necsema
New England Convenience Store & Energy Marketers Association

Manchester-by-the-Sea — Document Notes

12 DOCUMENTS · PUBLIC RECORDS PRODUCTION · REAL TRUTH MA · RETRIEVED OCTOBER 1, 2026

The substantive documents in Manchester-by-the-Sea'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 Manchester-by-the-Sea page.

This is the one town on this site where residents voted on the regulation after it was already in force. Town Meeting carried a citizens' petition to overturn it, 81 to 76; because that vote was non-binding, the regulation stands. The production contains no Town Meeting record of any kind — the only tally in it appears inside an email.

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

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1 The model regulation the town worked from

Model regulation with policy checklist · headed "2024 Sales Regulation" · no author or issuing body named

> "GREEN highlighted sections are uniquely local policy decisions (most are on the above checklist) to be made by the Board of Health."

A nineteen-item checklist followed by a template addressed to "[city/town]." Item 3 offers the age-21 rule or a January 1, 2004 birth date, which appears as a bracketed option at least nine times in the body. The document names no source agency or program; the town's later statement attributes the drafts to the North Shore / Cape Ann Tobacco Policy Program.

2 The regional program answers the trade association's letter

Email thread · October 21–23, 2024 · Joyce Redford to Wendy Hansbury, Public Health Director; copied to a third party

> "I will not be at the Manchester hearing. This is the industry's standard letter sent to municipalities think of adding NFG to their regulation."

Hansbury had forwarded NECSEMA's letter and asked whether the program wished to respond. Redford replies the day before the hearing and brings in an outside participant: "I have included Anthony Ishak on this e-mail he has offer to attend your meeting he is a pharmacologist at MGH and a Brookline resident who with Kate Silbaugh pushed TFG in Brookline." She adds that she will instead attend a hearing in Peabody that evening.

3 Written testimony submitted on the afternoon of the hearing

Email with attached testimony · October 24, 2024, 2:22 p.m. · Mark Gottlieb, Executive Director, Public Health Advocacy Institute, to the Health Director

> “My organization offered our legal help to Brookline and any other town adopting this policy in Massachusetts (including yours)”

Submitted hours before the hearing by an organization the town had not asked. Gottlieb could not attend and asked that the testimony reach Board members; he also flags a drafting error in the workplace smoking regulation. Nothing indicates how he learned of it.

4 The adopted regulation

Regulation · effective November 1, 2024; the sales prohibition enforceable April 1, 2025 · signature block names Peter Colarusso, Chair, and two members

> “This regulation shall take effect on November 1, 2024. Section E. Prohibition of Sales will be enforceable as of April 1, 2025.”

Against the final draft in the same production, the changes are the effective and enforcement dates and named signature lines. One error carries over from the draft: the prohibition reads “born on of after January 1, 2004.”

5 Minutes of the public hearing, October 24, 2024

Draft minutes circulated December 10, 2024 · hearing held October 24, 2024, 6:35 to 8:15 p.m.

> “Ms. Cottler asked if any of the speakers waiting to speak were from Manchester. It was noted that those who want to speak are not from our Town.”

The roll call: Cottler opposed, Colarusso, Hahn and Peavey in favor. The motion was “to pass the regulation with NFG section E with a January 1, 2004 date of birth and implementation on April 1, 2025.” Speakers named include a smokers’ rights advocate, a law professor, counsel for a local retailer, two local store owners and several out-of-town supporters. The minutes record Ms. Peavey saying “that she herself had brought the proposal to the Board,” citing a tobacco-related family death and her medical work.

6 Drafting the response to the citizens’ petition

Email thread · February 17–18, 2025 · Peter Colarusso and Wendy Hansbury

> “In the first paragraph the statement that we can modify the state regulation can be misconstrued and feeds into their request.”

The Board chair and the health director work through a draft public letter line by line. Colarusso proposes “The review of the public hearing indicates that only one person cared. Vote in not binding.” Hansbury writes that “having only 1 in the past 5+ years doesn’t help our case” and, of her own drafting, “I’m not the spin dr I was hoping for, but I’m getting better.”

7 The Board’s public statement on the petition

Public statement · undated; refers to the 2025 spring Town Meeting · unsigned, written in the voice of the Board

> “The North Shore / Cape Ann Tobacco Policy Program is funded through the Massachusetts Tobacco Control Program (MTCP) of the Department of Public Health and is part of Smoke Free Solutions North, the MTCP Community Mobilization Network.”

The Board’s own account of where the drafts came from and how the program is funded. It states that “[a] member of the Board of Health asked that the proposed Nicotine Free Generation (NFG) regulation… be included for review” without naming the member, and that “[f]ew other community members attended, which is usual for the Board’s public hearings.” It dates the hearing to November 2024; the Board’s minutes date it October 24, 2024. A parallel version circulated the same day omits the attribution and the funding chain.

8 The Moderator on what the vote could and could not do

Email thread · April 17–18, 2025 · Alan Wilson, Town Moderator, with Board member Leah Peavey and the Health Director

> “As I’m sure you know, town meeting does not have the authority to rescind Board of Health regulations or to instruct the Board to do so. I will announce that at the meeting and that a vote by the meeting in favor of the petitioners’ motion will be non-binding.”

Ten days before the vote, the Moderator sets out the position and the speaking order. Peavey writes that she will speak for the policy, taking no more than two minutes.

9 The Board member’s remarks to Town Meeting

Prepared remarks · April 28 · Leah Peavey, member of the Board of Health

> “My name is Leah Peavey, 6 Rockwood Heights Rd, Manchester and I am a member of Manchester’s Board of Health.”

The remarks state that the Board adopted the regulation 3 to 1 and place the hearing in October 2024 — the minutes’ date, not the one in the Board’s public letter. They list ten Boards of Health and one city council that had then adopted the policy, and state that a Town Meeting vote is non-binding. The file’s embedded text drops certain ligature characters, so quotations must be checked against the page image.

10 The tally, in an email

Email · April 29, 2025 · Wendy Hansbury, Public Health Director, to Leah Peavey

> “The vote to overturn the ban was 81 Yes, 76 No, and 4 Abstain. It was so close that the BOH is justified saying that you side with the ½ that want to protect youth.”

The only record of the April 28, 2025 Town Meeting tally in the 276-file production. No warrant, moderator’s certificate, clerk’s tally or Town Meeting minutes appear. Hansbury adds: “if there were younger parents at the meeting, the vote would have been very different.”

11 The town states the regulation has not changed

Email · May 6, 2025 · Wendy Hansbury to Tenax Strategies, copied to the regional program and the Board's administrator

> "The Town Meeting vote on April 28, 2025, on the Nicotine-Free Generation policy was non-binding, as announced several times during the discussion that night. The Board of Health Tobacco Sales Regulation has not changed since their November 2024 vote."

The town's own correction of the premise that the regulation had been repealed. It also states the regulation was not discussed at the joint Select Board and Board of Health meeting the previous day. Tenax Strategies made the records requests behind this site on behalf of NECSEMA; the reply appears here as the town's statement of where the regulation stands.

12 Board of Health minutes, April 10, 2025

Email transmitting approved minutes · minutes of April 10, 2025

> "noting that all five Selectpersons signed the citizen petition to revoke the Board of Health recent generational ban on tobacco. He said he took that action as a bad signal."

The last Board meeting before Town Meeting. The minutes contain no agenda item, discussion or vote on the regulation or the petition; the tobacco reference appears inside a discussion of a Town Hall restructuring, where a member says he felt there was "a back door attempt by the Select Board to influence the Board of Health." No minutes here record the Board discussing the Town Meeting result or voting on reconsideration.