

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Denis E. Guyer

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 passage of the accompanying bill:

An Act ESTABLISHING THE CENTER POND RESTORATION AND PROTECTION DISTRICT IN THE TOWN OF BECKET.

PETITION OF:

NAME:

Denis E. Guyer

DISTRICT/ADDRESS:

2nd Berkshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING THE CENTER POND RESTORATION AND PROTECTION DISTRICT IN THE TOWN OF BECKET.

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

1 WHEREAS, There exists within the town of Becket a lake known as
2 Center Pond; hereinafter shall be referred to as Center Pond; and

3 WHEREAS, The Commonwealth of Massachusetts executive Office
4 of Energy and Environmental Affairs, Department of Conservation and
5 Recreation issued a Certificate of Non-Compliance and Dam Safety
6 Order dated February 22, 2008, requiring that the dam located on the
7 northeastern shoreline of Center Pond which creates Center Pond
8 (herein the "Center Pond Dam") be repaired and brought into
9 compliance with Dam Safety Regulations or breached and removed no
10 later than November 30, 2009; and

11 WHEREAS, The Town of Becket has property abutting Center Pond
12 used by the public; and

13 WHEREAS, The assessed value of private property abutting Center
14 Pond will be significantly reduced if the Center Pond Dam is breached

15 and the resulting loss of tax revenue will adversely affect the Town of
16 Becket and its residents; and

17 WHEREAS, Center Pond has in common with many other lakes in
18 the Commonwealth, undergone in recent years substantial eutrophic
19 deterioration, due in part to natural and unnatural inflows of nutrients
20 and organic matter, which have contributed to the deterioration of the
21 lake for recreational use; and

22 WHEREAS, There have come to exist various technological means
23 that may be employed to stabilize the eutrophic deterioration of lakes
24 and thereby restore, preserve and enhance the recreational use of
25 lakes by both private owners and the general public; and

26 WHEREAS, Both Federal Government and the Commonwealth of
27 Massachusetts have recognized the substantial public benefit to be
28 derived from the preservation and enhancement of the recreational
29 and general environmental quality of such lakes and have developed
30 funded programs to assist in the study, development and application of
31 methods and means of protecting and rehabilitating same, and

32 WHEREAS, In addition to the substantial public benefit to be
33 derived from such efforts to preserve and enhance the recreational and
34 environmental quality of Center Pond and also from the related
35 development of increased public access for both bathing and boating
36 there also exists substantial benefits to the owner/proprietors of land
37 along and near the shoreline of Center Pond where such efforts not
38 only provide direct recreational benefit to such proprietors but also
39 assist in the preservation and enhancement of their proprietary
40 interest; and

41 WHEREAS, It is anticipated that such proprietors would, by the
42 formation of a self-governing district entity contribute equitably toward
43 and assist in bringing the dam which creates Center Pond into
44 compliance with Dam Safety Regulations and otherwise repair and
45 maintain the said dam and also contribute equitably toward and assist
46 in the development and implementation of studies, projects and
47 programs designed to preserve and enhance the recreational and
48 general environmental quality of Center Pond including assistance in
49 funding the operation and management thereof, acting at all times in
50 concert with other local, state and federal governmental units
51 representing the interests of the general public.

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56 NOW THEREFORE,

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

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61 SECTION 1. There is hereby authorized to be created and
62 established a district within the Town of Becket, known as the Center
63 Pond Restoration and Protection District which, upon establishment in
64 the manner hereinafter set forth shall constitute a body politic and

65 corporate. Said District shall be generally bounded and comprised as
66 follows:

67 (1) The land embraced by those parcels of land assessed for real
68 estate taxes by the Board of Assessors for the Town of Becket which
69 (a) abut directly on the shoreline of the Center Pond or (b) has
70 improved property (defined herein as having a dwelling on such
71 property) that does not abut directly on the shoreline and has a deeded
72 access to Center Pond (herein collectively referred to as the “District
73 Property”) excluding, however, land owned by the Commonwealth of
74 Massachusetts and its political bodies.

