

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Denis E. Guyer**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Denis E. Guyer	2nd Berkshire
Benjamin B. Downing	Berkshire, Hampshire and Franklin

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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

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

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE,

*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 authorized to be created and  
2 established a district within the Town of Becket, known as the Center  
3 Pond Restoration and Protection District which, upon establishment in  
4 the manner hereinafter set forth shall constitute a body politic and  
5 corporate. Said District shall be generally bounded and comprised as  
6 follows:

7           (1) The land embraced by those parcels of land assessed for real  
8 estate taxes by the Board of Assessors for the Town of Becket which  
9 (a) abut directly on the shoreline of the Center Pond or (b) has improved  
10 property (defined herein as having a dwelling on such property) that  
11 does not abut directly on the shoreline and has a deeded access to Center  
12 Pond (herein collectively referred to as the “District Property”)  
13 excluding, however, land owned by the Commonwealth of  
14 Massachusetts and its political bodies.

15           SECTION 2. Owners of such District Property (herein referred to  
16 as the “Proprietors”) in the District shall consist of the persons and  
17 entities owning or having an interest in land described in Section 1

18 above. For the purposes of this act, persons and entities shall be deemed  
19 to not include the Commonwealth of Massachusetts or its political  
20 subdivisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103 SECTION 4. Formation. Upon enactment of this Act and within  
104 sixty (60) days thereafter, the selectmen of the Town of Becket shall call  
105 a meeting of the Proprietors of the lands to be included in the District as  
106 set forth under Section 2 above. For the purposes of establishing an  
107 initial list of owners, the selectmen shall consult with the Board of  
108 Assessors and such board shall furnish to the selectmen a listing of all  
109 property owners as of January first in the year of enactment who are  
110 owners of District Property or who within the reasonable knowledge or  
111 belief of the assessors are owners of District Property. The selectmen  
112 upon receiving such lists shall prepare and mail a notice to each such  
113 Proprietor signed by a selectmen and setting forth a time and place of a  
114 meeting to occur within said sixty (60) day period, but not less than  
115 fourteen (14) days from the date of mailing and said notice. The notice  
116 shall be in the form of a warrant specifying the matters upon which  
117 action is to be taken at the meeting and shall further clearly state that the  
118 purpose of the meeting is to consider the organization of the District.  
119 The selectmen shall further not later than fourteen (14) days prior to the  
120 date of such meeting cause a copy of the notice to be posted in one or  
121 more public access locations within the town. The meeting shall be held  
122 at a public access building in the Town of Becket unless some other  
123 location within the town shall be jointly agreed upon by the selectmen.

124 At the first meeting of the District, one selectman from the Town  
125 of Becket shall initially preside and shall call the meeting to order. Said  
126 selectmen shall thereupon determine whether or not a majority of the  
127 Proprietors are present or represented by proxies duly executed and

128 placed in the hands of the other Proprietors prior to said meeting.  
129 Lacking such a majority, the meeting shall have no power to act, but the  
130 selectmen of the town may, in the manner above provided, call  
131 additional meetings for the same purpose within a further sixty day  
132 period.

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

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

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

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

147         D. The election by ballot of a District clerk and a District  
148 treasurer, who may be the same person, and who shall be a Proprietor as  
149 defined in Section 1 of this Act, to hold office until one year from the  
150 next succeeding annual meeting and at each annual meeting after the  
151 first a clerk and treasurer shall be elected by ballot for one year. There  
152 shall also be elected by ballot three (3) members of the Prudential  
153 Committee, constituted in its entirety as hereafter set forth, said three (3)  
154 members to hold office, one for three (3) years, one for two (2) years,  
155 and one for one (1) year, from the next succeeding annual meeting. At

156 each annual meeting after the first, a member of the committee shall be  
157 elected by ballot for three (3) years. The aforesaid officers of the  
158 District shall hold office until their successors are elected and qualified.  
159 Persons eligible for nomination and election to the Prudential Committee  
160 shall be at least eighteen years of age and shall be persons entitled to  
161 vote as owners.

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

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

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

177 SECTION 5. Voting. At the initial District meeting, at all  
178 subsequent annual and special District meetings, voting by Proprietors  
179 shall be governed by the requirements of this Section. There shall be  
180 one vote available to be cast for each District Property parcel assessed  
181 for real estate taxes by the Board of Assessors of the Town of Becket as  
182 set forth in Section 1 of this Act irrespective of whether there be more  
183 than one owner for such parcels and excluding, however, land owned by

184 the Commonwealth of Massachusetts or its political bodies.. In the  
185 event of more than one owner, the Proprietors shall designate in writing  
186 to the clerk prior to the commencement of the meeting, the person  
187 authorized to vote on behalf of the Proprietor at such meeting and such  
188 person shall be presumed as qualified and authorized to present  
189 signatories. A Proprietor owning a parcel with his/her spouse shall not  
190 be required to furnish a written proxy from his/her spouse and either  
191 shall be presumed to be qualified to vote.

