

Bond Case Briefs

Municipal Finance Law Since 1971

BENEFITS - MASSACHUSETTS

Twomey v. Town of Middleborough

Supreme Judicial Court of Massachusetts, Plymouth - June 2, 2014 - N.E.3d - 468 Mass. 260

Retired town employees brought action against town, town board of selectmen, and town manager, seeking declaratory relief and writ of mandamus to require town to implement vote of special town meeting, approving article purporting to establish percentage of the total monthly premium for insurance coverage by a health maintenance organization (HMO) to be paid by the employees. The Superior Court entered summary judgment in favor of defendants, and employees appealed.

The Supreme Judicial Court of Massachusetts held that town board of selectmen, not town meeting, had authority to establish the percentage of the total monthly premium for HMO coverage to be paid by employees, under statute governing payment of HMO premiums by municipalities. Statute expressly designated board of selectmen as the municipal entity to implement its provisions and did not make any reference to town meeting.