

Amber Martin,
CMC Town Clerk and Records Access Officer
Town of Amherst
4 Boltwood Avenue
Amherst, MA 01002

Re: Amended to Public Records Request of December 22, 2025

Dear Ms. Martin:

Thank you for your January 8, 2026 response to my public records request and your offer to work with me to narrow the scope. I am submitting this amended request to reduce the burden on the Town while still obtaining records necessary for research into Nicotine-Free Generation policy development in Massachusetts municipalities.

Comparable Municipal Responses

I submitted substantially similar FOIA requests to numerous other Massachusetts municipalities and have received complete responses from the following towns, none of which required fees exceeding \$1,000:

Municipality	Fee Charged
Belchertown	\$0
Conway	\$0
Hopkinton	\$0
Yarmouth	\$0
Mansfield	\$125
Bellingham	\$175
Dover	\$500
Manchester-by-the-Sea	\$612
South Hadley	\$625

These municipalities were able to identify, review, and produce responsive records within normal operational parameters. The Town of Amherst's estimate of \$18,787.50—nearly 30 times higher than the next most expensive response—suggests either that the search methodology employed was overbroad or that Amherst possesses an extraordinarily greater volume of NFG-related correspondence than peer municipalities.

Narrowed Request

Pursuant to the Massachusetts Public Records Law (M.G.L. c. 66, § 10), I request the following records from **June 1, 2025 to January 1, 2026**:

1. Correspondence Limited to Specific Custodians and Correspondents

I request emails and other correspondence from the following custodians only:

- Public Health Director (Kiko Malin)
- Board of Health members and staff
- Town Manager
- Select Board members

Where such correspondence is with any of the following external parties:

- Hampshire-Franklin Tobacco-Free Community Partnership
- Heather Warner
- Massachusetts Health Officers Association (MHOA)
- Massachusetts Association of Health Boards (MAHB)
- Tobacco Free Massachusetts
- Public Health Advocacy Institute (PHAI)
- Mark Gottlieb
- Maureen Buzby
- Ken Elstein
- Ginny Chadwick

2. Reduced Search Terms

For any keyword-based searching, please limit the search to the following terms:

- "Nicotine-Free Generation"
- "NFG"
- "Tobacco-Free Generation"
- "generational ban"
- "birthdate ban"

3. Documents Related to NFG Policy Development

I maintain my request for 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.

4. Contracts and Payment Records

I maintain my request for contracts, agreements, MOUs, and payment records with tobacco control contractors. You have already provided one MOA with Pioneer Valley Tobacco Control.

5. Grant Applications

You indicated no responsive records exist for grant applications and awards related to tobacco control. I accept this response.

Summary of Narrowed Scope

Element	Original Request	Narrowed Request
Date Range	January 1, 2023 – present (~3 years)	June 1, 2025 – January 1, 2026 (7 months)
Custodians	All Town officials	Public Health Director, Board of Health, Town Manager, Select Board only
External Correspondents	20+ entities	10 key entities/individuals
Search Terms	10 terms	5 terms

Request for Revised Fee Estimate

Based on this substantially narrowed scope, I respectfully request that the Town provide a revised fee estimate. The original estimate of \$18,787.50 was based on a search of "all Town official's inboxes," which yielded 89,723 emails. By limiting the custodians to the four categories above, limiting the external correspondents to the specified parties, reducing the date range from approximately three years to seven months, and reducing the search terms from ten to five, the volume of potentially responsive records should be reduced by an order of magnitude or more.

I also note that the original fee estimate included 747 hours for the Town Clerk to "review, segregate, and redact" emails at 30 seconds per email. Under M.G.L. c. 66, § 10(d)(iii)(C), a municipality shall not assess a fee for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records under clause (iv). I respectfully request that the revised fee estimate either (a) exclude segregation and redaction time, or (b) identify the specific legal requirement mandating such segregation/redaction, or (c) confirm that the Town has petitioned the Supervisor of Records for approval to charge such fees pursuant to 950 CMR 32.06(4)(g).

Given that comparable municipalities have fulfilled similar requests for fees ranging from \$0 to \$625, I would expect a revised fee estimate in that range following this narrowing. Should the revised estimate still substantially exceed the fees charged by peer municipalities, I reserve the right to petition the Supervisor of Records pursuant to 950 CMR 32.08(1).

Please provide your response within 10 business days as required by M.G.L. c. 66, § 10(a).

Thank you for your continued cooperation.

Sincerely,

Ryan DiCenzo

On behalf of New England Convenience Store & Energy Marketers Association (NECSEMA)

100 Franklin Street
Boston, MA 02110

CC: Kiko Malin, Public Health Director
Risha Hess, Board of Health Chair