



City of Quincy

Massachusetts

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

Brad L. Croall
Kevin F. Coughlin
Joseph G. Finn, President
Douglas S. Gutro

Kirsten L. Hughes
Margaret E. Laforest
Michael E. McFarland
Brian F. McNamee
Brian Palmucci

Joseph P. Shea, Clerk
Nicole L. Crispo Asst. Clerk
Jeanne Reardon, Clerk of Committees
Susan M. O'Connor, Auditor

MONDAY APRIL 7, 2014

7:30 PM CITY COUNCIL MEETING

**Commendations: Recognition of Girl Scouts
Gold, Silver and Bronze Award Recipients**

- 1. Update from Administration on redrawn FEMA
Flood maps- 2014-41- Mayor Koch**
- 2. Appropriation- \$473,540.00 to Water Enterprise account Stabilization
Fund- transfer from Water Enterprise fund free cash
-Mayor Koch**
- 3. Appropriation- \$1,230,401.00 to Sewer Enterprise account
Stabilization fund- transfer From Sewer Enterprise
fund, free cash – Mayor Koch**
- 4. Appropriation- \$250,00.00 to Park Dept. –Reconstruction of
Faxon Park Playground Transfer from C.P.C-
-Mayor Koch**
- 5. Appropriation- \$150,000.00 to Park Dept – Tree planting
Transfer from Free Cash- Mayor Koch**

RECEIVED
2014 APR -3 AM 10:14
CITY OF QUINCY
OFFICE OF THE CLERK
QUINCY, MASS. 02169

6. Amend-

**City Ordinance- Zoning Ordinance Add-Sec 6.9A
Medical Marijuana Home Cultivation- and Amend
Section 10- Councilor Palmucci**

7. Gift-

\$325.00 to D.A.R.E Various donors- Mayor Koch

RECEIVED
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CITY CLERK'S OFFICE
QUINCY, MASS. 02169

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

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



**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2014

ORDERED: 2014- April 7, 2014

Upon the recommendation of the Commissioner of Public Works and with the approval of his Honor, the Mayor, the following sum be appropriated:

The sum of \$473,540 to Water Enterprise Account Stabilization Fund.

The same to be charged to Water Enterprise Free Cash.

PASSED TO BE ORDAINED

ATTEST:

CLERK OF COUNCIL

YEAS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci
NAYS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci

City of Quincy
 Water and Sewer Enterprise Funds
 Stabilization Balances By Year

Water Enterprise Fund

Fiscal Year	Beginning Balance	Appropriations In/(Out)	Interest Applied	Final Balance	Unappropriated Free Cash	Total
FY2010	\$ -	\$ 1,086,342.00	\$ -	\$ 1,086,342.00	\$ -	\$ 1,086,342.00
FY2011	\$ 1,086,342.00	\$ -	\$ -	\$ 1,086,342.00	\$ -	\$ 1,086,342.00
FY2012	\$ 1,086,342.00	\$ 951,938.00	\$ 2,224.41	\$ 2,040,504.41	\$ -	\$ 2,040,504.41
FY2013	\$ 2,040,504.41	\$ 628,722.00	\$ 5,442.51	\$ 2,674,668.92	\$ -	\$ 2,674,668.92
FY2014	\$ 2,674,668.92	\$ -	\$ -	\$ 2,674,668.92	\$ 473,540.00	\$ 3,148,208.92

Sewer Enterprise Fund

Fiscal Year	Beginning Balance	Appropriations In/(Out)	Interest Applied	Final Balance	Unappropriated Free Cash	Total
FY2010	\$ -	\$ 458,857.00	\$ -	\$ 458,857.00	\$ -	\$ 458,857.00
FY2011	\$ 458,857.00	\$ -	\$ -	\$ 458,857.00	\$ -	\$ 458,857.00
FY2012	\$ 458,857.00	\$ 346,306.00	\$ 901.28	\$ 806,064.28	\$ -	\$ 806,064.28
FY2013	\$ 806,064.28	\$ 1,099,045.00	\$ 2,324.76	\$ 1,907,434.04	\$ -	\$ 1,907,434.04
FY2014	\$ 1,907,434.04	\$ (1,494,665.00)	\$ -	\$ 412,769.04	\$ 1,230,401.00	\$ 1,643,170.04

2

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3/18/2014

Water & Sewer Stabilization Funds

	WATER	SEWER
Balance 1/21/14	\$2,674,668.92	\$1,907,434.04
Transfer 1/21/14		-\$1,494,665.00
3/18/14 Balances	\$2,674,668.92	\$412,769.04
FY13 Free Cash	\$473,540.00	\$1,230,401.00
New Combined Balances	\$3,148,208.92	\$1,643,170.04

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**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2014

ORDERED: 2014- April 7, 2014

Upon the recommendation of the Commissioner of Public Works and with the approval of His Honor, the Mayor, the following sums be appropriated:

The sum of \$1,230,401 to Sewer Enterprise Account Stabilization Fund.

