

Yarmouth — Investigative Briefing Memorandum

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

Yarmouth

March 2026 (Revised)

EXECUTIVE SUMMARY

This combined analysis incorporates documents from two Yarmouth FOIA responses: the original request filed December 29, 2025, and a supplemental request filed February 3, 2026. Together, these responses yield approximately 66 documents spanning enforcement records, email correspondence, policy materials, and opposition letters. The supplemental response substantially fills gaps identified in the original return—particularly BOH member communications, school district coordination, expanded opposition correspondence, and cross-municipality coordination with Barnstable—elevating the overall classification from MODERATE-VALUE to HIGH-VALUE. The combined record now documents the full lifecycle of NFG adoption efforts in Yarmouth: from the initial MHOA presentation contact on November 12, 2025, through Maureen Buzby’s continued follow-up as late as January 30, 2026. The supplemental documents confirm several critical findings. First, Buzby’s coordination extended beyond the December 1 BOH presentation; her January 30, 2026 email tracks that “21 municipalities and more than 600,000 Massachusetts residents” are covered by NFG, and she offers to deploy additional “NFG volunteers” to address the Yarmouth board. Second, Tom McKean (Barnstable Health Director) confirmed he forwarded NFG materials to the Barnstable BOH Chairman on November 13, 2025—the same day Buzby contacted Yarmouth—demonstrating simultaneous multi-municipality recruitment on Cape Cod. Third, Bob Collett’s December 2 post-meeting assessment that the board is “at least open to the idea of NFG” reveals real-time receptivity reporting back through the network. Most significantly, the supplemental documents reveal that Buzby’s November 14, 2025 email provided detailed strategic guidance on managing opposition at hearings—warning about specific opposition figures by name (Stephen Helfer, Peter Brennan) and advising how to handle their presence—demonstrating that the NFG network prepares municipal officials for an adversarial process before any public hearing is even scheduled.

KEY DOCUMENT EXCERPTS

Cape Cod Recruitment and Multi-Municipality Targeting

From: Maureen Buzby <mbuzby@cityofmelrose.org>

To: Barry Lewis; Anthony Chui; health@town.barnstable.ma.us

Date: Thursday, November 13, 2025 at 10:17 AM

Subject: RE: NFG

"I'm excited to see NFG introduced to the Cape. You will be first! And we're here to help in any way we can."

SIGNIFICANCE: This email reveals Buzby's strategic framing of Yarmouth as the beachhead for Cape Cod NFG expansion. The inclusion of Barnstable health staff on this email—alongside Yarmouth—demonstrates simultaneous multi-municipality recruitment rather than responding to independent municipal interest. The phrase "You will be first!" indicates a planned sequence of Cape Cod adoptions.

Barnstable Coordination Confirmed

From: Thomas McKean <Thomas.McKean@town.barnstable.ma.us>

To: Buzby, Maureen; Lewis, Barry; Niederberger, Riley; Health (Barnstable)

Date: Thursday, November 13, 2025 at 11:51 AM

Subject: RE: NFG flyer

"I sent the flyer to the Chairman of the Board of Health."

SIGNIFICANCE: Within hours of Buzby's initial contact with Yarmouth, Barnstable's Health Director had already forwarded NFG advocacy materials to his BOH Chairman. This confirms simultaneous targeting of multiple Cape Cod municipalities and demonstrates the network's efficiency—a single MHOA presentation generated coordinated outreach to multiple towns on the same day.

Strategic Opposition Management Guidance

From: Maureen Buzby <mbuzby@CityofMelrose.org>

To: Provos, Sara; Niederberger, Riley; Lewis, Barry; Chui, Anthony; Grylls, Mark; Boskey, Hilliard

Date: Friday, November 14, 2025 at 1:09 PM

Subject: RE: Board of Health Meeting

"When NFG or Tobacco regs appear on an BOH agenda the industry often shows up. If it's a public hearing they get to speak of course."

