

## **AN ACT ESTABLISHING THE SHERWOOD FOREST ROAD MAINTENANCE DISTRICT IN THE TOWN OF BECKET.**

### **WITH 2017 AMENDMENTS**

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

**SECTION 1.** There is hereby established within the town of Becket the Sherwood Forest Road Maintenance District, hereinafter referred to as district, bounded and described as follows:

**A. DISTRICT DESCRIPTION.** The land situated on the southerly side of Route 20, a state highway in said town of Becket as described and shown on the following plans, each of which is on record in the Berkshire Middle District Registry of Deeds:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **B. STREETS OR WAYS INCLUDED IN DISTRICT BOUNDARIES.**

Sherwood Drive, excluding that portion extending southerly from its intersection with Route 20 which has been previously accepted by the Town of Becket as a public way, Maid Marion Lane, Little John Drive, Prince John Drive, King Arthur Drive, Knight Drive, Sir Galahad Drive, Whistling Arrow, Nottingham Courts, Nottingham Circle, Alan A Dale Drive, King Richard Drive, King Richard Lane, Sir George Drive, Black Arrow Way, Golden Knight Lane, Jester's Lane, Jester's Court, Golden Knight Court, Bowman's Lane, Minstrel's Way, Flaming Arrow Lane, Prince Paul Path, Prince Paul Lane, Castle Lane, Olde Carriage Road, Robin Hood Lane, Woodmen's Lane, Forest Lane, Blue-Bowar Lane, Arrowhead Lane, Woodmen's Path, Sir Edward's Way, King Richard's Court, Singing Sword Lane, Excalibur Drive, Green Wood Court, Hill-top Court, Mountain Dale Court, Pine Dale Court, Pine Dale Circle, Sir Walter Road, Sir Walter Lane, Count Edward's Way, Excalibur Court, Excalibur Lake Drive, Lady of the Lake Courts, any other streets or ways as shown on the plans described in subsection A.

**SECTION 2.** The district, upon establishment in the manner hereafter set forth, shall have the following powers:

**A.** To repair and maintain, including snow and ice removal the streets or ways within said district, or such portions thereof, as the district shall determine in accordance with this act.

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

**C.** 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.



**D.** To adopt by-laws for the regulation of its affairs in the conduct of its business, which by-laws shall be consistent with the powers conferred by this act.

**E.** To appoint a superintendent of streets who, unless the district by-laws provide otherwise, shall have the same powers and duties with respect to the streets and ways of said district as a superintendent of streets now has with respect to town ways under the provisions of section sixty-eight of chapter forty-one of the General Laws and who shall be a "public employee" for the purposes of said chapter two hundred and fifty-eight.

**F.** To make and enter into all contracts and agreements necessary or incidental to the accomplishments of its purposes, subject to appropriation by the district.

**G.** To employ such experts as may be deemed necessary in its judgment and to fix their compensation.

**H.** To receive and accept from any federal agency, the commonwealth, the municipality, or from a charitable foundation, a private corporation or an individual, grants, gifts, loans, and advances for or in aid of the purposes of this district, including, but not limited to revenue sharing funds and community development block grant funds.

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

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

**K.** To procure insurance against any loss in connection with carrying out the purposes of this act in such amount and from such insurers as it deems desirable.

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

**M.** To purchase and lease equipment, materials, and services necessary or appropriate for carrying out the purposes for which the district is created to the same extent subject to the same limitations as shall apply to towns.

**N.** To do all acts necessary or convenient to carry out the powers expressly or by necessary implication conferred upon the district by this act.

**SECTION 3.** Selectmen of the town of Becket, on written request of not less than twenty landowners and residents of such district, shall forthwith give notice of an initial meeting of the voters of said district in the manner of notifying town meetings, requiring voters to assemble at some suitable place within the district to act on the order of business under

the provisions of section four. If the selectmen refuse or neglect to give notice of such meeting, a justice of the peace may do so.

**SECTION 4.** At the first meeting of said district, the following shall be the order of business:

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

**B.** Certification by the moderator to the district meeting that a quorum is in attendance, such initial quorum to consist of not less than thirty residents of the district and who have been certified to the clerk by the registrar of voters of the town of Becket as being eligible to vote at the most recent town meeting. At subsequent meetings in the district, a quorum shall be as determined by district by-law.

