

SHERWOOD FOREST LAKE DISTRICT BY-LAWS

TOWN OF BECKET



Effective October 9, 2010
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Version 1.4

CHAPTERS

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1 **CHAPTER I: GENERAL PROVISIONS**

2
3 **Section 1.** The following provisions shall constitute the By-laws of the Sherwood Forest Lake District
4 (referenced herein as the “District”), established pursuant to Chapter 107 of the Acts of 2010, approved by
5 the Governor and effective as of May 20, 2010 (the “Special Act”).
6

7 **Section 2.** Words and phrases not specifically defined herein shall have the meaning set forth in the Special
8 Act.
9

10 **Section 3.** These By-laws may be amended or other By-laws may be adopted at any District meeting called
11 for that purpose. The vote to amend these By-laws or adopt new By-laws shall be a majority of those
12 proprietors present at the meeting (or who gave a valid proxy) and who are qualified to vote at the meeting.
13

14 **Section 4.** The Lake District Prudential Committee (referenced herein as the “Committee”) shall make these
15 By-laws available to all the proprietors of the District in booklet or other convenient form. These By-laws
16 shall be posted to any Internet web site established by the District. Furthermore, the Committee shall cause
17 the By-laws to be republished, as it deems necessary from time to time and made available to the proprietors.
18

19 **Section 5.** The invalidity of any section or any Chapter of these By-laws shall not affect the validity of any
20 other section.
21

22 **Section 6.** In the event that any provision of these By-laws shall be inconsistent with any express or implied
23 provision of the Special Act, as the same may be from time to time amended, or with any provision of federal
24 or state law or regulation, the provisions of the federal law or regulation or state law or the Special Act shall
25 govern.
26

27 **Section 7.** The governing laws and regulations of the District shall consist of these By-laws as from time to
28 time amended, the Special Act above referred to, and all applicable provisions of any Federal or
29 Massachusetts law or regulations that govern or regulate any aspect of the affairs of the District.
30

31 **Section 8.** In regulating the property owned and controlled by the district, the District finds that: (a) the five
32 lakes identified as Robin Hood Lake (aka Big Robin Lake), Little Robin Hood Lake (Little Robin Lake),
33 Lancelot Lake, Nottingham Lake and Excalibur Lake in Sherwood Forest exhibit unique environmental and
34 ecological values; (b) without sustainable management practices, the lakes and associated beaches and banks
35 will experience problems of declining resource use and deficiencies of environmental control that threaten
36 the ecological values of these bodies of water within the District and subsequently the Westfield River
37 watershed area; (c) maintenance of the social and economic health of the property within the District depends
38 on maintaining the significant scenic, recreational, educational, scientific, natural and public health values
39 provided by said lakes; (d) there is a public interest in protecting, preserving and enhancing said values both
40 for the residents of and visitors to said District as well as the town proper; (e) it is imperative that the District
41 establish sustainable environmental practices to maintain the lakes for public health and safety benefits.
42 Therefore, the District shall:

43
44 **A.** Maintain the lakes, dams, dykes and associated facilities so as to maintain the water levels at sufficient
45 height, volume and capacity to provide water for fire suppression use by the Becket Fire Department
46 throughout the town during all seasons of the year.
47

48 **B.** Use sustainable and appropriate environmental practices to encourage biodiversity in the plant and animal
49 communities that use the lakes in the District while controlling nuisance or damaging species in the Lakes.
50

51 **C.** Take appropriate action to protect and maintain integrity of the water quality of the lakes so as to protect
52 public and private water supplies, acknowledging that the water quality in the lakes may have an effect on
53 such drinking water supplies both within the district and downstream communities.
54

55 **D.** Maintain the lakes so as to continue the function of the lakes to provide flood control capacity, and as
56 warranted by an Emergency Action Plan approved by the Office of Dam Safety or its successor, to
57 temporarily adjust water levels in the lakes to prevent or mitigate damage to downstream residences,
58 buildings and vital community infrastructure and to preclude the loss of life.

