



The Retail Review

THE OFFICIAL NEWSLETTER OF THE
RETAILERS ASSOCIATION OF MASSACHUSETTS

July - September 2022 Edition

MARK YOUR CALENDAR:

Thursday, November 10, 2022

Annual Board Meeting

Lombardo's, Randolph

8:30 am - 12:00 pm

NEWS & UPDATES

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



2022 Formal Legislative Session Comes to an End, But Unfinished Business Remains

The MA House of Representatives and Senate adjourned on August 1st at 10:15 AM, concluding formal sessions for this year, after a marathon session that lasted almost 24 hours and went through the night, bypassing a self-imposed midnight deadline.

The Legislature will continue to meet in informal session until the end of the year, where typically only non-controversial matters are handled, as there are no roll call votes taken and the objection of any one member can block the further progress of any bill. While the last few days of the session saw action on budget veto overrides, land takings and local bills, the Legislature also moved on a number of important, high-profile issues, such as sports betting and a climate and clean energy bill. Most notable of the issues that did NOT get resolved: a \$4 billion economic development and tax relief package that had previously sailed easily through both houses.

In late July, with just days remaining in the formal session, the economic development and tax relief bill's future became clouded with the revelation that due to a voter-passed tax cap law from 1986, also known as Chapter 62F, taxpayers were already likely in line to receive a significant tax break this year, in the form of almost \$3 billion in tax credits. The tax cap law, triggered by record-setting state revenues outpacing wage and salary growth, has only ever been triggered once before, in 1987. The law limits state tax revenue growth to the growth of total wages and salaries in the state. When revenues exceed the allowable amount, taxpayers are then due a credit equal to the excess. The late development on the tax cap law was enough to prevent the Legislature from moving forward with their own plan to spend a combination of ARPA funds and surplus tax dollars on targeted tax cuts and rebates, an estate tax reform, an additional transfer from the state's General Fund to the Unemployment Insurance Compensation Fund to cover overpayments made by the state, and more.

Lawmakers chose to await more information from the Baker Administration and the Department of Revenue (DOR) on the tax cap law and how it will be implemented before deciding how to proceed with the pending economic development and tax relief legislation. RAM immediately joined with others in the business community in calling on the Legislature to quickly move forward with key aspects of the eco-dev/tax relief bill during an informal session. We maintain that at the current time, the state can afford both the proposed legislation and its \$300 million in unemployment insurance relief support, and the Chapter 62F credits.

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A Letter from the President

Dear RAM Member:

Election Day is rapidly approaching, and beyond important candidate races, voters will be asked to decide on changes to laws on income taxes, alcohol permits, and dental insurance. The RAM Board of Directors voted in May to take positions on two of these public policy ballot initiatives.

The most visible and consequential issue will be Question 1, a constitutional amendment to place an income surcharge of 4% on top of taxpayers with an income of \$1 million or more. This isn't the first attempt by the tax increase advocates to put this measure on the ballot. A similar measure was knocked off the ballot in 2018 by the Supreme Judicial Court (SJC) for constitutional reasons.

Members may remember that our organization had our own ballot question tax reform measure that same election cycle. The RAM ballot question would have rolled back the regressive sales tax increase of 25% passed in 2009 back to the long-time rate of 5%. Understanding the messaging of the income tax increase advocates that lower income families pay a higher proportion of their incomes on state and local taxes than higher earners, RAM leadership saw the best way to make taxation fairer for low to middle income families was to reduce the sales tax. Yet, once the SJC knocked the income tax surcharge off the 2018 ballot, the door opened for RAM to remove our sales tax rollback from the ballot in exchange for labor cost relief with the removal of two other labor mandate initiatives. That labor relief included a more gradual minimum wage increase; a more reasonable tip wage for restaurants; a less onerous paid family and medical leave law; and a repeal of the antiquated and only in Massachusetts retail blue law premium pay requirement, which mandated time and a half pay on 52 Sundays and 6 holidays for stores, but not online sellers. In addition, the Sales Tax Holiday was put into permanent law. This legislative compromise became known as "The Grand Bargain."

