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**Chapter 268. AN ACT ESTABLISHING THE CEDAR MEADOW LAKE WATERSHED DISTRICT IN THE TOWN OF LEICESTER.**

*Be it enacted, etc., as follows:*

**SECTION 1.** There is hereby authorized the establishment of a district, within the town of Leicester, to be known as the Cedar Meadow Lake Watershed District which, upon its establishment in the manner hereinafter set forth shall constitute a body politic and corporate. Said district shall be generally bounded and described as follows:

**A. General Boundaries.**

Beginning at a point in the South East corner of Cedar Meadow Pond on the West side of Charles Street and from there running North along the West side of Charles Street, North to the Northerly side of the intersection of Beach Street and Charles Street;

Then North One Hundred Twenty (120) feet along the Easterly lot line of property now or formerly owned by Cedar Lake Improvement Association;

Then Westerly Sixty-Five (65) feet along the lot line of property now or formerly owned by Cedar Lake Improvement Association;

Then Westerly Four Hundred Sixty-Three and 30/100 (463.3) feet along the back boundary line of properties on the North side of Beach Street;

Then Northerly One Thousand Three Hundred Sixty and 05/100 (1360.05) feet along the back boundary line of properties on the East side of Wildwood Lane and then Lake View Drive;

Then Easterly Five Hundred Seventy-Two (572) feet along lot line of property now or formerly owned by Richard D. and Anita J. Johnston;

Then Northwest by two courses of Four Hundred Ninety-Three (493) feet and then Five Hundred Fifteen (515) feet along lot line of property now or formerly owned by Richard D. and Anita J. Johnston;

Then Southwest Eight Hundred Twenty-Seven and (63/100) (827.63) feet to the East side of a private way;

Then Northwest Three Hundred Forty-Eight and 09/100 (348.09) feet along the East side of said private way;

Then Southwest along the Southerly side of Rawson Street to the town boundary of the Town of Leicester and the Town of Spencer;

Then South along the town boundary of the Town of Leicester and the Town of Spencer to a point that is the intersection of the town boundary and the Southerly lot line of property on Meadow Lane now or formerly owned by Robert Berglund;

Then Easterly Seven Hundred Four and 82/100 (704.82) feet along Southerly boundaries of properties on the South side of Meadow Lane and Marlboro Drive first by land now or formerly of Robert Berglund, then by land now or formerly of Carole Turner and then by land now or formerly of Victor Catachio;

Then Southeast by two courses Four Hundred Four and 40/100 (404.4) feet first by land now or formerly of Barry B. Besse and then by land now or formerly of Leonard Piersa and a curved course of Thirty-Three and 18/100 (33.18) feet along the rear lot line of property on Angell Terrace by land now or formerly of Leonard Piersa;

Then Easterly One Thousand Two Hundred Sixty-Seven and 92/100 (1,267.92) feet along lot lines of properties on Angell Terrace, Marlboro Drive and Kent Lane first by land now or formerly of Bruce Miller, then by land now or formerly of Model A. Realty, and then by land now or formerly of Meadow Lake Association, Inc.;

Then Northerly One Hundred Forty-Eight and 97/100 (148.97) feet along lot lines of properties on Marlboro Drive and Kent Lane first by land now or formerly of Meadow Lake Association, Inc. and then by land now or formerly of Louis Gasbar; and

Then Easterly along two courses Five Hundred Eighty-Five and 70/100 (585.7) feet and Three Hundred Nineteen and 30/100 feet along land now or formerly of Raymond Shea, to the point of beginning.

B. Actual Boundaries.

The general boundaries referred to are intended as guidelines only. The actual district boundaries shall be deemed to include those separately assessed parcels within said town as shown from time to time on the maps maintained by the board of assessors for the town and which parcels either: (1) Abut directly on the shoreline of Cedar Meadow Lake; or (2) except as set forth in the following paragraph, all the property of a holder of a recorded private right of access to land which abuts the shoreline of Cedar Meadow Lake in such manner that the owner or proprietor of such land is afforded by such recorded right of access to Cedar Meadow Lake, bathing, boating or other lake recreational activities at a location where members of the general public may lawfully be excluded from such use.

