

Milton — Investigative Briefing Memorandum

PUBLIC RECORDS ANALYSIS · REAL TRUTH MA · RETRIEVED SEPTEMBER 11, 2026

NOTE ON THE RECORD. An earlier version of this analysis stated that Milton adopted a Nicotine-Free Generation provision on April 28, 2025. That was incorrect and has been corrected. Milton rejected the provision: on January 6, 2025 the Board of Health struck from its draft regulations the language that would have barred the sale of tobacco products to anyone born on or after January 1, 2004, and struck a separate provision restricting nicotine pouch sales to adult-only stores. What the Board adopted at the April 28, 2025 hearing was Chapter 5, “Sale of Tobacco Products to Minors,” and Chapter 6, “Smoking in Workplaces, Public Places and Membership Association,” effective June 1, 2025, which include a six-milligram cap on nicotine per pouch but no birthdate provision. Milton accordingly does not appear on the Massachusetts Nicotine-Free Generation adoption lists published by the Public Health Advocacy Institute or by Action on Smoking & Health’s Project Sunset. Milton’s production is also the thinnest received from any municipality on this site, and consists of image-only scans.

Milton

March 2026 (Revised)

EXECUTIVE SUMMARY

The Town of Milton FOIA return is a moderate-value production that, while limited in volume, reveals key elements of the coordinated NFG advocacy network operating in Massachusetts. Milton’s Board of Health adopted updated tobacco regulations on April 28, 2025, following a public hearing that lasted fourteen minutes. The regulations approved were Chapter 5, “Sale of Tobacco Products to Minors,” and Chapter 6, “Smoking in Workplaces, Public Places and Membership Association,” effective June 1, 2025, which include a six-milligram cap on nicotine per pouch. They do not include a Nicotine-Free Generation provision: the Board had struck that language on January 6, 2025, along with a provision restricting nicotine pouch sales to adult-only stores. Advocates spoke in favor of a Nicotine-Free Generation provision at the April hearing, but none was part of the motion the Board adopted, and Milton does not appear on the Nicotine-Free Generation adoption lists maintained by the campaign’s own organizations. The production consists of Board of Health meeting minutes and a small set of email correspondence involving Health Director Caroline Kinsella. The documents reveal that the Massachusetts Health Officers Association (MHOA) Tobacco Control Program—funded by the Massachusetts Department of Public Health—proactively provided Milton with NFG policy materials as early as June 2024, approximately ten months before the Board of Health hearing. Known NFG network advocates Mark Gottlieb (PHAI) and Kate Silbaugh (BU Law) appeared at the hearing to testify in support—consistent with the pattern observed in other municipalities where the same small group of advocates travel from town to town to manufacture the appearance of broad support. Critically, the FOIA return appears substantially incomplete. The supplemental request filed on behalf of NECSEMA noted that Milton initially produced only a single set of meeting minutes

despite a request encompassing correspondence, contracts, grant applications, and policy development documents. Comparable municipalities provided far more extensive productions. The thinness of this production may itself be significant—suggesting either inadequate search protocols or that relevant communications occurred through channels not captured by the Town's records system.

KEY DOCUMENT EXCERPTS

MHOA Proactively Pushes NFG Policy Materials to Milton

From: Sarah McColgan <smccolgan@mhoa.com>

To: Caroline Kinsella <ckinsella@townofmilton.org>

Date: Thursday, June 20, 2024 at 3:28 PM

Subject: Nicotine Free Generation

"I've attached a community assessment for the Nicotine Free Generation, in case your board is considering it with their tobacco revisions. Let me know if you have questions ahead of time or we can talk about it more on Monday night."

SIGNIFICANCE: This is the earliest documented contact in the Milton FOIA return establishing the NFG pipeline. The MHOA Tobacco Control Program—funded by the Massachusetts Department of Public Health—proactively provided Milton with an NFG assessment document before the town had publicly announced any interest in the policy. The casual reference to discussing it "on Monday night" suggests an existing relationship and ongoing coordination outside formal channels. The attached "Draft HEIA for NFG.docx" represents a standardized advocacy tool being distributed to municipalities by a state-funded program.

