

Tarrytown and Sleepy Hollow Farmers Market
Market Rules and Regulations 2017

Thank you for your interest in the 2017 Tarrytown and Sleepy Hollow (The TaSH) Farmers Market.

Tarrytown and Sleepy Hollow Farmers Market (hereafter, the Market) is a producer- oriented market operated by Rivertowns Village Green Inc. (RVG), a non-profit, 501(c)3 corporation and community-based organization. RVG's mission is to improve access to quality locally produced food; connect people and farmers; enhance public understanding of our food system; stimulate community conversation about sustainability, food, health and food justice; and serve as a village green for diverse community interests, activities and entertainment.

With live entertainment, children's activities and other special events, the Market also serves as a lively destination and gathering place that fosters community participation and promotes the cultural and commercial resources of Tarrytown and Sleepy Hollow to visitors. Through proactive collaboration with local government, businesses and community organizations, the Market provides a true "village green" atmosphere for Tarrytown-Sleepy Hollow civic life.

RVG is governed by a volunteer board of local citizens and employs a part-time Market Manager to run the day-to-day operations of the Market in conjunction with the board. The Market Manager represents RVG and is authorized to carry out market rules.

Location: The Market is held outdoors at Patriots Park, Tarrytown, New York

Dates: Saturdays, Memorial Day weekend through the Saturday before Thanksgiving

Hours of operation: 8:30 am to 2:00 pm

Contact Information: tashfarmersmarket.org OR tashfarmersmarket@gmail.com

I. VENDOR SELECTION

- Interested vendors should submit an application to RVG for review no later than March 1. Vendors will be notified of their acceptance into the Market by April 1. Applications will also be considered throughout the market season if space is available.
- Once the application is approved, the vendor and RVG will enter into a binding contract which includes the application and a signed copy of these rules, indicating the vendor has read and will comply with them.
- Vendors are required to apply annually.
- Applications are available at [Manage My Market](#).

II. ELIGIBILITY TO SELL AT THE MARKET

- The Market is located on public property, where commercial activity is not normally permitted. The Market is permitted partly because the Rules and Regulations encourage local and regional farmers and/or producers to sell what they grow and produce.
- Vendors may participate in the Market only at the invitation of the RVG board. RVG is under no obligation to extend participation privileges to any vendor.
- The Market is a food-centered, producer-oriented market. Vending at the Market is restricted to those who are regional growers or producers of homemade products using regionally sourced ingredients. When ingredients cannot be sourced regionally, we seek vendors who source from sustainable, family-run farms and who add value through regional processing. All farm products must be grown or wild-gathered by the vendor within a

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100-mile radius of Tarrytown, NY or anywhere in the state of New York.

- In accepting vendors, preference is given to Certified Organic and farms who have taken the NOFA (Northeast Organic Farming Association) Farmer's Pledge. Any vendor claiming organic certification must display documentation. All agricultural vendors are encouraged to display information about their growing practices at their booth.
- Flowers and plants must be produced by vendor.
- With the application, all vendors will submit a list of the items they intend to sell throughout the season. If they wish to sell something not on the list, they will contact the Market Manager in advance of market day for approval.
- Re-selling of produce or other agricultural products, from another family-run farm may account for only 20% of a vendor's offerings and must be sourced within 100 miles of Tarrytown; re-selling from family-run farms must be pre-approved by the Market Manager; items not from vendor's farm must be clearly labeled with names and locations of the grower or producer. If sufficient quantities of a particular item are being sold by a producing vendor, re-selling of that item by another vendor is prohibited.
- No re-selling of wholesale produce or other agricultural products is allowed; evidence of this practice will be grounds for immediate removal from Market.
- Extreme price-cutting of first quality produce is prohibited. Special promotions and sales at the end of the market day are allowed. The Market Manager may intervene to settle disputes.
- RVG encourages vendors of prepared or processed foods to source ingredients from regional and/or organic producers.
- Crafts such as soap, wool products, bee products and other agriculturally related items are expected to be made by using locally grown or produced items. All other craft items are strictly prohibited except for special events and/or with express approval of the Market Manager.
- RVG expects vendors to bring high quality products and the Market Manager will monitor for consistency.

III. FEES, DEPOSIT, SALES REPORTING AND PAYMENT

- The annual application fee is \$15.00 and is non-refundable
- Vendors agree to report total sales to the market manager. In our efforts to assess the success of the market, the effectiveness of promotional efforts, and to gather data that is requested for government programs and grantmakers, it is important that the TaSH collect information on how much revenue is being generated at the market.
- Weekly rate for a 10'x10' space is \$50/week. Each additional 10'x10' space is \$30.
- Rents will be collected weekly by the Market Manager and may be paid by electronic ACH, cash or check with electronic ACH being the preferred method of payment. Invoices will be sent weekly to facilitate such transfers.
- Any bank fees will be charged back to vendors for returned checks.
- Vendors who commit to a weekly presence and pre-pay the full season (26 weeks) before May 1, 2017 are entitled to a 10 percent discount.
- A deposit of one month's rent is required by all vendors upon approval of the application (approximately March 31). The deposit will be applied to the last month's rent, provided no rent is in arrears. The deposit is non-refundable.
- Regardless of non-attendance, vendors are required to pay for all dates indicated on their approved application, unless the Market has been officially cancelled due to extreme weather conditions or the Market Manager approves the absence.
- No subletting of a seasonal booth is permitted and rents are not reimbursable, either in whole or in part.