Same to be charged to Sewer Enterprise Fund Free Cash.

PASSED TO BE ORDAINED

ATTEST:

CLERK OF COUNCIL

YEAS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci
NAYS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci

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**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2014

ORDERED: 2014- April 7, 2014

Upon the recommendation of the Executive Director of Parks, Forestry and Cemetery, and with the approval of his Honor, the Mayor, the sum of \$250,000.00 in Community Preservation funds Is appropriated for the reconstruction of the playground at Faxon Park.

The same to be transferred from the city's Community Preservation Fund.

PASSED TO BE ORDAINED

ATTEST:

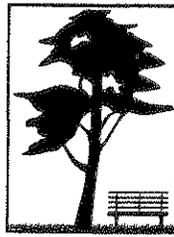
CLERK OF COUNCIL

YEAS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci

NAYS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci

Thomas P. Koch
Mayor

Christopher R. Cassani
Executive Director



City of Quincy
PARK
DEPARTMENT

Christopher R. Rooney
Program Manager

Richard J. Koch Family Park and Recreation Complex
One Merrymount Parkway, Quincy, MA 02170
(617) 376-1251 Fax: (617) 376-1259

MEMORANDUM

Date: March 31, 2014
To: The Honorable Thomas P. Koch
From: City of Quincy Park Department *CRC*
Christopher R. Cassani, Executive Director
Subject: Faxon Park CPC Application

This memo serves as notification that the Quincy Park Department has received approval of \$250,000 in Community Preservation Committee funding for the reconstruction of the playground at Faxon Park. This money, once approved by the City Council, will be coupled with a grant from the Patrick Administration, and it will allow the Park Department to execute a major component of the Faxon Park Master Plan.

In January, the Park Department became aware that Governor Deval Patrick created a playground reconstruction grant program called "Our Common Backyard". Every city in the commonwealth was awarded the opportunity to submit an application for a grant of up to \$200,000. The Park Department submitted an application before the February 14th, 2014 deadline. After the application was submitted, we conducted a site visit at Faxon Park with Melissa Cryan of the Massachusetts Department of Energy and Environmental Affairs. After meeting, we received preliminary approval for our application and expect the amount awarded to be between \$150,000 and \$200,000 (we still await final dollar amounts). Ms. Cryan indicated that the state would like to see all projects completed by the end of 2014. We hope to have a definite answer as of next week as to what funds will be awarded.

The completion of this project was made possible by the allocation of design monies, per your request, in 2012. Had the Park Department not been able to engage in design work with Park Planning Associates we would not be able to take advantage of this unforeseen, and most welcomed, opportunity. We have outlined roughly \$450,000 in work, including the complete rehabilitation of the playground, installation of new parking spaces, drainage control, ADA compliance measures and general improvements to the entrance to the park. We expect to go out to bid for construction of the project within the next 2-4 weeks.

**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2014

ORDERED: 2014- April 7, 2014

Upon the recommendation of the Executive Director of Parks, Forestry and Cemetery, and with the approval of his Honor, the Mayor, the sum of \$150,000.00 is appropriated to Improvements: Trees Account # 580404, for the funding of a city-wide tree planting.

The same to transferred from the city's Free Cash account.

PASSED TO BE ORDAINED

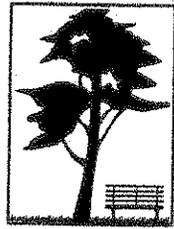
ATTEST:

CLERK OF COUNCIL

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NAYS Coughlin, Croall, Finn, Gutro, Hughes, LaForest, McFarland, McNamee, Palmucci

Thomas P. Koch
Mayor

Christopher R. Cassani
Executive Director



City of Quincy
PARK
DEPARTMENT

Christopher R. Rooney
Program Manager

Richard J. Koch Family Park and Recreation Complex
One Merrymount Parkway, Quincy, MA 02170

(617) 376-1251 Fax: (617) 376-1259

MEMORANDUM

To: The Honorable Thomas P. Koch

From: Christopher R. Cassani, Executive Director *CR*
Park, Forestry and Cemetery Departments

Date: 13 March 2014

Re: Tree planting

This memo serves as a request for consideration for funding for a city-wide tree planting. We respectfully request \$150,000 for this purpose.

