



Public Market Advisory Commission Minutes- December 1, 2009

Meeting Agenda

1. Call to Order

The meeting was called to order at 5:35 p.m.

P. Pollack: We can call the December meeting of the PMAC to order. Molly is not going to be here today, she is sick. In her absence, I'll call roll.

2. Roll Call

Members Present: (3) S. Brines, G. Service, P. Pollack

Members Absent: (1) D. Black

Staff Present: (0)

Staff Absent (1) M. Notarianni

3. Approval of Agenda

4. Special Presentations

P. Pollack: This Friday, at the Farmers Market, the KDA will be holding an event called Kindlefest. Bonfire, smores, in the market space: a great use of the public market space. That is the same night as Midnight Madness, and the effort is to develop some activity in the Kerrytown area.

S. Brines: AAFM Vendors have been invited to be there, and there will be caroling, etc.

5. Public Commentary – Agenda items only (3 minutes per speaker)

G. Thompson: Since October 2002, the National Organic Production Act has made it a federal offense to label any food product as “organic” unless its producer has been certified. There is an exemption for very small producers. There is also a Michigan Organic Production Act: Michigan’s act does not include small producer’s exemption. The Michigan Act is also much more specific regarding penalties for misrepresentation. However, there are a few vendors at the market that make use of the marketing advantage by implying the product is organic that are not certified. One vendor, Lynn Meissner, has displayed a sign since 2007 stating that she was a “certified” organic producer. The manager of the Michigan Organic Program, Ms. Colleen Collier, confirmed that this vendor was not a certified organic producer in 2007. This may be the most egregious example, but there are others. Peter Stark told a previous session of this Commission that

42 it would be illegal for him to package his herbs to sell at the supermarket as “organic,”
43 but he asserts that the sign over his table describes his farm, not his product.

44
45 Quality and trust are extremely important to retain market customers. These
46 misrepresentations of organic must be corrected, or the reputation of the market will
47 suffer. It is very simple: “organic” at the market must mean as much as “organic” at the
48 supermarket. It is also unfair to the vendors that go to the effort and expense of
49 certification to compete against those that simply post a sign. I urge you to recommend
50 that this problem be corrected. I am not suggesting that the market take on the task of
51 verifying production. That would be difficult, and that is why the Federal certification
52 process is expensive. The present market rules call for a copy of all required licenses and
53 certificates to be attached, and it specifically includes “organic producer certification.”
54 The current market rules also prohibit misrepresentation of a vendor’s product. I believe
55 these two rules sufficient basis to prohibit signage that suggest or implies that a product is
56 organic unless the producer is certified. However, should you wish to suggest a formal
57 rule change, I have submitted to Molly copies of the market rules from the Howell and
58 Lake Orion Farmers Markets as examples of markets that specifically regulate use of the
59 term “organic.” If the Ann Arbor Farmers Market is to remain the best location for fresh
60 produce in Ann Arbor, it must adopt the same high-quality standards that these markets
61 in Michigan require.

62
63
64 Luis Vasquez: I’d like to refer you to the Current Magazine article in the November
65 issue, entitled “Knowing What You’re Getting”, which talks about the “faked goods”
66 issue. Curiously it does not quote Molly Notarianni in the article at all, I don’t know if
67 the author tried to contact her to get a quote from her, but I found that curiously absent. I
68 did find Jeff Straw’s comment: “our rules currently state that baked goods must be
69 produced by the vendors but the definition of ‘produced’ is not exclusively specific and
70 therefore left up to the decision of the market manager. Well if it IS the decision of the
71 market manager, then shame on Molly, and I wish she was here so I could wag my finger
72 at her and state as such.

73
74 I also wanted to bring a number of signatures I collected on my petition to support better
75 baked goods rules at the market, I sent a copy to the market commission back in March
76 and April of our proposed baked goods rules. I ask for your consideration as a
77 commission to enact and implement and enforce a better set of baked goods rules. I also
78 have here a partial list of places that have “from scratch” baked goods rules: some of
79 them go so far as to say “no commercially prepared dough mixes, crusts, shells or fillings
80 allowed”: Morgantown WV, Plattsburg NY, Bennington VT, Plainsboro MN, Wyoming
81 OH, Rochester NY, Washington DC, Davidson NC, Westport CT, Oregon City OR,
82 Frankenmuth MI, Chicago IL and literally dozens of other markets, including the Ann
83 Arbor West Side Market. I sincerely doubt that if Kapnick’s were to apply to sell there
84 they would be accepted. I’d also like to talk about the article in the Ann Arbor Chronicle
85 where you, Peter, are quoted as saying it’s rare to have a producer only market like the
86 one in Ann Arbor and that’s an aspect of the market that’s worth protecting. I agree with

87 that, but for now it is only a notion. I'd like to be a promoter of the market and not have
88 to return time after time asking for a change in the rules.