Vendors who cannot attend on a Market day are required to contact the Market Manager 24 hours prior to market opening. Vendors who fail to give appropriate notice of an absence will be charged the regular stall fee, the regular stall fee will be deducted from the deposit.

IV. SET-UP, TAKE-DOWN AND GENERAL OPERATIONS

Prior to setting up, all vendors must check in with the Market Manager. **Vendors may arrive as early as 7:00 am to begin setup.** Vendors should unload promptly and then move vehicles off-site before setting up their stall. **Vendors are required to stay OPEN through the end of the market day (2:00 pm.)** At 2:00 pm all vendors will cease selling and promptly take down their stall space. Vendors must vacate the park before 3:00 pm.

Stall Space/Location

- Each vendor will be assigned a stall space
- Stall assignments are at the discretion of the Market Manager and members of the RVG board based on free flow of traffic among vendor stalls, vendor space needs, timely arrival of vendors, customer service access and merchandising concerns. **Special requests/considerations due to products should be included in your application.**

Operating hours

- The market is open from 8:30 am to 2:00 pm
- No selling is permitted before the official opening time, as announced by the Market Manager
- No selling is permitted after the close of the market at 2:00 pm
- Vendors are required to stay set up and open for the duration of the markets operation hours

Punctuality

- All vendors must be at their stall at least 15 minutes prior to the opening of the market. Unless prior arrangements have been made with the market manager, stalls will not be held for an assigned vendor who does not show up at the designated time.
- To ensure the safety of market patrons, any vendor arriving after market opening may be required to set up on the periphery of the Market.

Cancellations/Early Departure

- Vendors who cannot attend on a Market day are required to contact the Market Manager 24 hours prior to market opening. Vendors who fail to give appropriate notice of an absence will be charged the regular stall fee, which will be deducted from the deposit.
- Non-appearances without notification affect the quality and operation of the Market and may result in a search for a replacement vendor.
- Excessive (4+) unauthorized absences with notification will be handled at the discretion of the RVG.
- Only under extenuating circumstances and with express permission from the Market Manager, may a vendor leave before the close of the market day.

Safety

- Weights and/or stakes are **required** to secure your tent at every market, and must be in place from setup until take down. **Tents that are not secured with weights and/or stakes will not be permitted to stay in place.**

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Stall Clean Up/Trash Removal

- All stall spaces must be swept clean and any refuse must be removed at the end of each market day.
- **On-site trash cans ARE NOT available for vendor use.**
- Vendors who provide samples and/or products that will result in waste material, such as cups, rinds, corn cobs, etc. must provide containers for waste disposal. All waste must be removed from site at the end of the day.

EBT/SNAP Benefits

- Vendors must participate in the New York State Farmers Market Nutrition Program where applicable including the Women, Infants and Children (WIC) program, the Senior Farmers' Market Nutrition Program (SFMNP), and NYS Farmers Market Wireless EBT Program (SNAP). Refusal to participate will result in a suspension of selling eligible SNAP items at the market.
- Vendors may NOT set a minimum purchase requirement for SNAP customers.
- NO cash can be given as change for SNAP tokens.
- SNAP customers CANNOT purchase prepared food with SNAP tokens.

Stall Appearance/Maintenance/Signage

- Vendors are required to keep their products in an orderly manner and keep their market space neat and clear of obstacles, litter and debris.
- All vendors must exhibit a sign clearly stating their name and the location of their farm/business.
- Sellers must post prices. Collusion among sellers to attempt to influence prices is strictly prohibited.
- All produce displayed for sale must be at least 12" off the ground with the exception of heavy or large items such as pumpkins.
- Each vendor will be responsible for all equipment and supplies for the setup of a booth. Displays should be constructed in such a way that they do not block customer walkways or pose any other hazard to customers.
- All scales must be registered sealed and battery-operated.

Market Conduct

- Smoking is not permitted while selling at a vendor stall.

Quality Goods/Knowledge of Goods

- All products offered for sale must be of high quality and condition. The Market Manager reserves the right to direct any inferior goods be removed from display. Failure to remove products deemed inferior will be reported to RVG and may result in loss of market privileges.
- Each seller must be directly involved with or knowledgeable about the production of their goods being sold at the Market.
- Vendors are responsible for the actions of their representatives, employees or agents.
- RVG expects vendors to bring high quality products and the Market Manager will monitor for consistency.

