TOWN OF MIDDLEBORO RETIREES INSURANCE GROUP (MRIG)
MIDDLEBORO.RETIREES.INS.GROUP@GMAIL.COM
MARCH 2012

LEGAL ISSUES UPDATE

The Executive Committee recently received the following from the Plymouth County Superior Court:

Memorandum of Decision and Order on Cross-Motions for Summary Judgment – it is hereby Ordered that the Twomey Plaintiffs' Motion for Summary Judgment is Denied, the Armanetti Plaintiffs' Motion for Summary Judgment is Denied, and the Defendants' Motion for Summary Judge met is Allowed. It is Ordered that a declaration enter, declaring that under G.L.c.32B, S.16, the Board of Selectmen of the Town of Middleborough has the authority to determine the health insurance premium contribution rate for Middleborough retirees, and the Town Meeting cannot override this decision. Therefore, the Defendants were not required to comply with the May 26, 2009 Special Town Meeting vote approving Article 9 because the Board of Selectmen's May 11, 2009 vote controlled. The Twomey Plaintiffs' request for an order in the nature of mandamus is Denied. Judgment shall enter for the Defendants (Locke, J.) Copies mailed 2/1/12
Dated at Plymouth, Massachusetts the 1st day to February.

Needless to say we are very disappointed in the outcome of what we thought was a very strong case. When the portion of our case having to do with Town Meeting vote was merged with the Mass. Teachers Suit at the request of the Town Attorney, the Judge requested much research be done on what other Town Meeting towns had done in similar circumstances. The MTA presented volumes of evidence that supported our position but the courts disregarded that and basically said the Board of Selectmen voted to change the percentage prior to the Town Meeting (even though our Town Meeting article was already on the warrant) so that carries the day.

Our MRIG Attorneys have filed with the Courts a request that the remainder of our case be heard prior to an appeal of the above decision. The MTA has filed an appeal of the above decision but doesn't oppose waiting until the MRIG case is resolved if necessary. We are now faced with the decision whether or not MRIG will appeal the above decision. Appeal will involve additional costs.

We are now in a position that we have to ask our membership if they are willing to donate to any additional costs that would be incurred by continuing this case. We still have $7,000.00 available to defray the continuing costs to appeal this case but our attorneys have estimated a cost of $15,000.00 to bring the remainder of our case to court or $10,000.00 for the appeal only (of the Town Meeting decision referenced above.) We would need somewhere between $3,000.00 (appeal of the Town Meeting decision only); $8,000.00 (to go forward on second part of our case only); or $18,000.00 (pursuit of the second part of the case plus the initial appeal of decisions related to both aspects of the case.) It is estimated by our attorneys that continuing *both* aspects of the case will incur a minimum of $25,000.00 in costs (from which we could subtract the $7,000 in hand noted above.) The need for further appeals could incur further costs. See attached Membership poll for your input on this question.

HEALTH INSURANCE CHANGES

The Board of Selectmen voted on Monday, February 27th "to engage in the process to change health insurance benefits under M.G.L.c32B, ss21 thru 23." For the Town to remain with the same plans that everyone is currently enrolled in, MIAA has announced a 10.49% increase in the premium. To offset that increase the Town Manager is proposing a new insurance plan for non-eligible Medicare retirees. This plan will again increase out of pocket co-pays and deductibles for plan participants and keep the plan at a slightly less cost than is currently being paid.

For those who have Medicare Part A and B, the Medex plan will also increase by 10.49% and the Town Manager is proposing a program that will start on 1/1/13 that will be less money but have a higher prescription co-pay than the current plan. All other coverage under the Medex plan will remain the same. For the period from 7/1 to 12/31/12 the higher rate and lower prescription co-pays will prevail.

Under the new Health Care Reform passed by the State, the Town has to have input from the employees and retirees as to the value of the proposed plans. They must meet certain mandates that the State has put out regarding cost and coverage; if they do not meet these certain benchmarks put out by the State, the Town will be forced to enroll in the State GIC (Insurance that covers all state employees and retirees). The Town also must share up to 25% of the first year's savings created by making these changes with the employees/retirees. This amount of money is called Mitigation Funds. The Town Manager has estimated the 25% savings to be $221,618 for the non-Medicare plans and $96,733 for the Medicare plans.

The Town must meet with the PEC (Public Employee Committee) to show what they are proposing and the unions and retirees will have a chance to agree or suggest changes to what the town is proposing. The PEC is made up of representatives of all employee groups and a weighted vote is taken regarding what the Town is proposing. The School Department (representing that percentage of town employees) will have 66% of the vote, retirees 10% (our representative is Gene Turney) and the rest divided among the other unions/departments of the Town.

As part of the discussion on how to use the Mitigation money, the Town would like to continue to reimburse certain out of pocket expenses as they have done in the past. (You spend $200 in category A, $50 in category B then the Town will give you back $100.) Instead of this system the MRIG Executive Committee voted to have our representative, Gene Turney, recommend that a reduction in premium be implemented across the board to all enrollees. This would be a way of equal sharing instead of co-pay reimbursements for those who submit the paperwork, would be a reduction in paperwork for the Treasurers' Office, and protect all enrollees' privacy. The current program of having to reimburse co-pays and deductibles after presenting bills that show paid co-pays can be upsetting to many. See attached Membership poll for your input on this question.

