

## The Commonwealth of Massachusetts

PRESENTED BY:

*Susannah M. Whipps and Joanne M. Comerford*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a charter for the town of Orange.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/22/2026</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/22/2026</i>

By Representative Whipps of Athol and Senator Comerford, a joint petition (accompanied by bill, House, No. 5053) of Susannah M. Whipps and Joanne M. Comerford (by vote of the town) that the town of Orange be authorized to establish a town charter for said town. Municipalities and Regional Government. [Local Approval Received.]

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act establishing a charter for the town of Orange.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The following shall be the charter for the Town of Orange:-

## 2 PREAMBLE

3           We the people of the Town of Orange, Massachusetts, in order to reaffirm the customary  
4        and traditional liberties of the people with respect to the conduct of our local government and to  
5        take the fullest advantages inherent in the home rule amendment of the constitution of the  
6        Commonwealth and Massachusetts General Laws Chapter 43B, do hereby adopt the following  
7        home rule Charter for this Town. It is the intention of this document that it reflects a gender  
8        nonspecific approach. Any references to masculine gender are intended to reflect both masculine  
9        and feminine gender, and should not be otherwise construed.

10 CHAPTER 1 – POWERS OF THE TOWN

## 11 Section 1: Incorporation

12           1-1-1 The present Town of Orange, Massachusetts, within its territorial limits as now or  
13    may hereafter be established by law, is hereby reincorporated and continued as a body politic and  
14    corporate under the name: Town of Orange.

15           Section 2: Scope of Town Powers

16           1-2-1 The Town shall possess, exercise, and enjoy all powers possible under the  
17    constitution and laws of the Commonwealth of Massachusetts as fully and completely as though  
18    they were expressly enumerated in this Charter.

19           Section 3: Form of Government

20           1-3-1 This Charter provides for the Open Town Meeting-Select Board-Town Manager  
21    form of government.

22           Section 4: Construction of Charter

23           1-4-1 The powers of the Town under this Charter, shall be construed liberally in favor of  
24    the Town, and the specific mention of particular powers in the Charter shall not be construed as  
25    limiting in any measure the general powers of the Town as stated in this charter.

26           Section 5: Intergovernmental Relations

27           1-5-1 Consistent with any constitutional or statutory provisions, the Town may exercise  
28    any of its powers or perform any of its functions, and may participate in the financing thereof,  
29    jointly or in cooperation, by contract or otherwise with any one or more municipalities, with any  
30    civil division, subdivision, or agency of the Commonwealth, with any other state, or with the  
31    United States government.

32 CHAPTER 2 – TOWN MEETING

33 Section 1: Organization

34 2-1-1 The legislative powers of the Town shall be exercised by a Town Meeting, open  
35 to all registered voters of the Town.

36 2-1-2 The Quorum for the conduct of business at Town Meetings shall be a minimum of  
37 seventy-five (75) of the Town's registered voters.

38 2-1-3 Upon a successful challenge of the presence of a quorum, a smaller number of  
39 voters than the established quorum shall, at the discretion of the Moderator, adjourn any such  
40 meeting forthwith to a stated date, time, and place.

41 2-1-4 In all procedural matters the Town Meeting shall follow the latest revised edition  
42 of Town Meeting Time as the procedural handbook, except as otherwise provided by  
43 Massachusetts General Laws, established practices, or this Charter.

44 2-1-5 Rules of parliamentary procedure for Town Meetings shall be summarized in  
45 simplified form in a document prepared by the Moderator and the Town Clerk and shall be made  
46 available for distribution to those requesting it, and also posted on the town website.

47 Section 2: Powers and Responsibilities

48 2-2-1 The Town Meeting shall consider and act upon, with or without amendments, all  
49 proposed operating and capital improvement budgets, bond issues, and other financial proposals  
50 of the Town.

51           2-2-2 The Town Meeting shall possess and may exercise all powers possible under  
52 general laws.

53           Section 3: Procedures

54           2-3-1 The Annual Town Meeting shall be held according to town bylaw on the second  
55 Monday of May, to consider and adopt an annual operating and capital budget, and to act on  
56 financial and other matters. The meeting shall be continued on other days if necessary, until all  
57 articles in the warrant shall have been acted upon. The Select Board shall insert in the warrant for  
58 the Annual Town Meeting all subjects, the insertion of which shall have been requested of them  
59 in writing by ten (10) or more registered voters of the Town, and in the warrant for a Special  
60 Town Meeting, all subjects the insertion of which shall have been requested of them in writing  
61 by one hundred (100) registered voters or by ten (10) per cent of the total number of registered  
62 voters of the Town, whichever number is less.

63           2-3-2 A Special Town Meeting may be called by the Select Board, and shall be called  
64 by said Board upon request, in writing, of at least two hundred (200) of the Town's registered  
65 voters. The Select Board shall call a Special Town Meeting upon request, in writing, of two  
66 hundred (200) registered voters or of twenty (20) percent of the total number of registered voters  
67 of the Town, whichever number is less; such meeting shall be held not later than forty-five (45)  
68 days after the receipt of such request, and the Select Board shall insert in the warrant therefore all  
69 subjects the insertion of which shall have been requested by said petition.

70           2-3-3 All proposed operating expenditures shall be included in a single, omnibus-type  
71 article in the Town Meeting warrant. In addition, all regular proposed capital improvement  
72 expenditures shall be included in an omnibus-type article.

73           2-3-4 The Select Board shall prepare the warrant for all Town Meetings.

74           2-3-5 The warrant for the Annual Town Meeting shall be closed sixty (60) days prior to  
75       the date of the Town Meeting and the date for the closing of the warrant for any other Town  
76       Meeting shall be at the discretion of the Select Board. The warrant for every Town Meeting shall  
77       be posted on the town website and also posted in at least four (4) public places within the Town  
78       at least fourteen (14) days prior to the date of the Town Meeting.

