

HOUSE No. 3702

[LOCAL APPROVAL RECEIVED.]

By Mr. Guyer of Dalton, a petition (accompanied by bill, House, No. 3702) of Denis E. Guyer (by vote of the town) that the town of Becket be authorized to establish the Sherwood Forest Lake District. Municipalities and Regional Government.

The Commonwealth of Massachusetts

PRESENTED BY:

Denis E. Guyer

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

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

An Act to Establish the Sherwood Forest Lake District.

PETITION OF:

NAME:

Denis E. Guyer

DISTRICT/ADDRESS:

2nd Berkshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH THE SHERWOOD FOREST LAKE DISTRICT.

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

- 1 **SECTION 1.** There is hereby established within the town of Becket the Sherwood
2 Forest 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 Becket as
4 described and shown on the following plans, each of which is on record in the Berkshire Middle
5 District Registry of Deeds:
- 6 (1) Plan 1, Unit 1, showing blocks 2 through 11 in the Sherwood, Forest development, owned by
7 Sherwood Forest Enterprises, Inc., dated August 1963, recorded in Book 417-F, Page 7, as
8 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 Sherwood
10 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-1, LV-1,
12 and LV-2 in the Sherwood Forest development owned by Sherwood Forest Enterprises, Inc.,
13 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 17,
15 1966, recorded in Book 417-F, Page 9.
- 16 (5) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 18,
17 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 January 20,
21 1966, recorded in Book 417-F, Page 10-A.
- 22 (8) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 14, 1968,
23 recorded in Book 417-F, Page 104.
- 24 (9) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 13,
25 1969, recorded in Book 417-F, Page 140.
- 26 (10) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 14,
27 1969, recorded in Book 417-F, Page 141.
- 28 (11) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 15,
29 1969, recorded in Book 417-F, Page 142.
- 30 (12) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 9,
31 1969, recorded in Book 417-F, Page 143.
- 32 (13) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 11,
33 1969, recorded in Book 417-F, Page 144.
- 34 (14) Lot 31, Block P-1, Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 23,
35 1967, and recorded in Book 417-D, Page 151.

36 **SECTION 2:** Membership in the district shall consist of the proprietors, from time to time, of
37 one or more separately assessed parcels of lands lying within the district boundaries as set forth
38 in Section 1. For the purposes of this act, "proprietor" shall be deemed to include not only
39 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 have the
47 following powers:

- 48 **A.** To repair, reconstruct, replace and maintain lakes, dams, spillways, drains and beaches on the
49 Five Lakes within Sherwood Forest, which are Robinhood Lake, Little Robinhood, Lancelot,
50 Nottingham and Excalibur; also to monitor, test and treat the water in the lakes and to take such
51 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 amount
53 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, however, that
55 neither the district nor any officer or employee thereof shall be liable in tort except pursuant to
56 the provisions of chapter two hundred and fifty-eight of the General Laws; and provided further,
57 that the district may indemnify its officers and employees to the extent provided in said chapter
58 two hundred and fifty-eight.
- 59 D. To adopt by-laws for the regulation of its affairs in the conduct of its business, which by-laws
60 shall be consistent with the powers conferred by this act and with other applicable provisions of
61 the General Laws.
- 62 E. To accept, whether by gift, transfer, or purchase, the ownership of real property and interests
63 in real property within the district, including, but not limited to, the ownership of lakes, beaches
64 and common area property and to sell, transfer, mortgage and take such other action with regard
65 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 district,
67 including but not limited to beaches and dams and to procure such other insurance against any
68 loss in connection with carrying out the purposes of this act in such amount and from such
69 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, or from
76 a charitable foundation, a private corporation or an individual, grants, gifts, loans, and advances
77 for or in aid of the purposes of this district, including, but not limited to revenue sharing funds
78 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 extent
80 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 and to
82 the extent permitted under the General Laws for the investment of such funds by the treasurer of
83 a town.
- 84 L. To enter upon the streets and ways within said district in order to carry out the purposes of
85 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 to plan
92 and implement projects on the lake, related shore lands, watershed and the drainage basins
93 relating to the reclamation, enhancement, preservation and maintenance of the lakes and the
94 water quality in the lakes;

95 **O.** To reimburse proprietors for the costs of establishing the district and for costs of preliminary
96 investigations and other activities of the district incurred within one year of the formation of the
97 district, including, but not limited to costs for legal services, water testing, surveying,
98 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 necessary
100 implication conferred upon the district by this act and which are not otherwise prohibited under
101 any provision of the General Laws.

