

Minutes of License Agreement Vote & Meeting 4 13 13

Respectfully submitted Mary Ellen Chadd, 4/17/134

Attendance:

Jodie Jordan

Kelsey Herrington & Dominic Pascarelli, Two Farmers Farm (preliminary member, non-voting farm)

Lauren Pignatello

Jan Goranson

Daniel Price

Jaime Berhanu

Hanne Tierney

David Buchanan

Scott Howard

Larry Bruns

Heather & Doug Donahue

Dan Perron

Tourmaline Hill Farm: 2 representative employees: Matt &...

Andrea Batchelder

Cynthia Flores & John Carter

Mary Ellen Chadd

Ben Heartwell

Linnea Koons

Pete, Mainely Poultry

Simon Frost

Carolyn & John Snell

Mark Heideman

Jan Goranson

License Agreement Discussion:

Opening Remarks. Hanne: This vote is whether or not this Association wants to go into this agreement with the City. Please vote by April 21st, one week (9 days) to review this agreement.

The public hearing where the Association will announce this vote to the City with the Full City Council in Portland will be held Monday, April 22nd at 5:30 pm.

Discussion and questions about this draft of the agreement:

Lauren & Kelsey and Dominic: Concern about p. 2 of agreement: Do the months in winter limit us? Probably not, but this is a good question.

Larry page 4 section 7: Repairs and Maintenance – the city will not negotiate on this...which makes us liable all week even though we only have markets on two days.

Jaime: Can we request maintenance before signing?

Hanne: Yes, let's request that.

Jaime: maybe take photos of sites beforehand?

Hanne – we would be required to reseed grass

Tourmaline: What can we do as vendors to make sure we don't have to make repairs? Clean up and take photos after each market?

Hanne: This is a larger discussion for new business.

Blue Hill Berry Farm's email suggestions were read by Mary Ellen Chadd: regarding fees in No. 6, lease terms for city or us to revoke the license.

Hanne's response: No. 6: this is not a contract each vendor will sign every year, just the Association/ This is an Association cost, not a per vendor per year cost. In response to the suggestion that “due just and reasonable cause” should be written into the agreement in order to revoke the license – Hanne believe this agreement as written may be

strong enough, as in order for the City to revoke this license, it would have to go to public hearing at the City, where we could involve all our regular customers and supporters as well as ourselves to speak in favor of the market. Blue Hill Berry also suggested by email, "Both parties must give written notice of proposed amendments to the license." Hanne said the edits were not complete, and we may likely be able to continue editing this until 2014.

Larry: Sec. 3, p. 2, why are there products listed? Larry has renewed concern that listing the products means we would have to go to the City to add new products [this was originally part of Larry's interest in separating from the City, so the market could add new products and new vendors without having to go to committee, and full council meetings to do so].

Larry: I don't think it should take an act of City Council to add a new product to the market.

Daniel Price: Do we want to update the Association rules with this product list?

Hanne: It does say "the City Clerk", not the City Council, so it would be a discussion with the City Clerk to add new products, and the clerks have always been very cooperative.

The City would still carry an ordinance on the farmers' market.

Timing to amend the license is at each renewal: every year – Larry: then if we do want to add a product, we may have to wait a year, what if it's something we'd like to change in the middle of the year?

Larry: I'd like to get this language about products out of this agreement and out of the ordinance. I don't think the City Council needs or wants to vote on every product sold at market

Secretary's note: [It would be the City clerk who would be notified of new products, not a City Council vote].

Hanne: Association Insurance: Every farmer must list the Association as additional insured on their own liability policy as well as sending proof of insurance to the Association (as we do now to the City each year, that would switch to the PFMA). Vendors would underwrite PFMA as additional insured on our own farm's liability insurance instead of the City of Portland. The good thing about the Association's insurance is that it actually provides an extra layer of insurance to all of us: each farm is insured, and also all vendors would be insured under the Association; Currently the City would immediately hold a farmer liable, but with the Association we have extra coverage.

To continue to be in the market, all vendors will need to be a "member" of the PFMA, though we could decide that dues are optional. This is because all vendors need to be covered under the Association liability policy.

With the Association, and not the City, managing the market, all the vendors in the market would be required to join the Association, at least on their insurance, not necessarily paying dues or otherwise. If not, those farmers who did not join the Association would not be covered for liability insurance.

The City is interested in not managing the market due to the potential savings in time and labor in the City Clerk's office.

