



THE INDICATOR

Issue 78

Massachusetts Weights and Measures Association

January 2024

Since 1896

The Oldest State Weights and Measures Association in the United States

Edited by Kevin Friel

WEB SITE WWW.MASSWMA.COM

2024 INTERIM MEETING

Massachusetts Weights and Measures Association

@

Marriott Courtyard
75 Felton Street,
Marlborough, MA 01752

Wednesday, March 6,

2024

Registration is open

@

www.Masswma.com

Registration must be completed on-line

Presidents Corner

Jonathan Brillo

Sealer – Quincy

Happy New Year MWMA! Before getting in to a quick update, I would like to take a moment to congratulate Jimmy Cassidy on his retirement and thank him for 39 years of service as a sealer and most recently Director of the Division of Standards. We wish you the best of luck in the future.

We would also like to thank and congratulate our new board members and officers for the upcoming year. We really appreciate all their volunteer efforts and look forward to working with everyone throughout the year to make our association the best it can be. A list of the MWMA board can be found on page 5.

As we move forward in this new year are you articulating to your managers the importance of your W&M function? Now is not the time to “shrink” into the background while other city/town departments compete for precious budget funding. Be prepared to show that most of what W&M does in the marketplace is mandated by Massachusetts General Law (MGL) and how important it is to consumers, many of whom are trying to make “ends meet” with less income.

We can do this by celebrating Weights and Measures week. Every March 1-7 our community celebrates the first W&M legislation signed in to law on March 2, 1799, by President John Adams. Website updates or postings around the office can be helpful in understanding what W&M does. Visit [NIST](#) and [NCWM](#) for reference materials to help build information packets for the public.

See you all at our Interim Meeting March 6, 2024!



M.W.M.A INTERIM CONFERENCE & TRAINING

AGENDA

MARCH 6, 2024

Marriot Courtyard
75 Felton St
Marlborough, MA 01752

1 Day Meeting

8:30 – 9:30am: CHECK IN

****NEW SEALERS ARRIVE BY 9am****

-2 years or less experience

9:00 – 9:30: NEW SEALER ORIENTATION

9:30 - 9:40: MEETING CALLED TO ORDER

9:40 – 10:30: M.W.M.A. Update

10:30 - 10:40: BREAK

10:40 – 11:20: TRIAL REWEIGH/NET CONTENTS OF PACKAGED GOODS

11:20 – 11:30: BREAK

11:30 – 12:00: DEMO TABLES

12:00 – 1:00: LUNCH

1:00 – 2:00: TRIAL REWEIGH/NET CONTENTS OF PACKAGED GOODS

2:00 – 3:00pm: DOS Update

Driving Directions to the Meeting: Driving Directions to Marriott Courtyard: Massachusetts Turnpike (I-90). Take Exit 106 (I-495 North) to exit 63B (Route 20 West / Northborough). Take your first right onto Felton Street (before Shell gas station). The hotel on right.

Note on C.E.Us: There will be a sign-in sheet for the morning and afternoon sessions at the meeting, you must sign the form in order to receive the full 0.75 contact hour credit.

Check out the following feature on Boston Weights & Measures as printed in the Boston Globe on Monday, October 18, 2023.

Referees of retail ensure businesses measure up

A pound is not a pound, nor a gallon a gallon, until Boston's inspectors say so

By Daniel Kool
GLOBE CORRESPONDENT

How can you trust that a pound really is a pound? A gallon a gallon? And a mile?

Ask Brian Oliver. He can tell you.

A 25-year veteran of Boston's Division of Weights and Measures, Oliver can practically gauge the weight of a plastic container just by looking at it, not that he'd dare settle for such imprecision. Exactness is, after all, the essence of the job.

The 62-year-old said he sees himself as a sort of referee of retail, tasked with making sure sellers and customers are behaving honestly. Beyond gas station pumps and supermarket scales, he's also sealed scales used to

weigh in middleweight boxers at TD Garden and scrutinized too-foamy beers at Fenway Park. Regardless of venue, he described the work as "total consumer and business protection."