60 **CHAPTER II: DISTRICT OFFICERS**

61
62 **Section 1.** The elected officers of the District, as set forth in the Special Act, shall consist of a seven (7)
63 individuals who are proprietors of the District who shall be elected to serve as the Committee. There shall be
64 one alternate Committee member, who shall vote in place of a member who is absent or in the event of a
65 conflict. There shall also be a District Clerk and a District Treasurer, who may be the same person. If the
66 proprietors so choose, they may elect an Assistant Treasurer, who may also serve as District Clerk. The
67 District Clerk, District Treasurer and/or Assistant Treasurer may not be members of the Committee. A
68 moderator shall be elected at each Annual District meeting. The Committee may appoint a superintendent for
69 each of the following areas: dams, lakes and a boats/beaches, each of whom will serve at the discretion of the
70 Committee.

71
72 **Section 2.** The Committee members and alternate Committee member, District Clerk and District Treasurer
73 shall be chosen by election by the proprietors entitled to vote at a District meeting.

74
75 **Section 3.** Each of the District officers, after the initial meeting and election, shall perform the duties as set
76 forth in the Special Act, and shall serve for their term or until their successor is elected and qualified.
77 Vacancies in any elected office of the District shall be filled in the manner set forth in the Special Act. At
78 the initial meeting of the District, a District Clerk, a District Treasurer, seven members of the Committee and
79 the Alternate shall be elected to serve for a term pursuant to Chapter 107 of the Acts of 2010. If the
80 proprietors choose to appoint an Assistant Treasurer, his/her term will be for one year. Also at the first
81 annual meeting of the District, the proprietors will elect three (3) Committee members with a three-year
82 term, and two (2) Committee members with a two-year term and two (2) Committee members for a one-year
83 term. Thereafter, the term of any Committee member, and the District Clerk and the District Treasurer, and
84 any Assistant Treasurer, shall be three years. The terms of office of the members of the Committee, the
85 District Clerk and the District Treasurer and Assistant Treasurer shall commence immediately upon
86 qualification and shall expire at the close of the final adjournment of the Annual District meeting at which
87 their successors are elected. The Assistant Treasurer will only assume the duties of the Treasurer if the
88 Treasurer's position become vacant or if the Treasurer is incapacitated and incapable of performing the
89 duties of the office due to illness or incapacity as determined by a licensed medical professional or the
90 courts. The assistant treasurer must be bonded within ten (10) days of the assumption of office or the office
91 will be declared vacant.

92
93 **Section 4.** Elections of District officers (including the Committee Members) and the moderator shall be
94 conducted in the following manner:

95
96 **A.** The moderator who presided at the last Annual District meeting or initial meeting of the District shall
97 initially preside at the next Annual District meeting of the District for the purpose of entertaining
98 nominations for moderator from the floor. If the moderator elected last year is not present, the District Clerk
99 shall preside; but if he/she is absent or if there is no Clerk, the chairperson of the Committee shall act until
100 the new moderator is elected.

101
102 **B.** Upon election of a moderator, the moderator so elected shall entertain nominations from the floor for the
103 positions of District Clerk and District Treasurer (and Assistant Treasurer if the position has been created), if
104 the term of office of any of these officers expired as set forth in Chapter II, Section 3 above. A vote or votes
105 shall be held with respect to each position, unless the positions are to be combined, in which case one vote
106 may be held.

108 C. The moderator shall entertain nominations for the positions then subject to election of the Committee
109 with respect to each regular and the one alternate position whose terms expired as set forth in Chapter II,
110 Section 3 above.

111
112 D. A majority vote of a quorum in attendance or represented by proxy at the District meeting where
113 elections are held shall be required to elect any such officer or Committee member by secret ballot. Votes
114 for write-in candidates will be accepted.

115
116 **Section 5.** All persons serving in the District and District employees will be provided with a summary of the
117 conflict of interest law within 30 days of the date on which they are sworn in or commence employment.
118 Every person serving in the District and every District employee is required to sign a written
119 acknowledgment that they have been provided with the summary. Furthermore, each individual is required
120 to complete the online training program and provide a copy of the completion certificate to the District Clerk
121 within 30 days of their oath of office or beginning of employment and must do so every 2 years thereafter.

122
123 **Section 6.** Within 30 days of qualification for office, all persons serving in the District shall certify, on a
124 form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations
125 promulgated pursuant to section 25 Chapter 30A and a copy of the educational materials prepared by the
126 attorney general explaining the open meeting law and its application pursuant to section 19, Chapter 30A.