SIGNIFICANCE: This email is among the most significant in the entire return. Before any public hearing was scheduled—while the December 1 meeting was still framed as an "initial update"—Buzby provided Yarmouth officials with a detailed strategic briefing on anticipated opposition. She identified specific opponents by name (Stephen Helfer, Peter Brennan/NECSEMA) and advised on how to manage their presence. This demonstrates the NFG network's role in preparing municipal officials for an adversarial process, treating public participation as an obstacle to manage rather than genuine input to consider.

Coordinated Presentation Strategy

From: Maureen Buzby <mbuzby@CityofMelrose.org>

To: Lewis, Barry; Boskey, Hilliard; Niederberger, Riley; Provos, Sara

Date: Monday, November 17, 2025 at 12:07 PM

Subject: Re: NFG initial discussion 12/1/2025

"Per Sara Provos' instructions I am writing to connect so that Anthony Chui and I are well prepared to provide information that is most helpful to your Board."

SIGNIFICANCE: Buzby's email reveals a scripted presentation strategy: Chui would "describe the NFG policy and reference the Brookline lawsuit," while Buzby would cover "implementation steps and challenges" and "statewide NFG activity updates." This division of labor demonstrates a rehearsed advocacy approach rather than a neutral informational briefing, with presenters assigned specific talking points to build the case for adoption.

BOH Chairman Gatekeeping Opposition Voices

From: Hilliard Boskey <hillard.boskey@gmail.com>

To: Lewis, Barry; Grylls, Mark

Date: Thursday, November 27, 2025 at 9:47 AM

Subject: The Vape Way

"Our next meeting's agenda includes a presentation and discussion only about NFG. It is not a good time for a vendor from another town to state a counter argument about this issue. Our vendors in Town would be appropriately angry they were not included in the discussion."

SIGNIFICANCE: The BOH Chairman's email reveals a deliberate decision to exclude opposition voices from the initial NFG presentation, while simultaneously accepting NFG advocates from outside Yarmouth (Buzby from Melrose, Chui from Melrose, Wilson from MMA, Collett from Barnstable County). This asymmetry—welcoming external advocates while barring external opponents—suggests a predetermined approach to the "initial update" that favored one side of the policy debate.

Post-Meeting Receptivity Assessment

From: Bob Collett <bcollett@capecod.gov>

To: Lewis, Barry

Date: Tuesday, December 2, 2025 at 4:17 PM

Subject: Fw: NFG meeting and Kratom regs

"It was a genuine pleasure to meet with the BOH last evening. I think that they are at least open to the idea of NFG. As such, there are a few other provisions in the latest Draft Model Regulations that the BOH might also want to consider."

SIGNIFICANCE: Collett's real-time assessment of the board's receptivity—reported the day after the December 1 presentation—reveals the network's practice of evaluating each municipality's readiness for adoption. His immediate pivot to pushing additional regulations (kratom) demonstrates opportunistic expansion of the regulatory agenda once a municipality shows openness to the initial NFG proposal.

NFG Momentum Tracking and Volunteer Deployment

From: Maureen Buzby <mbuzby@CityofMelrose.org>

To: Lewis, Barry

Date: Friday, January 30, 2026 at 9:52 AM

Subject: checking in

"You are no doubt aware that Amherst and Dover adopted NFG in December, bringing us to 21 municipalities and more than 600,000 Massachusetts residents covered by this important public health policy."

SIGNIFICANCE: Nearly two months after the initial presentation, Buzby continues her follow-up with Yarmouth—"checking in" to maintain momentum and offering additional "NFG volunteers" as subject matter experts. The precise population figure ("600,000 Massachusetts residents") and municipality count demonstrate ongoing campaign tracking. This persistent follow-up pattern confirms that initial presentations are just the first stage in a sustained pressure campaign to secure adoption.

