necsema
New England Convenience Store & Energy Marketers Association

Belchertown — Document Notes

12 DOCUMENTS · PUBLIC RECORDS PRODUCTION · REAL TRUTH MA · RETRIEVED SEPTEMBER 22, 2026

The substantive documents in Belchertown's production, in the order the events occurred: what each one is, what it says, and a link to the file. The complete production is in the document library on the main Belchertown page.

Belchertown is the eleventh municipality to adopt the policy and the first in western Massachusetts. A member of its Board of Health, Ken Elstein, appears afterwards in the records of Amherst, Ashland, Bellingham and Easthampton.

Nothing is characterized or interpreted. Where a document is ambiguous, it is quoted and left ambiguous.

---

1 The regional programs are told the Board is considering it

Email · October 3, 2024 · Andrea Crete, Director of Public Health, Quabbin Health District, to Lisa Stevens-Goodnight, Tobacco Control Director, Massachusetts Municipal Association, and Merridith O'Leary

> "If the board is considering adopting a nicotine free generation it is a good idea we touch base before hand since the industry opposition is likely to attend as well, so it's important to make sure the process is correct."

The earliest document here. Crete will send the agenda and draft regulations, and names two items the Board wants: restricting spitless tobacco to adult-only stores, "which there are none in Belchertown," and the option to restrict sales by birth date. Stevens-Goodnight offers to "get language together for you ahead of the meeting next week" and lists three meeting windows.

2 Board of Health minutes, October 9, 2024

Board of Health minutes · October 9, 2024 (the file is named 10-09-2025) · members Potter, DuroShea, Elstein and Gottsegen present

> "And the 21 thing, I mean, we could go ahead and do it, but what they're going to do is go to the next town and get the service over there, so we're going to be losing business."

The first Board discussion. The quoted objection is from Jay Patel, owner of Town Mart, recorded present in person. Eleven attended remotely, among them Merridith O'Leary of the Pioneer Valley tobacco program, Lisa Stevens-Goodnight of the Municipal Association, Heather Warner, and representatives of the R Street Institute. Ken Elstein asked that discussion continue to November for a full Board. No vote was taken.

3 The Health Director asks for a model letter of support

Email chain · October 14–24, 2024 · Andrea Crete with Anthony Ishak and Mark Gottlieb, Executive Director, Public Health Advocacy Institute

> “do you have a model letter of support with supporting facts about nicotine free generation that I could give to others?”

Ishak describes himself as a Brookline resident and “the co-petitioner of the Nicotine/Tobacco Free Generation Warrant Article that passed in 2020,” and is “interested in seeing the movement gather momentum.” Crete writes that her Board chair “just feels like this is going over board with regulating tobacco,” and asks: “So anything you can do to help move this forward would be great.”

4 A draft letter of support arrives the same afternoon

Email with draft letter · October 24, 2024, 3:40 p.m. · Rebecca Edwards, Drug Free Communities Program Director, Town of Ware, to Andrea Crete

> “In advance of any additional info, I’m sharing a draft of the letter of support with you. Let me know if there is anything specific you would like me to add.”

A draft letter addressed “Dear Belchertown Board of Health,” sent an hour and sixteen minutes after Crete’s request to the Public Health Advocacy Institute. It describes the measure as “an innovative way to restrict adult access.” No signed version appears in this file.

5 A Brookline resident connects a Board member to counsel

Email chain forwarded to the Board · October 31 to November 12, 2024 · Anthony Ishak to Mark Gottlieb and Ken Elstein, copied to Katharine Silbaugh

> “I am putting you in touch with Ken Elstein, a member of the Board of Health for Belchertown.”

Made while Elstein was preparing a summary for a Select Board meeting. Gottlieb’s reply analyses the Jenkins Act, the PACT Act and state regulations. Ishak names three people he says represent tobacco lobbying groups “though not openly” and warns that one “will intentionally lie.” Crete forwarded the chain to the whole Board, noting that the same person “does not have the credentials in any sort of health care / public health to be educating or advising the Board of Health.”

6 A town website post drafted before the vote

Email carrying the full text of a town website post · November 22, 2024 · Ed Comeau to Andrea Crete, Ken Elstein and others

> “Our goal is to get information out there to try and get ahead of the story rather than letting things grow out of control.”

