

HOUSE No. 3702

The Commonwealth of Massachusetts

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

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

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

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

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

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

18 (6) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January
19 19, 1966, recorded in Book 417-F, Page 10.

20 (7) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated
21 January 20, 1966, recorded in Book 417-F, Page 10-A.

22 (8) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 14,
23 1968, recorded in Book 417-F, Page 104.

24 (9) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August
25 13, 1969, recorded in Book 417-F, Page 140.

26 (10) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August
27 14, 1969, recorded in Book 417-F, Page 141.

28 (11) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August
29 15, 1969, recorded in Book 417-F, Page 142.

30 (12) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated
31 September 9, 1969, recorded in Book 417-F, Page 143.

32 (13) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated
33 September 11, 1969, recorded in Book 417-F, Page 144.

34 (14) Lot 31, Block P-1, Sherwood Forest, a subdivision in Becket, Massachusetts, dated
35 May 23, 1967, and recorded in Book 417-D, Page 151.

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

46 SECTION 3. The district, upon establishment in the manner hereafter set forth, shall
47 have the following powers:

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

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

54 C. To sue and be sued in its own name, and to plead and be impleaded; provided,
55 however, that neither the district nor any officer or employee thereof shall be liable in tort except

56 pursuant to the provisions of chapter two hundred and fifty-eight of the General Laws; and
57 provided further, that the district may indemnify its officers and employees to the extent
58 provided in said chapter two hundred and fifty-eight.

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

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

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

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

73 H. To employ such experts as may be deemed necessary in its judgment and to fix their
74 compensation.

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

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

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

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

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

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

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

95 O. To reimburse proprietors for the costs of establishing the district and for costs of
96 preliminary investigations and other activities of the district incurred within one year of the

97 formation of the district, including, but not limited to costs for legal services, water testing,
98 surveying, engineering costs, expenses for notification of proprietors, and similar expenses.

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

102 SECTION 4. Within 180 days of the effective date of this act, the selectmen of the town
103 of Becket shall call the initial meeting of the proprietors of the district. The board of assessors
104 shall furnish the selectmen with its then current listing of all proprietors within the district. Upon
105 receiving such list, the selectmen shall prepare and mail, postage prepaid, a notice to each
106 proprietor, signed by the selectmen, and setting forth a time and place of a meeting to occur
107 within said 180 day period but not less than 14 days from the date of mailing of said notice. The
108 notice shall be in the form of a warrant specifying the matters upon which action is to be taken at
109 the meeting and shall further clearly state that the purpose of the meeting is to consider the
110 organization of the district. The selectmen shall, not later than 14 days prior to the date of such
111 meeting, cause a copy of the notice to be posted in one or more public access locations within the
112 town. At the initial meeting of the district, a selectman shall preside and shall call the meeting to
113 order. The selectman shall determine whether or not proprietors constituting a quorum are
114 present or represented by proxy. A quorum for purposes of the initial meeting shall be a majority
115 of the proprietors. The proprietors may be present or represented by proxy. Lacking such a
116 quorum, the meeting shall have no power to act, but the selectmen may in the manner above
117 provided call additional meetings for the same purpose within such 180 day period.

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

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

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

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

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

135 E. The election of a clerk, treasurer, and the members of the Lake District Prudential
136 Committee (“Committee”). The clerk and the treasurer shall be proprietors of the district entitled
137 to vote at district meetings. If the district shall so elect, one person may serve as both clerk and
138 treasurer. If the district, or the proprietors at subsequent meetings, considers it advisable, they
139 shall also elect an assistant treasurer, who may also serve as clerk. The Committee shall consist

140 of seven persons who are proprietors of the district. In addition to the seven regular members of
141 the Committee, there shall be one alternate Committee member, who shall vote in place of a
142 member who is absent or in the event of a conflict. The Committee members and alternate shall
143 be chosen by election by the proprietors entitled to vote at district meetings. The clerk, treasurer
144 and Committee members shall serve from the date of the initial meeting and until the date of
145 election and qualification of their successors at or following the first annual meeting of the
146 district, and thereafter as provided from time to time in the district by-laws; provided, however,
147 that such interval between election of said officers and Committee members shall not be greater
148 than two years. The clerk, assistant treasurer and the treasurer may not be members of the
149 Committee.