There would be one annual application to the City from the Association, and each vendor would renew to the Association (and not to the City), to substantially cut back on the farmers market duties of the City Clerk.

Jaime: Logically an insurance company can't have a liability policy that only insures some vendors and not the whole market.

Hanne: we would have to make an amendment to the bylaws to change our definition of a member to make sure we include all the vendors who are not in favor of this change of no dues required and only member on their liability insurance, so they can continue to be in the market.

Pete, Mainely Poultry: It's a little not in the spirit of the thing [to do that].

Dan Perron: Dues may not be an issue, perhaps we should encourage everyone to join the Association? Mary Ellen agrees.

Hanne: This license agreement would go into effect in 2014. There will continue to be changes of this draft.

Matt, Tourmaline: What are the benefits of joining the Association, and how does a farmer join? What does it cost?

Hanne: The vendors will write checks to the Association, and the Association will cut one check to the City. Association fees for vendors would include: \$50 per location per year: Wednesday, Saturday, and Winter, all three = \$150. The annual renewal fee with the City is only \$25 for the Association, not for each vendor.

Jaime/Mary Ellen/Hanne: Benefits of the Association include: the token program, website and facebook pages, all started by volunteer work from the Association. The Association provides a forum for discussion on all issues, and to be able to volunteer to improve the market for all of us.

Carolyn: Another benefit is you get to elect the officers of the Association and vote them in to represent you. Also, you could get involved in the Association. I think having a committee to run the market is a lot better than having one person running it.

Jaime: The idea with the Association is that we are creating a clearer structure to organize and manage the market [than we have had in the past]. We are finding as we work on this, that we are clarifying rules and structures; before the Association, there was nothing.

Secretary's note:[Before the Association, there was a market manager who reported to the Portland City Clerk and the Portland City Council. The current Association is a group of twelve steering committee volunteers who meet (and announce all meetings) on issues such as parking, token/SNAP program, new vendor applicants, etc.].

Hanne: Also, the Association agreement provides policies like membership application.

Discussion of spots and neighboring vendors not holding them for eachother:

Matt, Tourmaline: concern about the East end of the market and un-neighborly behavior in holding spots; felt unsupported and ignored.

Hanne: This issue is common for some of us. I myself have raced other vendors down the highway to get a better spot for Saturday market.

Mary Ellen: The Association could potentially in the future develop rules about holding spots for eachother, and having assigned spots.

Hanne: Let's continue this discussion in "new business" at the end of the meeting.

Ben Heartwell: the customers should have input in the market/Association.

Hanne: the Association gives us a forum to change the rules and include our customers' input.

Hanne: Please vote if you are ready to. If not, take this week and vote by emailing or calling Mary Ellen maryellenchadd@gmail.com

Blind vote taken on post-it notes. One note with farm name voting into one box, a second note with yes, no, or abstaining vote into a second box.

Of 22 voting farms present: 18 submitted votes on 4/13/13. Of the 18 who voted, 18 votes were in favor of this license agreement with the City.

Parking Committee proposals:

1. All Members of the Portland Farmers' market are asked to not park extra vehicles along Tennis Court Road in what is considered "prime" customer parking. Furthermore we could park in the lot near the castle in such a way to maximize those parking spaces as Larry suggested at our annual meeting.

2. Market wide participation in Bicycle Sticker program.

This would be voluntary but all vendors would be encouraged to participate.

Cyclist who participate wear a sticker on their helmet .

Market Info booth can sell stickers.

All participating vendors offer the same incentive.

Possible incentive would be \$1 off purchases of \$20 or more. The market signs up to be a Bicycle Benefits vendor – to attract alternative transportation, and provide an incentive to customers who are biking to market, instead of driving.

Bicycle Benefits – <http://www.bicyclebenefits.org/> Customers who bike to the market have stickers on their helmets, we sell the stickers at the Market Info Booth, and we provide a discount to bikers who show their helmets. See website for more details.

Hanne: maybe we make a handout so that each vendor can decide their own incentive?

Daniel Price: But a collective, market-wide incentive would be easier to advertise, and good for the market. It would be nice to have it be consistent for all vendors in the market.

Mary Ellen: brought up Jules concerns from email about bicycle parking being needed if we are offering a bicycle incentive...we don't want to create a reputation of stolen bikes at market...

Perhaps Friends of Deering Oaks would be interested in sponsoring bicycle parking holders?

Jaime made a motion that we accept the idea of doing the Bicycle Benefit Program. Daniel Price 2nd.

