

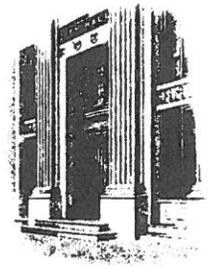


Office of the City Clerk  
JOSEPH P. SHEA  
City Clerk

NICOLE L. CRISPO  
Assistant City Clerk

# City of Quincy, Massachusetts

Mayor James R. McIntyre City Hall  
1305 Hancock Street  
Quincy, Massachusetts 02169



TEL: (617) 376-1131  
FAX: (617) 376-1082

March 22, 2016

## Notice of Public Hearing

**2016 – 077**

**2016 – 078**

**The Quincy City Council will hold a Public Hearing, on Monday, April 25, 2016 at 6:30 PM in in the City Council Chambers, City Hall, 1305 Hancock Street, Quincy to consider the following Council Orders currently pending in the Ordinance Committee and Downtown & Economic Growth Committee of the City Council:**

**2016 – 077** - Updating URDP Section 12.02(3) Section 2D – Land Disposition Agreement Definition Update

NOW, THEREFORE BE IT ORDERED that the definition of Land Disposition Agreement in the Third Amendment to URDP appearing in Section 12.02(3) Section 2D is amended by adding the following sentence to the end of that definition:

“Any Land Disposition Agreement must be approved by the Director of the Department of Planning and Community Development, the Mayor and the City Council.”

and

**2016 - 078** - Updating URDP Section 12.02(3) Section 2D - Covenant Definition Update

NOW, THEREFORE BE IT ORDERED that the definition of Urban Redevelopment Covenant in the Third Amendment to URDP appearing in Section 12.02(3) Section 2D is amended by adding the following sentence to the end of that definition:

“Any Urban Redevelopment Covenant must be approved by the Director of the Department of Planning and Community Development, the Mayor and the City Council.”

A True Copy Attest  
Joseph P. Shea  
Clerk of Council



# City of Quincy, Massachusetts

OFFICE OF THE COUNCIL

MARGARET E. LAFOREST  
COUNCILLOR – WARD ONE

NINA X. LIANG  
COUNCILLOR AT LARGE

Cell: (617) 471-1806  
Office: (617) 376-1351  
Fax: (617) 376-1345  
Email: mlaforest@quincyma.gov

Cell: (617) 376-1358  
Office: (617) 376-1000  
Email: nliang@quincyma.gov

To: All Members of the Ordinance Committee  
All Members of the Downtown & Economic Growth Committee

From: Councillor Margaret L. Laforest, Ordinance Committee Chair  
Councillor Nina X. Liang, Downtown & Economic Growth Committee Chair

A joint meeting of the Ordinance Committee and Downtown & Economic Growth Committee of the Quincy City Council will meet on Monday, April 25<sup>th</sup> at 6:30 pm in the City Hall Great Hall relative any and all matters pending in these committees including, but not limited to:

**2016 – 077** - Updating URDP Section 12.02(3) Section 2D – Land Disposition Agreement Definition Update

Be it ordained by the City Council that the Quincy Municipal Code is hereby amended as follows:

NOW, THEREFORE BE IT ORDERED that the definition of Urban Redevelopment Covenant in the Third Amendment to URDP appearing in Section 12.02(3) Section 2D is amended by adding the following sentence to the end of that definition:

“Any Urban Redevelopment Covenant must be approved by the Director of the Department of Planning and Community Development, the Mayor and the City Council.”

**2016 - 078** – Updating URDP Section 12.02(3) Section 2D - Covenant Definition Update

Be it ordained by the City Council that the Quincy Municipal Code is hereby amended as follows:

NOW, THEREFORE BE IT ORDERED that the definition of Land Disposition Agreement in the Third Amendment to URDP appearing in Section 12.02(3) Section 2D is amended by adding the following sentence to the end of that definition:

“Any Land Disposition Agreement must be approved by the Director of the Department of Planning and Community Development, the Mayor and the City Council.”

