

UNION SQUARE FARMERS MARKET POLICIES

IMPORTANT MARKET RELATED DATES

Application Deadlines:

Priority Selection for Season and Grown in Somerville Booth: March 15th

Season Vendors: April 1st

Grown in Somerville Booth: Rolling basis (but priority deadline is March 15th)

Market Schedule:

Market Opens: first weekend of June (June 5th)

Market Closes: last weekend of October (October 30th)

Vendor Fee Schedule:

For Season Vendors:

- With Application: \$140 per 10x10 space. (\$280 double, \$420 triple)
Will be returned if application is not accepted
- July 15: \$140 per 10x10 space. (\$280 double, \$420 triple)
- August 15: \$140 per 10x10 space. (\$280 double, \$420 triple)
- September 15: \$110 per 10x10 space (\$220 double, \$330 triple)

Late payments will be fined the following schedule:

1 - 7 days late: \$50

8 - 15 days late: \$100

16 or more days late: \$100 additional per week

Failure to pay applicable vendor fees may result in suspension or termination from the market.

For Grown in Somerville Guest Vendors:

- \$25 due with application. Will be returned if application is not accepted

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IMPORTANT CONTACTS

UNION SQUARE MAIN STREETS
P.O. Box One, Somerville, MA 02143
617-955-0080, usms@unionsquaremain.org

FEDERATION OF MASSACHUSETTS FARMERS MARKETS
781-893-8222, 800-628-6336

MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
* Bureau of Markets - (617) 626-1700 <http://www.mass.gov/agr/>

MASSACHUSETTS FARMERS' MARKET COUPON PROGRAM
David Webber - (617) 626-1754 www.mass.gov/agr/markets/farmersmarkets/coupons.htm

SALES TAX REGULATIONS
Massachusetts Department Of Revenue - (617) 887-6367
<http://www.mass.gov/?pageID=dorhomepage&L=1&L0=Home&sid=Ador>

PESTICIDES REGULATIONS
Department of Agricultural Resources/Head of Pesticide Bureau - (617) 626-1700
<http://www.mass.gov/agr/pesticides/index.htm>

EMPLOYMENT REGULATIONS
Department Of Employment & Training - (617) 626-5400
<http://www.mass.gov/?pageID=dlwdhomepage&L=1&L0=Home&sid=Edwd>

SCALES
Somerville Dept of Weights and Measures - (617) 625-6600 x5900
Steve Burgess, Inspector. sburgess@somervillema.gov
<http://www.somervillema.gov/Division.cfm?orgunit=WEIGHTS>

SOIL TESTING
www.umass.edu/plsoils/soiltest/
Soil Testing Lab, West Experiment Station, 682 North Pleasant Street,
University of Massachusetts, Amherst, MA 01003

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STATEMENT OF PURPOSE

The purpose of the Union Square Farmers Market is to serve as the catalyst to vibrancy and economic activity in Union Square, to provide city residents with top-quality fresh produce and to encourage values of healthy eating and active lifestyles. The Market seeks to educate the consumer about farming and Massachusetts produced foods, to provide consumers with the opportunity to interact directly with farmers, to offer produce at fair prices, to create a unique gathering place for the Union Square community, and to facilitate the redeeming of Farmers' Market coupons.

MARKET OVERVIEW

Location & Times: Union Square Plaza, Somerville. Saturdays beginning first Saturday of June through last Saturday of October. Hours of operation are 9:00 a.m. - 1:00 p.m. Vendors must commit to selling for an entire market day, from 9am-1pm. The market is open rain or shine.

Vendor Fees: \$550 per 10'x10' sales area for the season or \$25 per week for guest vendors. Reviewed annually by USMS. (\$1,100 double, \$1650 triple)

Management: Managed by Union Square Main Streets under the City of Somerville. Market Vendor advisors are Tommy Nicewicz, Nicewicz Family Farm (978) 697-2947 and Marie Hills, Kimball Fruit Farm (978) 433-9751

Products:

Local: Products are 100% local as defined as Massachusetts and any contiguous state. Products shall be 100% grown and produced meaning that all products offered for sale by the vendor must be grown and produced by that vendor, and not by a supply farmer or from any other source. USMS reserves the right, if unsuccessful in recruiting a farm for specialty products such as cheese and fish, to recruit an agent to bring these products to market.

