

**SHERWOOD GREENS ROAD IMPROVEMENT & MAINTENANCE DISTRICT
BY-LAWS
(Revised 06/04/2016)**

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. The following provisions shall constitute the by-laws of the Sherwood Greens Road Improvement and Maintenance District adopted by Special Act duly approved by the Governor. (Adopted 8/2/1997)

SECTION 2. Words and phrases not specifically defined herein shall have the meaning set forth in the Special Act.

SECTION 3. These by-laws may be amended or other by-laws may be adopted at any District Meeting called for that purpose by a two-thirds vote of Members constituting a quorum present or voting by proxy.

SECTION 4. The Prudential Committee shall cause these by-laws to be published following their initial adoption and shall make available to all Members of the District a copy of said by-laws in booklet or other convenient form. Further, the Prudential Committee shall cause a sufficient number of copies of any amendments to the by-laws as from time to time adopted, to be available to Members of the District through the offices of the District Clerk and shall further cause the by-laws to be republished, as it shall deem necessary from time to time and made available to District Members through the offices of the District Clerk.

SECTION 5. The invalidity of any section or of any chapter hereof shall not affect the validity of any other section.

SECTION 6. The laws and regulations governing the affairs of this District shall consist of these by-laws as from time to time amended, the Special act above referred to, the provisions of any general law of the Commonwealth referred to in said Special Act, and the provisions of any Federal or Massachusetts law or regulation which govern or regulate any aspect of the affairs of the District.

SECTION 7. In the event that any provision of these by-laws shall be inconsistent with any express or necessarily implied provisions of the Special Act as the same may be from time to time amended or with any provisions of Federal or State law regulation the provisions of the Special Act, said laws and regulations shall govern.

**CHAPTER II
DISTRICT MEETINGS**

SECTION 1. The annual District Meeting shall be held at 9:00 A.M. on the first Saturday of June in each year.

SECTION 2. Special meetings of the District may be called at any time in the manner provided for in the Special Act.

SECTION 3. All annual and special meetings shall be open to the public and shall be held at such public building or public access building within the Town of Becket as the Prudential Committee shall determine for each such meeting.

SECTION 4. Quorum and voting requirements for both annual and special meetings of the District shall be generally governed by the Special Act.

The Proprietors desiring to vote by proxy shall utilize the approved form, a copy of which is attached to these by-laws. This form may be duplicated or reproduced. Alternatively, copies of the approved proxy form may be obtained from the District Clerk. No proxy shall be valid beyond sixty (60) days from its date of execution. Proxies shall be tendered to the District Clerk by the Proprietor named thereon to exercise the proxy and the District Clerk shall be responsible for determining the validity of the proxy in accordance with the Special Act.

SECTION 5. The District Clerk shall furnish each Member at the meeting and entitled to vote, as evidenced by the assessor's list, and by written designation, with a voting card. Any person tendering a valid proxy shall receive an additional voting card for each such proxy.

SECTION 6. All annual or special meetings of the District shall be called to order by a member of the Prudential Committee who shall thereupon call upon the District Clerk to announce whether or not a quorum exists for the conduct of further business. In the absence of a quorum, the Prudential Committee member shall thereupon adjourn the meeting. If a quorum shall be declared by the District Clerk, the next order of business shall be the election by ballot of a moderator to preside at the meeting and who shall exercise the powers of a moderator of a town meeting. The moderator shall conduct the meeting in accordance with the requirements of the Special Act, these by-laws, and otherwise in accordance with generally accepted parliamentary rules and practice.

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

SECTION 8. Any voting shall be put into writing if so directed by the moderator.

SECTION 9. When a question is put, the sense of the meeting shall be determined by voice vote, and the moderator shall declare the vote as it appears to him. If his decision is doubted, or a division of the house is called for, the moderator may appoint tellers to make and return the count by a show of hands and voting cards. If as many as five Members present at the meeting so request, any vote shall be taken by a written secret ballot.

SECTION 10. No motion, the effect of which would be to dissolve a meeting, shall be in order until every article in a warrant here fore 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.

CHAPTER III DISTRICT OFFICERS

SECTION 1. The elected officers of the District, as set forth in the Special Act, shall consist of at least five, but no more than seven, members of the Prudential Committee, which shall one divided equally between full time residents and remaining owners. There shall also be a District Treasurer and District Clerk, who may be the same person. Vacancies in any of said elected positions shall be filled in the manner set forth in the Special Act.

SECTION 2. Following the initial meeting and from time to time thereafter, the Prudential Committee may appoint a District Superintendent who shall serve at the pleasure of the Prudential Committee.

SECTION 3. Each of the District officers, after the initial meeting and election, shall perform the duties and be subject to supervision therefore, as set forth in the Special Act, and shall serve for three (3) years or until their successor is elected and qualified.

SECTION 4. Elections of District officers (including the Prudential Committee Members) and the District Moderator shall be conducted in the following manner:

- (a) The then District Meeting moderator shall entertain nominations from the floor for each separate Office to be filled at the meeting.
- (b) All Votes to elect the new moderator and the District officers shall be by secret paper ballot which ballots shall be tallied in the presence of the meeting by tellers designated by the moderator for that purpose.
- (c) A majority vote of the meeting shall be required to elect the new moderator and the District officer(s). The members shall be furnished with a number of paper ballots equal to the number of voting cards issued by the District Clerk to such Member prior to the commencement of the meeting.

