



Amherst Massachusetts

OFFICE OF THE TOWN MANAGER

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TO: Select Board

FROM: John P. Musante, Town Manager

CC: Jim Pistrang, Moderator
Finance Committee

DATE: March 17, 2014

SUBJECT: Questions re \$15 Minimum Wage Petition Article

Article 1 at the March 19, 2014 Special Town Meeting is a petition article that asks the Town to petition the state legislature for a special act to raise the minimum wage to \$15.00/hour within the Town of Amherst. General Laws Chapter 151, §1 sets the current state-wide minimum wage at \$8.00 per hour. I have consulted with town counsel on questions raised by the Select Board.

Town counsel advises that a special act on this subject applicable to the Town would not apply to employees of the University of Massachusetts. Special acts apply to the municipality, and state or federal property and agencies are not generally subject to such local legislation.

Section 2.4 of the Amherst Town Government Act provides for a petition process for most votes of Town Meeting to be subject to a ballot referendum process. Therefore, *if Town Meeting votes on this article and it either passes or is defeated, on a majority vote, the result would be subject to the referendum process if a timely and adequate petition was filed.*

Section 2.41 lists certain topics that are exempt from the referendum process, but a vote to authorize (or reject such authorization) to petition for a special act does not fall within Section 2.41. *If the warrant article is either dismissed or referred to a committee, such a vote would not constitute "passing or rejecting" the measure, and so the Amherst Town Government Act's referendum procedure could not validly compel an election.* Section 2.4 clearly states:

A final vote of any representative town meeting **passing or rejecting a measure** under any article in the warrant shall not be operative until after the expiration of five (5) days, exclusive of Saturdays, Sundays and legal holidays, from the dissolution of the meeting. **(emphasis added)**

When Town Meeting agrees to dismiss an article, it is disposing of that article without a vote on the merits. This is an accepted practice of Massachusetts Town Meetings, whether it is referred to as dismissing, passing over, indefinitely postponing, or the like.