

# 2024-25 OCPM Virtual Vendor Handbook



**To help you become a part of this market experience, this packet contains:**

- Market Rules, Regulations and Policies
- Listing of all permits/licenses/certificates required for Farmer's Market vendors
- Additional information

Please read all information carefully & if you have any questions, please email us at

[info@oneidacountymarket.com](mailto:info@oneidacountymarket.com)

**Contact Beth Irons, Market Manager (phone: 315-798-3639 or 315-736-3394, ext. 103; email: [info@oneidacountymarket.com](mailto:info@oneidacountymarket.com) OR [egi3@cornell.edu](mailto:egi3@cornell.edu)) or Audra Benincasa, Online Coordinator ([ajb489@cornell.edu](mailto:ajb489@cornell.edu)) with any questions or concerns you may have about participation in the Oneida County Public Market.**

*The Oneida County Public Market is an economic development of Oneida County Executive Anthony J. Picente, Jr. under the auspices of Cornell Cooperative Extension of Oneida County.*



**Cornell Cooperative Extension** | Oneida County



The Oneida County Public Market is owned by the County of Oneida and managed through Cornell Cooperative Extension of Oneida County. The mission of this market is to draw on our region's historic, cultural and agricultural resources to create an atmosphere where vendors, community members and businesses can sell, shop and support locally. Our targeted objectives are: to provide a venue for farmers to sell their product directly to consumers; to create access to fresh, healthy and locally grown foods to consumers; to provide health, nutrition and economic benefit to the community; to serve as a catalyst of economic benefit to surrounding businesses and venues; and to create and enhance a sense of community, positioning the market as a gathering place that fosters community pride and spirit.

All management aspects of the Public Market are handled by Beth Irons, Market Manager. This includes: coordination of all activities related to the weekly functioning of the Market; the implementation of market rules and regulations; oversight of the Market set-up and clean-up; daily assignments; collection of required fees and registration information, assuring vendor compliance with cleanup, and addressing issues and concerns and answering questions. The Market Manager also acts as a liaison of information from the vendors and customers to the Cooperative Extension Ag team and the Market Board of Directors. The Market Manager has complete authority to interpret and implement policy on the market site. In the event there is an issue with a possible rule violation, vendor dispute, consumer issue or concern, weather/emergency concern/incident or any other issue/concern that may impact the smooth operation of the market, please contact the Market Manager as soon as possible.

The Oneida County Public Market is located at Union Station, 321 Main Street, Utica, NY 13501. For 2024 this market operates every Saturday, May 18th through October 26th from 9:00am to 1:00pm behind Union Station at the employee parking lot and the REA wing of Union Station; and every other Saturday January 11th through April 19, 2025 in the Main Lobby of Union Station.

The following are the market rules and regulations. These are subject to change as conditions change or situations arise that demand amendments. In that event, the Market Manager will communicate any relevant changes to you verbally and in writing. As a participating Oneida County Public Market vendor you are expected to read, understand and adhere to all rules and regulations; and will be subject to the repercussions, up to and including expulsion from the market, in the event you are found in violation of the rules and regulations.

## 2024-25 Market Rules and Regulations

- 1) For all participating vendors, **a minimum of 50% of all items must be raised, baked, prepared and/or made by the vendor.** Management reserves the right to determine the appropriateness of product(s) sold. **In the event that the vendor is handling the sale of a product that is not self-grown, the product and its source must be identified and labeled as such.** Use signage to clearly display pricing, products or promotions. Labeling for all food products must adhere to USDA and NYS Ag & Markets requirements.
- 2) All vendors must submit a completed and signed application (including licenses/permits/inspections required), agree to abide by Market rules, and receive approval from management prior to participation. See information provided in this application for required licenses/permits based on nature of product(s) sold.
- 3) Vendors must carry a liability policy (\$1,000,000 minimum) listing Oneida County (800 Park Avenue, Utica, NY 13501) and Cornell Cooperative Extension of Oneida County (121 Second Street, Oriskany, NY, 13424) **as additionally insured.** This policy must be current and in effect for the duration of participation.
- 4) All items sold must be licensed in accordance with the following where applicable: Article 14 of the Agriculture and Markets Law of the NYS Dept. of Ag & Markets; the NYS Department of Taxation; Oneida County Department of Health; City of Utica ordinances and regulations. Any applicable costs are the responsibility of the vendor.
- 5) Public drinking of alcohol, smoking, and fragrance that can be detected significantly within the market space are prohibited.
- 6) Vendors will be respectful and courteous to customers, market staff, volunteers and fellow vendors at all times. No shouting, hawking, offensive language or behavior will be tolerated. Issues between vendors will not be addressed during market hours so as not to disturb market operation or impact the experience of consumers, but will be addressed by market management at the conclusion of the market session after the public is cleared of the market space. Each participating vendor will be aware of and review the Conflict Resolution and Harassment policies attached. Any participating vendors found in violation of these or any Oneida County Public Market policy or procedure will be addressed directly by market management and may be dismissed from further participation on the Public Market. Any remaining fees already paid will be forfeited.
- 7) There will be no advocating between market vendors during the market hours. It is understood that vendors will be participants in multiple markets throughout the region, with some possibly serving in management roles at other markets. Advocating on behalf of another market while participating in this market will not be tolerated.
- 8) Failure to abide by these Rules and Regulations will result in a vendor being denied continued participation on the e-commerce site.