**C.** The taking of a vote to determine whether or not the district established by this act shall be organized, which shall require an affirmative vote of two-thirds of the persons in attendance and authorized to vote. If such vote shall be in the negative, the meeting shall thereupon terminate and adjourn. If such vote shall be in the affirmative, the meeting shall then proceed to consider the order of business set forth in clauses D to G, inclusive.

**D.** The adoption of district by-laws.

**E.** The election of a clerk, treasurer, and a prudential committee. ~~The clerk and the treasurer shall be residents of the district entitled to vote at district meetings.~~ If the district shall so elect, one person may serve as both clerk and treasurer. The prudential committee shall consist of not less than three nor more than seven persons with not less than a majority of such number as actually fixed by the by-laws to be residents of and proprietors ~~voters~~ of the district and such remaining number of members, if any, as the district shall determine in its by-laws, to be elected from among persons who are proprietors of assessed owners of real estate within ~~the district as of the date next~~ preceding the district election, when the record of assessed ownership of real estate shall be fixed by law. The clerk, treasurer and prudential committee members shall serve from the date of the initial meeting and until the date of election and qualification of their successors at or following the first annual meeting of the district, and thereafter as provided from time to time in the district by-laws; provided, however, that such interval between election of said officers and committee members shall not be greater than two years. Neither the clerk nor the treasurer shall be a member of the prudential committee.

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

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



**SECTION 5.** Immediately upon its election at the initial meeting of the district, and thereafter immediately following each annual meeting of the district, the prudential committee shall meet and shall take the following actions:

**A.** The election of a chairman and a vice-chairman, who shall preside at all meetings of the committee in the absence of the chairman or in the event of his inability to act or because of a conflict of interest.

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

**C.** The appointment of a superintendent of streets who shall serve at the discretion of the prudential committee.

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

**SECTION 6.** Annual meetings of the district shall be held on the third Tuesday in April or at such other time that the district shall establish from time to time in its by-laws, but in no event shall such annual meeting occur more than thirty days after the date set by the town of Becket for its annual town meeting. Annual meetings and other special meetings of the district shall be called by a warrant under the hands of the prudential committee, notice of which shall be given fourteen days at least before such meeting. The warrant shall be directed to a constable of the town or to some other person who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if no provision therefor shall exist in said by-laws, by a vote of the district, or by posting in two or more public places within said district or by advertising in a newspaper published in the town in which the district is located, if any, otherwise in a newspaper published in the county. The warrant for all district meetings shall state the time and place of holding the meeting and the subjects to be acted upon thereat. The prudential committee shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town residing in the district, and the warrant for every special district meeting all subjects the insertion of which shall be requested of them in writing by twenty registered voters or by ten per cent of the total number of registered voters of the town residing within said district, whichever is less. The prudential committee shall call a special district meeting at its own request or upon the request in writing of forty registered voters or twenty per cent of the total number of registered voters of the town residing within the district, whichever is less, such meeting to be held not later than thirty days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more district meetings for distinct purposes may be called 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.



A. Annual meetings of the district shall be held on the first Saturday in June or at such other time that the district shall establish from time to time in its by-laws, but in no event shall such annual meeting occur more than sixty days after the date set by the town of Becket for its annual town meeting. Annual meetings and other special meetings of the district shall be called by a warrant under the hands of the prudential committee, notice of which shall be given fourteen days at least before such meeting. The warrant shall be directed to a constable of the town or to some other town official who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if no provision therefore shall exist in said by-laws, by a vote of the district, or by posting in two or more public places within said district and at the Becket Town Hall, or by advertising in a newspaper published in the town in which the district is located, if any, otherwise in a newspaper published in the county. The warrant for all district meetings shall state the time and place of holding the meeting and the subjects to be acted upon. The prudential committee shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by 10 or more proprietors of the district and the warrant for every special district meeting all subjects the insertion of which shall be requested of them in writing by twenty proprietors of the district or by ten per cent of the total number of proprietors of said district, whichever is less. The prudential committee shall call a special district meeting at its own request or upon the request in writing of forty proprietors or twenty per cent of the total number of proprietors of the district, whichever is less, such meeting to be held not later than thirty days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more district meetings for distinct purposes may be called by the same warrant. At every district meeting a moderator shall be elected, and shall have the powers of the moderator of a town meeting.

