

SENATE No. 3135

Senate, June 18, 2026 - Text of the Senate amendment (Senator Comerford) to the House Bill establishing a charter for the town of Orange (House, No. 5053).

The Commonwealth of Massachusetts

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

1 SECTION 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 amendments to the constitution of the
6 commonwealth or the General Laws, do hereby adopt the following home rule charter for town.
7 It is the intention of this document that it reflects a gender nonspecific approach. Any references
8 to masculine gender are intended to reflect both masculine and feminine gender, and should not
9 be otherwise construed.

10 CHAPTER 1 – POWERS OF THE TOWN

11 Section 1: Incorporation

12 The town of Orange, Massachusetts, within its territorial limits as now or may hereafter
13 be established by law, is hereby reincorporated and continue to be a body politic and corporate,
14 known as the town of Orange.

15 Section 2: Short Title

16 This document shall be known and may be cited as the Town of Orange Charter. For
17 purpose of this document, it is referred to as “the charter”.

18 Section 2A: Scope of Town Powers

19 The town shall possess, exercise, and enjoy all powers possible under the constitution and
20 laws of the commonwealth as fully and completely as though each such power were specifically
21 and individually enumerated herein.

22 Section 3: Form of Government

23 This charter provides for an open town meeting-select board-town manager form of
24 government.

25 Section 4: Construction of Charter

26 The powers of the town under this charter shall be construed liberally in favor of the town
27 and the specific mention of particular powers in the charter shall not be construed as limiting in
28 any measure the general powers of the town as stated in this charter.

29 Section 5: Intergovernmental Relations

30 Consistent with any constitutional or statutory provisions, the town may exercise any of
31 its powers or perform any of its functions, and may participate in the financing thereof, jointly or
32 in cooperation, by contract or otherwise with any one or more municipalities, with any civil
33 division, subdivision, or agency of the commonwealth, with any other state, or with the United
34 States government.

35 CHAPTER 2 – TOWN MEETING

36 Section 1: Organization

37 2-1-1 The legislative powers of the town shall be exercised by town meeting, open to all
38 registered voters of the town.

39 2-1-2 The quorum for the conduct of business at town meeting shall be not less than 75
40 registered voters of the town.

41 2-1-3 Upon a successful challenge of the presence of a quorum, a smaller number of
42 registered voters than the established quorum shall vote to adjourn sine die any such meeting
43 forthwith or, at the discretion of the moderator, to a stated date, time, and place.

44 2-1-4 Town meeting shall be run in accordance with the latest edition of “Town Meeting
45 Time”, except as otherwise provided in the General Laws, by established practices, or in this
46 charter.

47 2-1-5 Rules of parliamentary procedure for town meeting shall be summarized in
48 simplified form in a document prepared by the moderator and the town clerk and shall be made
49 available for distribution to those requesting it, and also posted on the town website.

50 Section 2: Powers and Responsibilities

51 2-2-1 Town meeting may have the power to consider and act upon, with or without
52 amendments, all proposed operating and capital improvement budgets, bond issues, and other
53 financial proposals of the town.

54 2-2-2 Town meeting shall possess and exercise all powers generally conferred upon
55 town meeting under general laws.

56 Section 3: Procedures

57 2-3-1 Annual town meeting shall be held according to town bylaw on the second
58 Monday of May, to consider and adopt an annual operating and capital budget, and to act on
59 financial and other matters. The meeting shall be continued on such additional days as may be
60 necessary, until all articles in the warrant shall have been acted upon.

61 2-3-2 A special town meeting may be called by the select board. The select board shall
62 call a special town meeting upon the written request of 200 registered voters or of 20 percent of
63 the total number of registered voters of the town, whichever number is less. Any special town
64 meeting so requested shall be held not later than 45 days after the receipt of such written request.

65 2-3-3 All proposed operating expenditures shall be included in a single, omnibus-type
66 article in the town meeting warrant. In addition, all regular proposed capital improvement
67 expenditures shall be included in an omnibus-type article.

68 2-3-4 The select board shall prepare the warrant for all town meetings. For the annual
69 town meeting, the select board shall include in the warrant any article which has been requested
70 in writing by not less than 10 registered voters of the town. For any special town meeting, the
71 select board shall include in the warrant any article which has been requested in writing by 100
72 registered voters or by 10 percent of the total number of registered voters of the town, whichever
73 number is less.

74 2-3-5 The warrant for the annual town meeting shall be closed 60 days prior to the date
75 of the meeting and the date for the closing of the warrant for any other town meeting shall be at
76 the discretion of the select board but not less than 21 days prior to posting. The warrant for every
77 town meeting shall be posted on the town’s official website and posted in at least 4 public places
78 within the town not less than 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 town
80 meeting unless the articles have been first provided to the finance committee for review. The
81 chair of the finance committee, or their designated representative, shall be present at the town
82 meeting to present the finance committee’s recommendations.

83 2-3-7 Articles involving planning, zoning, subdivision control, land acquisition,
84 conservation, extension of sewer lines, and all other matters within the jurisdiction of the board,
85 committee or commission shall not be voted on by town meeting unless the appropriate board,
86 committee or commission with jurisdiction over the matter has reviewed the article and followed
87 all statutory procedures required for submittal to town meeting.

