

SENATE, NO. 2344

AN ACT TO ESTABLISH THE WHITIN RESERVOIR WATERSHED DISTRICT IN THE TOWN OF DOUGLAS

*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 authorized the establishment of a District, within the Town of
2 Douglas, to be known as the Whitin Reservoir Watershed District which, upon its establishment
3 in the manner hereinafter set forth, shall constitute a body politic. The purposes and powers of
4 the District to resolve issues concerning the Whitin Reservoir, its watershed, water flow and dam
5 are more specifically set forth in Section 3 of this Act. Said District shall be generally bounded
6 and described as follows:

7 A. General Boundaries.

8 BEGINNING at a point on the Easterly line of Wallis Street, said point marking the
9 Southerly line of the Whitin Reservoir Causeway;

10 THENCE Southwesterly by the Easterly and Northeasterly line of Wallis Street for a distance
11 of 3,912.05 feet to a point;

12 THENCE Northerly by land, now or formerly of Mathew F. Erskine, Trustee for a distance
13 of 119.7 feet to a point;

14 THENCE Northeasterly continuing by land, now or formerly of Mathew F. Erskine, Trustee
15 for a distance of 480.37 feet to a point;

16 THENCE Southwesterly continuing by land, now or formerly of Mathew F. Erskine, Trustee
17 for a distance of 476.26 feet to a point on the Northeasterly line of Wallis Street;

18 THENCE Southeasterly by the Northeasterly line of Wallis Street for a distance of 1245 feet,
19 more or less, to a point;

20 THENCE Northerly, by land, now or formerly, of Matthew F. Erskine, Trustee for a distance
21 of 673.47 feet to a point;

22 THENCE Northeasterly, continuing by land, now or formerly, of Matthew F. Erskine,
23 Trustee for a distance of 156.68 feet to a point;

24 THENCE Southeasterly, continuing by land, now or formerly, of Matthew F. Erskine,
25 Trustee for a distance of 714.86 feet to a point on the Northerly line of Wallis Street;

26 THENCE Northeasterly by the Northerly line of Wallis Street for a distance of 605.36 feet to
27 a point;

28 THENCE Northwesterly by land, now or formerly, of Peter R. Brady for a distance of 491.63
29 feet to a point;

30 THENCE Northeasterly by land, now or formerly, of Edward A. Therrien for a distance of
31 253.25 feet to a point;

32 THENCE Northwesterly continuing by land, now or formerly, of Edward a. Therrien for a
33 distance of 323.24 to a point;

34 THENCE Easterly and Northeasterly by land, now or formerly, of the J.J. Douglas Nominee
35 Trust for a distance of 235.64 feet to a point;

36 THENCE Northwesterly continuing by land, now or formerly, of the J.J. Douglas Nominee
37 Trust for a distance of 38.26 feet to a point;

38 THENCE Easterly by land, now or formerly of Allan Wayne O Da y for a distance of
39 235.74 feet to a point;

40 THENCE Northeasterly continuing by land, now or formerly of Allan Wayne O Da y for a
41 distance of 217.99 feet to a point on the Southwesterly line of J.P.Manning Way;

42 THENCE Northwesterly by the Southwesterly line of J.P. Manning Way for a distance of 82
43 feet, more or less, to a point at the Northwesterly end of J.P. Manning Way;

44 THENCE Northeasterly by land, now or formerly, of George L. Plays for a distance of
45 127.35 feet to a point;

46 THENCE Northeasterly by land, now or formerly, of the Temple Family Nominee Trust for a
47 distance of 275 feet to a point;

48 THENCE Northeasterly by land, now or formerly of Robert C. Orr for a distance of 200 feet
49 to a point;

50 THENCE Northeasterly by land, now or formerly, of Robert A. Deluca for a distance of 78
51 feet to a point;

52 THENCE Northeasterly by land, now or formerly, of Eric C. Virostek for a distance of 200
53 feet to a point;

54 THENCE Northwesterly continuing by land, now or formerly, of Eric C. Virostek for a
55 distance of 283.13 feet to a point;

56 THENCE Southeasterly and Easterly by land, now or formerly of Don J. Virostek for a
57 distance of 497.23 feet to a point on the Westerly line of Northwest Main Street;

58 THENCE Northwesterly by the Westerly line of Northwest Main Street for a distance of 210
59 feet to a point;

60 THENCE Westerly and Northwesterly by land, now or formerly, of Don J. Virostek for a
61 distance of 317.19 feet to a point;

62 THENCE Northeasterly by land, now or formerly, of Joseph Nedoroscik for a distance of
63 86.06 feet to a point;

64 THENCE Northwesterly continuing by land, now or formerly, of Joseph Nedoroscik for
65 distance of 94.5 feet to a point;

66 THENCE Northeasterly by land, now or formerly, of the MEDJD Nominee Trust for a
67 distance of 53.42 feet to a point;

68 THENCE Southeasterly, Northerly and Southeasterly by land, now or formerly of Thomas E.
69 Evers for a distance of 448.49 feet to a point on the Westerly line of Northwest Main Street;

70 THENCE Northwesterly by the Westerly line of Northwest Main Street for a distance of 138
71 feet to a point;

72 THENCE Northwesterly by land, now or formerly, of Thomas E. Evers for a distance of 342
73 feet to a point;

74 THENCE Northeasterly by land, now or formerly, of Fred W. Pilch for a distance of 200 feet
75 to a point;

76 THENCE Northerly by land, now or formerly, of Paul T. Hare for a distance of 220 feet to a
77 point;

78 THENCE Northeasterly by land, now or formerly of Elaine Kulesza for a distance of 220 feet
79 to a point on the Westerly line of Northwest Main Street;

80 THENCE Northwesterly by the Westerly line of Northwest Main Street for a distance of
81 1024.15 feet to a point;

82 THENCE Easterly crossing Northwest Main Street for a distance of 35 feet, more or less, to a
83 point;

84 THENCE Northeasterly and Easterly by land, now or formerly, of Hydro Projects, Inc. for a
85 distance of 462 feet to a point;