**PUNCTUALITY: All virtual vendors with ordered items must drop off items by 9AM**  
**Violations of this policy may result in termination of participation.**

# Oneida County Public Market Harassment Policy

The Oneida County Public Market strictly prohibits vendors from committing harassment and/or any discriminatory practices, including, but not limited to, sexual harassment. Any harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs on Public Market property or away from said property. Any form of harassment of any Public Market employee, applicant, intern (paid or unpaid), volunteer, customer, vendor, contractor, subcontractor, consultant or any other person providing services pursuant to a contract with the Public Market will not be tolerated. The Oneida County Public Market prohibits vendors from engaging in unlawful harassment and discrimination of any kind, including that based on race, creed, color, religion, national origin, sexual orientation, gender identity or expression, sex, disability, military status, familial status, marital status and domestic violence victim status.

**Any vendor that violates this policy will be subject to immediate suspension of their participation privileges until the matter is reviewed by the Cornell Cooperative Extension Board of Directors. The matter will be solely resolved by the determination of the Board of Directors which may include, but is not limited to, termination of the vendor's Public Market participation privileges.**

The following are some of the types of acts that may that are strictly prohibited by the Public Market, but in no way is this intended to be an exhaustive list of prohibited conduct:

- Unwanted physical contact such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body as well as rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions such as requests for sexual favors accompanied by implied or overt threats concerning the victim's license, permit, job performance, evaluation, a promotion or other benefits or detriments, subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sexual or discriminatory displays or publications anywhere on County property, or within the Public Market space such as: displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on cell phones and sharing such displays while on County property or within Public Market space.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: interfering with, destroying or damaging a person's stall, tools or equipment, or otherwise interfering with the individual's ability to conduct his or her business at the Public Market; bullying, yelling, name-calling.
- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Harassment is not limited to the Public Market space itself. Calls, texts, emails, and social media usage can constitute unlawful harassment, even if they occur away from the Public Market space.

If you feel you have been subject to sexual harassment, or any form of harassment, report it to Market management, so it can be investigated and any needed corrective action can be taken.

Market management cannot prevent or remedy harassment unless it knows about it. Anyone who has been subjected to behavior that may constitute harassment is encouraged to report such behavior. If the complaint pertains to Market management, or the person complaining is not satisfied with how the matter is handled, the complaint may be made directly to the Cornell Cooperative Extension Executive Director. Anyone who witnesses or becomes aware of potential instances of harassment should report such behavior.

No vendor shall be discriminated against or have market participation terminated because the vendor reasonably made a good faith report of an incident of sexual harassment, discrimination or any form of harassment, or provided information or otherwise assisted in any investigation of such a complaint.

The Public Market does not tolerate retaliation against anyone who reasonably and in good faith complains or provides information about suspected sexual harassment, discrimination or other forms of harassment.

Anyone who retaliates against anyone involved in such an investigation will be subject to immediate termination of their participation privileges until the matter is reviewed by the Board of Directors. The matter will be solely resolved by the determination of the Board of Directors.

Anyone who believes they have been subject to retaliation should inform the Market management. If Market management is alleged to have retaliated or you're not satisfied with the response, you may complain directly to the Executive Director of Cornell Cooperative Extension.

## Grievance Procedure

Aside from complaints made under the Harassment Policy, any vendor of the Public Market who has a complaint concerning another vendor must address that complaint in writing to the Market Manager.

A \$25.00 deposit must accompany all complaints.

The complaint will be thoroughly investigated and if determined to be legitimate, the vendor who filed the complaint will be reimbursed the \$25.00 deposit and shall be granted all or that portion of the relief sought determined by the Market Manager to be fair and reasonable.

If the complaint is found to be without foundation or to be frivolous, the vendor who filed the complaint agrees to forfeit the \$25.00 to the Public Market operating funds and the complaint will be dismissed.

Any vendor of the Public Market who has a complaint concerning the applicability and/or the administration of the foregoing Rules and Regulations and/or the disciplinary action imposed may, within five (5) business days of the time he or she became aware of the occurrence or the cause of the complaint, submit his or her complaint, and the relief sought, in writing, to the Market Manager, for consideration.

