

**HOUSE . . . . . No. 3701**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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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 Center Pond;  
2 hereinafter shall be referred to as Center Pond; and

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

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

11           WHEREAS, The assessed value of private property abutting Center Pond will be  
12 significantly reduced if the Center Pond Dam is breached and the resulting loss of tax revenue  
13 will adversely affect the Town of Becket and its residents; and

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

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

21           WHEREAS, Both Federal Government and the Commonwealth of Massachusetts have  
22 recognized the substantial public benefit to be derived from the preservation and enhancement of  
23 the recreational and general environmental quality of such lakes and have developed funded  
24 programs to assist in the study, development and application of methods and means of protecting  
25 and rehabilitating same, and

26           WHEREAS, In addition to the substantial public benefit to be derived from such efforts  
27 to preserve and enhance the recreational and environmental quality of Center Pond and also from  
28 the related development of increased public access for both bathing and boating there also exists  
29 substantial benefits to the owner/proprietors of land along and near the shoreline of Center Pond  
30 where such efforts not only provide direct recreational benefit to such proprietors but also assist  
31 in the preservation and enhancement of their proprietary interest; and

32           WHEREAS, It is anticipated that such proprietors would, by the formation of a self-  
33 governing district entity contribute equitably toward and assist in bringing the dam which creates  
34 Center Pond into compliance with Dam Safety Regulations and otherwise repair and maintain  
35 the said dam and also contribute equitably toward and assist in the development and

36 implementation of studies, projects and programs designed to preserve and enhance the  
37 recreational and general environmental quality of Center Pond including assistance in funding  
38 the operation and management thereof, acting at all times in concert with other local, state and  
39 federal governmental units representing the interests of the general public.

40 NOW THEREFORE,

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

43 SECTION 1. There is hereby authorized to be created and established a district within  
44 the Town of Becket, known as the Center Pond Restoration and Protection District which, upon  
45 establishment in the manner hereinafter set forth shall constitute a body politic and corporate.  
46 Said District shall be generally bounded and comprised as follows:

47 (1) The land embraced by those parcels of land assessed for real estate taxes by the  
48 Board of Assessors for the Town of Becket which (a) abut directly on the shoreline of the Center  
49 Pond or (b) has improved property (defined herein as having a dwelling on such property) that  
50 does not abut directly on the shoreline and has a deeded access to Center Pond (herein  
51 collectively referred to as the "District Property") excluding, however, land owned by the  
52 Commonwealth of Massachusetts and its political bodies.

53 SECTION 2. Owners of such District Property (herein referred to as the "Proprietors") in  
54 the District shall consist of the persons and entities owning or having an interest in land  
55 described in Section 1 above. For the purposes of this act, persons and entities shall be deemed  
56 to not include the Commonwealth of Massachusetts or its political subdivisions.

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

59 A. To inspect, investigate, repair, maintain, protect, improve, reconstruct and construct  
60 the Center Pond Dam subject to the obtaining of necessary approvals from and, where required,  
61 under the supervision of appropriate local, state and federal governmental agencies including the  
62 Town of Becket, Department of Conservation and Recreation, the Office of Dam Safety,  
63 Environmental Protection, Fisheries, Wildlife and Recreational Vehicles (or divisions, boards  
64 and successors thereof).

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

68 C. . To manage, control and supervise Center Pond Dam, equipment and facilities  
69 necessary or appropriate in the accomplishment of the purposes of this Act, including but not  
70 limited to weed control and water level control, provided always the level of Center Pond shall  
71 be maintained at an adequate level between June 1 and October 15, unless dangerous to do so,  
72 and further provided the District shall have no authority or right to limit the recreational use of  
73 Center Pond or land within the District or construct, maintain or repair any roads or other  
74 facilities except those necessary or advisable for the maintenance, repair, protection and  
75 improvement of the Center Pond Dam.

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

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

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

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

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

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

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

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

98           L. To borrow at the first or any subsequent meeting of the District for the purpose of  
99 meeting preliminary or current expenses such sums as may be necessary and to issue therefore  
100 general obligation temporary notes for a period of not more than two (2) years, provided that  
101 such notes shall be issued only in anticipation of assessments and other revenues of the District  
102 of the fiscal year in which such notes are issued or in anticipation of money to be received from  
103 the sale of longer term bonds or notes for such purposes as are otherwise hereafter permitted in  
104 this Act.