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

201 SECTION 6. Annual and Special Meetings; Quorum  
202 Requirements. Annual meetings of the District shall be held on the last  
203 Saturday in May in each year or at such other time as the District shall  
204 establish from time to time in its by-laws. Annual or other special  
205 meetings of the District shall be called by warrant under the hands of the  
206 Prudential Committee, notice of which shall be given fourteen (14) days  
207 at least before such meeting. The warrant shall be mailed first class,  
208 postage pre-paid to each Proprietor of record in the District and a copy  
209 of same shall be directed to a constable of the Town of Becket or to  
210 some other person who shall cause a copy of said notice to be posted in  
211 one or more public place within the town or by advertising in a  
212 newspaper published at least weekly within Berkshire County and

213 having a general circulation within the town. The warrant for all District  
214 meetings shall state the time and place of the meeting and the subjects to  
215 be acted upon thereat. The Prudential Committee shall insert in the  
216 warrant of the annual meeting all subjects, the insertion of which shall  
217 be requested of them in writing by ten (10) or more owners and in the  
218 warrant for each special District meeting all subjects the insertion of  
219 which shall be requested of them in writing by twenty (20) or more  
220 owners. The Prudential Committee shall call a special District meeting  
221 at its behest or upon request in writing of not less than twenty (20)  
222 owners. Special meetings so requested shall be held not later than thirty  
223 (30) days after the receipt of such request. No action taken at the annual  
224 or any special District meeting shall be valid unless the subject matter  
225 thereof shall have been set forth in the warrant for such meeting. Two or  
226 more District meetings for District purposes may be called for by the  
227 same warrant. At every District meeting a moderator shall be chosen by  
228 ballot and shall have the powers of the moderator of a town meeting.

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

231 The Board of Assessors of the Town of Becket shall, at least thirty  
232 (30) days prior to the annual District meeting, prepare and forward to the  
233 Prudential Committee a true and complete alphabetical listing with  
234 addresses of the owners reflected in their records as of January first of  
235 that year and from the records maintained by the assessors pursuant to  
236 Chapter 59 and other related provisions of the General Laws. A copy of  
237 such list shall be maintained in a manner accessible to the owners and  
238 the general public at all reasonable times by the Prudential Committee  
239 and/or the District clerk and shall further be available for inspection at  
240 the annual meeting and any special meeting of the District. The Board

241 of Assessors shall likewise maintain a list of owners by separate list or  
242 special designation on their list of all assessed parcels.

243 Quorum requirements for annual meetings and special meetings of  
244 the District shall be specified for the initial District meeting set forth  
245 above or otherwise as the District shall determine from time to time in  
246 its by-laws, provided always that the quorum requirements for any  
247 meeting at which there may be a vote to amend the District's by-laws  
248 shall be no less than 50% of the eligible and qualified Proprietors in  
249 person or by proxy but a lesser number may adjourn any meeting from  
250 time to time without further notice.

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

- 255 A. A vote to petition for dissolution of the District.
- 256 B. A vote to purchase, to take by eminent domain or otherwise  
257 acquire real property.
- 258 C. A vote to finance any undertaking which is authorized by the  
259 Act to be financed in whole or in part by the issuance by the  
260 District of long term notes or bonds.
- 261 D. A vote to amend the District by-laws.

262 SECTION 7. Prudential Committee Composition and Duties. The  
263 Prudential Committee shall have and shall exercise, the following  
264 powers and duties:

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

267 B. The annual preparation of a budget for the management and  
268 operation of the District and the submission of such budget to the annual  
269 District meeting for its approval. Such budget shall include the

270 committee's estimate of those monies required to be raised and  
271 appropriated by means of assessment upon the District proprietors, by  
272 borrowing, or otherwise to be received.

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

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

278 E. Subject to prior appropriation therefore, to hire, supervise,  
279 suspend and discharge such employees as the Prudential Committee  
280 shall deem necessary or appropriate for the conduct of the work to be  
281 performed by the District including, but not limited to, a District  
282 superintendent who shall have charge on a day to day basis of all District  
283 employees and who shall be responsible on behalf of the Prudential  
284 Committee for the conduct and/or supervision of any and all work to be  
285 performed by or on behalf of the District pursuant to this Act.  
286 Compensation and benefits for the District superintendent and all other  
287 employees shall, subject to prior appropriation therefore, be as  
288 determined from time to time by vote of the Prudential Committee.