The written complaint will be reviewed and responded to within ten (10) business days to the complaint. If the vendor has any further complaint, he or she may put the continued complaint, along with determination of the market management, in writing addressed to the Executive Director, Cornell Cooperative Extension. The Executive Director will review the complaint and the Market Manager's response and determine if the issue should be brought to the attention of the Board of Directors at the next regularly scheduled meeting, or let the decision of the Executive Director stand.

# Permits/Licenses/ Certificates Required for Farmers' Market Vendors 2024-25

The following is a checklist that will help you to understand the permits, licenses and certificates that are required of sellers of various products commonly found in farmers' markets. This checklist is not exhaustive, but is a general guideline. Each vendor is solely responsible for determining what permits, licenses and certificates are required for each of his/her products. Please consult the inspection agencies listed at the end for further assistance.

**All food items offered for sale (excluding whole fruits and vegetables) MUST be pre-packaged.**

**Fresh Produce:** No permits, licenses or certificates required, if raw, uncut, and unprocessed.

**Plant Sales:** Only one nursery license is required and must be posted in public view at the time of sale.

- NYS Department of Agriculture & Markets Nursery Growers License, if engaged in the production of plant material intended for sale. A nursery grower is also permitted to purchase and resell plant material under this same license.
- NYS Department of Agriculture & Markets Nursery Dealers License, if purchasing and reselling plant material only and the vendor is not involved in any growing of potted plant material
- Valid NYS Sales Tax Certificate

**Eggs:** No permits, licenses or certificates required, for cleaned shell eggs maintained at 45 degrees F or less. Eggs must be from farm owned hens (not purchased eggs).

**Honey, Maple Syrup:** No permits, licenses or certificates required, if single ingredient products.

- Article 20C License from NYS Dept. of Agriculture & Markets, if additional ingredients are added to the products; i.e. maple mustard, maple cotton candy, etc.

**Baked Goods:**

- 20C Exemption from NYS Dept. of Agriculture & Markets if home baked, non-hazardous; ie. Bread (no breads containing fruits or vegetables), rolls, cookies, cakes, brownies, fudge & double crust fruit pies. Quickbreads are considered potentially hazardous and cannot be done under 20C Exemptions.
- Article 20C License from NYS Dept. of Agriculture & Markets on all other baked products provided the business does 51% of its sales at wholesale. (Requires a separate, commercial kitchen.)
- All other baked goods must come from a licensed NYS Department of Health facility.
- For more information to go [agriculture.ny.gov/food-safety/home-processing](http://agriculture.ny.gov/food-safety/home-processing)

**Cider/Fruit Juice**

- Article 20C License from NYS Dept. of Agriculture & Markets for manufacturers/bottlers.
- All cider and fruit juices must be pasteurized, UV treated or high pressure treated.

**Mushrooms**

- Cultivated mushrooms, sold whole or otherwise processed, require no license
- Cultivated mushrooms, sliced, chopped, washed and identified as ready to eat or any other processing requires a 20C license

Mushroom species picked in the wild shall be obtained from a source where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert prior to sale. At this time (2022), there are no approved mushroom experts in New York State. New York State Agriculture &



Markets, while not being able to approve an individual as a mushroom identification expert, will accept certification given through Mushroom Mountain, LLC only. This jurisdiction over wild foraged mushrooms by NYS Ag & Markets is limited to retail sales only. NYS Department of Health is responsible for sales to institutional food vendors (restaurants, schools, etc.)

### **New York State Micro-breweries**

- Must obtain a no-fee permit from NYS Liquor Authority.
- If offering sampling prior to purchase of a bottle, must have a tasting permit from the State Liquor Authority (SLA) on site
- Specially licensed New York State "farm breweries" that source 20% or more of their brewing ingredients (e.g. hops and grains for malt) from New York State farms do not require an SLA permit to sell their "NYS-labeled beer"
- Available at <http://www.sla.ny.gov/system/files/BrewerOffPremisesPermit.pdf>

### **New York State Wines**

- Farm Winery Permit, issued by the NYS Liquor Authority
- If offering sampling prior to purchase of a bottle, must have a tasting permit from the State Liquor Authority (SLA) on site
- Valid NYS Sales Tax Certificate

### **New York State Distilleries**

- New York State "farm distilleries" producing distilled spirits from New York State grown ingredients can sell by the bottle at designated farmers' markets with a permit from the SLA.