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

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

154 H. The clerk shall prepare a certificate of the vote taken to organize the district and shall
155 affix the form of seal thereto as adopted by the initial district meeting and shall obtain the
156 endorsement of the selectman initially presiding at the meeting thereon. Such certificate shall be
157 forwarded to the attorney general of the commonwealth within 30 days following the
158 adjournment of the meeting.

159 SECTION 6. Immediately upon its election at the initial meeting of the district, and
160 thereafter immediately following each annual meeting of the district, the Committee shall meet
161 and shall take the following actions:

162 A. The election of a chairman who shall preside at all meetings of the Committee. The
163 chairman shall appoint a vice chairman who shall preside at meetings of the Committee in the
164 absence of the chairman or in the event of his inability to act or because of a conflict of interest.

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

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

170 SECTION 7.

171 A. ANNUAL MEETINGS; WARRANTS. Annual meetings of the district shall be held
172 on the second Saturday in July or at such other time that the district shall establish from time to
173 time in its by-laws. Annual and other special meetings of the district shall be called by a warrant
174 of the Lake District Prudential committee, notice of which shall be given at least 14 days before
175 such meeting. The warrant shall be mailed first class, postage prepaid, to each proprietor of
176 record in the district and a copy of the same shall be directed to a constable of the town or to
177 some other person who shall forthwith give notice of such meeting in the manner prescribed by
178 the by-laws, or, if no provision therefor shall exist in said by-laws, by a vote of the district, or by
179 posting in two or more public places within said district or by advertising in a newspaper
180 published in the town in which the district is located, if any, otherwise in a newspaper published
181 in the county. The warrant for all district meetings shall state the time and place of holding the
182 meeting and the subjects to be acted upon thereat. The Committee shall insert in the warrant for
183 the annual meeting all subjects the insertion of which shall be requested of them in writing by ten

184 or more proprietors of the district and the warrant for every special district meeting all subjects
185 the insertion of which shall be requested of them in writing by twenty proprietors or by ten per
186 cent of the total number of proprietors within said district, whichever is less. The Committee
187 shall call a special district meeting at its own request or upon the request in writing of ten
188 proprietors or twenty per cent of the total number of proprietors within the district, whichever is
189 less, such meeting to be held not later than thirty days after the receipt of such request, and shall
190 insert in the warrant therefor all subjects the insertion of which shall be requested by said
191 petition. No action shall be valid unless the subject matter thereof is contained in the warrant.
192 Two or more district meetings for distinct purposes may be called by the same warrant. At every
193 district meeting a moderator shall be chosen by ballot, and shall have the powers of the
194 moderator of a town meeting.

195 B. VOTING BY THE PROPRIETORS. At the initial district meeting and at all
196 subsequent annual and special district meetings, voting by proprietors shall be governed by the
197 requirements of this section. Persons or entities owning one or more separately assessed parcels
198 of land within the district shall be entitled to cast one vote for each separately assessed property
199 on any matter or issue to be voted upon at any such meeting, notwithstanding the total number of
200 parcels owned by such person, persons or entities. Joint owners and entity proprietors shall
201 designate, in writing to the clerk prior to the commencement of the meeting, one person who
202 authorized to vote on behalf of the proprietor at such meeting and such person shall be presumed
203 qualified and authorized to represent the proprietor if such person shall be listed record owner of
204 such parcel or parcels or if such person shall, as evidenced by any public record maintained
205 under the laws of the commonwealth, be listed as a partner, trustee, agent, officer or employee of
206 a proprietor. A person owning one or more parcels together with his spouse shall not be required

207 to furnish a written designation from his spouse and either shall be presumed to be qualified to
208 vote but only one vote for each property owned may be made. The authority of a person to cast a
209 proxy vote on behalf of a proprietor shall be determined by the district by-laws. All proxies must
210 be tendered in writing prior to the commencement of a district meeting and shall clearly set forth
211 the name and address of the proprietor entering the proxy, the name and address of the person
212 who is to exercise the proxy, the signature of the proprietor granting the same and the date of
213 execution. The district may, if it so elects, adopt in its bylaws requirements regarding the form
214 of proxy , the duration of a proxy, and other requirements for the form of voting.

