

Laurie Lucier
Town Clerk
Town of Conway
32 Main Street PO Box 240
Conway, MA 01341

Re: Supplemental Public Records Request – Tobacco Regulations/NFG Policy Documents

Dear Ms. Lucier:

Pursuant to the Massachusetts Public Records Law (M.G.L. c. 66, § 10), I submit this supplemental public records request following review of the Town's response to our prior request dated December 29, 2024. While we appreciate the Town's production of meeting agendas, minutes, and email correspondence, significant categories of responsive records appear to have been omitted from the production.

Specifically, the production contained no records responsive to the following categories from our original request:

1. No records from the period January 1, 2023 through September 2024, despite our request covering this entire timeframe. The earliest records produced are dated October 2024.
2. No correspondence with any of the specifically named organizations and individuals, including: Hampshire-Franklin Tobacco-Free Community Partnership, 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, Kate Silbaugh, Bloomberg Philanthropies representatives, Mystic Valley Public Health Coalition, Maureen Buzby, Belchertown Board of Health, Ken Elstein, or any other tobacco control contractors.
3. No contracts, agreements, MOUs, or payment records with tobacco control contractors as requested in section (c) of our original request.
4. No grant applications or awards related to tobacco control from the Massachusetts Department of Public Health, Centers for Disease Control and Prevention, or private foundations as requested in section (d).
5. No attachments referenced in the produced emails, including "Conway DRAFT Model Tobacco Regs Oct 2024.docx" and other documents mentioned in correspondence.

Additionally, the produced emails reference records that should have been included but were not:

- The "December 3 version of the MAHB tobacco regulations" with comments from MAHB attorney Cheryl Sbarra (referenced in Ilana Gerjuoy email)
- Clarification correspondence from MAHB regarding tobacco regulations
- Final version of Conway tobacco regulations filed with DEP
- Press release sent to the Greenfield Recorder regarding NFG adoption
- Legal notices published in the Greenfield Recorder on April 23 and April 30, 2025
- Any correspondence between Board of Health Chair Kathy Llamas and any party regarding tobacco regulations or her recusal

Supplemental Request: I hereby request:

6. All records responsive to our original request (December 29, 2024) that were not included in the Town's production, including all categories enumerated above.
7. All attachments to the emails that were produced, including but not limited to draft regulations, template documents, and supporting materials.
8. A written explanation of the search methodology used to respond to the original request, including: (a) which custodians' files were searched; (b) what search terms were used; (c) what date range was applied; and (d) why the identified categories of records were not included.
9. If any responsive records have been withheld, a detailed privilege log identifying each withheld document, the basis for withholding, and the statutory exemption claimed.

Please note that the Public Records Law requires a response within 10 business days. If you determine that any portion of this request falls within a statutory exemption, please provide the responsive records for which no exemption applies and specify the legal basis for any claimed exemption with particularity.

Please provide responsive records in native electronic format with metadata intact. For scanned documents, please ensure the scan quality is sufficient to read all text and that documents are properly oriented.

Thank you for your attention to this matter.

Sincerely,

Ryan DiCenzo

On behalf of New England Convenience Store & Energy Marketers Association (NECSEMA)
100 Franklin Street
Boston, MA 02110

CC: Kathy Llamas, Board of Health Chair

Nancy Schroeder, Public Health Administrative Assistant