TOWN OF MANCHESTER-BY-THE-SEA

TOWN CLERK'S OFFICE

March 12, 2026

BY ELECTRONIC MAIL ONLY - [redacted]

[redacted]
New England Convenience Store & Energy Marketers Association (NECSEMA)
100 Franklin Street
Boston, MA 02110

Re: Town of Manchester-by-the-Sea – Public Records Request Dated December 29, 2025

Dear Mr. [redacted]:

The Town of Manchester-by-the-Sea ("Town") is in receipt of your public records request, dated December 29, 2025 and received by the Town on that same day. As set forth in your request, you seek "*all records, including but not limited to emails, text messages, letters, memos, contracts, invoices, grant applications, meeting minutes, public notices and draft documents from January 1, 2023 to present that reference: Nicotine Free Generation, Tobacco-Free Generation, Generational ban, NFG, Birthdate ban, Model ordinance, Technical assistance, Grant funding, Bloomberg, or MTCP.*"

You additionally seek the following:

a) Correspondence between any municipal official or employee and:

- *Board of Health members and staff*
- *Municipal health department directors*
- *Select Board*
- *Municipal attorneys*
- *North Shore Tobacco Control Program*
- *Ashley Hall*
- *Massachusetts Health Officers Association (MHOA)*
- *Massachusetts Association of Health Boards (MAHB)*
- *Massachusetts Municipal Association (MMA)*
- *Tobacco Free Massachusetts*
- *Public Health Advocacy Institute (PHAI)*
- *Mark Gottlieb (PHAI)*
- *Kate Silbaugh (BU Law)*
- *Bloomberg Philanthropies representatives*

- *Mystic Valley Public Health Coalition*
- *Maureen Buzby*
- *Any other tobacco control contractors*

b) *All documents related to the development, drafting, consideration, or adoption of Nicotine-Free Generation policies, including model ordinances, presentations, technical assistance materials, and legal analysis*

c) *All contracts, agreements, MOUs, and payment records with tobacco control contractors, specifically including North Shore Tobacco Public Health Coalition, Ashley Hall, Mystic Valley Public Health Coalition, Maureen Buzby, Massachusetts Health Officers Association, Massachusetts Association of Health Boards, or Massachusetts Municipal Association*

d) *All grant applications and awards related to tobacco control from the Massachusetts Department of Public Health, Centers for Disease Control and Prevention, or private foundations*

Below, please find a supplemental fee estimate for your request. Upon receipt of payment in the amount detailed below, the Town will locate and produce any non-exempt and non-privileged records within fifteen (15) business days, unless additional time is necessary.

Supplemental Fee Estimate

The Town's IT personnel searched for and downloaded potentially responsive e-mail communications from the Town's servers. Preliminary searches of the Town's servers reveal approximately 27,851 potentially responsive e-mail communications. Below is an estimate of those emails as broken down by the search terms provided in your request.

SEARCH TERM	EMAILS
1. Nicotine-Free Generation	31
2. Tobacco-Free Generation	12
3. Generational ban	120
4. NFG	1,819
5. Birthdate ban	4
6. Model ordinance	76
7. Technical assistance	13,047
8. Grant funding	10,624
9. Bloomberg	1,973
10. MTCP	145
Total	**27,851**

The records responsive to your request under search terms 1, 2, 3, 5, 6, and 10 are being provided today. The breadth of terms 4, 7, 8, and 9 have shown approximately 27,463 potentially responsive e-mails.

As permitted by law, and because of the breadth of your requests, you will be charged for additional employee search time to identify responsive records, at the hourly rate of the lowest paid person capable of compiling, segregating, redacting where required by law.[1] This rate shall not exceed $25.00 per hour. Unless otherwise noted below, the lowest paid employee capable of performing the necessary work is paid more than $25/hour, and therefore you will be charged the maximum rate. The fee estimate is broken down as follows:

Title	***Hours***	***Per Hour Cost***	***Total***
Town Clerk (as Records Officer)	average of 30 seconds per e-mail to review for responsiveness = 228 hours	$25.00 per hour	$5,700

At this time, it is anticipated that the Town will be able to produce the records electronically. In the event that the best way to produce such records is to provide them on a USB Drive, you will be charged for the cost of the USB Drive.

Upon receipt of your payment in the amount of $5,700.00 made payable to the Town of Manchester-by-the-Sea and directed to the attention of the Town Clerk's Office, the Town will begin the requested work necessary to comply with your request. See 950 CMR 32.06(2)(f) (municipalities not required to provide public records until all fees are paid in full). The Supervisor of Records has previously determined that the "Public Records Law requires a requester to pay a fee estimate prior to the agency or municipality conducting search, segregation and redaction of records, and prior to receipt of the records." See SPR 17/1005.

Modification

Should you wish to provide more specific search terms, identify with more specificity the recipients/senders of requested communications, and/or narrow the scope in time of your request, the Town may be able to more effectively and efficiently respond to your request. If you would like to search for only some of the terms above or more specific terms in addition to the ones provided, the Town would gladly provide a reduced estimate.

Statement of Appeal Rights

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, § 10A(c).

Sincerely,
Christine Dixon
Town Clerk

cc: Health Agent

[1] The Town of Manchester-by-the-Sea has less than 20,000 residents, pursuant to the last Decennial U.S. Census (approximately 5,393), therefore you will be charged for all hours of work associated with this request. See 950 CMR 32.07(2)(m).