Over the past several months we have been soliciting tree planting requests via the city's website. In addition we have been working with representatives from the Quincy Housing Authority for a large-scale tree planting in Germantown. Between those two categories we are looking at a planting in the neighborhood of 225 trees.

We have also identified additional areas for tree plantings, including: the site of the former Quincy High School, Mount Wollaston Cemetery and the Broad Meadows Marsh. We envision planting an additional 75-100 trees between those sites.

Last year we spent \$100,000 to plant approximately 225 trees. The larger scope of this year's planting justifies the additional \$50,000 request.

I am happy to answer any questions you may have. Thank you for your consideration.

INTRODUCED BY:

WARD FOUR COUNCILLOR BRIAN PALMUCCI

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**CITY OF QUINCY
IN COUNCIL**

ORDER NO.

ORDERED:

BE IT ORDAINED, that the City of Quincy Zoning Ordinance be amended to include the following: Add Section 6.9A MEDICAL MARIJUANA HOME CULTIVATION and amend Section 10 to include definition of MEDICAL MARIJUANA HOME CULTIVATION, as detailed below respectively.

6.9A MEDICAL MARIJUANA HOME CULTIVATION

6.9A.1 Purpose. It is the purpose of this section titled Medical Marijuana Home Cultivation to address and mitigate the secondary effects of Medical Marijuana Home Cultivation that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the City, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the City. All of said secondary impacts are adverse to the health, safety and general welfare of the City and its inhabitants. It is the purpose of this ordinance to establish specific standards and procedures for local licensing of medical marijuana cultivation sites, cultivation operations.

The provisions of this Ordinance have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials. Similarly, it is not the purpose or intent of this Ordinance to restrict or deny access by adults to Medical Marijuana or to other related matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors of such materials may have to sell or distribute such materials. Neither is it the purpose or intent of this Ordinance to legalize the sale, rental, or distribution of illicit or other illegal matter or materials. It is not the intent of this Ordinance to in any way to interfere with the bona fide doctor-patient relationship or require unnecessary or arbitrary disclosure of protected health care information.

6.9A.2 General. Medical Marijuana Home Cultivation may be authorized by special permit to be issued by the City of Quincy's Commissioner of Public Health upon proof of hardship requiring such cultivation. The following regulations shall apply to Medical Marijuana Home Cultivation as defined in this Ordinance.

6.9A.3 Hardship. A hardship under this Ordinance shall be defined using the criteria set forth in 105 CMR 725.035 Sections (A) and (B), incorporated herein by reference.

6.9A.4 Privacy Rights. The Commissioner of Public Health shall not share any information obtained during the Permitting process outlined herein with any other agency in local, state, or federal government, nor with the public. The privacy rights of bona fide patients shall be protected at all times, and the Commissioner of Public Health shall be charged with implementing appropriate procedures and safeguards to ensure said privacy.

6.9A.5 Law Enforcement Access. Upon the showing of probable cause that a crime has been committed, as determined by the Commissioner of Public Health in written findings, the address of a home cultivation site may be shared with the Quincy Police Chief. The only crimes for which disclosure of said address is permissible are the distribution or manufacturing of a controlled substance. Upon said showing, the only information which may be shared with the Quincy Police Chief under this Ordinance is the physical address of the cultivation site. No other information relative the name of the patient or the medical condition of the patient, or the name of the physician, or any other protected medical information which may be in the possession of the Commissioner of Public Health shall be disseminated for any purpose.

6.9A.6 Filing Fee. A non-refundable registration fee of \$500 (Five Hundred Dollars) is due and payable to the City of Quincy upon application for a Home Cultivation Permit, unless waived by the Commissioner of Public Health pursuant financial hardship criteria to be promulgated in writing by the Commissioner within 30 (Thirty) days of passage of this Ordinance.

6.9A.7 Term of License. Any local Permit issued pursuant to this Ordinance shall be valid for a period of two years from the date of issuance. Any renewal of the license shall be governed by the standards and procedures set forth in this Ordinance and any regulations adopted pursuant thereto by the Commissioner of Public Health.