88 2-3-8 The order of consideration of articles as printed in the warrant may be changed by
89 a majority vote or a 2/3rds vote at the discretion of the Moderator at town meeting or solely at
90 the discretion of the moderator.

91 2-3-9 No proposed bylaw which has been unfavorably acted upon by town meeting shall
92 be considered again within the 2 year period following the date of such unfavorable action unless
93 the adoption of such proposed zoning bylaw was recommended in the final report of the planning
94 board to town meeting or the adoption of such proposed general bylaw was favorably reported
95 on at a previous town meeting by the select board.

96 2-3-10 At least 14 days prior to the date of any town meeting, a notice thereof shall be
97 made available by the select board. Said notice shall include the date, time, and location of the
98 town meeting and a description of ways to obtain copies of the warrant. A copy of the warrant
99 shall be emailed or otherwise delivered by the select board to the moderator, department heads,
100 town counsel, and to each member of the finance committee and the planning board. Any
101 registered voter may file a written request with the town clerk to have a copy of the warrant
102 mailed or delivered to their residence. Any such request must be renewed annually.

103 Section 4: Presiding Officer

104 2-4-1 A moderator shall be elected for a term of 3 years and shall preside at all sessions
105 of town meeting. In the absence of the moderator and deputy moderator, town meeting shall, as
106 its first act, elect an acting moderator to serve for a particular meeting. The town clerk shall
107 preside at town meeting until such a vote has taken place, in accordance with section 14 of
108 chapter 39 of the General Laws.

109 2-4-2 Within 30 days following the effective date of the moderator's election, or at the
110 expiration date of the term of the deputy moderator, the moderator shall appoint a deputy
111 moderator who shall serve for a term of one year and may preside at all or a portion of town
112 Meeting and otherwise act in the stead of the moderator to regulate the proceedings of town
113 Meeting.

114 2-4-3 The moderator shall have the power to declare a secret written ballot on any
115 motion under any article when the moderator deems such action to be in the best interests of the
116 town.

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

119 2-4-5 The moderator shall make the following appointments: (a) 7 members of the
120 finance committee; (b) a Deputy Moderator; (c) 3 members of the sewer and wastewater
121 commission; (d) the designated number of the town of Orange members of the Franklin County
122 technical school committee; and (e) any ad hoc committee created by town meeting, unless
123 another appointing authority shall be specified in the article establishing such committee.

124 Section 5: Compulsory Attendance

125 2-5-1 The town moderator may require and schedule designated chairs of boards,
126 commissions, committees and department heads to attend any specific or all sessions of annual
127 town meeting or any special town meeting for the purpose of providing town meeting with
128 information pertinent to warrant articles concerning their respective areas of responsibility. If
129 any such chairs of boards, commissions, committees and department head is unable to attend
130 because of illness or other reasonable cause, they shall designate a representative to attend in
131 their place.

132 CHAPTER 3 – SELECT BOARD

133 Section 1: The Select Board

134 3-1-1 The select board shall consist of 5 members elected at large for 3 year overlapping
135 terms. The general election for the office of select board shall be held in accordance with the
136 General Laws and chapter 7 of this charter.

137 3-1-2 Any vacancy in the office of select board shall be filled by special elections in
138 accordance with the General Laws.

139 Section 2: General Powers

140 3-2-1 All executive powers of the town, except as otherwise provided in this charter,
141 shall be vested in the select board, who shall have all the powers given to select boards by the
142 General Laws. The select board shall exercise control over town affairs by recommending major
143 courses of action to town meeting. The select board shall present a report to town meeting on all
144 general bylaws proposed in the warrant for that town meeting.

145 3-2-2 The select board shall have the power to enact rules and regulations relating to the
146 conduct of town elections and for the establishment of town policies that are not otherwise
147 governed by General Laws or this charter, provided, however, that whenever an appropriation
148 shall be necessary to implement such action, the vote of the select board shall be effective only if
149 such appropriation is made by town meeting.

150 3-2-3 The select board shall establish written policies and procedures within their
151 jurisdiction to be adopted initially within 6 months of the appointment of a town manager. These
152 policies and procedures shall cover the functions and duties of the select board, the town
153 manager, and other officers, boards, and commissions appointed by the select board or the town
154 manager, or moderator within their jurisdiction not otherwise specified in the charter. In the
155 event of conflict between these policies and procedures and the charter, the charter shall govern.

156 3-2-4 The policies and procedures shall be reviewed and updated by the select board
157 within 90 days of each annual town election.

158 Section 3: Powers of Appointment

159 3-3-1 The select board shall have the power to appoint: (a) a town manager as provided
160 in chapter 5 of this charter; (b) 3 members of the board of registrars of voters for 3 year
161 overlapping terms; (c) 5 members of the zoning board of appeals for overlapping terms of 3
162 years and arranged so that the term of at least 1 member shall expire each year, and 3 associate
163 members in a like manner; and (d) Election Officers the number as needed for a term of 1 year
164 each as provided in section 12 of chapter 54 of the General Laws.