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

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

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

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

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

123 SECTION 4. Formation. Upon enactment of this Act and within sixty (60) days  
124 thereafter, the selectmen of the Town of Becket shall call a meeting of the Proprietors of the  
125 lands to be included in the District as set forth under Section 2 above. For the purposes of  
126 establishing an initial list of owners, the selectmen shall consult with the Board of Assessors and  
127 such board shall furnish to the selectmen a listing of all property owners as of January first in the  
128 year of enactment who are owners of District Property or who within the reasonable knowledge  
129 or belief of the assessors are owners of District Property. The selectmen upon receiving such  
130 lists shall prepare and mail a notice to each such Proprietor signed by a selectmen and setting  
131 forth a time and place of a meeting to occur within said sixty (60) day period, but not less than  
132 fourteen (14) days from the date of mailing and said notice. The notice shall be in the form of a  
133 warrant specifying the matters upon which action is to be taken at the meeting and shall further  
134 clearly state that the purpose of the meeting is to consider the organization of the District. The  
135 selectmen shall further not later than fourteen (14) days prior to the date of such meeting cause a  
136 copy of the notice to be posted in one or more public access locations within the town. The  
137 meeting shall be held at a public access building in the Town of Becket unless some other  
138 location within the town shall be jointly agreed upon by the selectmen.

139 At the first meeting of the District, one selectman from the Town of Becket shall initially  
140 preside and shall call the meeting to order. Said selectmen shall thereupon determine whether or  
141 not a majority of the Proprietors are present or represented by proxies duly executed and placed  
142 in the hands of the other Proprietors prior to said meeting. Lacking such a majority, the meeting

143 shall have no power to act, but the selectmen of the town may, in the manner above provided,  
144 call additional meetings for the same purpose within a further sixty day period.

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

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

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

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

156           D. The election by ballot of a District clerk and a District treasurer, who may be the  
157 same person, and who shall be a Proprietor as defined in Section 1 of this Act, to hold office  
158 until one year from the next succeeding annual meeting and at each annual meeting after the first  
159 a clerk and treasurer shall be elected by ballot for one year. There shall also be elected by ballot  
160 three (3) members of the Prudential Committee, constituted in its entirety as hereafter set forth,  
161 said three (3) members to hold office, one for three (3) years, one for two (2) years, and one for  
162 one (1) year, from the next succeeding annual meeting. At each annual meeting after the first, a  
163 member of the committee shall be elected by ballot for three (3) years. The aforesaid officers of  
164 the District shall hold office until their successors are elected and qualified. Persons eligible for



165 nomination and election to the Prudential Committee shall be at least eighteen years of age and  
166 shall be persons entitled to vote as owners.

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

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

172 The District clerk shall retain all proxy votes cast at the initial meeting, together with the  
173 minutes of the meeting and as part of the permanent record of the District. The clerk shall  
174 further prepare a certificate of the vote taken to organize the District and shall affix the form of  
175 seal thereto as adopted by the initial District meeting and shall obtain the endorsement of the  
176 selectmen initially presiding at the meeting thereon. Such certificate shall be forwarded to the  
177 Attorney General of the Commonwealth within thirty (30) days following the adjournment of the  
178 meeting and upon filing said certificate, the provisions of this Act shall take full effect.

179 SECTION 5. Voting. At the initial District meeting, at all subsequent annual and special  
180 District meetings, voting by Proprietors shall be governed by the requirements of this Section.  
181 There shall be one vote available to be cast for each District Property parcel assessed for real  
182 estate taxes by the Board of Assessors of the Town of Becket as set forth in Section 1 of this Act  
183 irrespective of whether there be more than one owner for such parcels and excluding, however,  
184 land owned by the Commonwealth of Massachusetts or its political bodies.. In the event of more  
185 than one owner, the Proprietors shall designate in writing to the clerk prior to the commencement  
186 of the meeting, the person authorized to vote on behalf of the Proprietor at such meeting and

187 such person shall be presumed as qualified and authorized to present signatories. A Proprietor  
188 owning a parcel with his/her spouse shall not be required to furnish a written proxy from his/her  
189 spouse and either shall be presumed to be qualified to vote.