75

76 SECTION 2. Owners of such District Property (herein referred to
77 as the “Proprietors”) in the District shall consist of the persons and
78 entities owning or having an interest in land described in Section 1
79 above. For the purposes of this act, persons and entities shall be
80 deemed to not include the Commonwealth of Massachusetts or its
81 political subdivisions.

82

83 SECTION 3. The District, upon establishment in the manner
84 hereinafter set forth, shall have the following powers:

85 A. To inspect, investigate, repair, maintain, protect, improve,
86 reconstruct and construct the Center Pond Dam subject to the
87 obtaining of necessary approvals from and, where required, under the
88 supervision of appropriate local, state and federal governmental
89 agencies including the Town of Becket, Department of Conservation
90 and Recreation, the Office of Dam Safety, Environmental Protection,

91 Fisheries, Wildlife and Recreational Vehicles (or divisions, boards and
92 successors thereof).

93 B. To initiate and coordinate research and surveys for the
94 purpose of gathering data on the lake, related shore lands, watershed
95 and the drainage basin and other matters directly pertaining to the
96 reclamation, protection and maintenance of the lake for general
97 recreation use.

98 C. . To manage, control and supervise Center Pond Dam,
99 equipment and facilities necessary or appropriate in the
100 accomplishment of the purposes of this Act, including but not limited to
101 weed control and water level control, provided always the level of
102 Center Pond shall be maintained at an adequate level between June 1
103 and October 15, unless dangerous to do so, and further provided the
104 District shall have no authority or right to limit the recreational use of
105 Center Pond or land within the District or construct, maintain or repair
106 any roads or other facilities except those necessary or advisable for the
107 maintenance, repair, protection and improvement of the Center Pond
108 Dam.

109 D. To make and enter into all manner of contracts and
110 agreements necessary or incidental to the exercise of any power
111 permitted to the District by this Act.

112 E. To adopt an annual budget and to raise, appropriate and
113 expend funds in such amount to carry out the purposes for which the
114 District is formed.

115 F. To acquire, by gift, purchase or lease, dispose of, lease and
116 encumber real and personal property for the purposes of the District.

117 G. To construct, acquire by lease or purchase, improve, maintain
118 and operate such equipment and facilities and such other equipment,
119 materials, supplies, facilities and services as such be required to
120 accomplish the purposes of this Act, to the same extent and subject to
121 the same limitations as shall apply to towns in the Commonwealth from
122 time to time under the General Laws.

123 H. To apply for, accept and expend financial assistance from the
124 Federal Government, the Commonwealth, and the Town of Becket
125 either directly or jointly with and through said town.

126 I. To apply for, receive and expend funds from the charitable
127 foundations or other private entities and individuals in the form of
128 grants, gifts, loans and advances for or in aid of the purposes of this
129 District.

130 J. To employ such persons including consultant experts as may be
131 deemed necessary in its judgment and to fix their compensation.

132 K. To adopt by-laws for the regulation of its affairs and the
133 conduct of its business, which by-laws shall be consistent with the
134 powers conferred by this Act and with other applicable provisions of
135 the General Laws.

136 L. To borrow at the first or any subsequent meeting of the District
137 for the purpose of meeting preliminary or current expenses such sums
138 as may be necessary and to issue therefore general obligation
139 temporary notes for a period of not more than two (2) years, provided
140 that such notes shall be issued only in anticipation of assessments and
141 other revenues of the District of the fiscal year in which such notes are
142 issued or in anticipation of money to be received from the sale of

143 longer term bonds or notes for such purposes as are otherwise
144 hereafter permitted in this Act.

145 M. To sue and be sued in its own name and to plead and be
146 impleaded; provided, however, that neither the District nor any officer
147 or employee thereof shall be liable in tort except pursuant to the
148 provisions of Chapter 258 of the General Laws; and provided further,
149 that the District may indemnify its officers and employees to the extent
150 provided in said Chapter 258.