165 CHAPTER 4 – ELECTED OFFICERS AND TOWN BOARDS

166 Section 1: General Provisions

167 4-1-1 The officers and boards to be elected by vote of the town shall be: town clerk,
168 moderator, board of library trustees, select board, board of health, water commission, cemetery
169 commission, housing authority, elementary school committee,; the town of Orange members of
170 the Mahar regional school committee, Soldiers’ memorial trustees; and constables for three-year
171 overlapping terms unless a different term is specified in this charter.

172 4-1-2 Boards and commissions established or continued under this chapter shall perform
173 their functions and duties in accordance with the constitution and the General Laws of the
174 commonwealth and this charter.

175 4-1-3 During the term for which a person is elected or appointed, and for the 1 year
176 period following the expiration of their term, no officer or member of any board or commission
177 of the town shall be eligible to accept any appointed, paid town position that is within the

178 jurisdiction of the respective board or commission for which such officer or member is serving
179 or served.

180 Section 2: Vacancies

181 4-2-1 Except as otherwise provided, vacancies in elected town boards established under
182 this chapter shall be filled by the select board, together with remaining members of the respective
183 Board, in accordance with section 11 of chapter 41 of the General Laws. Any person appointed
184 by the select board to fill a vacancy in an elected position shall serve in such position until the
185 next regular town election at which time the vacancy shall be filled by the registered voters and
186 the person chosen to fill the vacancy shall serve the remainder of the unexpired term.

187 Section 3: School Committees

188 4-3-1 Members of town of Orange to the Mahar regional school committee shall be
189 elected for 3 year overlapping terms, in accordance with the terms of the Mahar Regional School
190 District agreement.

191 4-3-2 Members of the Orange elementary school committee shall be elected for 3 year
192 overlapping terms.

193 4-3-3 The Mahar regional school committee and the town of Orange elementary school
194 committee are expected to submit to the town manager the budget as adopted by the respective
195 committees no later than February 1 of each year so that the town manager may consider the
196 effects of the requested assessments upon the total town budget.

197 Section 4: Library Trustees

198 4-4-1 The board of library trustees shall consist of 6 members elected for 3 year
199 overlapping terms.

200 4-4-2 The board of library trustees shall be responsible for the administration and
201 operation of the town library, which shall include supervision of all library employees, the
202 acquisition of books, journals, periodicals, and other materials relating to the library function,
203 and the promulgation of library rules and regulations.

204 Section 5: Housing Authority

205 4-5-1 The Housing Authority shall consist of 5 members, 1 of whom shall be appointed
206 under authority of the commonwealth, 1 of whom shall be a tenant member appointed by the
207 select board and 3 of whom shall be elected per section 5 of chapter 121B of the General Laws.
208 All members shall serve 5 year overlapping terms. The Housing Authority shall have all of the
209 powers and duties conferred upon it by this charter, town by-laws, a vote of town meeting and by
210 the General Laws, including, but not limited to, chapter 121B of the General Laws.

211 Section 6: Town Clerk

212 4-6-1 The town clerk shall be elected for a 3 year term and shall carry out such duties as
213 are, and may be, set forth in the General Laws, this charter or a vote of town meeting. In the
214 event that town meeting votes to make the position of town clerk appointed, the town clerk shall
215 be appointed by the town manager with approval of no less than three members of the select
216 board.

217 CHAPTER 5 – THE TOWN MANAGER

218 Section 1: Appointment

219 5-1-1 The select board, by an affirmative vote of at least 4 members, shall appoint a
220 town manager.

221 Section 2: Qualifications

222 5-2-1 The position of town manager shall be filled based on educational, executive and
223 administrative qualifications and experience. The educational qualifications shall consist of
224 either, at a minimum, a bachelor's degree, preferably in public administration, granted by an
225 accredited degree granting college or university, or professional experience that shall include at
226 least 3 years of prior full-time, compensated executive service in public or business
227 administration.

228 5-2-2 In selecting a town manager, the select board shall conduct a search for candidates,
229 including an advertisement in a current publication serving the municipal management
230 profession. The town manager shall not have served in an elective office in the town of Orange
231 in the 2 year period immediately prior to appointment.

232 Section 3: Powers and Duties

233 5-3-1 The town manager shall be the chief administrative officer of the town and shall be
234 directly responsible to the select board for coordinating and administering all town affairs under
235 the jurisdiction of the select board. The select board shall be responsible for setting the salary of
236 the town manager, in accordance with the appropriation provided by town meeting.

237 5-3-2 The town manager shall devote their full working time to the duties of the position;
238 and shall not become a candidate for or hold any elective office during their term of
239 appointment.

240 5-3-3 The town manager shall attend all meetings of the select board, except when
241 excused, and shall advise and consult the select board on matters that come before the select
242 board.

243 5-3-4 The town manager will keep the select board fully informed regarding
244 departmental operations, general problems, administrative actions, and any other matters of
245 concern or importance and, to this end, shall make recommendations as appropriate and submit
246 written periodic reports to the select board as requested.

