

HOUSE No.

[LOCAL APPROVAL RECEIVED.]

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 to Establish the Sherwood Forest Lake District.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Denis E. Guyer	2nd Berkshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH THE SHERWOOD FOREST LAKE DISTRICT.

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

1 **SECTION 1.** There is hereby established within the town of Becket the Sherwood Forest
2 Lake District, hereinafter referred to as district, bounded and described as follows:

3

4 The land situated on the southerly side of Route 20, a state highway in said town of Becket as
5 described and shown on the following plans, each of which is on record in the Berkshire Middle
6 District Registry of Deeds:

7 (1) Plan 1, Unit 1, showing blocks 2 through 11 in the Sherwood, Forest development, owned by
8 Sherwood Forest Enterprises, Inc., dated August 1963, recorded in Book 417-F, Page 7, as
9 corrected by plan dated August 1963, recorded in Book 417-F, Page 8-A.

10 (2) Special plan showing block LV-2 in the Sherwood Forest development, owned by Sherwood
11 Forest Enterprises, Inc., dated August 1963, recorded in Book 417-F, Page 8.

12 (3) Plan 2 of Unit 1, showing blocks 16 through 19, 24 through 26, RL-3, NB-1, P-I, RL-I, LV-I, and
13 LV-2 in the Sherwood Forest development owned by Sherwood Forest Enterprises, Inc., dated
14 August 1963, recorded in Book 417-F, Page 7-A.

15 (4) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 17,
16 1966, recorded in Book 417-F, Page 9.

17 (5) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 18,
18 1966, recorded in Book 417-F, Page 9-A.

- 19 (6) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 19,
20 1966, recorded in Book 417-F, Page 10.
- 21 (7) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 20,
22 1966, recorded in Book 417-F, Page 10-A.
- 23 (8) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 14, 1968,
24 recorded in Book 417-F, Page 104.
- 25 (9) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 13,
26 1969, recorded in Book 417-F, Page 140.
- 27 (10) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 14,
28 1969, recorded in Book 417-F, Page 141.
- 29 (11) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 15,
30 1969, recorded in Book 417-F, Page 142.
- 31 (12) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 9,
32 1969, recorded in Book 417-F, Page 143.
- 33 (13) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September
34 11, 1969, recorded in Book 417-F, Page 144.
- 35 (14) Lot 31, Block P-I, Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 23,
36 1967, and recorded in Book 417-D, Page 151.

37

38 **SECTION 2:** Membership in the district shall consist of the proprietors, from time to time, of
39 one or more separately assessed parcels of lands lying within the district boundaries as set
40 forth in Section 1. For the purposes of this act, "proprietor" shall be deemed to include not
41 only natural persons, but also other entities empowered to own real estate in the
42 commonwealth, including but not limited to corporations, partnerships, realty trusts and
43 federal, state and local governmental units. "Proprietor" shall also include a mortgagee of
44 record in possession of any one or more separately assessed parcels and persons or entities
45 who jointly own one or more separately assessed parcels. Persons and/or entities that jointly
46 own one or more separately assessed parcels within the district shall collectively constitute a
47 proprietor for all purposes hereunder.

48

49 **SECTION 3.** The district, upon establishment in the manner hereafter set forth, shall have the
50 following powers:

51

52 **A.** To repair, reconstruct, replace and maintain lakes, dams, spillways, drains and beaches on
53 the Five Lakes within Sherwood Forest, which are Robinhood Lake, Little Robinhood , Lancelot ,
54 Nottingham and Excalibur; also to monitor, test and treat the water in the lakes and to take
55 such action as may be necessary for the control of all nuisance flora and fauna.

56 **B.** To adopt an annual budget and to raise and appropriate money by assessment in an amount
57 necessary to carry out the purposes for which this district is formed.