6.9A.8 Conflict of Laws. In the event of any conflict between the provisions of this Ordinance and any other applicable state or local law, the stricter provision, as deemed by the Zoning Administrator, shall control.

6.9A.9 Violation. In the event that a Medical Marijuana Home Cultivation Site is discovered to be operating in the City of Quincy without a Special Permit, the property owner shall be liable for a fine up to \$10,000, to be levied at the discretion of Commissioner of Public Health.

6.9A.10 Prohibition. No Medical Marijuana Home Cultivation Site special permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, s. 63, or G.L. c. 94C, or similar laws in other jurisdictions. Any applicant for licensure under this Ordinance must allow for a criminal background check which includes jurisdictions beyond Massachusetts.

6.9A.11 Separation. No Medical Marijuana Home Cultivation Site shall be located within 1,500 (Fifteen Hundred) linear feet of any school or child care establishment.

10 DEFINITIONS

Medical Marijuana Home Cultivation Site: Shall include and be defined as follows:

Any property, commercial, industrial, residential, or other having as any portion of its use,

indoor or outdoor, the growth and/or cultivation of medical marijuana, or the manufacturing or sale of marijuana infused products, that is not a registered and licensed Medical Marijuana Dispensary with the Department of Public Health.

YEAS Coughlin, Croall, Finn, Hughes, McNamee, Gutro, Laforest, McFarland, Palmucci

NAYS Coughlin, Croall, Finn, Hughes, McNamee, Gutro, Laforest, McFarland, Palmucci

105 CMR: Department of Public Health

- (3) A copy of the dispensary agent's driver's license, government-issued identification card, or other verifiable identity document acceptable to the Department;
 - (4) An attestation that the individual will not engage in the diversion of marijuana;
 - (5) A non-refundable application fee; and
 - (6) Any other information required by the Department.
- (C) A RMD executive registered with the Department of Criminal Justice Information Systems pursuant to 105 CMR 725.100(A)(7) must submit to the Department a Criminal Offender Record Information (CORI) report for each individual for whom the RMD seeks a dispensary agent registration, obtained within 30 calendar days prior to submission.
- (D) A RMD must notify the Department no more than one business day after a dispensary agent ceases to be associated with the RMD. The dispensary agent's registration shall be immediately void when he or she is no longer associated with the RMD.
- (E) A registration card will be valid for one year from the date of issue, and may be renewed, in a form and manner determined by the Department, on an annual basis by meeting the requirements in 105 CMR 725.030 (A)-(C).
- (F) After obtaining a registration card for a dispensary agent, a RMD is responsible for notifying the Department, in a form and manner determined by the Department, as soon as possible, but in any event, within five business days after any changes to the information that the RMD was previously required to submit to the Department, or after discovery that a registration card has been lost or stolen.
- (G) A dispensary agent must carry his or her registration card at all times while in possession of marijuana, including at all times while at a RMD or while transporting marijuana.
- (H) A dispensary agent affiliated with multiple RMDs must be registered as a dispensary agent by each RMD.

725.035: Hardship Cultivation Registration

- (A) A qualifying patient registered with the Department pursuant 105 CMR 725.015 may apply for a hardship cultivation registration if such patient can demonstrate that his or her access to a RMD is limited by:
- (1) Verified financial hardship; or
 - (2) Physical incapacity to access reasonable transportation, as demonstrated by an inability to use public transportation or drive oneself, lack of a personal caregiver with a reliable source of transportation, and lack of a RMD that will deliver marijuana to the patient's or personal caregiver's primary address; or
 - (3) Lack of a RMD within a reasonable distance of the patient's residence and lack of a RMD that will deliver marijuana to the patient's or personal caregiver's primary address.