151 N. To invest any funds not required for the immediate use of the
152 District in such manner and to the extent permitted under the General
153 Laws for the investment of such funds by the Treasurer of the town.

154 O. To procure insurance against any loss or liability which may be
155 sustained or incurred in the carrying out of the purposes of this Act in
156 such amount as the District shall deem necessary and appropriate and
157 with one or more insurer who shall be licensed to furnish such
158 insurance in the Commonwealth.

159 P. To acquire by eminent domain the fee or such other interest in
160 real estate as the District shall elect for the purpose of inspecting,
161 investigating, repairing, maintaining, protecting, improving,
162 reconstructing and constructing the Center Pond Dam and for providing
163 access to and from the Center Pond Dam.

164 Q. To perform generally all acts which are necessary or
165 convenient to implement the powers which are expressly or by
166 necessary implication conferred upon the District by this Act and which
167 are not otherwise prohibited under any provision of the General Laws.

168

169 SECTION 4. Formation. Upon enactment of this Act and within
170 sixty (60) days thereafter, the selectmen of the Town of Becket shall call
171 a meeting of the Proprietors of the lands to be included in the District
172 as set forth under Section 2 above. For the purposes of establishing an
173 initial list of owners, the selectmen shall consult with the Board of
174 Assessors and such board shall furnish to the selectmen a listing of all
175 property owners as of January first in the year of enactment who are
176 owners of District Property or who within the reasonable knowledge or
177 belief of the assessors are owners of District Property. The selectmen
178 upon receiving such lists shall prepare and mail a notice to each such
179 Proprietor signed by a selectmen and setting forth a time and place of a
180 meeting to occur within said sixty (60) day period, but not less than
181 fourteen (14) days from the date of mailing and said notice. The notice
182 shall be in the form of a warrant specifying the matters upon which
183 action is to be taken at the meeting and shall further clearly state that
184 the purpose of the meeting is to consider the organization of the
185 District. The selectmen shall further not later than fourteen (14) days
186 prior to the date of such meeting cause a copy of the notice to be
187 posted in one or more public access locations within the town. The
188 meeting shall be held at a public access building in the Town of Becket
189 unless some other location within the town shall be jointly agreed upon
190 by the selectmen.

191 At the first meeting of the District, one selectman from the Town
192 of Becket shall initially preside and shall call the meeting to order. Said
193 selectmen shall thereupon determine whether or not a majority of the
194 Proprietors are present or represented by proxies duly executed and
195 placed in the hands of the other Proprietors prior to said meeting.
196 Lacking such a majority, the meeting shall have no power to act, but the

197 selectmen of the town may, in the manner above provided, call
198 additional meetings for the same purpose within a further sixty day
199 period.

200 Provided that a quorum has been determined to be present in the
201 manner above specified, the meeting shall then proceed to the
202 following order of business:

203 A. Election of a temporary clerk, who shall be sworn by one of the
204 selectmen present, and a moderator who shall thereupon preside.

205 B. The taking of a vote to determine whether or not the District
206 authorized by this Act shall be established and organized, which vote
207 shall require an affirmative vote of two-thirds of the Proprietors
208 present and voting in person or by proxy. If such vote shall be in the
209 negative, the meeting shall thereupon adjourn. If such vote shall be in
210 the affirmative and upon the required majority, the meeting shall next
211 proceed to consider the order of business set forth in sub-paragraphs C
212 through F, inclusive.

213 C. The adoption of District by-laws and form of District seal.

214 D. The election by ballot of a District clerk and a District treasurer,
215 who may be the same person, and who shall be a Proprietor as defined
216 in Section 1 of this Act, to hold office until one year from the next
217 succeeding annual meeting and at each annual meeting after the first a
218 clerk and treasurer shall be elected by ballot for one year. There shall
219 also be elected by ballot three (3) members of the Prudential
220 Committee, constituted in its entirety as hereafter set forth, said three
221 (3) members to hold office, one for three (3) years, one for two (2)
222 years, and one for one (1) year, from the next succeeding annual

223 meeting. At each annual meeting after the first, a member of the
224 committee shall be elected by ballot for three (3) years. The aforesaid
225 officers of the District shall hold office until their successors are elected
226 and qualified. Persons eligible for nomination and election to the
227 Prudential Committee shall be at least eighteen years of age and shall
228 be persons entitled to vote as owners.