Quality: All products should be of top or grade A quality; any seconds, or canners may be offered but must be labeled as such. The Market Manager has the right to ban any inferior products from the sales area.

Product Specific Designations:

- Fruits and Vegetables - must be planted, cultivated, and harvested by the farm, on the farm.
- Baked goods - prepared by the farm, using fruits, vegetables, and other agriculture commodities produced on local farms whenever possible, if the recipe calls for ingredients available from local farmers at the time of baking.
- Products such as Cider, Maple products, Honey - must be produced on the farm and processed by the farm. Products must have appropriate signage.
- Plants - Annuals must be started by the farm from seeds, plugs, cell packs, corms, pre-finished stocks, cuttings or bulbs and cared for by the farm, on the farm, for a minimum of thirty (30) days. Perennials must be owned and cared for by the farm, on the farm, for a minimum of 60 days.

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- Flowers, Ornamental Plants and Arrangements - Must be produced and/or processed by the farm.
- Animal Products including Milk, Cheese, and Meats - farm must raise animals and processing must be done by the farm. All products must have appropriate signage.
- Crafts – the artist must have created the items themselves. No imported or resale items. No items created from kits.
- Non-profit and Community Groups – Educational and fundraising activities are encouraged as part of the Grown in Somerville booth and during special theme days.
- Other Items - Many other items may be offered at farmers' markets, provided the farm produces and/or processes those items. *USMS and the Market Manager will review these items on a case by case basis.*

Note on Processed foods: Processed foods may be sold if produced and processed by the vendor. The vendor is responsible for complying with all requirements and licenses set by the City of Somerville, State of Massachusetts, and the Federal Government (i.e. the local board of health, Mass. Dept of Public Health, USDA, FDA, and potentially others.) Any permits or licenses required for the sale of a processed food must be submitted with the vendor's application prior to sale of the processed good at the farmers' market.

Note on Community Groups at the Market: Such vendors are strongly encouraged to attractively present materials and offer activities that are informative and interactive for market customers. Vendors are encouraged to minimize paper trash and to consider give-away items like magnets and stickers which are more appealing. Only federally designed 501 c 3 organizations may solicit financial contributions and may sell mission-related products such as t-shirts, books, etc. Edible items may be sold only if directly related to the organization, ie selling produce from a community garden for the benefit of the garden fund. Soil testing results are required. No bake sales by non-profits are allowed, as they would compete with other vendors who rely upon market sales.

Removal of Products: The Market Manager has the right to require that any vendor remove a product from the selling display. Cause for removal includes failure to include the product in the vendor's Market Application, failure to obtain appropriate permitting or licensing, improper labeling or inadequate signage.

MARKET ORGANIZATION

Vendor Mix: The primary vendors at the Union Square Farmers Market are full season vendors made up of Massachusetts farms selling local produce of vegetables and fruit. Supplemental vendors contribute other products such as baked goods that enhance the market and attract additional customers. A guest vendor space called the Grown in Somerville Booth enables Somerville's urban growers and community groups as well as specialty food producers to participate in the market and increase market vitality and customer interest. Throughout the season USMS will sponsor special theme days to attract particular audiences and media attention to the market. As part of these theme days a number of non-farm vendors will participate in the market.

Space Allocation: Vendor spaces are determined by the Market Committee and USMS Executive Director. Adjustments to market set-up may be required during special events and will be

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determined by the Market Manager. Park benches are to be kept clear during market hours unless otherwise designated by the Market Manager.

Absences: If a vendor is unable to attend on any given week, he or she should call the Market Manager before that market day begins. There will be no reimbursement for absences. Absences negatively affect the market and may result in loss of selling space.