105 CMR: Department of Public Health

- (B) To obtain a hardship cultivation registration, a registered qualifying patient shall, in a form and manner determined by the Department, submit the following:
- (1) A non-refundable registration fee, unless waived pursuant to 105 CMR 725.015(A)(7);
 - (2) Information supporting a claim that access is limited due to one or more of the circumstances listed in 105 CMR 725.035(A);
 - (3) An explanation including lack of feasible alternatives to mitigate the limitation claimed under 105 CMR 725.035(A);
 - (4) A description and address of the single location that shall be used for the cultivation of marijuana, which shall be either the registered qualifying patient's or one personal caregiver's primary residence;
 - (5) A written explanation of how the qualifying patient will cultivate marijuana in accordance with the requirements of 105 CMR 725.035;
 - (6) A description of the device or system that will be used to ensure security and prevent diversion of the marijuana plants being cultivated;
 - (7) Written acknowledgement of the limitations on his or her authorization to cultivate, possess, and use marijuana for medical purposes in the Commonwealth; and
 - (8) Any other information required by the Department.
- (C) The Department shall review and approve or deny an application for a hardship cultivation registration within 30 calendar days of receipt of a completed application.
- (D) A registered qualifying patient with a hardship cultivation registration, or his or her personal caregiver(s), may cultivate only at the location specified in the application approved by the Department.
- (E) At any given location, cultivation may occur pursuant to only one hardship cultivation registration, absent proof that more than one registered qualifying patient resides at the location.
- (F) A hardship cultivation registration will be valid for one year from the date of issue, and may be renewed, in a form and manner determined by the Department, on an annual basis by meeting the requirements in 105 CMR 725.035(B).
- (G) A hardship cultivation registration shall allow the registered qualifying patient or his or her personal caregiver(s) to cultivate a limited number of plants sufficient to maintain a 60-day supply of marijuana solely for that patient's use, or as further specified by the Department.
- (H) Cultivation and storage of marijuana shall be in an enclosed, locked area accessible only to the registered qualifying patient or his or her personal caregiver(s), subject to 105 CMR 725.650. Marijuana shall not be visible from the street or other public areas.

- (I) A registered qualifying patient or his or her personal caregiver(s) cultivating marijuana pursuant to a hardship cultivation registration shall adhere to industry best practices in the cultivation of marijuana plants and storage of finished product, and any standards specified by the Department.
- (J) A registered qualifying patient and his or her personal caregiver(s) is prohibited from selling, bartering, giving away or distributing in any manner marijuana or paraphernalia.
- (K) The Department may inspect the cultivation site of a registered qualifying patient with a hardship cultivation registration, or the cultivation site of his or her personal caregiver(s), at any time. Acceptance of a hardship cultivation registration by a registered qualifying patient constitutes consent for such inspection of the cultivation site.
- (L) A registered qualifying patient who received written certification of a debilitating medical condition from a physician prior to enactment of 105 CMR 725.000, or prior to the Department accepting applications for hardship cultivation registration, and who used that written certification as a limited cultivation registration, must apply for a hardship cultivation registration according to the procedures set out in 105 CMR 725.035(B) no later than January 1, 2014, if he or she intends to continue to cultivate marijuana; however the initial limited cultivation registration will remain valid until the application for the hardship cultivation registration card is approved or denied by the Department.
- (M) After obtaining a hardship cultivation registration, a registered qualifying patient is responsible for notifying the Department, in a form and manner determined by the Department, within five business days after any change to the information that he or she or his or her personal caregiver(s) was previously required to submit to the Department.
- (N) A registered qualifying patient with a hardship cultivation registration, or his or her personal caregiver(s) if applicable, must have the registration available at the site of cultivation. Such registration must be made available upon request of the Department or other government agency acting within their lawful authority.
- (O) A registered qualifying patient with a hardship cultivation registration, or his or her personal caregiver(s) if applicable, is prohibited from purchasing marijuana from a RMD, provided however that such individuals may purchase seeds.

725.100: Registration of Registered Marijuana Dispensaries

(A) General Requirements

- (1) A RMD is required to incorporate pursuant to M.G.L. c. 180 and to maintain the corporation in good standing with the Secretary of the Commonwealth. A RMD must operate on a non-profit basis for the benefit of registered qualifying patients. Such corporation must ensure that revenue of the RMD is used solely in furtherance of its non-profit purpose.

INTRODUCED BY



**CITY OF QUINCY
IN COUNCIL**

ORDER NO. 2014

April 7, 2014

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

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Various Donors	\$325.00	D.A.R.E

Deposit To: 31194-484000

PASSED TO BE ORDAINED APRIL 7, 2014

ATTEST:

CLERK OF COUNCIL

**YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci
NAYS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci**

D.A.R.E. Donor's

Donor	Check#	Date	Amount
Bank of Canton	074285	3/6/2014	\$ 100.00
A.L. Prime Energy Consultant, Inc.	77723	3/13/2014	\$ 125.00
Sweeney Brothers Home for Funerals Inc.	13234	3/25/2014	\$ 100.00
			\$ 325.00