

Portland Farmers' Market Association

Meeting with Trish McAllister, City Attorney

January 31, 2013 4pm, Portland Police Department

Attendance:

Trish McAllister, Neighborhood Prosecutor- Portland Police Department (acting City Attorney)

Holly Doherty, Associate of Trish's

Daniel Price, Freedom Farm

Hanne Tierny, Cornerstone Farm

Jaime Berhanu, Lalibela Farm

1. Discussion of moving forward with License Agreement between the City of Portland and the Portland Farmers' Market Association. Trish voiced that it would likely not be until 2014 that any changes would take place.
2. Trish asked what, if any, legal entity the market is pursuing. Daniel and Hanne reported that paperwork is processing for incorporation as a state recognized non-profit.
3. Trish had a number of questions for the PFMA following a meeting she had earlier in the week with 2 members of the Farmers' Market that raised some concerns regarding the Portland Farmers' Market Association. The following (in italics/underlined) are the allegations made to Ms. McAllister and the responses by Daniel, Hanne, & Jaime to the allegations:
 - a. *PFMA's Rules and By-Laws had not been voted in by the market membership.* Hanne and Jaime referred Trish to the meeting minutes from April 2011 where the Rules and By-Laws were discussed and voted in by the membership. Trish was given access to the Vendor's Page in order to review all of the meeting minutes that have been recorded since the PFMA officially began.
 - b. *Very few market members are in favor of the changes currently being discussed by PSHHS Committee.* With the markets Annual Meeting coming up, discussion of these changes are already on the agenda. A vote could be taken in order to get a current consensus of the group's support of the proposed changes. Hanne pointed out that the changes specific to the License Agreement was part of the City's past suggestion (previous city attorney, Ann Freeman) to the PFMA to make a transition in management of the market work at the city level. The change would also alleviate considerable paperwork by the City Clerk's office. Certainly, the Steering Committee wants to do what the membership as a whole chooses, so discussion and voting at the Annual Meeting should provide clarity on how the membership chooses to move forward. Also noted: All but 4 market members paid PFMA dues in 2012. Also, these changes were discussed at the market's Annual Meeting in February of 2012 (see minutes).

- c. *There is a conspiracy to only let in farmers from the north.* Discussion of new vendor selection, with a history of how the selections were being made in the past was given. Trish was not aware of the history of vendor selection. Hanne pointed out that the newer model of each farm having one vote is in fact a more inclusive model of vendor selection than how it had been in the past. As far as there being a conspiracy to only take in farmers “from the north” was puzzling to the group. Jaime pointed out that 8 of the 10 Steering Committee members do not live in the northern part of the state. Daniel spoke of how the selections are based on the needs of the market regardless of the location of the applicant. Each farm having a vote essentially eliminates any type of controlled vote since every farm has its own voice.
- d. *The PFMA is going to try to kick people out of the market if they do not join the Association.* Daniel assured Trish there is no intention of anyone trying to kick people out of the market. He pointed out that most of the farmers agree that the more farmers there are at the market, the more draw for customers there is. The market has let in many new vendors and has been creative in accepting seasonal vendors in an effort to keep the market full during the spring and late fall. Having clear Rules and By-Laws provides a structure to work with so that the market can function with clear expectations and accountability- something that has never existed at the Portland Farmers’ Market. Having the Rules and By-Laws makes it impossible to simply kick people out of the market for no reason. There is a clear process for any vendor who does not abide by state, city, or market rules.

Overall, the allegations are a concern. The desire for every market vendor to attend meetings to discuss concerns with other farmers remains an important part of the process of working together as a market. The anonymous survey done in June of 2012 was presented to Trish, and will be discussed at the Annual Meeting. The group acknowledged that we can’t expect everyone to agree all of the time. Potential involvement by a neutral mediation program will be discussed at the Annual Meeting. Jaime had contacted the Maine Agricultural Mediation Program, and they have offered their support to the market if it chooses to seek out the help.

4. Hanne discussed the idea of having a grandfather clause in the PFMA’s Rules/By-Laws. This clause would allow the current farmers who choose not to join the PFMA remain at the Portland Farmers’ Market. These farms would still be held to the City and State rules for Farmers’ Markets and allow the PFMA and the City of Portland to pursue the proposed changes.
5. Liability issues were discussed: Physical conditions of both Monument Square and Deering Oaks are a concern. Daniel pointed out that the current draft of the License Agreement does not specify “during market hours”. Trish expressed that it is only a DRAFT and it can be still be modified. She suggested bringing up the concerns about physical condition of market locations and any other questions or concerns about the Agreement’s language before it is signed.

6. **The next PSHHS Committee meeting is Tuesday, February 12, 2013.** It will include public comment. Trish suggested that we address what the Committee had asked for in the previous meeting including: legal status, and the consensus of farmer support for the proposed changes.
7. Meeting Adjourned.

Minutes taken by Jaime Berhanu, Lalibela Farm