

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BROOKFIELD  
Special Town Meeting, April 5, 1976

WORCESTER SS.

To either of the Constables of the Town of Brookfield in  
the COUNTY of Worcester GREETING.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the TOWN HALL in said Town on MONDAY, the Fifth day of April next, at 8:00 o'clock in the afternoon, then and there to act on the following articles:-

The meeting opened at 8:05 P.M., Randall Whitehead, moderator presiding. 84 voters present. Selectman, Cedric G. Lindley, Jr. produced and read a letter from Town Counsel, Arline Rottman declaring that although the warrant was posted for one day with the correct date but wrong day, it was within the requirements of the Town By-Laws.

ARTICLE 1. To see if the Town will vote to appropriate the sum of \$66,500 or any other sum for the construction of a pumping station, and \$253,500 or any other sum for the laying and relaying of water mains of not less than six inches in diameter and to determine whether such appropriations shall be raised by borrowing or otherwise, or to take any other action relative thereto.

It was voted that the sum of \$78,000 be hereby appropriated for the construction of a pumping station and that the sum of \$225,600 be hereby appropriated for laying and relaying water mains of not less than six inches in diameter and that to meet such appropriations, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sums under and pursuant to Chapter 44, Section 8, of the General Laws as amended and supplemented and to issue bonds or notes of the Town therefor, the amount of bonds or notes authorized hereby shall be reduced by the amount of Federal aid received in excess of \$46,400 by the Town prior to their issuance. The first \$46,400 of such aid shall be deemed to be reimbursement of costs previously appropriated or raised by taxation.

Standing vote was 76 Yes  
0 No

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum money to acquire an easement for water main construction. Said easement being located in the Town of East Brookfield on the northerly side of Charlton Road, owned by Charles H. and Pauline M. Herbert, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Property, East Brookfield, Massachusetts" dated January 16, 1975, revised April 17, 1975, bounded and described as follows: Beginning at a point on the northerly sideline of Charlton Road at the most southeasterly corner of the Easement to be described; said point being opposite centerline Station 10+06.76 on the 1933 County Layout of Charlton Road; THENCE Westerly along said sideline by a curve to the left having a radius of 2024.75 feet, an arc distance of 30.19 feet to a point at land now or formerly of Fullam, a distance of 111.12 feet to a point; THENCE through land now or formerly of Herbert, the following courses: N 12 degrees 13' 40"E, a distance of 114.70 feet to a point; N 33 degrees 29' 30"E, a distance of 213.80 feet to a point; N 46 degrees 27' 00"E, a distance of 258.10 feet to a point; AND N 88 degrees 56' 00"E, a distance of 40.75 feet to a point at land of the town of Brookfield; THENCE S 26 degrees 55' 30"W along land now or formerly of the Town

of Brookfield, a distance of 80.00 feet to a point; THENCE again through land now or formerly of Herbert, the following four courses: N 76 degrees 08' 30"W, a distance of 28.65 feet to a point; S 46 degrees 27' 00"W, a distance of 193.78 feet to a point; S 33 degrees 29' 30"W, a distance of 204.77 feet to a point; AND S 12 degrees 13' 40"W, a distance of 223.62 feet to the point of beginning. The expenditure of the money and the details of the acquisition to be carried out by the Water Board, or act relative thereto.

It was voted to acquire an easement for water main construction. Said easement being located in the Town of East Brookfield on the northerly side of Charlton Road, owned by Charles H. and Pauline M. Herbert, as shown on a plan by Cullinan Engineering Co., Inc. titled "Plan of Property, East Brookfield, Massachusetts" dated January 16, 1975, revised April 17, 1975, bounded and described as follows:

Beginning at a point on the northerly sideline of Charlton Road at the most southeasterly corner of the Easement to be described; said point being opposite centerline Station 10+06.76 on the 1933 County Layout of Charlton Road;

THENCE Westerly along said sideline by a curve to the left having a radius of 2024.75 feet, an arc distance of 30.19 feet to a point at land now or formerly of Fullam;

THENCE N 12 degrees 13' 40"E along land now or formerly of Fullam, a distance of 111.12 feet to a point;

THENCE through land now or formerly of Herbert, the following four courses:

N 12 degrees 13' 40"E a distance of 114.70 feet to a point;  
 N 33 degrees 29' 30"E, a distance of 213.80 feet to a point;  
 N 46 degrees 27' 00"E, a distance of 258.10 feet to a point;  
 AND N 88 degrees 56' 00"E, a distance of 40.57 feet to a point at land of the Town of Brookfield

THENCE S 26 degrees 55' 30"W along land now or formerly of the Town of Brookfield, a distance of 80.00 feet to a point;

THENCE again through land now or formerly of Herbert, the following four courses:

N 76 degrees 08' 30"W, a distance of 28.65 feet to a point;  
 S 46 degrees 27' 00"W, a distance of 193.78 feet to a point;  
 S 33 degrees 29' 30"W, a distance of 204.77 feet to a point;  
 AND S 12 degrees 13' 40"W, a Distance of 223.62 feet to the point of beginning. The details of the acquisition to be carried out by the Board of Selectmen.