127 128 **CHAPTER III: DISTRICT MEETINGS**

129
130 **Section 1.** The Annual District meeting shall be held at 1:00 PM on the second Saturday of June of each
131 year, or with respect to the first Annual District meeting, at such other date within one year from the initial
132 District Meeting as the Committee shall determine. The Annual District meeting may be scheduled for a
133 different day in any year as the Committee may determine by vote no later than May 31 of each year.

134
135 **Section 2.** Special meetings of the District may be called at any time and in the manner provided for in
136 Section 7 of the Special Act.

137
138 **Section 3.** The quorum for the initial meeting of the District shall be as set forth in the Special Act. At any
139 meeting other than the initial meeting, a quorum shall be those present at the meeting and entitled to vote
140 thereat (including proxies) but not be less than fifty (50) proprietors.

141
142 **Section 4.** All Annual and Special District meetings are open to the public and shall be held at such location
143 within the Town of Becket, Massachusetts, as the Committee shall from time to time determine.

144
145 **Section 5.** All District meetings shall be presided over by a moderator elected at the initial District meeting
146 and at each Annual District meeting thereafter as the first order of business at each such meeting. The
147 moderator should, but need not be, a proprietor of the District.

148
149 **Section 6.** Only persons, who are proprietors as defined in the Special Act and as certified by the Board of
150 Assessors of the Town of Becket in Section 9 of the Special Act at least thirty (30) days prior to the District
151 meeting, shall be entitled to vote at District meetings.

152
153 **Section 7.** Articles on the District warrant for any District meeting shall be acted upon in the order in which
154 they appear unless otherwise determined by a majority vote of the meeting.

155
156 **Section 8.** Any motion shall be put into writing if so directed by the moderator.

157
158 **Section 9.** When a question is put, the sense of the meeting shall be determined by voice vote and the
159 moderator shall declare the vote as it appears to him. If his decision is doubted, or a division of the house is
160 called for, the moderator may appoint tellers to make and return the count by a show of hands. If as many as
161 ten (10) voters so request, any vote shall be taken by written secret ballot.

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Section 10. No motion, the effect of which would be to dissolve a meeting, shall be in order until every article in a warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article or articles to an adjournment of the meeting at a stated time and place.

Section 11. The proprietors desiring to vote by proxy shall utilize the approved form, as designated by the Committee. This form may be duplicated, reproduced or copies of the approved proxy form may be obtained from the District Clerk. The proxy shall be in full force and in effect until all business of the next Annual District meeting succeeding the date of this proxy is concluded, unless written revocation is delivered to the District Clerk not later than ten (10) days prior to the scheduled meeting. Proxies shall be tendered to the District Clerk by the proprietor named thereon to exercise the proxy prior to the start of the District meeting and the District Clerk shall be responsible for determining the validity of the proxy in accordance with these By-laws.

CHAPTER IV: PRUDENTIAL COMMITTEE MEETINGS

Section 1. Unless otherwise specified in the Act or otherwise required by General Law, all actions permitted to be taken at Committee meetings shall require a majority vote of the Committee members present at said meeting and entitled to vote.

Section 2. All Committee meetings require a quorum of four (4) members of the Committee. If three (3) regular members of the Committee and the alternate are present the quorum requirement is satisfied and the meeting shall proceed.

Section 3. The Committee shall schedule meetings monthly. If there is no business to be conducted, then the chairperson or in the absence of the chairperson, the vice chairperson may cancel the scheduled meeting. Meetings will be held on the second Saturday of the month. Meetings will be held at the Becket Town Hall at 10:00 AM unless specified elsewhere and at another time as set forth in the meeting agenda. Additional or emergency meetings may be called by the chairperson or vice chairperson. In the absence of the chairperson, and vice chairperson, four (4) committee members not including the alternate jointly may call a meeting. Emergency meetings will be called only when the town’s Emergency Management Director or other Federal, State or Local authorities declare an emergency.

Section 4. The agenda and notice announcing or canceling a meeting will be published at least forty eight (48) hours excluding Saturdays, Sundays and legal holidays ahead of the meeting and posted in compliance with G.L. c. 30A, section 20 of the Open Meeting Law.

Section 5. The committee may on the behalf of the district acquire or accept as a transfer or gift real property within Sherwood Forest but is not authorized to sell, transfer or mortgage any real property without a vote of the district proprietors at an annual or special meeting.