The post went live on the town website and Facebook page at 2 p.m. that day, nineteen days before the hearing. It states that half of ten Belchertown stores checked failed compliance checks, that the town follows “the example set by nine other Massachusetts towns,” and that the vote was set for December 11, effective January 1, 2025 if passed.

7 A retailer’s objection to the pouch restriction

Letter · December 10, 2024 · Ruth Ann Lilly, SVP Marketing and Merchandising, Pride Operating, LLC, to the Board of Health

> “An adult, regardless of what generation they belong to, should have a right to buy legal products at a store and location of their choice.”

One of five permit holders writes the day before the hearing, stating that “Belchertown does not currently have a retail establishment that meets the definition of an adult-only retail tobacco store” and that restricting pouches to such stores “could result in a de facto ban on the product.” The file includes an electronic signature audit trail.

8 Written testimony from the regional partnership

Written testimony · December 11, 2024 · Heather Warner, MPH, Hampshire Franklin Tobacco-Free Community Partnership

> “In a 2023 Hampshire County survey of 2,228 teens in grades 8, 10 and 12, nearly 1 in 20 12th graders (4.5%) report using Zyn regularly”

Testimony for the hearing from a state-funded regional partnership. It names Greenfield, Orange, Groton and Townsend as having adopted pouch regulations and six more as drafting them, and puts national current pouch use among middle and high school students at 1.1 percent in 2022 and 1.8 percent in 2024.

9 Board of Health minutes, December 11, 2024 — the hearing and the votes

Board of Health minutes · December 11, 2024 · hearing scheduled 6:45 to 7:15 p.m.

> “K. Elstein motioned to regulate Oral Nicotine products be sold only in adult-only stores.”

Three motions are recorded, all from Ken Elstein. The birth-date provision, replacing the age-21 limit with birth on or after January 1, 2004, passed 4–0, L. Connolly abstaining. The pouch restriction passed 5–0 after an amendment giving retailers sixty days to sell remaining stock. A third, on the statement of purpose, definitions and violations, carries no tally. The minutes say “[v]arious community members, including students and health professionals, expressed support,” naming no speaker. Eight attended remotely, including Ishak, Silbaugh, Chadwick, Winickoff, Warner and Helfer.

10 A press release drafted the night of the vote

Email carrying a draft press release · December 12, 2024, 1:40 a.m. UTC · Ed Comeau to Ken Elstein, Andrea Crete and others

> “Folks, if you can please review this as soon as possible and get any comments back to me, I would appreciate it. I’d like to get this out tomorrow and on the website, getting ahead of the story.”

The draft is headed “Belchertown becomes the 11th municipality to adopt nicotine-free generation regulations” and quotes Ken Elstein by name. It states the Board “voted to ban the sale of flavored nicotine pouches in the town”; the minutes record the motion differently, as restricting oral nicotine products to adult-only stores. It also states the hearing drew more than fifty participants and thirty minutes of public comment.

11 A Board member sets out to work other towns

Email chain · December 13–15, 2024 · Ken Elstein, Andrea Crete and Kristen Hoag of the Belchertown schools

> “I am going to try to encourage towns in Western Mass to pass NFG and perhaps ban nicotine pouches. I am not limited by employment rules, but I do not want to step on anyone’s toes.”

Four days after the vote. Elstein asks whom to approach and names Merridith O’Leary, Heather Warner, Amherst’s health director and contacts in Northampton and Montague. Crete introduces him to O’Leary as “one of our Belchertown Board of Health members who would love to help the other boards of health in Hampshire county pass the nicotine free generation policy.” Elstein appears afterwards in the Amherst, Ashland, Bellingham and Easthampton records.

12 Notice to retailers

Letter on Board of Health letterhead · December 16, 2024 · Andrea Crete to all Belchertown tobacco retailers

> “This means that when store clerks check ID’s for purchase of tobacco and nicotine products they need to check all ID’s to ensure the birth date is not on or after January 1, 2004.”

The operational notice. Retailers had until February 9, 2025 to clear unsold oral nicotine pouches — Zyn is named as an example — and were to receive replacement signage hand-delivered by the Director.