79           2-3-6 Articles involving an expenditure of Town funds shall not be voted on by the  
80       Town Meeting unless the Finance Committee shall have given due consideration to the articles.  
81       The Chair of the Finance Committee, or his/her designated representative, shall be present at the  
82       Town Meeting to provide verbal explanations of the Committee recommendations.

83           2-3-7 Articles involving planning, zoning, subdivision control, land acquisition,  
84       conservation, extension of sewer lines, and all other matters relating to the environment shall not  
85       be voted on by the Town Meeting unless the Finance Committee and/or the Planning Board  
86       shall have given due consideration to the articles. The Chair of the respective boards, or their  
87       designated representatives, shall be present at the Town Meeting to provide verbal explanations  
88       of the board's recommendations.

89           2-3-8 The order of consideration of articles as printed in the warrant may be changed  
90       only by a majority vote of the Town Meeting or at the discretion of the moderator. The decisions  
91       of the moderator take precedence.

92           2-3-9 No proposed ordinance or bylaw which has been unfavorably acted upon by a  
93       Town Meeting shall be considered by the Town Meeting within two (2) years after the date of

94 such unfavorable action unless the adoption of such proposed ordinance or bylaw is  
95 recommended in the final report of the Planning Board and/or the Select Board.

96 2-3-10 At least fourteen (14) days prior to the date of any Town Meeting, a notice thereof  
97 shall be made available by the Select Board. Said notice shall include the date, time and location  
98 of the Town Meeting and a description of ways to obtain copies of the warrant. A copy of the  
99 warrant shall be emailed or otherwise delivered by the Select Board to the Moderator,  
100 Department Heads, Town Counsel, and to each member of the Finance Committee and Planning  
101 Board. Any registered voter may file a written request annually with the Town Clerk to have a  
102 copy of the warrant mailed or delivered by the Select Board to their residence.

103 2-3-11 Any ten (10) registered voters of the Town may secure, by written petition to the  
104 Select Board, the inclusion of an article in the warrant for the Annual Town Meeting, and one  
105 hundred (100) registered voters may secure, by written petition to the Select Board, the inclusion  
106 of an article for any Special Town Meeting.

107 Section 4: Presiding Officer

108 2-4-1 A Moderator shall be elected for a term of three (3) years and shall preside at all  
109 sessions of the Town Meeting. In the absence of the Moderator and Deputy Moderator, the Town  
110 Meeting shall, as its first act, elect a temporary Moderator by a majority vote. The Town Clerk  
111 shall preside until such election has taken place, in accordance with Section 14 of Chapter 39 of  
112 the Massachusetts General Laws.

113 2-4-2 The Moderator shall have the power to declare a secret written ballot on any  
114 motion under any article, when the Moderator deems such action to be in the best interests of the  
115 Town.

116           2-4-3 The Moderator shall have the power to declare that a required two-thirds vote has  
117    been achieved by means of a voice vote.

118           2-4-4 The Moderator shall appoint: (a) seven (7) members of the Finance Committee;  
119    (b) a Deputy Moderator for a one-year term who shall preside in the Moderator's absence; (c)  
120    three (3) members of the Sewer and Wastewater Commission; (d) the designated number of  
121    Orange members of the Franklin County Technical School Committee; and (e) any Ad Hoc  
122    Committee created by the Town Meeting, unless another appointing authority shall be specified  
123    in the article establishing such Committee.

124           Section 5: Compulsory Attendance

125           2-5-1 All Town Officials, including elected officials, the Chairs of Boards,  
126    Commissions, and Committees, and Department Heads or their duly designated representatives,  
127    are expected to attend all Annual Town Meeting and Special Town Meeting sessions.

128           CHAPTER 3 – SELECT BOARD

129           Section 1: The Select Board

130           3-1-1 A Select Board of five (5) members shall be elected at large for three-year  
131    overlapping terms. The regular election for the Office of Select Board shall be held in  
132    accordance with Chapter 7 of this Charter.

133           3-1-2 Vacancies in the Office of Select Board shall be filled by special elections in  
134    accordance with provisions of general laws.

135           Section 2: General Powers

136           3-2-1 All executive powers of the Town, except as otherwise provided in this Charter,  
137   shall be vested in the Select Board. The Board shall exercise control over Town affairs by  
138   recommending major courses of action to the Town Meeting.

139           3-2-2 The Board shall have the power to enact rules and regulations relating to the  
140   conduct of Town elections and for the establishment of Town policies not otherwise governed  
141   by statute or this Charter, provided, however, that whenever an appropriation shall be necessary  
142   to implement such action, the vote of the Board shall be effective only if such appropriation  
143   shall be made by the Town Meeting.

144           3-2-3 The Board shall establish written policies and procedures to be adopted within six  
145   months of the appointment of a Town Manager. These policies and procedures shall cover the  
146   functions and duties of the Select Board, Town Manager, and other Officers, Boards, and  
147   Commissions appointed by the Select Board or Town Manager, not previously specified in the  
148   Charter. In the event of conflict between these policies and procedures and the Charter, the  
149   Charter prevails.

150           3-2-4 The policies and procedures shall be reviewed and updated within ninety (90)  
151   days of each annual election.

152           Section 3: Powers of Appointment

153           3-3-1 The Board shall have the power to appoint: (a) a Town Manager as provided in  
154   Chapter 5 of this Charter; (b) three (3) members of a Board of Registrars of voters for three-year  
155   overlapping terms; (c) five (5) members of a Zoning Board of Appeals for overlapping terms of  
156   such length and so arranged that the term of at least one member shall expire each year, and three  
157   (3) associate members in a like manner; (d) Election Officers.

158 CHAPTER 4 – ELECTED OFFICERS AND TOWN BOARDS

159 Section 1: General Provisions

160 4-1-1 The Officers and Boards to be elected by vote of the Town shall be: Town Clerk,  
161 Moderator, Board of Library Trustees, Select Board, Board of Health, Water Commission,  
162 Cemetery Commission, Housing Authority, Elementary School Committee; the elected Orange  
163 members of the Mahar Regional School Committee; Soldiers' Memorial Trustees; and  
164 Constables for three-year overlapping terms.

