

Farmers Market Ordinance update:

Please see the ordinance regarding the Farmers Market:

Chapter 7 – Business Licenses and Permits, Revised Code of Ordinances, City of Hallowell (1997)

17. An exemption is granted for the Farmer's Market. The permit fee will be \$25.00 per farmer. Each farmer must apply individually for a permit from the City each year. The period of the permit will be each Tuesday from 4:00 p.m. to 8:00 p.m. from May 1st to November 1st. The public location will be the north end of the Waterfront parking lot. The City Manager is delegated the authority, with notice to the Council, of changing the time and location to provide better service to the Market vendors.

On February 8th, after hearing a request to change the location of the Farmers Market and public comments about the request, the City Council voted to direct the Ordinance Rewrite Committee (ORC) to remove the date and time from the above ordinance.

Following the City Council meeting, the City Manager contacted the ORC Chair, Michael Frett to relay the Council's motion to the ORC. Mr. Frett responded as follows:

From: Michael Frett [mailto:mvfrett@gmail.com]
Sent: Thursday, March 03, 2016 1:07 PM
To: Stefan Pakulski
Subject: Re: Ordinance Rewrite Committee request

Stefan:

I received, read and considered your email outlining the City Council's request for the Ordinance Rewrite Committee (ORC) to meet on the issue of an "Ordinance Change Request For The Farmers Market." The transcript of the Council's actions on this matter appear to be two-fold:

1. A motion was passed to refer any proposed changes in the Farmers Market Ordinance to ORC for review and report back to the Council. However, it appears that no proposals were put forth, at this time, and subsequently referred for ORC to consider.

2. There was an amendment, presumably to the aforementioned motion, to allow ORC to "change the date and time for this year" and further, "direct the Committee to find the best location for 2017." It was then suggested that the date and time be removed from the current ordinance. It appears this last recommendation was so moved, i.e., that ORC be directed to remove the date and time from the ordinance.

If my reading of the transcript is correct, I must conclude the Council requests there be a meeting of ORC to remove the date and time from the existing Farmers Market Ordinance. While I do not feel that such a meeting can occur before the Council's scheduled March 7th meeting, I also believe that meeting is unnecessary to accomplish the Council's purpose.

The Ordinance Rewrite Committee is an advisory body which assists the Mayor and City Council on issues involving ordinances. However, it is the Council which must review and make final determinations on any ORC recommendation. Whether enacted or repealed, ordinances

must pass through the Council's procedural guidelines, unless a different process is spelled out in a given ordinance. I therefore submit that, if the Council can both create and repeal an ordinance then, under its authority as "the legislative body of the City of Hallowell for all purposes required by statute" - Charter of Hallowell, Art.1, sect.1b), the Council can use its procedural guidelines to "amend" an ordinance.

In conclusion, I recommend you alert the City Council to its amendment authority, which I believe it possesses and can lawfully exercise to speed-up action on its decision to remove the date and time from the existing Farmers Market Ordinance. In the alternative, I will schedule a meeting of ORC to address the matter, later in this month.

Thanks,
Mike Frett, Chair, Ordinance Rewrite Committee

Following the February 8th City Council meeting, the Farmers Market manager Ben Marcus sent the following message to City Manager:

From: Ben Marcus [mailto:benjimarcus@gmail.com]
Sent: Thursday, February 18, 2016 4:39 PM
To: Stefan Pakulski
Cc: Rosamund Davis; George Lapointe; Tessa Vellani; jonathan.strieff
Subject: Hallowell Farmer's Market

Hi Stefan

I would like to get on the agenda for the March 7 council meeting to revisit the farmer's market ordinance change.

The ordinance currently states that, "the City Manager is delegated the authority, with notice to the Council, of changing the time and location to provide better service to the Market vendors."

The farmer's market is keen on moving the market to Saturdays and we are adamant about changing the location. In response to the controversy of the Vaughan Field Park proposal, we are looking at some other locations. Though not as ideal as the park, we would like to explore the possibility of moving the market to the upper PUC parking lot, behind Camden National.

Meanwhile, we are contacting people in the Vaughan Field Park neighborhood in order to help facilitate some discussion around the original (and still our preferred) location. We are planning to host a neighborhood discussion at City Hall within the month.

In the meantime, I would like to contact the owners of the PUC parking lot in order to get some traction and to start moving forward with that idea. Do you have the name or contact for someone I could talk to about the PUC parking lot?

Thank you for your time.

--

Benjamin J Marcus

The City Manager put Ben in contact with Harry Lanphear at the PUC, saying the market would need about 100 x 25 feet, lined up along the Brahms Mount building, starting at 8 AM for set up, open from 9 AM -1PM, and take down by 2 PM.

Harry responded as follows:

From: Lanphear, Harry A [mailto:Harry.A.Lanphear@maine.gov]

Sent: Tuesday, March 01, 2016 7:34 AM

To: 'Ben Marcus'

Cc: Stefan Pakulski

Subject: RE: Hallowell Farmer's Market is looking for a new home

I spoke to the building owner and Chairman of the Commission. From our view this is fine with three conditions.

1. The Building Owner would want Liability Insurance to be in place.
2. The Commission would need access to the 5 vehicles parked in that lot in case we have an emergency need (e.g. Gas Safety or 911 issue)
3. We would want to be certain the lot would be cleaned thoroughly at the end of the day Saturday for use on Monday by our employees.

We are happy to assist and partner with the City as is Kevin Mattson the owner.

Please let me know if you or the City need anything further. I will connect you with Kevin Mattson regarding insurance when we get to that point.

Best Regards,

Harry Lanphear, Administrative Director, Maine Public Utilities Commission

There possibly are two items for the City Council to consider:

- First, whether to amend the Farmers Market ordinance and/or to allow the City Manager to change the time and location of the market.
- Second, whether to facilitate the location of the market on private property such as the PUC's upper parking lot, according to the property owner's conditions.

The approved motion from the previous Council meeting directed that the time and location of the market be removed from the ordinance. The Council could make this change now, and leave it to the City Manager to change the location and time of the Farmers Market, with notice to the City Council.

As for the second item, please see the attached document showing the Hallowell Farmer's Market non-profit status. Also, see email below from Susan Caston, underwriter at MMA:

-----Original Message-----

From: Susan Caston [<mailto:scaston@memun.org>]

Sent: Thursday, March 03, 2016 3:17 PM

To: Stefan Pakulski

Subject: [GRAYMAIL] Hallowell - Farmers Market

Hi Stefan. Please see the attached. It appears that the Hallowell Farmers Market is a separate legal entity. If they want to use a private parking lot it is up to them to procure the insurance for their activity there. The City's insurance would not cover their operations there, since we are not providing insurance coverage for them. As we discussed, it really shouldn't be up to the City to enter into a lease agreement with the private property owner in order for the Hallowell Farmer's Market to operate there.

Thank you.

Susan Caston CIC, AIC

Senior Underwriter

Maine Municipal Association

As the Farmers' Market is a separate legal entity, it should be responsible for any liability insurance for using the PUC lot, and could set up a separate agreement for that purpose with the PUC and property owner.



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Information Summary

Subscriber activity report

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HALLOWELL FARMER'S MARKET	20140412ND	NONPROFIT CORPORATION (T13-B)	ADMINISTRATIVELY DISSOLVED

Filing Date	Expiration Date	Jurisdiction
04/30/2014	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

JONATHAN AULT
259 BRUNSWICK AVENUE
GARDINER, ME 04345

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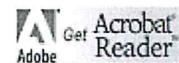
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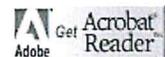
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