ARTICLE 3. To see if the Town will vote to raise and appropriate a sum of money to acquire an easement for water main construction, Parcel 2, on the northerly side of Charlton Road owned by William G. Prizio, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the northerly sideline of Charlton Road at the most southeasterly corner of the Parcel to be described; said point being S 80 degrees 02' 15"W and 1.70 feet from an angle point in the northerly sideline of Charlton Road;

THENCE S 80 degrees 02' 15"W along said northerly sideline, a distance of 17.03 feet to a point on the centerline of an abandoned road;

THENCE N 30 degrees 13' 35"W along land now or formerly of Marengo and said centerline of an abandoned road, a distance of 185 feet, more or less, to a point on the centerline of Dunn Brook;

THENCE N 42 degrees 25' 35"W along land now or formerly of Wallace and said centerline of an abandoned road, a distance of 86 feet, more or less, to a point on the southerly sideline of Penn Central Railroad, being opposite Station 3470+62 feet,

more or less, of said railroad;

THENCE N 76 degrees 15' 15"E along said sideline of railroad, a distance of 17.10 feet to a point;

THENCE S 42 degrees 25' 35"E through land now or formerly of said Prizio, a distance of 78 feet, more or less, to a point on the centerline of Dunn Brook;

THENCE S 38 degrees 13' 35"E through land now or formerly of said Prizio, a distance of 194 feet, more or less, to the point of beginning. The above described Parcel contains 4070 square feet more or less.

The expenditure of the money and the details of the acquisition to be carried out by the Water Board or Act relative thereto.

It was voted to acquire an easement for water main construction, Parcel 2, on the northerly side of Charlton Road owned by William G. Prizio, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the northerly sideline of Charlton Road at the most southeasterly corner of the Parcel to be described; said point being S 80 degrees 02' 15"W and 1.70 feet from an angle point in the northerly sideline of Charlton Road;

THENCE S 80 degrees 02' 15"W along said northerly sideline, a distance of 17.03 feet to a point on the centerline of an abandoned road;

THENCE N 38 degrees 13' 35"W along land now or formerly of Marengo and said centerline of an abandoned road, a distance of 185 feet, more or less, to a point on the centerline of Dunn Brook;

THENCE N 42 degrees 25' 35"W along land now or formerly of Wallace and said centerline of an abandoned road, a distance of 86 feet, more or less, to a point on the southerly sideline of Penn Central Railroad, being opposite Station 3470+62 feet, more or less, of said railroad;

THENCE N 76 degrees 15' 15"E along said sideline of railroad, a distance of 17.10 feet to a point;

THENCE S 42 degrees 25' 35"E through land now or formerly of said Prizio, a distance of 78 feet, more or less, to a point on the centerline of Dunn Brook;

THENCE S 38 degrees 13' 35"E through land now or formerly of said Prizio, a distance of 194 feet, more or less, to the point of beginning.

The above described Parcel contains 4070 square feet, more or less.

The details of the acquisition to be carried out by the Board of Selectmen.

ARTICLE 4. To see if the Town will vote to raise and appropriate a sum of money to acquire an easement for water main construction, Parcel 4, on the northerly side of Charlton Road, owned by Richard E. and Carol A. Marengo, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the northerly sideline of Charlton Road at the most southeasterly corner of the Parcel to be described; said point being S 80 degrees 02' 15"W and 18.73 feet from an angle point in the northerly sideline of Charlton Road and being on the centerline of an abandoned road;

THENCE S 80 degrees 02' 15"W along the northerly sideline of said Charlton Road, a distance of 17.03 feet to a point;

THENCE N 38 degrees 13' 35"W along land now or formerly of Marengo, a distance of 176 feet, more or less, to a point on the centerline of Dunn Brook;

THENCE Northeasterly along the centerline of said brook, a distance of 15 feet, more or less, to a point on the centerline of the aforesaid abandoned road;

THENCE S 38 degrees 13' 35"E along land now or formerly of Prizio and the centerline of said abandoned road, a distance of 185 feet, more or less, to the point of beginning.

The above described Parcel contains 2710 square feet, more or less. The expenditure of the money and the details of the acquisition to be carried out by the Water Board, or act relative thereto.