The two community beaches on Lake View Drive in the town of Leicester and within the general boundaries of the district, shall each be deemed to be a single proprietor as hereinafter defined. The community beaches shall be assessed at the value of each beach and apportioned among all those parties with property rights therein. A holder of a recorded private right of access to or through said community beaches shall not be assessed individually nor shall a holder of such right be considered a proprietor except and to the extent that each community beach is deemed to be a proprietor.

The actual boundaries of the district, as so comprised, shall likely include certain parcels situated outside of the general boundaries set forth in subsection A and may also exclude several parcels lying within said general boundaries.

SECTION 2. Membership in the district shall consist of the proprietors, from time to time, of one or more separately assessed parcels of lands lying within the district which either abuts Cedar Meadow Lake or has a real property deeded access to Cedar Meadow Lake including, but not limited to, an easement to Cedar Meadow Lake. For the purposes of this act, "proprietor" shall be deemed to include not only natural persons, but also other entities empowered to own real estate in the commonwealth, including corporations, partnerships, realty trusts and federal, state and local governmental units. "Proprietor" shall also include a mortgagee of record in possession of any one or more separately assessed parcels and persons or entities who jointly own one or more separately assessed parcels. Persons or entities who jointly own one or more separately assessed parcels within the district shall collectively constitute a proprietor for all purposes hereunder.

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

(a) to initiate and coordinate research and surveys for the purpose of gathering data on the lake, related shore lands, watershed and the drainage basin and other matters directly pertaining to the reclamation, preservation and maintenance of the lake for general recreational use;

(b) to plan lake rehabilitation, enhancement, maintenance and preservation projects;

(c) to implement such projects and to conduct, coordinate and supervise the implementation thereof at all times subject to obtaining necessary approvals from and, where required, under the supervision of, appropriate local, state and federal governmental agencies, including the town of Leicester, the department of environmental management, the department of environmental protection, and the department of fisheries, wildlife and environmental law enforcement and appropriate funding or regulatory agencies of the federal government;

(d) to make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power permitted to the district by this act;

(e) to adopt an annual budget and to raise and appropriate funds in amounts necessary to carry out the purposes for which the district is established;

(f) to acquire, dispose of and encumber real and personal property for the purposes of the district, including the power to acquire real estate or a limited interest in real estate by eminent domain under, and subject to the provisions of, chapter seventy-nine of the General Laws;

(g) to manage, control and supervise equipment and facilities necessary or appropriate in the accomplishment of the purposes of this act including, but not limited to, weed harvesting equipment, dredging apparatus, lake drawdown facilities for either temporary or permanent water level control and recreational swimming and boating facilities for public use;

(h) to construct, acquire or lease or purchase, improve, maintain and operate such equipment and facilities and such other equipment, materials, supplies, facilities and services as shall be required to accomplish the purposes of this act, to the same extent and subject to the same limitations as shall apply to towns under the General Laws;

(i) to apply for, accept and expend financial assistance from the federal government, the commonwealth, Worcester county and the town of Leicester;

(j) to apply for, receive and expend funds from charitable foundations or other private entities and individuals in the form of grants, gifts, loans and advances in aid of the purposes of the district;

(k) to employ such persons, including consultant experts, as may be deemed necessary in its judgment, and to fix their compensation;

(l) to adopt bylaws for the regulation of its affairs and the conduct of its business, which bylaws shall be consistent with the powers conferred by this act and with applicable provisions of the General Laws;