Ironically, had the income tax increase and sales tax rollback questions gone to the ballot in 2018, both likely would have won, and RAM may have stayed neutral on the income tax measure due to the overall tax reform package including reduced sales taxes.

Yet, advocates for higher income taxes didn't end their efforts, despite the Grand Bargain and their wins on labor increases and paid leave mandates. RAM chose not to revisit the sales tax cut ballot question. We also surveyed our 4000 members to better determine their views on the 4% income tax surcharge. The results surprised us on how many of our members opposed the question, were "pass-through" corporations, which get taxed under the constitutional amendment; and how many members were looking to sell their businesses within the next 10 years, creating an additional tax hit under the tax hike.

Our member survey came back with an 82% rate of "pass through" tax structures, which are included in the \$1 million threshold under the constitutional amendment; 60% plan to sell within 10 years triggering another big tax hit; and 67% believe higher earning consumers will leave Massachusetts with a 9% income tax rate.

So unlike 2018, RAM is now on the No on 1 side, and we urge our members to oppose the Constitutional Amendment Income Tax Surcharge.

Finally, the RAM Board also voted to oppose the alcohol permit question, Question 3, simply because it is flawed by not reforming the local regulatory scheme; and because it contains poison pills, including a reduction full liquor permits from 9 down to 7; and requires fines in lieu of suspension for stores and restaurants based upon their sales beyond alcohol (which is the current law), which would include sales of meals, food, gasoline, and other non-alcohol items. The measure is not a seller or consumer friendly reform, rather a thinly veiled protectionist measure.

Sincerely,

Jon B. Hurst

President

The Retail Review

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legislative update continued from front page

Additional laws passed at the end of the session included:

- FY23 State Budget – RAM was pleased to see that the final state budget plan for FY23 did not include previously discussed proposals to allow for lottery purchases using debit cards, or “Real Time” sales tax collection.
- Chapter 179 of the Acts of 2022 – An Act driving clean energy and offshore wind – Retail impacts in this new law include a requirement on the utilities to publicly report energy usage of buildings greater than 20,000 sq. ft., a provision to prohibit the sale of non-electric vehicles after 2035, and a controversial proposal to allow ten municipalities to ban new fossil fuel construction.
- Chapter 173 – An act regulating sports wagering – Much discussed and long awaited, sports betting is officially coming to the Commonwealth. The new law authorizes sports betting in MA, allowed in person at casinos and racetracks, and online via mobile apps. The MA Gaming Commission has oversight authority over the new industry and is moving quickly to establish a regulatory framework to allow the industry to be up and running as soon as possible – potentially late 2022.
- Chapter 180 of the Acts of 2022 – An act relative to equity in the cannabis industry – This new reform law seeks to increase diversity in the industry and strengthen oversight of community host agreements between cannabis businesses and cities and towns. The law also sets guidance for the future licensing of on-site consumption, or “pot cafes.”

The Legislature and Governor Baker also collaborated on a new law relative to increasing Mental Health access, and passed bond bills to make capital improvements in the Judiciary, general infrastructure and transportation sector.

Thousands of bills did not make it across the finish line by August 1st, many of them detrimental to the retail industry. We will continue to monitor them to ensure that none move during the informal sessions, but you can also expect most to be back next session. ■

News from the MA Department of Revenue (DOR)...



It's time to renew those tobacco licenses

Heads up for all tobacco retailers and distributors – the renewal process for your tobacco license is now open on MassTaxConnect. All current licenses are set to expire on Sept. 30, 2022. Log in to MassTaxConnect to start your renewal.

Third-party access to a taxpayer's account

Just a reminder that a third-party representative can get access to a client's MassTaxConnect account. A third party initiates the process through MassTaxConnect and the taxpayer will be asked to approve the request. You can learn more about third-party access on the DOR website and by viewing the video tutorial.

Visit mass.gov/dor for more information



Information About Massachusetts Question 1

Question 1 would impose giant tax increases in Massachusetts – damaging our economy, threatening small business owners, and resulting in even more lost jobs and people leaving Massachusetts.