Cross-Municipality Template Distribution

From: Jason Belmonte (Dover Health Department)

To: Barry Lewis (Yarmouth)

Date: November 12, 2025 (forwarded internally)

Subject: NFG

"Here are the materials I used... A summary sheet, and the 10 things to know about NFG flyer. If you have any questions about how our hearing went or how to explain it to your board let me know."

SIGNIFICANCE: Belmonte's provision of Dover's complete NFG package—including draft regulations, hearing notices, and legal advertisements—demonstrates systematic template sharing across municipal boundaries. The offer to explain "how to explain it to your board" indicates coaching officials to advocate for predetermined

outcomes rather than conduct neutral policy evaluation. The supplemental response includes the actual Dover materials: the draft regulation with Town Counsel edits, the public hearing notice, and the legal advertisement.

NFG Adoption Celebration

From: Maureen Buzby <mbuzby@melrosema.gov>

To: Lewis, Barry

Date: Friday, December 5, 2025 at 11:51 AM

Subject: Municipalities That Have Adopted Nicotine Free Generation

"Wanted you to have the latest list. With Amherst's unanimous vote last evening and Leverett's unanimous vote Monday night we're at 21!"

SIGNIFICANCE: Buzby's celebratory tracking of adoption momentum—maintaining a running count and distributing updated lists—demonstrates the campaign's systematic nature. Each municipal vote is treated as a coordinated milestone, and the list itself serves as a social proof tool to encourage adoption by municipalities still considering NFG.

Misinformation Allegation Regarding Buzby Presentation

From: Chad Perry <chad@thevapeaway.com>

To: Lewis, Barry

Date: Friday, January 9, 2026 at 1:19 PM

Subject: Misinformation from Maureen during Nicotine BAN proposal

"Maureen who did a presentation on the Nicotine BAN has subjected the board of Yarmouth with misinformation regarding the products she was showcasing as 'Nicotine' products focused on kids. The so-called 'Teddy Bear' and 'Guitar' products that she talked about are NOT used for nicotine."

SIGNIFICANCE: Perry, a vape retailer, alleges that Buzby's BOH presentation included THC cannabis devices (which use 510-threaded cartridges standard in the cannabis industry) mischaracterized as youth-targeted nicotine products. If accurate, this raises questions about the reliability of the information presented to the board during its deliberations and whether the presentation was designed to alarm rather than inform.

School District Confirms Vaping Problem

From: Marc Smith <smithm@dy-regional.k12.ma.us>

To: Provos, Sara

Date: Thursday, December 4, 2025 at 10:45 AM

Subject: Re: Board of Health Request - Kratom / Nicotine

"Thank you for reaching out. In short, yes. Vaping is a significant problem. I am sure I could get you specific data depending upon what you are looking for. We just installed vape detectors in our high school this year, so that is where we have the most accurate information."

SIGNIFICANCE: The school superintendent's confirmation that vaping is "a significant problem" and that vape detectors were recently installed provides the local data context in which NFG advocacy gained traction. This correspondence demonstrates Yarmouth staff proactively gathering supporting evidence after the initial NFG presentation, potentially building the case for adoption.

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.

"He also said that he and the Barnstable Health Director would like to pass this policy at the same time." — Barry Lewis, Health Director, Board of Health Meeting, Yarmouth, December 1, 2025

"Malden passed this regulation and it has been very successful. The makeup of Malden is significantly different than a Brookline. If this policy can be successful in Malden, it can work anywhere." — DJ Wilson, Presenter, Board of Health Meeting, Yarmouth, December 1, 2025

KEY FINDINGS

Centralized Coordination Network Confirmed and Expanded The combined FOIA returns confirm Maureen Buzby's role as central coordinator for NFG adoption across Massachusetts, with evidence now spanning from November 2025 through January 2026. Her communications demonstrate: (1) real-time tracking of adoption votes across municipalities ("we're at 21!" and "600,000 Massachusetts residents"); (2) systematic outreach following MHOA presentations; (3) detailed strategic guidance on managing opposition at hearings, including naming specific opponents; (4) offers to provide testimony and deploy "NFG volunteers" including healthcare professionals; (5) persistent follow-up months after initial contact to maintain momentum; and (6) simultaneous targeting of multiple Cape Cod municipalities (Yarmouth and Barnstable on the same day). The supplemental documents add DJ Wilson (former MMA Tobacco Technical Advisor) and Tom McKean (Barnstable Health Director) to the confirmed network participants.