Copy to- All Councillors  
Mayor Thomas P. Koch  
Joseph P. Shea – City Clerk  
James Fatseas – Planning Director  
James Timmins - Solicitor  
Christopher Walker – Director of Policy and Information

Print Media  
Quincy Access Television



# City of Quincy, Massachusetts

OFFICE OF THE CITY COUNCIL  
1305 HANCOCK STREET  
QUINCY, MA 02169

Ian C. Cain  
Noel T. DiBona  
William P. Harris  
Kirsten L. Hughes, President

Brad L. Croall  
Joseph G. Finn  
Margaret E. Laforest  
Nina X. Liang  
Brian Palmucci

Joseph P. Shea, City Clerk  
Nicole L. Crispo, Assistant Clerk  
Jennifer L. Manning, Clerk of Committees  
Susan M. O'Connor, Auditor

City Council Meeting  
City Council  
Monday, April 25, 2016 - 7:30 PM  
The Great Hall  
**Amended**

- |     |            |  |  |
|-----|------------|--|--|
| 1.  | 2016 - 103 | Order - Nomination & Election of City Clerk  | President Hughes                       |
| 2.  | 2016 - 104 | Order - Confirmation of Thomas E. Lynn to Quincy Housing Authority<br><b>Board of Commissioners</b>                                    | Mayor Koch                             |
| 3.  | 2016 - 105 | Order - Confirmation of Mary Ann Morris as Tenant Representative to the Quincy Housing Authority Board                                 | Mayor Koch                             |
| 4.  | 2016 - 068 | Presentation - Health Commissioner Andrew Scheele on<br>Resolve - Seeking Report on the City's efforts to control and eradicate rodent | Councillor Palmucci<br>Councillor Cain |
| 5.  | 2016 - 106 | Order - Accepting of New Voter Machines  | City Clerk                             |
| 6.  | 2016 - 107 | Ordinance - Amending Chapter 288 Smoking & Tobacco – Raising the age from 18 to 21 for the sale of tobacco products/cigarettes         | Councillor DiBona                      |
| 7.  | 2016 - 108 | Gift - \$200 from Various Donors to D.A.R.E.   | Mayor Koch                             |
| 8.  | 2016 - 109 | Resolve - Against Lifting the Cap on Commonwealth Charter Schools  | Councillor Cain<br>Councillor Croall   |
| 9.  | 2016 - 110 | Resolve - Utility Construction Plan  | Councillor Laforest<br>Councillor Finn |
| 10. | 2016 - 111 | Resolve - Water and Sewer Infrastructure   | Councillor Finn                        |

2016 APR 22 PM 2:14  
CITY CLERKS OFFICE  
QUINCY, MASS 02169

It is anticipated that one or more matters contained within the City Council Calendar, including any or all listed items pending in Committee, may be discussed and acted upon at this meeting. For a full Council Calendar, go to [www.quincyma.gov](http://www.quincyma.gov)

Tel. (617) 376-1341, FAX (617) 376-1345 -TTY (617) 376-1375

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-104

ORDERED:

April 25, 2016

The Quincy City Council hereby confirms the Mayor's At-Large appointment of Thomas W. Lynn of 90 Bicknell Street to the Quincy Housing Authority Board of Commissioners. His appointment is for a five years and is effective February 1, 2016 thru the First Monday in April 2021.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-105

ORDERED:

April 25, 2016

The Quincy City Council hereby confirms the appointment of Mary Ann Morris of 170 Copeland Street to the Quincy Housing Authority Board as Tenant Representative. Her appointment is for five years, effective February 2, 2015 thru the first Monday in February 2020.



*City of Quincy, Massachusetts*

Office of the Mayor

Thomas P. Koch  
Mayor

City Hall  
1305 Hancock Street  
Quincy, MA 02169  
617-376-1990

February 26, 2016

Ms. Mary Ann Morris  
Drohan Apartments  
170 Copeland Street, #104  
Quincy, MA 02169

Dear Ms. Morris:

In accordance with the provisions of G.L.121B, sec. 5, I am asking your tenant organization provide me with at least two names, but no more than five names, for consideration by me for appointment to the Quincy Housing Authority as the tenant's representative.