B. On and after the effective date of this Amendment, persons who are proprietors as certified by the Board of Assessors of the Town of Becket at least thirty (30) days prior to the district meeting shall be entitled to vote at District meetings and are referred to in this Act as "proprietors." 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 boundaries as set forth in Section 1. 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 but not limited to corporations, partnerships, and realty trusts. "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 and/or entities that jointly own one or more separately assessed parcels within the district shall collectively constitute a proprietor for all purposes hereunder.

C. Prior to the effective date of an Amendment to this Act, all registered voters of the Town of Becket residing in the district had the right to vote at all district annual and special meetings. As of the effective date of this Amendment, the Registrar of Voters of the Town of Becket shall prepare a list of the persons who are registered to vote and reside in the District. Any person on this list of registered voters residing in the district as



of the effective date of this Amendment to the Act (defined as the "List of Resident Voters of the District") shall be permitted to vote at annual and special district meetings for so long as they are both registered to vote in the Town of Becket and residing in the district. A person who qualifies to vote as a proprietor of the district and as a voter on the List of Resident Voters of the District shall be entitled to only one vote. The Prudential Committee shall maintain the List of Resident Voters of the District in a manner accessible to the general public at all reasonable times and it shall be available for inspection at the annual meeting and any special meeting of the district. The registrar of voters of the Town of Becket shall likewise maintain List of Resident Voters of the District.

D. 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 for each separately assessed property 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, one person who is 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 as a 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 or her spouse shall not be required to furnish a written designation from said spouse and either shall be presumed to be qualified to vote but only one vote for each property owned may be made. 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 requirements regarding the form of proxy, the duration of a proxy, and other requirements for the form of voting.

E. After a period of not less than two years from the institution of said proxy voting, the district may also, if it so elects, change the by-laws to institute a system of absentee balloting or any other system of balloting instead of proxy voting, if three-fifths of the proprietors as defined above in Sections 6 B and 6 D choose at an annual meeting of the district or at a special meeting convened for this purpose, duly publicized and noticed in accordance with all applicable laws and procedures of the Commonwealth of Massachusetts.

**SECTION 7.** District meetings and meetings of the prudential committee shall be governed by chapter thirty-nine of the General Laws except as otherwise provided in this act.

**SECTION 8.** The ~~registrar of voters~~ board of assessors of the town of Becket shall, at least ~~ten~~ thirty days before the annual district election, make and provide a correct digital alphabetical list of with addresses of and lot numbers of proprietors of the district reflected in their records as of January 1<sup>st</sup> of that year and from records maintained by the assessors pursuant to chapter 59 of the General Laws and related provisions of the General Laws. ~~all persons qualified to vote at such election and shall cause such list to be posted, by tender to the prudential committee or otherwise, in two or more public places in said district, and shall correct said list in the same manner as required by law to correct said voting list for town elections.~~ 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 prudential committee and the district clerk and shall be available for inspection at the annual meeting and any special meeting of the district. The board of assessors shall likewise maintain a list of proprietors by separate list or by special designation on their list of all assessed parcels.

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**SECTION 9.** The district may, at meetings called therefor, raise money by taxation for the purposes set forth in this act but for none other.

**SECTION 10.** The fiscal year of the district shall be the same fiscal year established by General law or otherwise for the town of Becket.

**SECTION 11.** Unless otherwise specified in this act, or otherwise required by General Law, all actions permitted to be taken at annual or special meetings of the district shall require a majority vote of those persons present at said meeting and entitled to vote thereat, who shall constitute a quorum in accordance with the by-laws of the district.

**SECTION 12.** At the first annual meeting of the district and at each annual meeting thereafter, the district shall elect in the manner provided for in its by-laws the members of its prudential committee constituted as aforesaid and also a clerk and treasurer of the district. Upon their election, the prudential committee, clerk and treasurer shall serve for the terms set forth in the by-laws and until their successors shall have been elected at the next annual meeting of the district called for that purpose. Vacancies in the prudential committee due to resignation or other cause shall be filled at a special district meeting called for that purpose by the remaining members of the committee, which meeting shall occur within thirty days from the date of such vacancy. In the event that no member of the prudential committee shall remain in office due to resignation or otherwise, the selectmen of the town of Becket are empowered to issue a warrant for a special meeting of the district to occur within said thirty day period and shall, in the interim, exercise the powers and duties of the prudential committee until the successors shall be elected at such special meeting.