58 **C.** To sue and be sued in its own name, and to plead and be impleaded; provided, however, that
59 neither the district nor any officer or employee thereof shall be liable in tort except pursuant to
60 the provisions of chapter two hundred and fifty-eight of the General Laws; and provided
61 further, that the district may indemnify its officers and employees to the extent provided in said
62 chapter two hundred and fifty-eight.

63 **D.** To adopt by-laws for the regulation of its affairs in the conduct of its business, which by-laws
64 shall be consistent with the powers conferred by this act and with other applicable provisions
65 of the General Laws.

66 **E.** To accept, whether by gift, transfer, or purchase, the ownership of real property and
67 interests in real property within the district, including, but not limited to, the ownership of
68 lakes, beaches and common area property and to sell, transfer, mortgage and take such other
69 action with regard to real property as consistent with the powers conferred in this act.

70 **F.** To procure liability insurance on all property and property interests owned by the district,
71 including but not limited to beaches and dams and to procure such other insurance against any
72 loss in connection with carrying out the purposes of this act in such amount and from such
73 insurers as it deems desirable.

74 **G.** To make and enter into all contracts and agreements necessary or incidental to the
75 accomplishments of its purposes, subject to appropriation by the district, including, but not
76 limited to, contracts for legal and engineering services.

77 **H.** To employ such experts as may be deemed necessary in its judgment and to fix their
78 compensation.

79 **I.** To receive and accept from any federal agency, the commonwealth, the municipality, or from
80 a charitable foundation, a private corporation or an individual, grants, gifts, loans, and advances

81 for or in aid of the purposes of this district, including, but not limited to revenue sharing funds
82 and community development block grant funds.

83 **J.** From time to time, to borrow money in order to carry out the purposes of this act to the
84 extent permitted for districts under the provisions of chapter forty-four of the General Laws.

85 **K.** To invest any funds not required for the immediate use of the district in such manner and to
86 the extent permitted under the General Laws for the investment of such funds by the treasurer
87 of a town.

88 **L.** To enter upon the streets and ways within said district in order to carry out the purposes of
89 this act.

90 **M.** To manage, purchase, lease, control and supervise equipment, materials, services and
91 facilities necessary or appropriate in the accomplishment of the purposes of this act including,
92 but not limited to, weed harvesting equipment, dredging apparatus, lake draw-down facilities
93 for either temporary or permanent water level control and recreational swimming and boating
94 facilities;

95 **N.** To initiate and coordinate research and surveys for the purpose of gathering data, and to plan
96 and implement projects on the lake, related shore lands, watershed and the drainage basins
97 relating to the reclamation, enhancement, preservation and maintenance of the lakes and the
98 water quality in the lakes;

99 **O.** To reimburse proprietors for the costs of establishing the district and for costs of preliminary
100 investigations and other activities of the district incurred within one year of the formation of the
101 district, including, but not limited to costs for legal services, water testing, surveying,
102 engineering costs, expenses for notification of proprietors, and similar expenses.

103 **P.** To do all acts necessary or convenient to carry out the powers expressly or by necessary
104 implication conferred upon the district by this act and which are not otherwise prohibited
105 under any provision of the General Laws.

106

107 **SECTION 4.** Within 180 days of the effective date of this act, the selectmen of the town of
108 Becket shall call the initial meeting of the proprietors of the district. The board of assessors
109 shall furnish the selectmen with its then current listing of all proprietors within the district.
110 Upon receiving such list, the selectmen shall prepare and mail, postage prepaid, a notice to
111 each proprietor, signed by the selectmen, and setting forth a time and place of a meeting to
112 occur within said 180 day period but not less than 14 days from the date of mailing of said
113 notice. The notice shall be in the form of a warrant specifying the matters upon which action is
114 to be taken at the meeting and shall further clearly state that the purpose of the meeting is to
115 consider the organization of the district. The selectmen shall, not later than 14 days prior to the

116 date of such meeting, cause a copy of the notice to be posted in one or more public access
117 locations within the town. At the initial meeting of the district, a selectman shall preside and
118 shall call the meeting to order. The selectman shall determine whether or not proprietors
119 constituting a quorum are present or represented by proxy. A quorum for purposes of the
120 initial meeting shall be a majority of the proprietors. The proprietors may be present or
121 represented by proxy. Lacking such a quorum, the meeting shall have no power to act, but the
122 selectmen may in the manner above provided call additional meetings for the same purpose
123 within such 180 day period.