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

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

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

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

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

236 SECTION 13. At the first annual meeting of the district and at each annual meeting
237 thereafter, the district shall elect in the manner provided for in its by-laws the members of its
238 Committee constituted as aforesaid and also a clerk and treasurer of the district. Upon their
239 election, the Committee, clerk and treasurer shall serve for the terms set forth in the by-laws and
240 until their successors shall have been elected at the next annual meeting of the district called for
241 that purpose. Vacancies in the Committee due to resignation or other cause shall be filled at a
242 special district meeting called for that purpose by the remaining members of the Committee,
243 which meeting shall occur within thirty days from the date of such vacancy. In the event that no
244 member of the Committee shall remain in office due to resignation or otherwise, the selectmen of
245 the town of Becket are empowered to issue a warrant for a special meeting of the district to occur
246 within said thirty day period and shall, in the interim, exercise the powers and duties of the
247 Committee until the successors shall be elected at such special meeting.

248 SECTION 14. The Committee shall be responsible for the expenditure and shall expend,
249 for the purposes prescribed by the district, the money so raised and borrowed by the district, and

250 shall annually prepare a budget with advice from the Treasurer and in his absence, the Assistant
251 Treasurer and shall submit such budget to the annual district meeting for its approval. Upon
252 approval of the budget by the district which shall be deemed to constitute an appropriation for
253 the expenses enumerated therein, the clerk of the district shall certify to the assessors of the town
254 all the votes of the district relative thereto and all sums of money voted to be raised which shall
255 be assessed and collected in the same manner as town taxes, and shall be paid over to the district
256 treasurer. The assessors, treasurer, and collector of the town of Becket shall have the same
257 powers and duties relative to the assessment, collection and abatement or granting of exemptions
258 relative to money voted by the district as they have and exercise relative to the assessment,
259 collection, and abatement, and granting of exemptions relative to town taxes and the sum so
260 voted shall be assessed upon the assessed value of the Land and buildings situated within the
261 district or personal property situated thereon. The district shall include in its initial and in all
262 subsequent annual appropriations, compensation for the town assessors and tax collector,
263 pursuant to the provisions of section one hundred and eight B of chapter forty-one of the General
264 Laws, with respect to their duties and expenses hereunder.

265 SECTION 15. The district treasurer shall, in addition to any other powers and duties
266 specified elsewhere in this act, receive and take charge of all money belonging to the district, and
267 pay over an account for the same according to the order of the district or of its Committee. The
268 assistant treasurer and the treasurer shall be the only persons authorized to pay any district bill;
269 provided, however, that this provision shall not prohibit the treasurer or assistant treasurer from
270 paying such bill by the use of bank treasurer's or cashier's check. He shall further have the
271 authority given to an auditor by section fifty-one of chapter forty-one of the General Laws, and
272 shall annually render a true account of his receipts and disbursements and a report of his official

273 acts to the district. The treasurer and assistant treasurer if there is one elected, shall give bond
274 annually for the performance of his duties in a form approved by the commissioner of revenue
275 and in such sum, not less than the amount established by said commissioner, as shall be fixed by
276 the Committee (with the costs of such bond to be paid by the district), and if either fails to give
277 such bond within ten days after his election or appointment, or within ten days after the
278 expiration of said bond or any renewal of said bond, either one fails to file a renewal thereof, the
279 Committee shall declare that office vacant and the vacancy shall be filled by the Committee in
280 the manner provided for the appointment of temporary town officers under section forty of
281 chapter forty-one of the General Laws. Vacancies occurring in the office of treasurer or assistant
282 treasurer for any other reason shall be filled by the Committee in a like manner.

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

288 SECTION 17. Unless otherwise provided by district by-law, the Committee shall, in
289 addition to the other duties specified herein, decide by majority vote on all contracts,
290 expenditures, investments, or any other actions necessary for carrying out the purposes of the
291 district. No monies shall be drawn from the district treasury except upon signature of the district
292 treasurer or assistant treasurer and upon prior authorization by the Committee to the extent
293 required by district by-law. The Committee shall meet as necessary, but in no event less
294 frequently than quarterly in order to approve contracts, expenditures, and investments, or to take
295 other actions necessary for carrying out the purposes of the district. The district treasurer shall

296 be responsible for submitting to the Committee in a timely manner all contracts, bills, or other
297 items requiring Committee approval. A quorum of the Committee shall be required at all
298 meetings for the conducting of any business and shall consist of a majority of the total number of
299 Committee members then constituted by the district as the Committee.