86 THENCE Northwesterly continuing by land, now or formerly, of Hydro Projects, Inc. for a
87 distance of 546.48 feet to a point on the Southerly line of West Street;

88 THENCE Westerly by the Southerly line of West Street for a distance 425 feet, more or less,
89 to a point;

90 THENCE Northwesterly crossing West Street for a distance of 35 feet, more or less, to a
91 point;

92 THENCE Westerly by land, now or formerly of Hydro Projects, Inc for a distance of 171 feet
93 to a point on Northwest Main Street;

94 THENCE Northwesterly crossing Northwest Main Street for a distance of 35 feet, more or
95 less, to a point;

96 THENCE Northeasterly crossing Northwest Main Street for a distance of 35 feet, more or
97 less, to a point on the Westerly line of Birch street;

98 THENCE Northeasterly by the Westerly line of Birch Street for a distance of 270.6 feet to a
99 point;

100 THENCE Northwesterly by land, now or formerly, of Lorraine Picotte for a distance of
101 319.15 feet to a point;

102 THENCE Southwesterly and Southeasterly continuing by land, now or formerly, of Lorraine
103 Picotte for a distance of 380.12 feet to a point;

104 THENCE Northwesterly by land, now or formerly, of Paul H. Petrillo for a distance of 99.45
105 feet to a point;

106 THENCE Northwesterly by land, now or formerly, of Paul J. Garagliano, Jr. for a distance of
107 99.59 feet to a point;

108 THENCE Northeasterly by land, now or formerly, of Vincent Ross for a distance of 12.85
109 feet to a point;

110 THENCE Northwesterly continuing by land, now or formerly, of Vincent Ross for a distance
111 of 124.24 feet to a point;

112 THENCE Southwesterly continuing by land, now or formerly, of Vincent Ross for distance
113 of 154.73 feet to a point on the Northerly line of Northwest Main Street;

114 THENCE Southwesterly crossing Northwest Main Street for a distance of 40 feet, more or
115 less, to a point;

116 THENCE Northwesterly and Westerly by the Southerly line of Northwest Main Street for a
117 distance of 2,978.56 feet to a point on the Easterly line of Peters Cove Road;

118 THENCE Northwesterly crossing the Northerly end of Peters Cove Road for a distance of 80
119 feet, more or less, to a point on the Westerly line of Peters Cove Road;

120 THENCE Southeasterly by the Westerly line of Peters Cove Road for a distance of 186.46
121 feet to a point;

122 THENCE Southwesterly by land, now or formerly of Mary Ellis for a distance of 100 feet to
123 a point;

124 THENCE Southeasterly continuing by land, now or formerly of Mary Ellis for a distance of
125 161.62 feet to a point;

126 THENCE Southwesterly by land, now or formerly of Meredith G. Parrott for a distance of
127 100 feet to a point;

128 THENCE Southwesterly by land, now or formerly, of Gregory A. Rheaume for a distance of
129 180 feet to a point;

130 THENCE Southwesterly by land, now or formerly, of Joseph H. Daigle for a distance of 180
131 feet to a point;

132 THENCE Northwesterly by land, now or formerly, of Dudley R. Marsh for a distance of 60
133 feet to a point on the Easterly line of Wallis Street;

134 THENCE Southwesterly by the Easterly line of Wallis Street for a distance of 487.40 feet to
135 a point;

136 THENCE Westerly crossing Wallis Street for a distance of 50 feet, more or less, to a point on
137 the Northerly line of Shady Lane;

138 THENCE Southwesterly, Northwesterly and Westerly by the Northerly line of Shady Lane
139 for a distance of 1,645 feet, more or less, to a point;

140 THENCE Northwesterly, Northeasterly and Northwesterly by land, now or formerly, of
141 Richard J. Spratt for a distance of 480.73 feet to a point;

142 THENCE Northwesterly by land, now or formerly, of Claire A. Dodd for a distance of 342
143 feet to a point;

144 THENCE Southwesterly continuing by land, now or formerly of Claire A. Dodd for a
145 distance of 208.12 feet to a point;

146 THENCE Northwesterly by land, now or formerly by land, now or formerly, of Ralph E.
147 Yung for a distance of 421.16 feet to a point;
148 THENCE Southwesterly, Westerly and Northwesterly continuing by land, now or formerly,
149 of Ralph E Yung by the arc of a curve to the left for a distance of 200 feet to a point;
150 THENCE Northeasterly by land, now or formerly, of Philip Michaelson, for a distance of
151 201.18 feet to a point;
152 THENCE Northwesterly continuing by land, now or formerly, of Philip Michaelson for a
153 distance of 528.04 feet to a point;
154 THENCE Northerly by land, now or formerly, of Francis C. Tebo, Donald G Carpenter and
155 Carol R. Johnson, respectively, for a distance of 225 feet to a point;
156 THENCE Northerly by land, now or formerly, of the William R. Meskeries Family Trust for
157 a distance of 150 feet to a point on the Easterly line of Laurel Glades;
158 THENCE Southwesterly crossing Laurel Glades for a distance of 58 feet, more or less, to a
159 point on the Westerly line of Laurel Glades;
160 THENCE Northwesterly by the Westerly line of Laurel Glades for a distance of 710 feet,
161 more or less, to a point;
162 THENCE Northwesterly by land, now or formerly, of Hydro Projects, Inc. for a distance of
163 371.95 feet to a point;
164 THENCE Northeasterly continuing by land, now or formerly, of Hydro Projects, Inc. for a
165 distance of 300 feet to a point on the Southerly line of Northwest Main Street;
166 THENCE Northwesterly by the Southerly line of Northwest Main Street for a distance of 92
167 feet to a point;

