necsema
New England Convenience Store & Energy Marketers Association

Yarmouth — Document Notes

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

The substantive documents in Yarmouth'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 Yarmouth page.

Yarmouth has not adopted the policy. Its Board of Health heard a presentation in December 2025 and listed the matter for discussion again in January 2026. The production contains no Yarmouth draft regulation, no hearing notice and no vote.

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

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1 An enforcement letter from before the sequence begins

Enforcement letter · January 9, 2023 · Bruce G. Murphy, MPH, Director of Health, to a West Yarmouth retailer

> "For your information, minors were successful in purchasing tobacco at five out of 27 Yarmouth establishments which sell tobacco products."

The earliest record here, produced only after the supplemental request asked for the period before November 2025: a compliance check with the Cape Cod Tobacco Control Program, a $1,000 fine ordered before a Board hearing, no reference to the birth-date policy.

2 Yarmouth asks Dover for its paperwork

Email · November 12, 2025 · Barry Lewis of the Yarmouth health department and Jason Belmonte, R.S., CHO, CP-FS, Health Director, Town of Dover

> "Any info on this you would like to forward me that would be amazing. No rush"

The first record here on the subject; the request runs outward from Yarmouth. Belmonte replies with four attachments — agenda, newspaper publication, hearing notice, draft regulation — and the three procedural steps, adding "I'm not an attorney so be sure to check with your Town Counsel." Lewis wants it on the agenda as a "talking session" and says Barnstable "would like to go in on this also." The same exchange appears in Dover's production.

3 After a conference presentation

Email · November 13, 2025 · Barry L. Lewis, Assistant Director of Health, Yarmouth, to Maureen Buzby and Anthony Chui of Melrose; copied to Barnstable

> “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.”

Lewis writes “[w]e met after your presentation at MHOA this past week” and has contacted Barnstable’s health director about the two towns joining together. Buzby lists three documents she will send and reports contacting the tobacco program director for the Cape and Islands “to let him know we connected at the conference.”

4 What to expect at the meeting

Email thread · November 14, 2025 · Maureen Buzby with Yarmouth health department staff; copied to Barnstable County and a Board of Health member

> “Heads up: 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.”

Buzby names four people she expects in opposition, by name and organization: “if the board votes to hold a public hearing, then the industry takes note and will use the time between the meeting and the hearing to do a mailing.” A Yarmouth staff member replies: “the purpose of the December 1st meeting is simply to provide an initial update to the Board members… We are not yet at the stage of holding a public hearing or responding to public comments on this topic.”

5 Dividing the presentation

Email · November 17, 2025 · Maureen Buzby, Regional Tobacco Prevention Program, to Barry Lewis and a Board member; copied to Barnstable County and Anthony Chui

> “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.”

Buzby proposes that Chui, whom she identifies as Health Director for Melrose, Wakefield and Stoneham, describe the policy while she “briefly describe[s] the steps we took and the challenges we faced in my region,” touching on “the Brookline lawsuit which settled the legality of Boards adopting this kind of public health policy.” Lewis asks for “a good brief description of what the program is and how we would proceed in the near future to adopt this policy.”

6 NECSEMA’s letter

Letter with attached materials, 54 pages · November 25, 2025 · New England Convenience Store & Energy Marketers Association to the Board of Health

> “NFG has nothing to do with minors under the age of 21.”

The trade association’s standard letter, six days before the meeting. It quotes model language using a 2004 birth date and cites New Zealand’s repeal of a similar measure. Addressed to a “Town Council”; Yarmouth has a Select Board. NECSEMA funded the records requests behind this site.

7 A retailer asks to be heard, and is told to wait

Email · November 27, 2025 · Hillard Boskey to Barry Lewis and another staff member; Boskey is listed first among Board of Health members on the town's agendas

> "If you have not contacted Mr. Perry from The Vape Way, please do not do so at this time."

The day before, a vape retailer in Hyannis had written in opposition and Lewis forwarded it internally: "Riley lets make sure this business owner has all the information for them to be able come in or zoom into our meeting. I want to make sure all voices are heard on this subject." Boskey says "[i]t is not a good time for a vendor from another town to state a counter argument about this issue," that Yarmouth's own vendors "would be appropriately angry they were not included," and that the business community "will be included at that time" if the Board decides to proceed.

8 The December 1 meeting packet

Board of Health meeting packet, 62 pages · December 1, 2025

> "Eighteen Massachusetts municipalities have adopted NFG, and 580,000 MA residents now live in a community that has an NFG policy."

The agenda lists "Nicotine Free Generation - Discussion." The packet holds a speaking text, a frequently-asked-questions sheet, an overview and a "Ten Things to Know" flyer, plus a page listing nineteen municipalities beside prose that says eighteen. No Yarmouth draft regulation, no hearing notice.

9 After the meeting

Email with three attachments · December 2, 2025 · Bob Collett of the Cape Cod regional tobacco program to Barry Lewis

> "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."

Collett sends a model tobacco sales regulation and two draft kratom regulations, with "a policy checklist from which the BOH may choose said provisions ala carte," naming a six-milligram nicotine cap for pouches as one option. Lewis forwarded it to four colleagues within three minutes.

10 The Board asks Police and Fire for local data

Email · December 3, 2025 · Sara Provos, Town of Yarmouth Health Department, to four public safety officials

> "At the December 1 meeting, Robert Collett, Program Director of Cape Cod Regional Tobacco Control at Barnstable County, reported that local school nurses have contacted his office regarding incidents of youth overdosing on high-concentration nicotine pouches."

The Board seeks Police and Fire information on kratom and nicotine products in Yarmouth. The message requests no data specific to the birth-date policy and sets no follow-up date.

11 The January agenda

Posted meeting agenda · January 5, 2026, 5 p.m. · stamped received by the town clerk that day

> “Nicotine Free Generation - Discussion”

The item appears again as a discussion, following kratom; no public hearing, no vote item. The December 15, 2025 agenda carries no item on the subject. No minutes for the December 1, December 15 or January 5 meetings appear, though each agenda lists earlier minutes for approval.

12 Checking in, seven weeks later

Email · January 30, 2026, forwarded February 2 · Maureen Buzby to Barry Lewis; copied to Barnstable County

> “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.”

Buzby offers “any of our other NFG volunteers to present to your group - or even just attend a BOH meeting for the purpose of answering any questions,” and names the four people the Board heard in December. The figures differ from the December 1 packet’s eighteen municipalities and 580,000 residents.