

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>

HOUSE No.

[Pin Slip]

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

153 Section 3: Powers of Appointment

154 3-3-1 The Board shall have the power to appoint: (a) a Town Manager as provided in
155 Chapter 5 of this Charter; (b) three (3) members of a Board of Registrars of voters for three-year
156 overlapping terms; (c) five (5) members of a Zoning Board of Appeals for overlapping terms of

157 such length and so arranged that the term of at least one member shall expire each year, and three
158 (3) associate members in a like manner; (d) Election Officers.

159

160 CHAPTER 4 – ELECTED OFFICERS AND TOWN BOARDS

161 Section 1: General Provisions

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

167 4-1-2 Boards and Commissions established or continued under this chapter shall perform
168 their functions and duties in accordance with the constitution, general laws, and this Charter.

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

173 Section 2: Vacancies

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

178 Section 3: School Committees

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

182 4-3-2 The elected members of the Orange Elementary School Committee shall be elected
183 for three- year overlapping terms.

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

188 Section 4: Library Trustees

189 4-4-1 A Board of Library Trustees of six (6) members shall be elected for three-year
190 overlapping terms.

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

194 Section 5: Housing Authority

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

198 Section 6: Town Clerk

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

205 CHAPTER 5 – THE TOWN MANAGER

206 Section 1: Appointment

207 5-1-1 The Select Board, by an affirmative vote of at least four (4) members, shall
208 appoint a Town Manager for an indefinite term to serve at its pleasure.

209 Section 2: Qualifications

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

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

219 Section 3: Powers and Duties

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

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

227 5-3-3 The Town Manager shall attend all meetings of the Select Board, except when
228 excused, and shall have the right to speak but not to vote.

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

233 5-3-5 The Town Manager shall be responsible for negotiating contracts with employee
234 bargaining units, with final review and approval by the Select Board.

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

239 Works, the above Departments shall become the Division of Public Works and oversight shall be
240 the responsibility of the Town Manager.

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

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

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

259 5-3-10 The Town Manager shall perform such other duties as may be required by this
260 Charter, bylaws, policy and procedures, vote of the Town Meeting, or vote of the Select Board.

261 Section 4: Removal

262 5-4-1 During the first six months after the initial appointment, the Select Board may
263 remove or discipline the Town Manager by an affirmative vote of at least four members.

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

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

272 Section 5: Resignation

273 5-5-1 The Town Manager shall provide the Select Board with sixty (60) days written
274 notice of their intention to resign.

275 Section 6: Acting Town Manager

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

281 children of a Select Board member and a parent, brother, sister, nephew or niece of a Select
282 Board member and their spouse, shall be ineligible to serve in this capacity.

283 CHAPTER 6 – TOWN ADMINISTRATIVE ORGANIZATION

284 Section 1: General

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

291

292 6-1-2 Responsibility for the functions administered within the three Divisions and the
293 Departments shall be vested with the Town Manager, except as provided in section 3-2-1.

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

300 Section 2: Division of Finance and Administration

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

304 Section 3: Division of Public Safety

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

309 Section 4: Division of Public Services

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

313 Section 5: Division of Public Works

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

319 6-5-2 The Moderator shall appoint three (3) members of the Sewer and Wastewater
320 Commission. Each member shall be a resident of the Town, and the Commission shall include
321 one (1) member with extensive experience in the field of public works or engineering, and one

322 (1) member with extensive experience in the field of finance or accounting, and one (1) member
323 at large, with three-year staggered terms. The Commission shall prepare an annual report to be
324 delivered to the Town Manager.

325 Section 6: Personnel System

326 6-6-1 All appointments and promotions of Town Officers and employees shall be made
327 based on merit and fitness demonstrated by an examination and/or other evidence of competence.

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

344 CHAPTER 7 – ELECTIONS

345 Section 1: Town Election

346 7-1-1 The regular election for all Town Offices shall be held on the first Monday of

347 March.

348 Section 2: Elections to be Nonpartisan

349 7-2-1 All elections of Town Officers shall be nonpartisan, and election ballots for Town

350 Offices shall be printed without any party mark, emblem, or designation whatsoever.

351

352 Section 3: Eligibility of Town Voters

353 7-3-1 Any registered voter of the Town shall be eligible for election to any elective

354 Office or Board of the Town.

355 Section 4: Time of Taking Office.

356 7-4-1 Any person duly elected to any Office or Board shall take up the duties of their

357 Office immediately following certification, provided that they first shall have been sworn to the

358 faithful performance of their duties by the Town Clerk.