165 4-1-2 Boards and Commissions established or continued under this chapter shall perform  
166 their functions and duties in accordance with the constitution, general laws, and this Charter.

167 4-1-3. During the term for which a person is elected, and for one (1) year following  
168 expiration of their term, no Officer or member of any Board or Commission established under  
169 this chapter shall be eligible to accept any appointed, paid Town position placed under the  
170 jurisdiction of the respective Commission or Board vacated by the Officer or member.

171 Section 2: Vacancies

172 4-2-1 Except as otherwise provided, vacancies in elected Town Boards established under  
173 this chapter shall be filled by the Select Board, together with remaining members of the  
174 respective Board, in accordance with the provisions of Massachusetts General Laws Chapter 41,  
175 Section 11.

176 Section 3: School Committees

177           4-3-1 The elected Orange members of the Mahar Regional School Committee shall be  
178       elected for three-year overlapping terms, in accordance with the terms of the Mahar Regional  
179       School District agreement.

180           4-3-2 The elected members of the Orange Elementary School Committee shall be elected  
181       for three- year overlapping terms.

182           4-3-3 The Mahar Regional School Committee and the Orange Elementary School  
183       Committee are expected to submit to the Town Manager the budget as adopted by the Committee  
184       no later than February 1 of each year, to enable the Town Manager to consider the effects of the  
185       schools' requested assessments upon the total Town budget.

186           Section 4: Library Trustees

187           4-4-1 A Board of Library Trustees of six (6) members shall be elected for three-year  
188       overlapping terms.

189           4-4-2 The Board shall be responsible for the administration and operation of the Town  
190       Library, acquisition of books, journals, periodicals, and other materials relating to the library  
191       function, and the promulgation of library rules and regulations.

192           Section 5: Housing Authority

193           4-5-1 There shall be a Housing Authority of five (5) members, one (1) of whom shall be  
194       appointed under authority of the Commonwealth and four (4) of whom shall be elected. All  
195       members shall serve five-year overlapping terms.

196           Section 6: Town Clerk

197           4-6-1 The Town Clerk and the Board of Registrars shall recommend the appointment of  
198   Election Officers to the Select Board, and shall carry out such duties as are, and may be  
199           provided by general laws, by this Charter and by vote of the Town Meeting. In the event  
200           the Town votes sometime in the future to make the position of Town Clerk appointed, the  
201   Town Clerk shall be appointed by the Town Manager and approved by a majority of the full  
202   Select Board.

## 203           CHAPTER 5 – THE TOWN MANAGER

### 204           Section 1: Appointment

205           5-1-1 The Select Board, by an affirmative vote of at least four (4) members, shall  
206   appoint a Town Manager for an indefinite term to serve at its pleasure.

### 207           Section 2: Qualifications

208           5-2-1 The Office of the Town Manager shall be filled based on educational, executive,  
209           and administrative qualifications and experience. The educational qualifications shall consist of  
210           at least a bachelor's degree, preferably in public administration, granted by an accredited degree  
211           granting college or university, or professional experience that shall include at least three (3)  
212           years of prior full-time, compensated executive service in public or business administration.

213           5-2-2 In selecting a Town Manager, the Select Board shall conduct a search for  
214           candidates, including an advertisement in a current publication serving the municipal  
215           management profession. The Town Manager shall not have held an elective Office in the Town  
216           of Orange within (2) two years immediately prior to appointment.

### 217           Section 3: Powers and Duties

218           5-3-1 The Town Manager shall be the Chief Administrative Officer of the Town and shall  
219    be directly responsible to the Select Board for the performance of the duties of Town Manager.  
220    The Select Board shall be responsible for setting the salary of the Town Manager, within the  
221    limits of the appropriation provided by Town Meeting.

222           5-3-2 The Town Manager shall devote their full working time to the duties of the Office;  
223    and shall not become a candidate for or hold any elective Office during their term of  
224    appointment.

225           5-3-3 The Town Manager shall attend all meetings of the Select Board, except when  
226    excused, and shall have the right to speak but not to vote.

227           5-3-4 The Town Manager will keep the Select Board fully informed regarding  
228    departmental operations, general problems, administrative actions, and any other matters of  
229    concern or importance, and to this end shall make recommendations as appropriate and submit  
230    written periodic reports to the Select Board.

231           5-3-5 The Town Manager shall be responsible for negotiating contracts with employee  
232    bargaining units, with final review and approval by the Select Board.

233           5-3-6 The Town Manager shall be responsible for the oversight of the Divisions of (a)  
234    Finance and Administration, (b) Public Safety, (c) Public Services, and (d) The Departments of  
235    Highway, Parks and Public Spaces, Cemetery, Sanitation, Tree Warden, Water, and Sewer and  
236    Wastewater. At such time that the Town of Orange takes action to create a Division of Public  
237    Works, the above Departments shall become the Division of Public Works and oversight shall be  
238    the responsibility of the Town Manager.

239           5-3-7 The Town Manager shall be the Chief Procurement Officer with the authority to  
240    designate procurement officers for all Town Offices and departments, in accordance with  
241    Massachusetts General Laws Chapter 30 B Section 19. The Town Manager may, subject to the  
242    approval of the Select Board, establish, reorganize, consolidate, or abolish any Department,  
243    Board, Commission, Committee, Office, or Agency under their direction and supervision, except  
244    as prohibited by general laws.

