



**City of Quincy  
Massachusetts**

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

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

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

**Joseph P. Shea, Clerk  
Jeanne E. Reardon  
Clerk of Committees  
Susan M. O'Connor, Auditor**

**TUESDAY, NOVEMBER 12, 2013**

**6:00 PM ORDINANCE COMMITTEE MEETING**

**#2013-175 Proposed Ordinance re: Synthetic Drugs  
#2013-173 Home Rule Petition re: Quincy College  
#2013-146 Resolve Seeking Host Agreements for  
Medical Marijuana Dispensaries**

**6:45 PM ORDINANCE COMMITTEE PUBLIC HEARING**

**#2013-146 Resolve Seeking Host Agreements for  
Medical Marijuana Dispensaries**

**7:30 PM City Council Meeting**

**Councillor Gutro Commendations-Quincy Youth Football**

*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)*



# *City of Quincy, Massachusetts*

OFFICE OF THE COUNCIL

KEVIN F. COUGHLIN  
COUNCILLOR - WARD THREE

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**TO: ALL MEMBERS OF THE ORDINANCE COMMITTEE  
OF THE QUINCY CITY COUNCIL**

**FROM: COUNCILLOR KEVIN F. COUGHLIN, CHAIRMAN**

**The Ordinance Committee of the Quincy City Council will meet on  
TUESDAY, NOVEMBER 12, 2013 at 6:00 PM in the New City Hall  
Council Chambers relative to all items pending in Committee  
specifically including:**

**#2013-175 Proposed Ordinance re: Synthetic Drugs**

**#2013-173 Home Rule Petition re: Quincy College**

**#2013- 146 Resolve Seeking Host Agreements-Medical Marijuana Dispensaries**

**Immediately following the Ordinance Committee meeting, there will be a  
PUBLIC HEARING conducted by the Ordinance Committee at 6:45 PM re:**

**#2013- 146 Resolve Seeking Host Agreements-Medical Marijuana Dispensaries.**

***TO ALL COUNCILLORS  
PATRIOT LEDGER, BOSTON GLOBE  
QUINCY ACCESS TV, QUINCY SUN  
MAYOR KOCH, MESSRS. FATSEAS, WALKER  
SHEA, TIMMINS, HARRINGTON, DUCA  
COMMISSIONER RAYMONDI***

introduced by:

Kevin F. Coughlin, Ward Three Councillor  
Douglas S. Gutro, Councillor at Large  
Kirsten L. Hughes, Ward Five Councillor

Order No:

October 21, 2013

**#2013-175**

### **Synthetic Drugs 8.36**

WHEREAS, it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens pose health, safety, and welfare issues for the residents of the City of Quincy.

Be it ordained by the Quincy City Council as follows:

**That the Revised Ordinances of the City of Quincy, as amended, be and hereby are further amended by adding the following section:**

**Section 8.36 : Synthetic Drugs**

**8.36.010 Definitions**

As used in this Section, the following terms shall have the meaning ascribed to them below:

**Person:** An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

**Synthetic Marijuana:**

(i) any substance as defined by 21 U.S.C. §812(d), excluding "marihuana" as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U.S.C. §812(d) notwithstanding; or, (ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

**Synthetic Marijuana Analogue:** a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of

synthetic marijuana; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

(Reference: Modeled after: 21 U.S.C. 802(32); 21 U.S.C. 813)

Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.

#### 8.36.020 Prohibited Activity

(1) No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.

(2) No person shall knowingly possess or consume synthetic marijuana or synthetic marijuana analogue.

(3) This Ordinance shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

#### 8.36.030 Penalty for violation

Any violation of this section shall be punishable by a fine of \$150 (one hundred fifty dollars) for a first offense.

Any subsequent violation shall be punishable by a fine of \$300 (three hundred dollars) for each offense.

Each ounce or portion thereof shall be considered a separate offense.

8.36.040 This ordinance may be enforced by criminal complaint before the District Court, or, by noncriminal disposition in accordance with General Laws chapter 40 §21D. (Statutory Reference: G.L. chapter 40 §21; c. 218 §26)

A police officer may arrest without a warrant whomever there is probable cause to believe is in willful violation of this Ordinance, pursuant to G.L. c. 272 §59.