Oliver is one of the city's six deputy sealers, inspectors charged with ensuring the accuracy of scales, gas pumps, taxi meters — anything businesses in Boston use to measure products sold by weight, volume, or distance. Businesses can't use measuring devices until they have been inspected and approved by the city and must have their tools rechecked each year.

In 2022, the division saved Boston con-

WEIGHTS AND MEASURES, Page A9



PAT GREENHOUSE/GLOBE STAFF

Brian Oliver, a deputy sealer for Boston's Division of Weights and Measures, used weights from a test kit to check the accuracy of a scale at a Whole Foods Market.

Continues Next Page...

City's referees of retail make sure you get what you pay for

WEIGHTS AND MEASURES Continued from Page A1

consumers nearly \$6.9 million in potential overcharges caused by faulty measuring devices and mislabeled merchandise, according to its annual report to the state. Meanwhile, it saved merchants more than \$1.2 million in what may have been free product, undercharged because of poorly calibrated gas pumps, scales, and odometers.

And, the report noted, all those savings come at a price of under \$1 million a year to operate the entire division.

"The Weights and Measures motto is 'equity in the marketplace,'" Oliver said, driving back from a Whole Foods Market with a trunk full of weights. "It's no lie."

Earlier that Wednesday morning, Oliver demonstrated an inspection at the grocery chain's South End location.

He arrived around 11 a.m., just before the lunch rush would begin, donning a pair of thick-lensed eyeglasses as he stepped out of the car. He carried a black tool kit a little smaller than a shoe box. Inside, more than 30 pounds of palm-sized cylindrical weights.

That day, the inspector had called ahead, so the store knew to expect him, but sealers usually show up unannounced.

"If they knew we were coming, we'd never find anything wrong," Oliver said. "I tell them all the time, 'Look, we're always coming in here, so be prepared.'"

Inside, he grabbed plastic packages of fried chicken and diced melons, inspecting their advertised tares — the weight of

the packaging itself, which must be subtracted from the total before any per-weight price is calculated. Part of Oliver's job involves "re-weighing" these items to make sure what's on the label measures up to reality. The fruit cup was a perfect match, but the chicken, labeled at .86 pounds, measured in at .85 — a discrepancy Oliver said can be attributed to changing moisture content as temperatures rise and fall, but is still worth noting.

"How you doing?" Oliver asked a worker standing behind the prepared-food counter in the same booming, friendly tone he uses to greet co-workers walking through the office.

Then, a matter-of-fact demand: "We're going to use your scale."

He stepped behind the counter and began to disassemble the equipment, pulling off the weighing tray and inspecting its underside. Workers squeezed behind him, pushing carts of steaming food.

Oliver zeroed out the scale. Then, one by one, he placed his weights, performing what he called a "build-up test": a half-pound, 1.5 pounds, 2.5, all the way to 20.5 pounds. He slid one weight around the scale, making sure there were no discrepancies or dead zones.

"Usually, if it's out right away, the error gets worse as you put weight on it," he said, dropping on a final, 10-pound cylinder. The scale, last inspected in February, according to its sticker, was still "dead on," he declared.

Last year, the division sealed — approved — 3,209 scales, per its report. It condemned an un-



PAT GREENHOUSE/GLOBE STAFF

Brian Oliver of the Division of Weights and Measures checked the printed weight on prepackaged fruit at a Whole Foods Market in the South End.

lucky 13, slapping on bright red stickers and banishing those machines from business, at least until they can be proven accurate.

But despite the once-a-year — or more — inspections, businesses seem to pay little mind to the division, according to Jon Hurst, president of the Retailers Association of Massachusetts. He said he has heard "nothing in recent years" about Weights and Measures.