229 E. The adoption of an initial budget for the remainder of the fiscal
230 year and the appropriation of monies to be raised by assessment upon
231 the real property within the District held by Proprietors.

232 F. The consideration of such other business as shall be consistent
233 with the power and authority conferred by this Act.

234 The District clerk shall retain all proxy votes cast at the initial
235 meeting, together with the minutes of the meeting and as part of the
236 permanent record of the District. The clerk shall further prepare a
237 certificate of the vote taken to organize the District and shall affix the
238 form of seal thereto as adopted by the initial District meeting and shall
239 obtain the endorsement of the selectmen initially presiding at the
240 meeting thereon. Such certificate shall be forwarded to the Attorney
241 General of the Commonwealth within thirty (30) days following the
242 adjournment of the meeting and upon filing said certificate, the
243 provisions of this Act shall take full effect.

244

245 SECTION 5. Voting. At the initial District meeting, at all
246 subsequent annual and special District meetings, voting by Proprietors
247 shall be governed by the requirements of this Section. There shall be
248 one vote available to be cast for each District Property parcel assessed

249 for real estate taxes by the Board of Assessors of the Town of Becket as
250 set forth in Section 1 of this Act irrespective of whether there be more
251 than one owner for such parcels and excluding, however, land owned
252 by the Commonwealth of Massachusetts or its political bodies.. In the
253 event of more than one owner, the Proprietors shall designate in
254 writing to the clerk prior to the commencement of the meeting, the
255 person authorized to vote on behalf of the Proprietor at such meeting
256 and such person shall be presumed as qualified and authorized to
257 present signatories. A Proprietor owning a parcel with his/her spouse
258 shall not be required to furnish a written proxy from his/her spouse and
259 either shall be presumed to be qualified to vote.

260 The authority of a person to cast a proxy vote on behalf of a
261 Proprietor shall likewise be determined by the clerk. Further, all
262 proxies must be tendered in writing prior to the commencement of any
263 District meeting and shall clearly set forth the name and address of the
264 proprietor entering the proxy, the name and address of the person who
265 is to exercise the proxy, the signature of the proprietor granting same
266 and the date of execution. The District may, if it so elects, adopt in its
267 by-laws an approved form of proxy to satisfy the requirements of this
268 Section. The duration of a proxy shall be as established by District by-
269 law.

270

271 SECTION 6. Annual and Special Meetings; Quorum Requirements.
272 Annual meetings of the District shall be held on the last Saturday in
273 May in each year or at such other time as the District shall establish
274 from time to time in its by-laws. Annual or other special meetings of
275 the District shall be called by warrant under the hands of the Prudential

276 Committee, notice of which shall be given fourteen (14) days at least
277 before such meeting. The warrant shall be mailed first class, postage
278 pre-paid to each Proprietor of record in the District and a copy of same
279 shall be directed to a constable of the Town of Becket or to some other
280 person who shall cause a copy of said notice to be posted in one or
281 more public place within the town or by advertising in a newspaper
282 published at least weekly within Berkshire County and having a general
283 circulation within the town. The warrant for all District meetings shall
284 state the time and place of the meeting and the subjects to be acted
285 upon thereat. The Prudential Committee shall insert in the warrant of
286 the annual meeting all subjects, the insertion of which shall be
287 requested of them in writing by ten (10) or more owners and in the
288 warrant for each special District meeting all subjects the insertion of
289 which shall be requested of them in writing by twenty (20) or more
290 owners. The Prudential Committee shall call a special District meeting
291 at its behest or upon request in writing of not less than twenty (20)
292 owners. Special meetings so requested shall be held not later than
293 thirty (30) days after the receipt of such request. No action taken at
294 the annual or any special District meeting shall be valid unless the
295 subject matter thereof shall have been set forth in the warrant for such
296 meeting. Two or more District meetings for District purposes may be
297 called for by the same warrant. At every District meeting a moderator
298 shall be chosen by ballot and shall have the powers of the moderator of
299 a town meeting.

