



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas**

**140 Main St.**

**Marlborough, MA 01752**

**(508) 460-3775 FAX (508) 460-3723**

**JANUARY 24, 2011**

Regular meeting of the City Council held on Monday, JANUARY 24, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Councilor Delano was absent. Meeting adjourned at 8:27 p.m.

ORDERED: That the minutes of the City Council Meeting January 3, 2011, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Application of Donald Lynch Realty Trust for amendment to Special Permit 94-560B to increase the number of amusement devices from 26-42 at the New England Sports Center located at 121 Donald Lynch Blvd., Order No. 11-1002790, all were heard who wish to be heard, hearing recessed at 8:04 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Ferro, Elder, Tunnera, Seymour, Clancy & Landers.**

**Absent: Delano**

ORDERED: That the transfer request in the amount of \$200,000.00 which moves funds from Undesignated to Marlboro 2010 to cover the estimated cost of the Economic Development Master Plan, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$200,000.00
Undesignated Fund	

TO:

Acct. # 11210006-53940	\$200,000.00
Marlboro 2010	

ORDERED: That the Police transfer requests as follows:

Transfer in the amount of \$44,436.00 moving funds from Stabilization – Public Safety to Police Officers

Transfer in the amount of \$84,208.00 moving funds from Police Officers to Regular Overtime

Transfer in the amount of \$5,000.00 moving funds from Court OT to Holiday Pay, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 83600-32701	\$44,436.00
Stabilization-Public Safety	

Acct. # 12100001-50420	\$84,208.00
Police Officers	

Acct. # 12100003-51320	\$5,000.00
Court OT	

TO:	
Acct. # 12100001-50420	\$44,436.00
Police Officers	
Acct. # 12100003-51310	\$84,208.00
Regular OT	
Acct. # 12100003-51490	\$5,000.00
Holiday Pay	

ORDERED: That the Legal transfer request in the amount of \$25,000.00 which moves funds from Undesignated to Legal Services to fund a variety of legal services, refer to **FINANCE COMMITTEE**; adopted.

FROM:	
Acct. # 10000-35900	\$25,000.00
Undesignated Fund	
TO:	
Acct. # 11510004-53110	\$25,000.00
Legal Services	

ORDERED: That the Fire transfer request in the amount of \$30,000.00 which moves funds from Undesignated to Additional Overtime to fund shift coverage and avoid station closures, refer to **FINANCE COMMITTEE**; adopted.

FROM:	
Acct. # 10000-35900	\$30,000.00
Undesignated Fund	
TO:	
Acct. # 12200003-51300	\$30,000.00
Additional OT	

ORDERED: That the Assessor's transfer request in the amount of \$20,000.00 which moves funds from Overlay Reserve to Personal Property Valuation, **APPROVED**; adopted.

FROM:	
Acct. # 10000-32200	\$20,000.00
Overlay Reserve	
TO:	
Acct. # 11410004-57038	\$20,000.00
Personal Property Valuation	

ORDERED: That the transfer request in the amount of \$23,000.00 from Undesignated to Capital Outlay for Senior Center Feasibility Study, refer to **FINANCE COMMITTEE**; adopted.

FROM:	
Acct. # 10000-35900	\$23,000.00
Undesignated Fund	
TO:	
Acct. # 19300006-58467	\$23,000.00
Capital Outlay-Public Facilities	

ORDERED: That the FY2011 Student Awareness Fire Education Grant awarded to the Fire Department in the amount of \$6,515.00 which provides funding for student awareness of fire education programs, **APPROVED**; adopted.

ORDERED: That the City's designation as a Green Community and award of a Grant in the amount of \$217,000.00 for use on energy savings upgrades and initiatives, **TABLE UNTIL THE FEBRUARY 14, 2011 CITY COUNCIL MEETING**; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures of \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2011, **APPROVED**; adopted.