MHOA Webinar Featuring Known NFG Coordinators Sent to Milton Health Director

From: info@mhoa.com

To: Caroline Kinsella <ckinsella@townofmilton.org>

Date: Tuesday, July 9, 2024 at 5:21 PM

Subject: MHOA Summer Webinar Series: Nicotine Free Generation, 7/11

"Nicotine Free Generation replaces the minimum age sales law on tobacco and vape products. It provides that anyone who is 21 years of age or older on a designated date may continue purchasing nicotine products, but for anyone younger than 21 on that date, the municipality would be nicotine free now and forever. How did this groundbreaking policy come about in MA and what are the recommended steps if your municipality is interested?"

SIGNIFICANCE: This webinar, hosted by the state-funded MHOA, featured two known central figures in the NFG advocacy network: Maureen Buzby (the documented central coordinator across multiple municipalities) and Chris Banthin from PHAI. The webinar was explicitly designed to recruit municipalities into the NFG campaign by providing "recommended steps if your municipality is interested." This represents the state-funded tobacco control infrastructure actively promoting NFG adoption across Massachusetts.

NFG Mass Email Campaign Targeting Municipal Officials

From: Nicotine Free Generation <nicotinefreegeneration@gmail.com>

To: Caroline Kinsella (via mass distribution)

Date: Thursday, February 26, 2026 at 9:38 AM

Subject: Nicotine Free Generation: February 2026

"Please invite us to make a presentation about NFG. We have been speaking with boards of health, other government entities, and community groups."

SIGNIFICANCE: This mass email from the NFG advocacy organization was sent to Milton's Health Director as part of a broader outreach campaign. The email explicitly solicits invitations to present before boards of health, confirming the NFG campaign's systematic approach to municipal recruitment. The economic framing in the email represents a coordinated messaging strategy designed to appeal to local officials.

Health Director Recommended Adoption Before Public Hearing Input

"The Health Director recommended that the Board adopt the new tobacco regulations at tonight's meeting. Several speakers weighed in to support nicotine free generation legislation, including Zachary Rich, a physician with Boston Medical Center, Kate Silbaugh, BU law professor and Mark Gottlieb from the Public Health Advocacy Institute."

"Chair Richards made a motion to approve the Chapter 5 'Sale of Tobacco Products to Minors' and Chapter 6 Board of Health Regulations... The Board voted unanimously in favor... The Public Hearing was closed at 7:22 p.m."

SIGNIFICANCE: The Health Director's recommendation to adopt came at the opening of the hearing—before any public testimony. The hearing lasted only 14 minutes (7:08 to 7:22 PM), with three known NFG network advocates providing the only documented testimony. The brevity of the proceeding and the predetermined recommendation suggest the outcome was decided before the public hearing, with the hearing serving as a procedural formality rather than a genuine deliberative process. Two of the three speakers (Gottlieb and Silbaugh) are known NFG network players who have appeared at hearings across multiple municipalities.

Kinsella Forwarding Opposition Emails as "FYI"

From: Caroline Kinsella <ckinsella@townofmilton.org>

To: [Board of Health members]

Date: Monday, January 6, 2025 at 4:01 PM

Subject: FW: Oppose the Generational Tobacco Ban

"FYI another email"

SIGNIFICANCE: The Health Director's dismissive forwarding of opposition correspondence as "FYI another email" suggests a predetermined disposition toward NFG adoption. Rather than treating opposition input as substantive feedback requiring consideration, Kinsella treated it as routine noise—consistent with the pattern observed in other municipalities where officials acted as NFG advocates rather than neutral administrators.

PUBLIC HEARING OBSERVATIONS

The following observations are drawn from observation of public Board of Health and City Council meetings in Massachusetts municipalities considering NFG adoption.

"All of the board members agreed to remove the language written in the proposal that would prohibit the sale of tobacco products to anyone 'born on or after January 1, 2004', effectively removing the Nicotine Free Generation policy." — Board of Health Meeting, Milton, January 6, 2025

"This would prohibit adults from being able to purchase products. This will create two classes of adults, those who can purchase nicotine products and those who cannot." — Peter Brennan, Opposition Testimony, Milton, January 6, 2025

KEY FINDINGS

State-Funded Tobacco Control Program Served as NFG Pipeline The MHOA Tobacco Control Program—explicitly noted in the email signature as "funded through a grant from the Massachusetts Department of Public Health"—proactively pushed NFG materials to Milton as early as June 2024. Sarah McColgan sent Health Director Kinsella a "Draft HEIA for NFG.docx" and offered to discuss it, establishing a direct channel between the state-funded tobacco control infrastructure and Milton's policy development. This was followed by a July 2024 MHOA webinar featuring Maureen Buzby and Chris Banthin—two known central figures in the NFG network—providing municipalities with a roadmap for adoption.