#### 8.36.050 Seizure of controlled substances.

All controlled substances described in this ordinance may be seized and held until final adjudication whereupon they shall be destroyed by the seizing agency.

8.36.060 Severability: If any part of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.

8.36.070 Effect: This Ordinance shall take effect immediately upon its passage.

Passed To Be Ordained

#2013-173



1250 Hancock Street  
Quincy, MA 02169

Office Of The President

College  
Item # 4

October 11, 2013

**Hand Delivered**

The Honorable Thomas P. Koch  
Mayor of the City of Quincy  
City Hall  
1305 Hancock Street  
Quincy, MA 02169

Dear Mayor Koch:

Enclosed herewith please find the Home Rule Petition pertaining to Quincy College. I respectfully request that the Home Rule Petition be placed on the agenda for the meeting of the Quincy City Council of October 21, 2013.

The Home Rule Petition contains the five (5) elements of autonomy described to you by William Grindlay, Chairman of the Board of Governors, and me. These elements rectify concerns that have been identified by the New England Association of Schools and Colleges (NEASC) as being problematic to the continued accreditation of Quincy College as an institution of higher education.

The Home Rule Petition, as presented, contains additional elements. Included among these is one that provides for required representation on the thirteen (13) member Board of Governors by two (2) residents of Plymouth County. Another additional element would allow for members of the Board of Governors to be reappointed to serve up to twelve (12) years on the Board.

The Home Rule Petition was drafted by Attorney Louis A. Rizoli. Mr. Rizoli has particular expertise in these matters, having served as Counsel to the Massachusetts House of Representatives. He currently is Of Counsel to Smith, Segal, and Ruddock, of Boston.

Mr. Rizoli has a long standing association with Representative Ronald Mariano, House Majority Leader, and would be pleased to meet with you, Representative Mariano, and/or City Solicitor James Timmins, as you so wish.

Thank you for your courtesy and cooperation in this matter. In the event that you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter".

Peter H. Tsaffaras, J.D.  
President

cc.: Michael E. McFarland, President, Quincy City Council  
Joseph P. Shea, City Clerk  
William Grindlay, Chairman, Board of Governors

#2013-173

 **DRAFT**

**An Act Relative To Quincy College.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

**SECTION 1.**

Notwithstanding any general or special law, rule or regulation to the contrary into a special account known as the "Quincy College Operations Account" shall be deposited all tuition fees for the enrollment of students in said college, all incidental fees for the enrollment of students in said college and all monies received by said city from the commonwealth as school aid or other financial assistance allocable to said college. Such special account shall be maintained by Quincy College in a banking institution in the city of Quincy and expenditures from such special account shall be made by the president of Quincy College with the approval of Quincy College board of governors without appropriation and used solely for the operation, maintenance, and provision of capital equipment for said college.

Appropriations from time to time may be made by said city into said special account for the purpose of providing additional financial assistance for said college and donations from private sources may be received and deposited into such account. The president of Quincy College shall be authorized to invest the monies in said special account and the interest accruing shall inure to the benefit of Quincy College. Such special account shall be maintained in accordance with generally accepted accounting principles and shall be audited annually by a certified public accountant.

The treasurer of the city of Quincy or his designee may at any time audit such special account.

The college president of Quincy College shall file with the mayor, the city council, Quincy College board of governors and the treasurer of said city and the bureau of accounts, a written report relative to such special account within 120 days after the books are closed for each fiscal year. Such report shall include a financial statement relating to the operation, maintenance, capital equipment and properties of said college. The city council of said city may review and comment upon such report and may file such review with the state auditor.

**SECTION 2.**

(a) Quincy College shall compensate the city of Quincy the amount of \$125,000 per fiscal year for mandatory services provided to the college by the city of virtue of the college's status as a department of the city on an annual basis, the payment to be due no later than June 1 of the fiscal year. This amount shall be increased on an annual basis by 3 percent, compounded annually. For the purposes of this subsection "mandatory services" shall mean work, service, or time spent by a city employee for the benefit of Quincy College as required by any federal, state special or general law, regulation or municipal charter or ordinance provision. For the purposes of this law the services shall not include legal services provided by the city employees beyond

legal services associated with the standard review of college contracts or outside legal services, which are governed by subsection (b).