Jaime: There is no \$ in the budget for token incentive to give a token to each biker.

Mark thinks it's premature to vote to adopt this – should be worked out in committee.

Hanne – this is our last group meeting before the market really gets going. We may want to vote on this now.

Mary Ellen clarified this is the "idea" not the adoption of the Bicycle Benefits.

Tourmaline/Mark: we will need better bike parking.

Vote: All in favor: 16/20 voted; passes.

Announcement: City Council Meeting April 22nd. There will be a public hearing on extension of Saturday's market hours to 1 pm (instead of ending at noon).

Discussion of Parking Committee proposal No. 1:

Daniel Price: I'm willing to work with artists to organize them to not park in the park on Saturday, but to park outside the general park area and walk back to their stuff – so that those parking spaces in the Deering Oaks parking lots, and

Park roads will not be full of vendors' and artists' cars, but left for customers. This means organizing an unloading situation for the artists: Larry suggests by the bandstand.

Mary Ellen motions Daniel & the parking committee work with artists to organize the artists to park outside the park, as mentioned here above. Tourmaline Matt 2nd.

In favor: 21

Opposed: 0

Abstain: 1

David Buchanan: give the artists a handout/map of suggested parking.

Discussion of encouraging new parking limits for farmers and our employees:

Recommendation of not parking on the tennis court road, perhaps not a rule because rules need to be enforced.

Larry: This may need to be made a rule next year.

SNAP Committee Update: (Snap Committee is Jaime, Hanne, Carolyn, and Colleen Hanlon-Smith from the Maine Federation of Farmers Markets).

Jaime: read the job description for the market assistant posted on our website

<http://www.portlandmainefarmersmarket.org/employment.htm>

The Association is hiring a market program manager who will work markets in the token booth, but will have extra paid time during the week to create an email newsletter, to update the website and facebook pages, and to establish a program for local volunteers to help the market.

This position is made possible by grant funding [and grant writing by Colleen Hanlon-Smith].

Wholesome Wave Double Dollar Coupon Grant: is changing – the coupons will start again when the market opens outdoors – now it really will be more of an incentive: the coupons given will be \$5 given for every \$20 spent, no cap and no limit. This grant has 25 K in funds. This will make a real incentive, not just a subsidized spending.

Incentivizing customers to spend more for an incentive, not just matching by 50%. Wholesome Wave wants data on how incentive works, but allows for flexibility in creating our own incentive program.

Michigan has a State-wide EBT swipe as a trial. However it only works on Apple devices, not other smart-phone or touch-pad devices. There is a group here working to bring a pilot trial of EBT swiping to Maine.

Ben Heartwell: This position might be obsolete due to advances in technology?

Carolyn: The tokens have their own advantages over swiping cards, which takes much longer than handling a token.

Daniel: I might have a line of 12 folks who all want to pay 3 or 5 dollars, and a swipe takes too long; the tokens are much faster. I hate smart phones, and I love the tokens.

Jaime – This grant allows us to employ someone who can write grants and develop programs to continue to employ future market program managers. This employee will be doing much more more than counting tokens.

Partnership Committee

Purpose of this committee is to answer how to define partnership in the market. They decided the key is in the application – how a business defines itself.

Added mediation proposal to resolve conflicts. This will be brought up at next year's Annual Meeting.

The partnership committee is looking for new members.

Financial / Accounting Committee

Started looking at reorganizing the books: summarized, created journal entry system.

Entered all last year in Quickbooks, linked to bank account. Contact Scott Howard for a copy of the Profit and Loss statement and budget.

Came up with protocol for maintaining records in the future. \

There is an automatic motion from the Financial Committee to accept this budget.

Hanne/Scott: add to the motion for accepting this budget: To allow an accountant to double check these reports, which will cost us under \$200.

In favor: 18

Opposed: 0

Abstaining: 2

Motion passes.

Scott: Motion to hire accountant to review all set up accounts, and file a federal tax return.

Jaime 2nd.

Carolyn: Do we have to, due to becoming a non-profit this year?

Scott: It's federal, not state, so we have to...

In favor: 19

Opposed: 0

Abstaining: 1

Motion passes.

Farmer's Market Ball Caps

Dnaiel is organizing a hat order, which was approved in the 2012 budget.

Winter Market

Lauren: problems with the space at the Irish Heritage Center (IHC): limited parking, lulling market, limited number of customers. Winter customers are heading to other markets in Brunswick or Saco, and not coming here.