Simultaneous Multi-Municipality Recruitment on Cape Cod The supplemental documents reveal that Buzby's November 13, 2025 outreach to Yarmouth simultaneously included Barnstable Health Department staff on the email chain. Within hours, Barnstable's Tom McKean had forwarded NFG materials to his BOH Chairman. Barry Lewis's internal email noted "The town of Barnstable would like to go in on this also." By February 2026, Barnstable had scheduled a February 24 public hearing on proposed tobacco and nicotine regulations. This documents a coordinated Cape Cod expansion strategy—not independent municipal decisions—with Yarmouth positioned as the "first" in a planned sequence.

Opposition Voices Systematically Managed The supplemental documents substantially expand the opposition record. At least 10 opposition voices are now documented: Peter Brennan (NECSEMA), Andrew Parker (Liberty Square Group), Stephen Helfer (Cambridge Citizens for Smokers' Rights), Chad Perry (The Vape Way), Paresh Patel (Station Ave Convenience), Vishal Shukla (two Yarmouth stores), Dr. Paul Racicot (medical expert), Raymond Aucoin, Liliana Perry, Valerie Girouard, Kevin Read, and Dylan Thomas. Critically, BOH Chairman Boskey's November 27 email directed that opposition voices from outside Yarmouth should not be included at the December 1 meeting—while four external NFG advocates (Buzby, Chui, Wilson, Collett) were welcomed to present. This asymmetric treatment of external participants undermines claims of neutral policy evaluation.

Cross-Municipality Template Sharing Documented with Full Materials The supplemental response includes the actual template materials shared across municipal boundaries: Dover's draft NFG regulation with Town Counsel edits, Dover's public hearing notice, Dover's legal advertisement, the Barnstable FY2025 Sample Regulation, the Barnstable proposed regulations dated February 2, 2026, the standardized "10 Things to Know About NFG" flyer, the NFG FAQ document, and the NFG Overview document. Collett also provided a model tobacco sales regulation on November 17, 2025. These materials demonstrate a turnkey adoption package designed to minimize the need for independent local policy development.

BOH Meeting Process Reveals Advocacy Rather Than Deliberation The combined documents show the December 1, 2025 BOH meeting was carefully staged: Buzby and Chui had pre-assigned talking points (Chui on policy/legal precedent, Buzby on implementation/statewide activity); opposition was excluded from the "initial update"; and the day after the meeting, Collett assessed the board's receptivity and immediately pushed additional regulations. Buzby's follow-up included three standardized NFG documents and offers to introduce additional "subject matter experts." This pattern—scripted presentation, opposition exclusion, receptivity assessment, persistent follow-up—describes an advocacy campaign, not a neutral policy briefing.

Enforcement History Provides Local Context The supplemental response includes tobacco enforcement records predating the NFG discussion: a January 2023 compliance check found 5 of 27 Yarmouth retailers sold to minors (Bucky's violation); Cape Cod Farms received two violations for selling flavored tobacco products (November 2024 and September 2025, fines of \$1,000 and \$2,000 respectively); and Moonshine Liquors failed an FDA compliance check in January 2023. These enforcement records provide context for the NFG debate but are notable for what they suggest: existing regulations are generating violations and enforcement actions, undermining the NFG advocates' argument that current regulations are insufficient.

