



RETAILERS ASSOCIATION  
OF MASSACHUSETTS

# The Retail Review

THE OFFICIAL NEWSLETTER OF THE  
RETAILERS ASSOCIATION OF MASSACHUSETTS

April - June 2022 Edition

## MARK YOUR CALENDAR:

**Thursday, November 10, 2022**

Annual Board Meeting

Lombardo's, Randolph

8:30 am - 12:00 pm



If you are not receiving RAM e-news alerts you are missing timely updates and information, please email us at [info@retailersma.org](mailto:info@retailersma.org) and provide us an email address. To view past e-news alerts visit our website [www.retailersma.org](http://www.retailersma.org).



## RAM Board Stakes Out Positions on Possible 2022 Ballot Questions

On May 12th, the RAM Board of Directors gathered in Boston for the Spring Board Meeting. The meeting was held on Beacon Street at the Hampshire House – a longtime RAM member. One of the items on the agenda was a discussion of the current initiative petitions that remain alive in the process and have the potential to make it onto the statewide ballot this November.

Of the thirty petitions that were initially filed last August with the Attorney General's office, only three remain, in addition to a constitutional amendment put forth by the Legislature. Proponents of these questions gathered and submitted the necessary 80,239 signatures of registered voters required to advance in the process last December. With the Legislature choosing not to address any of the petitions, the proponents now must collect and submit an additional 13,374 signatures by July 6th to have their question placed on the ballot in November.

Although it won't be known until mid-July which of the initiative petitions will definitely be on the statewide ballot, the Board established recorded positions for the Association on two potential questions in the event that they do make it through the process. The Board also voted on the constitutional amendment, which is already guaranteed to appear on the ballot this fall.

The RAM Board of Directors voted to oppose S.5, Proposal for a legislative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars. In a recent survey of the RAM membership, 63% of members expressed strong opposition to this proposal, also known as the Fair Share Amendment, or the Millionaire's Tax. The new tax would negatively impact thousands of small businesses in the Commonwealth, likely including the 82% of RAM members that are set up as pass-through entities.

The Board also voted to oppose An Initiative Petition for a Law Relative to 21st Century Alcohol Retail Reform. This question, proposed by the MA Package Store Association, seeks to raise the per-company cap on beer and wine licenses from 9 to 18, while lowering the all-alcohol license cap from 9 to 7. It does not seek any reform of existing local restrictions, and does not increase competition or expand consumer choice. The measure also changes the fine-in-lieu-of-suspension structure to increase potential penalties on restaurants, stores, and markets that sell more than just alcohol, to assess fines based on total store sales.

And the RAM Board voted to support A Law Defining and Regulating the Contract-Based Relationship Between Network Companies and App-Based Drivers. This proposal, sponsored by a group of RAM members, seeks to make the app-based service model more sustainable by maintaining the current flexibility in scheduling enjoyed by app-based drivers, while also providing them access to new portable benefits, occupational accident insurance coverage, and discrimination protections. The services provided by app-based drivers play an important role in supporting today's retail industry. Adoption of this question may also give important momentum to reform the state's overly restrictive independent contractor law as it relates to other industries.

Current court challenges could still keep the alcohol and app-based drivers questions off of the ballot this fall, as could an unlikely late-stage failure on the final signature gathering round this month. The tax amendment has already secured its spot on the ballot. ■



## A Letter from the President

### Retail and Tourism Rely on Each Other and Collectively on Cash Strapped Consumers

*By Jon Hurst, President*

## The Retail Review

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The summer season is here, and with it the opportunity to seek vital local sales from our resident consumers and tourists. Unlike the last two years, government restrictions are gone, yet severe challenges to reaching profitability remain from damaging inflation, product and staffing shortages. Consumers and tourists are coming back, yet how long they can continue to spend and contribute to higher local sales is the primary question since their dollars simply aren't going as far as they did even a year ago.

The retail sector across the Commonwealth employs over half a million of our residents, operating out of approximately 70,000 locations small and large, representing Main Street shops, cafes and fine dining, as well as larger sellers located in regional destination shopping and dining developments. Those sellers serve consumers, and those consumers represent 70% of the economy. Most of our consumers are local residents, but in many of our regions across the Commonwealth, visitors can make or break the profitability of those businesses.