300 District meetings shall be governed by Chapter 39 of the General
301 Laws except as otherwise expressly provided in this Act.

302 The Board of Assessors of the Town of Becket shall, at least thirty
303 (30) days prior to the annual District meeting, prepare and forward to

304 the Prudential Committee a true and complete alphabetical listing with
305 addresses of the owners reflected in their records as of January first of
306 that year and from the records maintained by the assessors pursuant to
307 Chapter 59 and other related provisions of the General Laws. A copy of
308 such list shall be maintained in a manner accessible to the owners and
309 the general public at all reasonable times by the Prudential Committee
310 and/or the District clerk and shall further be available for inspection at
311 the annual meeting and any special meeting of the District. The Board
312 of Assessors shall likewise maintain a list of owners by separate list or
313 special designation on their list of all assessed parcels.

314 Quorum requirements for annual meetings and special meetings
315 of the District shall be specified for the initial District meeting set forth
316 above or otherwise as the District shall determine from time to time in
317 its by-laws, provided always that the quorum requirements for any
318 meeting at which there may be a vote to amend the District's by-laws
319 shall be no less than 50% of the eligible and qualified Proprietors in
320 person or by proxy but a lesser number may adjourn any meeting from
321 time to time without further notice.

322 Any matter to be voted upon at an annual or special meeting of
323 the District shall require only a majority of those owners present in
324 person or by proxy and voting on the question, except for the following
325 actions which shall require a two-thirds vote:

- 326 A. A vote to petition for dissolution of the District.
- 327 B. A vote to purchase, to take by eminent domain or otherwise
328 acquire real property.
- 329 C. A vote to finance any undertaking which is authorized by the
330 Act to be financed in whole or in part by the issuance by the
331 District of long term notes or bonds.

332 D. A vote to amend the District by-laws.

333

334 SECTION 7. Prudential Committee Composition and Duties. The
335 Prudential Committee shall have and shall exercise, the following
336 powers and duties:

337 A. The expenditure for the purposes permitted to the District, of
338 the money raised and borrowed by the District.

339 B. The annual preparation of a budget for the management and
340 operation of the District and the submission of such budget to the
341 annual District meeting for its approval. Such budget shall include the
342 committee's estimate of those monies required to be raised and
343 appropriated by means of assessment upon the District proprietors, by
344 borrowing, or otherwise to be received.

345 C. To apply in the name of the District for grants, loans, and other
346 assistance from both governmental and non-governmental entities.

347 D. Subject to prior appropriation therefore, to enter into
348 agreements and contracts involving the purpose or lease of services,
349 equipment and supplies consistent with the powers granted by this Act.

350 E. Subject to prior appropriation therefore, to hire, supervise,
351 suspend and discharge such employees as the Prudential Committee
352 shall deem necessary or appropriate for the conduct of the work to be
353 performed by the District including, but not limited to, a District
354 superintendent who shall have charge on a day to day basis of all
355 District employees and who shall be responsible on behalf of the
356 Prudential Committee for the conduct and/or supervision of any and all
357 work to be performed by or on behalf of the District pursuant to this

358 Act. Compensation and benefits for the District superintendent and all
359 other employees shall, subject to prior appropriation therefore, be as
360 determined from time to time by vote of the Prudential Committee.