168 THENCE Southwesterly by land, now or formerly, of Hydro Projects, Inc. for a distance of
169 311.15 feet to a point;
170 THENCE Northwesterly continuing by land, now or formerly of Hrdro Projects, Inc. for a
171 distance of 443.33 feet to a point on the Easterly line of Ridge Trail;
172 THENCE Southwesterly by the Easterly line of Ridge Trail for a distance of 1,620, more or
173 less to a point;
174 THENCE by the Southerly bound of land, nor or formerly of the Commonwealth of
175 Massachusetts, it being Lots 149-1 and 158-18 on the Town of Douglas Assessors Maps, by
176 various courses for a distance of 11,700 feet, more or less to a point on the Westerly line of
177 Wallis Street;
178 THENCE Northwesterly by the Westerly line of Wallis Street for a distance of 458.15 feet to
179 a point;
180 THENCE Southeasterly crossing Wallis Street 35 feet, more or less to the point of beginning.

181 B. Actual Boundaries.

182 a) The general boundaries referred to are intended as guidelines only. The actual District
183 boundaries shall be deemed to include those separately assessed parcels within said Town
184 as shown from time to time on the maps maintained by the Board of Assessors for the
185 Town and which parcels either: (1) abut directly on the shoreline of Whitin Reservoir; or
186 (2) except as set forth in the following paragraph, all the property of a holder of a
187 recorded private right of access to land which abuts the shoreline of Whitin Reservoir in
188 such manner that the owner or proprietor of such land is afforded by such recorded right,
189 a right of access to Whitin Reservoir for bathing, boating or other water recreational
190 activities at a location where members of the general public may lawfully be excluded

191 from such use.

192 b) The actual boundaries of the District, as so comprised, shall likely include certain parcels
193 situated outside of the general boundaries set forth in Subsection A and may also exclude
194 several parcels lying within said general boundaries.

195 SECTION 2

196 Membership in the District shall consist of the proprietors, from time to time, of one or more
197 separately assessed parcels of lands lying within the District, which either abuts Whitin
198 Reservoir, or has a real property deeded access to Whitin Reservoir, including but not limited to,
199 an easement to Whitin Reservoir. For the purposes of this Act, proprietor shall be deemed to
200 include not only natural persons, but also other entities empowered to own real estate in the
201 Commonwealth, including corporations, partnerships, realty and other trusts and federal, state
202 and local governmental units. Proprietor shall also include a mortgagee of record in possession
203 of any one or more separately assessed parcels and persons or entities who jointly own one or
204 more separately assessed parcels. Persons or entities who jointly own one or more separately
205 assessed parcels within the District shall collectively constitute a proprietor for all purposes
206 hereunder.

207 Any private community beach or private access parcel (currently existing or
208 hereafter created) within the general boundaries of the District shall be deemed a single
209 proprietor. The community beach or private access parcel shall be assessed at the value of each
210 beach and apportioned among all those parties with property rights therein. A holder of a
211 recorded private right of access to or through said community beaches or private access parcels
212 shall not be assessed individually nor shall a holder of such right be considered a proprietor

213 except and to the extent that each community beach or private access parcel is deemed a
214 proprietor.

215 Any public beach, public access parcel, public boat ramp or any other parcel held
216 by the Commonwealth of Massachusetts or the Town of Douglas, during such time as the parcel
217 is owned and/or operated by the Commonwealth of Massachusetts or the Town of Douglas shall
218 be excepted and shall not be a parcel subject to the jurisdiction of this Act. However, should at
219 any future date said parcel revert to private ownership or use said parcel shall no longer be
220 excepted from the jurisdiction of this Act.

221 Any parcel held by a recognized non-profit entity, which shall include but not be
222 limited to agencies, corporations and trusts, shall be excepted and shall not be a parcel subject to
223 the jurisdiction of this Act. The Watershed District through its management shall be the sole
224 determining party as to what shall constitute a recognized non-profit entity. However, should at
225 any future date said parcel revert to private ownership or use, said parcel shall no longer be
226 excepted from the jurisdiction of this Act.

227 SECTION 3

228 The District, upon establishment in the manner hereafter set forth, shall have the following
229 purposes and powers:

230 A. To initiate and coordinate research and surveys for the purpose of gathering
231 data on the lake, related shore lands, watershed and the drainage basin and other matters
232 directly pertaining to the improvement of water quality, reclamation, preservation and
233 maintenance of the lake for general recreational use.

234 B. To plan lake rehabilitation, enhancement, maintenance and preservation
235 projects and water quality improvement. To acquire (by any legal manner), to purchase,
236 to own, operate, repair, maintain and/or manage an impound(s) and/or dam.

237 C. To implement such projects and to conduct, coordinate and supervise the
238 implementation thereof at all times subject to the obtaining of necessary approvals from
239 and, where required, under the supervision of appropriate local, state and federal
240 governmental agencies including the Town of Douglas, the Department of Environmental
241 Management, Department of Environmental Protection, and the Department of Fisheries,
242 Wildlife and Recreational Vehicles, or their successor agencies and appropriate funding
243 and/or regulatory agencies of the Federal Government.

244 D. To make and enter into all manner of contracts and agreements necessary or
245 incidental to the exercise of any power permitted to the District by this act.

246 E. To adopt an annual budget and to raise and appropriate funds in amounts
247 necessary to carry out the purposes for which the District is formed.

248 F. To acquire, dispose of and encumber real and personal property for the
249 purposes of the District, including but not limited to the power to acquire real estate or a
250 limited interest in real estate by eminent domain under and subject to the provision of
251 Chapter Seventy-Nine of the Massachusetts General Laws and Chapter Eighty-A of the
252 Massachusetts General Laws. However, the District's power of Eminent Domain shall be
253 limited to property lying within the general boundaries of the District, not already
254 appropriated to public use by the Commonwealth of Massachusetts or the Towns of
255 Douglas and for the sole Purposes of the District as set forth in Section 3, Paragraphs A,
256 B and C of this Act.