This November, Massachusetts voters will vote on Question 1, an Amendment to the State Constitution that would drastically change the structure of income taxes in the Commonwealth. If passed, it would be one of the state's highest tax increases in history and **immediately impose an 80% tax increase** on tens of thousands of small business owners, large employers, and retirees. And, it would give politicians a blank check to spend billions of taxpayer dollars however they want, with no accountability.

► Imposes one of the largest tax hikes in Massachusetts history

If approved, Question 1 would immediately raise taxes on incomes of \$1 million or more from the current 5% up to 9%. *This is an 80% tax increase!*

► Removes a constitutional taxpayer protection and opens the door to more income tax increases on all taxpayers



The Massachusetts Constitution includes a protection that requires the state income tax rate to be the same for all taxpayers, which is currently at 5%. This constitutional protection makes it difficult for the Legislature to increase income tax rates because any rate increase affects all Massachusetts taxpayers (i.e., all voters).

Since 1962, voters have decisively rejected five different ballot questions that aimed to remove this taxpayer protection by margins of at least 2-1. Now, proponents of Question 1 are at it again, threatening to undo this important constitutional protection and to create a precedent for the Legislature to divide taxpayers into groups in order to tax them at different rates.

If voters remove this taxpayer protection from our Constitution, a dangerous precedent will be set and the door will be wide open for politicians to create additional tax brackets and higher rates, eventually targeting middle class workers and families.

Because this precedent would be locked into our Constitution, passage of another constitutional amendment will be required to repeal or fix it when things turn out badly.

► Gives politicians a blank check, with no accountability

It provides no guarantee that the new money from this huge tax increase would actually increase spending on education and transportation, despite claims by its proponents.

Question 1's text plainly states that its funds are "subject to appropriation." And make no mistake—this language was intentional. In 2019, Beacon Hill politicians rejected two amendments that would have required the new tax revenues to be used to *increase* funding for education and transportation. Instead, under this language, politicians could legally use the appropriations process to divert existing dollars away from education and transportation—and use them instead for pet projects— while funding for education and transportation could remain the same or even decrease.

In fact, the Attorney General stated in 2018 that the language used in Question 1 would allow "the Legislature to choose to reduce funding in [education and transportation] from other sources and replace it with the new surtax revenue."

"...there's tremendous uncertainty about how the money...would actually be used, because it would still be subject to legislative appropriation and could end up displacing—rather than increasing—planned spending on education, roads, bridges, and transit."

Tufts University Center for State Policy Analysis study, January 1, 2022.

**For more information, or to support the effort,
visit <https://noquestion1.com>**

► **Taxes the nest eggs of homeowners, retirees, and small businesses**

Question 1 is also deceptive because it is not uniquely a tax on people currently earning an income of a million dollars annually.

Unlike federal taxes on personal income, Question 1 would apply to one-time gains—such as those from selling a business or home. So, the nest eggs of many small business owners and longtime homeowners whose retirement depends on their investments would be taxed if Question 1 is passed.

In fact, over half of Massachusetts’ million-dollar filers will do so for the first and final time because of these one-time events. Many seniors and small business owners—few of which would be considered “millionaires”—that have owned their homes or businesses for many years and are relying on their investments to help fund their retirement will be pushed into the highest bracket, nearly doubling their taxes even if their yearly earned income is low.

► **Damages our economic recovery and further pushes small businesses into poor financial conditions at the worst possible time**



According to CNBC, Massachusetts already ranks 49th in the country in the cost of doing business. Question 1 would increase taxes on tens of thousands of small business owners, discourage investments in our communities’ small businesses and make it difficult for recovering businesses to hire back workers. While some big corporations may have resources and techniques to avoid the increased taxes forced by Question 1, small business owners will be left reeling from an unprecedented new financial hit.

The claimed revenue gains of Question 1’s higher taxes would be outweighed by the loss of job-creating entrepreneurs and businesses relocating to other states. Even before the onset of the Covid-19 pandemic, Massachusetts was losing \$1 billion annually due largely to residents moving to low tax states such as New Hampshire or Florida. Last year, in fact, Massachusetts reached a five year high for residents moving to other states. And, with new work-from-home flexibility, Massachusetts is among seven states with the highest rate of outmigration. If the

ballot question is approved, even more people, businesses, and jobs will leave.