The Quincy Housing Authority is composed of five appointed members, four members appointed by the Mayor of Quincy and one member appointed by the governor. Each member's term is for five years, with one term expiring each year.

There is a HUD regulation that requires local housing authorities to have a tenant from a federally subsidized unit on its board and this regulation applies to the Quincy Housing Authority. Accordingly, I am asking that the individuals you recommend to me reside in federal units.

I would greatly appreciate if you would expedite your tenant recommendation process and submit your recommendations to me on or before March 15, 2016 so that I can submit my choice to the City Council for approval as soon as possible. If you have any questions, please contact Al Grazioso, Director of Operations, at 617-376-1990. He is coordinating the selection process for me. I appreciate your assistance in this matter.

Sincerely,

Thomas P. Koch  
Mayor



*City of Quincy, Massachusetts*

Office of the Mayor

Thomas P. Koch  
Mayor

City Hall  
1305 Hancock Street  
Quincy, MA 02169  
617-376-1990

February 26, 2016

Alfred Trotman, President  
O'Brien Towers Tenant Association  
73 Bicknell Street, #323  
Quincy, MA 02169

Dear Mr. Trotman:

In accordance with the provisions of G.L.121B, sec. 5, I am asking your tenant organization provide me with at least two names, but no more than five names, for consideration by me for appointment to the Quincy Housing Authority as the tenant's representative.

The Quincy Housing Authority is composed of five appointed members, four members appointed by the Mayor of Quincy and one member appointed by the governor. Each member's term is for five years, with one term expiring each year.

There is a HUD regulation that requires local housing authorities to have a tenant from a federally subsidized unit on its board and this regulation applies to the Quincy Housing Authority. Accordingly, I am asking that the individuals you recommend to me reside in federal units.

I would greatly appreciate if you would expedite your tenant recommendation process and submit your recommendations to me on or before March 15, 2016 so that I can submit my choice to the City Council for approval as soon as possible. If you have any questions, please contact Al Grazioso, Director of Operations, at 617-376-1990. He is coordinating the selection process for me. I appreciate your assistance in this matter.

Sincerely,

Thomas P. Koch  
Mayor



*City of Quincy, Massachusetts*

Office of the Mayor

Thomas P. Koch  
Mayor

City Hall  
1305 Hancock Street  
Quincy, MA 02169  
617-376-1990

February 26, 2016

Lucreta Bolding, President  
Harborview Residents Committee  
12 Figurehead Lane, #4  
Quincy, MA 02169

Dear Ms. Bolding:

In accordance with the provisions of G.L.121B, sec. 5, I am asking your tenant organization provide me with at least two names, but no more than five names, for consideration by me for appointment to the Quincy Housing Authority as the tenant's representative.

The Quincy Housing Authority is composed of five appointed members, four members appointed by the Mayor of Quincy and one member appointed by the governor. Each member's term is for five years, with one term expiring each year.

There is a HUD regulation that requires local housing authorities to have a tenant from a federally subsidized unit on its board and this regulation applies to the Quincy Housing Authority. Accordingly, I am asking that the individuals you recommend to me reside in federal units.

I would greatly appreciate if you would expedite your tenant recommendation process and submit your recommendations to me on or before March 15, 2016 so that I can submit my choice to the City Council for approval as soon as possible. If you have any questions, please contact Al Grazioso, Director of Operations, at 617-376-1990. He is coordinating the selection process for me. I appreciate your assistance in this matter.

Sincerely,

Thomas P. Koch  
Mayor



*City of Quincy, Massachusetts*

Office of the Mayor

Thomas P. Koch  
Mayor

City Hall  
1305 Hancock Street  
Quincy, MA 02169  
617-376-1990

February 26, 2016

Kevin Matta, President  
Senior Residents Council  
73 Bicknell Street, G5  
Quincy, MA 02169

Dear Mr. Matta:

In accordance with the provisions of G.L.121B, sec. 5, I am asking your tenant organization provide me with at least two names, but no more than five names, for consideration by me for appointment to the Quincy Housing Authority as the tenant's representative.