257 G. To manage, control and supervise equipment and facilities necessary or
258 appropriate in the accomplishment of the purposes of this act, including, but not limited
259 to, weed harvesting equipment, dredging apparatus, lake draw down facilities for either
260 temporary or permanent water level control, weed control or water quality improvement
261 and also recreational swimming and boating facilities for public use.

262 H. To construct, acquire or lease or purchase, improve, maintain and operate such
263 equipment and facilities and such other equipment, materials, supplies, facilities and
264 services as shall be required to accomplish the purposes of this act, to the same extent and
265 subject to the same limitations as shall apply to towns in the Commonwealth from time to
266 time under the General Laws.

267 I. To apply for, accept and expend financial assistance from the Federal
268 Government, the Commonwealth of Massachusetts, Worcester County, the Town of
269 Douglas.

270 J. To apply for, receive and expend funds from charitable foundations or other
271 private entities and individuals in the form of grants, gifts, loans and advances for in aid
272 of the purposes of the District.

273 K. To employ such persons, including consultant experts as may be deemed
274 necessary in its judgment, and to fix their compensation.

275 L. To adopt by-laws for the regulation of its affairs and the conduct of its
276 business, which by-laws shall be consistent with the powers conferred by this act and
277 with other applicable provisions of the General Laws.

278 M. To perform all duties and exercise all responsibilities called upon to be
279 exercised or performed by the Town of Douglas, pursuant to any grant awarded by the

280 Department of Environmental Protection pursuant to the authority granted by Chapter Six
281 Hundred and Twenty-Eight of the acts of Nineteen Hundred and Eighty-One, Chapter
282 Two Hundred and Eighty-Six of the acts of Nineteen Hundred and Eighty-Two, and
283 Chapter Seven Hundred and Twenty-Two of the acts of Nineteen Hundred and Sixty-
284 Nine, or grant awarded by the Division of Environmental Management or any other
285 public agency. Said exercise and acceptance shall be subject to approval by the
286 Commissioner of Environmental Protection of his designee so as to permit the District to
287 act as direct grantee or sub-grantee under the Town of Douglas.

288 N. To borrow at the first or any subsequent meeting of the District for the
289 purpose of meeting preliminary or current expenses such sums as may be necessary and
290 to issues therefore general obligation temporary notes for a period of not more than two
291 years, provided that such notes shall be issued only in anticipation of assessments and
292 other revenues of the District of the fiscal year in which such notes are issued or in
293 anticipation of money to be received from the sale of longer term bonds or notes for such
294 purposes as are otherwise hereafter permitted in this act.

295 O. To sue and be sued in its own name and to plead and be impleaded; provided.
296 however, that neither the District nor any officer or employee thereof shall be liable in
297 tort except pursuant to the provisions of Chapter Two Hundred and Fifty-Eight of the
298 General Laws; and provided further, that the District may indemnify its officers and
299 employees to the extent provided in said Chapter Two Hundred and Fifty-Eight.

300 P. To invest any funds not required for the immediate use of the District in such
301 manner and to the extent permitted under the General Laws for the investment of such
302 funds by the treasurer of a town.

303 Q. To procure insurance against any loss or liability which may be sustained or
304 incurred in the carrying out the purposes of this act in such amount as the District shall
305 deem necessary and appropriate and with one or more insurers who shall be licensed to
306 furnish such insurance in the Commonwealth.

307 R. To perform generally all acts which are necessary or convenient to implement
308 the powers which are expressly or by necessary implication conferred upon the District
309 by this act and which are not otherwise prohibited under any provision of the General
310 Laws.

311 S. In carrying out its purposes and exercising its powers as set forth herein, the
312 District shall, to the extent reasonably possible and in coordination with other sources,
313 maintain water flows into the Mumford River sufficient to supply adequate water flows
314 to the Town of Douglas Municipal Sewage Treatment Plant, subject to Chapter 253 and
315 Chapter 131, Section 40 of the Massachusetts General Laws, as may be amended and
316 regulations promulgated thereunder.

317 SECTION 4

318 The Board of Selectmen of the Town of Douglas shall, within sixty days of the effective date of
319 this Act, call a meeting of the proprietors of the lands to be included in the District as set forth
320 under Section Two hereof. For the purposes of establishing an initial list of proprietors, the
321 Board of Selectmen shall consult with the Board of Assessors who shall furnish to said Board of
322 Selectmen a listing of all record property owners, as of January first in the year in which this Act
323 takes effect who are owners of one or more separately assessed shore front parcels or who,
324 within the reasonable knowledge or belief of the Assessors, are owners of one or more separately
325 assessed parcels which do not have frontage on Whitin Reservoir but which possess deeded

326 easement rights to the use of said Whitin Reservoir frontage property, as set forth in Section Two
327 hereof. The Board of Selectmen upon receiving such lists shall prepare and mail by certified
328 mail a notice to each such proprietor, signed by the Selectmen and setting forth a time and place
329 of a meeting to occur within said sixty day period but not less than fourteen days from the date of
330 mailing of such notice. The notice shall be in the form of a Warrant specifying the matters upon
331 which action is to be taken at the meeting and shall further clearly state that the purpose of the
332 meeting is to consider the organization of the District. The Board of Selectmen shall, not later
333 than fourteen days prior to the date of such meeting, cause a copy of the notice to be posted in
334 one or more public access locations within the Town. The meeting shall be held at the Douglas
335 Town Hall unless some other location within the Town of Douglas is so designated by such
336 notice.

337 At the first meeting of the District, one Selectman from the Town of Douglas shall
338 initially preside and shall call the meeting to order. Said Selectman shall thereupon determine
339 whether or not the proprietors constituting a majority in interest in either aggregate assessed
340 valuation of land and improvements or land area, are present or represented by proxies duly
341 executed and placed in the hands of other proprietors prior to said meeting. Lacking such a
342 majority, the meeting shall have no power to act, but the Selectmen of the Town may, in the
343 manner above provided, call additional meetings for the same purpose within a further sixty day
344 period.