245           5-3-8 The Town Manager shall have the authority to hire, discipline, and terminate Town  
246    employees, the authority to appoint employees for terms of one to three years, and the authority  
247    to discipline or remove appointed employees. The following exceptions to the preceding  
248    provisions shall apply: employees appointed or hired by the Library Trustees, the Water  
249    Commission, the Airport Commission, the School Committees, , the Orange Economic  
250    Development & Industrial Corp., and the Housing Authority, or those employees or officers,  
251    whether appointed or hired, as specifically otherwise provided for in this Charter. The Town  
252    Manager shall also have the authority to appoint or hire a Town Counsel with approval of a  
253    majority of the full Select Board.

254           5-3-9 The Town Manager shall have the authority to appoint, discipline, or remove  
255    members of such Boards, Commissions and Committees except as otherwise specifically  
256    provided for in this Charter.

257           5-3-10 The Town Manager shall perform such other duties as may be required by this  
258    Charter, bylaws, policy and procedures, vote of the Town Meeting, or vote of the Select Board.

259           Section 4: Removal

260           5-4-1 During the first six months after the initial appointment, the Select Board may  
261 remove or discipline the Town Manager by an affirmative vote of at least four members.

262           5-4-2 After the Town Manager has been in office longer than six months, the Select  
263 Board may remove or discipline the Town Manager pursuant to provisions in the Massachusetts  
264 Open Meeting Law, provided that no such removal shall be adopted within ninety (90) days  
265 following any Town election that has resulted in a change in the incumbents on the Board and  
266 provided further that such removal shall be by an affirmative vote of at least four (4) members.

267           5-4-3 A copy of all notices, requests, and motions adopted by the Select Board, and a  
268 transcript of the public hearing, if one is held, shall be filed in the Office of the Town Clerk, and  
269 shall be a public record.

270           Section 5: Resignation

271           5-5-1 The Town Manager shall provide the Select Board with sixty (60) days written  
272 notice of their intention to resign.

273           Section 6: Acting Town Manager

274           5-6-1 The Select Board shall designate a qualified person to exercise the powers and  
275 perform the duties of the Town Manager during any temporary vacancy caused by the Town  
276 Manager's absence, suspension, removal or resignation. The appointment shall be for a period  
277 not to exceed ninety (90) days, and it may be renewed for additional periods not to exceed ninety  
278 (90) days. Members of the Select Board and members of their families, including the spouse and  
279 children of a Select Board member and a parent, brother, sister, nephew or niece of a Select  
280 Board member and their spouse, shall be ineligible to serve in this capacity.

281           CHAPTER 6 – TOWN ADMINISTRATIVE ORGANIZATION

282           Section 1: General

283           6-1-1 The administrative functions of the Town government shall be performed within  
284           the organizational framework of three Divisions: (a) a Division of Finance and Administration,  
285           (b) a Division of Public Safety, (c) a Division of Public Services, and (d) the Departments of  
286           Highway, Parks and Public Spaces, Cemetery, Tree Warden, Sanitation, Water, and Sewer and  
287           Wastewater. At such time that the Town of Orange takes action to create a Division of Public  
288           Works, the above Departments shall be carried out within the Division of Public Works.

289

290           6-1-2 Responsibility for the functions administered within the three Divisions and the  
291           Departments shall be vested with the Town Manager, except as provided in section 3-2-1.

292           6-1-3 The Town Manager shall designate those Divisions to be supervised by a director  
293           and those, if any, to be supervised by a manager. If a manager is designated to act as director of  
294           one or more Divisions, the Town Manager shall serve in such dual capacity without additional  
295           compensation. A Division director, other than the manager, may be designated as head of one or  
296           more Departments within the respective Divisions, should any such Departments be established  
297           under section 5-3-8 of this Charter.

298           Section 2: Division of Finance and Administration

299           6-2-1 The administrative functions of assessment, tax collections, receipts,  
300           disbursements, and other functions of a fiscal nature, as well as permits, licensing and elections,  
301           shall be carried out within a Division of Finance and Administration.

302                   Section 3: Division of Public Safety

303                   6-3-1 The administrative functions of Emergency Management, Fire, Police, Public  
304                   Health, Public Safety in general, Inspection Services, and such other public safety services as  
305                   may be assigned by this Charter or by bylaw shall be carried out within a Division of Public  
306                   Safety.

307                   Section 4: Division of Public Services

308                   6-4-1 The administrative functions of general Town services, recreation, the Town  
309                   library, veterans' services, and such other public services as may be assigned by this Charter or  
310                   by bylaw shall be carried out within a Division of Public Service.

311                   Section 5: Division of Public Works

312                   6-5-1 At such time that the Town of Orange takes action to create a Division of Public  
313                   Works, the administrative functions of the Departments of Highway, Parks and Public Spaces,  
314                   Cemetery, Sanitation, Tree Warden, Water, and Sewer and Wastewater and such other public  
315                   works functions as may be assigned by this Charter or by bylaw shall be carried out within a  
316                   Division of Public Works.

317                   6-5-2 The Moderator shall appoint three (3) members of the Sewer and Wastewater  
318                   Commission. Each member shall be a resident of the Town, and the Commission shall include  
319                   one (1) member with extensive experience in the field of public works or engineering, and one  
320                   (1) member with extensive experience in the field of finance or accounting, and one (1) member  
321                   at large, with three-year staggered terms. The Commission shall prepare an annual report to be  
322                   delivered to the Town Manager.

323                   Section 6: Personnel System

324               6-6-1 All appointments and promotions of Town Officers and employees shall be made  
325               based on merit and fitness demonstrated by an examination and/or other evidence of competence.