Tourism is an important part of the retail sector on the North Shore, Cape Cod and Islands, in Boston, and in the Berkshires. Likewise, the retail sector represents an important contributor to the entire tourism industry, as shopping and dining are consistently the most frequent activity of our visitors. Attractions and lodging are often viewed as the backbone of the tourism industry, but without robust local dining and shopping, visitations would be less frequent and would be less impactful for our consumer driven economy.

Like our local stores and restaurants, hotels, museums, venues and other attractions have been through a two-year period like no other in memory. From government-imposed shutdowns and severe restrictions, to messaging which dampened consumer spending and investment, small businesses serving tourists have been hit with lower sales, followed by far higher costs.

If you are in the consumer goods and services sectors, you have seen recent double digit percentage increases in payroll and benefit costs, shipping costs, inventory wholesale prices, utilities and other operation costs. Every small business is going through the tough dilemma of how much of those higher costs they can pass along to their local customers and targeted tourists in higher prices, without dampening sales and profitability.

Consumers are starting to show signs of being tapped out due to higher gas, food and other prices, and coupled with concerns on lower 401K values and higher interest rates, they're losing confidence. Although family vacations will likely continue through the summer given pent-up demand from the pandemic, there are certainly signs that consumers are buying down on goods as prices have increased and disposable income has dropped.

The Retailers Association of Massachusetts counts thousands of members in communities which rely on tourism to drive their local economies. In times when consumer confidence is rattled, travel distance is often curtailed, and it becomes all the more important that marketing efforts are increased, targeting both out of staters and consumers from our own region. The state should invest in advertising efforts to promote destinations, with unlimited shopping, dining and entertainment opportunities for both local and out of state tourists.

Besides promotions for consumers to buy in Massachusetts, the state should make it a priority to put dollars back in the pockets of taxpayers—who are our most important consumers. Tax cuts would be a timely investment which would help families, and our consumer serving small businesses. This August we will celebrate our annual Sales Tax Holiday, which generates hundreds of millions in local sales in exchange for a very small two-day sales tax suspension.

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We should promote this year's event as an important investment pushing back against inflation, and give tourists another reason to visit in August.

Additional tax cuts, like Governor Baker's comprehensive proposal which benefits taxpayers at all stages of their lives, would keep hundreds of millions of tax dollars in the pockets of our families, and those dollars in turn could be used in small businesses and destinations across the state.

Given the unprecedented level of billions of dollars in state tax surpluses, now is the time to reinvest some of those dollars back into the pockets of our taxpayers, who can then reinvest those dollars back to their families, and their local small businesses.

Our elected leaders should show their support of tourism and Main Streets, by allowing our consumers to make their own decisions on how best to reinvest their hard-earned tax dollars for their own families. ■



## RAMHIC Offerings for 2022

RAMHIC continues to partner with Blue Cross Blue Shield of Massachusetts to offer members access to the carrier's entire portfolio of high quality, small group health insurance plans.

New in 2022, all members purchasing their health insurance coverage through the cooperative will also receive an expanded list of ancillary benefits, provided by RAM free of charge.

The expanded 2022 benefit package includes:

- Life, Accident & Hospital Benefits provided by USABLE Life
- Employee Assistance Program provided by New Directions
- Blue 20/20 Vision Benefit
- Waived Fees for Health Equity Personal Spending Accounts (available at renewal)
- A 1% year end employer wellness reward, administered by RAM

For more information regarding each of these new benefits, please visit the RAMHIC page of our website.



## LEGISLATIVE/REGULATORY REPORT

With just under three months left in the 2021-22 Formal Legislative Session, a lot of legislative agenda items remain in play. Two years ago, the pandemic so disrupted the legislative cycle that the session was extended beyond the traditional July 31 deadline, with formal sessions running through the end of 2020. This year brings the expected return of the July 31 deadline, after which the House and Senate will continue to meet informally, with no roll call votes taken, and where any one member can block the advancement of any bill.