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

347 a) the election of a Temporary Clerk, who shall be sworn in by one of the Selectmen present
348 and a Moderator who shall thereupon preside;

- 349 b) the taking of a vote to determine whether or not the District shall be established and
350 organized, which vote shall require an affirmative vote of sixty (60%) percent of the
351 proprietors present and voting in person or by proxy. If such vote shall be in the
352 negative, the meeting shall thereupon adjourn. If such vote shall be in the affirmative and
353 upon the required majority, the meeting shall next proceed to consider the order of
354 business set forth in Clauses (c) to (f), inclusive;
- 355 c) the adoption of District Bylaws and form of District Seal;
- 356 d) the election by ballot of a District Clerk and a District Treasurer, who may be the same
357 person and who shall be legal residents of the Commonwealth of Massachusetts, to hold
358 office until one year from the next succeeding Annual Meeting and at each Annual
359 Meeting after the first Clerk and Treasurer shall be elected. There shall also be elected
360 by ballot four members of the Management Committee, constituted in its entirety as
361 hereinafter set forth, said four members to hold office, one for four years, one for three
362 years, one for two years, and one for one year, from the next succeeding Annual Meeting.
363 At each Annual Meeting after the first, a member of the Committee shall be elected by
364 ballot for three years. The aforesaid officers of the District shall hold office until their
365 successors are elected and qualified. Persons eligible for nomination and election to the
366 Management Committee shall be at least eighteen years of age and shall include persons
367 entitled to vote as proprietors or as representatives of proprietors at District Meetings.
- 368 e) the adoption of an initial budget for the remainder of the fiscal year and the appropriation
369 of monies to be raised by assessment upon the proprietors in support thereof; and
- 370 f) the consideration of such other business as shall be consistent with the power and
371 authority conferred by this Act.

372 The District Clerk shall retain all proxy votes cast at the initial meeting, together with the
373 minutes of the meeting as part of the permanent record of the District. The Clerk shall prepare a
374 certificate of the vote taken to organize the District and shall affix the form of seal thereto as
375 adopted by the initial District Meeting and shall obtain the endorsement of the Selectman
376 initially presiding at the meeting thereon. Such certificate shall be forwarded to the Attorney
377 General within thirty days following the adjournment of the meeting and upon the filing of such
378 certificate, the Whittin Reservoir Watershed District shall thereby be established.

379 SECTION 5

380 At the initial District Meeting and at all subsequent Annual and Special District Meetings, voting
381 by proprietors shall be governed by the requirements of this Section. Persons or entities owning
382 one or more separately assessed parcels of land within the District shall be entitled to cast one
383 vote on any matter or issue to be voted upon at any such meeting, notwithstanding the total
384 number of parcels owned by such person, persons or entities. Joint owners and entity proprietors
385 shall designate, in writing to the clerk prior to the commencement of the meeting, the person
386 authorized to vote on behalf of the proprietor at such meeting and such person shall be presumed
387 qualified and authorized to represent the proprietor if such person shall be listed record owner of
388 such parcel or parcels or if such person shall, as evidenced by any public record maintained
389 under the laws of the Commonwealth of Massachusetts, be listed as a partner, trustee, agent,
390 officer or employee of a proprietor. A person owning one or more parcels together with his
391 spouse shall not be required to furnish a written designation from his spouse and either shall be
392 presumed to be qualified to vote.

393 The authority of a person to cast a proxy vote on behalf of a proprietor shall likewise be
394 determined by the Clerk. All proxies must be tendered in writing prior to the commencement of

395 a District Meeting and shall clearly set forth the name and address of the proprietor entering the
396 proxy, the name and address of the person who is to exercise the proxy, the signature of the
397 proprietor granting the same and the date of execution. Unless otherwise specifically limited by
398 their terms, such proxies shall entitle the holders thereof to vote at any adjournment of such
399 meeting. A proxy with respect to any Proprietor where the property interest is held in the name
400 of two or more persons shall be valid if executed by any one of them unless at or prior to
401 exercise of the proxy the District receives a specific written notice to the contrary from any one
402 of them. A proxy purporting to be executed by or on behalf of a Proprietor shall be deemed valid
403 unless challenged at or prior to its exercise and the burden of proving invalidity shall rest on the
404 challenger. All proxies shall be submitted in the form as set forth at the end of this Act and
405 attached hereto.

406 SECTION 6

407 Annual Meetings of the District shall be held on the last Thursday in March in each year or at
408 such other time as the District shall establish from time to time in its Bylaws. Annual and other
409 special meetings of the District shall be called by Warrant under the hands of the Management
410 Committee, notice of which shall be given fourteen days at least before such meeting. The
411 Warrant shall be mailed first class, postage prepaid to each proprietor of record in the District
412 and copy of the same shall be directed to a Constable of the Town of Douglas or to some other
413 person who shall cause a copy of such notice to be posted in one or more public places within the
414 Town or by advertising in a newspaper published at least weekly within Worcester County and
415 having a general circulation within said Town of Douglas. The Warrant for all District Meetings
416 shall state the time and place of the meeting and the subjects to be acted upon. The Management
417 Committee shall insert in the Warrant of the Annual Meeting all subjects, the insertion of which

418 shall be required of them in writing by ten or more proprietors of the District, and, in the Warrant
419 for every Special District Meeting, all subjects the insertion of which shall be requested of them
420 in writing by twenty or more proprietors. The Management Committee shall call a Special
421 District Meeting on its own initiative or upon a request, in writing, of not less than twenty
422 proprietors, or proprietors constituting at least twenty percent in interest, either in assessed
423 valuation of land improvements or in total land area within the District. Special Meetings so
424 requested shall be held not later than thirty days after the receipt of such request. No Action
425 taken at an Annual or a Special District Meeting shall be valid unless the subject matter thereof
426 shall have been set forth in the Warrant for such meeting. Two or more District Meetings for
427 Distinct purposes may be called for by the same Warrant. At every District Meeting a Moderator
428 shall be chosen by ballot and shall have the powers of the Moderator of a Town Meeting.