(b) Notwithstanding any special or general law, rule or regulation to the contrary, the president of Quincy College, with the approval of the board of governors, may employ legal counsel for the general purposes of the college. If the college president, with the approval of the mayor, chooses to utilize a city attorney to provide legal services beyond the standard review of college contracts or legal services provided to the college by its own counsel, or if the city is required to defend itself in connection with a claim or suit brought against or arising solely out of actions or omissions of the college, the college shall reimburse the city on an hourly basis for the legal services only.

(c) Nothing in this section is intended to alter or affect the payment of obligations of Quincy College or the city of Quincy with respect to non-service costs incurred by the city on behalf of the college, including but not limited to any direct or indirect personnel costs such as workers' compensation, unemployment, insurance or pension benefits, and the costs of goods.

#### SECTION 3.

The city of Quincy shall indemnify and save harmless governors and employees, elected or appointed as set forth in chapter 258 of the General Laws.

#### SECTION 4.

Notwithstanding any general or special law, rule or regulation to the contrary, any employee of the Quincy school committee who is a member of the teachers' retirement system and who becomes an employee of Quincy College shall, for purposes of chapter thirty-two of the General Laws, retain all rights and responsibilities of membership in said system.

Notwithstanding any general or special law to the contrary, any person who becomes an employee of Quincy College shall be eligible for membership in the teachers' retirement system; provided, however, that said person is employed on the basis of not less than half time service as a professional teacher, administrator, including the president of Quincy College, psychologist, counselor, social worker or guidance and placement professional, or said person is, a member of the teachers' retirement system.

#### SECTION 5.

The board of governors of Quincy College shall oversee and govern the college and as an enterprise department of the city of Quincy. The Quincy College board of governors shall appoint a president to act as the chief executive officer. Said board shall manage and operate Quincy College pursuant to the terms of this act, pursuant to chapter 71 of the General Laws and pursuant to section 30 of chapter 69 of the General Laws.

The board of governors shall consist of 13 members. At least 1 governor shall be an alumna or alumnus of the college. No more than 6 governors shall reside outside Quincy, excluding any

residential requirement for an alumna or alumnus; provided, however, that at least 2 governors shall reside in Plymouth County. Each governor shall serve a 6 year term and be eligible for reappointment provided that no governor shall serve more than 12 years.

#### SECTION 6.

The governors and their employees shall be subject to the provisions of chapter 150E of the General Laws. For purposes of said chapter 150E, the board of governors of Quincy College shall be deemed the public employer of the college's employees. The president of Quincy College or his designee shall act as the bargaining agent in all collective bargaining with Quincy College employees. The employees represented by their respective bargaining associations, units, organization or affiliates shall continue to be represented by those associations, units, organization or affiliates for collective bargaining purposes pursuant to said chapter 150E until such time as they elect otherwise or another unit is certified to represent the employees in accordance with chapter 150E.

#### SECTION 7.

On or before April first of each and every year, the president of Quincy College shall submit to the Quincy College board of governors an annual itemized budget for Quincy College. Said budget shall contain estimates of college revenues and recommendations for proposed expenditures for the ensuing fiscal year.

The board of governors shall hold a public hearing on the annual budget as submitted by the college president at which time all interested persons shall be given an opportunity to be heard on the proposed expenditures or any item there.

The approved budget shall govern the expenditures of Quincy College during the fiscal year. No expenditures shall be incurred in excess of those shown in the approved budget; provided, however, that the budget from time to time may be amended by the preparation and submission of a proposed supplementary budget by the college president to the Quincy College board of governors for said board's approval, rejection or amendment.

#### SECTION 8.

Notwithstanding any general or special law, rule or regulation to the contrary, during the first 3 years of a teacher's service at Quincy College, the teacher shall be deemed a nontenured teacher. A nontenured teacher shall be defined as and have such right as a teacher without professional teacher status under chapter 71 of the General Laws.

A nontenured teacher shall be notified in writing on or before May 30 whenever such person is not be employed for the following academic year. Unless the notice is given as provided in this section, a nontenured teacher shall be considered to be appointed for the following academic year.

## SECTION 9.

Notwithstanding any general or special law, rule or regulation to the contrary, a teacher who has served at Quincy College for the 3 previous consecutive academic years shall be considered to have achieved instructor status.