247 5-3-5 The town manager shall be responsible for negotiating contracts with employee
248 bargaining units, with final review and approval by the select board.

249 5-3-6 The town manager shall be responsible for the oversight of the divisions of (i)
250 finance and administration, (ii) public safety, (iii) public services, and (iv) the departments of
251 highway, parks and public spaces, cemetery, sanitation, tree warden, water, and sewer and
252 wastewater. At such time that the town of Orange takes action to create a division of public
253 works, the departments set forth in (iv) shall become part of the division of public works, the
254 oversight of which shall be on the town manager.

255 5-3-7 The town manager shall be the chief procurement officer and, in accordance with
256 section 19 of chapter 30B of the General Laws may designate such authority to procurement
257 officers.

258 5-3-8 The town manager may, subject to the approval of the select board, establish,
259 reorganize, consolidate, or abolish any department, board, commission, committee, or office, or
260 town agency under their direction and supervision, except as prohibited by general laws.

261 5-3-9 Except with respect to employees appointed or hired by the board of library
262 trustees, the water commission, the airport commission, the Orange elementary school
263 committee, the Orange Economic Development & Industrial Corp., the housing authority, or
264 those employees whose appointment is otherwise provided in this charter, the town manager
265 shall have the authority to hire, appoint, discipline, and terminate town employees, subject to any
266 collective bargaining that may be applicable. For the avoidance of doubt, the town manager may
267 enter into employment agreements not to exceed 3 years in length. The town manager shall also
268 have the authority to engage a town counsel with approval of not less than 3 members of the
269 select board.

270 5-3-10 The town manager shall have the authority to appoint, discipline, or remove non-
271 elected members of boards, commissions and committees except as otherwise provided for in
272 this charter.

273 5-3-11 The town manager shall perform such other duties as may be required by this
274 charter, town bylaws, town policies and procedures, vote of town meeting or vote of the select
275 board.

276 Section 4: Removal

277 5-4-1 During the first six months after the initial appointment, the select board may
278 remove or discipline the town manager by an affirmative vote of at least four members.
279 Thereafter, the select board may remove or discipline the town manager, provided, however, that
280 no such removal shall be adopted within 90 days following any town election that has resulted in
281 a change in the membership of the select board and provided further that such removal or
282 discipline shall be by an affirmative vote of at least four (4) members.

283 5-4-2 Any vote to remove the town manager pursuant to this chapter shall be done in
284 compliance with the Open Meeting Law and copies of all notices, requests, and motions adopted
285 by the select board, and a transcript of the public hearing, if one is held, shall be filed in the
286 office of the town clerk, and shall be a public record.

287 Section 5: Resignation

288 5-5-1 The town manager shall provide the select board with not less than 60 days written
289 notice of their intention to resign.

290 Section 6: Acting Town Manager

291 5-6-1 The select board shall appoint a qualified person to serve as acting town manager
292 to exercise the powers and perform the duties of the town manager during any vacancy caused by
293 the town manager’s absence, suspension, removal, or resignation. The appointment shall be for a
294 period not to exceed 90 days, and it may be renewed for additional periods not to exceed 90
295 days. Members of the select board and members of their families, including the spouse and
296 children of a select board member and a parent, brother, sister, nephew or niece of a select board
297 member and their spouse, shall be ineligible to serve in this capacity.

298 CHAPTER 6 – TOWN ADMINISTRATIVE ORGANIZATION

299 Section 1: General

300 6-1-1 The administrative functions of town government shall be performed within the
301 organizational framework of 3 divisions: (i) a division of finance and administration, (ii) a
302 division of public safety, (iii) a division of public services, and (iv) the departments of highway,
303 parks and public spaces, cemetery, tree warden, sanitation, water, and sewer and wastewater. At

304 such time that the town of Orange takes action to create a division of public works, the
305 departments set forth in section 6-1-1(iv) shall fall within the division of public works.

306 6-1-2 Responsibility and oversight for the divisions and departments set forth in section
307 6-1-1 shall be vested with the town manager, except as provided in section 3-2-1.

308 6-1-3 The town manager shall designate those divisions to be supervised by a director
309 and those, if any, to be supervised by a manager. If a manager is designated to act as director of
310 one or more division, the town manager shall serve in such dual capacity without additional
311 compensation. A division director, other than the manager, may be designated as head of 1 or
312 more departments within the respective divisions, should any such departments be established
313 under section 5-3-6 of this charter.

314 Section 2: Division of Finance and Administration

315 6-2-1 The administrative functions of assessment, tax collections, receipts,
316 disbursements, and other functions of a fiscal nature, as well as permits, licensing and elections,
317 shall be carried out within the division of finance and administration.

318 Section 3: Division of Public Safety

319 6-3-1 The administrative functions of emergency management, fire, police, public
320 health, public safety, inspection services, and such other public safety services as may be
321 assigned by this charter or by town bylaws shall be carried out within the division of public
322 safety.

323 Section 4: Division of Public Services

324 6-4-1 The administrative functions of general town services, recreation, the town library,
325 veterans' services, and such other public services as may be assigned by this charter or by town
326 bylaws shall be carried out within a division of public service.