326               6-6-2 The Town Manager, except as otherwise provided by general laws, shall propose  
327               personnel policies and procedures to include: (a) the classification of all positions, based on the  
328               duties, responsibilities and authority of each position, with adequate provisions for  
329               reclassification of any position whenever warranted by changed circumstances; (b) a salary and  
330               pay plan for all positions; (c) methods of determining the merit and fitness of candidates for  
331               appointment and promotion; (d) policies and procedures regulating reduction in force and  
332               removal of employees; (e) hours of work, attendance regulations, and provisions for sick,  
333               vacation, military, family medical and other leave; (f) policies and procedures governing  
334               persons holding provisional appointments; (g) policies regarding in-service training programs;  
335               (h) grievance procedures including procedures for the hearing of such grievances; and (i) such  
336               other practices and procedures as may be necessary for the administration of the personnel  
337               system. The proposed rules shall be presented for discussion and comment to the Select Board  
338               convened in a public session. Upon vote of the Select Board, the policies shall become  
339               immediately effective. A copy of such policies shall be filed for record purposes with the Town  
340               Clerk and shall be made available to all Town employees. Said policies may, from time to time,  
341               be amended or revised following the same procedure of adoption stated above.

342                   CHAPTER 7 – ELECTIONS

343                   Section 1: Town Election

344           7-1-1 The regular election for all Town Offices shall be held on the first Monday of  
345           March.

346           Section 2: Elections to be Nonpartisan

347           7-2-1 All elections of Town Officers shall be nonpartisan, and election ballots for Town  
348           Offices shall be printed without any party mark, emblem, or designation whatsoever.

349           Section 3: Eligibility of Town Voters

350           7-3-1 Any registered voter of the Town shall be eligible for election to any elective  
351           Office or Board of the Town.

352           Section 4: Time of Taking Office.

353           7-4-1 Any person duly elected to any Office or Board shall take up the duties of their  
354           Office immediately following certification, provided that they first shall have been sworn to the  
355           faithful performance of their duties by the Town Clerk.

356           Section 5: Recall of Elected Offices

357           7-5-1 Any holder of an elective Office in the Town may be recalled by the registered  
358           voters of said Town as herein provided.

359           7-5-2 Any one hundred and fifty (150) registered voters of the Town may initiate a  
360           recall petition by filing with the Town Clerk an affidavit containing the name of the official  
361           sought to be recalled and a statement of the grounds for such a recall. Said Town Clerk shall  
362           thereupon deliver to such voters making the affidavit copies of petition blanks demanding such  
363           recall, copies of which printed forms said Town Clerk shall keep available. Such blanks shall be

364 issued by said Town Clerk, with said Town Clerk's signature and official seal attached thereto.  
365 Such petition shall be dated, shall be addressed to the Select Board and shall contain the names  
366 of all persons to whom they are issued, the name of the person whose recall is sought, and the  
367 grounds for such recall as stated in the affidavit, and they shall demand the election of a  
368 successor in said Office. A copy of such petition shall be entered in a record book to be kept in  
369 the Office of said Town Clerk. Said recall petition shall be returned and filed with said Town  
370 Clerk within thirty (30) days after the filing of the affidavit, the designated petition shall have  
371 been signed only by registered voters of the town and shall have been signed by at least ten (10)  
372 percent of the number of the registered voters who shall add their signatures and the street  
373 number of their residences.

374           The Town Clerk shall, within three (3) business days of receipt of the recall petition,  
375 submit such petition to the registrars of voters in said Town, and said registrars shall, within five  
376 (5) business days, certify thereon the number of signatures which are names of registered voters  
377 of said Town.

378           7-5-3 If the recall petition shall be found and certified by the Town Clerk, said Town  
379 Clerk shall submit the same with the Town Clerk's certificate to the Select Board within five (5)  
380 working days and said Select Board shall, within five (5) working days, give written notice of  
381 the receipt of the certificate to the official sought to be recalled and shall, if the official does not  
382 resign within seven (7) days thereafter, order an election to be held on a date fixed by them not  
383 less than sixty (60) days and not more than one hundred and twenty (120) days after the date of  
384 the Town Clerk's certification that a sufficient petition has been filed; provided, however, that if  
385 any other Town election is to occur within sixty (60) to ninety (90) days after the date of the  
386 certificate, said Select Board shall postpone the recall election to the date of such other election.

387           7-5-4 An official sought to be removed may be a candidate to succeed themselves and,  
388 unless they request otherwise in writing, the Town Clerk shall place their name on a ballot  
389 without nomination.

390           The nomination of other candidates, the publication of the warrant for the removal  
391 election, and the conduct of the same shall be in accordance with the provisions of law relating to  
392 elections, unless otherwise provided in this section.

393           7-5-5 The incumbent shall continue to perform the duties of their Office until the recall  
394 election. If not recalled, the incumbent shall continue in Office for the remainder of the  
395 unexpired term subject to recall as before, except as provided in section seven. If recalled in the  
396 recall election, the incumbent shall not hold Office during the remainder of the unexpired term.  
397 If the successor fails to qualify within five (5) days after receiving notification of their election,  
398 the incumbent shall thereupon be deemed removed and the Office vacant.

399           7-5-6 Ballots used in a recall election shall submit the following propositions in the  
400 order indicated: For the recall of (name of official), Against the recall of (name of official).

401           Immediately at the right of each proposition there shall be an oval in which the voters, by  
402 filling in the oval, may vote for either of the said propositions. Under the propositions shall  
403 appear the word "Candidates," the directions to the voters required by Section 42 of Chapter 54  
404 of the Massachusetts General Laws and, beneath this, the names of candidates nominated in  
405 accordance with provisions of law relating to elections.

406           If a majority of the votes cast upon the question of recall is in the affirmative, the  
407 candidate receiving the highest number of votes shall be declared elected. If a majority of the  
408 votes on the question are in the negative, the ballots for candidates need not be counted.

409           7-5-7 No person shall be subject to recall if his/her term of office expires within six (6)  
410   months of the filing of the certificate. If a vacancy occurs in said office after a recall election has  
411   been ordered, the election shall proceed as provided hereunder.

412           No recall petition shall be filed against an official within ninety (90) days after such  
413   official takes office nor, in the case of an official subject to recall election and not recalled  
414   thereby, until at least ninety (90) days after such recall election.