Instructors may be dismissed using the criteria and process for teachers with professional teacher status in section 42 of chapter 71 of the General Laws.

Instructors may be subject to nonrenewal at the end of their fourth, fifth or sixth consecutive academic years by notification in writing on or before May 30. Instructors shall not be nonrenewed except for good cause.

## SECTION 10.

Notwithstanding any general or special law, rule or regulation to the contrary, a teacher who has served at Quincy College for the 6 previous consecutive academic years shall be considered a professor and shall be entitled to all rights and privileges provided to teachers with professional teacher status in chapter 71 of the General Laws.

## SECTION 11.

Notwithstanding any general or special law, rule or regulation to the contrary, Quincy College may own real property in its own name.

Within 30 days of the effective date of this act, the city, acting through the mayor shall convey to Quincy College all ownership and title to Saville Hall located at 28-36 Saville Avenue, in said city of Quincy, and shall neither demand nor request nor be entitled to any further or subsequent consideration for the transfer.

The college and the city shall negotiate an agreement for payments in lieu of taxes for Saville Hall.

If Quincy College, upon the recommendation of the college president and a two-thirds vote of the board of governors of the college, determines that it no longer has a use for Saville Hall and declares the property to be surplus and available for disposition, the property shall first be offered for transfer to the city of Quincy and the city, acting through the mayor and upon a two-thirds vote of the city council may acquire the general charge and exclusive custody and control of Saville Hall from the college for fair market consideration. If within 60 days of the vote of the board of governors to declare the property to be surplus and available for disposition, the city and the college cannot agree on fair market consideration, then either party may refer the matter to binding arbitration, without objection from the other party, before ADR, Inc. or any other comparable mediation entity.

In the event the city of Quincy chooses not to accept the transfer or purchase of the property upon these terms from Quincy College, it shall be offered for sale pursuant to applicable state

procurement statutes and regulations. The foregoing shall not prevent Quincy College, upon the recommendation of the college president and a two-thirds vote of the board of governors, from retaining its ownership in the property and leasing it to a third party pursuant to applicable state procurement statutes and regulations. Revenue or income generated by the lease, transfer, or sale of the property shall be deposited in the Quincy College operations account and will inure to the benefit of the Quincy College.

#### SECTION 12.

Notwithstanding any general or special law, rule or regulation to the contrary, Quincy College is authorized to operate auxiliary enterprises including but not limited to a bookstore, athletic facility, and food service operations.

#### SECTION 13.

Notwithstanding any general or special law, rule or regulation to the contrary, Quincy College shall be authorized to purchase goods and services without the approval of the purchasing agent of the city. The college shall be subject to all procurement laws, rules and regulations.

#### SECTION 14.

Chapters 313 of the acts of 1981, 256 of the acts of 1988, 53 of the acts of 1994, 306 of the acts of 1994, 392 of the acts of 1996, 153 of the acts of 2002, 332 of the acts of 2006 and section 375 of chapter 194 of the acts of 1998 are repealed.

#### SECTION 15.

This act shall take effect upon its passage.

**#2013-146**

September 3, 2013

Introduced by Doug Gutro, Councilor At Large  
Co-Sponsor: Brian Palmucci, Ward 4 City Councilor  
Co-Sponsor: Brad Croall, Ward 2 City Councilor

**Resolution seeking Host Agreements for Medical Marijuana Dispensaries**

Whereas a state ballot initiative passed by the voters in November 6 2012, allow up to 35 medical marijuana dispensaries in each county; and

Whereas the City Council Passed Council Order 2013-061, regulating registered marijuana dispensaries on June 17, 2013 in the City of Quincy; and

Whereas the Massachusetts Department of Public Health required phase 1 application forms be completed by potential medical marijuana dispensaries by August 22, 2013; and

Whereas 12 applications have been submitted for consideration in Norfolk County, and

Whereas; several applicants to made inquiries about potential locations in Quincy, and

Whereas concern exists about the potential impact dispensaries could have on neighborhoods or unregulated drug use;

Now therefore be it resolved that the Quincy City Council urge the Koch Administration to request applicants to sign a "Host Agreement," which could provide community benefits including but not limited to drug abuse education and prevention programs.

Be it further resolved that the Quincy City Council invite Impact Quincy to appear before the Council or appropriate Committee to provide insight on community drug use including marijuana.

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