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**Chap. 268**

(m) to perform all duties and exercise all responsibilities called upon to be exercised or performed by the town of Leicester, pursuant to any grant awarded by the department of environmental protection pursuant to the authority granted by chapter six hundred and twenty-eight of the acts of nineteen hundred and eighty-one, chapter two hundred and eighty-six of the acts of nineteen hundred and eighty-two, and chapter seven hundred and twenty-two of the acts of nineteen hundred and sixty-nine. Said exercise and acceptance shall be subject to approval by the commissioner of the department of environmental protection or his designee, so as to permit the district to act as direct grantee or subgrantee under the town of Leicester;

(n) to borrow at the first or any subsequent meeting of the district for the purpose of meeting preliminary or current expenses such sums as may be necessary and to issue therefor general obligation temporary notes for a period of not more than two years; provided, however, that such notes shall be issued only in anticipation of assessments and other revenues of the district for the fiscal year in which such notes are issued or in anticipation of money to be received from the sale of longer term bonds or notes for such purposes as are otherwise hereinafter permitted;

(o) to sue and be sued in its own name and to plead and be impleaded; provided, however, that neither the district nor any officer or employee thereof shall be liable in tort except pursuant to the provisions of chapter two hundred and fifty-eight of the General Laws; and provided, further, that the district may indemnify its officers and employees to the extent provided in said chapter two hundred and fifty-eight;

(p) to invest any funds not required for the immediate use of the district in such manner and to such extent permitted under the General Laws for the investment of such funds by town treasurers of a town;

(q) to procure insurance against any loss or liability which may be sustained or incurred in carrying out the purposes of this act in such amount as the district shall deem necessary and appropriate and with one or more insurers who shall be licensed to furnish such insurance in the commonwealth; and

(r) to perform generally, all acts which are necessary or convenient to implement the powers which are expressly or by necessary implication conferred upon the district by this act and which are not otherwise prohibited under any provisions of the General Laws.

**SECTION 4.** The board of selectmen of the town of Leicester shall, within sixty days of the effective date of this act, call a meeting of the proprietors of the lands to be included in the district as set forth under section two. For the purposes of establishing an initial list of proprietors, the board of selectmen shall consult with the board of assessors who shall furnish to said board of selectmen a listing of all record property owners, as of January first in the year in which this act takes effect who are owners of one or more separately assessed shorefront parcels or who, within the reasonable knowledge or belief of the assessors, are owners of one or more separately assessed parcels which do not have frontage on Cedar Meadow Lake but which possess deeded easement rights to the use of said lake frontage property as set forth in section two. The board of selectmen upon receiving

such lists shall prepare and mail by certified mail a notice to each such proprietor, signed by the selectmen and setting forth a time and place of a meeting to occur within said sixty day period but not less than fourteen days from the date of mailing of such notice. The notice shall be in the form of a warrant specifying the matters upon which action is to be taken at the meeting and shall further clearly state that the purpose of the meeting is to consider the organization of the district. The board of selectmen shall, not later than fourteen days prior to the date of such meeting, cause a copy of the notice to be posted in one or more public access locations within each town. The meeting shall be held at the Leicester town hall unless some other location within the town of Leicester is so designated by such notice.

At the first meeting of the district, one selectman from the town of Leicester shall initially preside and shall call the meeting to order. Said selectman shall thereupon determine whether or not the proprietors constituting a majority in interest in either aggregate assessed evaluation of land and improvements or land area, are present or represented by proxies duly executed and placed in the hands of other proprietors prior to said meeting. Lacking such a majority, the meeting shall have no power to act, but the selectmen of the town may, in the manner above provided, call additional meetings for the same purpose within a further sixty day period.