415           Section 6: Apportionment

416           7-6-1 The Select Board, in consultation with the Town Clerk, shall divide the Town into  
417   voting precincts, which shall be convenient, compact, contiguous, and substantially equal in  
418   population.

419           CHAPTER 8 – FINANCIAL PROVISIONS AND PROCEDURES

420           Section 1: Applicability of State Law

421           8-1-1 In all matters concerning finances and financial procedures of the Town, the  
422   provisions of general law shall apply, together with such other requirements as are provided by  
423   this Charter.

424           Section 2: Fiscal Year

425           8-2-1 The fiscal year of the Town shall be as determined by General Law.

426           8-2-2 All Town Department budgets for the new fiscal year shall be submitted to the  
427   Town Accountant as prescribed by general law, who shall transmit to the Town Manager  
428   according to the Town Manager's policies and procedures.

429                   Section 3: Submission of Budget and Budget Message

430                   8-3-1 At least sixty (60) days prior to the start of the Annual Town Meeting, the Town  
431                   Manager shall submit at a joint meeting of the Select Board and the Finance Committee a  
432                   proposed budget for the ensuing year and an accompanying message, unless otherwise provided  
433                   for by general law.

434                   8-3-2 The Town Manager's message shall explain the budget. It shall: (a) outline the  
435                   proposed financial policies of the Town for the ensuing fiscal year; (b) describe the important  
436                   features of the budget; (c) indicate any major changes from the current year in financial policies,  
437                   expenditures, and revenues, together with the reasons for such changes; (d) summarize the  
438                   Town's debt position; and (e) include such other material as the Town Manager deems  
439                   appropriate.

440                   8-3-3 The budget shall provide a complete financial plan for all Town funds and  
441                   activities and shall be in such form as the Finance Committee may require, but it shall indicate  
442                   proposed expenditures for both current operations and capital projects during the ensuing year,  
443                   detailed by Divisions, Departments, Offices, Boards, Commissions, Committees, and purposes.

444                   Section 4: Action on Proposed Budget

445                   8-4-1 The Finance Committee shall conduct one or more public meetings on the proposed  
446                   budget and shall issue its recommendations in print and make the documents containing the  
447                   recommendations available to

448                   voters at least fourteen (14) days prior to the Annual Town Meeting. In preparing its  
449   recommendations, the Committee may require any Town Division, Department, Board, or Office  
450   to furnish it with appropriate financial reports and budgetary information.

451                   8-4-2 The Town Manager shall be responsible for presenting the budget to the Town  
452   Meeting.

453                   Section 5: Budget Adoption

454                   8-5-1 The Town Meeting shall adopt a budget, with or without amendments, at the  
455   Annual Town Meeting.

456                   Section 6: Capital Improvement Program

457                   8-6-1 A Committee to be known as the Capital Program Committee shall be composed  
458   of two (2) members from and appointed by the Finance Committee and three (3) additional  
459   members appointed by the Town Manager. Committee members shall be appointed for (3) year  
460   terms. No Town employee or Town Officer shall be appointed. The Town Accountant and Town  
461   Manager shall be ex-officio members without the right to vote. Any vacancy shall be filled for  
462   the unexpired term in the manner of the original appointment.

463                   8-6-2 The Capital Program Committee shall study proposed capital outlays involving the  
464   acquisition of land or an expenditure of twenty-five thousand dollars (\$25,000) or more having a  
465   useful life of at least three (3) years. All Officers, Boards and Committees, including the Select  
466   Board and School Committee, shall by December 1 of each year give to the Capital Program  
467   Committee, on forms prepared by it, information concerning all projects anticipated by them as  
468   needing Town Meeting approval during the ensuing five (5) years. The Committee shall study

469 the need, timing and cost projection of these projects and the effect each will have on the  
470 financial position of the Town.

471 8-6-3 The Capital Program Committee shall prepare an annual report containing a  
472 budget for such outlays for the first year for presentation to the Finance Committee and to the  
473 Select Board at a joint budget meeting. The Committee shall submit a report to Town Meeting. It  
474 may make such investigations and hold such hearings as it may deem necessary.

475 Section 7: Notice of Public Hearing on Capital Program

476 8-7-1 The Capital Program Committee shall post on the town website and in other media  
477 as appropriate, the general summary of the capital program and a notice stating: (a) the times and  
478 places where copies of the capital improvements program are available for inspection; and (b)  
479 the date, time, and place, not less than seven (7) days following such publication, when the  
480 committees shall conduct a public hearing on said program.

481 8-7-2 The Select Board shall present the capital improvements program to the Annual  
482 Town Meeting for its adoption, with or without amendments.

483 Section 8: Public Records

484 8-8-1 The budget and capital improvements program shall be public records, and copies  
485 shall be kept available for inspection at the Office of the Town Clerk and at the Town Library.

486 Section 9: Collection and Disbursements

487 8-9-1 Except as otherwise provided by general laws, all monies and fees received by the  
488 Town or by any Division, Department or Office thereof, shall upon their receipt by such  
489 Division, Department or Office, be paid forthwith into the Town Treasury.

490           8-9-2 Warrants for the payment of Town funds, prepared and signed by the Town  
491   Accountant in accordance with general law procedures, shall be submitted to the Town Manager  
492   to be analyzed and forwarded to the Select Board for their approval and signature.

493           Section 10: Lapse of Appropriations

494           8-10-1 Every appropriation, except an appropriation for a capital expenditure, shall lapse  
495   at the close of the fiscal year to the extent that it has not been expended or encumbered. An  
496   appropriation for capital expenditure shall continue in force until the purpose for which it was  
497   made has been accomplished or abandoned. The purpose of any such appropriation shall be  
498   deemed abandoned if five (5) years pass without any disbursement from or encumbrance of the  
499   appropriation.

500           8-10-2 In the final month of any fiscal year, no Division, Department, Commission,  
501   Office, or Agency may expend, except for amounts previously encumbered, more than one-  
502   twelfth (1/12) of its annual appropriation, absent an emergency declaration by the Town  
503   Manager.

