

MEMO

TO: Honorable Town Board

From: Councilman Gene Hart

RE: **Main Street Marketplace**

September 25, 2013

Kindly grant Kirchmyer Media the authority to plan and organize an upscale open-air farmers' market and marketplace on the grassy hill at Main Street & Union Road, in front of Town Hall. The proposed concept is similar to the Elmwood-Bidwell Farmers Market in Buffalo. It is Kirchmyer's Media intention to operate the market from May 15 through September 3, 2014. Attached is a proposal by Kirchmyer for your review.

Approval is necessary at this time in order for Kirchmyer Media to contract with high quality vendors for next season's market. If Kirchmyer Media does not have 20 quality vendors committed by Dec. 31, 2013, the market will be cancelled and any money collected will be returned to vendors.

Please authorize the Town Attorney to review and modify, as needed, the attached proposal provided by Kirchmyer Media. Authorize the Town Attorney to prepare formal contracts between the town and Kirchmyer Media, defining the rights and responsibilities of each party and setting appropriate fees reimbursing the town for any cost incurred as a result of the operation of the market. The necessary contract will be reviewed and approved by the town board prior to the May 1, 2014.

From the Desk of Gene Hart
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Main Street Marketplace — Overview

"Thursdays on the Hill"

Presented by the Town of West Seneca

Promoted by Kirchmyer Media

Description: An upscale open-air farmers' market and marketplace on the grassy hill at Main Street & Union Road, in front of Town Hall and within walking distance of several neighborhoods. The concept is similar to the Elmwood-Bidwell Farmers Market in Buffalo: No flea market type vendors, a grassy venue, soft music or entertainment (non-paid, performing for tips), dog friendly (on leash). The market will be open rain or shine. (Vendors are excused in the event of severe weather. There will be no weather-related refunds made to participating vendors.)

Hours: Thursdays, 4 to 7:30 p.m. (Set-up 3 to 4 p.m.)

Duration: May 15 through Sept. 4 (excluding June 19? due to Community Days), for a total of 16 weeks.

Parking: Free parking is available in the park's parking lots. We hope to attract many walkers from surrounding neighborhoods.

Vendors: Desirable vendors would include local farmers, bakeries, food producers, butchers, florists, cheese makers, ice cream vendors, wineries (with or without sampling, pending Town approval), etc. Our goal is a minimum of 20 paid vendors and one free community group per week. One food truck will also be invited to participate each week.

Miscellaneous: Vendors supply tables and chairs and are responsible for set up and clean up. Vendors must carry \$1 million in liability insurance naming the Town of West Seneca as co-insured.

We will also co-exist and co-draw with Thursday concerts at the Lions Band Shelter, baseball games and other park activities.

The Town of West Seneca will promote the market on its website and on its electronic sign at the corner of Main & Union. Town will provide adequate garbage containers during market. Town will also consider supplying picnic tables and a bike rack to enhance the overall market experience.

Promotion/Marketing: Joe Kirchmyer, owner of Kirchmyer Media, is a life-long West Seneca resident. Joe is a 30-year communications professional who also has four years of experience promoting and marketing the Elmwood-Bidwell Farmers Market, Western New York's most successful and popular open-air marketplace, as well as the popular Winter Market at Horsefeathers that opened in January 2013 on Buffalo's West Side.

Kirchmyer Media will establish and update a market Facebook page, write and distribute weekly press release and blogs, provide a weekly market point person, oversee vendor relations, schedule weekly market entertainment (unplugged) and community groups, solicit vendors, collect vendor fees, etc.

Vendor fees will be made payable to Kirchmyer Media. 100% of fees collected, up to \$4,000, will be payment to Kirchmyer Media for managerial and promotional efforts. Anything collected above and beyond \$4,000 will be split 50/50 between Kirchmyer Media and the Town of West Seneca. Kirchmyer Media will be responsible for weekly payments to the Town for garbage removal and general maintenance (small weekly fee to be determined).

Joe Kirchmyer/Kirchmyer Media will be considered an "independent contractor" and will not be held liable for any unforeseen circumstances that might occur as a result of the market. The Town of West Seneca and/or vendors will assume all responsibility and liability.

