

UNION SQUARE FARMERS MARKET POLICIES

IMPORTANT MARKET RELATED DATES

Application Deadlines:

Priority Selection for Season and Wine: February 15

Season Vendors and First Review of Guest Vendors: March 15

Additional Guest Vendors: Rolling basis

Market Schedule:

Market Opens: first weekend of June (June 2, 2012)

Market Closes: Saturday before Thanksgiving (November 17)

Vendor Fee Schedule:

For Season Vendors: Total due is \$800 per booth space. Payable in these installments:

- With Application: \$200 per 10x10 space. (\$400 double, \$600 triple)
Will be returned if application is not accepted
- July 15: \$200 per 10x10 space. (\$400 double, \$600 triple)
- August 15: \$200 per 10x10 space. (\$400 double, \$600 triple)
- September 15: \$200 per 10x10 space. (\$400 double, \$600 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 fees may result in suspension or termination from market.

For Guest Vendors & Community Sales Table:

- \$50 due with application. Will be returned if application is not accepted.

For Wine Vendors:

- \$150 due with application. Will be returned if application is not accepted.

For Education Booth:

- Free.

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IMPORTANT CONTACTS

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

MARKET MANAGER
market@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 Saturday before Thanksgiving. 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: \$800 per 10'x10' sales area for the season or \$50 per week for guest vendors. Reviewed annually by USMS. (\$1,600 double, \$2,400 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

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thirty (30) days. Perennials must be owned and cared for by the farm, on the farm, for a minimum of 60 days.

- 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.
- Non-profit and Community Groups – Educational and fundraising activities are encouraged as part of market programming 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 Wine Sales: Two wineries will be admitted as market vendors to participate one Saturday each month (June through October, exact dates TBD.) These vendors will share a single booth space with the tent and display tables provided by USMS. Once accepted, wineries must comply with all requirements set by the City of Somerville, State of Massachusetts and the Federal Government; USMS will work with accepted vendors to navigate the permitting process. If the additional permits are not approved through no fault of the vendor, the market fee will be refunded.

Note on Community Groups at the Market: There are two ways community groups can participate in the market – the Education Booth and the Community Sales Table.

- Education Booth – There is no fee to participate in the Education Booth. Priority is given to organizations that are in keeping with the values of the market including local food, local economies nutrition, sustainability, healthy lifestyles. There is no fee to present at the Education Booth. Participants must 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. Skillshares are highly encouraged.
- Community Sales Table - Only federally designed 501 c 3 organizations may participate. Guests here may sell mission-related products such as t-shirts, books, etc. All activities must be in compliance with all federal and state regulations regarding fundraising. Fee is \$50 per market day by application only. Typically the Community Sales Table is available only one market day per season per organization.

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.

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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 enables specialty food producers in or close to Somerville to participate in the market and increase market vitality and customer interest. Throughout the season USMS may 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 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.

Token Currency System: The Union Square Farmers Markets accepts credit, debit and EBT (SNAP) via a token currency system. All seasonal vendors at the market are required to participate in this system.

- Customers visit the market manager and in exchange for their electronic payment (VISA, MC, American Express, Discover, SNAP) receive that value in tokens.
- Customers use these tokens as they would cash or SNAP benefits to purchase items from market vendors.
- Vendors accept these tokens at their full value for the purchase of their products at market. SNAP tokens are restricted for the purchase of food items only. (No plants, soap, etc.)
- At the end of each market day, vendors turn in that day's tokens to the Market Manager and are issued a receipt.
- Vendors are issued a check within 10 days of the end of each month for 100% of the value of tokens redeemed the preceding month.
- Tokens are not valid currency and may not be redeemed for cash by anyone other than seasonal Union Square vendors unless otherwise specified.

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Vendor Space:

Set-Up: Vendors shall provide their own canopies, tables and other equipment. An exception is for guest participants; the Guest Vendor, Education Booth and Community Sales Booth are provided with a tent, table and chair. 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" with sales between 1:00 - 1:30 p.m. is allowed during packing up. 1:30 - 2:00 p.m. no further sales are allowed. By 2:00 p.m. vendors be departed from the site. When special events in Union Square immediately follow 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 unless a specific agreement is reached between market staff and vendor. Products must be carried in and set-up in your designated space. Vendors are responsible for parking their vehicles in designated parking spaces during market hours. Vendors may park behind the Independent during the market. Vehicles must obtain permission from the Market Manager to remain in the Central Parking Lot. 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.

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- 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
- 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:

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- 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. If deemed appropriate by the USMS Executive Director and/or Market Manager, the issue may be heard by 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.

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.

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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 and wine vendors is February 15th. Deadline for other vendors wishing for consideration of a Seasonal space is March 15. Guest vendor applications are accepted on a rolling basis with first review of applications of those arriving for the March 15 deadline receiving higher consideration. Community Education Booth and Sales Booth applications are accepted on a rolling basis.

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
- Massachusetts Wineries selling wine created by their own business, with priority 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 and production facility 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.