The Quincy Housing Authority is composed of five appointed members, four members appointed by the Mayor of Quincy and one member appointed by the governor. Each member's term is for five years, with one term expiring each year.

There is a HUD regulation that requires local housing authorities to have a tenant from a federally subsidized unit on its board and this regulation applies to the Quincy Housing Authority. Accordingly, I am asking that the individuals you recommend to me reside in federal units.

I would greatly appreciate if you would expedite your tenant recommendation process and submit your recommendations to me on or before March 15, 2016 so that I can submit my choice to the City Council for approval as soon as possible. If you have any questions, please contact Al Grazioso, Director of Operations, at 617-376-1990. He is coordinating the selection process for me. I appreciate your assistance in this matter.

Sincerely,

Thomas P. Koch  
Mayor

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-106

ORDERED:

April 25, 2016

The City Council hereby approves to discontinue use of the Accuvote ballot scanning and tabulation voting equipment and implement the IMAGECAST scanning and tabulation voting equipment beginning with the September 8, 2016 State Primary and all election and primaries federal, state and local from that date forward.

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-107

ORDERED:

April 25, 2016

**A REGULATION LIMITING TOBACCO AND NICOTINE ACCESS BY YOUTH  
("YOUTH ACCESS REGULATION")**

**WHEREAS**, there exists conclusive evidence that tobacco smoke causes cancer, cardiovascular disease, respiratory disease, negative birth outcomes, allergies, and irritation to the eyes, nose, and throat; and whereas the majority of all smokers begin smoking as teenagers; an estimated three thousand (3,000) minors begin smoking every day in the United States; and the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products remains a major problem; and

**WHEREAS**, the U.S. Food and Drug Administration has conducted laboratory testing which found that e-cigarettes contain toxic chemicals and carcinogens; and has further determined that the use of certain unregulated nicotine delivery products, which contain addictive nicotine, present a strong potential for subsequent use and addiction to tobacco products, particularly among youth; and e-cigarettes and other unregulated nicotine delivery products are not approved for tobacco cessation; and the present regulatory gap in state and federal law allows for these products to be sold to minors; and

**WHEREAS**, nicotine has been found to increase blood pressure, respiration and heart rate and has been observed to contribute to cardiovascular disorders including cardiomyopathy, peripheral vascular disease, atherosclerosis, hypertension, direct coronary spasm and ischemia, potentially leading to coronary artery disease and myocardial infarction; and

**WHEREAS**, in a Massachusetts sample of 5,000 youth age twelve to eighteen years, 16.4% reported they had smoked a cigar; and whereas youth cigar use has grown in Quincy, even as youth cigarette smoking decreased nearly 50% between 1995 and 2009; the price of a pack of cigarettes can be more than ten times the price of a single cigar since minimum packaging requirements, bans on flavoring, and certain taxes do not presently apply to cigars; and lower priced cigars are attractive to youth looking for a less expensive alternative to cigarettes; and nicotine levels in cigars are generally much higher than nicotine levels in cigarettes; and

**NOW THEREFORE** in furtherance of its mission to protect, promote, and preserve the health and wellbeing of Quincy citizens, the City of Quincy enacts A Regulation Limiting Tobacco and Nicotine Access by Youth (hereinafter “Youth Access Regulation” or “Regulation”) as follows:

## **SECTION I. GUIDELINES**

The Quincy Public Health Commission (“Commission”) may issue guidelines for the implementation of these regulations, including but not limited to definitions of terms as used in these regulations and in the guidelines. In the event of a conflict between these regulations and the guidelines, as either may be amended, the regulations shall control.