While significant focus in early 2022 has been on the developing FY23 state budget, Governor Baker and the Legislature have been busy on a number of fronts. The following is a brief summary of recent legislative activity on some of RAM's priority issues.

### **Labor – Employee Scheduling**

The Labor and Workforce Development Committee (LWD) has redrafted, and reported favorably, its **employee scheduling** legislation (H.4698, An Act Relative to the scheduling of employees). The redraft is a significantly stripped-down version of previous proposals, as it omits ongoing advanced schedule notification requirements, penalty pay and offer of work provisions. The redraft instead focuses on reporting pay, on-call shifts and “clopenings”.

The proposal aims to codify in statute the existing Department of Labor Standards' (DLS) requirements relative to “Reporting Pay” (454 CMR 27.04(1)) and “On-Call Time” (454 CMR 27.04(2)). The former requires that employees receive three hours of pay at the minimum wage if they report to a shift scheduled for three hours or more only to have the shift canceled, while the latter requires all on-call time to be compensable working time unless the employee is not required to be at the work site or another location, and is effectively free to use his or her time for his or her own purposes. Again, MA employers are already required to comply with these requirements under current regulations.

The proposal would also require a “covered employer,” defined as retail, hospitality, and food service establishment with 50 or more employees worldwide, to provide employees a good faith estimate of work schedule upon hiring, including average number of work hours, potential for on-call shifts, and subset of days and times the employee can expect to work. A “covered employer” would also be prohibited from scheduling an employee to work a shift less than 10 hours after the end of the employee's previous shift, a practice commonly referred to as a “clopening”.

In addition to concerns over the possibility of this framework being expanded in the future to include advanced scheduling, penalty pay and offer of work obligations, RAM remains strongly opposed to the discriminatory application of this proposal against only a subset of employers. RAM also objects to the definition of “covered employer” counting chains and franchises as one employer for the purpose of determining the proposal's 50-employee threshold. RAM continues to argue that determination of the workforce threshold in these instances should be by individual company, not aggregate affiliation. The bill is currently before the House Committee on Steering, Policy & Scheduling.

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## Environment / Climate

This session saw early increased activity on efforts in support of various environmental bills including those aiming to ban plastic bags, impose fees on paint and mattresses, restrict chemicals, and to limit commercial waste and establish various extended producer responsibility laws. RAM engaged on various bills before the Environment Committee, focusing on the bills related to plastic bags, paint and mattresses. Action on a **Plastic Bag bill** was anticipated, but has not yet materialized. Questions remain regarding whether a bill would include a bag fee (fee amount, required or voluntary, retained by business or shared with municipality), a low volume user exemption, and/or a local preemption provision. The Committee did recently advance a **paint fee bill** favorably, and staff has been asking RAM for additional feedback on a similar style advanced recovery fee type model on **mattresses**, which would impose a point-of-sale fee on consumers to be remitted to third party recyclers controlled by manufacturers. RAM has opposed both measures. The outlook on all of these issues has been clouded by the departure from the House of former Representative Carolyn Dykema, Chair of the Environment Committee, and lead plastic bag ban proponent, former Rep. Lori Ehrlich.

With time running out on the current legislative session, wrapping up the state's annual budget will remain the top focus in the House and Senate. There also remains a lengthy list of major legislation bottlenecked in conference committees, including bills dealing with drivers licenses for undocumented immigrants, legalization of sports wagering, management of state run soldiers homes, voting rights, offshore wind and carbon emissions, which are expected to take up much of the Legislature's attention heading towards the July 1st end of session. RAM also expects an economic development bill to emerge from the Legislature in coming weeks, as well as a possible tax relief counter proposal to Governor Baker's previously released tax package.



## LEGAL ALERT

The Supreme Judicial Court recently handed down a decision which will render violations of the state wage and hour law more costly for employers. In [Reuter v. City of Methuen](#), the court ruled that any late payment of wages in violation of the state Wage Act—regardless of the reason and whether or not the wages were eventually paid—automatically renders an employer liable for treble the total amount of wages in question.

