
Chapter 156. AN ACT RELATIVE TO THE CONSERVATION COMMISSION OF THE TOWN OF WEST STOCKBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of selectmen of the town of West Stockbridge shall appoint 2 associate members to the West Stockbridge conservation commission for terms of not less than 3 years.

SECTION 2. The chairman of the West Stockbridge conservation commission may designate an associate member to sit on the commission only in the case of absence, inability to act or conflict of interest on the part of a member thereof, or in the event of a vacancy on the commission, until the vacancy is filled by the board of selectmen pursuant to section 8C of chapter 40 of the General Laws.

Approved June 25, 2008

Chapter 157. AN ACT AUTHORIZING THE CITY OF WORCESTER TO PROVIDE CERTAIN RETIREMENT AND MEDICAL BENEFITS TO FIREFIGHTER MARK S. STOMSKI.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary and in order to promote the public good, the retirement board of the city of Worcester shall retire Mark S. Stomski, a firefighter employed by the city of Worcester who, while responding to an alarm at 11 Boyden Street on September 23, 2006, sustained injuries likely to result in his death. The annual amount of pension payable to Mark S. Stomski under this act shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a firefighter in the city at the grade held by him at the time of his retirement; but (1) after he has attained the maximum age for his group, his retirement shall be reduced to the appropriate rate for an accidental disability retirement, treating his retirement years as creditable service for determining the amount of his benefits; and (2) the retirement allowances payable to him after he has attained the maximum age for his group shall be increased in the manner provided to all retirees of the city pursuant to chapter 32 of the General Laws.

SECTION 2. Before taking action under authority of this act, the retirement board of the city of Worcester shall request the state public employee retirement administration commission to appoint a medical panel composed of 3 physicians who shall examine Mark S. Stomski or, if a majority of the retirement board shall agree, forego the examination and review the existing medical records and other relevant information concerning Mark S. Stomski. The retirement board of the city of Worcester shall approve a pension for Mark S.

Stomski upon receipt of a report from the medical panel which concludes that Mark S. Stomski is physically incapacitated for further duty as a firefighter, that the incapacity is likely to be permanent and that the injuries are likely to result in his premature death. The retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation. Upon the retirement of Mark S. Stomski, the retirement board of the city of Worcester shall forthwith pay to him all amounts standing to his credit in the annuity savings fund of the retirement system of the city. Upon the approval of the pension provided for herein and notwithstanding any general or special law to the contrary, Mark S. Stomski shall not be subject to examination or re-examination by a medical panel or other physician to determine his eligibility or continued eligibility for accidental disability retirement benefits as provided in this section or in said chapter 32 of the General Laws.

SECTION 3. Upon the death of Mark S. Stomski before the maximum age for his group and if his wife at the time of the incident survives him, the city of Worcester shall pay to his wife an annual annuity equal to the sum of three-fourths of the amount of the pension payable to him at the time of his death, and \$527.28 annually adjusted for a cost-of-living increase for each child of Mark S. Stomski for the time that the child is either under 18 years of age or totally physically or mentally incapacitated from working, or over 18 years of age, but under age 22, if a full-time student. Upon the death of Mark S. Stomski after attaining the maximum age for retirement for his group and if his wife at the time of the incident survives him, she shall be entitled to the same benefits as other surviving spouses under chapter 32 of the General Laws, as shall their children. In the event of the death of Mark S. Stomski and if his wife at the time of the incident does not survive him, the allowance shall be paid to the legal guardian for the benefit of any surviving children, as defined in this section.

SECTION 4. (a) Mark S. Stomski shall be eligible for health insurance through the city of Worcester on the same basis as other retirees and shall be responsible for the retirees' share of premiums. Following his retirement, the city of Worcester shall pay for necessary and reasonable medical expenses for him due to injuries for which he was retired.

(b) Medical care shall first be provided through the health insurance provided to retired city of Worcester employees pursuant to chapters 32B and 150E of the General Laws.

(c) The city of Worcester shall pay to the health care providers co-payments required by the health insurance policy under which the firefighter is insured. The city of Worcester shall pay to the health care providers deductibles required by the health insurance policy under which the firefighter is insured. The city of Worcester shall pay to the health care providers all fees and other expenses for authorized services the cost of which exceed applicable benefits limits, but the payment of which is denied solely because of the applicable benefits limits.

(d) Payments made pursuant to this section shall meet all other eligibility requirements of the health insurance; provided, however, that Mark S. Stomski shall not be required to change health care providers; and, provided further, that changes made by him

Chap. 157

in health care providers and referrals from current health care providers to health care providers who have not rendered care to him for the injury for which he was retired, shall comply with subsection (b).

SECTION 5. Mark S. Stomski shall not have his retirement allowance subject to modification as a result of earnings from alternative employment; provided, however, that he shall be required to submit earnings reports to the public employee retirement administration pursuant to section 91A of chapter 32 of the General Laws. Mark S. Stomski shall be subject to the limitation of earnings formula as set forth in said section 91A of said chapter 32, with the ability to earn the amount described in said section 91A plus an additional \$2,500. If he earns in excess of these allowable amounts, the public employee retirement administration shall inform him of the excess amount earned and the amount owed by him to the retirement board of the city of Worcester. The retirement administration shall, in its discretion, require repayment of that amount to the retirement board or may withhold amounts as it considers appropriate from future retirement allowance payments until the amounts owed to the retirement board have been paid in full.

SECTION 6. The retirement allowances payable pursuant to this act shall remain subject to all other provisions of chapter 32 of the General Laws as if they had been granted as accidental disability retirements benefits in the normal course of events pursuant to said chapter 32, except to the extent that said chapter 32 conflicts with this act.

Approved June 25, 2008

Chapter 158. AN ACT MAKING CERTAIN APPROPRIATIONS FOR FISCAL YEAR 2009 BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the amount of \$1,050,000,000 is hereby appropriated for the fiscal year ending June 30, 2009, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the various departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This appropriation shall cease to be operative as of the effective date of the general appropriation act and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this section shall be consistent with appropriations made in the general appropriation act.

SECTION 2. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2008, but which are necessary to fund obligations during fiscal year 2009, are hereby re-authorized,