NETWORK DATA POINTS AND FUNDING CONNECTIONS

MHOA (Massachusetts Health Officers Association): Documented as venue for NFG presentations that generate municipal contacts. November 12, 2025 presentation confirmed as the catalyst for both Yarmouth and Barnstable outreach. **Mystic Valley Public Health Coalition / City of Melrose:** Buzby's organizational affiliation; serves as operational base for coordination activities. Her title is "Tobacco Inspection Coordinator" within the Regional Tobacco Prevention Program at 562 Main Street, Melrose. **Cape Cod Regional Tobacco Control (Barnstable County):** Bob Collett served as regional connector linking Buzby to Yarmouth staff. Also pushed additional regulatory agenda (kratom) using NFG meeting as entry point. **Provided Model Tobacco Sales Regulation template.** **Massachusetts Municipal Association (MMA):** DJ Wilson, former MMA Tobacco Technical Advisor,

attended the December 1 BOH presentation as an NFG volunteer. His MMA connection links the NFG network to municipal government infrastructure. Public Health Advocacy Institute (PHAI) / Northeastern University: The “Ten Things to Know about NFG” flyer contains a QR code directing to the Northeastern University PHAI webpage, confirming PHAI’s role in producing NFG advocacy materials distributed across municipalities. MTCP Connection: Not directly documented in correspondence, but Buzby’s title as tobacco control coordinator and Collett’s role as Cape Cod Regional Tobacco Control Program Director strongly suggest MTCP program involvement. The supplemental response still contains no explicit MTCP grant documentation or work plans.

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 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.

The Massachusetts Tobacco Cessation and Prevention Program (MTCP), funded by the Department of Public Health, operates through regional collaboratives that serve as the primary pipeline for connecting municipalities with NFG advocacy resources and template regulations.

EVIDENCE SUMMARY

Evidence Category	Status	Summary
PRE-HEARING COORDINATION	CONFIRMED	Buzby contacted Yarmouth November 13, 2025; provided strategic opposition guidance November 14; coordinated presentation strategy November 17; BOH presentation December 1. Templates and testimony offers preceded any public hearing by weeks.
TEMPLATE USAGE	CONFIRMED	Extensive template distribution documented: Dover draft regulation with Town Counsel edits, Dover hearing notice, Dover legal ad, Model Tobacco Sales Regulation, Barnstable FY2025 Sample Regulation, Barnstable proposed regulations, "10 Things to Know" flyer, NFG FAQ, NFG Overview, municipalities adopted list. Turnkey adoption package confirmed.
NETWORK ACTIVITY	CONFIRMED	Buzby, Collett, Belmonte, Chui, Wilson, and McKean all involved in coordinating materials and support. Network participants span Melrose, Dover, Barnstable County, Barnstable, and MMA.
CROSS-MUNICIPALITY COORDINATION	CONFIRMED	Dover's Belmonte provided complete materials and coaching; Melrose's Buzby coordinated from outside Cape Cod; Barnstable's McKean simultaneously recruited; Barnstable scheduled own hearing by February 2026. Multiple municipalities coordinated through same network.
YOUTH RECRUITMENT	NOT FOUND	No direct evidence of youth recruitment in documents provided. However, the Smith/school district correspondence and references to youth nicotine pouch overdoses suggest youth framing of the issue without documented recruitment of minors for testimony.
PREDETERMINED OUTCOME	SUGGESTED	Buzby's framing of hearings as adversarial; Boskey's exclusion of opposition from initial meeting while welcoming four external advocates; Collett's post-meeting receptivity assessment and immediate push for additional regulations; Girouard's accusation that the board had "already

Evidence Category	Status	Summary
		decided." Collectively, these suggest a performative process rather than genuine deliberation.