327 Section 5: Division of Public Works

328 6-5-1 At such time that the town of Orange takes action to create a division of public
329 works, the administrative functions of the departments of highway, parks and public spaces,
330 cemetery, sanitation, tree warden, water, and sewer and wastewater and such other public work
331 functions as may be assigned by this charter or by town bylaws shall be carried out within the
332 division of public works.

333 6-5-2 The moderator shall appoint 3 members to the sewer and wastewater commission
334 for staggered 3 year terms. One member to be appointed for an initial term for 1 year, 1 member
335 to be appointed for an initial term for 2 years, and 1 member to be appointed for an initial term
336 for 3 years, thereafter the appointed terms shall be for 3 years. Each member appointed to the
337 commission shall be a resident of the town, and shall include 1 member with extensive
338 experience in the field of public works or engineering, 1 member with extensive experience in
339 the field of finance or accounting, and 1 member at large. The commission shall prepare an
340 annual report to be delivered to the town manager.

341 Section 6: Personnel Administration

342 6-6-1 All hires, appointments and promotions of town officers and employees shall be
343 made based on merit and fitness for the duties of the position.

344 6-6-2 Except as otherwise provided by general laws or with respect to employees
345 covered by a collective bargaining agreement where said agreement would conflict with the
346 personnel policies, the town manager shall manage and be responsible for creating and
347 maintaining personnel policies subject to the approval of the select board. Upon vote of the select
348 board, the policies shall become immediately effective. A copy of such policies shall be filed for
349 public record purposes with the town clerk and shall be made available to all employees. Said
350 policies may, from time to time, be amended or revised following the same procedure used in the
351 initial adoption of such policies.

352 CHAPTER 7 – ELECTIONS

353 Section 1: Town Election

354 7-1-1 The general election for all town offices shall be held on the first Monday of
355 March.

356 Section 2: Elections to be Nonpartisan

357 7-2-1 All elections of town officers shall be nonpartisan, and election ballots for town
358 offices shall be printed without any party mark, emblem, or designation whatsoever.

359 Section 3: Eligibility of Town Voters

360 7-3-1 Any registered voter of the town shall be eligible for election to any elective office
361 or board of the town.

362 Section 4: Time of Taking Office.

363 7-4-1 Any person duly elected to any office or board shall take up the duties of their
364 respective office or board after they have been sworn to the faithful performance of their duties
365 by the town clerk.

366 Section 5: Recall of Elected Offices

367 7-5-1 Any holder of an elective office in the town may be recalled by the registered
368 voters of said town as herein provided.

369 7-5-2 Not less than 150 registered voters of the town may initiate a recall petition by
370 filing an affidavit with the town clerk containing the name of the official sought to be recalled
371 and a statement of the grounds upon which the petition for recall is based. The town clerk shall
372 deliver to said voters petition blanks demanding said recall, printed forms of which the town
373 clerk shall keep available. Such blanks shall be issued by the town clerk, with the town clerk's
374 signature and official seal attached thereto. Such petition blanks shall be: (i) dated; (ii) addressed
375 to the select board; (iii) contain the names of persons who filed the affidavit, the name of the
376 official whose recall is sought, and the grounds for such recall as stated in the affidavit; and (iv)
377 demand the election of a successor to the office. A copy of such petition shall be entered in a
378 record book to be kept in the office of the town clerk. The recall petition shall be returned and
379 filed with the town clerk within 30 days after the petition blanks are issued, signed by not less
380 than 10 percent of the number of the registered voters who shall add their signatures and the
381 street number of their residences.

382 The town clerk shall, within 3 business days of receipt of the recall petition, submit said
383 petitions to the registrars of voters, who shall, within 5 business days, certify thereon the number
384 of signatures which are names of registered voters of the town.

385 7-5-3 If the recall petition is certified by the town clerk, the town clerk shall submit the
386 same with the town clerk’s certificate to the select board within 5 business days and the select
387 board shall, within 5 business days, give written notice of the receipt of the certificate to the
388 official whose recall is sought. If said official does not resign within 7 days following delivery of
389 said notice, the select board shall order an election to be held on a date fixed by them not less
390 than 64 days and not more than 120 days after the date the select board calls for said election;
391 provided, however, that if any other town election is to occur within 60 to 90 days thereafter, the
392 select board shall postpone the recall election to the date of such other election.

393 7-5-4 An official sought to be recalled may be a candidate to succeed themselves and,
394 unless they request otherwise in writing, the town clerk shall place their name on a ballot without
395 nomination.

396 The nomination of other candidates, the publication of the warrant for the removal
397 election, and the conduct of the same shall be in accordance with the provisions of law relating to
398 elections, unless otherwise provided in this charter.

399 7-5-5 The officer whose recall is sought shall continue to perform the duties of the office
400 until the recall election. If the officer is not recalled in the election, then such officer shall
401 continue in office for the remainder of the unexpired term subject to recall as before, except as
402 provided herein. If officer is recalled in the election, then said officer shall be deemed removed
403 upon the qualification of the successor who shall hold the office for the remainder of the
404 unexpired term. If the successor fails to qualify within 5 days after receiving notification of their
405 election, the officer recalled shall thereupon be deemed removed and the office vacant.