As we continue to navigate the COVID-19 pandemic, and deal with inflation and supply chain difficulties, we must support our local economy and small businesses. Massachusetts should work to be a place where local businesses can thrive – not passing huge tax hikes that will badly hurt small businesses and result in even more lost jobs, at the worst possible time.

► **Claims to solve a budget problem... that does not even exist – Massachusetts has a giant budget surplus and historic revenue growth**



Proponents of Question 1 would have Massachusetts residents believe that some of our most important spending priorities are falling behind. However, in Fiscal Year 2021, the State collected \$5 billion more from residents, workers, and businesses than it had projected, and the State still has an additional \$4.8 billion in unspent federal COVID-19 relief funding, leading to a giant budget surplus.

“[W]hy should voters in the 2022 statewide elections approve that ballot question... when the state’s awash in cash?”
Boston Herald, October 9, 2021.

It makes no sense to raise taxes on tens of thousands of small business owners and retirees when our Commonwealth’s government and politicians have giant surpluses and tax revenues coming in well over projections.

Massachusetts already spends more annually per student than nearly every other state in the country at over \$17,000 per pupil, and our students proudly rank third in the nation in standardized test scores. On infrastructure, state politicians have shown themselves to be reckless and inefficient with existing infrastructure funds, leading to the Massachusetts highway system ranking 47th nationally in cost-effectiveness.

Before raising taxes and penalizing small business owners, large employers and retirees, politicians should learn to be more efficient with existing funding from taxpayer dollars.

Join our growing Coalition to Stop the Tax Hike Amendment

Massachusetts small businesses, veterans, retirees, civic and community organizations are coming together to form a statewide coalition informing voters about the damaging consequences of Question 1. To learn more and join our coalition, please email us at info@NoQuestion1.com

Paid for by the Coalition to Stop the Tax Hike Amendment

Member Profile

Meet our member: Fitchburg Creamery is a family owned and operated business, founded in 1890. At that time the company operated as a milk plant and wholesaler of dairy products. They presently have 100 full and part-time employees.

Fitchburg Creamery Inc.



E & G Vending Company - Monadnock Vending Company

info@fitchburgcreamery.com
(978) 343-9202

Our History

Fitchburg Creamery is located in Fitchburg, Massachusetts. A family owned and operated business; George S. Learned founded Fitchburg Creamery in 1890. At that time the company operated as a milk plant and wholesaler of dairy products.

As industry in the central Massachusetts area continued to grow, the family saw the need for a food service that would cater to industries' needs. In 1950, Fitchburg Creamery diversified into full-line vending and industrial catering. Working with painstaking diligence, Fitchburg Creamery developed a reputation for outstanding quality and service.

By 1964, Fitchburg Creamery further committed themselves to being the area's primary full service vending firm by acquiring E & G Vending Company. With this achievement we were able to guide the company to its current position as one of the most respected independently owned vending firms in Massachusetts. We service industrial, commercial, and educational concerns with the highest quality food and other products.

Fitchburg Creamery presently has 100 full and part-time employees. Our offices and warehouses are located in Fitchburg, Massachusetts, as well as Keene, New Hampshire.



In 1983, we purchased Monadnock Vending of Keene, New Hampshire. This acquisition strengthened our financial base and helped us to solidify our service in southern New Hampshire and Vermont.

In 1996, Fitchburg Creamery updated its present food processing and bakery capabilities. We have achieved this by building a new food processing central commissary. In addition, we added a Food Service Director to the management staff. This has allowed us to better tend to our present customers and easily handle anticipated expansion.

In 2000, Fitchburg Creamery purchased a bottled water company and office coffee service company. This has allowed us to further expand the services we supply.

Through this guided growth, we have had the good fortune to build a full service vending company that services Massachusetts, New Hampshire, Vermont, and Connecticut.