124

125 **SECTION 5.** Provided that the number of proprietors, present or represented by proxy,
126 constitute a quorum, the initial meeting of the district shall then proceed to the following order
127 of business:

128 **A.** Election of a moderator who shall be chosen by ballot.

129 **B.** Certification by the moderator to the district meeting that a quorum is in attendance, such
130 initial quorum to consist of not less than thirty proprietors of the district and who have been
131 certified to by the assessor of the town of Becket as being the current landowners for property
132 located in the district; provided, however, that no person who has submitted an application for
133 exclusion from the district pursuant to Section 21 shall be eligible to vote.

134 **C.** The taking of a vote to determine whether or not the district established by this act shall be
135 organized, which shall require an affirmative vote of two-thirds of the persons in attendance
136 and authorized to vote; provided, however, that no person who has submitted an application
137 for exclusion from the district pursuant to Section 21 shall be eligible to vote. If such vote shall
138 be in the negative, the meeting shall thereupon terminate and adjourn. If such vote shall be in
139 the affirmative, the meeting shall then proceed to consider the order of business set forth in
140 clauses D to G, inclusive.

141 **D.** The adoption of district by-laws and form of district seal.

142 **E.** The election of a clerk, treasurer, and the members of the Lake District Prudential Committee
143 (“Committee”). The clerk and the treasurer shall be proprietors of the district entitled to vote
144 at district meetings. If the district shall so elect, one person may serve as both clerk and
145 treasurer. If the district, or the proprietors at subsequent meetings, considers it advisable, they
146 shall also elect an assistant treasurer, who may also serve as clerk. The Committee shall consist
147 of seven persons who are proprietors of the district. In addition to the seven regular members
148 of the Committee, there shall be one alternate Committee member, who shall vote in place of a
149 member who is absent or in the event of a conflict. The Committee members and alternate

150 shall be chosen by election by the proprietors entitled to vote at district meetings. The clerk,
151 treasurer and Committee members shall serve from the date of the initial meeting and until the
152 date of election and qualification of their successors at or following the first annual meeting of
153 the district, and thereafter as provided from time to time in the district by-laws; provided,
154 however, that such interval between election of said officers and Committee members shall not
155 be greater than two years. The clerk, assistant treasurer and the treasurer may not be
156 members of the Committee.

157 **F.** The adoption of an initial budget for the remainder of the fiscal year and the appropriation of
158 monies to be raised by taxation in support thereof.

159 **G.** The consideration of such other business as shall be consistent with the power and authority
160 conferred by this act.

161 **H.** The clerk shall prepare a certificate of the vote taken to organize the district and shall affix
162 the form of seal thereto as adopted by the initial district meeting and shall obtain the
163 endorsement of the selectman initially presiding at the meeting thereon. Such certificate shall be
164 forwarded to the attorney general of the commonwealth within 30 days following the
165 adjournment of the meeting.

166

167 **SECTION 6.** Immediately upon its election at the initial meeting of the district, and thereafter
168 immediately following each annual meeting of the district, the Committee shall meet and shall
169 take the following actions:

170 **A.** The election of a chairman who shall preside at all meetings of the Committee. The
171 chairman shall appoint a vice chairman who shall preside at meetings of the Committee in the
172 absence of the chairman or in the event of his inability to act or because of a conflict of
173 interest.

174 **B.** The adoption of rules for the general conduct of its business.

175 **C.** To conduct such other business as shall be authorized by this act or by the by-laws of the
176 district adopted pursuant hereto. Upon completion of the first meeting of the district in the
177 aforesaid manner, written notice of the establishment thereof shall be sent by the clerk to the
178 commissioner of revenue.