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

197 SECTION 6. Annual and Special Meetings; Quorum Requirements. Annual meetings of  
198 the District shall be held on the last Saturday in May in each year or at such other time as the  
199 District shall establish from time to time in its by-laws. Annual or other special meetings of the  
200 District shall be called by warrant under the hands of the Prudential Committee, notice of which  
201 shall be given fourteen (14) days at least before such meeting. The warrant shall be mailed first  
202 class, postage pre-paid to each Proprietor of record in the District and a copy of same shall be  
203 directed to a constable of the Town of Becket or to some other person who shall cause a copy of  
204 said notice to be posted in one or more public place within the town or by advertising in a  
205 newspaper published at least weekly within Berkshire County and having a general circulation  
206 within the town. The warrant for all District meetings shall state the time and place of the  
207 meeting and the subjects to be acted upon thereat. The Prudential Committee shall insert in the  
208 warrant of the annual meeting all subjects, the insertion of which shall be requested of them in  
209 writing by ten (10) or more owners and in the warrant for each special District meeting all

210 subjects the insertion of which shall be requested of them in writing by twenty (20) or more  
211 owners. The Prudential Committee shall call a special District meeting at its behest or upon  
212 request in writing of not less than twenty (20) owners. Special meetings so requested shall be  
213 held not later than thirty (30) days after the receipt of such request. No action taken at the annual  
214 or any special District meeting shall be valid unless the subject matter thereof shall have been set  
215 forth in the warrant for such meeting. Two or more District meetings for District purposes may  
216 be called for by the same warrant. At every District meeting a moderator shall be chosen by  
217 ballot and shall have the powers of the moderator of a town meeting.

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

220           The Board of Assessors of the Town of Becket shall, at least thirty (30) days prior to the  
221 annual District meeting, prepare and forward to the Prudential Committee a true and complete  
222 alphabetical listing with addresses of the owners reflected in their records as of January first of  
223 that year and from the records maintained by the assessors pursuant to Chapter 59 and other  
224 related provisions of the General Laws. A copy of such list shall be maintained in a manner  
225 accessible to the owners and the general public at all reasonable times by the Prudential  
226 Committee and/or the District clerk and shall further be available for inspection at the annual  
227 meeting and any special meeting of the District. The Board of Assessors shall likewise maintain  
228 a list of owners by separate list or special designation on their list of all assessed parcels.

229           Quorum requirements for annual meetings and special meetings of the District shall be  
230 specified for the initial District meeting set forth above or otherwise as the District shall  
231 determine from time to time in its by-laws, provided always that the quorum requirements for

232 any meeting at which there may be a vote to amend the District's by-laws shall be no less than  
233 50% of the eligible and qualified Proprietors in person or by proxy but a lesser number may  
234 adjourn any meeting from time to time without further notice.

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

238 A vote to petition for dissolution of the District.

239 A vote to purchase, to take by eminent domain or otherwise acquire real property.

240 A vote to finance any undertaking which is authorized by the Act to be financed in whole  
241 or in part by the issuance by the District of long term notes or bonds.

242 A vote to amend the District by-laws.

243 SECTION 7. Prudential Committee Composition and Duties. The Prudential  
244 Committee shall have and shall exercise, the following powers and duties:

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

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

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

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

256 E. Subject to prior appropriation therefore, to hire, supervise, suspend and discharge  
257 such employees as the Prudential Committee shall deem necessary or appropriate for the conduct  
258 of the work to be performed by the District including, but not limited to, a District superintendent  
259 who shall have charge on a day to day basis of all District employees and who shall be  
260 responsible on behalf of the Prudential Committee for the conduct and/or supervision of any and  
261 all work to be performed by or on behalf of the District pursuant to this Act. Compensation and  
262 benefits for the District superintendent and all other employees shall, subject to prior  
263 appropriation therefore, be as determined from time to time by vote of the Prudential Committee.