361

362 SECTION 8. Meetings. That the Prudential Committee shall meet
363 as necessary, but in no event less frequently than every six months. A
364 quorum of the Prudential Committee shall be required at all meetings
365 for the conduct of any business thereat, and shall consist of its voting
366 members. The initial meeting of the Prudential Committee shall occur
367 not later than thirty (30) days following the establishment of the
368 District. Thereafter the Prudential Committee shall schedule one
369 meeting to occur in each year immediately following the adjournment
370 of the annual District meeting. At such initial meeting and at all
371 subsequent meetings following the annual District meeting, the
372 Prudential Committee shall elect from its members a chairman who
373 shall preside at all committee meetings and shall serve until his
374 successor shall be elected at the meeting following the annual District
375 meeting. The Prudential Committee shall also elect a vice-chairman
376 who shall be empowered to preside over committee meetings in the
377 absence of the chairman and who shall serve for a like term. The
378 District may, subject to a prior appropriation therefore, provide
379 appropriate compensation for District officers including members of
380 the Prudential Committee and including the expense of travel, meals
381 and lodging for such officers and Prudential Committee members
382 residing outside the District.

383

384 SECTION 9. Prudential Committee; Miscellaneous. Without
385 limiting its power as set forth above in this act, the Prudential
386 Committee will have charge of expenditures on account of the District
387 duly budgeted and appropriated pursuant to the powers granted to the
388 District and shall exercise the authority conferred upon it by District by-
389 law, except as otherwise expressly provided in this Act.

390

391 SECTION 10. Treasurer. The District treasurer shall receive and
392 take charge of all money belonging to the District, and pay over and
393 account for the same according to the order of the District or of its
394 Prudential Committee. No other persons shall pay any District bill;
395 provided, however, that this provision shall not prohibit the treasurer
396 from paying such bill by the use of a bank treasurer's or cashier's check.
397 He shall further have the authority given to an auditor by Section 51 of
398 Chapter 41 of the General Laws, and shall annually render a true
399 account of his receipts and disbursements and report of his official acts
400 to the District. The treasurer shall give bond annually for the
401 performance of his duties in a form approved by the Commissioner of
402 Revenue and in such sum, not less than the amount established by said
403 Commission, as shall be fixed by the Prudential Committee, and if he
404 fails to give such bond within ten (10) days after his election or
405 appointment, or if within ten (10) days after the expiration of said bond
406 or any renewal of said bond, he fails to file a renewal thereof, the
407 Prudential Committee shall declare the office vacant and the vacancies
408 shall be filled by the Prudential Committee in the manner set forth in
409 Section 12 of this Act.

410

411 SECTION 11. Clerk. The District clerk shall, in addition to the
412 other duties specified herein, take all minutes at District meetings and
413 at meetings of the Prudential Committee and maintain a record of such
414 minutes in a manner provided for the maintenance of records of
415 minutes of town meetings and of meetings by the Boards of Selectmen
416 in the Commonwealth. The clerk shall further be the official
417 responsible for certifying copies of any and all votes taken at a District
418 meeting or a meeting of the Prudential Committee.

419

420 SECTION 12. Vacancies. Any vacancy occurring in the office of
421 clerk, treasurer or member of the Prudential Committee elected by the
422 District may be filled by the District for the remainder of the unexpired
423 term at any special meeting called for that purpose, or in the case of a
424 vacancy in the office of clerk or treasurer or disability effecting either of
425 said officers, the Prudential Committee may appoint a person to fill said
426 vacancy until an election can be held or the disability is removed. Such
427 temporary appointee shall be sworn and shall perform the duties of the
428 office to which he is appointed during his tenure thereof. A temporary
429 treasurer appointed to fill a vacancy, as above provided, shall give bond
430 in the same manner as the treasurer.

431

432 SECTION 13. District Assessments. At its initial meeting, and at
433 the annual meeting each and every year thereafter, the District shall
434 adopt by two-thirds vote as above set forth, a method to be employed
435 during the fiscal year to which the meeting relates for financing the
436 share of its annual budget which is anticipated to be required to be

437 funded by the District. The District may vote to adopt any of the
438 following methods of financing, or combination thereof:

439 A. The District may raise by assessments upon the real estate
440 situated within the District the sum required to meet the District
441 budget.

