

Cynthia Amara
City Attorney/Records Access Officer
City of Somerville
City Hall, Law Department
93 Highland Avenue
Somerville, MA 02143

Re: Amended to Public Records Request of December 29, 2025

Dear Ms. Amara:

Thank you for your January 13, 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 City 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 City of Somerville's estimate of \$227,750—more than 360 times higher than the next most expensive response—suggests either that the search methodology employed was overbroad or that Somerville possesses an extraordinarily greater volume of NFG-related correspondence than peer municipalities.

Your response indicates that an initial search returned approximately 546,617 email results. This volume strongly suggests that the search was not limited to the specific custodians and

correspondents identified in my request, but rather searched all City email accounts for any of the listed keywords. A properly scoped search limited to correspondence between public health officials and the specific external parties listed in my request should yield a far smaller number of potentially responsive records.

Narrowed Request

Pursuant to the Massachusetts Public Records Law (M.G.L. c. 66, § 10), I request the following records from **November 1, 2024 to March 20, 2025**:

1. Correspondence Limited to Specific Custodians and Correspondents

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

- Public Health Director
- Board of Health members and staff
- Mayor
- City Council members

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

- Mystic Valley Public Health Coalition
- Maureen Buzby
- Massachusetts Health Officers Association (MHOA)
- Massachusetts Association of Health Boards (MAHB)
- Tobacco Free Massachusetts
- Public Health Advocacy Institute (PHAI)
- Mark Gottlieb
- Ken Elstein
- Ginny Chadwick
- Any other tobacco control contractors

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”

Summary of Narrowed Scope

Element	Original Request	Narrowed Request
Date Range	January 1, 2023 – present (~3 years)	November 1, 2024 – March 20, 2025 (5 months)

Custodians	All City officials	Public Health Director, Board of Health, Mayor, City Council 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 City provide a revised fee estimate. The original estimate of \$227,750 was based on a search that yielded 546,617 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 several orders of magnitude.

I also note that the original fee estimate assumed 1 minute per email for 9,110 hours of paralegal time. 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). Your response indicates that the City intends to petition the Supervisor of Records for approval to charge for search, segregation, and redaction time. I respectfully request that the City notify me of the outcome of that petition and provide a revised fee estimate that reflects both the narrowed scope and any limitations imposed by the Supervisor.

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
Tenax Strategies, Inc.
On behalf of New England Convenience Store & Energy Marketers Association (NECSEMA)
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Boston, MA 02110
ryan@tenaxstrategies.com

CC: Dr. Brian Green, M.D., Board of Health Chair
Lucy Barrows, Administrative Assistant