Currently the MRIG Executive Board is looking carefully at supporting a change to GIC as the premium costs and the various plans that are available are very competitive and cover a wider area. This would also have the advantage of taking decisions out of town politics and MIIA (an entirely employer organization) and putting us with a much larger group that has employee representation from a variety of statewide unions as part of its governing body. The increase for GIC premiums this year was only 1.43%.

We again are asking for a policy to be written or enacted as a By-Law that will allow Town retirees who have coverage elsewhere to opt back in to the Town coverage at a later date and that the Town will continue to pay Medicare penalties if a retiree currently having town insurance obtains insurance elsewhere.

MEMBERSHIP POLL

(If you are submitting your information by email, you will need to first hit the "Reply" icon so that the program will allow you to enter your information on the form below.)

NAME: ________________________________
ADDRESS: _____________________________
CITY/TOWN: ___________________________
STATE: ___________________________ **ZIP:** ______
E-MAIL: ______________________________ **TELEPHONE:** ____________________

QUESTION 1

______ I am in favor of proceeding with the lawsuit and/or appeal and will donate to the attorney fees up to this amount $___________.

_______ I am not in favor of proceeding with the lawsuit and/or appeal.

QUESTION 2

Distribution of Mitigation Money (Check one box)

_______ To reimburse portions of co-pays and deductibles to Non-Medicare eligible retirees for out-of-pocket costs involving Day Surgery, High Cost Hospitals, Specialists, Tier 3 Drugs and MRI CT PET Scans.

_______ To reimburse retirees covered by Medicare for prescription deductibles over $405.00

_______ To reduce the premium to all enrollees

For mail please return to: MRIG
c/o Gene Turney
4 Pearl Street
Middleboro, MA 02346

REMINDER TO NEW MEDICARE ENROLLEES

The Medicare sign up period at the Social Security Office ends March 31st. The Town has asked us to remind anyone that is Medicare-eligible to complete the paperwork and submit your new Medicare cards to the Treasurer's Office. The Treasurer's office also has paperwork for you to sign regarding the payment of penalties by the Town on your behalf. The Treasurer's Office will also provide you with new applications for supplemental health plans that must be returned to the Treasurer's Office by April 15th. All of the above requirements are time sensitive and the Town has the right to impose penalties (including loss of health insurance coverage) on those who do not meet the timelines.

The new rates are:	Managed Blue for Seniors	$100.63 / month
	Medex 3	$135.23 / month

If you have any questions or concerns contact the Treasurer's Office at 508-946-2420.

TOWN ELECTION

The Annual Town Election is scheduled for Saturday, April 7, 2012

It is not the policy of your Executive Committee to endorse any one particular candidate. However, your Executive Committee would strongly suggest that it is in your best interest to know where each candidate stands on the issues, especially when it comes to senior citizens' concerns, (COA programs, public health nurses, veterans services, library, retirees benefits, and others) before you give them your vote. Candidates' night will be held March 15th at 7:00 PM at the Council on Aging.

Selectman McKinnon and former Selectwoman Duphily are the major candidates. We have sent letters out in the past asking candidates for support of retirees' issues and neither of these candidates has responded. In May of 2009 Mr. McKinnon and Mrs. Duphily both voted to increase the contribution rate of retirees and discontinue reimbursing co-pays to the retirees. Mrs. Duphily also got up at Town Meeting in an attempt to table our articles at the Special Town Meeting.

MRIG ANNUAL MEETING

MRIG's Annual Meeting will be held on May 15, 2012 at the Middleborough Council on Aging, 558 Plymouth Street at 1:30 PM.

The speaker will be the Regional Director for SHINE Program Serving Health Information Needs of Elders. With the change to Medicare and having to pick new supplement plans, the Executive Committee thought there would be lots of interest in this.

WEBSITE

Our website is up and running. Many thanks to member Charlie Armanetti who has spent many hours setting this up for us and showing us how to use it. Please go to - **http://mrig.info/** and see what we have out there. Please let us know if you have any problems or suggestions for our website.

DUES / CONTACT INFORMATION

It's a new year and dues are being collected for 2012. They should be paid before the Annual Meeting or at that time. If you have any questions or you need to change any information please contact our Treasurer, Mary Cook, at richard.cook2@verizon.net or 508-821-2112 and she will help you.

If you are still receiving this newsletter via the U.S. Postal Service and have an e-mail address please share it with us as we can't produce notices and mail them as rapidly as we can e-mail information.

This form is available on our website. You can also fill out and print a copy of this form if you go to the contacts section of our website.

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TOWN OF MIDDLEBORO RETIREES INSURANCE GROUP (MRIG)
MEMBERSHIP REGISTRATION – 2012 - $5.00

NAME: ___________________________________
ADDRESS: ______________________________ __ Check here if new address
CITY/TOWN: ____________________________ ZIP: ____________
E-MAIL: _________________________________ ___ Check here if new Email address
TELEPHONE: ____________________________ ___ Check here if new phone

(This information is confidential and will not be shared with any other person or organization.)

Make checks payable to: MRIG
c/o Mary Cook
130 Scadding Street
Taunton, MA 02780

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