429 District Meetings shall be governed by Chapter Thirty-Nine of the General Laws, except
430 as otherwise expressly provided in this Act.

431 The Board of Assessors of the Town of Douglas shall, at least thirty days prior to the
432 Annual District Meeting, prepare and forward to the Management Committee a true and
433 complete alphabetical listing with addresses of the proprietors reflected in their records as of
434 January first of that year and from the records maintained by the Assessors pursuant to Chapter
435 Fifty-Nine and other related provisions of the General Laws. A copy of such list shall be
436 maintained in a manner accessible to the proprietors and the general public at all reasonable
437 times by the Management Committee and the District Clerk and shall be available for inspection
438 at the Annual Meeting and any special meeting of the District. The Boards of Assessors shall
439 likewise maintain a list of proprietors within their Town by separate list or special designation on
440 their list of all assessed parcels.

441 Quorum requirements for Annual Meetings and Special Meetings of the District shall be
442 as specified for the initial District Meeting set forth above or otherwise as the District shall
443 determine from time to time in its Bylaws; provided, however, that the quorum requirements at
444 such meeting shall not be reduced below a number of proprietors constituting one-quarter (1/4)
445 in interest, either in aggregate assessed valuation of land and improvements or land area, whether
446 voting in person or by proxy as aforesaid.

447 Any matter to be voted upon at an Annual or Special Meeting of the District shall require
448 only a majority of those proprietors present in person or by proxy and voting on the question,
449 except for the following Actions which shall require a two-thirds vote:

- 450 a) a vote to petition for dissolution of the District;
- 451 b) a vote to purchase or otherwise acquire real property; and
- 452 c) vote to finance an undertaking, which is authorized by this Act to be financed in whole or
453 in part by the issuance by the District of long-term notes or bonds.

454 SECTION 7

455 In addition to the four members elected by the District as provided in this Act, the Management
456 Committee shall be comprised of the following additional persons:

- 457 a) one member appointed from the Board of Selectmen of the Town of Douglas or such
458 other resident voter of said Town as shall be appointed by its Board of Selectmen to serve
459 on the Management Committee. Such Selectman or other person shall serve at the
460 pleasure of the Board of Selectmen appointing him or her.

461 The Town appointed members shall serve for an indefinite term, at the pleasure of their
462 Board of Selectman of the Town of Douglas, from time to time in office, and shall be voting
463 member of the Management Committee and shall be permitted to participate fully in all

464 discussions and deliberations of the Committee. In the event that either the Board of
465 Selectmen shall fail, from time to time, to so designate its member or if such member shall
466 resign and no replacement shall have been designated in like manner, the Management
467 Committee shall nonetheless be legally constituted with full power to carry out its duties and
468 responsibilities as set forth herein with the four members elected by said District.

469 The Management Committee shall have and shall exercise the following powers and
470 duties:

- 471 a) the expenditure, for the purposes permitted to the District, of the money raised and
472 borrowed by the District;
- 473 b) the annual preparation of a budget for the Management and operation of the District and
474 the submission of such budget to the Annual District Meeting for its approval. Such
475 budget shall include the Committee's estimate of those monies required to be raised and
476 appropriated by means of assessment upon the District proprietors by borrowing or
477 otherwise to be received;
- 478 c) to apply, in the name of the District, for grants, loans and other assistance from both
479 governmental and nongovernmental entities;
- 480 d) subject to prior appropriation therefore, to enter into agreements and contracts involving
481 the purchase or lease of services, equipment and supplies consistent with the powers
482 granted by this Act; and
- 483 e) subject to prior appropriation therefore, to hire, supervise, suspend and discharge such
484 employees as the Committee shall deem necessary or appropriate for the conduct of the
485 work to be performed by the District including, but not limited to, a District
486 Superintendent who shall have charge, on a day to day basis, of all District employees

487 and who shall be responsible on behalf of the Management Committee for the conduct
488 and supervision of any and all work to be performed by or on behalf of the District
489 pursuant to this Act. Compensation and benefits for the District Superintendent and all
490 other employees shall, subject to prior appropriation therefore, be as determined from,
491 time to time, by vote of the Management Committee.

492 SECTION 8

493 The Management Committee shall meet as necessary, but in no event less frequently than every
494 four (4) months. A quorum of the Management Committee shall be required at all meetings for
495 the conduct of any business thereat and shall consist of a majority of its voting members. The
496 initial meeting of the Management Committee shall be not later than thirty days following the
497 establishment of the District. Thereafter, the Committee shall schedule one meeting to occur in
498 each year immediately following the adjournment of the Annual District Meeting. At such initial
499 meeting and at all subsequent meetings following the Annual District Meeting, the Committee
500 shall elect from its members a Chairman who shall preside at all Committee Meetings and who
501 shall serve until his successor shall be elected at the meeting following the Annual District
502 Meeting. The Committee shall also elect a Vice Chairman who shall be empowered to preside
503 over Committee Meetings in the absence of the Chairman and who shall serve for a like term.

504 The District may subject to a prior appropriation therefore, provide appropriate
505 compensation for District officers, including members of the Management Committee and
506 including the expense of travel, meals and lodging for such officers and Committee Members
507 residing outside the District.

508 SECTION 9

509 Without limiting its powers as set forth herein, the Management Committee shall have charge of
510 expenditures on account of the District, duly budgeted and appropriated pursuant to the powers
511 granted to the District, and shall exercise the authority conferred upon it by District Bylaw,
512 except as otherwise expressly provided in this Act.