359 Section 5: Recall of Elected Offices

360 7-5-1 Any holder of an elective Office in the Town may be recalled by the registered

361 voters of said Town as herein provided.

362 7-5-2 Any one hundred and fifty (150) registered voters of the Town may initiate a
363 recall petition by filing with the Town Clerk an affidavit containing the name of the official
364 sought to be recalled and a statement of the grounds for such a recall. Said Town Clerk shall
365 thereupon deliver to such voters making the affidavit copies of petition blanks demanding such
366 recall, copies of which printed forms said Town Clerk shall keep available. Such blanks shall be
367 issued by said Town Clerk, with said Town Clerk's signature and official seal attached thereto.
368 Such petition shall be dated, shall be addressed to the Select Board and shall contain the names
369 of all persons to whom they are issued, the name of the person whose recall is sought, and the
370 grounds for such recall as stated in the affidavit, and they shall demand the election of a
371 successor in said Office. A copy of such petition shall be entered in a record book to be kept in
372 the Office of said Town Clerk. Said recall petition shall be returned and filed with said Town
373 Clerk within thirty (30) days after the filing of the affidavit, the designated petition shall have
374 been signed only by registered voters of the town and shall have been signed by at least ten (10)
375 percent of the number of the registered voters who shall add their signatures and the street
376 number of their residences.

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

381 7-5-3 If the recall petition shall be found and certified by the Town Clerk, said Town
382 Clerk shall submit the same with the Town Clerk's certificate to the Select Board within five (5)
383 working days and said Select Board shall, within five (5) working days, give written notice of
384 the receipt of the certificate to the official sought to be recalled and shall, if the official does not

385 resign within seven (7) days thereafter, order an election to be held on a date fixed by them not
386 less than sixty (60) days and not more than one hundred and twenty (120) days after the date of
387 the Town Clerk's certification that a sufficient petition has been filed; provided, however, that if
388 any other Town election is to occur within sixty (60) to ninety (90) days after the date of the
389 certificate, said Select Board shall postpone the recall election to the date of such other election.

390 7-5-4 An official sought to be removed may be a candidate to succeed themselves and,
391 unless they request otherwise in writing, the Town Clerk shall place their name on a ballot
392 without nomination.

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

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

402 7-5-6 Ballots used in a recall election shall submit the following propositions in the
403 order indicated: For the recall of (name of official), Against the recall of (name of official).

404 Immediately at the right of each proposition there shall be an oval in which the voters, by
405 filling in the oval, may vote for either of the said propositions. Under the propositions shall
406 appear the word "Candidates," the directions to the voters required by Section 42 of Chapter 54

407 of the Massachusetts General Laws and, beneath this, the names of candidates nominated in
408 accordance with provisions of law relating to elections.

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

412 7-5-7 No person shall be subject to recall if his/her term of office expires within six (6)
413 months of the filing of the certificate. If a vacancy occurs in said office after a recall election has
414 been ordered, the election shall proceed as provided hereunder.

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

418 Section 6: Apportionment

419 7-6-1 The Select Board, in consultation with the Town Clerk, shall divide the Town into
420 voting precincts, which shall be convenient, compact, contiguous, and substantially equal in
421 population.

422 CHAPTER 8 – FINANCIAL PROVISIONS AND PROCEDURES

423 Section 1: Applicability of State Law

424 8-1-1 In all matters concerning finances and financial procedures of the Town, the
425 provisions of general law shall apply, together with such other requirements as are provided by
426 this Charter.

427 Section 2: Fiscal Year

428 8-2-1 The fiscal year of the Town shall be as determined by General Law.

429 8-2-2 All Town Department budgets for the new fiscal year shall be submitted to the
430 Town Accountant as prescribed by general law, who shall transmit to the Town Manager
431 according to the Town Manager's policies and procedures.

432 Section 3: Submission of Budget and Budget Message

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

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

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

447 Section 4: Action on Proposed Budget

448 8-4-1 The Finance Committee shall conduct one or more public meetings on the proposed
449 budget and shall issue its recommendations in print and make the documents containing the
450 recommendations available to

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

454 8-4-2 The Town Manager shall be responsible for presenting the budget to the Town
455 Meeting.

456

457 Section 5: Budget Adoption

458 8-5-1 The Town Meeting shall adopt a budget, with or without amendments, at the
459 Annual Town Meeting.