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

(a) the election of a temporary clerk, who shall be sworn by one of the selectmen present and a moderator who shall thereupon preside;

(b) the taking of a vote to determine whether or not the district shall be established and organized, which vote shall require an affirmative vote of two-thirds of the proprietors present and voting in person or by proxy. If such vote shall be in the negative, the meeting shall thereupon adjourn. If such vote shall be in the affirmative and upon the required majority, the meeting shall next proceed to consider the order of business set forth in clauses (c) to (f), inclusive;

(c) the adoption of district bylaws and form of district seal;

(d) the election by ballot of district clerk and district treasurer, who may be the same person and who shall be legal residents of the commonwealth, to hold office until one year from the next succeeding annual meeting and at each annual meeting after the first clerk and treasurer shall be elected. There shall also be elected by ballot three members of the management committee, constituted in its entirety as hereinafter set forth, said three members to hold office, one for three years, one for two years, and one for one year, from the next succeeding annual meeting. At each annual meeting after the first, a member of the committee shall be elected by ballot for three years. The aforesaid officers of the district shall hold office until their successors are elected and qualified. Persons eligible for nomination and election to the management committee shall be at least eighteen years of age and shall include persons entitled to vote as proprietors or as representatives of proprietors at district meetings, and also other persons who are legal residents of the commonwealth;

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**Chap. 268**

(e) the adoption of an initial budget for the remainder of the fiscal year and the appropriation of monies to be raised by assessment upon the proprietors in support thereof; and

(f) the consideration of such other business as shall be consistent with the power and authority conferred by this act.

The district clerk shall retain all proxy votes cast at the initial meeting, together with the minutes of the meeting as part of the permanent record of the district. The clerk shall prepare a certificate of the vote taken to organize the district and shall affix the form of seal thereto as adopted by the initial district meeting and shall obtain the endorsement of the selectman initially presiding at the meeting thereon. Such certificate shall be forwarded to the attorney general within thirty days following the adjournment of the meeting and upon the filing of such certificate, the Cedar Meadow Lake Watershed District shall thereby be established.

**SECTION 5.** At the initial district meeting and at all subsequent annual and special district meetings, voting by proprietors shall be governed by the requirements of this section. Persons or entities owning one or more separately assessed parcels of land within the district shall be entitled to cast one vote on any matter or issue to be voted upon at any such meeting, notwithstanding the total number of parcels owned by such person, persons or entities. Joint owners and entity proprietors shall designate, in writing to the clerk prior to the commencement of the meeting, the person authorized to vote on behalf of the proprietor at such meeting and such person shall be presumed qualified and authorized to represent the proprietor if such person shall be listed record owner of such parcel or parcels or if such person shall, as evidenced by any public record maintained under the laws of the commonwealth, be listed as a partner, trustee, agent, officer or employee of a proprietor. A person owning one or more parcels together with his spouse shall not be required to furnish a written designation from his spouse and either shall be presumed to be qualified to vote.

The authority of a person to cast a proxy vote on behalf of a proprietor shall likewise be determined by the clerk. All proxies must be tendered in writing prior to the commencement of a district meeting and shall clearly set forth the name and address of the proprietor entering the proxy, the name and address of the person who is to exercise the proxy, the signature of the proprietor granting the same and the date of execution. The district may, if it so elects, adopt in its bylaws an approved form of proxy to satisfy the requirements of this section. The duration of a proxy shall be established by district bylaw.

**SECTION 6.** Annual meetings of the district shall be held on the last Thursday in March in each year or at such other time as the district shall establish from time to time in its bylaws. Annual and other special meetings of the district shall be called by warrant under the hands of the management committee, notice of which shall be given fourteen days at least before such meeting. The warrant shall be mailed first class, postage prepaid to each proprietor of record in the district and copy of the same shall be directed to a constable of the town of Leicester or to some other person who shall cause a copy of such notice to be posted in one or more public places within the town or by advertising in a newspaper published at least weekly within Worcester county and having a general circulation within

said town of Leicester. The warrant for all district meetings shall state the time and place of the meeting and the subjects to be acted upon. The management committee shall insert in the warrant of the annual meeting all subjects, the insertion of which shall be required of them in writing by ten or more proprietors of the district, and, in the warrant for every special district meeting, all subjects the insertion of which shall be requested of them in writing by twenty or more proprietors. The management committee shall call a special district meeting on its own initiative or upon a request, in writing, of not less than twenty proprietors, or proprietors constituting at least twenty percent in interest, either in assessed evaluation of land improvements or in total land area within the district. Special meetings so requested shall be held not later than thirty days after the receipt of such request. No action taken at an annual or a special district meeting shall be valid unless the subject matter thereof shall have been set forth in the warrant for such meeting. Two or more district meetings for distinct purposes may be called for by the same warrant. At every district meeting a moderator shall be chosen by ballot and shall have the powers of the moderator of a town meeting.