## **SECTION II. DEFINITIONS**

1. Bidi (also spelled “beedie”) means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any product that is offered to, or purchased by, consumers as bidis.
2. Business Agent means an individual who has been designated by the owner or operator of a retail establishment to be the manager or otherwise in charge of said establishment.
3. Blunt Wrap means cigarette-like rolling paper that is thick and dark and usually made from tobacco leaves. Blunt wraps come in flavored varieties and are heavily marketed to the youth and often used as drug paraphernalia.
4. Characterizing Flavor means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or nicotine delivery product or component part thereof, including but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco or nicotine delivery product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma or because of the provision of ingredient information.
5. Cigar means any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece.
6. Cigarette shall be defined as that term is defined in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §1331 et seq. (“FCLAA”).
7. Component Part means any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.
8. Constituent means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.

9. E-Cigarette means any electronic device composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.
10. Educational Institution means any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.
11. Employee means any individual who performs services for an employer in return for wages or profit.
12. Employer means any individual, partnership, association, corporation, trust, or other organized group of individuals, including the City of Quincy or any agency thereof, which regularly uses the services of one (1) or more employee.
13. Flavored Tobacco Product means any tobacco product or any component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is flavored.
14. Health Care Institution means an individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.
15. Nicotine Delivery Product means any manufactured article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed medical provider or a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, ECigarettes.
16. Retailer means any person or entity who sells tobacco or nicotine delivery products to individuals in the City of Quincy, or who operates a facility located within the City of Quincy where tobacco product vending machines are located.
17. Retail Establishment means any physical place of business or section of a physical place of business where tobacco or nicotine delivery products are offered to consumers. The term shall include those portions of any physical place of business where vending machines that dispense tobacco products are located.
18. Retail Tobacco Store means a retail establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of twenty-one (21) is prohibited at all times.

19. Smoking Bar means an instrument whose business is primarily devoted to the serving of tobacco products for consumption by guests on the premises and in which the serving of food or alcohol is incidental to the consumption of such tobacco products and prohibits the entry of persons under the age of twenty-one (21) at all times. Such establishment must demonstrate annually that revenue generated from the serving of tobacco products is equal to or greater than sixty percent (60%) of the total combined revenue generated by the serving of such tobacco products, beverages, and food.
20. Tobacco Product shall be defined as a cigarette, cigars, chewing tobacco, pipe tobacco, bidi, snuff, or other tobacco or nicotine delivery product in any form.

### **SECTION III. SALE OF TOBACCO PRODUCTS**

1. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to sell or distribute a tobacco product to a person under twenty-one (21) years of age.
2. A retailer, retail establishment, or other individual or entity shall request and examine a government-issued photographic identification prior to the sale of a tobacco product to a person appearing under twenty-seven (27) years of age.
3. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed an individual cigarette or bidi or any package that contains fewer than twenty (20) cigarettes or bidis.
4. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed a cigar unless the cigar is contained in an original package of at least four (4) cigars.
5. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco product to a consumer. This provision shall not apply to a retail tobacco store or smoking bar as defined by this regulation.
6. No retailer, retail establishment, or other individual or entity shall sell or cause to be sold a tobacco product by means of a self-service or free-standing display unless such display is in strict compliance with the regulations promulgated by the Office of the Attorney General, specifically including, but not limited to 940 CMR 21.04.
7. No retailer, retail establishment, or other individual or entity shall sell or cause to be sold a tobacco product by means of a vending machine or any other device used in the sale of a tobacco product, if such machine unless such machine:
  - a. is located in a private club or bar licensed to sell or serve alcoholic beverages by the Licensing Board of the City of Quincy; and
  - b. is equipped with a lock-out device and posted with a sign not less than six inches by sixteen inches reading, "Attention! This machine is equipped with a lockout device. To purchase a tobacco product, you must first see the person in charge."
8. No educational institution located in the City of Quincy shall sell or cause to be sold tobacco products, including nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