513 SECTION 10

514 The District Treasurer shall receive and take charge of all money belonging to said District, and
515 shall pay over and account for the same according to the order of the District or its Management
516 Committee. The Treasurer or, in his absence, any duly appointed person under the District
517 Bylaws shall pay District bills; provided, however, that the provisions of this Section shall not
518 prohibit the Treasurer from paying such bills by the use of a bank, treasurer's or cashier's check.
519 He shall have the authority given to an auditor as provided in Section Fifty-One of Chapter
520 Forty-One of the General Laws, and shall annually render a true account of his receipts and
521 disbursements and report on his official acts to the District. The Treasurer shall give bond
522 annually for the performance of his duties in a form approved by the Commissioner of Revenue
523 in such sum, not less than the amount established by said Commissioner, as shall be fixed by the
524 Management Committee and, if such Treasurer fails to give such bond within ten days after his
525 election or appointment or, if within ten days after the expiration of such bond or any renewal of
526 such bond, he fails to file a renewal thereof, the Management Committee shall declare the office
527 vacant and the vacancy shall be filled by the Committee in the manner set forth in Section
528 Twelve.

529 SECTION 11

530 The District Clerk shall, in addition to the duties specified herein, take all minutes at District
531 Meetings and at meetings of the Management Committee and maintain a record of such minutes

532 in a manner provided for the maintenance of records of minutes of Town Meetings and of
533 meetings by the Boards of Selectmen. The Clerk shall be the official responsible for the
534 certification of any and all votes taken at a District Meeting or a Meeting of the Management
535 Committee.

536 SECTION 12

537 Any vacancy occurring in the office of Clerk, Treasurer or member of the Management
538 Committee elected by the District may be filled by the District for the remainder of the unexpired
539 term at any Special Meeting called for that purpose or, in the case of a vacancy in the office of
540 Clerk or Treasurer or disability affecting either of said officers, the Management Committee may
541 appoint a person to fill such vacancy until an election can be held or until the disability is
542 removed. Such temporary appointee shall be sworn and shall perform the duties of the office to
543 which he is appointed during his tenure. A Temporary Treasurer appointed to fill a vacancy, as
544 above provided, shall give bond in the same manner as the Treasurer.

545 SECTION 13

546 At its initial meeting and at the Annual Meeting each and every year thereafter, the District shall
547 adopt, by two-thirds vote as set forth in this Act, a method to be employed during the fiscal year
548 to which the meeting relates for financing the share of its annual budget which is anticipated to
549 be required to be funded by the District. The District may vote to adopt any of the following
550 methods of financing, or any combination thereof:

- 551 a) the District may raise by assessments upon the proprietors and by voluntary contributions
552 the total sum required to meet such estimated expense;
- 553 b) for materials, labor and services, the district may incur debt by a temporary loan in
554 anticipation of the collection of assessments from the District members during the fiscal

555 year in which such debt is incurred or during the next succeeding fiscal year and except
556 as further modified on the initial fiscal year under Clause (n) of Section Three.

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

566 d) Indebtedness incurred by the District under the provision of this Section shall be subject
567 to Chapter Forty-Four and to other provisions of the General Laws applicable to notes
568 and bonds of Districts except as otherwise provided in this Act. If the District issues
569 notes or bonds, and thereafter receives an appropriation from other governmental entities
570 to cover such part, if any, of the expenses of such improvements, the District, in its
571 discretion unless otherwise mandated by the terms and conditions of the grant from such
572 governmental unit, shall make all or any part of such appropriation available to redeem
573 notes or bonds of the District and shall hold the balance, if any, to the credit of the
574 District to be used for the payment of the expense of such improvements, facilities or
575 equipment. Bonds or notes issued under this Section shall be the general obligations of
576 the District.

577 That portion, if any, of the budgeted expense for the initial fiscal year and for each subsequent
578 fiscal year which shall be required by the District for the payment of principal and interest on
579 bonds and notes issued or to be issued by the District and which shall be due during the ensuing
580 fiscal year, together with those amounts necessary to be raised by the District to maintain and
581 operate the District during said fiscal year for capital outlay items, the costs of which is not
582 otherwise funded, and all other budgeted expenses for which the District is authorized to raise
583 money, the costs of which items the District shall have voted to raise by assessment upon land
584 and improvements of the proprietors within the District, shall be the subject of a separate vote at
585 the initial District Meeting. If the District so votes, the schedule of assessed valuations of land
586 and improvements established by the Board of Assessors in the Town of Douglas for the same
587 fiscal year under the provisions of Chapter Fifty-Nine of the General Laws shall be relied upon
588 as the basis for determination of the prorata share of the District budget voted to be raised and
589 appropriated and paid by the proprietors upon their land and improvements within the District.

590 Following the adjournment of the initial District Meeting and each annual District
591 Meeting thereafter, the Clerk of the District shall certify to the Assessors of the Town of Douglas
592 all sums of money and means of assessment voted upon at such meeting, which votes shall have
593 been adopted by a two-thirds majority as provided in this Act, together with the amount to be
594 paid by each proprietor according to the determination made by such votes. The Assessors of the
595 Town of Douglas shall, without further vote, assess such amounts upon the lands of the
596 proprietors within the District and report to the Collector of Taxes of the Town, who thereupon
597 shall have and exercise the same powers and duties in relation to the collection of such
598 assessments as he has and exercises relative to the collection of Town taxes. The Collector shall
599 remit, monthly, to the District Treasurer all sums collected by him on account of such

600 assessments. An assessment made hereunder shall be a lien upon the land assessed by the Town
601 under the provisions of Section Thirty-Seven of Chapter Sixty and other related provisions of the
602 General Laws.

603 SECTION 14

604 The fiscal year of the District shall be the same fiscal year as established by the General Laws for
605 Cities and Towns.