Hurst questioned whether the division, "created decades and generations ago," was still relevant in the face of modern technology.

"As long as they're being fair, so be it," he said. "It's kind of one

of those no-news-is-good-news things."

On top of certifying or condemning measuring tools, Weights and Measures is responsible for ensuring products ring up at the advertised cost, so there are no surprises at checkout. For that test, inspectors use a hand-held bar code scanner to check random items.

Oliver started with a can of Guayaki Yerba Mate, listed at \$3.19.

"Pray that this scans correctly," he said, squeezing the scanner's trigger. A tense few seconds followed. \$3.19 flashed on the scanner's screen. "And then we just continue on and do 100."

Around the corner, Oliver

held a 24-ounce tub of "birria-inspired" beef soup. The scanner beeped, Oliver waited, then he squinted at the screen.

"Yep, this one's wrong," he said.

As it would turn out, the item had simply been misplaced, and there was no price tag on the shelf for that particular soup. That is inconvenient, Oliver explained, but since there was no price advertised, he would be unable to prove a difference.

At least 98 out of 100 items scanned need to be priced accurately for a business to pass this part of inspection. Last year, the division inspected sticker prices at 429 stores; 318 passed, according to the annual report.

The city fines merchants \$100 for every mislabeled product, with no limit to the total fine. Oliver said he's issued fines of up to a few thousand dollars, but the goal is to "fine people into compliance," not to generate revenue.

"We just want correction. We just want it to be right, that's all," he said. "We don't need your money, the city's got plenty."

Weights and Measures, quartered in back of the Inspectional Services Department's office on Massachusetts Avenue, is one of the city's oldest divisions, said Elaine Vieira, head of the division. She came to the office nearly 20 years ago, starting as a clerk before working up to Boston's sealer of weights and measures. Before joining, she said, Vieira had not even heard of the division.

She remembers thinking, "There's people out there doing that?"

In fact, government oversight of Weights and Measures is as old as the country itself.

Article 1, Section 8 of the Constitution grants Congress authority to "fix the Standard of Weights and Measures." And Vieira and Oliver both said Governor John Winthrop of the Massachusetts Bay Colony — yes, the "city on a hill" guy — was Boston's first sealer, in the 17th century.

"Our language is different than anyone else. No one knows about us," Vieira said. "I feel like sometimes we're the nerds of a certain world."

Daniel Kool can be reached at daniel.kool@globe.com.

Below is a list of the Officers and Board members of M.W.M.A as of our Annual September meeting. We are available and are happy to discuss weights & measures and our Association. Get in touch!