504           Section 11: Finance Committee

505           8-11-1 A Finance Committee of seven (7) members shall be appointed by the Moderator  
506   for three- year overlapping terms. Appointments shall be made annually within ten (10) days  
507   after the adjournment of the Annual Town Meeting. The Moderator shall have the authority to  
508   discipline and remove members and fill vacancies on the Finance Committee.

509

510           CHAPTER 9 – PLANNING AND THE ENVIRONMENT

511                   Section 1: Powers and Duties of the Office of Planning

512                   9-1-1 The Planning Board of five (5) members shall be appointed by the Town Manager.

513                   Board members shall serve for three-year overlapping terms, so arranged that the terms of as  
514                   nearly an equal number as possible shall expire each year. The Town Manager may appoint an  
515                   associate member as provided for under Chapter 40A Section 9 of the Massachusetts General  
516                   Laws.

517                   9-1-2 The Board shall meet with the Town Manager and Select Board and make  
518                   recommendations on all matters concerning the physical, economic, and environmental  
519                   development of the Town, sixty (60) days prior to a Town Meeting.

520                   Section 2: Long-Range Comprehensive Plan

521                   9-2-1 The Board shall be responsible for the development and periodic updating of a  
522                   master or comprehensive plan, which shall be utilized as the basis for review and evaluation of  
523                   all major developments in the Town.

524                   Section 3: Planning Staff

525                   9-3-1 The Town Manager may appoint a planning director and support staff, provided  
526                   that funds have been appropriated for that purpose.

527                   9-3-2 Any director so appointed shall be professionally qualified for the duties of their  
528                   Office by virtue of education, training, and experience.

529                   9-3-3 The Planning Director shall be appointed and supervised by the Town Manager,  
530                   and shall receive general policy guidance from the Planning Board and the Office of Community  
531                   Development.

532                   Section 4: Conservation Commission

533                   9-4-1 A Conservation Commission of three (3) members shall be appointed by the Town

534                   Manager for three-year overlapping terms.

535                   9-4-2 The Commission shall exercise such powers and duties as prescribed by general

536                   laws, and this Charter.

537                   Section 5: Zoning Board of Appeals

538                   9-5-1 A Zoning Board of Appeals, as provided in Chapter 3, shall exercise such powers

539                   and duties as prescribed by general laws, bylaw and this Charter.

540                   Section 6: Coordination of Activities

541                   9-6-1 It shall be the general responsibility of the Town Manager to coordinate the

542                   activities of the Planning Board, Conservation Commission, and other Boards, Commissions,

543                   and Committees, except the Zoning Board of Appeals, concerned with the physical, economic,

544                   and environmental development of the Town. All Committees shall make annual reports to the

545                   Town Manager and the Select Board.

546                   CHAPTER 10 – GENERAL PROVISIONS

547                   Section 1: Definitions

548                   10-1-1 Unless another meaning is clearly apparent from the manner in which the word is

549                   used, the following words as used in the Charter shall have the following meanings: (a) Charter

550                   -The word ‘charter’ shall mean this charter and any amendments to it which may hereafter be

551                   adopted; (b) Days - in computing any period of time prescribed or allowed by these rules, by

552 order of court, or by any applicable statute or rule, the day of the act, event, or default after  
553 which the designated period of time begins to run shall not be included. The last day of the  
554 period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in  
555 which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a  
556 legal holiday. When the period of time prescribed or allowed is less than seven (7) days,  
557 intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.; (c)  
558 Emergency - The word 'emergency' shall mean a sudden, unexpected, unforeseen happening,  
559 occurrence or condition which necessitates immediate action; (d) General Laws - The words  
560 'General Laws' (used with initial capital letters) shall refer to the General Laws of  
561 Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and  
562 including all amendments thereto subsequently enacted; (e) general laws - The words 'general  
563 laws' (all lower case letters) shall mean laws which apply alike to all cities and towns, or to all  
564 towns, or to a class of municipalities of which Orange is a member; (f) Local Newspaper - the  
565 words 'local newspaper' shall mean a newspaper of general circulation in the Town of Orange;  
566 (g) Majority Vote - The words 'majority vote' shall mean a majority of those present and voting,  
567 provided a quorum is present when the vote is taken, unless a higher number is required by law;  
568 (h) Multiple Member Body - these words shall mean any Town body consisting of two or more  
569 persons, whether elected, appointed, or otherwise constituted, but not to include the Town  
570 Meeting: (i) The word 'Town' shall mean Orange; (j) The words 'Town Agency' shall mean any  
571 Board, Commission, Committee or other multiple member body, Department, Division, or Office  
572 of the Town of Orange; (k) The words 'Town Bulletin Board' shall mean the bulletin board in  
573 the Town Hall on which official notices are posted, and those at such other locations within the  
574 Town which may, from time to time, be established by the Select Board; (l) the words 'Town

575 Officer,' when used without further qualification or description, shall mean a person having  
576 charge of an Office or Department of the Town who in the exercise of powers or duties exercises  
577 some portion of the sovereign power of the Town; (m) the word 'voters' shall mean persons who  
578 are registered to vote in the Town of Orange.

579                   Section 2: Amendment

580                   10-2-1 This Charter may be replaced, revised, or amended in accordance with the  
581 provisions of the constitution and General Laws.

582                   Section 3: Specific Provisions to Prevail

583                   10-3-1 To the extent that any specific provisions of this Charter shall conflict with any  
584 provisions expressed in general terms, the specific provision shall prevail.

585                   Section 4: Severability

586                   10-4-1 If any provision of this Charter is held invalid, the remaining provisions shall not  
587 be affected thereby. If the application of the Charter or any of its provisions to any person or  
588 circumstance is held invalid, the application of this Charter and its provisions to other persons  
589 and circumstances shall not be affected thereby.