606 SECTION 15

607 Unless otherwise specified in this Act or otherwise required by General Law, all actions
608 permitted to be taken at annual or special District Meetings shall require a majority vote of those
609 proprietors present in person or by proxy at said meeting and entitled to vote thereat, who shall
610 constitute a quorum in accordance with this Act or otherwise by Bylaw of the District. All
611 Actions permitted to be taken by the Management Committee shall require a majority vote of the
612 Committee members present at said meeting who shall constitute a quorum in accordance with
613 this Act.

614 SECTION 16

615 The District shall include, in its initial and in all subsequent annual appropriations, compensation
616 for the Board of Assessors and the Tax Collector of the Town of Douglas, pursuant to the
617 provisions of Section One Hundred and Eight B of Chapter Forty-One of the General Laws, with
618 respect to their duties and expenses hereunder.

619 SECTION 17

620 Notwithstanding their membership on the Management Committee, neither the Town of
621 Douglas, nor any agency or department of the Town shall be obligated for any debts of the
622 District, nor shall they, by virtue of this Act be required to pay for any liability, obligation or

623 expense made, suffered or incurred by the District. In like manner, the proprietors of the District
624 shall not be individually liable or obligated with respect to debts or other obligations made,
625 suffered or incurred by the District except with respect to the payment of assessments upon their
626 land as provided for in this Act.

627 SECTION 18

628 The District shall establish, in its initial budget and in all subsequent fiscal year budgets, an
629 overlay account and a reserve fund as provided for Towns under the provisions of Section
630 Twenty-Five of Chapter Fifty-Nine and Section Five C of Chapter Forty of the General Laws
631 except for the initial fiscal year, or portion thereof, of the operation of the District. The District
632 may add to the amount to be raised by District assessment a sum voted by the District for not
633 more than twenty percent thereof for the purposes of and subject to the limitations as set forth in
634 said Section Twenty-Five of said Chapter Fifty-Nine. The District is further authorized to
635 establish and maintain a stabilization fund under the provisions of Section Five B of Chapter
636 Forty of the General Laws. The District shall further be subject to an audit of its accounts in the
637 manner provided in Section Forty of Chapter Forty- Four of the General Laws.

638 SECTION 19

639 Immediately upon the formation of the District, the District Clerk shall, in addition to the other
640 duties to be performed by such District officer, cause a review to be made, at that time and from
641 time, to time thereafter, of the records required to be maintained by the Boards of Assessors for
642 the Town of Douglas, including copies of deeds furnished to said Boards by the Worcester
643 District Registry of Deeds in the County of Worcester, and shall otherwise take such actions as
644 shall be reasonably necessary to verify the list of proprietors to be included within the District.
645 The Clerk shall further cause to be prepared one or more maps based in whole or in part upon the

646 maps required to be maintained by the Assessors of said Towns on which shall be shown the
647 location of all proprietor's lands initially included as well as those which, upon such review,
648 should, in the opinion of the District Clerk be included within the District. Thereafter, at any
649 special meeting called for that purpose and not later than the next Annual Meeting, the District
650 Clerk shall furnish the Management Committee with a list of proprietors proposed for inclusion
651 in the District and such maps depicting the approximate location and boundaries of such parcels
652 as well as the existing parcels within the District. The Committee shall furnish written notice in
653 the manner provided for furnishing notice to a proprietor of a District Meeting to the record
654 owners of such parcels proposed for inclusion in the District. At the District Meeting called for
655 such purpose, the District shall, by its vote, determine whether or not its parcel or parcels shall be
656 included within the District and shall furnish the record owners thereof with full opportunity to
657 be heard prior to such vote as though such persons were proprietors of record entitled to vote
658 thereon.

659 An original proprietor of the District and a record owner of real estate hereafter included
660 within the District as a proprietor in the manner set forth in this Section, shall have the right to
661 petition the District, through its Management Committee, for exclusion from the District based
662 upon an alleged lack of sufficient direct benefit to such proprietor's land with respect to the
663 purposes for which the District has been established. Such petition shall be in writing and shall
664 set forth, in summary form, the reasons relied upon in support thereof. Said Committee shall,
665 upon receipt of such petition, conduct such investigation thereof as it shall deem appropriate and
666 shall, at its next regular meeting or sooner at a special meeting and upon at least seven days
667 written notice to the petitioner, consider the petition and vote thereon. A vote by the
668 Management Committee to exclude the land of the petitioner from the District shall be final. In

669 the event that the Management Committee shall vote to disapprove the petition or shall fail to
670 Act thereon prior to the next Annual Meeting of the District, the petition shall be included in the
671 Warrant for such meeting and the District shall vote on the same at that time. If the District shall
672 vote to disallow the petition, such petitioner may appeal to the Superior Court within the County
673 in which the District is located for relief. Upon such appeal, said Court shall, if the reasons set
674 forth by the petitioner shall be satisfactory to it, grant such exclusion. Such exclusion, if the
675 petition shall have been filed in writing prior to December Thirty-First of the then current fiscal
676 year shall result in an abatement of District assessment from the commencement of such fiscal
677 year; provided, however, that such abatement shall not be effective until the commencement of
678 the next fiscal year.

679 SECTION 20

680 Once established pursuant to this Act, the District shall not dissolve without specific
681 authorization by the General Court, which authorization shall not be given until provision has
682 been made for the payment of any obligations of said District. Such dissolution may be initiated
683 by the General Court, by two-thirds vote at a regular or special District Meeting or by petition by
684 the Town of Douglas under the provisions of Section Eight of Article LXXXIX of the
685 Amendments to the Constitution of the Commonwealth of Massachusetts.

686 SECTION 21

687 This Act shall take effect upon its passage; provided, however, that if the initial meeting of the
688 District shall not occur and the certified vote evidencing the establishment of the District shall
689 not be filed with the Attorney General within one year after its passage, this Act shall cease to be
690 operative.