MASSACHUSETTS WEIGHTS AND MEASURES ASSOCIATION					
MWMA OFFICERS AND BOARD MEMBERS 2023-2025					
POSITION	INCUMBENT	ADDRESS	EMAIL	PHONE	TERM EXP
PRESIDENT	JONATHAN BRILLO-QUINCY	55 SEA STREET QUINCY MA 02169	jbrillo@quincyma.gov	617-376-1250	Sep-25
PAST PRESIDENT	KEVIN FRIEL-BARNSTABLE	230 SOUTH STREET HYANNIS MA 02601	kevin.friel@town.barnstable.ma.us	508-862-4776	Sep-25
PRESIDENT ELECT	JONATHAN BRILLO-QUINCY	55 SEA STREET QUINCY MA 02169	jbrillo@quincyma.gov	617-376-1250	Sep-25
SECRETARY/TREASURY	JANE ZULKIEWICZ-RETIRED	PO BOX 2430 HYANNIS MA 02601	jane.zulkiewicz@town.barnstable.ma.us	508-633-9443	Sep-25
SERGEANT AT ARMS	ANGEL NAZARIO-BOSTON	1010 MASSACHUSETTS AVE BOSTON MA 02118	angel.nazario@boston.gov	508-633-9443	Sep-25
CERTIFICATION COMM REP	MARK COYNE-SHARON	13 DICKERMAN RD N. EASTON MA	measures51@gmail.com	508-328-7532	Sep-25
ALTERNATE CERT.COMM	KEVIN CROKER-BROCKTON	45 SCHOOL ST, CITY HALL BROCKTON,MA 02301	kcroker@cobma.us	508-580-7120	Sep-25
MEMBERS AT LARGE	JIM CASSIDY-DIRECTOR DOS	1000 WASHINGTON ST. SUITE #510, BOSTON MA 02118	james.cassidy@mass.gov	617-933-1131	INDEF
	TYRONE GULLEY-BOSTON	1010 MASSACHUSETTS AVE. BOSTON MA 02118	tyrone.gulley@boston.gov	617-961-3380	Sep-25
	JOE QUINN-LEOMINSTER	25 WEST ST LEOMINSTER MA 01453	jquinn@leominster-ma.gov	978-534-7547	Sep-25
	LOU SAKIN-HOPKINTON	1 FORD LANE FRAMINGHAM MA 01701	louisakin@aol.com	508-620-1148	Sep-24
	RICH ORPEN-BELLINGHAM	7 MIDDLESEX AVE NORTON MA 02766	rorpen@bellinghamma.org	339-987-0211	Sep-24
COMMUNICATIONS CHAIR	JONATHAN BRILLO-QUINCY	55 SEA STREET QUINCY MA 02169	jbrillo@quincyma.gov	617-376-1250	Sep-25 apt
MEETING & EVENTS CHAIR	BILL TIMMONS-RETIRED	15 McCORMACK ST MALDEN MA 02148	mwtimmons25@gmail.com	781-589-7011	Sep-24 apt
LEGISLATIVE COMM CHAIR					Sep-24 apt
LEGISLATIVE COMMITTEE	BRANDON COLLINGE-CHICOPEE	115 BASKIN DRIVE CHICOPEE MA 01020	bcollinge@chicopeema.gov	413-594-1440	Sep-25
	DENNIS CLARK-WESTFIELD	59 COURT STREET WESTFIELD MA 01085	dennis.clark@cityofwestfield.org	413-787-6078	Sep-24
	JACK WALSH-WELLESLEY/ASHLAND	14 RUNNING BROOK CIRCLE ASHLAND MA 01720	jackbwalsh@verizon.net	774-279-2559	Sep-25
	TED MACHADO-ACHUSNET	148A OAKDALE ST. NEW BEDFORD, MA 02740	tmsealer@yahoo.com	508-971-1173	Sep-24
	ELAINE GRILLO-BOSTON	1010 MASSACHUSETTS AVE BOSTON MA 02118	elaine.grillo@boston.gov	617-961-3380	Sep-25
NOMINATION COMMITTEE	KEVIN FRIEL-BARNSTABLE	230 SOUTH STREET HYANNIS MA 02601	kevin.friel@town.barnstable.ma.us	508-862-4776	Sep-24 apt
APPOINTED BY PRESIDENT	ELAINE GRILLO-BOSTON	1010 MASSACHUSETTS AVE BOSTON MA 02118	elaine.grillo@boston.gov	617-961-3380	Sep-24 apt
APPOINTED BY PRESIDENT	JOE QUINN-LEOMINSTER	25 WEST ST LEOMINSTER MA 01453	jquinn@leominster-ma.gov	978-534-7547	Sep-24 apt

Message from M.W.M.A Greetings to you all! Please include the invoice from our website or ensure your full name and Town name is on the payment that are submitted to M.W.M.A. Treasurer. We have been receiving checks for registrations for meetings and annual membership dues without any information on who or what they are paying. We want the registration process to be as simple as possible and this will make a big difference.

-UPCOMING MEETINGS-

We are excited to share the Northeastern Weights and Measures Association (NEWMA) Annual Meeting will be held May 6th-May 9th, 2024, at the Hyannis Holiday Inn. This will be the first time in a long time that a NEWMA meeting will be taking place on Cape Cod. More information will be coming.