SECTION 5. District officers may be removed from office, for cause, by the Members at a special meeting called therefore.

Prudential Committee members must notify the Clerk of their absence from a committee meeting by the Wednesday prior to a scheduled meeting. Failing to notify the Clerk to attend two consecutive meetings may cause for removal from the Prudential Committee. (amended 8/23/03).

CHAPTER IV FINANCIAL AFFAIRS

SECTION 1. An audit of the accounts of the District shall be made annually under state supervision or as otherwise required by the Special Act and/or the general laws of the Commonwealth as the same from time to time may be amended.

SECTION 2. The fiscal year of the District shall be the same as the fiscal year established by the General Court time to time for towns in the Commonwealth.

SECTION 3. Except as otherwise provided by law, the District Clerk shall have custody of deeds, contracts, bonds of performance, treasurers and clerk's bond, insurance policies, and similar instruments in possession of the District.

SECTION 4. Except as otherwise required by the Special Act or general law, the District Treasurer shall receive and take charge of all money belonging to the District and shall pay over or account for the same according to the order of the District. No payment shall be made by the treasurer without an appropriation by vote of the District or required by law. Any person of the District appropriation remaining unexpended at the close of the fiscal year shall revert to the District Treasury unless otherwise provided by law.

SECTION 5. Annually, the District Clerk and Treasurer, shall prepare and submit to the Prudential Committee not less than sixty (60) days prior to the date of the annual District meeting, a detailed estimate of the amount deemed by them necessary for the administration of their respective responsibilities under the Special Act for the next fiscal year. The Prudential Committee shall prepare and shall include in summary form in the annual meeting warrant for the District a budget for all District expenditures for the next fiscal year and also the methods of financing the cost thereof as provided in the Special Act.

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

CHAPTER V LEGAL AFFAIRS

SECTION 1. The Prudential Committee shall be the agents of the District to institute, prosecute and defend any and all claims, actions, and proceedings in which the District is a party or in which the interests of the District are or may be involved.

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

SECTION 3. The Prudential Committee shall annually each year after the adjournment of the annual District meeting, appoint a member of the Bar of the Commonwealth in good standing to serve as District Counsel at its pleasure until the date of the next annual meeting. The Prudential Committee may, in its discretion, remove District Counsel prior to the next annual meeting and appoint replacement counsel if it shall deem it necessary to so in the interests of the District.

CHAPTER VI RECORDS AND REPORTS

SECTION 1. All officers, boards and committees of the District shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in the custody of said District officers shall not be removed therefrom. Said books shall, unless otherwise provided by special act or general law, be open to public inspection at any reasonable time, but shall remain during such inspection, under supervision of the officer, board of committee having custody thereof.

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

CHAPTER VII SGRD BETTERMENT BY-LAWS (adopted 6/5/04)

SECTION 1. These By-Laws as adopted, shall constitute specific policing powers of the Sherwood Green Road Improvement & Maintenance District (SGRD).

SECTION 2. The enforcement of the By-Laws contained in this article shall be the responsibility of the Prudential Committee. They shall chair any public meetings that may result from such enforcement, and may appoint an enforcing officer, or officers as they deem necessary.

SECTION 3. Any person(s) who intends to engage in a construction project which will involve the use of SGRD ways to transport loads of more than twenty (20) tons gross vehicle weight, must first obtain a permit from the Prudential Committee pursuant to the procedures and requirements set forth in Section, of this Chapter VII. (amended 6/4/16)

SECTION 4. No person other than an employee in the service of the SGRD or an employee in the service of an independent contractor acting for the SGRD shall pile, push, or plow snow or ice onto a SGRD way so as to impede the flow of traffic on such way.

SECTION 5. Any person(s) who intends to construct a new driveway that will abut a SGRD way must first obtain a permit from the Prudential Committee pursuant to the procedures and requirements set forth in Section 7 of this Chapter VII. (amended 6/4/16)

SECTION 6. Maintenance of existing driveways, including culverts, is the responsibility of the property owner.

SECTION 7. On the review and recommendation of the District Counsel, we recommend a Friendly Amendment to Section 7:

Application for road and driveway permits shall be submitted to the District Superintendent with the required fee. The District Superintendent or designee shall document and maintain records of submitted permits and fees. The District Superintendent shall review applications and present to Prudential Committee noting any comments and concerns. If issues need clarification, the Prudential Committee may request further information from the applicant before a decision is rendered. The Committee may grant, deny, or grant permits with conditions including but not limited to: location of culverts, evidence of compliance with acceptable construction standards, completion dates, and any other such conditions deemed necessary by the Committee. The SGRD shall not have any fiscal responsibility regarding any permitted work including but not limited to: new culverts, repositioning of culverts, new driveways, surfacing and grading.

A monetary bond may be required to ensure that SGRD ways and property be restored to their prior condition upon project completion. Applicants shall be responsible for cost associated with repairing damage to SGRD roads and property including excessive wear and tear on roadways caused by equipment utilized to complete project.

The Prudential Committee with the assistance of the District Superintendent, shall have the right to enforce these Bylaws by all lawful means, including the right to seek an injunction or to recover damages, or both. The Prudential Committee may seek repayment of all costs and expenses it incurred in enforcing the bylaws from party(ies) determined to be in violation of the provisions of this Chapter VII of the Bylaws.

The Prudential Committee may approve and revise, as needed, the following: i.e.: schedules, permit applications, general approval conditions, and Construction Standards. (amended 6/4/16)