

Massachusetts House of Representatives Bill Summary

Bill #: H.5053

Title: An Act establishing a charter for the town of Orange

Sponsor: Rep. Susannah Whipps and Sen. Joanne Comerford

Committee: Municipalities and Regional Government

Hearing Date: March 3, 2026

Current Law: Chapter 43B of the General Laws (Home Rule Procedures) provides a mechanism for towns to adopt or revise charters through use of an elected charter commission. Towns and cities may also approve home rule petitions to achieve this objective.

The town of Orange currently operates under a combination of special and general laws, and town by-laws that have been approved over the years.

Summary: This special legislation would establish a charter for the town of Orange.

The proposed charter includes the following elements:

Chapter 1 concerns the powers of the town, and includes the Incorporation, scope of powers, and provision for an open town meeting-select board-town manager form of government.

Chapter 2 regulates the organization, powers and responsibilities, procedures and leadership of town meeting. Attendance at town meeting by all town officials, board and committee chairs, and department heads is compulsory.

Chapter 3 governs the select board, which shall consist of 5 members elected at-large to serve overlapping terms of 3 years each. The select board will exercise all executive powers of the town, except as otherwise provided for in the charter. They may appoint a town manager, 3 members of a board of registrars of voters, 5 members of a zoning board of appeals, 3 associate members, and election officers.

Chapter 4 governs elected officers and town boards, and lists those that will be elected by the voters: town clerk, moderator, library trustees, select board, board of health, water commission, cemetery commission, housing authority, elementary school committee, members of the Mahar Regional School Committee, soldier's memorial trustees, and constables. The section also contains procedures for filling vacancies and provisions governing the

establishment and operation of the school committees, library trustees, housing authority and town clerk.

Chapter 5 of the charter concerns the town manager. Provisions include:

- The select board shall appoint a town manager,
- Appointment based on educational, executive, and administrative qualifications,
- Powers and duties; prohibited from holding elected office while serving as town manager,
- Process for removal or discipline by the select board,
- Resignation requires 60 days' notice to select board,
- Select board shall designate a qualified person to serve as acting town manager during any temporary vacancy in the position of town manager.

Chapter 6 regulates town administrative organization whereby the town's functions shall be performed within the framework of three divisions:

- Division of Finance and Administration,
- Division of Public Safety, and
- Division of Public Services.

In addition, this chapter outlines the personnel system and governs the departments of highway, parks and public spaces, cemetery, tree warden, sanitation, water, and sewer and wastewater. These functions may be incorporated into a future division of public works.

Chapter 7 regulates elections, the date of regular town elections, provides for elections to be nonpartisan, the time of taking office, and includes a recall provision. The town is to be divided into voting precincts, which are convenient, compact, contiguous and substantially equal in population.

Chapter 8 governs financial provisions and procedures which concern:

- Applicability of state law,
- Fiscal year, which is determined by state law,
- The process for submitting the annual budget,
- Action on proposed budget,
- The adoption of the budget by town meeting, and
- Capital improvement program.

And related topics.

Chapter 9 deals with planning and the environment, and contains provisions relating to:

- Powers and duties of the office of planning,
- Long-range comprehensive plan,
- Planning staff,
- Conservation commission, which will consist of 3 members appointed by the town manager to serve overlapping terms of 3 years each,
- Zoning board of appeals, and
- Coordination of activities by the town manager.

Chapter 10 contains general provisions such as definitions of terms that are used in the charter, how it may be amended, prevailing provisions, severability of any invalid provisions of the charter, and the process by which town boards, commissions and committees are to be organized. This chapter also governs the filling of vacancies on appointed boards, the power of appointing authorities to rescind such appointments, and the power to conduct investigations being vested in the select board or town manager at the discretion of the select board, which may also initiate investigations.

Chapter 11 contains transitional provisions relating to the charter's effective date, continuation of government, continuation of existing bylaws, special acts, resolutions, rules, regulations and votes of town meeting that were in force on the effective date of this charter.

This provision also includes a process for reviewing and updating town bylaws, and explicitly states that certain town acceptances of specific state laws relating to police departments and fire departments are to be retained so long as they do not conflict with any provisions of the charter.

This chapter also contains provisions relating to the transfer of records and property, continuance of contracts and other obligations, pending actions and proceedings, and continuation of elective offices.

Notes: This home-rule petition was approved as Article 5 by the January 12, 2026 Special Town Meeting by a vote of 155 in favor, 12 opposed, and 2 abstentions.