442 B. The District may incur debt by a temporary loan in anticipation
443 of the collection of assessments during the fiscal year in which said
444 debt is incurred or during the next succeeding fiscal year.

445 C. The District may incur debt to the amount advisable for District
446 improvements or major equipment purchases and may issue therefore
447 notes or bonds, and may, if the District further so approves, issue notes
448 or bonds on the condition that the first payment on account of the
449 principal shall be deferred for a period of not more than five (5) years
450 from the date of issue of such notes or bonds and that the whole
451 amount of such debt shall be payable within a period of not more than
452 twenty-five (25) years after such notes or bonds are issued. No such
453 issue shall be for a term longer than the reasonably estimated useful
454 life of the improvements, facilities and equipment to be so funded.

455 Indebtedness incurred by the District under the provision of this
456 subsection shall be subject to Chapter 44 and to other provisions of the
457 General Laws applicable to notes and bonds of Districts except as
458 otherwise provided in this Act. If the District issues notes or bonds and
459 thereafter it shall receive an appropriation from another governmental
460 entity to cover such part, if any, of the expenses of such improvements,
461 the District, in its discretion, unless otherwise mandated by the terms
462 and conditions of the grant from such governmental unit, shall make all
463 or any part of such appropriation available to redeem notes or bonds of

464 the District and shall hold the balance, if any, to the credit of the
465 District to be used for the payment of the expense of such
466 improvements, facilities and for equipment. Bonds or notes issued
467 under this Section shall be the general obligations of the District.

468 That portion, if any, of the budgeted expense for the initial fiscal
469 year and for each subsequent fiscal year which shall be required by the
470 District for the payment of principal and interest on bonds and notes
471 issued or to be issued by the District and which will be due during the
472 ensuing fiscal year together with those amounts necessary to be raised
473 by the District to maintain and operate the District during said fiscal
474 year for capital outlay items, the costs of which is not otherwise
475 funded, and all other budgeted expenses for which the District is
476 authorized to raise money, the costs of which items the District shall
477 have voted to raise by assessment upon land and improvements of the
478 proprietors within the District shall be subject of a separate vote at the
479 initial District meeting. If the District so votes, the schedule of assessed
480 valuations of land and improvements established by the Boards of
481 Assessors in the Town of Becket for the same fiscal year under the
482 provisions of Chapter 59 of the General Laws, as from time to time
483 amended, shall be relied upon as the basis for determination of the
484 pro-rata share of the District budget voted to be raised and
485 appropriated to be paid by the proprietors upon their lands and
486 improvements lying within the district.

487 Following the adjournment of the initial District meeting and each
488 annual District meeting thereafter, the clerk of the District shall certify
489 to the assessors of the Town of Becket all sums of money voted to be
490 raised by District assessment and the method and means of assessment
491 voted upon at such meeting, which votes will have been adopted by

492 two-thirds majority as provided above in this Act, together with the
493 amount to be paid by each proprietor according to the determination
494 made by such votes. The assessors of the Town of Becket shall without
495 further vote, assess such amounts upon the lands of the proprietors
496 within the District and commit to the collector of taxes of the town who
497 thereupon shall have and exercise the same powers and duties in
498 relation to the collection of town taxes. The collector shall remit
499 weekly to the District treasurer all sums collected by him on account of
500 such assessments. An assessment made hereunder shall be a lien upon
501 the land assessed therefore, in the same manner as a lien for real
502 estate taxes assessed by the town under the provisions of Section 37 of
503 Chapter 60, and other related provisions of the General Laws, as from
504 time to time amended.

505

506 SECTION 14. Fiscal Year. The fiscal year of the District shall be the
507 same fiscal year as established by the General Laws for cities and towns
508 in the Commonwealth.