ORDERED: That pursuant to the provisions of section 29A of Chapter 98 of the Massachusetts General Laws, the City Council of the City of Marlborough, upon recommendation of the Mayor, authorizes a special revenue account for the deposit of monies received from fines imposed upon persons issued civil citations by the Sealer of Weights and Measures for violations of weights and measures laws. It is further ordered that:

- (a) Monies in the account may only be expended upon majority vote of the City Council;
- (b) Appropriations from the fund may only be used for the purpose of enforcement of item pricing and weights and measures laws; and
- (c) The effective date of this order is the date of adoption by the City Council, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That in accordance with Order No. 07/08/09-1001680A-4 the City Council of the City of Marlborough having accepted and acquired from Lakeview/Bolton Street Realty LLC of 640 Bolton Street, Marlborough, MA the fee simple interest in an approximately 2.48 acre parcel of land (the "Parcel"), being a portion of Assessor's map 17, parcel 10 and further described in a deed recorded in the South Middlesex County Registry of Deeds in Book 55716, Page 54 and in a confirmatory deed recorded at the South Middlesex County Registry of Deeds in Book 56263, Page 494, because of its potential as open space, its potential recreational value to the nearby Assabet River Rail Trail and future public recreational amenities on abutting municipal property at Assessors Map 30, parcel 4D, its scenic views of Fort Meadow Reservoir, and its potential as wildlife habitat, does hereby transfer the care, custody, management, and control of the Parcel for the same purposes to the Department of Public Works, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

MOTION made by Councilor Seymour to refer to the Legislative and Legal Affairs Committee, **WITHDRAWN**.

ORDERED: That the Human Services Reorganization plan, refer to the **HUMAN SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Council President Vigeant re: City Council Meeting schedule and City Council Committee assignments, **FILE**; adopted.

ORDERED: That the reappointment of Lisa Thomas as City Clerk for a term to expire three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 14, 2011** as date for a **PUBLIC HEARING** on the on the Proposed Amendments to the Zoning Ordinance pertinent to Sections 650-21 and 650-22, and further, on Application of the Proposed Zoning Ordinance Amendments to the three existing Special Permits for retirement communities in Marlborough, **ADVERTISE AND REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD**; adopted, as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 650-21, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS," AND CHAPTER 650-22, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS OVERLAY DISTRICTS," AS FOLLOWS:

1. Section 650-21, entitled "Retirement Community Residence Districts," is hereby amended:
  - a. by amending subsection C(3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
  - b. by amending subsection C(8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
2. Section 650-22, entitled "Retirement Community Overlay Districts," is hereby amended:
  - a. by amending subsection C thereof, entitled "Permitted uses":
    - i. by amending the introduction thereof, by striking out in the sixth line thereof the following words:-- "and such additional multifamily housing units segregated onto a separate portion of the site, referred to herein as an 'ancillary residential community,' as the City Council deems appropriate,".
    - ii. by amending subsection (3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
    - iii. by amending subsection (8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.

- iv. by amending subsection (14) thereof, by striking out said subsection in its entirety, including sub-subsections (a) through (f), which heretofore read:

“(14) The following site development provisions shall apply to any ancillary residential community which is approved in conjunction with the granting of a special permit for the construction of a retirement community:

(a) Each building in an ancillary residential community shall face either upon an existing street or upon a public or private way constructed within said ancillary residential community and shall have a minimum front yard of no less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.

(b) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room shall contain less than 120 square feet.

(c) No part of any building in any ancillary residential community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in a retirement community.

(d) All site landscaping shall be designed so as to provide a clear sense of separation between the ancillary residential community and a retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

(e) The City Council may, as a condition of any special permit which includes an ancillary residential community, require that the land area on which the ancillary residential community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the said ancillary residential community will not be subdivided or its ownership further condominiumized, that said ancillary residential community will remain as rental housing, and that ownership of said ancillary residential community will remain consolidated.

(f) The total number of units in an ancillary residential facility shall not exceed 30% of the combined total of retirement community and ancillary apartment units.”