Vendor Fees: Vendors are required to meet payment deadlines. Failure to pay vendor fees may result in loss of space until payments are up to date.

Loss of Vendor Privileges: The Market Manager and USMS retain the right to reassign vendor space at any time, and to suspend or terminate vendors from market participation for failure to comply with market rules including timely payment of fees.

Vendor Space:

Set-Up: Vendors shall provide their own canopies, tables and other equipment. An exception is for the Grown in Somerville booth for which a table and canopy is provided. Vendors should set up, display, and package products in a way that protects such products from the elements. No foodstuff, rubbish, or personal belongings of any sort shall remain on the ground. Vendors must ensure that their physical set-up is safe and hazard-free for all market participants.

Signage: Vendors should identify their farm/business and the price of the product. Processed foods, in addition, must also identify the source of the primary local agricultural ingredient and the location of processing including the business name, city or town, and state. All signage must be legible and in plain view. In accordance with federal law, only produce certified by the Northeast Organic Farmers' Association (NOFA) as organic may be labeled "organic". Vendors may, however, state what the product was not grown with. (ie "grown without synthetic pesticides.")

Opening and Closing: Vendors should arrive at the market 30-60 minutes before opening, and should be ready to sell five (5) minutes before opening. Late arrivals will be allowed at the discretion of the Market Manager. Vendor must keep the area in and around his or her space clean at all times. No sales shall take place before market opening. A "soft close" is allowed with sales between 1:00 - 1:30 p.m. allowed during packing up. 1:30 - 2:00 p.m. no sales allowed. At 2:00 p.m. must be departing site. During special events in Union Square following the market vendors will be given notice and may be asked to limit the soft close period.

Weights and Measures: Vendors planning to use a scale must have it sealed by an official City Sealer of Weights and Measures. Appropriate seals from other cities will be accepted. Failure to comply is punishable with fine of \$500 from the City of Somerville.

Trash and Clean Up: Vendor must leave assigned spaces in broom-clean condition by market closing. All refuse must be taken home with the vendor and trash barrels are not to be used for disposal of market debris. Feeding the birds is not allowed.

Parking: Farmers may not park their vehicles on the Union Square Plaza. Products must be carried in and set-up in your designated space. Vendors are responsible for parking their vehicles in

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designated parking spaces during market hours. The Market Manager and assistants may be of aid in parking, but it is ultimately the responsibility of the vendors.

Code of Conduct:

All market participants including vendors and customers should work cooperatively with the Market Manager and other USMS staff.

- Verbal or physical abuse is prohibited.
- Behavior that disparages another participant, actions that unnecessarily interfere with other participant's set up, sales, or activities and any other action that in the Market Manager's determination are uncooperative in nature are prohibited.
- Vendors are prohibited from the use of or being under the influence of drugs or alcohol while in attendance at market.
- Vendors are prohibited from smoking within the market boundaries.
- All pets are prohibited from attending farmers' markets with vendors due to health and safety risks.
- Vendors shall not engage in any behavior not appropriate for a public setting including, but not limited to, use of obscene or abusive language and/or physical violence.

Disputes: Participants are encouraged to settle disputes on a one-to-one basis. The Market Manager may facilitate a discussion if needed. If disputes continue participants shall follow the USMS Grievance Procedure as outlined in this document.

Insurance and Accidents: USMS carries liability insurance that protects the market, USMS and the City of Somerville. However, it does not protect individual vendors. Seasonal vendors must carry their own General Liability Coverage Policy with a certificate of insurance submitted as part of the annual market application. Any accident or injury at the market must be reported immediately to the Market Manager.

VIOLATIONS

The Market Manager and the USMS Executive Director are authorized to issue warnings, suspensions and/or immediate revocation of market participation to vendors, customers or other market participants for failure to comply with any aspect of these market policies.