264 SECTION 8. Meetings. That the Prudential Committee shall meet as necessary, but in  
265 no event less frequently than every six months. A quorum of the Prudential Committee shall be  
266 required at all meetings for the conduct of any business thereat, and shall consist of its voting  
267 members. The initial meeting of the Prudential Committee shall occur not later than thirty (30)  
268 days following the establishment of the District. Thereafter the Prudential Committee shall  
269 schedule one meeting to occur in each year immediately following the adjournment of the annual  
270 District meeting. At such initial meeting and at all subsequent meetings following the annual  
271 District meeting, the Prudential Committee shall elect from its members a chairman who shall  
272 preside at all committee meetings and shall serve until his successor shall be elected at the

273 meeting following the annual District meeting. The Prudential Committee shall also elect a vice-  
274 chairman who shall be empowered to preside over committee meetings in the absence of the  
275 chairman and who shall serve for a like term. The District may, subject to a prior appropriation  
276 therefore, provide appropriate compensation for District officers including members of the  
277 Prudential Committee and including the expense of travel, meals and lodging for such officers  
278 and Prudential Committee members residing outside the District.

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

284 SECTION 10. Treasurer. The District treasurer shall receive and take charge of all  
285 money belonging to the District, and pay over and account for the same according to the order of  
286 the District or of its Prudential Committee. No other persons shall pay any District bill;  
287 provided, however, that this provision shall not prohibit the treasurer from paying such bill by  
288 the use of a bank treasurer's or cashier's check. He shall further have the authority given to an  
289 auditor by Section 51 of Chapter 41 of the General Laws, and shall annually render a true  
290 account of his receipts and disbursements and report of his official acts to the District. The  
291 treasurer shall give bond annually for the performance of his duties in a form approved by the  
292 Commissioner of Revenue and in such sum, not less than the amount established by said  
293 Commission, as shall be fixed by the Prudential Committee, and if he fails to give such bond  
294 within ten (10) days after his election or appointment, or if within ten (10) days after the  
295 expiration of said bond or any renewal of said bond, he fails to file a renewal thereof, the

296 Prudential Committee shall declare the office vacant and the vacancies shall be filled by the  
297 Prudential Committee in the manner set forth in Section 12 of this Act.

298 SECTION 11. Clerk. The District clerk shall, in addition to the other duties specified  
299 herein, take all minutes at District meetings and at meetings of the Prudential Committee and  
300 maintain a record of such minutes in a manner provided for the maintenance of records of  
301 minutes of town meetings and of meetings by the Boards of Selectmen in the Commonwealth.  
302 The clerk shall further be the official responsible for certifying copies of any and all votes taken  
303 at a District meeting or a meeting of the Prudential Committee.

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

312 SECTION 13. District Assessments. At its initial meeting, and at the annual meeting  
313 each and every year thereafter, the District shall adopt by two-thirds vote as above set forth, a  
314 method to be employed during the fiscal year to which the meeting relates for financing the share  
315 of its annual budget which is anticipated to be required to be funded by the District. The District  
316 may vote to adopt any of the following methods of financing, or combination thereof:

317           A. The District may raise by assessments upon the real estate situated within the District  
318 the sum required to meet the District budget.

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

322           C. The District may incur debt to the amount advisable for District improvements or  
323 major equipment purchases and may issue therefore notes or bonds, and may, if the District  
324 further so approves, issue notes or bonds on the condition that the first payment on account of the  
325 principal shall be deferred for a period of not more than five (5) years from the date of issue of  
326 such notes or bonds and that the whole amount of such debt shall be payable within a period of  
327 not more than twenty-five (25) years after such notes or bonds are issued. No such issue shall be  
328 for a term longer than the reasonably estimated useful life of the improvements, facilities and  
329 equipment to be so funded.

330           Indebtedness incurred by the District under the provision of this subsection shall be  
331 subject to Chapter 44 and to other provisions of the General Laws applicable to notes and bonds  
332 of Districts except as otherwise provided in this Act. If the District issues notes or bonds and  
333 thereafter it shall receive an appropriation from another governmental entity to cover such part, if  
334 any, of the expenses of such improvements, the District, in its discretion, unless otherwise  
335 mandated by the terms and conditions of the grant from such governmental unit, shall make all  
336 or any part of such appropriation available to redeem notes or bonds of the District and shall hold  
337 the balance, if any, to the credit of the District to be used for the payment of the expense of such



338 improvements, facilities and for equipment. Bonds or notes issued under this Section shall be  
339 the general obligations of the District.