460 Section 6: Capital Improvement Program

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

467 8-6-2 The Capital Program Committee shall study proposed capital outlays involving the
468 acquisition of land or an expenditure of twenty-five thousand dollars (\$25,000) or more having a

469 useful life of at least three (3) years. All Officers, Boards and Committees, including the Select
470 Board and School Committee, shall by December 1 of each year give to the Capital Program
471 Committee, on forms prepared by it, information concerning all projects anticipated by them as
472 needing Town Meeting approval during the ensuing five (5) years. The Committee shall study
473 the need, timing and cost projection of these projects and the effect each will have on the
474 financial position of the Town.

475 8-6-3 The Capital Program Committee shall prepare an annual report containing a
476 budget for such outlays for the first year for presentation to the Finance Committee and to the
477 Select Board at a joint budget meeting. The Committee shall submit a report to Town Meeting. It
478 may make such investigations and hold such hearings as it may deem necessary.

479 Section 7: Notice of Public Hearing on Capital Program

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

485 8-7-2 The Select Board shall present the capital improvements program to the Annual
486 Town Meeting for its adoption, with or without amendments.

487

488 Section 8: Public Records

489 8-8-1 The budget and capital improvements program shall be public records, and copies
490 shall be kept available for inspection at the Office of the Town Clerk and at the Town Library.

491

492 Section 9: Collection and Disbursements

493 8-9-1 Except as otherwise provided by general laws, all monies and fees received by the
494 Town or by any Division, Department or Office thereof, shall upon their receipt by such
495 Division, Department or Office, be paid forthwith into the Town Treasury.

496 8-9-2 Warrants for the payment of Town funds, prepared and signed by the Town
497 Accountant in accordance with general law procedures, shall be submitted to the Town Manager
498 to be analyzed and forwarded to the Select Board for their approval and signature.

499 Section 10: Lapse of Appropriations

500 8-10-1 Every appropriation, except an appropriation for a capital expenditure, shall lapse
501 at the close of the fiscal year to the extent that it has not been expended or encumbered. An
502 appropriation for capital expenditure shall continue in force until the purpose for which it was
503 made has been accomplished or abandoned. The purpose of any such appropriation shall be
504 deemed abandoned if five (5) years pass without any disbursement from or encumbrance of the
505 appropriation.

506 8-10-2 In the final month of any fiscal year, no Division, Department, Commission,
507 Office, or Agency may expend, except for amounts previously encumbered, more than one-
508 twelfth (1/12) of its annual appropriation, absent an emergency declaration by the Town
509 Manager.

510 Section 11: Finance Committee

511 8-11-1 A Finance Committee of seven (7) members shall be appointed by the Moderator
512 for three- year overlapping terms. Appointments shall be made annually within ten (10) days
513 after the adjournment of the Annual Town Meeting. The Moderator shall have the authority to
514 discipline and remove members and fill vacancies on the Finance Committee.

515

516 CHAPTER 9 – PLANNING AND THE ENVIRONMENT

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

518 9-1-1 The Planning Board of five (5) members shall be appointed by the Town Manager.
519 Board members shall serve for three-year overlapping terms, so arranged that the terms of as
520 nearly an equal number as possible shall expire each year. The Town Manager may appoint an
521 associate member as provided for under Chapter 40A Section 9 of the Massachusetts General
522 Laws.

523 9-1-2 The Board shall meet with the Town Manager and Select Board and make
524 recommendations on all matters concerning the physical, economic, and environmental
525 development of the Town, sixty (60) days prior to a Town Meeting.

526 Section 2: Long-Range Comprehensive Plan

527 9-2-1 The Board shall be responsible for the development and periodic updating of a
528 master or comprehensive plan, which shall be utilized as the basis for review and evaluation of
529 all major developments in the Town.

530 Section 3: Planning Staff

531 9-3-1 The Town Manager may appoint a planning director and support staff, provided
532 that funds have been appropriated for that purpose.

533 9-3-2 Any director so appointed shall be professionally qualified for the duties of their
534 Office by virtue of education, training, and experience.

535 9-3-3 The Planning Director shall be appointed and supervised by the Town Manager,
536 and shall receive general policy guidance from the Planning Board and the Office of Community
537 Development.

538 Section 4: Conservation Commission

539 9-4-1 A Conservation Commission of three (3) members shall be appointed by the Town
540 Manager for three-year overlapping terms.

541 9-4-2 The Commission shall exercise such powers and duties as prescribed by general
542 laws, and this Charter.

543 Section 5: Zoning Board of Appeals

544 9-5-1 A Zoning Board of Appeals, as provided in Chapter 3, shall exercise such powers
545 and duties as prescribed by general laws, bylaw and this Charter

546

547 Section 6: Coordination of Activities

548 9-6-1 It shall be the general responsibility of the Town Manager to coordinate the
549 activities of the Planning Board, Conservation Commission, and other Boards, Commissions,
550 and Committees, except the Zoning Board of Appeals, concerned with the physical, economic,
551 and environmental development of the Town. All Committees shall make annual reports to the
552 Town Manager and the Select Board.