Violations may include, but are not limited to:

- Committing unlawful or violent acts within market related areas
- Verbal or physical abuse
- Behavior that disparages another market participant, actions that unnecessarily interfere with other participants set up, sales, or activities and any other action that in the Market Manager's determination are uncooperative
- Selling any product which is not grown and produced by the participating vendor
- Misrepresentation or omission on the Vendor Application
- Selling any product that was not included as part of the Vendor Market Application

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- Repeated lack of appropriate, inaccurate, or misleading signage or signage that does not conform to requirements of this policy
- Repeated failure to pay applicable vendor fees

Process

A *major violation* such as committing an unlawful or violent act, or physical or verbal abuse will result in immediate termination of market participation. There will be no reimbursement of vendor fees.

Minor violations result in the following series of actions:

First violation: Written or oral warning

Second violation: Written warning

Third violation: Immediate temporary or full-season suspension of market participation. There will be no reimbursement of vendor fees.

Anyone wishing to appeal an action of the Market Manager may document the grievance in writing and request a hearing by the USMS Executive Director or, if appropriate, the USMS Board of Directors.

Grievance Procedure

All market participants are encouraged to resolve difficulties on a one-on-one basis. The Market Manager may facilitate a discussion if needed.

If the dispute continues the grievance should be documented in writing and submitted to the USMS Executive Director. The Executive Director will attempt to resolve the dispute and he/she should document any actions at resolving the dispute. Should the grievance persist, the market participant may appeal to the USMS Board of Directors which shall convene a subcommittee. This Committee shall receive the grievance document, along with any written reports from the Market Manager and/or Executive Director describing his/her disposition of the grievance. Within 30 days of receiving the grievance document the Committee shall render a decision on the merits of the grievance and any remedies. Appeal of the Committee decision may be made to the entire Board, which may choose to consider the grievance. Decisions of the entire Board of Directors are final.

During the grievance process, the violator must adhere to the original penalty with no right to restitution for any losses.

In any case where a conflict remains unresolved the Market Manager may prohibit some or all of the involved parties from participating at the market until such time as the Market Manager and/or Executive Director determines such participation will not be detrimental to the market.

GENERAL ADMINISTRATION

USMS, the City of Somerville, and the Market Sponsor are not responsible for the arrangements made between any vendor and any customer. No warranty of any sort, expressed or implied, may be made by the Market Committee, USMS, the City of Somerville or Sponsors on behalf of the vendors or the market.

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Each farmer or supplemental vendor is responsible for his/her own compliance with any applicable local, State or Federal laws and regulations.

USMS may, at any time, modify or add to policy and market rules and USMS is solely responsible for interpretation, definition and clarification of policy and rules. Any such decision will be binding upon all parties. The Market Manager and USMS Executive Director is responsible for enforcing all rules.

USMS Staff and Board of Directors may occasionally make exceptions to market rules. Prior approval is required.

APPLICATION PROCESS

Applications: Complete and submit the application. Only complete applications will be considered for acceptance in the market. Deadline for priority vendors is March 15th. Deadline for other vendors wishing for consideration of a Seasonal space is April 1st. Grown in Somerville Booth vendor applications accepted on a rolling basis with first review of applications of those arriving for the March 15th deadline receiving higher consideration.

Applicants will be received from:

- Massachusetts Farms selling products from their farm
- Massachusetts Specialty Food Manufacturers selling products created by their own business, with priority giving to those using ingredients from their own farm
- Non-Profit and Community Organizations wishing to provide information and outreach of benefit to Union Square residents.

Application Review: USMS with the Market Committee will review applications. Inspections such as farm, production facility or studio visits may be conducted by USMS or its agents in evaluating applications. If concerns arise during the market season as to the accuracy of the submitted application, USMS reserves the right to conduct inspections after formal acceptance in the market.

Selection: Returning vendors will be given higher priority of acceptance. Vendors will be chosen that best serve the Union Square community and create an engaging mix of products. Consideration will be made to adequately balance vendor supply and local demand. All applicants will be informed of committee decision. Those not accepted will receive return of the fee submitted with denied application.