V. VENDOR COMPLIANCE

- By signing this document, vendors agree to comply with all rules set forth herein.
- Vendors are responsible for compliance with all applicable NYS Department of Agriculture and Markets and

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NYS Health Department laws, permits and licenses

- All applicable food safety regulations, both state and local, must be adhered to at all times.
- Vendors selling taxable items must have a valid NYS Certificate and collect all applicable taxes
- Weights and measures must meet all applicable local, state and federal rules and regulations.
- Vendors must obtain and keep current all applicable licenses and permits for products sold. Copies of applicable permits and licenses will be kept on file with the market management.
- To ensure compliance to Market rules, RVG reserves the right to direct the Market Manager or appoint a committee to visit any vendor's farm or establishment with advance notice. Visits will be made only with the farmer/owner or their representative present unless written permission is given. Vendors must provide any help necessary to thoroughly document products and conditions recorded at the inspection. The vendor will be notified in writing of the results of the inspection within seven days of the inspection.
- All new vendors will be subject to a ninety (90) day at-will probationary period commencing on the first day of selling in the market.

VI. INSURANCE AND INDEMNITY CLAUSE

- All vendors must provide proof of general liability coverage in the amount of \$1 million dollars and name the market, the Village of Tarrytown and RVG as additional insured. A current certificate must remain on file with the market management. **VENDORS WILL NOT BE PERMITTED TO SELL AT THE MARKET UNTIL PROVIDING THE MARKET MANAGER WITH PROOF OF INSURANCE.**
- To the fullest extent permitted by law, the vendor agrees to defend (including attorney's fees), pay on behalf of, indemnify, and hold harmless the Market, its elected and appointed officials, the Village of Tarrytown, employees and volunteers and others working on behalf of the Market against any and all claims, demands, suits or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Market, its elected and appointed officials, employees, volunteers or others working on behalf of the Market, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

VII. COMPLAINTS AND ENFORCEMENT OF MARKET RULES

- All complaints must be addressed in writing and reviewed by the Market Manager. If the Market Manager is unable to resolve the complaint, the vendor may send a written follow-up to RVG, who will address the complaint at the next regularly scheduled meeting. If the complaint is of an immediate nature, the Market Manager may ask for a special convening of RVG board to address the complaint. The decisions of RVG are final.
- The submission of application for admission to the Market serves as the vendor's agreement to abide by the rules of the Market, as established by RVG and enforced by the Market Manager. Violations of the rules of the Market may be grounds for warnings, dismissal from the Market, or both according to the following procedures:
 - **Violation of the rules will result in a verbal warning by the Market Manager. Documentation of the warning will be kept on file by the Market Manager.**
 - **Additional violation of the rules will result in a written warning, given by the Market Manager. A copy of the letter will be kept on file by the Market Manager, along with any documentation of the violation.**
 - **Continued violation of the rules will result in a suspension of selling privileges.**
 - **Failure to comply with market rules after verbal warnings, written warnings and suspension of selling privileges will result in dismissal from the Market.**
- At the discretion of the Market Manager, when a violation occurs that jeopardizes the health of a customer, another vendor, market management or the overall health of the Market, the Market Manager may convene

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the RVG board to request a suspension of the compliance procedure and call for immediate dismissal from the Market. The dismissal will require documented proof of an egregious violation. The vendor will be given an opportunity to review the documentation, prepare a defense and appear before the RVG board.

- If a vendor is in dispute of an infraction by the Market Manager, the vendor may make a written request to RVG to be heard on the issue. Both the vendor and the Market Manager will appear before the RVG board and present their sides of the issue. The decision of RVG is final.

VIII. THE DUTIES OF RVG

The duties of RVG in operating the Market include but are not limited to the following:

- Adopt, amend and enforce the Rules of the Market.
- Assure the orderly and efficient operation of the Market.
- Establish the requirements for both vendor participation and product selection to ensure a sustainable mix of products in the Market.
- Establish and collect all vendor fees and dues.
- Determine an operational schedule, special events schedule, size and location of the Market.
- Develop an operating budget and raise the necessary funds to support the operating budget.
- Hear and respond to all vendor requests, concerns and grievances.
- Make all final decisions on vendor participation.
- Establish and conduct an advertising and marketing program for the Market.
- Maintain a broad coverage liability insurance policy against bodily injury and property damage.
- RVG may assign any of its responsibilities to the Market Manager or other representatives for execution.

SIGNATURES

Vendor

By signing below, I affirm that I have read and understand the rules of the Market and agree to comply with them as a condition for participation in the market.

(Please include a copy of this signed page when submitting your vendor application)

(Print name of vendor representative)

(Signature of vendor representative)

(Print name of vendor)

(Date)

The Market

Signature of the Market representative below confirms that this applicant is accepted to participate in the 2017 Market according to details found in the attached vendor application and rules and regulations described above.

(Print name of the Market representative)

(Signature of the Market representative)

(Title)

(Date)