9. No health care institution located in the City of Quincy shall sell or cause to be sold tobacco products, including nicotine delivery products. Additionally, no retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.
10. No retailer, retail establishment, or other individual or entity shall sell or cause to be sold blunt wraps.
11. A retailer, retail establishment, or employer shall not allow an employee or other individual to sell a tobacco product in accordance with this regulation until such employee or individual has signed a statement acknowledging that he/she has read and understands the Youth Access Regulation. A copy of such statement of acknowledgment shall be placed on file with the retailer, retail establishment, or employer.
12. A retail establishment that sells tobacco products shall obtain a Permit for Location and Sale of Tobacco Products in the form and manner prescribed by the City of Quincy.
13. An annual permit fee as determined by the Quincy Public Health Commission's Executive Director shall be assessed annually.
14. A retailer shall post the permit in a clear and conspicuous manner.
15. A Permit expires annually on December 31st and shall be valid for a maximum term of one year, renewable annually on January 1st.
16. A permit is non-transferable.
17. Permit applications and renewal applications are granted at the discretion of the Tobacco Prevention & Control Program, and may be denied upon consideration of previous violations of this Regulation or other applicable law by the applicant establishment or an individual associated with the retailer.

#### **SECTION IV. SALE OF NICOTINE DELIVERY PRODUCTS**

1. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to sell or distribute a nicotine delivery product to a person under twenty-one (21) years of age.
2. In the event of a prospective purchase of a nicotine delivery product at retail by a person who appears to be under twenty-seven (27) years of age, the employee responsible for completion of the sale shall request and examine a government-issued photographic identification establishing the purchaser's age as twenty-one (21) years or greater.
3. No retailer, retail establishment, or other individual or entity shall sell or cause to be sold a nicotine delivery product by means of a self-service or free-standing display unless such display is in strict compliance with the regulations promulgated by the Office of the Attorney General, specifically including, but not limited to 940 CMR 21.04.

4. No retailer, retail establishment, or other individual or entity shall sell or cause to be sold a nicotine delivery product by means of a vending machine or any other device used in the sale of a nicotine delivery product, unless such machine, in strict compliance with City of Quincy, Ordinances:
  - a. is located in a private club or bar licensed to sell or serve alcoholic beverages by the Licensing Board of the City of Quincy; and
  - b. is equipped with a lock-out device and posted with a sign not less than six inches by sixteen inches reading, “Attention! This machine is equipped with a lockout device. To purchase a tobacco product, you must first see the person in charge.”
5. No retailer shall allow any employee to sell a nicotine delivery product in accordance with this regulation until such employee reads the Youth Access Regulation and signs a statement acknowledging that he/she understands the Regulation, a copy of which will be placed on file in the office of the employer or retailer.
6. A retailer who sells nicotine delivery products shall apply for a Permit for Location and Sale of Nicotine Delivery Products in the form and manner prescribed by Tobacco Control.
7. An annual fee for a Permit for Location and Sale of Nicotine Delivery Products as determined by the Commission’s Executive Director shall be assessed annually.
8. A retailer shall post in a clear and conspicuous manner a valid Permit for Location and Sale of Nicotine Delivery Products.
9. A Permit for Location and Sale of Nicotine Delivery Products expires annually on December 31st and shall be valid for a maximum term of one year, renewable annually on January 1st.
10. A permit is non-transferable.
11. Permit applications and renewal applications are granted at the discretion of the Tobacco Prevention & Control Program, and may be denied upon consideration of previous violations of this Regulation or other applicable law by the applicant establishment or an individual associated with the retailer.

## **SECTION V. EXCEPTIONS**

1. Sections III (4) and III (65) of this regulation shall not apply to retail tobacco stores.
2. Section III (4) shall not apply to:
  - a. the sale or distribution of any cigar having a wholesale price of more than two dollars (\$2.00) or a retail price of more than two dollars and fifty cents (\$2.50) as adjusted from time to time to reflect inflation in accordance with the Consumer Price Index; and
  - b. a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of the City of Quincy.

**SECTION VI. SIGNAGE**

A retailer shall post in a clear and conspicuous manner at all points of sale signage as provided in the guidelines issued pursuant to Section I.