102 **SECTION 4.** Within 180 days of the effective date of this act, the selectmen of the town of
103 Becket shall call the initial meeting of the proprietors of the district. The board of assessors shall
104 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, such
123 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 shall be
128 organized, which shall require an affirmative vote of two-thirds of the persons in attendance and
129 authorized to vote; provided, however, that no person who has submitted an application for
130 exclusion from the district pursuant to Section 21 shall be eligible to vote. If such vote shall be
131 in the negative, the meeting shall thereupon terminate and adjourn. If such vote shall be in the
132 affirmative, the meeting shall then proceed to consider the order of business set forth in clauses
133 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 Committee
136 ("Committee"). The clerk and the treasurer shall be proprietors of the district entitled to vote at
137 district meetings. If the district shall so elect, one person may serve as both clerk and treasurer.
138 If the district, or the proprietors at subsequent meetings, considers it advisable, they shall also
139 elect an assistant treasurer, who may also serve as clerk. The Committee shall consist of seven
140 persons who are proprietors of the district. In addition to the seven regular members of the
141 Committee, there shall be one alternate Committee member, who shall vote in place of a member
142 who is absent or in the event of a conflict. The Committee members and alternate shall be
143 chosen by election by the proprietors entitled to vote at district meetings. The clerk, treasurer and
144 Committee members shall serve from the date of the initial meeting and until the date of election
145 and qualification of their successors at or following the first annual meeting of the district, and
146 thereafter as provided from time to time in the district by-laws; provided, however, that such
147 interval between election of said officers and Committee members shall not be greater than two
148 years. The clerk, assistant treasurer and the treasurer may not be members of the Committee.
- 149 **F.** The adoption of an initial budget for the remainder of the fiscal year and the appropriation of
150 monies to be raised by taxation in support thereof.
- 151 **G.** The consideration of such other business as shall be consistent with the power and authority
152 conferred by this act.
- 153 **H.** The clerk shall prepare a certificate of the vote taken to organize the district and shall affix
154 the form of seal thereto as adopted by the initial district meeting and shall obtain the
155 endorsement of the selectman initially presiding at the meeting thereon. Such certificate shall be
156 forwarded to the attorney general of the commonwealth within 30 days following the
157 adjournment of the meeting.
- 158 **SECTION 6.** Immediately upon its election at the initial meeting of the district, and thereafter
159 immediately following each annual meeting of the district, the Committee shall meet and shall
160 take the following actions:

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

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

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

169 **SECTION 7.**

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

194 **B. VOTING BY THE PROPRIETORS.** At the initial district meeting and at all subsequent
195 annual and special district meetings, voting by proprietors shall be governed by the requirements
196 of this section. Persons or entities owning one or more separately assessed parcels of land within
197 the district shall be entitled to cast one vote for each separately assessed property on any matter
198 or issue to be voted upon at any such meeting, notwithstanding the total number of parcels

200 owned by such person, persons or entities. Joint owners and entity proprietors shall designate, in
201 writing to the clerk prior to the commencement of the meeting, one person who authorized to
202 vote on behalf of the proprietor at such meeting and such person shall be presumed qualified and
203 authorized to represent the proprietor if such person shall be listed record owner of such parcel or
204 parcels or if such person shall, as evidenced by any public record maintained under the laws of
205 the commonwealth, be listed as a partner, trustee, agent, officer or employee of a proprietor. A
206 person owning one or more parcels together with his spouse shall not be required to furnish a
207 written designation from his spouse and either shall be presumed to be qualified to vote but only
208 one vote for each property owned may be made. The authority of a person to cast a proxy vote
209 on behalf of a proprietor shall be determined by the district by-laws. All proxies must be
210 tendered in writing prior to the commencement of a district meeting and shall clearly set forth the
211 name and address of the proprietor entering the proxy, the name and address of the person who is
212 to exercise the proxy, the signature of the proprietor granting the same and the date of execution.
213 The district may, if it so elects, adopt in its bylaws requirements regarding the form of proxy ,
214 the duration of a proxy, and other requirements for the form of voting.

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

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

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

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

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

235 **SECTION 13.** At the first annual meeting of the district and at each annual meeting thereafter,
236 the district shall elect in the manner provided for in its by-laws the members of its Committee
237 constituted as aforesaid and also a clerk and treasurer of the district. Upon their election, the
238 Committee, clerk and treasurer shall serve for the terms set forth in the by-laws and until their

239 successors shall have been elected at the next annual meeting of the district called for that
240 purpose. Vacancies in the Committee due to resignation or other cause shall be filled at a special
241 district meeting called for that purpose by the remaining members of the Committee, which
242 meeting shall occur within thirty days from the date of such vacancy. In the event that no
243 member of the Committee shall remain in office due to resignation or otherwise, the selectmen of
244 the town of Becket are empowered to issue a warrant for a special meeting of the district to occur
245 within said thirty day period and shall, in the interim, exercise the powers and duties of the
246 Committee until the successors shall be elected at such special meeting.

247 **SECTION 14.** The Committee shall be responsible for the expenditure and shall expend, for the
248 purposes prescribed by the district, the money so raised and borrowed by the district, and shall
249 annually prepare a budget with advice from the Treasurer and in his absence, the Assistant
250 Treasurer and shall submit such budget to the annual district meeting for its approval. Upon
251 approval of the budget by the district which shall be deemed to constitute an appropriation for
252 the expenses enumerated therein, the clerk of the district shall certify to the assessors of the town
253 all the votes of the district relative thereto and all sums of money voted to be raised which shall
254 be assessed and collected in the same manner as town taxes, and shall be paid over to the district
255 treasurer. The assessors, treasurer, and collector of the town of Becket shall have the same
256 powers and duties relative to the assessment, collection and abatement or granting of exemptions
257 relative to money voted by the district as they have and exercise relative to the assessment,
258 collection, and abatement, and granting of exemptions relative to town taxes and the sum so
259 voted shall be assessed upon the assessed value of the Land and buildings situated within the
260 district or personal property situated thereon. The district shall include in its initial and in all
261 subsequent annual appropriations, compensation for the town assessors and tax collector,
262 pursuant to the provisions of section one hundred and eight B of chapter forty-one of the General
263 Laws, with respect to their duties and expenses hereunder.