What These Documents Demonstrate

The combined Yarmouth FOIA returns demonstrate the following patterns:

- MHOA presentations serve as a systematic pipeline for identifying receptive municipalities, with same-day outreach to multiple towns following a single presentation.
- External advocates initiate contact with municipal officials within 24 hours of initial interest and maintain follow-up for months.
- The NFG network provides a turnkey adoption package—model regulations, hearing notices, legal ads, FAQ documents, and advocacy materials—minimizing the need for independent local policy development.
- Network coordinators provide strategic guidance on managing opposition, including identifying specific opponents by name before any public hearing is scheduled.
- BOH members may receive asymmetric exposure to NFG advocates while opposition voices are excluded from initial discussions.
- Post-presentation, network participants assess municipal receptivity and immediately push additional regulatory measures (e.g., kratom).
- The central coordinator (Buzby) tracks adoption momentum in real time, using municipality counts and population figures as campaign metrics.
- Simultaneous multi-municipality targeting on Cape Cod (Yarmouth and Barnstable) demonstrates a planned regional expansion strategy.

FOIA RESPONSE ASSESSMENT

The supplemental Yarmouth FOIA response substantially addressed several gaps identified in the original return, though some deficiencies persist:

1. **Date Range Gap — Partially Addressed:** The supplemental response includes enforcement records dating to January 2023 (Bucky’s violation, Moonshine Liquors, Cape Cod Convenience, Cape Cod Farms), demonstrating the town does possess records from the requested time period. However, no NFG-related correspondence predating November 2025 was provided, consistent with the interpretation that NFG outreach to Yarmouth genuinely began in November 2025 following the MHOA presentation.
2. **Email Volume — Substantially Improved:** The supplemental response increases the total document count from approximately 40 to approximately 66, including significant new email chains (Buzby’s extended correspondence, Collett’s multiple emails, Boskey’s communications, school district outreach, and expanded opposition letters).
3. **BOH Member Correspondence — Partially Addressed:** The supplemental response includes emails from Hilliard Boskey (two emails), but correspondence from other BOH members (Mary Craig, Charles T. Holway, Laurance Venezia, Eric Weston) remains absent. Riley Niederberger’s December 30 email distributing materials to all BOH members confirms they were included in communications, suggesting additional responsive records may exist.
4. **MTCP/Grant Documentation — Not Addressed:** No grant documentation, work plans, or MTCP correspondence appears in either response. This remains a significant gap.
5. **Barnstable Coordination — New Finding:** The supplemental response reveals previously undocumented coordination with Barnstable, including McKean’s same-day forwarding of NFG materials and the Tripp/Provos correspondence regarding Barnstable’s February 24, 2026 public hearing. This cross-municipality coordination is the most significant new evidence in the supplemental return.

CONCLUSION

The combined Town of Yarmouth FOIA returns—including the original December 2025 response and the February 2026 supplemental response—provide high investigative value, documenting the full lifecycle of NFG network engagement with a Cape Cod municipality. The approximately 66 documents establish Maureen Buzby as central coordinator, confirm simultaneous multi-municipality targeting (Yarmouth and Barnstable), document detailed strategic opposition management guidance, and reveal asymmetric treatment of advocates and opponents in the BOH process. The most significant finding across both responses is the November 14, 2025 email in which Buzby provided Yarmouth officials with a detailed strategic briefing on anticipated opposition—naming specific opponents and advising on their management—before any public hearing was even scheduled. Combined with BOH Chairman Boskey’s directive to exclude opposition vendors from the initial meeting while welcoming four external NFG advocates, these documents suggest a process designed to secure a favorable outcome rather than facilitate genuine public deliberation. The supplemental response substantially resolved gaps in the original return, particularly regarding BOH member communications, school district coordination, and cross-municipality activity with Barnstable. Barnstable’s confirmed simultaneous recruitment and its scheduling of a February 24, 2026 public hearing represent the most actionable new lead for expanding the investigation to Cape Cod’s largest municipality. Outstanding gaps—primarily MTCP/grant documentation and remaining BOH member correspondence—warrant continued follow-up. The Yarmouth returns now serve as a comprehensive case study of the NFG adoption process and should be cross-referenced with returns from other municipalities to identify consistent patterns across the network.

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