509

510 SECTION 15. Votes. Unless otherwise specified in this Act, or
511 otherwise required by General Law, all actions permitted to be taken at
512 annual or special District meetings shall require a majority vote of those
513 Proprietors present in person or by proxy at said meeting and entitled
514 to vote thereat, who shall constitute a quorum in accordance with this
515 Act or otherwise by by-law of the District. Likewise, all actions
516 permitted to be taken by the Prudential Committee shall require a
517 majority vote of the committee members present at said meeting who
518 shall constitute a quorum in accordance with this Act.

519

520 SECTION 16. Town Officers Compensation. The District shall
521 include in its initial and in all subsequent annual appropriations,
522 compensation for the Board of Assessors and the Tax Collector of the
523 Town of Becket, as the District shall annually establish.

524

525 SECTION 17. Liability of Towns and of the Commonwealth.
526 Notwithstanding their membership on the Prudential Committee,
527 neither the Town of Becket nor any agency or department of the
528 Commonwealth shall be obligated for any debts of the District, not shall
529 they by virtue of this act be required to pay for any liability, obligation
530 or expense made, suffered or incurred by the District. In like manner,
531 the Proprietors of the District shall not be individually liable or
532 obligated with respect to debts or other obligations made, suffered or
533 incurred by the District except with respect to the payment as
534 assessments upon their land as provided for in this Act.

535

536 SECTION 18. Jurisdictions; Other Governmental Entities. No
537 provision of this Act shall be deemed to modify or amend any power,
538 authority or jurisdiction now or hereafter vested in any agency,
539 department or unit of state, local or federal government as it relates to
540 the use, operation or enjoyment of Center Pond available for use by the
541 general public not only for recreational use but for other purposes now
542 or hereafter permitted or required by federal, state or local law,
543 regulation and local by-law.

544

545 SECTION 19. Overlay Account. The District shall establish in its
546 initial budget in all subsequent fiscal year budgets an overlay account
547 and a reserve fund as provided for towns under the provisions of
548 Section 25 of Chapter 59 and Section 5C of Chapter 40 of the General
549 Laws. The District is further authorized to establish and maintain a
550 stabilization fund under the provisions of Section 5B of Chapter 40 of
551 the General Laws. The District shall further be subject to an audit of its
552 accounts in the manner provided in Section 40 of Chapter 44 of the
553 General Laws.

554

555 SECTION 20. District Boundaries; Additions and Exclusions.
556 Immediately upon the formation of the District, the District clerk shall,
557 in addition to the other duties to be performed by such District officer,
558 cause a review to be made at that time and from time to time
559 thereafter of the records required to be maintained by the Board of
560 Assessors for the Town of Becket including copies of deeds furnished to
561 said boards by the Registry of Deeds, and shall otherwise take such
562 actions as shall be reasonably necessary to establish the real estate
563 within the District and the owners thereof. The clerk shall further cause
564 to be prepared one or more maps based in whole or in part upon the
565 maps required to be maintained by the assessors of said towns on
566 which shall be shown the location of all real estate within the District.
567 Thereafter, at any special meeting called for that purpose and not later
568 than the next annual meeting, the District clerk shall furnish the
569 Prudential Committee with a list of owners and such maps depicting
570 the approximate location and boundaries of such parcels as well as the
571 existing parcels within the District.

572

573 SECTION 21. Dissolution. Once established pursuant to this act,
574 the District shall not dissolve without specific authorization by the
575 general court, which shall not be given until provision has been made
576 for the payment of the obligations of said District. Such dissolution may
577 be initiated by the general court or by two-thirds vote at a regular or
578 special District meeting and shall provide for all assets to be transferred
579 to either the Town of Becket or the Commonwealth of Massachusetts
580 as shall be provided in the dissolution vote.

581

582 SECTION 22. This act shall take effect upon its passage; provided,
583 however, that if the initial meeting of the District shall not occur and
584 the certified vote evidencing the establishment of the District shall not
585 be filed with the Attorney General of the Commonwealth within one (1)
586 year after its passage, this act shall cease to be operative.

587