

# **Bond Case Briefs**

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## **PUBLIC PENSIONS - MASSACHUSETTS**

### **Cuticchia v. Town of Andover**

**Appeals Court of Massachusetts, Essex - April 3, 2019 - N.E.3d - 95 Mass.App.Ct. 121 - 2019 WL 14723742019 Employee Benefits Cas. 117, 476**

Retired town employees brought action alleging that town was statutorily prohibited from raising amount that retired employees were required to pay for health insurance.

The Superior Court Department granted town's motion for summary judgment. Retired employees appealed.

The Appeals Court held that town was not allowed to increase municipal retirees' proportionate share of their health insurance premiums prior to end of moratorium on increases under statute governing municipal retirees' health plans.

Town was not allowed to increase municipal retirees' proportionate share of their health insurance premiums prior to end of moratorium on increases, under statute governing municipal retiree health plan policies and municipal contributions to premiums, despite the language of moratorium provision stating that increases were prohibited the first time that plan design changes were implemented, where statute was silent on whether increases were prohibited in subsequent plan design changes, purpose behind the moratorium was to limit raises on retirees' contributions, and legislative history indicated that the language "the first time" was merely intended to indicate the start of the moratorium, rather than to allow increases on any subsequent plan design change.