Lauren's opinions: customer count ebbs and flows here – the upcoming winter will be our 4th year. Lauren has worked with city offices, zoning, planning, we originally changed the zoning to be able to stay here at the IHC. Lauren proposes moving to East Bayside Urban Farm Fermentory's building [located on Anderson Street, across Franklin Arterial from WholeFoods, near Oakhurst Dairy truck distribution]. A long corridor with a 16 x 90' greenhouse to be built attached to the building.

Lauren: If we move there we can fit the same number of vendors as here at IHC. It's hot and popular, two food trucks serving breakfast and lunch, Lauren would like to move to this area.

Mary Ellen: because it means we can fit the same number of vendors in the market, this means that we are unable to expand the market in new vendors.

Tourmaline: this winter market needs MORE vendors!

Jaime/Lauren: There is extra outside space, if vendors in winter want to set up outdoors. Rent is the same.

Daniel Price: what if the greenhouse doesn't get built to date?

Lauren: Would love to move the winter market, parking is limited here at ICH.

If there is a 2014-2015 move, plans would need to be made this year.

Larry: make a motion that we try to get more solid info and pursue a change for 2013-14 winter.
Dan Perron 2nd.

Heather: can we schedule another meeting and I think we need more visuals and more information before we can make a final decision.

Hanne: suggestion to committee this.

Larry includes in his motion making a committee and visiting for visuals and sending them out by email. Committee of those interested in voting will come to the location and vote on this potential move.
Dan Perron 2nd.

Mainely Poultry Pete: How long did the zoning change for the IHC take, Lauren?

Lauren: Months. But this location at the Urban Farm Fermentory is already going to have proper zoning by next winter.

Lauren/Hanne: Let's vote on this before May. Who wants to be on the Winter Market Committee?

Volunteers for Winter Market Committee:

Dan Perron
Jaime Berhanu
Heather Donahue
Jan Goranson
Dominic Pascarelli
Cynthia Flores
Lauren Pignatello
Mary Ellen Chadd

Winter Membership Application:

Larry suggests limiting/standardizing table space for winter market.

Mark: Request for a brief discussion of what products exist in winter market.

Lauren: Fresh greens in spring, a lot of pork, beef, chicken, meat in general, three dairy vendors offering cow, goat, sheep products. Needs: greens and eggs, but some folks are still taking these home...

How will we vote? Blind by paper post-it notes or by raising hands? Discussion.

Larry motions to vote by hand:

In favor: 15

Opposed 3

Abstaining: ?

Two farms leave the room.

There have been several complaints about voting by raised hands; folks feeling uncomfortable voting one way or another or for or against a farm in front of all the other farms.

Discussion about voting process.

Larry motions we vote by paper. Mark 2nd.

In favor 10
Opposed 2
Abstaining: 3

Decision made we will vote by paper.

22 voting farms present at 4:48 pm. Three farms abstain completely from voting; more likely, due to low votes:

First round of votes to narrow down the applicants to our top four, after that a second vote will decide what two new vendors are in; we are accepting new members for two spots in the winter market next year.

First Round of Votes:

Balfour: Yes=9, No=4, Total votes=13

Commonwealth Yes=7, No 8, Total votes=15

Kennebec Cheesery Yes 9, No 7, Total votes 16

Freedom Farm Yes 15, No 2, Total votes 17.

Treble Ridge Yes 3, No 11, Total 14

Misty Brook Yes 3, No 12, Total 15

Frith Farm Yes 3, No 12, Total 15

Two Farmers Farm Yes 6, No 9, Total 15

Second Round of Votes:

Balfour Yes 10, No 5, Total 15

Freedom Yes 10, No 5, Total 15

Commonwealth Yes 4, No 9, Total 13

Kennebec Cheesery Yes 7, No 8, Total 15

Balfour Farm and Freedom Farm are the two new additions to the Winter Market, and Kennebec Cheesery will fill in when we have space.

New Business

Ben Heartwell: Section 9 A article 8 A, Subsection 8-509: It is Illegal in Maine to charge a credit card fee.

Jaime: That's why the credit card fee for the token program is called a voluntary "convenience fee". I will look into it, but it was what our credit card carrier suggested and it works for them operating with us here in Maine; perhaps we need to make sure this is more obvious that it is a convenience fee.

Hanne: all committees are accepting new members...Linnea joined the Parking Committee. Meeting Adjourned 5:45 pm.