**SECTION 13.** The prudential committee shall be responsible for the expenditure and shall expend, for the purposes prescribed by the district, the money so raised and borrowed by the district, and shall annually prepare a budget with advice from the district



superintendent of streets and shall submit such budget to the annual district meeting for its approval. Upon approval of the budget by the district which shall be deemed to constitute an appropriation for the expenses enumerated therein, the clerk shall certify to the assessors of the town all the votes of the district relative thereto and all sums of money voted to be raised which shall be assessed and collected in the same manner as town taxes, and shall be paid over to the district treasurer. The assessors, treasurer, and collector of the town of Becket shall have the same powers and duties relative to the assessment, collection and abatement or granting of exemptions relative to money voted by the district as they have and exercise relative to the assessment, collection, and abatement, and granting of exemptions relative to town taxes and the sum so voted shall be assessed upon the land situated within the district, exclusive of improvements thereto or personal property situated thereon. The district shall include in its initial and in all subsequent annual appropriations, compensation for the town assessors and tax collector, 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 14.** Unless otherwise provided by district by-law, the superintendent of streets shall, subject to appropriation and upon approval by a majority of the prudential committee, have the power to enter into contracts for the repair and maintenance of all streets and ways within the district, including contracts for the removal of snow and ice and contracts calling for the purchase or lease of services, equipment, and supplies authorized by the district as aforesaid.

**SECTION 15.** The district treasurer shall, in addition to any other powers and duties specified elsewhere in this act, receive and take charge of all money belonging to the district, and pay over an account for the same according to the order of the district or of its prudential committee. No other person shall pay any district bill; provided, however, that this provision shall not prohibit the treasurer from paying such bill by the use of bank treasurer's or cashier's check. He shall further have the authority given to an auditor by section fifty-one of chapter forty-one of the General Laws, and shall annually render a true account of his receipts and disbursements and a report of 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 and in such sum, not less than the amount established by said commissioner, as shall be fixed by the prudential committee, and if he fails to give such bond within ten days after his election or appointment, or within ten days after the expiration of said bond or any renewal of said bond, he fails to file a renewal thereof, the prudential committee shall declare the office vacant and the vacancy shall be filled by the prudential committee in the manner provided for the appointment of temporary town officers under section forty of chapter forty-one of the General Laws. Vacancies occurring in the office of treasurer for any other reason shall be filled by the prudential committee in a like manner.

**SECTION 16.** Unless otherwise provided by district by-law, the clerk shall, in addition to the other duties specified herein, take all minutes at district meetings and maintain a record of such minutes in the manner provided for the maintenance of records of minutes of town meetings. Vacancies occurring in the office of clerk shall be filled by the

prudential committee by appointment in the same manner as provided for treasurer in the next preceding section.

**SECTION 17.** Unless otherwise provided by district by-law, the prudential committee shall, in addition to the other duties specified herein, supervise and advise the superintendent of streets and the clerk; decide by majority vote on all contracts, expenditures, investments, or any other actions necessary for carrying out the purposes of the district. No monies shall be drawn from the district treasury except upon signature of the district treasurer and upon prior authorization by the prudential committee to the extent required by district by-law. The prudential committee shall meet as necessary, but in no event less frequently than monthly in order to approve contracts, expenditures, and investments, or to take other actions necessary for carrying out the purposes of the district. The district treasurer shall be responsible for submitting to the prudential committee in a timely manner all contracts, bills, or other items requiring committee approval. A quorum of the prudential committee shall be required at all meetings for the conducting of any business and shall consist of a majority of the total number of committee members then constituted by the district as the prudential committee.

**SECTION 18.** The district may, by majority vote, agree upon appropriate compensation for its officers and employees including the prudential committee members in the event that the district shall include in its budget appropriations for its employees to perform duties with respect to the maintenance and upkeep of streets and ways within the district, such employees shall be hired by the superintendent of streets with the prior approval of the prudential committee subject to prior appropriation therefor, shall be employed under the supervision of the superintendent of streets and other terms and conditions of employment approved by the prudential committee.

**SECTION 19.** The town of Becket shall not be obligated for any debts of the district nor shall it by virtue of this act, be required to pay for any repairs and maintenance of streets or ways within the district including snow and ice removal; provided, however, that nothing in this act shall preclude the layout and acceptance of any street or way within said district by the town or by the county as provided by chapter eighty-two of the General laws or any other provision of the General Laws, or the acceptance of the provision of any enabling legislation permitting the expenditure of monies by towns on private ways open to public use.