590                   Section 5: Town Boards, Commissions, and Committees

591                   10-5-1 All Boards, Commissions, and Committees of the Town shall: (a) organize  
592 annually and elect a Chair and other necessary Officers; (b) adopt rules of procedure and voting;  
593 (c) maintain minutes, copies of which shall be a public record filed regularly with the Town  
594 Clerk; and (d) give reports at any session of any Town Meeting upon the request of the Select  
595 Board or the Town Manager.

596           10-5-2 The votes of each Town Board, Commission, and Committee shall be recorded  
597   and made a part of its official proceedings.

598           Section 6: Rescinding Power

599           10-6-1 Any appointive authority under this Charter shall have the power to rescind any  
600   appointment made thereby, provided that the appointee shall first have been served with a  
601   written notice specifying the appointive authority's intention.

602           Section 7: Vacancies in Appointed Boards

603           10-7-1 Vacancies arising in appointed Town Boards, Commissions, and Committees shall  
604   be filled by the respective appointive authority for the unexpired portion of the term.

605           10-7-2 Whenever a vacancy shall occur in the membership of an appointed multiple-  
606   member body, the remaining members shall forthwith give written notice of such vacancy to the  
607   appointing authority. If, at the expiration of thirty (30) days following delivery of such written  
608   notice to the appointing authority, said appointing authority has not appointed some person to fill  
609   the vacancy, the remaining members of the multiple-member body may recommend a  
610   replacement to fill such vacancy to the appointing authority for the remainder of the unexpired  
611   term.

612           10-7-3 If any person appointed to serve as a member of a multiple-member body shall  
613   fail to attend four (4) consecutive meetings, or more than one-quarter of all meetings held during  
614   one (1) calendar year, the appointing authority may declare the office of such person vacant;  
615   provided, however, that prior to the vote on such question written notice of an intention to do so

616 shall be given by the appointing authority in hand, or mailed to the last known address of such  
617 person by regular first class mail and by certified mail.

618                   Section 8: Investigations

619                   10-8-1 The power to conduct investigations shall be vested in the Select Board or the  
620 Town Manager at their discretion. The Select Board may also initiate investigations and may  
621 empower the Town Manager to act on its behalf.

622                   10-8-2 The investigating authority may investigate the conduct of any Town Division,  
623 Department, Board, Commission, Committee, Individual, Office or Function, including any  
624 doubtful claims against the Town. For this purpose, the investigating authority may subpoena  
625 witnesses, administer oaths, take testimony, and require the production of evidence.

626                   Section 9: Filing of Notice

627                   10-9-1 All appointing authorities of the Town shall file with the Town Clerk a copy of  
628 each notice of appointment to a Town Office, or any rescinding of appointment thereto, and the  
629 same shall be a public record.

630                   CHAPTER 11 – TRANSITIONAL PROVISIONS

631                   Section 1 : Effective Date

632                   11-1-1 Upon adoption by the registered voters at town meeting, passage by the  
633 Legislature and signature by the Governor, if required, this Charter shall become effective on  
634 July 1 next.

635                   Section 2: Continuation of Government

636           11-2-1 Appointed or elected Town officials holding Office on the effective date of this  
637   Charter shall continue to serve until reelected, reappointed, their successors have been  
638   qualified, or their duties have been transferred or abolished. No regular full-time or part-time  
639   employee of the Town shall forfeit his pay grade or longevity as a result of the adoption of this  
640   Charter.

641           11-2-2 No Officer holding, on the effective date of this Charter, tenure of Office by act of  
642   the legislature, or vote of the Town Meeting, or both, shall have the same set aside as the result  
643   of the adoption of this Charter

644           Section 3: Continuation of Bylaws

645           11-3-1 All special acts, bylaws, resolutions, rules, regulations, and votes of the Town  
646   Meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall  
647   continue in force until amended or repealed, including, if any, bylaws which have been passed  
648   and have been approved by the Attorney General but have not been published.

649           11-3-2 The Town's acceptances of Massachusetts General Laws Chapter 41, Section 97A  
650   and Chapter 48, Section 42 are retained to the extent said provisions are not in conflict with the  
651   provisions of this Charter or subsequent amendments thereto.

652           11-3-3 Within thirty (30) days of the vote adopting this Charter, the Select Board shall  
653   appoint a bylaw revision Committee of five (5) members, to revise, codify and submit a revised  
654   set of bylaws. Such bylaws shall be voted on at the next Town Meeting held after the adoption of  
655   this Charter, unless an extension is requested by the Bylaw Revision Committee.

656           11-3-4 Beginning the year following the adoption of the proposed Charter, it shall be the  
657    responsibility of the Town Clerk to ensure that the bylaws of the Town shall be revised,  
658    codified, and republished at the discretion of the Town Clerk and that copies shall be made  
659    available to all registered voters requesting them.

660           Section 4: Transfer of Records and Property

661           11-4-1 All records, property, and equipment whatsoever of any Office, Department, or  
662    Agency or part thereof, the powers and duties of which are assigned in whole or in part to  
663    another Office or Agency, shall be transferred forthwith to the Office, Department, or Agency to  
664    which such power and duties are assigned.

665           Section 5: Continuance of Contracts and Other Obligations

666           11-5-1 All leases, contracts, franchises, and obligations entered into by the Town or for  
667    its benefit prior to the effective date of this Charter shall continue in full force and effect.

668           Section 6: Pending Actions and Proceedings

669           11-6-1 No action or proceedings, civil or criminal, in law or in equity, pending at the time  
670    this Charter takes effect, brought by or against the Town or any Office, Department, or other  
671    Agency thereof, shall be affected or abated by the adoption of this Charter.

672           Section 7: Continuation of Elective Offices

673           11-7-1 Beginning upon the adoption of the proposed Charter, those elective Offices  
674    which continue in accordance with this Charter, the terms of which would expire in March, shall  
675    continue to serve until the next election, or until their successors have been qualified.