CHAPTER V: OPEN MEETING LAW

Section 1. All meetings of the District shall be subject to and in compliance with the provisions of the Open Meeting Law, G.L. c. 30A, sections 18-25.

Section 2. No person shall address any meeting of the District without permission of the chairperson or moderator, and all persons shall, at the request of the chairperson or moderator, be silent. No person shall disrupt the proceedings of a meeting. If, after clear warning from the chairperson or moderator, a person continues to disrupt the proceedings, the chairperson or moderator may order the person to withdraw from the meeting and if the person does not withdraw, the chairperson or moderator may authorize a constable or police officer to remove the person from the meeting.

216 **CHAPTER VI: RECALL OF DISTRICT OFFICERS**

217

218 **Section 1.** Any holder of elective office in the District may be removed from office, for cause, by vote of the
219 proprietors at an Annual District meeting or at a Special District meeting called for that purpose.

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221 **Section 2.** Any one hundred (100) proprietors of the District may file an affidavit with the District Clerk
222 containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The
223 District Clerk shall thereupon deliver to said proprietors a sufficient number of copies of printed form
224 petition blanks addressed to the Committee demanding such recall. The blanks shall be issued under the
225 signature of the District Clerk. They shall be dated and shall contain the names of all persons to whom they
226 are issued, the name of the person whose recall is sought, and the grounds for the recall as stated in the
227 affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the
228 petition shall be entered in the record book to be kept by the District Clerk. The recall petition shall be
229 returned and filed with the District Clerk on or before the next scheduled Committee meeting following
230 twenty (20) days after the filing of the affidavit. Said petition, before being returned and filed with the
231 District Clerk shall be signed by a least thirty (30%) percent of the proprietors of the District, who shall add
232 to their signatures, the street and number, if any, of their properties. The District Clerk shall submit the
233 petition of the proprietors to the Committee who shall within fourteen (14) days certify thereon the number
234 of signatures. If their certification shows the petition to be insufficient, the District Clerk shall return the
235 petition to the proprietors seeking the recall, without prejudice, however, the petition can be used for the
236 filing of a new affidavit for the same purpose if additional signatures are obtained.

237

238 **Section 3.** If the petition shall be found and certified by the District Clerk, to be sufficient, he/she shall
239 submit the same with this certification to the Committee at its next regularly scheduled meeting and the
240 Committee shall within seven (7) days give written notice of the receipt of the certificate to the officer sought
241 to be recalled, and shall, if the officer does not resign within seven (7) days thereafter, order an election to be
242 held on a date to be fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the
243 District Clerk's certification that a sufficient petition has been filed, provided, however, that if any other
244 District election is scheduled to occur within one-hundred (100) days of said certificate, the Committee may,
245 in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy
246 occurs in said office after a recall election has been ordered, the elections shall nevertheless proceed as
247 provided herein.

248

249 **Section 4.** Any officer sought to be recalled may be a candidate to succeed himself and, unless he/she
250 specifically requests otherwise in writing, the District Clerk shall place his name for consideration without
251 nomination. The nomination of other candidates, the publication of the warrant for the recall election, and
252 the conduct of same shall be in accordance with the provisions of the By-laws relating to elections.

253

254 **Section 5.** The incumbent shall continue to perform the duties of his office until the recall election. If then
255 reelected he/she shall continue in the office for the remainder of his unexpired term, subject to recall as
256 before, except as provided in Section 7. If not re-elected in the recall election, he/she shall be deemed
257 removed from office upon the qualification of his successor, who shall hold office during the unexpired term.
258 If the successor fails to qualify within seven (7) days after receiving written certified notification of his
259 election, the incumbent shall thereupon be deemed recalled and the office vacant.

260

261 **Section 6.** At the special recall meeting, a secret yes/no vote will be taken to determine if the named official
262 is to be recalled. If a 2/3 yes vote is achieved, then an election for the position will be held; if not, the named
263 official shall remain in office.

264

265 **Section 7.** No recall petition shall be filed against an officer of the District within six (6) months after he/she
266 takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least
267 twelve (12) months after that election.