District meetings shall be governed by chapter thirty-nine of the General Laws, except as otherwise expressly provided in this act.

The board of assessors of the town of Leicester shall, at least thirty days prior to the annual district meeting, prepare and forward to the management committee a true and complete alphabetical listing with addresses of the proprietors reflected in their records as of January first of that year and from the records maintained by the assessors pursuant to chapter fifty-nine and other related provisions of the General Laws. A copy of such list shall be maintained in a manner accessible to the proprietors and the general public at all reasonable times by the management committee and the district clerk and shall be available for inspection at the annual meeting and any special meeting of the district. The boards of assessors shall likewise maintain a list of proprietors within their town by separate list or special designation on their list of all assessed parcels.

Quorum requirements for annual meetings and special meetings of the district shall be as specified for the initial district meeting set forth above or otherwise as the district shall determine from time to time in its bylaws; provided, however, that the quorum requirements at such meeting shall not be reduced below a number of proprietors constituting one-third in interest, either in aggregate assessed evaluation of land and improvements or land area, whether voting in person or by proxy as aforesaid.

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

- (a) a vote to petition for dissolution of the district;
- (b) a vote to purchase or otherwise acquire real property; and
- (c) a vote to finance an undertaking which is authorized by this act to be financed in whole or in part by the issuance by the district of long term notes or bonds.

**SECTION 7.** In addition to the three members elected by the district as provided in this act, the management committee shall be comprised of the following additional persons:

(a) one member from the board of selectmen of the town of Leicester or such other resident voter of said town as shall be appointed by its board of selectmen to serve on the management committee. Such selectman or other person shall serve at the pleasure of the board of selectmen appointing him and shall be a full voting member of the committee; and  
(b) one representative from the conservation commission, or successor agency, of the town of Leicester.

The town appointed members shall serve for an indefinite term at the pleasure of their appointing authorities, from time to time in office, and shall be nonvoting members of the management committee but shall be permitted to participate fully in all discussions and deliberations of the committee. In the event that either town or the commissioner of either department shall fail, from time to time, to so designate its member or if such member shall resign and no replacement shall have been designated in like manner, the management committee shall nonetheless be legally constituted with full power to carry out its duties and responsibilities as set forth herein with the three members elected by said district.

The management committee shall have and shall exercise the following powers and duties:

(a) the expenditure, for the purposes permitted to the district, of the money raised and borrowed by the district;

(b) the annual preparation of a budget for the management and operation of the district and the submission of such budget to the annual district meeting for its approval. Such budget shall include the committee's estimate of those monies required to be raised and appropriated by means of assessment upon the district proprietors by borrowing or otherwise to be received;

(c) to apply, in the name of the district, for grants, loans and other assistance from both governmental and nongovernmental entities;

(d) subject to prior appropriation therefor, to enter into agreements and contracts involving the purchase or lease of services, equipment and supplies consistent with the powers granted by this act; and

(e) subject to prior appropriation therefor, to hire, supervise, suspend and discharge such employees as the committee shall deem necessary or appropriate for the conduct of the work to be performed by the district including, but not limited to, a district superintendent who shall have charge, on a day to day basis, of all district employees and who shall be responsible on behalf of the management committee for the conduct and supervision of any and all work to be performed by or on behalf of the district pursuant to this act. Compensation and benefits for the district superintendent and all other employees shall, subject to prior appropriation therefor, be as determined from, time to time, by vote of the management committee.