State law requires employers to pay workers who are terminated or laid off in full on their last day of work, and provides for treble damages for failing to do so. For over 20 years, guidance from lower court decisions indicated that an employer's payment of late wages prior to the filing of a complaint with the court would significantly limit treble damages to only the interest earned on the wages during the delay. In overruling the lower courts, the SJC decision now means that treble damages are to attach immediately upon violation.

Employers will now have to strictly comply with the Wage Act to avoid such costly penalties. Adopting this strict standard, the court recommended that moving forward employers may want to consider suspending employees for a short time prior to termination in order to ensure the accurate and timely payment of wages in compliance with the law. Until tested in court, it remains unsettled at this time whether the strict liability standard applies to other violations of the Wage Act, or whether the decision applies retroactively.

## New RAM Employee



### A'Diyanna Zeidel Joins the RAM Staff to Help Grow Membership

A'Diyanna Zeidel joined RAM in May 2022 as the Membership Sales Manager. A'Diyanna will initiate association membership recruitment and association-offered benefits to the Western Massachusetts retail, restaurant, sales and automotive services industries. A'Diyanna serves as the contact that links the Greater Boston area to Western Massachusetts.

Prior to joining RAM, A'Diyanna's professional background included Finance Management, Debt Collection, Sales Management and Real Estate as a licensed Massachusetts Realtor. In her previous role as a Finance Director she continuously led the company to improvements in their financial health and overall success. Prior to her role in finance A'Diyanna worked in human services supporting special education and empowering young adults intellectual growth. A'Diyanna has also served in the military as a drill sergeant leading a team of recruits in all aspects of training.

A'Diyanna has received her Bachelor's in General Studies with a minor in Entrepreneurship from Framingham State University. She lives in West Springfield with her son Kyden, their two birds Stars and Saturn, and dog Jake.



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Don't forget to 'Like' us on Facebook.



## It's that time of year again! Nominate your favorite retailer for a RAMAE!

For almost 25 years, the RAMAES have honored small and large retailers, rookies and veterans, identifying hidden gems from all corners of the state. Help us identify the businesses who deserve to be recognized for their resilience, innovation, customer service or going above and beyond to make the retail experience memorable. Submit a nomination today – for your business as well as others you think should be recognized.

Visit the RAM website at [www.retailersma.org/ramaes](http://www.retailersma.org/ramaes) to submit your nominations today. Mark your calendars for the RAM's Annual Meeting and RAMAE Luncheon and Awards Presentation.

**Thursday, November 10, 2022 at Lombardo's in Randolph**  
more meeting details to follow via email



# Welcome 56 New Members

A & A Auto Care Woburn	Devine South Egremont	Parlee Farms LLC Tynsboro
A1 Staffing Service LLC Salem	East Basin Sports Inc Dover	Pioneer Cannabis Company Brimfield
Abbott's Frozen Custard Needham	East Regiment Beer Co. Salem	Ricco's, Inc. Waltham
Alden Lock & Security, Inc. Watertown	Eastham Ace Hardware Eastham	Root and Bloom Newburyport
Allendale Country Club, Inc. North Dartmouth	Forestdale Bait & Tackle Forestdale	Sean's Auto Repair Clinton
Alliance Scale, Inc. Canton	Fork 'N Delicious Auburn	Shop Therapy Provincetown
Ashtown Auto Worcester	Freshly Baked Company Taunton	Smith Family Popcorn LLC Hyannis
Bang Na Thai Kitchen North Billerica	Gracie's Roadside Cafe, Inc. East Brookfield	Sunray Cleaners West Roxbury
Blue On Highland Needham	J & M Subs, Seafood & Pizza North Andover	Sunrise Auto Lynn
Boston Volkswagen Watertown	Jay's Smoke Shop Milford	Superior Lobster & Seafood LLC Sandwich
Caramel Patisserie Salem	Jumbo Seafood Boston	Superior Lobster LLC Marshfield
Castle Manor Gloucester	Just In Time Cafe Peabody	The Chart Room North Falmouth
Central Motor Sales Wrentham	Koy Boston	The Elm & Olmo Great Barrington
Charm Thai Bistro Wakefield	La Qchara and T'Ahpas 529 Melrose	The Frog Sheffield
Commoncraft Burlington	Lhasa OMS, Inc. Weymouth	The Music Wagon LLC Rehoboth
Concord Country Club Concord	Lucky Goat Brewing Wareham	Tolson's Tap and Tavern Kingston
Cranberry Collision Harwich	Mirak Chevrolet Arlington	Tropical Smoothie Cafe Saugus
Creative Systems Hopkinton	Newbury Guest House Boston	Variety Auto Sales Shrewsbury
	One Stop Mart Agawam	Ye Olde Forge Restaurant Lanesboro