406 7-5-6 Ballots used in a recall election shall submit the following propositions in the order
407 indicated: For the recall of (name of official), Against the recall of (name of official).

408 Immediately at the right of each proposition there shall be an oval in which the voters, by
409 filling in the oval, may vote for either of the said propositions. Under the propositions shall
410 appear the word “Candidates,” the directions to the voters required by section 42 of chapter 54 of
411 the General Laws, and, beneath this, the names of candidates nominated in accordance with
412 provisions of law relating to elections.

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

416 7-5-7 No officer shall be subject to recall if their term of office expires within 6 months
417 of the filing of the certificate. If a vacancy occurs in said office after a recall election has been
418 ordered, the election shall proceed as provided hereunder.

419 No recall petition shall be filed against an official within 90 days after such official takes
420 office nor, in the case of an official subject to recall election and not recalled thereby, until at
421 least 90 days after the election at which the recall was submitted to the voters.

422 Section 6: Apportionment

423 7-6-1 The select board, in consultation with the town clerk, shall divide the town into
424 voting precincts, which shall be convenient, compact, contiguous, and substantially equal in
425 population.

426 CHAPTER 8 – FINANCIAL PROVISIONS AND PROCEDURES

427 Section 1: Applicability of State Law

428 8-1-1 In all matters concerning finances and financial procedures of the town, the
429 provisions of the General Laws shall apply, together with such other requirements as are
430 provided for in this charter.

431 Section 2: Fiscal Year

432 8-2-1 The fiscal year of the town shall be as prescribed by the General Laws.

433 8-2-2 All town department budgets for the new fiscal year shall be submitted to the town
434 accountant as prescribed by the General Laws, who shall transmit such information to the town
435 manager in accordance with town policies and procedures.

436 Section 3: Submission of Budget and Budget Message

437 8-3-1 At least 60 days prior to the start of annual town meeting, the town manager shall
438 submit at a joint meeting of the select board and the finance committee a proposed budget for the
439 ensuing fiscal year and an accompanying message, unless otherwise required by the General
440 Laws.

441 8-3-2 The town manager's messages on the budget shall include, but not be limited to:
442 (i) an outline of the proposed financial policies of the town for the ensuing fiscal year; (ii) a
443 description of the important features of the budget; (iii) indication of any major changes from the
444 current fiscal year in financial policies, expenditures, and revenues, together with the reasons for
445 such changes; (iv) a summary of the town's debt position; and (v) such other information as the
446 town manager deems appropriate.

447 8-3-3 The budget shall provide a complete financial plan for all town funds and activities
448 and shall be in such form as the finance committee may require and shall include proposed
449 expenditures for both current operations and capital projects during the ensuing fiscal year,
450 detailed by divisions, departments, offices, boards, commissions, committees, and the purposes
451 of such expenditures.

452 Section 4: Action on Proposed Budget

453 8-4-1 The finance committee shall conduct 1 or more public meetings on the proposed
454 budget and shall issue its recommendations in writing and make the documents containing the
455 recommendations available to voters at least 14 days prior to annual town meeting. In preparing
456 its recommendations, the finance committee may require any town division, department, office,
457 board, commission or committee to furnish it with financial reports and budgetary information.

458 8-4-2 The town manager shall be responsible for presenting the budget to town meeting.

459 Section 5: Budget Adoption

460 8-5-1 Town meeting shall adopt a budget, with or without amendments, at annual town
461 meeting.

462 Section 6: Capital Improvement Program

463 8-6-1 The capital program committee shall be comprised of 5 members, 2 members from
464 the finance committee and 3 members appointed by the town manager. Committee members
465 shall serve a 3 year term. No town employee or elected town official may be appointed. The
466 town accountant and town manager shall be ex-officio members of the committee without the

467 right to vote. Any vacancy shall be filled for the unexpired term in the manner of the original
468 appointment.

469 8-6-2 The capital program committee shall study proposed capital outlays involving the
470 acquisition of land or an expenditure of not less than \$25,000 having a useful life of not less than
471 3 years. All offices, boards and committees, including the select board and the Orange
472 Elementary School Committee, shall not later than December 1 of each year give to the capital
473 program committee, on forms prepared by it, information concerning all projects anticipated by
474 them as needing town meeting approval during the ensuing 5 year period. The capital program
475 committee shall study the need, timing and cost projection of these projects and the effect each
476 will have on the financial position of the town.

477 8-6-3 The capital program committee shall prepare an annual report containing a budget
478 for such outlays for presentation to the finance committee and to the select board at a joint
479 budget meeting and such report shall be submitted not later than the second Monday in February.
480 The capital program committee shall submit a report to town meeting. The capital program
481 committee may make investigations and hold hearings to carry out its responsibilities.