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

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

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

313 SECTION 21. The Committee, at a meeting called therefor, may annex adjacent territory
314 and its inhabitants, if in the judgment of the Committee, the property has legal access to the lakes
315 in the district and a majority of the Committee members vote to expand the limits of the district.
316 If a person requests to be included in the district, they shall pay a fee in an amount to be
317 determined by the Committee based on the annual assessment for the years during which they

318 were excluded from the district. The Committee also may, on the petition of any person, exclude
319 him or his estate from the district; provided, however, that such exclusion shall not be granted
320 by the district if the estate of the petitioner is directly abutting any lake under the jurisdiction of
321 the district and provided further that the petitioner agrees to release any easement rights to access
322 the lakes and the beaches in the District. The petition for exclusion or exemption from taxation
323 shall be filed with the Committee of the district not later than the date set for the filing of
324 petitions for the insertion of articles in the warrant of the district meeting or at which the petition
325 is to be acted upon, and shall state the petitioner's reason for seeking exclusion or exemption
326 from taxation. An application for exclusion from the district may be filed with the Board of
327 Selectmen for the Town of Becket prior to the initial meeting for the creation of the district as set
328 forth in Section 5 and such applications shall be provided to the Committee for vote after
329 creation of the district. The Committee shall cause an appropriate article to be inserted in the
330 warrant for said meeting, shall examine the reasons stated and shall report its findings, with
331 recommendations to said meeting. No property shall be subject to any tax assessed on account of
332 the activities of the district if, in the judgment of the Committee, after a hearing, due notice of
333 which shall be given, such property is so situated that it does not benefit from the activities of
334 said district. Any such petitioner, aggrieved by the action of the Committee, or by the action of
335 the proprietors of the district on his petition, may appeal to the superior court sitting in equity
336 within the county in which the district is located for a remedy. Upon such appeal, said court
337 shall, if the reason set forth by the petitioner is found to lie within the intent of this section,
338 grants such exclusion. The grant of exclusion shall exempt the property and estate of the
339 petitioner from the Lake District and from any tax levied by reason of any appropriation made by
340 the district after the filing of the petition with the Committee.

341 SECTION 22. By a petition in writing addressed to the Committee and signed by a
342 majority of the proprietors of the district who are entitled to vote at the most recent district
343 meeting prior to the filing of the petition, such petitioners may request that the district be
344 disbanded on the basis that there is no further need for its existence. A three-quarters affirmative
345 vote of all proprietors shall be necessary to disband the district. Notwithstanding the foregoing
346 provision, the district may not be disbanded if at the time of such vote, there are outstanding
347 obligations with respect to which insufficient appropriated funds or surplus funds exist in the
348 district treasury for the purpose of satisfying such obligations. If sufficient funds shall be
349 determined to exist at said meeting to accomplish the payment of all outstanding obligations,
350 such action shall forthwith be taken by the Committee, or by the selectmen of the town of Becket
351 upon the failure of the Committee to act with respect thereto. In the event there shall exist in the
352 district treasury surplus funds remaining after the payment of all outstanding obligations as
353 aforesaid, said funds shall be distributed by the Committee to the property owners within the
354 district based upon the percentage that the most recent assessed valuation of the land for each
355 said district property owner shall bear to the total or aggregate assessed valuation of the land
356 lying within the district. No such distribution of surplus shall be made by the Committee until it
357 shall have first published in each week for three successive weeks in a newspaper of at least
358 weekly publication within the county of Berkshire a notice of intent to disband the district which
359 shall afford reasonable notice to all creditors and possible claimants against the district of the
360 intended action. Further, within ten days of an affirmative vote to disband, the district clerk shall
361 file with the Becket town clerk, with the secretary of the commonwealth and the commissioner
362 of revenue an attested copy of said petition and a certified copy of the district vote. Upon

363 completion of the aforesaid action and upon the expiration of six months from the date of said
364 meeting and vote, the Sherwood Forest Lake District shall cease to exist.

365 SECTION 23. The district shall establish an overlay account and a reserve fund as
366 contemplated for towns under the provisions of section twenty-five of chapter fifty-nine and
367 section five C of chapter forty of the General Laws, except that the initial fiscal year of the
368 operation of the district, the assessors for the town of Becket, may add to the amount to be
369 assessed, a sum voted by the district, equal to not more than twenty per cent thereof for the
370 purposes and subject to the remaining limitations set forth in said section twenty-five of chapter
371 fifty-nine. The district is further authorized to establish and maintain a stabilization fund under
372 the provisions of section five B of chapter forty of the General Laws. The district shall further
373 be subject to an audit of its accounts in the manner provided in section forty of chapter forty-four
374 of the General Laws.

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