

SENATE No. 2910

Senate, September 17, 2020 -- Substituted by amendment by the Senate (Senator Gobi) as a new draft for Senate, No. 1186.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the Burncoat Pond Watershed District.

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. Clause (C) of section 3 of chapter 287 of the acts of 1998 is hereby
2 amended by striking out, in line 4, the words “, the town of Spencer”.

3 SECTION 2. Clause (I) of said section 3 of said chapter 287 is hereby amended by
4 striking out, in line 2, the words “, the town of Leicester and the town of Spencer” and inserting
5 in place thereof the following words:- and the town of Leicester.

6 SECTION 3. Clause (M) of said section 3 of said chapter 287 is hereby amended by
7 striking out, in line 2, the words “and the town of Spencer,”.

8 SECTION 4. Said clause (M) of said section 3 of said chapter 287 is hereby further
9 amended by striking out, in line 7, the words “or the town of Spencer”.

10 SECTION 5. Clause (P) of said section 3 of said chapter 287 is hereby amended by
11 striking out, in line 3, the word “a” and inserting in place thereof the following word:- the.

12 SECTION 6. Section 6 of said chapter 287 is hereby amended by striking out, in line 7,
13 the words “and of the town of Spencer”.

14 SECTION 7. Said section 6 of said chapter 287 is hereby further amended by striking
15 out, in line 8, the word “towns” and inserting in place thereof the following word:- town.

16 SECTION 8. Said section 6 of said chapter 287 is hereby further amended by striking
17 out, in line 10, the words “within Leicester and Spencer” and inserting in place thereof the
18 following words:- in the town of Leicester.

19 SECTION 9. Said chapter 287 is hereby amended by striking out section 7 and inserting
20 in place thereof the following section:-

21 SECTION 7. In addition to the 3 members elected by the district as provided in this act,
22 the management committee shall include 1 member of the board of selectmen of the town of
23 Leicester or other resident voter appointed by the board of selectmen to serve on the
24 management committee; provided, however, that the member shall serve at the pleasure of the
25 board of selectmen and shall be a full voting member of the committee. There shall also be 1
26 member appointed by the Massachusetts Audubon Society, Inc. if the Massachusetts Audubon
27 Society, Inc. owns real property within the district; provided, however, that such member shall
28 be a full voting member of the committee.

29 If the town of Leicester, the Massachusetts Audubon Society, Inc. or both fail at any time
30 to appoint its member or if a member appointed by the town of Leicester or the Massachusetts
31 Audubon Society, Inc. shall resign and no replacement is appointed in like manner, the
32 management committee shall continue to be legally constituted with full power to carry out its
33 duties and responsibilities as set forth herein.

34 The management committee shall have the following powers and duties:

35 (i) to expend money raised and borrowed by the district for purposes authorized by the
36 district;

37 (ii) to prepare an annual for the management and operation of the district and to submit
38 the budget to the annual district meeting for its approval; provided, however, that the budget
39 shall include the committee's estimate of the sums required to be raised and appropriated by
40 means of assessment upon the district proprietors and of sums to be borrowed or otherwise to be
41 received;

42 (iii) to apply in the name of the district for grants, loans and other assistance from both
43 governmental and nongovernmental entities;

44 (iv) subject to prior appropriation, to enter into agreements and contracts involving the
45 purchase or lease of services, equipment and supplies consistent with the powers granted by this
46 act; and

47 (v) subject to prior appropriation, to hire, supervise, suspend and discharge any
48 employees as the committee deems necessary or appropriate for the conduct of the work to be
49 performed by the district including, but not limited to, a district superintendent who shall have
50 the daily charge of all district employees and who shall be responsible on behalf of the
51 management committee for the conduct and supervision of all work to be performed by or on
52 behalf of the district pursuant to this act; provided, however, that compensation and benefits for
53 the district superintendent and any other employees shall, subject to prior appropriation, be as
54 determined from time to time by vote of the management committee.

55 SECTION 10. Section 21 of said chapter 287 is hereby amended by striking out, in line 5,
56 the words “or the town of Spencer”.”.