482 Section 7: Notice of Public Hearing on Capital Program

483 8-7-1 The capital program committee shall post on the town website a notice and
484 summary of the capital program setting forth: (i) the times and places where copies of the capital
485 improvements program are available for inspection; and (ii) the date, time, and place when the
486 committee shall conduct a public hearing on said program, which shall be not less than 7 days
487 following the notice and summary publication required in section 8-7-1(i).

488 8-7-2 The select board shall present the capital improvements program to annual town
489 meeting for its adoption, with or without amendments.

490 Section 8: Public Records

491 8-8-1 The budget and capital improvements program shall be public records and copies
492 shall be kept and be available for inspection at the office of the town clerk and at the town
493 library.

494 Section 9: Collection and Disbursements

495 8-9-1 Except as otherwise provided by the General Laws, all monies and fees received
496 by the town or by any division, department or office thereof, shall upon their receipt by such
497 division, department or office, be paid forthwith into the town treasury.

498 8-9-2 Warrants for the payment of town funds prepared and signed by the town
499 accountant in accordance with the General Laws shall be submitted to the town manager to be
500 analyzed and forwarded to the select board for their approval and signature.

501 Section 10: Lapse of Appropriations

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

508 8-10-2 In the final month of any fiscal year, no division, department, commission, office,
509 or town agency may expend, except for amounts previously encumbered, more than 1/12 of its
510 annual appropriation, absent an emergency declaration by the town manager.

511 Section 11: Finance Committee

512 8-11-1 A finance committee consisting of 7 members shall be appointed for 3 year
513 overlapping terms. The moderator shall have the authority to appoint, discipline and remove
514 members on the finance committee. Any new appointments shall be made by the moderator
515 within 10 days after the adjournment of annual town meeting.

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 consisting of 5 members shall be appointed by the town
519 manager for 3 year overlapping terms, so arranged so that the term of at least 1 member will
520 expire each year. The town manager may appoint associate members as provided for under
521 section 9 of chapter 40A of the General Laws.

522 9-1-2 At least 90 days prior to an annual town meeting, the planning board shall meet
523 with the town manager and select board and make recommendations on all matters concerning
524 the physical, economic, and environmental development of the town, which are proposed on the
525 warrant.

526 Section 2: Long-Range Comprehensive Plan

527 9-2-1 The planning board shall be responsible for the development and periodic updating
528 of a master or comprehensive plan, which shall be used 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 that
532 such 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 supervised by the town manager and shall receive
536 general policy guidance from the planning board and the office of community development.

537 Section 4: Conservation Commission

538 9-4-1 A conservation commission consisting of 3 members shall be appointed by the
539 Town Manager for 3 year overlapping terms.

540 9-4-2 The conservation commission shall exercise such powers and duties as prescribed
541 by general laws and this charter.

542 Section 5: Zoning Board of Appeals

543 9-5-1 A zoning board of appeals, as provided in chapter 3, shall exercise such powers
544 and duties as prescribed by the General Laws, town bylaws and this charter.

545 Section 6: Coordination of Activities

546 9-6-1 Except with respect to the zoning board of appeals, it shall be the general
547 responsibility of the town manager to coordinate the activities of the planning board, the
548 conservation commission, and other boards, commissions and committees concerned with the
549 physical, economic and environmental development of the town. All boards and committees
550 shall make annual reports to the town manager and the select board.

551 CHAPTER 10 – GENERAL PROVISIONS

552 Section 1: Definitions

553 10-1-1 Unless another meaning is clearly apparent from the manner in which the word is
554 used, the following words as used in the Charter shall have the following meanings:

555 (i) Charter - The word “charter” shall mean this charter;

556 (ii) Days - in computing any period of time prescribed or allowed by these rules, by order
557 of court, or by any applicable statute or rule, the day of the act, event, or default after which the
558 designated period of time begins to run shall not be included. The last day of the period so
559 computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event
560 the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal
561 holiday. When the period of time prescribed or allowed is less than 7 days, computation shall be
562 based solely on business days.

563 (iii) Emergency - The word “emergency” shall mean a sudden, unexpected, unforeseen
564 happening, occurrence or condition which necessitates immediate action;

565 (iv) General Laws - The words “General Laws” (used with initial capital letters) shall
566 refer to the General Laws of the Commonwealth;

567 (v) general laws - The words “general laws” (all lower case letters) shall mean laws
568 which apply alike to all cities and towns, or to all towns, or to a class of municipalities of which
569 Orange is a member;

570 (vi) Local Newspaper - The words “local newspaper” shall mean a newspaper of general
571 circulation in the town of Orange;

572 (vii) Majority Vote - The words “majority vote” shall mean a majority of those present
573 and voting, provided a quorum is present when the vote is taken, unless a higher number is
574 required by law;

575 (viii) Multiple Member Body - The words “Multiple Member Body” shall mean any town
576 body consisting of at least 2 persons, whether elected, appointed, or otherwise constituted, but
577 not including town meeting;

578 (ix) Town - The word “Town” shall mean Orange;

579 (x) Town Agency - The words “Town Agency” shall mean any Board, Commission,
580 Committee or other multiple member body, division, department or office of the town of Orange;

581 (xi) Town Bulletin Board - The words “Town Bulletin Board” shall mean the bulletin
582 board in the town hall on which official notices are posted, and those at such other locations
583 within the town which may, from time to time, be established by the select board;

584 (xii) Town Officer - The words “town officer,” when used without further qualification or
585 description, shall mean a person having charge of an office or department of the town who in the
586 exercise of powers or duties exercises some portion of the sovereign power of the town;

587 (xiii) Voters - The word “voters” shall mean persons who are registered to vote in the
588 town of Orange.