179

180 **SECTION 7.**

181 **A. ANNUAL MEETINGS; WARRANTS.** Annual meetings of the district shall be held on the
182 second Saturday in July or at such other time that the district shall establish from time to time
183 in its by-laws. Annual and other special meetings of the district shall be called by a warrant of
184 the Lake District Prudential committee, notice of which shall be given at least 14 days before
185 such meeting. The warrant shall be mailed first class, postage prepaid, to each proprietor of
186 record in the district and a copy of the same shall be directed to a constable of the town or to
187 some other person who shall forthwith give notice of such meeting in the manner prescribed by
188 the by-laws, or, if no provision therefor shall exist in said by-laws, by a vote of the district, or by
189 posting in two or more public places within said district or by advertising in a newspaper
190 published in the town in which the district is located, if any, otherwise in a newspaper
191 published in the county. The warrant for all district meetings shall state the time and place of
192 holding the meeting and the subjects to be acted upon thereat. The Committee shall insert in
193 the warrant for the annual meeting all subjects the insertion of which shall be requested of
194 them in writing by ten or more proprietors of the district and the warrant for every special
195 district meeting all subjects the insertion of which shall be requested of them in writing by
196 twenty proprietors or by ten per cent of the total number of proprietors within said district,
197 whichever is less. The Committee shall call a special district meeting at its own request or upon
198 the request in writing of ten proprietors or twenty per cent of the total number of proprietors
199 within the district, whichever is less, such meeting to be held not later than thirty days after the
200 receipt of such request, and shall insert in the warrant therefor all subjects the insertion of
201 which shall be requested by said petition. No action shall be valid unless the subject matter
202 thereof is contained in the warrant. Two or more district meetings for distinct purposes may be
203 called by the same warrant. At every district meeting a moderator shall be chosen by ballot,
204 and shall have the powers of the moderator of a town meeting.

205

206 **B. VOTING BY THE PROPRIETORS.** At the initial district meeting and at all subsequent
207 annual and special district meetings, voting by proprietors shall be governed by the requirements
208 of this section. Persons or entities owning one or more separately assessed parcels of land within
209 the district shall be entitled to cast one vote for each separately assessed property on any matter
210 or issue to be voted upon at any such meeting, notwithstanding the total number of parcels
211 owned by such person, persons or entities. Joint owners and entity proprietors shall designate, in
212 writing to the clerk prior to the commencement of the meeting, one person who authorized to
213 vote on behalf of the proprietor at such meeting and such person shall be presumed qualified and
214 authorized to represent the proprietor if such person shall be listed record owner of such parcel or
215 parcels or if such person shall, as evidenced by any public record maintained under the laws of
216 the commonwealth, be listed as a partner, trustee, agent, officer or employee of a proprietor. A
217 person owning one or more parcels together with his spouse shall not be required to furnish a
218 written designation from his spouse and either shall be presumed to be qualified to vote but only
219 one vote for each property owned may be made. The authority of a person to cast a proxy vote

220 on behalf of a proprietor shall be determined by the district by-laws. All proxies must be
221 tendered in writing prior to the commencement of a district meeting and shall clearly set forth the
222 name and address of the proprietor entering the proxy, the name and address of the person who is
223 to exercise the proxy, the signature of the proprietor granting the same and the date of execution.
224 The district may, if it so elects, adopt in its bylaws requirements regarding the form of proxy ,
225 the duration of a proxy, and other requirements for the form of voting.
226

227 **SECTION 8.** District meetings and meetings of the Committee shall be governed by chapter
228 thirty-nine of the General Laws except as otherwise provided in this act and the bylaws adopted
229 hereunder.