**SECTION VII. PENALTIES FOR VIOLATION**

1. It shall be the responsibility of the retailer, retail establishment, permit holder and/or individual in charge of the area where tobacco products are being sold to ensure compliance with all applicable sections of this regulation.
2. Any fines collected under this regulation shall be used for the enforcement of this regulation and/or for educational programs on the harmful effects of tobacco and nicotine delivery products.
3. The permit holder and/or individual in charge of the area where tobacco and/or nicotine delivery products are being sold, or person involved in violating any of the provisions of these regulations may receive a fine or permit suspension, revocation or non-renewal as follows:
  - a. In the case of a first violation, the retail establishment shall be fined two hundred dollars (\$200.00).
  - b. In the case of a second violation within twenty-four (24) months, the retail establishment shall be fined four hundred dollars (\$400.00) and the Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products shall be suspended for seven (7) consecutive business days.
  - c. In the case of a third violation within twenty-four (24) months, the retail establishment shall be fined six hundred dollars (\$600.00) and the Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products shall be suspended for thirty (30) consecutive business days.
  - d. In the case of a fourth violation within twenty-four (24) months, the retail establishment shall be fined eight hundred dollars (\$800.00) and the Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products shall be suspended for sixty (60) consecutive business days.
4. Tobacco Control may revoke a Permit upon the fifth and subsequent violation.
5. During the time that a Permit is suspended for a violation of the Regulation, all tobacco products and nicotine delivery products shall be removed from the retail establishment.
6. In the event that a retailer or retail establishment does not respond to a citation within twenty-one (21) days either by sending the appropriate payment or requesting a hearing, the permit shall be automatically suspended and the City of Quincy may: file a complaint in any court of competent jurisdiction; and/or; pursue any other remedy as warranted by law.
7. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the City of Quincy from suspending, denying, or revoking any license or permit issued by and within the jurisdiction of such department or agency for repeated violations of this regulation.

**SECTION VIII. APPEALS**

1. Any retailer, retail establishment, or other individual or entity charged with violation of any provision of this regulation shall receive a citation from a designated agent of the Commission. Such citation and any subsequent hearing notification shall be deemed a Notice of Action within the meaning of 801 CMR 1.02(6). Unless waived, the City of Quincy shall conduct an Administrative Hearing before a designated Hearing Officer and in accordance with procedures approved by the Commission's Executive Director, to determine the facts of the violation, the appropriate fine, if any, and/or the appropriate term of suspension, if any. 2. A retailer, retail establishment, or other individual or entity cited for violation of this regulation wishes to appeal the findings or rulings of the Hearing Officer he/she shall file a written appeal, and any supporting memoranda and documents, within twenty-one (21) days of the date the Hearing Officer's decision is issued. The City of Quincy shall file any response to the appeal within fifteen (15) days of the date of receipt of the appeal is filed.
3. The Commission's Executive Director or his/her designee shall review the appeal and may hear oral argument. The Executive Director or his/her designee shall make a written finding and recommendation. The Executive Director's decision shall be the final decision of the Commission.
4. Failure to pay the fine, if upheld, within twenty-one (21) days of the date of final decision of the Commission shall result in automatic suspension of the permit.

**SECTION IX. ENFORCEMENT**

1. Authority to enforce this regulation shall be held by the City of Quincy Public Health Commission, its subsidiary programs or designees; the City of Quincy Inspectional Services Department, and the Quincy Police Department.
2. Any person may register a complaint under this Regulation to initiate an investigation and enforcement with the Boston Public Health Commission, its subsidiary programs or designees.
3. Any fines or fees collected under this regulation shall be used for the enforcement of these regulations and/or for educational programs on the harmful effects of tobacco and/or nicotine.

**SECTION X. RETALIATION**

No person, retailer, or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this regulation or exercises any right conferred by this regulation.

**SECTION XI. PREEMPTION**

Nothing in this Regulation shall be deemed to preempt the further limitation of the sale of tobacco products in the City of Quincy by any local regulatory body within the limits of its authority and jurisdiction.