**SECTION 20.** If a person sustains bodily injury or damage to his property by reason of defect or want of repair for failure to remove snow or ice in or upon a listed street or way within the district, claims for such injury or damage shall be governed by the applicable provisions of chapter eighty-four of the General laws relating to damages for defects in ways.

**SECTION 21.** The district, at a meeting called therefor, may annex adjacent territory and its inhabitants, if a majority of the votes of said territory petition define the limits thereof, or may, on the petition of any person with the assent of the town containing such district, exclude him or his estate therefrom; provided, however, that such exclusion shall be



granted by the district without assent of the town if the estate of the petitioner is so situated as to be unable to benefit from the listed streets and ways within the district or so situated as to be more accessible to a street or way under the jurisdiction or control of the governmental entity other than the district; and provided, further, that such exclusion shall not be granted by the district if the estate of the petitioner is so situated as to be able to benefit from any listed street or way which is repaired or maintained by the district in such a manner by the district to afford year-round access to the estate of the petitioner; and provided, further, that no estate shall be subject to any tax assessed on account of the repair and maintenance of roads under this act if, in the judgment of the prudential committee, after a hearing, due notice of which shall be given, such estate is so situated that it can receive no benefit from the repair and maintenance provided in said district. The petition for exclusion or exemption from taxation shall be filed with the prudential committee of the district not later than the date set for the filing of petitions for the insertion of articles in the warrant of the district meeting or at which the petition is to be acted upon, and shall state the petitioner's reason for seeking exclusion or exemption from taxation. The prudential committee shall cause an appropriate article to be inserted in the warrant for said meeting, shall examine the reasons stated and shall report its findings, with recommendations to said meeting. Any such petitioner, aggrieved by the action of the prudential committee, or by the action of the ~~voters~~ proprietors of the district on his petition, may appeal to the superior court sitting in equity within the county in which the district is located for a remedy. Upon such appeal, said court shall, if the reason set forth by the petitioner is found to lie within the intent of this section, grants such exclusion. The grant of exclusion or exemption from taxation shall exempt the person and estate of the petitioner of any tax levied by reason of any appropriation made by the district after the filing of the petition as provided herein. Reinstatement in the district by any property which has already been exempted may be authorized by a petition submitted to the prudential committee for its approval.

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

prudential committee until it shall have first published in each week for three successive weeks in a newspaper of at least weekly publication within the county of Berkshire a notice of intent to disband the district which shall afford reasonable notice to all creditors and possible claimants against the district of the intended action. Further, within ten days of an affirmative vote to disband, the district clerk shall file with the Becket town clerk, with the secretary of the commonwealth and the commissioner of revenue an attested copy of said petition and a certified copy of the district vote. Upon completion of the aforesaid action, and upon the expiration of six months from the date, of said meeting and vote, the Sherwood Road Maintenance District shall cease to exist.

**SECTION 23.** The district shall establish an overlay account and a reserve fund as contemplated 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 that the initial fiscal year of the operation of the district, the assessors for the town of Becket, may add to the amount to be assessed, a sum voted by the district, equal to not more than twenty per cent thereof for the purposes and subject to the remaining limitations set forth in said section twenty-five of 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 24.** Notwithstanding any provision of general or special law to the contrary, the town of Becket may, at its annual or at a special town meeting vote to appropriate by transfer or otherwise the sum of not greater than twenty-five thousand dollars, for the use and benefit of the district under the provisions and for the purposes of this act, and said sum may be drawn upon by the district for budgeted expenses approved by the district for the remaining portion of the fiscal year remaining after the establishment thereof under section four of this act. Such funds, if appropriated by the town as aforesaid, shall be paid over to the district treasurer in the same manner as district taxes under election thirteen of this act. Following the initial fiscal year of the district or portion thereof as the case may be, the town may at its annual town meeting, make further appropriations in such amount, if any, as it shall deem appropriate for use by the district during such subsequent fiscal year for such project or projects within the scope of this act as the town may designate. Such funds, if appropriated by the town, shall be contingent upon a matching fund appropriation by the district.

**SECTION 25.** This act shall take effect upon its passage; provided, however, that if the first meeting of the district shall not be held within one year after its passage this act shall cease to be operative.