You can also find member profiles on RAM's social media channels. If you would like your business featured on RAM's social media, email ashea@retailersma.org

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



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 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 – www.retailersma.org/ramaes – for your business as well as others you think should be recognized.

Mark your calendars for RAM's Annual Meeting and RAMAE Luncheon and Awards Presentation.

Thursday, November 10, 2022

more meeting details to follow via email



Welcome 51 New Members

ACME Auto & Radiator, Inc.
Springfield

Alley Cat Diner
Webster

Al's Tire & Auto Repair
Westfield

Atlantic Auto & Truck Supply Company
Peabody

ATS Equipment, Inc.
Boston

Balloons Around Town
Wilbraham

Botera
Franklin

Brodney & Sons
Waltham

Brothers Deli
Wakefield

Buttonwood
Newton Highlands

Casey's Diner
Natick

DSR Auto Management, LLC
Fall River

Eat Well Kitchen MHD LLC
Marblehead

Engage Wellness/LAIDBACK
Natick

Fabia Tatiana Boutique Import & Export
Marlborough

Flower & Soul, Inc.
Halifax

Frank's Steakhouse
Cambridge

Fyre Ants/EMBR
Easthampton

Giovanni's Market
Boston

Locker Room Sports Pub
Lee

Matouk Textile Works, Inc.
Fall River

Metropolitan Truck Center
Stoughton

Morrison's Home & Garden
Plymouth

Nantucket Auto Supply
Nantucket

Nantucket Bake Shop
Nantucket

Napi's Restaurant
Provincetown

New England Reprographics
West Yarmouth

Olde World Remedies
Lynn

One Eyed Jacks Tiki Bar & Grill
Worcester

Paddy Kelly's
Peabody

Parce's Truck and Auto Repair
Revere

Pizza 1 & Subs 2
Marston Mills

Rebecca's Nut Free
Georgetown

Red's Viking Pub
Adams

reLeaf Alternative, Inc.
Mansfield

RetoFit Technologies
Taunton

Rustico
Mattapoissett

Sidelines Sports Bar & Grill
Salem

Solar Cannabis Co.
Somerset

Spartan Hemp Works
East Longmeadow

SSC Services, Inc.
Framingham

Stonecreek Farm
New Bedford

Tavern in the Square
Wrentham

The Boston Garden
Athol

The Finer Consigner
Newton Center

The Lobster Trap
Bourne

Treeworks of Massachusetts
W. Hatfield

Watertown Engineering Corp.
Whitman

Waverly
Charlestown

West Island Creamery
Fairhaven



RAM Welcomes Introduction of Credit Card Competition Act of 2022

RAM recently joined with our partners at the National Retail Federation (NRF), the Retail Industry Leaders Association (RILA), the Food Marketing Institute (FMI), and the Merchants Payments Coalition (MPC), to applaud the introduction of bipartisan legislation that would let merchants choose which payments networks process credit card transactions. This law change would create long-sought competition that could save businesses and consumers billions of dollars a year. The bill was sponsored by Sen. Richard Durbin (D-Illinois) and Sen. Roger Marshall (R-Kansas).

The bill would essentially require card networks to compete over who gets to process a transaction, resulting in a free, fair and competitive market – and lowering the prices and fees paid by sellers. The legislation would require that credit cards issued by the largest U.S. banks be able to be processed over at least two unaffiliated card payment networks, and that merchants be allowed to choose which to use. One network could be either Visa or Mastercard but the other would have to be an unaffiliated competitor such as another credit card network or one of a dozen independent payment networks like Star, NYCE or Shazam, that have better security and charge lower fees.

Visa and Mastercard, which control 80 percent of the multitrillion-dollar payments market, set not only their own network fees but also the “swipe” fees charged by the banks that issue their cards. In addition, Visa and Mastercard currently only allow transactions on their credit cards to be processed over their own networks, barring smaller competitors from the market. The bill would apply only to cards issued by banks with \$100 billion or more in assets – fewer than three dozen institutions but about 90 percent of Visa and Mastercard credit card volume – and would have no impact on small community banks.