### **Processed Foods**

- 20C Home Exemption from NYS Dept. of Agriculture & Markets, for non-hazardous foods only, including traditional high-acid fruit jams, jellies and marmalades; candy (excluding chocolate); spices and herbs (repackaging only); and snack items such as popcorn, caramel corn and peanut brittle. To register as a Home Processor in New York, go to <http://www.agriculture.ny.gov/FS/consumer/processor.html>.
- Home processing of canned fruits and vegetables is not permitted. All canned fruits and vegetables must be done under 20C License and registered with the Federal government as a food processor.
- Article 20C License from NYS Dept. of Agriculture & Markets, prepackaged and labeled in accordance with NYS Food Labeling Law: Identity of food in package form; name of manufacturer, packer or distributor; place of business; ingredient declaration in descending order of predominance by weight; and net quantity of contents.
- County Board of Health Permit if processing is on-site; i.e. cutting of baked goods to be sold by the piece, slicing of cheese to be sold by the pound; cooking and selling ready-to-eat foods.
- Article 20C License from NYS Dept. of Agriculture & Markets is required for dehydrating herbs and spices or for the blending of any spices for repackaging.

**Meats:** License is required if grinding or processing. License is not required for cutting.

### **Red Meat (Beef, lamb, goat)**

- USDA slaughtered and/or processed must have USDA legend
- Article 28D License required if warehousing for wholesale

- Must be maintained at 0°F or below and sold frozen.

### **Poultry (MUST be frozen)**

- License not required to sell 250 turkeys or 1000 birds of other species (quail, guinea, chicken.)
- No license required if USDA slaughtered.
- Article 28 License if warehousing for wholesale accounts.
- Article 5A license required if selling over 250 turkeys or 1000 birds of other species processed annually.

### **Exotic Meat (MUST be frozen)**

- Must be slaughtered at an Article 5A licensed establishment.
- Must be labeled “Processed at an NYSDAM facility”.
- Article 28 License required if warehousing for wholesale accounts, if not licensed under Article 5A.

### **Processed Meats (Shelf stable processed meats (dry, fermented sausage) only)**

- Article 20C license from the NYS Dept. of Agriculture & Markets

### **Fish (if processed (fileted, etc.) MUST be frozen)**

- No permit, license or certificate is required if a freshwater fisherman is selling only whole, non-protected species.
- Article 20C License from NYS Dept. of Agriculture & Market if fish is pan-ready.
- NYS DEC hatchery permit required if selling protected freshwater species.
- NYS DEC permit required if re-selling any protected freshwater species.
- NYS DEC Food Fish License to catch and sell marine fish.
- NYS DEC Food Fish and Crustacean Dealers & Shippers License to resell marine fish purchased from a licensed fisherman

## **DAIRY**

### **Cheese & Other Dairy Products (such as yogurt, butter, sour cream)**

- For producers, Part II Permit, issued by the NYS Dept. of Agriculture & Markets Division of Milk Control and Dairy Services.
- If cut and wrapped cheese, need Part II Permit issued by Division of Milk Control and Dairy Services unless part of a food establishment regulated by Division of Food Safety, in which case just need Article 20C License.

### **Milk and Fluid Milk Products (such as 2%, 1% and non-fat milk)**

- Milk must be pasteurized.
- Producer must have Part II Permit issued by Division of Milk Control and Dairy Services.
- Producer and any distributor must have a Milk Dealers license issued by Division of Milk Control and Dairy Services unless amount handled is less than 3000 pounds per month.

**Grains and Legumes (pre-packaged – cannot be packed on site):** No permits, licenses or certificates.

**Fresh Cut/ Dried Flowers:** Valid NYS Sales Tax Permit



**Crafts:** Valid NYS Sales Tax Permit

**For additional information, call:**

**NYS Dept. of Agriculture & Markets, Division of Food Safety:**

Albany Region: 518-457-5459

Syracuse Region: 315-487-0852

Rochester Region: 585-427-2273

Buffalo Region: 716-847-3185

New York City: 718-722-2876

**NYS Dept. of Agriculture & Markets, Division of Milk Control & Dairy Services:**

Albany: 518-457-1772

**NYS Dept. of Agriculture & Markets, Division of Plant Industry:**

Albany: 518-457-2087

**NYS Dept. of Agriculture & Markets, Division of Food Safety and Inspection:**

Albany: 518-457-4492

**NYS Dept. of Environmental Conservation, Permitting Office:** 631-444-0471

**Sales Tax** (for cut flowers, gourds, ornamental corn, candy, crafts, antiques)

NYS Tax Department Taxpayer Services (<http://www.tax.state.ny.us/sbc/>)

Harriman Campus Building 8, 9<sup>th</sup> Floor

Albany, NY 12227

1-800-225-5829

**Office of Weights and Measures** (for scales) <http://www.agmkt.state.ny.us/WM/WMHome.html>

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