- v. by amending subsection (15) thereof, by amending the introduction thereof, by striking out in the first line thereof the following words:-- “and which does not include any ancillary residential community”.

3. The effective date of these amendments shall be the date on which they are voted upon by the city council.

[END: Order No. 11-1002806-1]

That, as a result of the City Council’s approval of Order No. 11-1002806-1, the following special permits previously approved by the City Council, in its capacity as special permit granting authority, shall each be modified in the following respects:

- 1) Special Permit issued to Brigham Development Corp., 38 Brigham Street, Marlborough, MA for development and operation of land at 388 Boston Post Road East into a “Retirement Village” of condominiums, Order No. 97-7158B, adopted September 8, 1997. The second sentence in condition number 7 thereof, which sentence had read “At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor,” shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806;

- 2) Special Permit issued to Brigham Development Corp. and Williams Village, LLC, 38 Brigham Street, Marlborough, MA to construct a retirement community, Order No. 99-7967B, adopted April 5, 1999. The second sentence in condition number 7 thereof, which sentence had read “At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor,” shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806; and
- 3) Special Permit issued to Metro Park Corp., 929 Boston Post Road East, Marlborough, MA to construct a retirement community, Order No. 03-10022, adopted September 8, 2003, as amended by a Revised Special Permit issued to Toll MA Land Partnership, 250 Gibraltar Road, Horsham, PA to construct 69 townhouse residential retirement community units, Order No. 09-1002151C, approved June 22, 2009. The second sentence in condition number 7 thereof, which sentence had read “At least 66% (sixty-six percent) of the living area in each unit shall be located on the first floor,” shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806.

[END: Order No. 11-1002806-2]

**DECISION ON AN APPLICATION TO AMEND**  
**SPECIAL PERMIT # 10-1002448B**

The City Council of the City of Marlborough hereby Grants the Application for Amendment to Special Permit # 94-5460B as previously amended by City Council Order # 04-100359 and City Council Order # 10-1002448B to Quad Rink Limited Partnership/New England Sports Management Corporation, General Partner, 84 South Street, Carlisle, MA 01741 and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 recorded in the Middlesex South District Registry of Deeds in Book 25093 Page 467, both having a place of business at 84 South Street, Carlisle, MA 01741 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

**PROCEDURAL FINDINGS**

1. New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 each having a place of business at 84 South Street, Carlisle, MA 01741 are hereinafter collectively referred to as the “Applicant.”
2. H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust, is the owner of property located at 121 Donald Lynch Boulevard (hereinafter referred to as the “Site”), as well as certain contiguous land in the Town of Hudson. Said property is further described in a deed recorded in the Middlesex South District Registry of Deeds in Book 24458 Page 324.

3. The Applicant, on or about December 24, 2010, filed with the City Clerk of the City of Marlborough an Application for Amendment to Special Permit # 10-1002448B, herein referred to as the "Application."
4. On May 23, 1994 the City Council granted the Applicant a Special Permit to construct a multi-sport facility consisting of up to four major activity areas. The activity areas are known as "rinks." Notice of Grant of Special Permit # 94-5460B, herein after referred to as "Special Permit" is recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572. Said Special Permit was amended on May 10, 2004 by City Council Order No. 04-100359 notice of which was recorded in the said Registry of Deeds in Book 43009 Page 25 and further amended by City Council Order No. 10-1002448B notice of which was recorded in said Registry of Deeds in Book 54646 Page 143. (collectively the Project)
5. The Application is authorized under the provisions of Chapter 650 (Zoning) of the Code of the City of Marlborough, Article V Section 650-17 Table of Uses and 18 Conditions for Uses A (23) Recreation Centers. The reason for the Application is to amend the Special Permit to allow under Special Permit # 94-5460B Paragraph 4 condition (q) Amusement Devices 42 amusement devices in the areas located on the second floor of the Sports Center.
6. The Application filed with the City Clerk on December 24, 2010 consisted of the following: (a) Application Fee in the amount of \$250.00; (b) 3 (three) original copies of the Application for Amendment to Special Permit # 94-5460B; (c) Certification of Delivery of copies of application to City of Marlborough Departments and Office of the City Council; (d) Certification of Payment of Municipal Taxes; (e) Application outlining the project; (f) Special Permit Application Certification by Planning Department; (g) Certified copies of Abutters' Lists for the City of Marlborough and the Town of Hudson; (h) Special Permit-Summary Impact Statement; (collectively the "Documents"). Twelve sets of Documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner, the Building Inspector, the City Engineer and the Conservation Officer, all in accordance with Chapter 650, Article VII Section 200-59 of the Zoning Code of the City of Marlborough. The documents are incorporated herein and become part of this Decision.
7. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Inspector for the City of Marlborough, on behalf of the City Planner for the City of Marlborough, as having complied with the provisions of Chapter 650 (Zoning Code) Article VII Section 650-59, C. (7) (a), (b), and (c).



8. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established January 24, 2011 at 8:00 PM as a date and time for a public hearing on the Application, caused a notice of said hearing and the date thereof to be advertised on January 10, 2011 and January 17, 2011 in the Metrowest Daily News and caused said notice to be mailed to those entitled thereto. Proof of advertisement and mailing has been submitted to the City Clerk to be placed with the Application documents.
9. The Marlborough City Council held a public hearing on the Application on January 24, 2011 at 8:00 PM in accordance with the published notice, (the Public Hearing). The hearing was opened and closed on said date.
10. The Applicant explained to the City Council that the additional amusement devices will serve the public interest; that the adding of the machines will provide entertainment for both users and spectators of the New England Sports Center; that it will occupy idle time of athletes and spectators during a time when there is no event, which the athlete is participating in or the spectator has an interest in; and that with sixteen years of history, management has determined that there is a clear need for the amusements to occupy time of the public while in the facility and waiting for an event to take place. The Applicant explained that the additional amusement devices will not attract more people to the facility. Members of the public had the opportunity to testify at the public hearing.

**BASED UPON THE ABOVE THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH MAKES THE FOLLOWING FINDINGS AND CONDITIONS:**

- A. The City Council finds that it may amend Special Permits #94-5460B, 04-100359B and # 10-1002448B subject to terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough.
- B. The City Council finds the Application for Amendment to Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Massachusetts General Laws Chapter 40A, et. seq.
- C. The City Council finds that the proposed use of the Site for the Project is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough.
- D. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough, Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A Sections 9 and 11.

**GRANT OF AMENDMENT TO SPECIAL PERMIT**

The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant an Amendment to Special Permits # 94-5460B, # 04-100359B and # 10-1002448B to add sixteen (16) amusement devices for a total of forty-two (42) amusement devices allowed to be used on the premises, subject to the following conditions:

1. Special Permit No. 94-5460B is amended by deleting in its entirety from its Findings and Conditions Paragraph 4, condition (q), and inserting in place thereof the following:
  - (q) Amusement Devices. The Applicant may provide for the public's use, up to forty-two (42) amusement devices in the areas designated as Game Room, Snack Bar Area and Family Area. All video games shall be located on the second floor of the building. Other amusement devices, such as pool tables, foos-ball, ping-pong, shuffle Board, hockey, basketball and similar type amusement games may be located in the Snack Bar and Family Areas. The Applicant may not provide more than four pool tables.
2. Special Permit # 10-1002448B is amended by adding the following new condition to GRANT OF AMENDMENT TO SPECIAL PERMIT paragraph F:
  22. The Applicant shall hire a company to perform an inside grid study of radio communications at a cost of no more than \$500.00. Following the study, Applicant will work with the City to implement procedures to provide better radio communications with City public safety departments.
3. The Special Permit # 94-5460B, # 04-100359B and # 10-1002448B are hereby affirmed, are deemed to be in full force and effect, and apply to the Project without change or modification, except as provided for in the Application, and other conditions herein stated.
4. Unless modified by the provisions hereof, all conditions outlined in Special Permit No. 94-5460B recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572, Special Permit No. 04-100359B recorded in said registry of deeds in Book 43009 Page 25 and Special Permit No. 10-1002448B shall apply to the Project.

5. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Amendment to Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Upon said recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

**Yea: 10- Absent: 1**

**Yea: Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, Levy**

**Absent: Delano**

ORDERED: That the Communication from Attorney Beattie re: Public Acceptance of Ewald Ave. and Muir Way in the Forest Grove Subdivision, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application, new Pool Table license, The Lazy Dog, 31 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, December 6 & 20, 2010, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- A. Barbara DiPasquale, 4 Neil St., other property damage
- B. Bill Katsikas, 57 Neil St., other property damage
- C. Kimberly Kotsiras, 29 Muir Way, residential mailbox claim 2(b)
- D. James Corr, 65 Sheffield Terrace, residential mailbox 2(a)

Reports of Committees:

Councilor Clancy reported the following out of the Public Services Committee:

**Order No. 10-1002763 - Be it ordained by the City Council of the City of Marlborough that the City Code of the City of Marlborough, as amended, be further amended by amending Chapter 526, Entitled "Signs."** Communication from City Solicitor Donald V. Rider with proposed amendments to the Sign Ordinance in areas identified by the Building Inspector and his staff that could benefit not only from some grammatical or word usage changes but also from some enhancement of the enforcement procedures themselves. The Committee discussed the proposed ordinance changes with the City Solicitor and the Building Inspector. **Recommendation of the Public Services Committee is to recommend adoption of the proposed ordinance changes and under Suspension of the Rules, to advertise proposed ordinance changes 3-0.**

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 377, ENTITLED "JUNK AND SECOND HAND DEALERS LICENSES," AS FOLLOWS:

Chapter 377 is hereby amended by deleting section 377-1 in its entirety and replacing it with the following:

377-1. License Required; License Revocation.

- A. No person shall be a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or secondhand articles unless licensed by the City Council, which may grant licenses as it may determine.
- B. Said licenses may be revoked, suspended or modified at pleasure by the City Council.
- C. Upon revocation, suspension or modification of such license, the City Clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee as provided under M.G.L. c. 140, § 205, as amended.
- D. A licensee may make a written request for a hearing before the City Council on any such revocation, suspension or modification, which shall be held by the City Council within thirty (30) days, or as soon as practicable thereafter, of the receipt of the request.

Chapter 377 is also hereby amended by changing the duration of time described in section 377-6 from one week to thirty (30) days as follows:

377-6. Retention period prior to resale.

No article purchased or received by a dealer in junk or secondhand articles shall be sold or removed from his or her possession until at least thirty (30) days from the date of purchase or receipt of the same has elapsed.

Chapter 377 is also hereby amended by adding terms concerning violations of section 377-7:

377-7. Required Records to be kept by dealer.

- D. Violations of this section by licensees purchasing or receiving gold, silver or platinum shall be subject to penalties described in M.G.L. § 142A, as amended.

Further, Chapter 377 is also hereby amended by adding the following new section concerning enforcement and penalties:

377-10. Enforcement; Penalties.

- A. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license or after notice that his license has been revoked or suspended shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Building Inspector of his designee, who may enforce such violation pursuant to the provisions of M.G.L. c. 40, § 21D, as amended.

- B. Whoever violates the provisions of this chapter, other than by operation after revocation or suspension as provided in paragraph A. of this section or as provided in paragraph D. of section 377-7, shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Chief of Police or his designee, who may enforce such violation pursuant to the provisions of M.G.L. c. 40, § 21D, as amended. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license may also be subject to a fine under the provisions of this paragraph.
- C. All fines are payable to the City of Marlborough through the City Clerk's office.

**APPROVED;** adopted.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:27 p.m.