**SECTION 8.** The management committee shall meet as necessary, but in no event less frequently than every three months. A quorum of the management committee shall be required at all meetings for the conduct of any business thereat and shall consist of a majority of its voting members. The initial meeting of the management committee shall be not later than thirty days following the establishment of the district. Thereafter, the committee shall schedule one meeting to occur in each year immediately following the adjournment of the annual district meeting. At such initial meeting and at all subsequent meetings following the annual district meeting, the committee shall elect from its members a chairman who shall preside at all committee meetings and who shall serve until his successor shall be elected at the meeting following the annual district meeting. The committee shall also elect a vice chairman who shall be empowered to preside over committee meetings in the absence of the chairman and who shall serve for a like term. The district may subject to a prior appropriation therefor, provide appropriate compensation for district officers, including members of the management committee and including the expense of travel, meals and lodging for such officers and committee members residing outside the district.

**SECTION 9.** Without limiting its powers as set forth herein, the management committee shall have charge of expenditures on account of the district, duly budgeted and appropriated pursuant to the powers granted to the district, and shall exercise the authority conferred upon it by district bylaw, except as otherwise expressly provided in this act.

**SECTION 10.** The district treasurer shall receive and take charge of all money belonging to said district, and shall pay over and account for the same according to the order of the district or its management committee. The treasurer or, in his absence, any duly appointed person under the district bylaws shall pay district bills; provided, however, that the provisions of this section shall not prohibit the treasurer from paying such bills by the use of a bank, treasurer's or cashier's check. He shall have the authority given to an auditor as provided in section fifty-one of chapter forty-one of the General Laws, and shall annually render a true account of his receipts and disbursements and report on his official acts to the district. The treasurer shall give bond annually for the performance of his duties in a form approved by the commissioner of revenue in such sum, not less than the amount established by said commissioner, as shall be fixed by the management committee and, if such treasurer fails to give such bond within ten days after his election or appointment or, if within ten days after the expiration of such bond or any renewal of such bond, he fails to file a renewal thereof, the management committee shall declare the office vacant and the vacancy shall be filled by the committee in the manner set forth in section twelve.

**SECTION 11.** The district clerk shall, in addition to the duties specified herein, take all minutes at district meetings and at meetings of the management committee and maintain a record of such minutes in a manner provided for the maintenance of records of minutes of town meetings and of meetings by the boards of selectmen. The clerk shall be the official responsible for the certification copies of any and all votes taken at a district meeting or a meeting of the management committee.

**SECTION 12.** Any vacancy occurring in the office of clerk, treasurer or member of the management committee elected by the district may be filled by the district for the remainder of the unexpired term at any special meeting called for that purpose or, in the case of a vacancy in the office of clerk or treasurer or disability affecting either of said officers, the management committee may appoint a person to fill such vacancy until an election can be held or until the disability is removed. Such temporary appointee shall be sworn and shall perform the duties of the office to which he is appointed during his tenure. A temporary treasurer appointed to fill a vacancy, as above provided, shall give bond in the same manner as the treasurer.

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

(a) the district may raise by assessments upon the proprietors and by voluntary contributions the total sum required to meet such estimated expense;

(b) the district may pay the whole of such expense, from time to time, as the work, material, labor and services shall be performed and, for this purpose, may incur debt by a temporary loan in anticipation of the collection of assessments from the district members during the fiscal year in which such debt is incurred or during the next succeeding fiscal year and except as further modified on the initial fiscal year under clause (n) of section three.

(c) the district may incur debt to the amount necessary to pay that portion of such expense which relates solely to proposed long-term district improvements and major equipment purchases and may issue therefor notes or bonds and may, if the district further so approves, issue notes or bonds on the condition that the first payment on account of the principal shall be deferred for a period of not more than five years from the date of issue of such notes or bonds and that the whole amount of such debt shall be payable within a period of not more than twenty-five years after such notes or bonds are issued. No such issue shall be for a term longer than the reasonably estimated useful life of the improvements, facilities and equipment to be so funded.