**SECTION XII. SEVERABILITY**

If any provision, clause, sentence, paragraph or word of this Regulation or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this Regulation are declared severable.

**Section XIII. EFFECTIVE DATE**

Amendments to this regulation shall take effect immediately upon passage by the City of Quincy, except that Section III (4) shall take effect sixty (60) days from the date of passage.

Authority: M.G.L. c. 111 § 5; M.G.L c. 111 § 31; M.G.L. c. 111, App. §§ 2-6(b), 27

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-108

ORDERED:

April 25, 2016

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

DONOR	GIFT	PURPOSE
Various Donors	\$200.00	D.A.R.E. Program

Deposit To: 31194 - 484000

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MARCH 30, 2016

TO: The Quincy City Council

Please accept the following gift

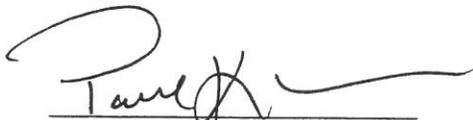
PURPOSE: DONATION FOR DARE PROGRAM.  
TOTAL AMOUNT \$50.00

ACCOUNT # 31194-484000

DONOR: DONOVAN BROTHERS AUTOMOTIVE

CONTACT: PETER DONOVAN

 ADDRESS: 610 HANCOCK ST  
QUINCY MA 02170

  
Paul Keenan  
Chief Of Police

**D.A.R.E.**

Quincy Police Department  
1 Sea St.  
Quincy, MA 02169  
617-745-5735

*To Resist Drugs and Violence*

Donation to DARE: 50.00

Contact: Peter Donovan  
Donovan Brothers Automotive  
610 Hancock St.  
Quincy MA. 02170

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

APRIL 12, 2016

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE PROGRAM.  
TOTAL AMOUNT \$150.00

ACCOUNT # 31194-484000

DONOR: COASTAL HERITAGE BANK

CONTACT: MR. JACK PELRINE SVP

 ADDRESS: 195 WASHINGTON ST  
WEYMOUTH MA 02188

  
Paul Keenan  
Chief Of Police

**D.A.R.E.**

Quincy Police Department  
1 Sea St.  
Quincy, MA 02169  
617-745-5735

*To Resist Drugs and Violence*

Donation to DARE: 150.00

Contact: Mr. Jack Pelrine SVP  
Coastal Heritage Bank  
195 Washington Street  
Weymouth MA. 02188

INTRODUCED BY: **WARD THREE COUNCILLOR – IAN C. CAIN**  
**WARD TWO COUNCILLOR – BRAD L. CROALL**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-109

ORDERED:

April 25, 2016

**Resolution Against Lifting the Cap on  
Commonwealth Charter Schools**

**WHEREAS**, free public schools available to all students regardless of income, ability, need or English language proficiency are foundational to our democracy; and

**WHEREAS**, all of our students deserve high-quality public schools that teach the whole child, providing enrichment and addressing social and emotional needs in addition to core academic subjects; and

**WHEREAS**, local accountability for our public schools is necessary to ensure that schools are responsive to the needs of their communities; and

**WHEREAS**, Quincy is losing \$382,828 to Commonwealth charter schools and public school districts across the state are losing more than \$408 million this year alone — a loss of funds that is undermining the ability of districts to provide all students with the educational services to which they are entitled; and

**WHEREAS**, Commonwealth charter schools are often approved over the objections of a majority of community residents and their elected officials and are not accountable to local elected officials once they are approved; and

**WHEREAS**, Commonwealth charter schools often fail to serve the same proportion of special needs students, low-income students and English language learners as the districts from which they receive students and often use high suspension rates to drive out students they don't want to serve; and

**WHEREAS**, the Commonwealth charter school system is creating separate and unequal opportunities for success; and

**WHEREAS**, lifting the cap on charter schools would greatly worsen the problems listed above and lead to a costly and divisive two-track school system,

**THEREFORE BE IT RESOLVED**, that the Quincy City Council opposes lifting the cap on Commonwealth charter schools.