Known NFG Network Advocates Deployed to Milton Hearing The April 28, 2025 Board of Health hearing featured testimony from Mark Gottlieb (PHAI) and Kate Silbaugh (BU Law)—the same individuals who have appeared at NFG hearings across multiple Massachusetts municipalities. This pattern of the same small group of advocates traveling from town to town is a hallmark of the coordinated NFG campaign and undermines claims that NFG adoption reflects organic local demand. A third supporter, Dr. Zachary Rich of Boston Medical Center, is a new player not previously documented in other municipal FOIA returns.

Predetermined Outcome: 14-Minute Hearing with Pre-Made Recommendation The Health Director recommended adoption at the start of the hearing—before any public testimony was received. The hearing lasted only 14 minutes (7:08–7:22 PM), the Board voted unanimously, and the regulations were set to take effect June 1, 2025. No opposition testimony is documented in the meeting minutes, despite the fact that NECSEMA, individual residents, and others had submitted written opposition in the months prior. The compressed timeline and predetermined recommendation suggest the public hearing was a procedural formality rather than a genuine deliberative process.

Substantially Incomplete FOIA Production The Town of Milton's initial FOIA response consisted of a single set of meeting minutes. A supplemental request noted that comparable municipalities—responding to substantially similar requests—produced far more extensive records (Mansfield, Hopkinton, South Hadley, and others). Milton's thin production is notable given that the email correspondence ultimately produced reveals contacts with MHOA, the NFG email campaign, and NECSEMA—suggesting additional responsive records likely exist. The FOIA return contains no correspondence with PHAI (despite Gottlieb's appearance at the hearing), no correspondence with Buzby or Mystic Valley, no grant documentation, and no policy drafting communications.

Drug Free Communities Coalition Connection The meeting minutes reference the resignation of Drug Free Community Program Director Margaret Carels effective April 17, 2025—just 11 days before the NFG hearing. The DFC coalition infrastructure has been documented in other municipalities (particularly Hopkinton) as a vehicle for NFG advocacy and youth recruitment. The presence of a DFC program in Milton suggests a potential additional coordination channel that may not be captured in the current FOIA production.

NETWORK DATA POINTS AND FUNDING CONNECTIONS

MHOA Tobacco Control Program: Funded by Massachusetts Department of Public Health (per McColgan email signature). Proactively distributed NFG assessment materials to Milton and hosted NFG adoption webinars. The MHOA disclaimer states: "Technical assistance provided by MHOA to local boards of health does not constitute legal advice"—but the proactive distribution of policy materials and adoption roadmaps constitutes advocacy, not neutral technical assistance. **Drug Free Communities Coalition:** Milton operated a DFC program under Director Margaret Carels (resigned April 17, 2025). DFC coalitions in other municipalities (notably Hopkinton) have been documented as vehicles for NFG advocacy and youth recruitment. The DFC infrastructure may have facilitated coordination not captured in the current FOIA production. **National Retail Food Safety Grant:** Milton Health Department received a \$16,000 grant from the National Environmental Health Association and FDA (referenced in April 28, 2025 meeting minutes). While not directly NFG-related, this demonstrates the Health Department's active engagement in grant-funded programs and establishes a pattern of participation in external funding networks.

MAHB Connection: Health Director Kinsella contacted Cheryl Sbarra, MAHB Executive Director, regarding fee schedule authority. Sbarra is a known NFG network player who provides legal guidance to Boards of Health. This demonstrates an existing relationship between Milton's Health Director and MAHB leadership.

FINANCIAL CONTEXT (IRS FORM 990 ANALYSIS)

The following financial information, derived from IRS Form 990 filings of organizations identified in this municipality's FOIA return, provides context on the institutional funding infrastructure supporting NFG advocacy:

The Massachusetts Health Officers Association (MHOA) received approximately \$4 million in government grants and reported paying \$1.048 million to BME Strategies. MHOA functions as the professional network through which local health directors receive NFG advocacy materials and template regulations.