Indebtedness incurred by the district under the provision of this section shall be subject to chapter forty-four and to other provisions of the General Laws applicable to notes and bonds of districts except as otherwise provided in this act. If the district issues notes or bonds, and thereafter receives an appropriation from other governmental entities to cover such part, if any, of the expenses of such improvements, the district, in its discretion unless otherwise mandated by the terms and conditions of the grant from such governmental unit, shall make all or any part of such appropriation available to redeem notes or bonds of the district and shall hold the balance, if any, to the credit of the district to be used for the payment of the expense of such improvements, facilities and for equipment. Bonds or notes issued under this section shall be the general obligations of the district.

That portion, if any, of the budgeted expense for the initial fiscal year and for each subsequent fiscal year which shall be required by the district for the payment of principal and interest on bonds and notes issued or to be issued by the district and which shall be due during the ensuing fiscal year, together with those amounts necessary to be raised by the district to maintain and operate the district during said fiscal year for capital outlay items, the costs of which is not otherwise funded, and all other budgeted expenses for which the district is authorized to raise money, the costs of which items the district shall have voted to raise by assessment upon land and improvements of the proprietors within the district, shall be the subject of a separate vote at the initial district meeting. If the district so votes, the schedule of assessed valuations of land and improvements established by the boards of assessors in each town for the same fiscal year under the provisions of chapter fifty-nine of the General Laws shall be relied upon as the basis for determination of the pro-rata share of the district budget voted to be raised and appropriated and paid by the proprietors upon their land and improvements within the district.

Following the adjournment of the initial district meeting and each annual district meeting thereafter, the clerk of the district shall certify to the assessors of the town of Leicester all sums of money and means of assessment voted upon at such meeting, which votes shall have been adopted by a two-thirds majority as provided in this act, together with the amount to be paid by each proprietor according to the determination made by such votes. The assessors of the town of Leicester shall, without further vote, assess such amounts upon the lands of the proprietors within the district and commit to the collector of taxes of the town wherein the land is situated, who thereupon shall have and exercise the same powers and duties in relation to the collection of such assessments as he has and exercises relative to the collection of town taxes. The collector shall remit, monthly, to the district treasurer all sums collected by him on account of such assessments. An assessment made hereunder shall be a lien upon the land assessed by the town under the provisions of section thirty-seven of chapter sixty and other related provisions of the General Laws.

**SECTION 14.** The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns.

**SECTION 15.** Unless otherwise specified in this act or otherwise required by General Law, all actions permitted to be taken at annual or special district meetings shall require a majority vote of those proprietors present in person or by proxy at said meeting and entitled to vote thereat, who shall constitute a quorum in accordance with this act or otherwise by bylaw of the district. All actions permitted to be taken by the management committee shall require a majority vote of the committee members present at said meeting who shall constitute a quorum in accordance with this act.

**SECTION 16.** The district shall include, in its initial and in all subsequent annual appropriations, compensation for the board of assessors and the tax collector of the town of Leicester, pursuant to the provisions of section one hundred and eight B of chapter forty-one of the General Laws, with respect to their duties and expenses hereunder.

**SECTION 17.** Notwithstanding their membership on the management committee, neither the town of Leicester, nor any agency or department shall be obligated for any debts of the district, nor shall they, by virtue of this act be required to pay for any liability, obligation or expense made, suffered or incurred by the district. In like manner, the proprietors of the district shall not be individually liable or obligated with respect to debts or other obligations made, suffered or incurred by the district except with respect to the payment of assessments upon their land as provided for in this act.

**SECTION 18.** No provision of this act shall be deemed to modify or amend any power, authority or jurisdiction now or hereafter vested in an agency, department or unit of a state, local or federal government as it relates to the use, operation or enjoyment of Cedar Meadow Lake as a great pond available for use by the general public not only for recreational use but for other purposes now or hereinafter permitted or required by federal, state and local law, rule, regulation or local bylaw.