589 Section 2: Amendment

590 10-2-1 This charter may be replaced, revised, or amended in accordance with the
591 provisions of the constitution and General Laws.

592 Section 3: Specific Provisions to Prevail

593 10-3-1 To the extent that any specific provisions of this charter shall conflict with any
594 provisions expressed in general terms, the specific provision shall prevail.

595 Section 4: Severability

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

600 Section 5: Town Boards, Commissions, and Committees

601 10-5-1 All boards, commissions and committees of the town shall: (i) organize annually
602 and elect a chair and other necessary officers; (ii) adopt rules of procedure and voting; (iii)
603 maintain minutes, copies of which shall be a public record filed regularly with the town clerk;
604 and (iv) give reports at any session of any town meeting upon the request of the select board or
605 the town manager.

606 10-5-2 The votes of each town board, commission and committee shall be recorded and
607 made a part of its official proceedings.

608 Section 6: Rescinding Power

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

612 Section 7: Vacancies in Appointed Boards

613 10-7-1 Vacancies arising in appointed boards, commissions and committees shall be
614 filled by the respective appointive authority for the unexpired portion of the term.

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

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

627 Section 8: Investigations

628 10-8-1 The power to conduct investigations shall be vested in the select board; provided,
629 however, the select board may delegate this power to the town manager at their discretion. The
630 select board may also initiate investigations and may empower the town manager to act on its
631 behalf.

632 10-8-2 The investigating authority may investigate the conduct of any division,
633 department, board, commission, committee, Individual office or any of its members or
634 employees, including any claims against the town. For this purpose, the investigating authority
635 may subpoena witnesses, administer oaths, take testimony, and require the production of
636 evidence.

637 Section 9: Filing of Notice

638 10-9-1 All appointing authorities of the town shall file with the town clerk a copy of
639 each notice of appointment to a town office, or any rescission of appointment thereto, and the
640 same shall be a public record.

641 CHAPTER 11 – TRANSITIONAL PROVISIONS

642 Section 1: Effective Date

643 11-1-1 Upon adoption by the registered voters at town meeting, passage by the
644 Legislature and signature by the Governor, if required, this charter shall become effective on the
645 July 1 following its adoption and enactment.

646 Section 2: Continuation of Government

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

651 11-2-2 No officer holding, on the effective date of this charter, tenure of office by act of
652 the legislature, or vote of the town meeting, or both, shall have the same set aside as the result of
653 the adoption of this charter

654 Section 3: Continuation of Bylaws

655 11-3-1 Except for any provisions inconsistent with this charter, all special acts, bylaws,
656 resolutions, rules, regulations, and votes of town meeting in force on the effective date of this
657 charter shall continue in effective until amended or repealed.

658 11-3-2 The town's acceptances of section 97A of chapter 41 and section 42 of chapter 48
659 of the General Laws are retained to the extent said provisions are not in conflict with the
660 provisions of this charter or subsequent amendments thereto.

661 11-3-3 Within 30 days of the adoption of this charter, the select board shall appoint a
662 bylaw revision committee to consist of 5 members to revise, codify and submit an updated set of
663 bylaws. Such bylaws shall be voted on at the next town meeting held after the adoption of this
664 charter, unless an extension is requested by the bylaw revision committee.

665 11-3-4 Beginning the year following the adoption of this charter, it shall be the
666 responsibility of the town clerk to ensure that the bylaws of the town shall be revised, codified,

667 and republished at the discretion of the town clerk and that copies of such updated bylaws shall
668 be made available to all registered voters making such a requesting in writing.

669 Section 4: Transfer of Records and Property

670 11-4-1 All records, property, and equipment whatsoever of any office, department, or
671 town agency or part thereof, the powers and duties of which are assigned in whole or in part to
672 another office or town agency, shall be transferred forthwith to the office, department, or town
673 agency to which such power and duties are assigned.

674 Section 5: Continuance of Contracts and Other Obligations

675 11-5-1 All leases, contracts, franchises, and obligations entered into by the town or for
676 its benefit prior to the effective date of this charter shall continue in full force and effect.

677 Section 6: Pending Actions and Proceedings

678 11-6-1 No action or proceedings, civil or criminal, in law or in equity, pending at the
679 time this charter takes effect, brought by or against the town or any office, department, or other
680 town agency thereof, shall be affected or abated by the adoption of this charter.

681 Section 4: Continuation of Elective Offices

682 11-7-1 Beginning upon the adoption of this charter, those elective offices which continue
683 in accordance with this charter, the terms of which would expire in March, shall continue to
684 serve until the next election, or until their successors have been qualified.

685 SECTION 2. This Act shall take effect upon passage.