230

231 **SECTION 9.** The board of assessors of the town of Becket shall, at least thirty days prior to the
232 annual district meeting, prepare and forward to the Committee a true and complete
233 alphabetical listing with addresses of the proprietors reflected in their records excluding the
234 proprietors who have been granted exclusion from the district as of January first of that year
235 and from the records maintained by the assessors pursuant to chapter fifty-nine and other
236 related provisions of the General Laws. A copy of such list shall be maintained in a manner
237 accessible to the proprietors and the general public at all reasonable times by the Committee
238 and the district clerk and shall be available for inspection at the annual meeting and any special
239 meeting of the district. The board of assessors shall likewise maintain a list of proprietors
240 within their town by separate list or special designation on their list of all assessed parcels.

241

242 **SECTION 10.** The district may, at meetings called therefor, raise money by assessment for the
243 purposes set forth in this act but for none other.

244

245 **SECTION 11.** The fiscal year of the district shall be the same fiscal year as established by the
246 General Laws for cities and towns in the Commonwealth.

247

248 **SECTION 12.** Unless otherwise specified in this act, or the bylaws of the district, or otherwise
249 required by General Law, all actions permitted to be taken at annual or special meetings of the
250 district shall require a majority vote of those persons present at said meeting and entitled to
251 vote thereat, who shall constitute a quorum.

252

253 **SECTION 13.** At the first annual meeting of the district and at each annual meeting thereafter,
254 the district shall elect in the manner provided for in its by-laws the members of its Committee
255 constituted as aforesaid and also a clerk and treasurer of the district. Upon their election, the
256 Committee, clerk and treasurer shall serve for the terms set forth in the by-laws and until their
257 successors shall have been elected at the next annual meeting of the district called for that
258 purpose. Vacancies in the Committee due to resignation or other cause shall be filled at a
259 special district meeting called for that purpose by the remaining members of the Committee,
260 which meeting shall occur within thirty days from the date of such vacancy. In the event that
261 no member of the Committee shall remain in office due to resignation or otherwise, the
262 selectmen of the town of Becket are empowered to issue a warrant for a special meeting of the
263 district to occur within said thirty day period and shall, in the interim, exercise the powers and
264 duties of the Committee until the successors shall be elected at such special meeting.

265

266 **SECTION 14.** The Committee shall be responsible for the expenditure and shall expend, for the
267 purposes prescribed by the district, the money so raised and borrowed by the district, and shall
268 annually prepare a budget with advice from the Treasurer and in his absence, the Assistant
269 Treasurer and shall submit such budget to the annual district meeting for its approval. Upon
270 approval of the budget by the district which shall be deemed to constitute an appropriation for
271 the expenses enumerated therein, the clerk of the district shall certify to the assessors of the
272 town all the votes of the district relative thereto and all sums of money voted to be raised
273 which shall be assessed and collected in the same manner as town taxes, and shall be paid over
274 to the district treasurer. The assessors, treasurer, and collector of the town of Becket shall
275 have the same powers and duties relative to the assessment, collection and abatement or
276 granting of exemptions relative to money voted by the district as they have and exercise
277 relative to the assessment, collection, and abatement, and granting of exemptions relative to
278 town taxes and the sum so voted shall be assessed upon the assessed value of the Land and
279 buildings situated within the district or personal property situated thereon. The district shall
280 include in its initial and in all subsequent annual appropriations, compensation for the town
281 assessors and tax collector, pursuant to the provisions of section one hundred and eight B of
282 chapter forty-one of the General Laws, with respect to their duties and expenses hereunder.