Weekly Rentals	16 weeks	8 weeks
10 feet (one table)	\$200 (\$12.50 per week)	\$125 (\$15.63 per week)
20 feet (two tables)	\$300 (\$18.75 per week)	\$175 (\$21.88 per week)
30 feet (three tables)	\$350 (\$21.88 per week)	\$200 (\$25.00 per week)

5% discount to Town of West Seneca-based businesses. Half payable by Dec. 31, 2013. Full payment due by 3/14/14.

If we do not have 20 vendors committed by Dec. 31, 2013, the market will be cancelled and any money collected will be returned to vendors.

Main Street Marketplace — Thursdays on the Hill: Application for 2014 Season

Business Name: _____

Owner's Name: _____

Business Address: _____

Business Phone: _____

Owner's Cell: _____

Business Email: _____

Website: _____

_____ 16 Weeks

_____ 8 Weeks

_____ 10 Feet

_____ 20 Feet

_____ 30 Feet

Weekly Rentals

16 weeks

8 weeks

10 feet (one table)

\$200 (\$12.50 per week)

\$125 (\$15.63 per week)

20 feet (two tables)

\$300 (\$18.75 per week)

\$175 (\$21.88 per week)

30 feet (three tables)

\$350 (\$21.88 per week)

\$200 (\$25.00 per week)

Hours: Thursdays, 4 to 7:30 p.m. (Set-up 3 to 4 p.m.)

5% discount to Town of West Seneca-based businesses. Half rental fee payable by Dec. 31, 2013. Full payment due by 3/14/14. Please make check payable to: Kirchmyer Media.

NOTE: If we do not have 20 vendors committed by Dec. 31, 2013, the market will be cancelled and any money collected will be returned to vendors. Therefore, please help spread the word to any other businesses that you believe may be interested in becoming part of this unique marketplace.

Market Rules & Regulations

- Attendance is mandatory. If you are unable to participate for any reason, please call Joe Kirchmyer at 997-0152 in advance. Any more than one non-excused absence may result in dismissal from the market. No refund will be available.
- All vendors are required to stay at their designated space until the end of each market. Only vendors who sell out of product are allowed to leave before the end of the market day. This should be a rare occurrence.
- Vendors are encouraged to put up temporary canopies that will be removed at the conclusion of each market session.
- Sales will be conducted in an orderly manner. No hawking or other objectionable means of soliciting business will be tolerated. Vendors are expected to treat customers in a courteous manner. No discrimination is permitted.
- Vendors must have a sign showing their name and address.
- Each vendor will keep his/her market space free from refuse during market hours, and will clean their space at the end of each market day, carting away all refuse or using the Town-provided garbage totes. In the event that the vendor's space is not cleaned up after hours of operation, any clean-up cost will be charged to the vendor.
- Vendors will supply their own tables, chairs, signage and/or canopy.
- A deposit in the amount of 50% of the market fee is due no later than December 31, 2013. The balance will be due no later than March 14, 2014. Fees are only refundable if the entire market season is cancelled due to lack of vendor interest.
- Vendors selling taxable items must display a valid NYS Certificate of Authority.
- Vendors selling nursery and greenhouse crops must display a valid NYS Nursery License.
- Vendors must provide proof of general liability insurance of at least \$1 million. The Town of West Seneca must be listed as additional insured.
- All applicable Town, County and State laws and regulations must be followed.

I have read and agree to comply with the rules and regulations as set forth above:

Name of Business: _____

Business Owner: _____

Date: _____

2014 Market Dates:

Vendors: If selecting the 8-week option, please circle the eight Thursdays on which you will participate at the market:

Week 1. May 15

Week 2. May 22

Week 3. May 29

Week 4. June 5

Week 5. June 12

June 19 (No market due to West Seneca Community Days)

Week 6. June 26

Week 7. July 3

Week 8. July 10

Week 9. July 17

Week 10. July 24

Week 11. July 31

Week 12. August 7

Week 13. August 14

Week 14. August 21

Week 15. August 28

Week 16. September 4