

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE REPORT
MONDAY, NOVEMBER 22, 2004

Present: Ald. Coletti (Chairman), Linsky, Stewart, Parker, Schnipper and Lipof

Absent: Ald. Gerst and Gentile

Also Present: Dolores Hamilton (Director of Human Resources), Lori Burke (Workers' Compensation Manager; Human Resources), Kathy Glick-Weil (Library Director), Dan Funk (City Solicitor)

#448-04 HIS HONOR THE MAYOR requesting that the sum of \$40,000 be appropriated from the Workers' Compensation City Lump Sum Account for the purpose of settling a claim filed as a result of injuries sustained by Mr. Abraham Aly on May 28, 1997.

ACTION: **APPROVED 4-0 (Parker, Schnipper not voting)**

NOTE: Dolores Hamilton, Director of Human Resources, and Lori Burke, Workers Compensation Manager, were both present this evening. She explained that Mr. Aly was injured when he fell off of a roof while working for the Public Buildings Department back in May of 1997. Ms. Hamilton informed the Committee that Mr. Aly will "max out" on his Section 35 benefits on December 24th of this year; he has already applied for Section 34A (total and permanent disability) benefits. She explained to the Committee that, if the 34A benefits are granted, it is expected that those would be paid for approximately another 12 years (totaling just over \$450,000 in costs to the City). It appears, at this point, that a settlement in the amount of this requested \$40,000 is in the best interest of the City.

Seeing that this would be the proper way to settle this claim and eliminate the possibility of future claims on Mr. Aly's accident, the Committee voted 4-0, with Ald. Parker and Schnipper not voting, to approve this appropriation request.

#449-04 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend the sum of \$28,000, received as a grant from the federal Library Services and Technology Act for the purpose of preserving some of the Newton Free Library's historic documents.

ACTION: **APPROVED 5-0 (Schnipper not voting)**

NOTE: The Committee was joined this evening by Kathy Glick-Weil, Library Director. She informed the Committee that the Library Department had applied for this grant in order to secure funds to help with preserving old photos (from the late 1800's), documents from the Civil War era, original documents from the YMCA, and other such items. These funds will help to digitize these articles and preserve them. Ms. Glick-Weil explained that the Library Department had the required 25% matching funds in its operating budget (this fiscal year and next fiscal year combined), therefore, it is only necessary to come to the Board for the grant acceptance and authorization to expend the grant funds for this purpose.

The Committee was pleased to support the acceptance of these grant funds and the expenditure of these funds to preserve these historic documents. Without debate, the Committee voted 5-0, with Ald. Schnipper not voting, to approve this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#450-04 **HIS HONOR THE MAYOR** requesting an appropriation in the amount of \$25,000 from Budget Reserve for the purpose of supplementing the Law Department legal assistance account. These funds are needed in order to pay legal fees for the outside counsel who is representing the City in the zoning appeal involving the Teddy Bear Club.
PROG. & SERV. APPROVED 5-0 (Sangiolo, Parker not voting) on 11/17/04

ACTION: **APPROVED 6-0**

NOTE: Dan Funk joined the Committee this evening to present this item. He explained that this request is necessary because the funds that were originally available for the Department to pay outside counsel have been used up. In fact, the account is already over by approximately \$12,000. He indicated that it is hard to know at this time just how much more work will be necessary for this outside counsel to complete; it all depends on how the remaining motions play out in court.

Mr. Funk also informed the Committee that the Teddy Bear Club did win a Summary Judgement Motion (which, in effect, overturned the ZBA decision to revoke the building permit). That victory has allowed the Teddy Bear Club to stay in business, finish their building project, and open during the fall of this year.

Because this item pertains to an active court case, and the Committee was looking to discuss strategy with respect to this pending litigation, a motion to enter into Executive Session was entertained. That motion carried by a vote of 6-0.

After voting 6-0 to end the Executive Session, the Committee then voted 6-0 to approve this appropriation request.

All other items were held. The Committee adjourned at approximately 7:40 p.m.

Respectfully Submitted,

Paul E. Coletti, Chairman