283

284 **SECTION 15.** The district treasurer shall, in addition to any other powers and duties specified
285 elsewhere in this act, receive and take charge of all money belonging to the district, and pay
286 over an account for the same according to the order of the district or of its Committee. The
287 assistant treasurer and the treasurer shall be the only persons authorized to pay any district
288 bill; provided, however, that this provision shall not prohibit the treasurer or assistant treasurer

289 from paying such bill by the use of bank treasurer's or cashier's check. He shall further have the
290 authority given to an auditor by section fifty-one of chapter forty-one of the General Laws, and
291 shall annually render a true account of his receipts and disbursements and a report of his
292 official acts to the district. The treasurer and assistant treasurer if there is one elected, shall
293 give bond annually for the performance of his duties in a form approved by the commissioner
294 of revenue and in such sum, not less than the amount established by said commissioner, as
295 shall be fixed by the Committee (with the costs of such bond to be paid by the district), and if
296 either fails to give such bond within ten days after his election or appointment, or within ten
297 days after the expiration of said bond or any renewal of said bond, either one fails to file a
298 renewal thereof, the Committee shall declare that office vacant and the vacancy shall be filled
299 by the Committee in the manner provided for the appointment of temporary town officers
300 under section forty of chapter forty-one of the General Laws. Vacancies occurring in the office
301 of treasurer or assistant treasurer for any other reason shall be filled by the Committee in a like
302 manner.

303

304 **SECTION 16.** Unless otherwise provided by district by-law, the clerk shall, in addition to the
305 other duties specified herein, take all minutes at district meetings and maintain a record of such
306 minutes in the manner provided for the maintenance of records of minutes of town meetings.
307 Vacancies occurring in the office of clerk shall be filled by the Committee by appointment in the
308 same manner as provided for treasurer in the next preceding section.

309

310 **SECTION 17.** Unless otherwise provided by district by-law, the Committee shall, in addition to
311 the other duties specified herein, decide by majority vote on all contracts, expenditures,
312 investments, or any other actions necessary for carrying out the purposes of the district. No
313 monies shall be drawn from the district treasury except upon signature of the district treasurer
314 or assistant treasurer and upon prior authorization by the Committee to the extent required by
315 district by-law. The Committee shall meet as necessary, but in no event less frequently than
316 quarterly in order to approve contracts, expenditures, and investments, or to take other actions
317 necessary for carrying out the purposes of the district. The district treasurer shall be
318 responsible for submitting to the Committee in a timely manner all contracts, bills, or other
319 items requiring Committee approval. A quorum of the Committee shall be required at all
320 meetings for the conducting of any business and shall consist of a majority of the total number
321 of Committee members then constituted by the district as the Committee.

322

323 **SECTION 18.** The district may, by majority vote, agree upon appropriate compensation for its
324 officers and employees, including the Committee members, in the event that the district shall
325 include in its budget appropriations for its employees or Committee members to perform
326 duties with respect to the lakes within the district.

327

328 **SECTION 19.** The town of Becket shall not be obligated for any debts of the district nor shall it
329 by virtue of this act, be required to pay for any expenses of the district; provided, however, that
330 nothing in this act shall preclude the acceptance of the provision of any enabling legislation
331 permitting the expenditure of monies by the town on activities under the jurisdiction of the
332 district.

333

334 **SECTION 20.** If a person sustains bodily injury or damage to his property by reason of defect or
335 want of repair for an activity performed by the district, claims for such injury or damage shall be
336 governed by the applicable provisions of chapter two fifty eight of the General laws.

337

338 **SECTION 21.** The Committee, at a meeting called therefor, may annex adjacent territory and its
339 inhabitants, if in the judgment of the Committee, the property has legal access to the lakes in
340 the district and a majority of the Committee members vote to expand the limits of the district.
341 If a person requests to be included in the district, they shall pay a fee in an amount to be
342 determined by the Committee based on the annual assessment for the years during which they
343 were excluded from the district. The Committee also may, on the petition of any person,
344 exclude him or his estate from the district; provided, however, that such exclusion shall not be
345 granted by the district if the estate of the petitioner is directly abutting any lake under the
346 jurisdiction of the district and provided further that the petitioner agrees to release any
347 easement rights to access the lakes and the beaches in the District. The petition for exclusion
348 or exemption from taxation shall be filed with the Committee of the district not later than the
349 date set for the filing of petitions for the insertion of articles in the warrant of the district
350 meeting or at which the petition is to be acted upon, and shall state the petitioner's reason for
351 seeking exclusion or exemption from taxation. An application for exclusion from the district
352 may be filed with the Board of Selectmen for the Town of Becket prior to the initial meeting for
353 the creation of the district as set forth in Section 5 and such applications shall be provided to
354 the Committee for vote after creation of the district. The Committee shall cause an appropriate
355 article to be inserted in the warrant for said meeting, shall examine the reasons stated and shall
356 report its findings, with recommendations to said meeting. No property shall be subject to any
357 tax assessed on account of the activities of the district if, in the judgment of the Committee,