According to the payments consulting firm CMSPI, competition over credit card processing could save merchants and their customers \$11 billion or more a year. A 2010 federal law requiring similar routing choice for debit cards has saved merchants an estimated \$9.4 billion a year with 70 percent of savings passed along to consumers.

Swipe fees for Visa and Mastercard credit cards currently cost merchants an average 2.22 percent of the transaction. The fees have increased dramatically in recent years, tripling from \$25.6 billion a year in 2009 to \$77.5 billion in 2021, according to the Nilson Report. American businesses pay swipe fee rates seven times as high as businesses in Europe and five times as much as businesses in China.

Credit and debit processing fees are most merchants’ highest operating cost after labor, totaling \$137.8 billion a year for all types and brands of cards as of 2021. That was up 25 percent from the year before and was more than double the amount collected a decade earlier. The fees drive up prices paid by consumers, amounting to an estimated \$900 a year for the average household.

The bill prohibits any interference with where merchants route credit cards for processing, including any requirement that proprietary mechanisms owned by Visa or Mastercard be used unless the mechanisms are available to all networks. The Department of Justice is currently investigating whether Visa has violated antitrust laws by limiting merchants’ ability to route debit transactions while the Federal Trade Commission is investigating both Visa and Mastercard. ■



Free Assistance to Comply with the MassDEP's Commercial Waste Bans

Did you know that many recyclable, compostable, and hazardous materials are banned from disposal in Massachusetts? RecyclingWorks can help your business establish programs to comply with waste disposal bans, including the following changes that go into effect **on November 1, 2022**:

- Businesses and institutions generating **one-half ton of food material** per week will be subject to the commercial food waste disposal ban it (currently applies to business generating one ton or more of food material per week).
- **Mattresses and textiles** will be banned from disposal.

RecyclingWorks in Massachusetts (RecyclingWorks) provides free technical assistance to guide businesses and institutions in maximizing waste reduction, reuse, recycling, and food waste diversion opportunities. Through this customized one-on-one assistance, RecyclingWorks can help your organization:

- Evaluate existing waste streams
- Identify opportunities to prevent, recover, and divert waste
- Empower employees through education and training
- Create customized waste bin signage
- Conduct a cost analysis for starting or expanding a waste diversion program
- Connect with waste haulers and processors of recyclables and organics

Contact the RecyclingWorks hotline to learn more:

888-254-5525 | info@recyclingworksma.com

RecyclingWorks in Massachusetts is funded by the Massachusetts Department of Environmental Protection (MassDEP) and delivered under contract by the Center for EcoTechnology.



Eyes

Teeth

altus
dental™

And now

Altus Vision™
in partnership with vsp.

Get the Most of Your RAM Benefits with Altus Dental AND Altus Vision

You already know Altus Dental. Now RAM members can enroll in Altus Vision, the new plan in partnership with VSP®, a national leader in vision care. With Altus Vision, you'll get:

- Robust vision care plans at **affordable rates**
- Access to a **vast network** making it easy to find in-network care through Find an Eye Doctor
- **Extra savings** with discounts on glasses, hearing aids and more
- Outstanding local **customer service**

Enroll now

Take advantage of your
RAM benefits today.

Contact Membership Services at
info@retailersma.com

Retailers Association of Massachusetts

18 Tremont St., Suite 810
Boston, MA 02108
(617) 523-1900 x150

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, 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

For more information regarding each of these new benefits, please visit the RAMHIC page of our website or contact Joe Barnes, Business Development Director at jbarnes@retailersma.org or 978.478.7430.

SCAN TO WATCH NOW!



Looking to apply for ERC but don't know where to start?

FREE WEB CLASS

ERC Eligibility Guide

ConnectPayUSA.com/erc_webclass

RAM members get 30% off payroll when you use Cove Risk pay-as-you-go workers' comp



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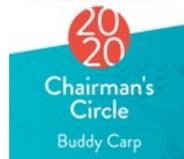
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Suite 810
Boston MA 02108

Membership News

We want to hear from you!

Contact Andi Shea, Membership Director at 617.523.1900 ex. 150 or 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.

