

Chapter 68  
of the Acts of 2019

THE COMMONWEALTH OF MASSACHUSETTS

*In the One Hundred and Ninety-First General Court*

AN ACT MODIFYING THE SHERWOOD FOREST ROAD MAINTENANCE DISTRICT IN THE TOWN OF BECKET.

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

SECTION 1. Section 4 of chapter 380 of the acts of 1982 is hereby amended by striking out paragraph E and inserting in place thereof the following paragraph:-

E. The election of a clerk, treasurer and a prudential committee. If the district shall so elect, 1 person may serve as both clerk and treasurer. The prudential committee shall consist of not less than 3 but not more than 7 persons with not less than a majority of such number as actually fixed by the by-laws to be residents and proprietors 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 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 2 years. Neither the clerk nor the treasurer shall be a member of the prudential committee.

SECTION 2. Said chapter 380 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. 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 such an annual meeting shall not occur more than 60 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 not less than 14 days before such meeting. The warrant shall be directed to a constable of the town or to some other town official who shall immediately give notice of such meeting in the manner prescribed by the by-laws or, if no provision therefore shall exist in the by-laws, by a vote of the district, by posting in not less than 2 public places within the

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 at which the meeting will be held 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 not less than 10 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 20 proprietors of the district or by 10 per cent of the total number of proprietors of the district, whichever is less. The prudential committee shall call a special district meeting at its own request or upon the request in writing of 40 proprietors of the district or 20 per cent of the total number of proprietors of the district, whichever is less. The meeting shall be held not later than 30 days after the receipt of the request and the prudential committee 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. A moderator shall be elected at every district meeting and shall have the powers of the moderator of a town meeting.

B. For the purposes of this act, "proprietor" shall 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; provided, however, that "proprietor" shall also include a mortgagee of record in possession of any 1 or more separately assessed parcels and persons or entities who jointly own 1 or more separately assessed parcels; provided, further, that persons or entities that jointly own 1 or more separately assessed parcels within the district shall collectively constitute a proprietor for all purposes hereunder. Persons who are proprietors as certified by the board of assessors of the town of Becket not less than 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 1 or more separately assessed parcels of lands lying within the district boundaries as set forth in section 1.

C. 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 not less than 30 days before the district meeting. Any person on this list of registered voters, which shall be known 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 reside in the district not less than 30 days before the district meeting. If a person is no longer registered to vote in the town of Becket or no longer

resides in the district, they shall be removed from the list of resident voters of 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 1 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. Voting by proprietors shall be governed by the requirements of this section. A person or entity owning 1 or more separately assessed parcels of land within the district shall be entitled to cast 1 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 or entity. Joint owners and entity proprietors shall designate, in writing to the clerk prior to the commencement of the meeting, 1 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 1 or more parcels together with their 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 1 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 by-laws requirements regarding the form of proxy, the duration of a proxy and other requirements for the form of voting.

SECTION 3. Said chapter 380 is hereby further amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. The board of assessors of the town of Becket shall, not less than 30 days before the annual district election, make and provide a correct digital alphabetical list with addresses and lot numbers of proprietors of the district reflected in their records as of January 1st of that year and from records maintained by the assessors pursuant to chapter 59 and 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 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.

SECTION 4. Said chapter 380 is hereby further amended by striking out section 21 and inserting in place thereof the following section:-

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 said person or said person's 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 a governmental entity other than the district; 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 that 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 the 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 proprietors of the district on their 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, grant such exclusion. The grant of exclusion or exemption from taxation shall exempt the petitioner 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 that has already been exempted may be authorized by a petition submitted to the prudential committee for its approval.

SECTION 5. Notwithstanding any general or special law to the contrary, only persons who are registered to vote in the town of Becket as of the effective date of this act and reside in the Sherwood Forest Road Maintenance District as of the effective date of this act shall be added to the list of resident voters of the district pursuant to paragraph C of section 6 of chapter 380 of the acts of 1982.

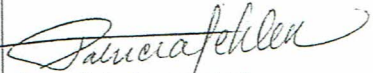
SECTION 6. This act shall take effect upon its passage.

House of Representatives, August 29, 2019.

Passed to be enacted,

 , Speaker.

In Senate, August 29, 2019.

  
Passed to be enacted,

, President.

September 3, 2019.

at 6 o'clock and 04 minutes, P. M.

  
Governor.