553 CHAPTER 10 – GENERAL PROVISIONS

554 Section 1: Definitions

555 10-1-1 Unless another meaning is clearly apparent from the manner in which the word is
556 used, the following words as used in the Charter shall have the following meanings: (a) Charter
557 -The word ‘charter’ shall mean this charter and any amendments to it which may hereafter be
558 adopted; (b) Days - in computing any period of time prescribed or allowed by these rules, by
559 order of court, or by any applicable statute or rule, the day of the act, event, or default after
560 which the designated period of time begins to run shall not be included. The last day of the
561 period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in
562 which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a
563 legal holiday. When the period of time prescribed or allowed is less than seven (7) days,
564 intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.; (c)
565 Emergency - The word ‘emergency’ shall mean a sudden, unexpected, unforeseen happening,
566 occurrence or condition which necessitates immediate action; (d) General Laws - The words
567 ‘General Laws’ (used with initial capital letters) shall refer to the General Laws of
568 Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and
569 including all amendments thereto subsequently enacted; (e) general laws - The words ‘general

570 laws' (all lower case letters) shall mean laws which apply alike to all cities and towns, or to all
571 towns, or to a class of municipalities of which Orange is a member; (f) Local Newspaper - the
572 words 'local newspaper' shall mean a newspaper of general circulation in the Town of Orange;
573 (g) Majority Vote - The words 'majority vote' shall mean a majority of those present and voting,
574 provided a quorum is present when the vote is taken, unless a higher number is required by law;
575 (h) Multiple Member Body - these words shall mean any Town body consisting of two or more
576 persons, whether elected, appointed, or otherwise constituted, but not to include the Town
577 Meeting: (i) The word 'Town' shall mean Orange; (j) The words 'Town Agency' shall mean any
578 Board, Commission, Committee or other multiple member body, Department, Division, or Office
579 of the Town of Orange; (k) The words 'Town Bulletin Board' shall mean the bulletin board in
580 the Town Hall on which official notices are posted, and those at such other locations within the
581 Town which may, from time to time, be established by the Select Board; (l) the words 'Town
582 Officer,' when used without further qualification or description, shall mean a person having
583 charge of an Office or Department of the Town who in the exercise of powers or duties exercises
584 some portion of the sovereign power of the Town; (m) the word 'voters' shall mean persons who
585 are registered to vote in the Town of Orange.

586

587 Section 2: Amendment

588 10-2-1 This Charter may be replaced, revised, or amended in accordance with the
589 provisions of the constitution and General Laws.

590 Section 3: Specific Provisions to Prevail

591 10-3-1 To the extent that any specific provisions of this Charter shall conflict with any
592 provisions expressed in general terms, the specific provision shall prevail.

593 Section 4: Severability

594 10-4-1 If any provision of this Charter is held invalid, the remaining provisions shall not
595 be affected thereby. If the application of the Charter or any of its provisions to any person or
596 circumstance is held invalid, the application of this Charter and its provisions to other persons
597 and circumstances shall not be affected thereby.

598 Section 5: Town Boards, Commissions, and Committees

599 10-5-1 All Boards, Commissions, and Committees of the Town shall: (a) organize
600 annually and elect a Chair and other necessary Officers; (b) adopt rules of procedure and voting;
601 (c) maintain minutes, copies of which shall be a public record filed regularly with the Town
602 Clerk; and (d) give reports at any session of any Town Meeting upon the request of the Select
603 Board or the Town Manager.

604 10-5-2 The votes of each Town Board, Commission, and Committee shall be recorded
605 and made a part of its official proceedings.

606 Section 6: Rescinding Power

607 10-6-1 Any appointive authority under this Charter shall have the power to rescind any
608 appointment made thereby, provided that the appointee shall first have been served with a
609 written notice specifying the appointive authority's intention.

610 Section 7: Vacancies in Appointed Boards

611 10-7-1 Vacancies arising in appointed Town Boards, Commissions, and Committees shall
612 be filled by the respective appointive authority for the unexpired portion of the term.

613 10-7-2 Whenever a vacancy shall occur in the membership of an appointed multiple-
614 member body, the remaining members shall forthwith give written notice of such vacancy to the
615 appointing authority. If, at the expiration of thirty (30) days following delivery of such written
616 notice to the appointing authority, said appointing authority has not appointed some person to fill
617 the vacancy, the remaining members of the multiple-member body may recommend a
618 replacement to fill such vacancy to the appointing authority for the remainder of the unexpired
619 term.

