



Finance Committee Report

City of Newton In City Council

Monday, December 13, 2021

Present: Councilors Grossman (Chair), Humphrey, Noel, Kalis, Oliver, Norton, Gentile and Malakie

City staff present: Comptroller Sue Dzikowski, Chief Financial Officer Maureen Lemieux, Assistant City Solicitor Maura O'Keefe and Chief of Staff for DPW Shawna Sullivan

Referred to Public Facilities and Finance Committees

#442-21 Request to allocate \$330,000 from the ~~Sewer Surplus Fund~~ Sewer Fund Undesignated Fund Balance

HER HONOR THE MAYOR requesting the allocation of three hundred and thirty thousand dollars (\$330,000) from the Sewer Surplus Fund for the replacement of the existing 6" cast iron Islington Road Wastewater Force Main.

Public Facilities Approved 6-0 (Councilor Kalis not voting) on 12/08/21

Action: Finance Approved as Amended 7-0 (Councilor Kalis not voting)

Note: Shawna Sullivan, Chief of Staff for DPW presented the request to allocate \$330,000 for the replacement of the 6" cast iron Islington Road Wastewater Force Main. Ms. Sullivan explained that the main is leaking and it runs from the Auburndale Cove Recreation area to Commonwealth Avenue in front of Lyons field.

Councilors asked the following questions:

Q: Where is the sewage coming from?

A: Ms. Sullivan explained that it is from the Islington Road Wastewater Pump Station.

Q: Is this part of the water problem at Lyons Field?

A: Ms. Sullivan explained that this is not a major contributor to the issue at Lyons Field. She further explained that the City has made drainage improvements to Lyons Field.

Q: Is the issue that the sewage water is leaking out or is ground water leaking in?

A: Ms. Sullivan explained that it is leaking out.

Sue Dzikowski, Comptroller asked the Committee to amend the item to read that the funds will be allocated from the Sewer Fund Designated Fund Balance, which is just the proper name for the account.

Councilor Gentile motioned to amend item #442-21 which passed 7-0 with Councilor Kalis not voting.

Councilor Gentile motioned to approve as amended which passed 7-0 with Councilor Kalis not voting.

#440-21 Authorizing funds to settle claims against the City

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from Acct # 0110841-572500 Law Department Judgments & Settlements for full and final settlement of all claims from the incident against the City of Newton in Brown v. City of Newton, 2081-cv-01988

Action: Finance Approved 7-0-1 (Councilor Gentile abstaining)

Note: Maura O’Keefe, Assistant City Solicitor presented the request to appropriate and expend \$25,000 to settle claims against the City. Atty. O’Keefe explained that the lawsuit was a “slip and fall” where an individual was at the Rumford Recycling Center and slipped on a patch of ice. There was an investigation completed. The injured party sustained significant damage to his legs which required surgery. It was determined that settlement would be advisable and the Law Department was able to negotiate a reasonable amount given the facts of the case.

Councilors asked the following question:

Q: The City does see a number of “slip and falls,” what is the reason for paying a settlement on this case?

A: Atty. O’Keefe explained that this was due to the nature of the injuries, the Law Department’s investigation and the predicted outcome of this case if it went before a jury.

Q: Will the Rumford Recycling Center be closed down more often during the winter to avoid this issue?

A: Maureen Lemieux, Chief Financial Officer explained that she has not had any conversations to that effect. She further explained she can discuss safety at Rumford Ave. with the Commissioner and they can take a closer look at areas where people tend to get in and out of their cars.

Q: Did the Law Department come to the conclusion that the area should have been better maintained by City staff?

A: Atty. O’Keefe explained that as part of the settlement agreement the City would not agree to admit to any fault.

Q: Would this case be different if the fall happened on a sidewalk instead of a parking lot?

A: Atty. O’Keefe explained that the standard of proof does not change regardless if the fall was on the sidewalk or a parking lot.

Q: What does the ongoing pain and suffering involve for the plaintiff?

A: Atty. O'Keefe explained that individuals usually use pain and suffering as a catch-all in these kinds of cases. She further explained that the plaintiff's testimony would be expected to include ongoing pain.

Councilor Noel motioned to approve which passed 7-0-1 with Councilor Gentile abstaining.

#443-21 Repurpose ~~\$38,758~~ \$38,758.17 from portable radios to radio communications
HER HONOR THE MAYOR requesting the authorization to repurpose the sum of ~~thirty-eight thousand seven hundred and fifty-eight dollars (\$38,758)~~ thirty-eight thousand seven hundred fifty-eight dollars and seventeen cents (\$38,758.17) of unspent leftover funds in Acct #01C20106-585190 from portable radios to radio communications equipment.

Action: Finance Approved as Amended 8-0

Note: Maureen Lemieux, Chief Financial Officer presented the request to repurpose \$38,758.17 from portable radios to radio communications. Ms. Lemieux explained that the Council had approved approximately \$1,000,000 for portable radios for the Police and Fire Department. The Police did have approximately \$38,758 leftover in this fund and the department would like to use these funds to fix the microwave in the radio communications system, which is a key element of our public safety. Ms. Lemieux explained that because these funds were allocated for portable radios in a Council Order, the Committee needs to approve the funds to be used for radio communications.

Sue Dzikowski, Comptroller requested that the Committee amend the amount to \$38,758.17 so that the full amount of the account can be transferred to the new account.

Councilor Gentile motioned to amend item #443-21 which passed unanimously.

Councilor Gentile motioned to approve as amended which passed unanimously.

The Committee adjourned at 7:32.

Respectfully submitted,

Rebecca Walker Grossman, Chair

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chair Alison Leary and the Finance Committee through its Chair Rebecca Walker Grossman, to allocate three hundred and thirty thousand dollars (\$330,000) from the Sewer Fund Undesignated Fund Balance for the replacement of the existing 6” cast iron Islington Road Wastewater Force Main be and is hereby approved as follows:

FROM:	Sewer Fund Undesignated Fund Balance (6100-3599).....	\$330,000
TO:	Islington Road Pump Station- Undistributed Budget (61A40107-579500)	\$330,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of Finance Committee through its Chair Rebecca Walker Grossman, authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from Acct # 0110841-572500 Law Department Judgments & Settlements for full and final settlement of all claims from the incident against the City of Newton in Brown v. City of Newton, 2081-cv-01988 be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE

City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Rebecca Walker Grossman, to repurpose the sum of thirty-eight thousand seven hundred and fifty-eight dollars and seventeen cents (\$38,758.17) of unspent leftover funds in Acct #01C20106-585190 from portable radios to radio communications equipment be and is hereby approved as follows:

FROM:	Police Radio Communications Equipment (01C20106-585190) \$38,758.17
TO:	Police 2022 Radio Communications Equipment (01C20109-585190) \$38,758.17

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____