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### Great News of new Dental & Vision Programs for RAM members!

We are happy to announce that our group dental and vision plans through MetLife have changed to Altus Dental and VSP Vision! Please be advised that for any members on the current plan effective September 1, 2021, we will be changing from MetLife to Altus Dental and the Vision program will now be with VSP (administered by Altus Dental). Members will be automatically enrolled in the new plan and membership cards will be sent out to each enrolled employee. **For any members not enrolled who are interested in learning more, please contact Joe Barnes, Director of Business Development for RAM, at his contact information at the bottom of this announcement.**

#### New Altus Dental Plan Rates

**New Lower Rates – rates guaranteed until 9/1/2023**

Tier	MetLife - Current	Altus - New
Individual	48.26	43.92
Family	140.31	127.28

#### Enhanced Benefits – Preventive Rewards and Smile Plus Program included

- Preventive services do not count towards annual maximum
  - o When you have preventive services including cleanings and exams they do not go against your maximum
- Plan now covers a 3<sup>rd</sup> cleaning at 100%
- Teeth Whitening benefits included
- Athletic Mouthguards benefits for children included

#### Improved Access –

- Altus has the largest network throughout Massachusetts and beyond so you can stay in network and maximize your benefits since dentists agree to accept lower fees! And you can still visit any dentist with the same benefit levels.

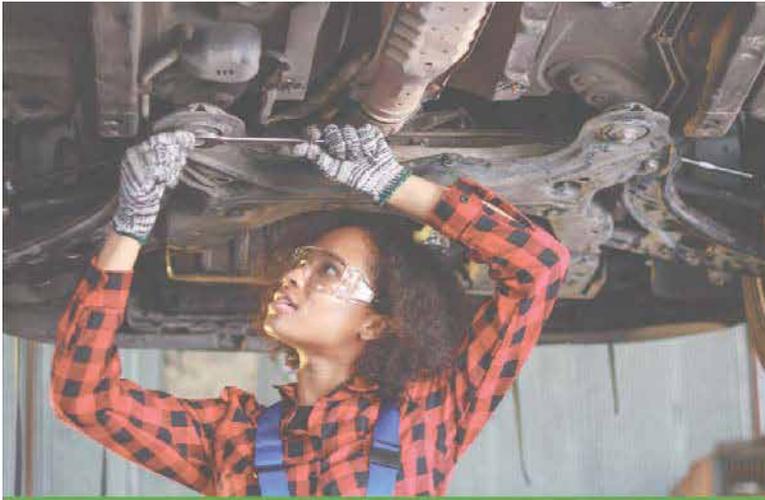
#### New Altus Vision (VSP) Rates

**New Lower Rates – rates guaranteed until 9/1/2023**

Tier	MetLife-current	Altus Vision (VSP) - New
Individual	10.76	8.76
Ind & Spouse	20.56	17.56
Ind & Child(ren)	17.87	14.87
Family	30.51	24.51

**Enhanced Benefits – Frame and Contact Lens Allowance increased to \$150 (was \$130)**

**For questions, please contact Joe Barnes at [jbarnes@retailersma.org](mailto:jbarnes@retailersma.org) C:978-478-7430**



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## Membership News

### We want to hear from you!

Contact Andi Shea, Membership Director at 617.523.1900 ex. 150 or [ashea@retailersma.org](mailto:ashea@retailersma.org) with any interesting news or information about your business.

For example, let us know when your business is in the news or if you received special recognition from your community. We would like to showcase this information in future newsletters.