620 10-7-3 If any person appointed to serve as a member of a multiple-member body shall
621 fail to attend four (4) consecutive meetings, or more than one-quarter of all meetings held during
622 one (1) calendar year, the appointing authority may declare the office of such person vacant;
623 provided, however, that prior to the vote on such question written notice of an intention to do so
624 shall be given by the appointing authority in hand, or mailed to the last known address of such
625 person by regular first class mail and by certified mail.

626 Section 8: Investigations

627 10-8-1 The power to conduct investigations shall be vested in the Select Board or the
628 Town Manager at their discretion. The Select Board may also initiate investigations and may
629 empower the Town Manager to act on its behalf.

630 10-8-2 The investigating authority may investigate the conduct of any Town Division,
631 Department, Board, Commission, Committee, Individual, Office or Function, including any

632 doubtful claims against the Town. For this purpose, the investigating authority may subpoena
633 witnesses, administer oaths, take testimony, and require the production of evidence.

634 Section 9: Filing of Notice

635 10-9-1 All appointing authorities of the Town shall file with the Town Clerk a copy of
636 each notice of appointment to a Town Office, or any rescinding of appointment thereto, and the
637 same shall be a public record.

638

639 CHAPTER 11 – TRANSITIONAL PROVISIONS

640 Section 1 : Effective Date

641 11-1-1 Upon adoption by the registered voters at town meeting, passage by the
642 Legislature and signature by the Governor, if required, this Charter shall become effective on
643 July 1 next.

644 Section 2: Continuation of Government

645 11-2-1 Appointed or elected Town officials holding Office on the effective date of this
646 Charter shall continue to serve until reelected, reappointed, their successors have been
647 qualified, or their duties have been transferred or abolished. No regular full-time or part-time
648 employee of the Town shall forfeit his pay grade or longevity as a result of the adoption of this
649 Charter.

650 11-2-2 No Officer holding, on the effective date of this Charter, tenure of Office by act of
651 the legislature, or vote of the Town Meeting, or both, shall have the same set aside as the result
652 of the adoption of this Charter

653 Section 3: Continuation of Bylaws

654 11-3-1 All special acts, bylaws, resolutions, rules, regulations, and votes of the Town
655 Meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall
656 continue in force until amended or repealed, including, if any, bylaws which have been passed
657 and have been approved by the Attorney General but have not been published.

658

659 11-3-2 The Town's acceptances of Massachusetts General Laws Chapter 41, Section 97A
660 and Chapter 48, Section 42 are retained to the extent said provisions are not in conflict with the
661 provisions of this Charter or subsequent amendments thereto.

662 11-3-3 Within thirty (30) days of the vote adopting this Charter, the Select Board shall
663 appoint a bylaw revision Committee of five (5) members, to revise, codify and submit a revised
664 set of bylaws. Such bylaws shall be voted on at the next Town Meeting held after the adoption of
665 this Charter, unless an extension is requested by the Bylaw Revision Committee.

666 11-3-4 Beginning the year following the adoption of the proposed Charter, it shall be the
667 responsibility of the Town Clerk to ensure that the bylaws of the Town shall be revised,
668 codified, and republished at the discretion of the Town Clerk and that copies shall be made
669 available to all registered voters requesting them.

670 Section 4: Transfer of Records and Property

671 11-4-1 All records, property, and equipment whatsoever of any Office, Department, or
672 Agency or part thereof, the powers and duties of which are assigned in whole or in part to
673 another Office or Agency, shall be transferred forthwith to the Office, Department, or Agency to
674 which such power and duties are assigned.

675 Section 5: Continuance of Contracts and Other Obligations

676 11-5-1 All leases, contracts, franchises, and obligations entered into by the Town or for
677 its benefit prior to the effective date of this Charter shall continue in full force and effect.

678 Section 6: Pending Actions and Proceedings

679
680 11-6-1 No action or proceedings, civil or criminal, in law or in equity, pending at the time
681 this Charter takes effect, brought by or against the Town or any Office, Department, or other
682 Agency thereof, shall be affected or abated by the adoption of this Charter.

683

684 Section 7: Continuation of Elective Offices

685 11-7-1 Beginning upon the adoption of the proposed Charter, those elective Offices
686 which continue in accordance with this Charter, the terms of which would expire in March, shall
687 continue to serve until the next election, or until their successors have been qualified.