340 That portion, if any, of the budgeted expense for the initial fiscal year and for each  
341 subsequent fiscal year which shall be required by the District for the payment of principal and  
342 interest on bonds and notes issued or to be issued by the District and which will be due during  
343 the ensuing fiscal year together with those amounts necessary to be raised by the District to  
344 maintain and operate the District during said fiscal year for capital outlay items, the costs of  
345 which is not otherwise funded, and all other budgeted expenses for which the District is  
346 authorized to raise money, the costs of which items the District shall have voted to raise by  
347 assessment upon land and improvements of the proprietors within the District shall be subject of  
348 a separate vote at the initial District meeting. If the District so votes, the schedule of assessed  
349 valuations of land and improvements established by the Boards of Assessors in the Town of  
350 Becket for the same fiscal year under the provisions of Chapter 59 of the General Laws, as from  
351 time to time amended, shall be relied upon as the basis for determination of the pro-rata share of  
352 the District budget voted to be raised and appropriated to be paid by the proprietors upon their  
353 lands and improvements lying within the district.

354 Following the adjournment of the initial District meeting and each annual District  
355 meeting thereafter, the clerk of the District shall certify to the assessors of the Town of Becket all  
356 sums of money voted to be raised by District assessment and the method and means of  
357 assessment voted upon at such meeting, which votes will have been adopted by two-thirds  
358 majority as provided above in this Act, together with the amount to be paid by each proprietor  
359 according to the determination made by such votes. The assessors of the Town of Becket shall  
360 without further vote, assess such amounts upon the lands of the proprietors within the District

361 and commit to the collector of taxes of the town who thereupon shall have and exercise the same  
362 powers and duties in relation to the collection of town taxes. The collector shall remit weekly to  
363 the District treasurer all sums collected by him on account of such assessments. An assessment  
364 made hereunder shall be a lien upon the land assessed therefore, in the same manner as a lien for  
365 real estate taxes assessed by the town under the provisions of Section 37 of Chapter 60, and other  
366 related provisions of the General Laws, as from time to time amended.

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

369 SECTION 15. Votes. Unless otherwise specified in this Act, or otherwise required by  
370 General Law, all actions permitted to be taken at annual or special District meetings shall require  
371 a majority vote of those Proprietors present in person or by proxy at said meeting and entitled to  
372 vote thereat, who shall constitute a quorum in accordance with this Act or otherwise by by-law  
373 of the District. Likewise, all actions permitted to be taken by the Prudential Committee shall  
374 require a majority vote of the committee members present at said meeting who shall constitute a  
375 quorum in accordance with this Act.

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

379 SECTION 17. Liability of Towns and of the Commonwealth. Notwithstanding their  
380 membership on the Prudential Committee, neither the Town of Becket nor any agency or  
381 department of the Commonwealth shall be obligated for any debts of the District, not shall they  
382 by virtue of this act be required to pay for any liability, obligation or expense made, suffered or

383 incurred by the District. In like manner, the Proprietors of the District shall not be individually  
384 liable or obligated with respect to debts or other obligations made, suffered or incurred by the  
385 District except with respect to the payment as assessments upon their land as provided for in this  
386 Act.

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

393 SECTION 19. Overlay Account. The District shall establish in its initial budget in all  
394 subsequent fiscal year budgets an overlay account and a reserve fund as provided for towns  
395 under the provisions of Section 25 of Chapter 59 and Section 5C of Chapter 40 of the General  
396 Laws. The District is further authorized to establish and maintain a stabilization fund under the  
397 provisions of Section 5B of Chapter 40 of the General Laws. The District shall further be subject  
398 to an audit of its accounts in the manner provided in Section 40 of Chapter 44 of the General  
399 Laws.

400 SECTION 20. District Boundaries; Additions and Exclusions. Immediately upon the  
401 formation of the District, the District clerk shall, in addition to the other duties to be performed  
402 by such District officer, cause a review to be made at that time and from time to time thereafter  
403 of the records required to be maintained by the Board of Assessors for the Town of Becket  
404 including copies of deeds furnished to said boards by the Registry of Deeds, and shall otherwise

405 take such actions as shall be reasonably necessary to establish the real estate within the District  
406 and the owners thereof. The clerk shall further cause to be prepared one or more maps based in  
407 whole or in part upon the maps required to be maintained by the assessors of said towns on  
408 which shall be shown the location of all real estate within the District. Thereafter, at any special  
409 meeting called for that purpose and not later than the next annual meeting, the District clerk shall  
410 furnish the Prudential Committee with a list of owners and such maps depicting the approximate  
411 location and boundaries of such parcels as well as the existing parcels within the District.

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

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