It was voted to acquire an easement for water main construction, Parcel 4, on the northerly side of Charlton Road, owned by Richard E. and Carol A. Marengo, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the northerly sideline of Charlton Road at the most southeasterly corner of the Parcel to be described; said point being S 80 degrees 02' 15"W and 18.73 feet from an angle point in the northerly sideline of Charlton Road and being on the centerline of an abandoned road;

THENCE S 80 degrees 02' 15"W along the northerly sideline of said Charlton Road, a distance of 17.03 feet to a point;

THENCE N 38 degrees 13' 35"W along land now or formerly of Marengo, a distance of 176 feet, more or less, to a point on the centerline of Dunn Brook;

THENCE Northeasterly along the centerline of said brook, a distance of 15 feet, more or less, to a point on the centerline of the aforesaid abandoned road;

THENCE S 38 degrees 13' 35"E along Land now or formerly of Prizio and the centerline of said abandoned road, a distance of 185 feet, more or less, to the point of beginning.

The above described Parcel contains 2710 square feet, more or less.

The details of the acquisition to be carried out by the Board of Selectmen.

ARTICLE 5. To see if the Town will vote to raise and appropriate a sum of money to acquire an easement for water main construction, Parcel 3, on the southerly side of the Penn Central Railroad, owned by Richard H. and Audrey M. Wallace, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the southerly sideline of the Penn Central Railroad at the most northwesterly corner of the Parcel to be described; said point being S 76 degrees 15' 15"W and 17.10 feet from the centerline intersection of an abandoned road and the southerly sideline of the Penn Central Railroad and being opposite Station 3470+79.10;

THENCE N 76 degrees 15' 15"E along the southerly sideline of said railroad, a distance of 17.10 feet to a point on the centerline of said abandoned road;

THENCE S 42 degrees 25' 35"E along land now or formerly of Prizio and by the centerline of said abandoned road, a distance of 86 feet, more or less, to a point of the centerline of Dunn Brook;

THENCE Southwesterly along the centerline of said brook, a distance of 15 feet, more or less, to a point;

THENCE N 42 degrees 25' 35"W through land now or formerly of Wallace, a distance of 94 feet, more or less, to the point of beginning.

The above described Parcel contains 1370 square feet, more or less. The expenditure of the money and the details of the acquisition to be carried out by the Water Board, or act relative thereto.

It was voted to acquire an easement for water main construction Parcel 3, on the southerly side of the Penn Central Railroad, owned by Richard H. and Audrey M. Wallace, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the southerly sideline of the Penn Central Railroad at the most northwesterly corner of the Parcel to be described; said point being S 76 degrees 15' 15"W and 17.10 feet from the centerline intersection of an abandoned road and the southerly sideline of the Penn Central Railroad and being opposite Station 3470+79. 10;

THENCE N 76 degrees 15' 15"E along the southerly sideline of said railroad, a distance of 17.10 feet to a point on the centerline of said abandoned road;

THENCE S 42 degrees 25' 35"E along land now or formerly of Prizio and by the centerline of said abandoned road, a distance of 86 feet, more or less, to a point of the centerline of Dunn Brook;

THENCE Southwesterly along the centerline of said brook, a distance of 15 feet, more or less, to a point;

THENCE N 42 degrees 25' 35"W through land now or formerly of Wallace, a distance of 94 feet, more or less, to the point of beginning.

The above described Parcel contains 1370 square feet, more or less. The details of the acquisition to be carried out by the Board of Selectmen.

ARTICLE 6. To see if the Town will vote to raise and appropriate a sum of money to acquire an easement for water main construction, Parcel 1, on the southerly side of Massachusetts Highway Route 9, owned by Americo P. and Prisco P. Faugno, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts", dated July 16, 1975, bounded and described as follows:

Beginning at a point on the southerly sideline of Route 9 at the most northeasterly corner of the Parcel to be described; said point being southwesterly and 83.84 feet from a Massachusetts Highway Bound on the southerly sideline of Route 9 opposite Station 45+95.73 and being on a curve having a radius of 530.00 feet;

THENCE S 20 degrees 30' 00"E through land now or formerly of Faugno, a distance of 68.95 feet to a point on the northerly sideline of the Penn Central Railroad;

THENCE S 76 degrees 15' 15"W along land now or formerly of said Penn Central Railroad, a distance of 30.21 feet to a point;

THENCE N 20 degrees 30' 00"W through land now or formerly of Faugno, a distance of 60.91 feet to a point on the southerly sideline of Route 9;

THENCE Northeasterly along the southerly sideline of Route 9, by a curve to the left having a radius of 530.00 feet, an arc distance of 30.34 feet to the point of beginning.