The Public Health Advocacy Institute (PHAI), directed by Mark Gottlieb at Northeastern University School of Law, reported total revenue of \$21.2 million in FY2023—a dramatic increase from approximately \$740,000 in the prior year. Gottlieb's compensation was reported as approximately \$325,000. PHAI provides pro bono legal defense to any municipality adopting NFG.

EVIDENCE SUMMARY

Evidence Category	Status	Summary
PRE-HEARING COORDINATION	CONFIRMED	MHOA Tobacco Control Program sent NFG assessment materials to Health Director Kinsella in June 2024—ten months before the April 2025 hearing. MHOA NFG webinar circulated to Kinsella in July 2024 featured known NFG coordinators Buzby and Banthin.
TEMPLATE USAGE	CONFIRMED	McColgan attached "Draft HEIA for NFG.docx" to her June 2024 email—a standardized assessment document distributed to municipalities considering NFG. The NFG mass email campaign also represents coordinated messaging templates.
NETWORK ACTIVITY	CONFIRMED	Known NFG advocates Gottlieb, Silbaugh, Buzby, and Banthin all appear in the Milton documents. McColgan (MHOA) served as the initial contact. The February 2026 NFG campaign email confirms ongoing systematic outreach.
CROSS-MUNICIPALITY COORDINATION	CONFIRMED	Gottlieb (PHAI) and Silbaugh (BU Law) traveled to Milton to testify—the same individuals documented at hearings in multiple other municipalities. Buzby and Banthin presented NFG adoption steps via MHOA webinar accessible to all Massachusetts municipalities.
YOUTH RECRUITMENT	NOT FOUND	No direct evidence of youth recruitment in current production. However, the DFC coalition infrastructure in Milton (Margaret Carels) has been associated with youth recruitment in other municipalities.
HEALTH DIRECTOR RECOMMENDATION	CONFIRMED	Health Director recommended adoption of the tobacco regulations at the opening of the hearing, before public testimony. The hearing lasted 14 minutes and the Board voted unanimously. The regulations adopted did not include a Nicotine-Free Generation provision. Opposition correspondence was forwarded dismissively as "FYI."

What These Documents Demonstrate

State-funded tobacco control programs (MHOA, funded by DPH) proactively identify municipalities and distribute standardized NFG policy materials—blurring the line between technical assistance and advocacy. The same small group of NFG advocates (Gottlieb, Silbaugh, Buzby) appears across multiple municipal hearings, manufacturing the appearance of broad expert support for what is effectively a coordinated campaign. Municipal officials (Health Director Kinsella) acted as advocates rather than neutral administrators—recommending adoption before hearing public input and treating opposition correspondence dismissively. The Milton FOIA return, despite its limited volume, confirms the same network infrastructure documented in Mansfield, Hopkinton, and other municipalities—strengthening the pattern evidence. The substantially incomplete FOIA production raises questions about the completeness of Milton's records search and suggests additional responsive documents may exist.

CONCLUSION

The Town of Milton FOIA return, while limited in volume, provides valuable confirmation of the NFG advocacy network's operations. The documents demonstrate that the state-funded MHOA Tobacco Control Program proactively distributed NFG policy materials to Milton months before any public hearing, that known NFG network advocates (Gottlieb, Silbaugh) traveled to Milton to testify at a 14-minute hearing where the outcome was effectively predetermined, and that the Health Director acted as an advocate rather than a neutral administrator. The most significant finding is the documented role of the MHOA—a state-funded technical assistance program—as the initial contact point for NFG advocacy in Milton, establishing the pipeline through which municipalities are identified and provided with standardized adoption materials. The substantially incomplete nature of the FOIA production is itself noteworthy. The absence of correspondence with Gottlieb, Silbaugh, or any pre-hearing coordination emails is anomalous given the documented pattern in other municipalities. A Supervisor of Records appeal and targeted follow-up FOIA requests are strongly recommended to obtain the complete universe of responsive documents. This return, combined with the more extensive Mansfield production and other municipal FOIA returns, continues to build the evidentiary foundation demonstrating that NFG adoption in Massachusetts is the product of a coordinated, state-funded advocacy campaign rather than organic local policy development.

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