264 **SECTION 15.** The district treasurer shall, in addition to any other powers and duties specified
265 elsewhere in this act, receive and take charge of all money belonging to the district, and pay over
266 an account for the same according to the order of the district or of its Committee. The assistant
267 treasurer and the treasurer shall be the only persons authorized to pay any district bill; provided,
268 however, that this provision shall not prohibit the treasurer or assistant treasurer from paying
269 such bill by the use of bank treasurer's or cashier's check. He shall further have the authority
270 given to an auditor by section fifty-one of chapter forty-one of the General Laws, and shall
271 annually render a true account of his receipts and disbursements and a report of his official acts
272 to the district. The treasurer and assistant treasurer if there is one elected, shall give bond
273 annually for the performance of his duties in a form approved by the commissioner of revenue
274 and in such sum, not less than the amount established by said commissioner, as shall be fixed by
275 the Committee (with the costs of such bond to be paid by the district), and if either fails to give
276 such bond within ten days after his election or appointment, or within ten days after the
277 expiration of said bond or any renewal of said bond, either one fails to file a renewal thereof, the

278 Committee shall declare that office vacant and the vacancy shall be filled by the Committee in
279 the manner provided for the appointment of temporary town officers under section forty of
280 chapter forty-one of the General Laws. Vacancies occurring in the office of treasurer or assistant
281 treasurer for any other reason shall be filled by the Committee in a like manner.

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

287 **SECTION 17.** Unless otherwise provided by district by-law, the Committee shall, in addition to
288 the other duties specified herein, decide by majority vote on all contracts, expenditures,
289 investments, or any other actions necessary for carrying out the purposes of the district. No
290 monies shall be drawn from the district treasury except upon signature of the district treasurer or
291 assistant treasurer and upon prior authorization by the Committee to the extent required by
292 district by-law. The Committee shall meet as necessary, but in no event less frequently than
293 quarterly in order to approve contracts, expenditures, and investments, or to take other actions
294 necessary for carrying out the purposes of the district. The district treasurer shall be responsible
295 for submitting to the Committee in a timely manner all contracts, bills, or other items requiring
296 Committee approval. A quorum of the Committee shall be required at all meetings for the
297 conducting of any business and shall consist of a majority of the total number of Committee
298 members then constituted by the district as the Committee.

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

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

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

311 **SECTION 21.** The Committee, at a meeting called therefor, may annex adjacent territory and
312 its inhabitants, if in the judgment of the Committee, the property has legal access to the lakes in
313 the district and a majority of the Committee members vote to expand the limits of the district. If
314 a person requests to be included in the district, they shall pay a fee in an amount to be determined

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

339 **SECTION 22.** By a petition in writing addressed to the Committee and signed by a majority of
340 the proprietors of the district who are entitled to vote at the most recent district meeting prior to
341 the filing of the petition, such petitioners may request that the district be disbanded on the basis
342 that there is no further need for its existence. A three-quarters affirmative vote of all proprietors
343 shall be necessary to disband the district. Notwithstanding the foregoing provision, the district
344 may not be disbanded if at the time of such vote, there are outstanding obligations with respect to
345 which insufficient appropriated funds or surplus funds exist in the district treasury for the
346 purpose of satisfying such obligations. If sufficient funds shall be determined to exist at said
347 meeting to accomplish the payment of all outstanding obligations, such action shall forthwith be
348 taken by the Committee, or by the selectmen of the town of Becket upon the failure of the
349 Committee to act with respect thereto. In the event there shall exist in the district treasury
350 surplus funds remaining after the payment of all outstanding obligations as aforesaid, said funds
351 shall be distributed by the Committee to the property owners within the district based upon the
352 percentage that the most recent assessed valuation of the land for each said district property
353 owner shall bear to the total or aggregate assessed valuation of the land lying within the district.
354 No such distribution of surplus shall be made by the Committee until it shall have first published

355 in each week for three successive weeks in a newspaper of at least weekly publication within the
356 county of Berkshire a notice of intent to disband the district which shall afford reasonable notice
357 to all creditors and possible claimants against the district of the intended action. Further, within
358 ten days of an affirmative vote to disband, the district clerk shall file with the Becket town clerk,
359 with the secretary of the commonwealth and the commissioner of revenue an attested copy of
360 said petition and a certified copy of the district vote. Upon completion of the aforesaid action and
361 upon the expiration of six months from the date of said meeting and vote, the Sherwood Forest
362 Lake District shall cease to exist.

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

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