289 SECTION 8. Meetings. That the Prudential Committee shall meet  
290 as necessary, but in no event less frequently than every six months. A  
291 quorum of the Prudential Committee shall be required at all meetings for  
292 the conduct of any business thereat, and shall consist of its voting  
293 members. The initial meeting of the Prudential Committee shall occur  
294 not later than thirty (30) days following the establishment of the District.  
295 Thereafter the Prudential Committee shall schedule one meeting to occur  
296 in each year immediately following the adjournment of the annual  
297 District meeting. At such initial meeting and at all subsequent meetings

298 following the annual District meeting, the Prudential Committee shall  
299 elect from its members a chairman who shall preside at all committee  
300 meetings and shall serve until his successor shall be elected at the  
301 meeting following the annual District meeting. The Prudential  
302 Committee shall also elect a vice-chairman who shall be empowered to  
303 preside over committee meetings in the absence of the chairman and  
304 who shall serve for a like term. The District may, subject to a prior  
305 appropriation therefore, provide appropriate compensation for District  
306 officers including members of the Prudential Committee and including  
307 the expense of travel, meals and lodging for such officers and Prudential  
308 Committee members residing outside the District.

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

315 SECTION 10. Treasurer. The District treasurer shall receive and  
316 take charge of all money belonging to the District, and pay over and  
317 account for the same according to the order of the District or of its  
318 Prudential Committee. No other persons shall pay any District bill;  
319 provided, however, that this provision shall not prohibit the treasurer  
320 from paying such bill by the use of a bank treasurer's or cashier's check.  
321 He shall further have the authority given to an auditor by Section 51 of  
322 Chapter 41 of the General Laws, and shall annually render a true account  
323 of his receipts and disbursements and report of his official acts to the  
324 District. The treasurer shall give bond annually for the performance of  
325 his duties in a form approved by the Commissioner of Revenue and in  
326 such sum, not less than the amount established by said Commission, as

327 shall be fixed by the Prudential Committee, and if he fails to give such  
328 bond within ten (10) days after his election or appointment, or if within  
329 ten (10) days after the expiration of said bond or any renewal of said  
330 bond, he fails to file a renewal thereof, the Prudential Committee shall  
331 declare the office vacant and the vacancies shall be filled by the  
332 Prudential Committee in the manner set forth in Section 12 of this Act.

333 SECTION 11. Clerk. The District clerk shall, in addition to the  
334 other duties specified herein, take all minutes at District meetings and at  
335 meetings of the Prudential Committee and maintain a record of such  
336 minutes in a manner provided for the maintenance of records of minutes  
337 of town meetings and of meetings by the Boards of Selectmen in the  
338 Commonwealth. The clerk shall further be the official responsible for  
339 certifying copies of any and all votes taken at a District meeting or a  
340 meeting of the Prudential Committee.

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

352 SECTION 13. District Assessments. At its initial meeting, and at  
353 the annual meeting each and every year thereafter, the District shall  
354 adopt by two-thirds vote as above set forth, a method to be employed  
355 during the fiscal year to which the meeting relates for financing the

356 share of its annual budget which is anticipated to be required to be  
357 funded by the District. The District may vote to adopt any of the  
358 following methods of financing, or combination thereof:

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

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

364       C. The District may incur debt to the amount advisable for District  
365 improvements or major equipment purchases and may issue therefore  
366 notes or bonds, and may, if the District further so approves, issue notes  
367 or bonds on the condition that the first payment on account of the  
368 principal shall be deferred for a period of not more than five (5) years  
369 from the date of issue of such notes or bonds and that the whole amount  
370 of such debt shall be payable within a period of not more than twenty-  
371 five (25) years after such notes or bonds are issued. No such issue shall  
372 be for a term longer than the reasonably estimated useful life of the  
373 improvements, facilities and equipment to be so funded.

374       Indebtedness incurred by the District under the provision of this  
375 subsection shall be subject to Chapter 44 and to other provisions of the  
376 General Laws applicable to notes and bonds of Districts except as  
377 otherwise provided in this Act. If the District issues notes or bonds and  
378 thereafter it shall receive an appropriation from another governmental  
379 entity to cover such part, if any, of the expenses of such improvements,  
380 the District, in its discretion, unless otherwise mandated by the terms  
381 and conditions of the grant from such governmental unit, shall make all  
382 or any part of such appropriation available to redeem notes or bonds of  
383 the District and shall hold the balance, if any, to the credit of the District

384 to be used for the payment of the expense of such improvements,  
385 facilities and for equipment. Bonds or notes issued under this Section  
386 shall be the general obligations of the District.

