty dollars (\$20,720).

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

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David A. Olson, CMC  
Newton, MA 02459