The above parcel contains 1948 square feet more or less. The expenditure of the money and the details of the acquisition to be carried out by the Water Board, or act relative thereto.

It was voted to acquire an easement for water main construction, Parcel 1, on the southerly side of Massachusetts Highway Route 9, owned by Americo P. and Prisco P. Faugno, as shown on a plan by Cullinan Engineering Co., Inc., titled "Plan of Easements, Brookfield, Massachusetts" dated July 16, 1975, bounded and described as follows;

Beginning at a point on the southerly sideline of Route 9 at the most northeasterly corner of the Parcel to be described; said

point being southwesterly and 83.84 feet from a Massachusetts Highway Bound on the southerly sideline of Route 9 opposite Station 45+95.73 and being on a curve having a radius of 530.00 feet;

THENCE S 20 degrees 30' 00"E through land now or formerly of Faugno, a distance of 68.95 feet to a point on the northerly sideline of the Penn Central Railroad;

THENCE S 76 degrees 15' 15"W along land now or formerly of said Penn Central Railroad, a distance of 30.21 feet to a point;

THENCE N 20 degrees 30' 00"W through land now or formerly of faugno, a distance of 60.91 feet to a point on the southerly sideline of Route 0;

THENCE Northeasterly along the southerly sideline of Route 9, by a curve to the left having a radius of 530.00 feet, an arc distance of 30.34 feet to the point of beginning.

The above described Parcel contains 1948 square feet more or less. The details of the acquisition to be carried out by the Board of Selectmen.

ARTICLE 7. To see if the Town will vote to transfer \$2,000.00 from available funds in the Treasury to the Water Department Maintenance and Operation Account or take any action relative thereto.

It was voted to transfer the sum of \$3,000.00 from available funds in the Treasury to the Water Department Maintenance Account.

ARTICLE 8. To see if the Town will vote to transfer from available funds in the Treasury the sum of \$250.00 to pay the cost of the Building Inspector for the balance of Fiscal Year 1975-1976 or take any action relative thereto.

It was voted to transfer from available funds in the Treasury, the sum of \$250.00 to pay the cost of the Building Inspector for the balance of fiscal year 1975-1976.

ARTICLE 9. To see if the Town will vote to accept the monies received from the State under Chapter 825, Section 3 and 9 Acts of 1974.

It was voted to accept the monies received from the State under Chapter 825, Sections 3 and 9 Acts of 1974.

ARTICLE 10. To see if the Town will vote to accept the sum of \$621.84 received from the Insurance Company in payment of damages done to the Dodge 600 Dump Truck.

It was voted to accept the sum of \$621.84 received from the insurance company in payment of damages to the Dodge 600 dump truck.

ARTICLE 11. To see if the Town will vote to transfer the sum of 621.84 received from the Insurance Company to the Highway Machinery Account or take any action relative thereto.

It was voted to transfer the sum of \$621.84 received from the Insurance Company, in payment of damages to the Dodge 600 dump truck, to the Highway Machinery Account.

Meeting adjourned at 8:40 P.M.

And you are directed to serve this Warrant by posting up attested copies thereof at TOWN HALL, POST OFFICE, FRAZIERS NEWS in said Town, Seven days at least before the time of holding siad meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 26th day of March in the year of our Lord one thousand nine hundred and 76.

S/ Cedric F. Lindley, Jr.  
Louis J. Boucher  
Donald D. Faugno

SELECTMEN OF BROOKFIELD

A true copy. Attest:

S/Douglas D. Gadaire  
CONSTABLE

WORCESTER SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Brookfield by posting up attested copies of the same at

POST OFFICE	3/29/76	11:10 A.M.
FRAZIERS	3/29/76	11:05 A.M.
Town HALL	3/29/76	11:00 A.M.

7 days before the date of the meeting, as within directed

S/ Douglas D. Gadaire  
Constable of Brookfield

A true copy Attest

*Leamana Terry*  
Leamana Terry  
Town Clerk

LAW OFFICES  
LAWRENCE H. FISHER  
332 MAIN STREET  
WORCESTER, MASSACHUSETTS 01608

RESIDENCE 755-9758

TELEPHONE  
756-2475  
SUITE 615, CENTRAL BUILDING

April 1, 1976

Mr. Cedric Lindley, Chairman  
Board of Selectmen  
Brookfield, Massachusetts

Dear Cedric:

Re: Town Meeting Notice

In response to your question of whether a notice is defective if it is timely and has the correct date but the wrong day, it is my opinion that as long as the date was correct, the notice is within the requirements of your By-Laws.

Sincerely,



ARLINE S. ROTMAN

ASR/dh