268

269 **Section 8.** No person who has been recalled from an office or who has resigned from office while recall
270 proceedings were pending against the official shall be appointed to any District office within one (1) year
271 after such recall or such resignation.
272

273 **CHAPTER VII: FINANCIAL AFFAIRS**

274
275 **Section 1.** An audit of the accounts of the District shall be made annually as required by the Special Act
276 under G.L. c. 44, Section 40 or under the general laws of the Commonwealth as the same from time to time
277 may be amended.
278

279 **Section 2.** The fiscal year of the District shall be the same as the fiscal year established by the General Court
280 from time to time for towns in the Commonwealth.
281

282 **Section 3.** Except as otherwise provided by law, the District Clerk shall have custody of deeds, contracts,
283 bonds of performance, District Clerk's and District Treasurer's bond, insurance policies, and similar
284 instruments in possession of the District.
285

286 **Section 4.** Except as otherwise required by the Special Act or general law, the District Treasurer shall
287 receive and take charge of all money belonging to the District and shall pay over or account for the same
288 according to the order of the District. No payment shall be made by the District Treasurer without an
289 appropriation by vote of the Committee or required by law. Any portion of the District appropriation
290 remaining unexpended at the close of the fiscal year shall revert to the District Treasury unless otherwise
291 provided by law.
292

293 **Section 5.** Annually, the District Clerk and District Treasurer, shall prepare and submit to the Committee not
294 less than sixty (60) days prior to the date of the Annual District meeting, a printed, detailed report of the
295 current years activities and an estimate of the amount deemed by them necessary for the administration of
296 their respective responsibilities under the Special Act for the next fiscal year. The Committee shall prepare
297 and shall include in summary form in the Annual District meeting warrant for the District a budget for all
298 District expenditures for the next fiscal year and also the methods of financing the cost thereof as provided in
299 the Special Act.
300

301 **Section 6.** In the discharge of its duties, the Committee shall have free access to all books and records
302 maintained by the District Clerk and District Treasurer including books and records of accounts, together
303 with bills and vouchers on which money has been or may be paid from the District or other funds for which
304 the District is responsible.
305

306 **CHAPTER VIII: LEGAL AFFAIRS**

307
308 **Section 1.** The Committee shall be the agents of the District to institute, prosecute and defend any and all
309 claims, actions, and proceedings in which the District is a party or in which the interests of the District are or
310 may be involved.
311

312 **Section 2.** The Committee may appear personally or be represented by District counsel or by special counsel
313 duly employed, before any court, committee, or legislative body, or any state or county board or commission
314 to protect the interests of the District, but are not authorized except as otherwise provided by the Special Act
315 or other law of this Commonwealth to commit the District or any of its interests.
316

317 **Section 3.** The Committee shall after the adjournment of the Annual District meeting, appoint a member of
318 the Bar of the Commonwealth in good standing to serve as District Counsel at its pleasure until the date of
319 the next Annual District meeting. The Committee may, in its discretion, remove District Counsel prior to the
320 next Annual District meeting and appoint replacement counsel if it shall deem it necessary to do so in the
321 interests of the District.
322

323 **Section 4.** The District shall indemnify and save harmless District officers, elected or appointed from
324 personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to
325 exceed an amount as allowed by G.L. c. 258, Section 13, arising out of any claim, demand, suit or judgment
326 by reason of any act or omission, except an intentional violation of civil rights of any person, if the official at
327 the time of such act or omission was acting within the scope of his official duties or employment.

328

329 **CHAPTER IX: RECORDS AND REPORTS**

330

331 **Section 1.** All officers, boards, and committees of the District shall cause records of their doings and
332 accounts to be kept in suitable books, which shall be kept in the custody of said District officers. These
333 books shall, unless otherwise provided by special act or general law, be open to public inspection at any
334 reasonable time, but shall remain during such inspection, under supervision of the officer, board or
335 committee having custody thereof.

336

337 **Section 2.** The District Clerk, District Treasurer, and District Superintendent, if any, shall furnish in writing
338 annually to the Committee a detailed report of their activities in their respective capacities, such reports to be
339 submitted not later than forty-five (45) days prior to the date of each Annual District meeting. Such reports,
340 together with a similar report prepared by the Committee shall be consolidated in written form as an annual
341 report of the District. The District Clerk shall cause copies of the report to be available in sufficient number
342 for proprietors attending the Annual District meeting. Upon request, the District Clerk shall provide a copy
343 of said report to any proprietor requesting same.