-Eastern Massachusetts Weights & Measures Association Reboot-

The Eastern Massachusetts Weights & Measures Association is looking for volunteers to help resume the training sessions and meetings. If you are interested in getting involved and volunteering for a leadership position, please contact Mark Coyne at measures51@gmail.com

Common Gasoline Complaint

Meter Jump & Meter Creep

This may very well be the most common type of gasoline complaint. “Meter jump” is when the indications advance without the “nozzle handle” being activated. “Meter creep” is when the indications keep advancing (slowly) when the nozzle has been deactivated. These violations are commonly caused by a bad hose, broken nozzle, or a faulty check valve. Whereas all systems are now pressurized, a tiny leak in the inner hose will allow gasoline to escape and when a customer activates the pump (re-pressures it), it will jump to fill the void. Of course, a nozzle with a faulty “anti-drain valve” will cause a lot of problems (particularly on self-serve cash sales) because the meter will shut off and the customer is still activating the nozzle (allowing gasoline to escape the pressurized hose). A broken check valve allows gasoline to drip backward from the pressurized hose.

“Meter jump” can also be triggered by physics. During very cold weather, if the gasoline is exposed in the pressurized hose for a long period of time, it can shrink slightly. Let’s say the gasoline is 58 degrees in the storage tank and then it is exposed to the cold and wind with pump off (while in the hose) and when the customer activates the pump, the temperature of that gas in the pressurized hose is now 40 degrees. When a customer activates the pump (re-pressures), it jumps.

How to respond? It is important to get detailed information (pump #, grade) and we ask if they brought the complaint to the attention of the station. Activate the pump, if it jumps, shut it down. Also, check the nozzle. Point the nozzle into your standard (can) and squeeze the handle, release it, and then activate the pump. If the complainant did bring it to the station and we substantiate the complaint and the station didn’t “shut the pump down”, then we’ll issue a citation. Otherwise, we’ll just close the pump down until it is repaired. As for the winter issue, it is recommended to educate station operators to activate the pumps first thing in the morning (when this cause of jump commonly happens) when they open. Most often weather-related “meter jump” is hard to substantiate. But if it is substantiated, we usually issue a warning for the first infraction.

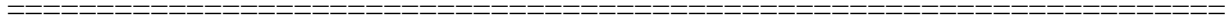


Massachusetts Weights and Measures
Association
PO Box 2430
Hyannis, MA 02601

MAKE CHECKS PAYABLE TO: M.W.M.A

MAIL TO: M.W.M.A

**Attn: Jane Zulkiewicz Sec./Treas.
P.O. Box 2430
Hyannis, MA 02601**



**MASSACHUSETTS WEIGHTS & MEASURES
ASSOCIATION MEMBERSHIP /FY2024 ANNUAL DUES**
July 1, 2023-June 30, 2024

Name _____

Address _____

City/Town _____ State _____ ZIP _____

Representing _____

Telephone _____ FAX _____

e-mail _____

Please make a check mark on your status:

- Active Member
- Associate Member
- Retired
- New

Annual Membership DUES are \$75.00 after August 30, 2023



EQUITY SHALL PREVAIL

Editor's Note:

If anyone out there knows of any news that should be included in the Newsletter, please contact Kevin Friel (508) 862-4776 or kevin.friel@town.barnstable.ma.us

Initial Certification

W & M Officials must be certified within one year of their appointment. Failure to become certified shall be cause for termination. To become certified, the W & M official must pass a written exam given by the MA Division of Standards. The exam consists of questions taken from a tutorial of questions, which covers MA General Laws, HB 44 General Code, HB 44 Fundamental Considerations, HB 44 Scale Code & HB 44 Retail Motor Dispenser Code. If the applicant passes the exam, a "state inspector" will conduct a practical "field" review of the applicant and then the initial certification is complete.