89
90 6. Approval of Minutes

91 a. Meeting of November 3, 2009
92
93

94 7. Commission Business
95

96 P. Pollack: As I mentioned , Molly isn't here so her reports will not be a part of this
97 meeting and will continue at next month's meeting.
98

99 a. Old Business

100 b. New Business
101

102 8. Reports and Communications

103 a. Market Manager

104 b. Related Boards, Commissions, Committees, and Task Forces
105

106 1) Policy & Procedures subcommittee:
107

108 D. Barkman: We are listening to the various voices around the community. Having a
109 viable market is important to everyone. Additionally, there is the Great Lakes Vegetable
110 Growers Convention next weekend in Grand Rapids. All three days they have various
111 seminar sessions that address farm market and product issues, so it might be good to have
112 someone attend and review.
113

114 S. Brines: We're all taking our attempts at re-drafting rules. The idea is to take existing
115 stuff and make it a little clearer, from the beginning of the application process.
116

117 P.Pollack: It's been about two years since the current rules have been in operation, and so
118 we've been keeping track of related comments questions and observations. The
119 scheduled review we are going through right now has been organized by this
120 commission, nobody in administration has told us to review the rules. Two things we've
121 talked about doing:
122

123 1) clarifying terms on the vendor application.

124 2) other items that might require deliberate changes by the administration,
125 recommended by us
126

127 In terms of the first track of action, we expect in January/February to refine these rules
128 and terms and then in the March vendors public meeting bring those suggestion to a
129 public forum. Our next session is on the 15th of December at 5pm at the market office.
130 Everything we're doing now is suggestions, there will be no definitive proposals.
131

132 c. Items from Commissioners

133

134 D. Barkman: There are a number of markets around the area that people and developers
135 are looking to utilize and/or rent out the facilities, which is an issue that could face the
136 market in the future, if there are facilities with better offers or facilities better suited to
137 certain vendor's products.

138

139 P. Pollack: There was a time when the market was unique, but that isn't the case
140 anymore, so how this market stays competitive is important. The good thing about our
141 location is that the whole neighborhood is a destination.

142

143 d. Transmittals/communications received

144

145 Public Commentary - General (3 minutes per speaker)

146

147 Glenn Thompson: I was surprised to hear the market subcommittee meeting included
148 three commissioners, which effectively puts it under the jurisdiction of the Open
149 Meetings Act. So what I would like to know when and where are you going to publish the
150 minutes of this meeting, as required by the Open Meetings Act? I also would like to
151 comment that I think it is unfortunate you are choosing to conduct these meetings
152 essentially outside the public sphere. Yes someone can attend, but the meetings are not
153 broadcast nor available on demand. That seems like a rather poor approach for a body
154 claiming to work in openness and transparency and whose total number is of
155 commissioners is only five.

156

157 Luis Vasquez: I have to agree with Mister Thompson on that point. I'd like to also talk
158 about the issue of organics: The late Ken King, producer and former market
159 commissioner confided in me a few years ago about organic certification and the near
160 impossibility and extreme expense for small farmers such as Frog Holler and others.
161 Organic farmers, I think, need to be supported even if they aren't in compliance with
162 federal statutes. Personally I would like to know what kind of pesticides are sprayed on
163 produce sold at market. That would provide me with more information about what I will
164 decide to buy. Furthermore, on the misrepresentation of the origin of products: I don't
165 find that farmers who has consistently used organic methods who use the term on their
166 signs as egregious as the example I keep bringing up, which is Kapnick Orchards' putting
167 a label onto goods not of their own making. That is a blatant misrepresentation.

168

169

170 P. Pollack: A comment about our working session: we are a five person commission. In
171 order to take advantage of the knowledge and experience of a small group of people it
172 happens this particular subcommittee had three people attending. The meeting was
173 published on the website, it was noted in advance, it was announced here at the
174 November meeting just as our next meeting was announced today. They are not being
175 conducted out of the view of the public. They are meetings that have been announced,
176 there have been three commissioners attending so far, there may be more, but the
177 meetings are noticed and people are welcome to attend. And while working sessions are
178 not participatory as such, it's not unlikely that comments can be heard at each meeting.

179 So we are not hiding, we are not doing anything behind closed doors, it is just the nature
180 of a five person committee that when you do have subcommittees, you may actually have
181 a quorum. It is our intent to keep doing what we are doing, which is to announce
182 meetings, keep notes and follow through.

183

184 10. Adjournment

185

186 The meeting was adjourned at 6:04 pm

187

188