387 That portion, if any, of the budgeted expense for the initial fiscal  
388 year and for each subsequent fiscal year which shall be required by the  
389 District for the payment of principal and interest on bonds and notes  
390 issued or to be issued by the District and which will be due during the  
391 ensuing fiscal year together with those amounts necessary to be raised  
392 by the District to maintain and operate the District during said fiscal year  
393 for capital outlay items, the costs of which is not otherwise funded, and  
394 all other budgeted expenses for which the District is authorized to raise  
395 money, the costs of which items the District shall have voted to raise by  
396 assessment upon land and improvements of the proprietors within the  
397 District shall be subject of a separate vote at the initial District meeting.  
398 If the District so votes, the schedule of assessed valuations of land and  
399 improvements established by the Boards of Assessors in the Town of  
400 Becket for the same fiscal year under the provisions of Chapter 59 of the  
401 General Laws, as from time to time amended, shall be relied upon as the  
402 basis for determination of the pro-rata share of the District budget voted  
403 to be raised and appropriated to be paid by the proprietors upon their  
404 lands and improvements lying within the district.

405 Following the adjournment of the initial District meeting and each  
406 annual District meeting thereafter, the clerk of the District shall certify  
407 to the assessors of the Town of Becket all sums of money voted to be  
408 raised by District assessment and the method and means of assessment  
409 voted upon at such meeting, which votes will have been adopted by two-  
410 thirds majority as provided above in this Act, together with the amount  
411 to be paid by each proprietor according to the determination made by  
412 such votes. The assessors of the Town of Becket shall without further

413 vote, assess such amounts upon the lands of the proprietors within the  
414 District and commit to the collector of taxes of the town who thereupon  
415 shall have and exercise the same powers and duties in relation to the  
416 collection of town taxes. The collector shall remit weekly to the District  
417 treasurer all sums collected by him on account of such assessments. An  
418 assessment made hereunder shall be a lien upon the land assessed  
419 therefore, in the same manner as a lien for real estate taxes assessed by  
420 the town under the provisions of Section 37 of Chapter 60, and other  
421 related provisions of the General Laws, as from time to time amended.

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

425 SECTION 15. Votes. Unless otherwise specified in this Act, or  
426 otherwise required by General Law, all actions permitted to be taken at  
427 annual or special District meetings shall require a majority vote of those  
428 Proprietors present in person or by proxy at said meeting and entitled to  
429 vote thereat, who shall constitute a quorum in accordance with this Act  
430 or otherwise by by-law of the District. Likewise, all actions permitted to  
431 be taken by the Prudential Committee shall require a majority vote of the  
432 committee members present at said meeting who shall constitute a  
433 quorum in accordance with this Act.

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

438 SECTION 17. Liability of Towns and of the Commonwealth.  
439 Notwithstanding their membership on the Prudential Committee, neither  
440 the Town of Becket nor any agency or department of the

441 Commonwealth shall be obligated for any debts of the District, not shall  
442 they by virtue of this act be required to pay for any liability, obligation  
443 or expense made, suffered or incurred by the District. In like manner,  
444 the Proprietors of the District shall not be individually liable or obligated  
445 with respect to debts or other obligations made, suffered or incurred by  
446 the District except with respect to the payment as assessments upon their  
447 land as provided for in this Act.

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

456 SECTION 19. Overlay Account. The District shall establish in its  
457 initial budget in all subsequent fiscal year budgets an overlay account  
458 and a reserve fund as provided for towns under the provisions of Section  
459 25 of Chapter 59 and Section 5C of Chapter 40 of the General Laws.  
460 The District is further authorized to establish and maintain a stabilization  
461 fund under the provisions of Section 5B of Chapter 40 of the General  
462 Laws. The District shall further be subject to an audit of its accounts in  
463 the manner provided in Section 40 of Chapter 44 of the General Laws.

464 SECTION 20. District Boundaries; Additions and Exclusions.  
465 Immediately upon the formation of the District, the District clerk shall,  
466 in addition to the other duties to be performed by such District officer,  
467 cause a review to be made at that time and from time to time thereafter  
468 of the records required to be maintained by the Board of Assessors for  
469 the Town of Becket including copies of deeds furnished to said boards

470 by the Registry of Deeds, and shall otherwise take such actions as shall  
471 be reasonably necessary to establish the real estate within the District  
472 and the owners thereof. The clerk shall further cause to be prepared one  
473 or more maps based in whole or in part upon the maps required to be  
474 maintained by the assessors of said towns on which shall be shown the  
475 location of all real estate within the District. Thereafter, at any special  
476 meeting called for that purpose and not later than the next annual  
477 meeting, the District clerk shall furnish the Prudential Committee with a  
478 list of owners and such maps depicting the approximate location and  
479 boundaries of such parcels as well as the existing parcels within the  
480 District.

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

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