**SECTION 19.** The district shall establish, in its initial budget and in all subsequent fiscal year budgets, an overlay account and a reserve fund as provided for towns under the provisions of section twenty-five of chapter fifty-nine and section five C of chapter forty of the General Laws except for the initial fiscal year, or portion thereof, of the operation of the district, the district may add to the amount to be raised by district assessment a sum voted by the district for not more than twenty percent thereof for the purposes of and subject to the limitations as set forth in said section twenty-five of said chapter fifty-nine. The district is further authorized to establish and maintain a stabilization fund under the provisions of section five B of chapter forty of the General Laws. The district shall further be subject to an audit of its accounts in the manner provided in section forty of chapter forty-four of the General Laws.

**SECTION 20.** Immediately upon the formation of the district, the district clerk shall, in addition to the other duties to be performed by such district officer, cause a review to be made, at that time and from time, to time thereafter, of the records required to be maintained by the boards of assessors for the town of Leicester, including copies of deeds furnished to said boards by the Worcester district registry of deeds in the county of Worcester, and shall otherwise take such actions as shall be reasonably necessary to verify the list of proprietors to be included within the district. The clerk shall further cause to be prepared one or more maps based in whole or in part upon the maps required to be maintained by the assessors of said towns on which shall be shown the location of all proprietor's lands initially included as well as those which, upon such review, should, in the opinion of the district clerk be included within the district. Thereafter, at any special meeting called for that purpose and not later than the next annual meeting, the district clerk shall furnish the management committee with a list of proprietors proposed for inclusion in the district and such maps depicting the approximate location and boundaries of such parcels as well as the existing parcels within the district. The committee shall furnish written notice in the manner provided for furnishing notice to a proprietor of a district meeting to the record owners of such parcels proposed for inclusion in the district. At the district meeting called

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**Chap. 268**

for such purpose, the district shall, by its vote, determine whether or not its parcel or parcels shall be included within the district and shall furnish the record owners thereof with full opportunity to be heard prior to such vote as though such persons were proprietors of record entitled to vote thereon.

An original proprietor of the district and a record owner of real estate hereafter included within the district as a proprietor in the manner set forth in this section, shall have the right to petition the district, through its management committee, for exclusion from the district based upon an alleged lack of sufficient direct benefit to such proprietor's land with respect to the purposes for which the district has been established. Such petition shall be in writing and shall set forth, in summary form, the reasons relied upon in support thereof. Said committee shall, upon receipt of such petition, conduct such investigation thereof as it shall deem appropriate and shall, at its next regular meeting or sooner at a special meeting and upon at least seven days written notice to the petitioner, consider the petition and vote thereon. A vote by the management committee to exclude the land of the petitioner from the district shall be final. In the event that the management committee shall vote to disapprove the petition or shall fail to act thereon prior to the next annual meeting of the district, the petition shall be included in the warrant for such meeting and the district shall vote on the same at that time. If the district shall vote to disallow the petition, such petitioner may appeal to the superior court within the county in which the district is located for relief. Upon such appeal, said court shall, if the reasons set forth by the petitioner shall be satisfactory to it, grant such exclusion. Such exclusion, if the petition shall have been filed in writing prior to December thirty-first of the then current fiscal year, shall result in an abatement of district assessment from the commencement of such fiscal year; provided, however, that such abatement shall not be effective until the commencement of the next fiscal year.

**SECTION 21.** Once established pursuant to this act, the district shall not dissolve without specific authorization by the general court, which authorization shall not be given until provision has been made for the payment of any obligations of said district. Such dissolution may be initiated by the general court, by two-thirds vote at a regular or special district meeting or by petition by the town of Leicester under the provisions of section eight of Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

**SECTION 22.** This act shall take effect upon its passage; provided, however, that if the initial meeting of the district shall not occur and the certified vote evidencing the establishment of the district shall not be filed with the attorney general within one year after its passage, this act shall cease to be operative.

Approved December 1, 1993.

**Chapter 269. AN ACT RELATIVE TO DIRECTORS, TRUSTEES AND OFFICERS OF BANKS.**

*Be it enacted, etc., as follows:*