358 after a hearing, due notice of which shall be given, such property is so situated that it does
359 not benefit from the activities of said district. Any such petitioner, aggrieved by the action of
360 the Committee, or by the action of the proprietors of the district on his petition, may appeal to
361 the superior court sitting in equity within the county in which the district is located for a
362 remedy. Upon such appeal, said court shall, if the reason set forth by the petitioner is found to
363 lie within the intent of this section, grants such exclusion. The grant of exclusion shall exempt
364 the property and estate of the petitioner from the Lake District and from any tax levied by
365 reason of any appropriation made by the district after the filing of the petition with the
366 Committee.

367

368 **SECTION 22.** By a petition in writing addressed to the Committee and signed by a majority of
369 the proprietors of the district who are entitled to vote at the most recent district meeting prior
370 to the filing of the petition, such petitioners may request that the district be disbanded on the
371 basis that there is no further need for its existence. A three-quarters affirmative vote of all
372 proprietors shall be necessary to disband the district. Notwithstanding the foregoing provision,
373 the district may not be disbanded if at the time of such vote, there are outstanding obligations
374 with respect to which insufficient appropriated funds or surplus funds exist in the district
375 treasury for the purpose of satisfying such obligations. If sufficient funds shall be determined to
376 exist at said meeting to accomplish the payment of all outstanding obligations, such action shall
377 forthwith be taken by the Committee, or by the selectmen of the town of Becket upon the
378 failure of the Committee to act with respect thereto. In the event there shall exist in the district
379 treasury surplus funds remaining after the payment of all outstanding obligations as aforesaid,
380 said funds shall be distributed by the Committee to the property owners within the district
381 based upon the percentage that the most recent assessed valuation of the land for each said
382 district property owner shall bear to the total or aggregate assessed valuation of the land lying
383 within the district. No such distribution of surplus shall be made by the Committee until it shall
384 have first published in each week for three successive weeks in a newspaper of at least weekly
385 publication within the county of Berkshire a notice of intent to disband the district which shall
386 afford reasonable notice to all creditors and possible claimants against the district of the
387 intended action. Further, within ten days of an affirmative vote to disband, the district clerk
388 shall file with the Becket town clerk, with the secretary of the commonwealth and the
389 commissioner of revenue an attested copy of said petition and a certified copy of the district
390 vote. Upon completion of the aforesaid action and upon the expiration of six months from the
391 date of said meeting and vote, the Sherwood Forest Lake District shall cease to exist.

392

393 **SECTION 23.** The district shall establish an overlay account and a reserve fund as contemplated
394 for towns under the provisions of section twenty-five of chapter fifty-nine and section five C of
395 chapter forty of the General Laws, except that the initial fiscal year of the operation of the
396 district, the assessors for the town of Becket, may add to the amount to be assessed, a sum
397 voted by the district, equal to not more than twenty per cent thereof for the purposes and
398 subject to the remaining limitations set forth in said section twenty-five of chapter fifty-nine.
399 The district is further authorized to establish and maintain a stabilization fund under the
400 provisions of section five B of chapter forty of the General Laws. The district shall further be
401 subject to an audit of its accounts in the manner provided in section forty of chapter forty-four
402 of the General Laws.

403

404 **SECTION 24.** This act shall take effect upon its passage; provided, however, that if the first
405 meeting of the district shall not be held within one year after its passage this act shall cease to
406 be operative.

407