

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

December 4, 2019
1:00 P.M. – Room 202 – Ag Building
Harrisburg, PA

I. CALL OF MEETING TO ORDER/ROLL CALL:

Chairman Robert Barley called the regular Sunshine Meeting of the Pennsylvania Milk Marketing Board to order at 1:00 P.M. in Room 202 of the Agriculture Building in Harrisburg, PA.

Tim Moyer called the roll. Those in attendance and constituting a quorum were:

Board Members:

Present: Chairman Robert Barley, Consumer Member Carol Hardbarger, Member James Van Blarcom.

Absent: None

Others Present: Doug Eberly, Esq., Andy Saylor, Esq., Gary Gojsovich, Steven Zalman, John Pierce (PAMD), Wendy Yovienne, Esq. (PAMD), John Howard, Esq. (PDA), Jay Howes (PADC), Chip English, Esq. (Davis Wright Tremaine), Ron Mong (Herbein & Co), Mike Stilianos (Herbein & Co), Amada Rife (Land O Lakes), Ed Schneider (Valley Farms), Todd Rutter (Rutter Bros Dairy), Jason Statler, Esq. (Johnson, Duffie, Stewart & Weidner), Troye Cooper (MD&VA)

DISCUSSION: Chairman Barley announced that the Board has reorganized the leadership in the office. We are currently looking for a new Secretary. We are delighted that Tim is staying on board as the Chief Financial officer. Tim will be utilizing his accounting experience to assist the Board Staff. We Thank him for his many years of service as Secretary. The Secretary position has been posted and will remain open for 7 days.

He further stated that, regretfully this will be the last Sunshine meeting for Attorney Saylor, upon his retirement. We will have a new Staff Attorney coming on board soon. He further Thanked Andy for his service and his perspective. Followed up with a round of applause for both Tim and Andy.

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the November 6, 2019 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

DISCUSSION: Member Van Blarcom stated a correction be made to the meeting minutes as it omitted his approving presence on some items in the November 6th meeting minutes. (This will be corrected prior to the Board's approving signature for the minutes record)

Moved to accept the minutes with corrections done for the November 6, 2019 Sunshine Meeting. (Note: Minutes were prepared and distributed to the Board members for their review prior to the December 4, 2019 Sunshine Meeting). **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES):

Attorney Yovienne stated that on behalf of PA Association of Milk dealers she thanked Tim Moyer for his service as Secretary and prior. They may not always have agreed but Tim has been an invaluable source of analysis and fairness to help bring the industry forward. So glad to have you stay on and help the staff side with your talent in the accounting realm.

She furthermore thanked Andy Saylor for his years of service, he is a consonant professional, and though not always agreed on things, he always disagreed agreeably. He is one of the best human beings. He is a good man, and great lawyer, and always brought an important perspective. Thank you for your service.

Attorney English stated that he traveled the distance today to simply honor and thank both Tim and Andy as well.

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Official General Order No. A-962 CRO 10 Cost Replacement for Northeastern Milk Marketing Area No. 3

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to approve OGO No. A-962 (CRO 10) as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

2. Official General Order No. A-954 (CRO 10) Cost Replacement for Western Milk Marketing Area No. 5

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to approve OGO No. A-954 (CRO 10) as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

3. Official General Order No. A-956 (CRO 10) Cost Replacement for West Central Milk Marketing Area No. 6

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to approve OGO No. A-956 (CRO 10) as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

4. Official General Order No. A-1004 Interim Order Regarding Cooperative Milk Procurement Costs Hearing.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to approve OGO No. A-1004 as presented. **Seconded by Consumer Member Hardbarger.**

DISCUSSION: Chairman Barley stated that the Board is approving this OGO because it is a short term, agreed upon solution. He commended the Dealers and Coops for working together. The hope is to always move forward to better the industry.

Jim Van Blarcom commented that this is indeed a big step in the industry, and it is appreciated.

Carol Hardbarger also expressed her appreciation, as this shows that the health of the industry is more important than some points of contention. And we must keep the health of the industry always on the forefront.

Motion carried without dissent.

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly stated that on November 22, Chairman Barley and Dr. Hardbarger met on some personnel matter. And on November 25, Chairman Barley, Dr. Hardbarger, and Member Van Blarcom, met again on personnel matters. Today the Board was together for the Staff

Holiday luncheon. The Board will reconvene following the meeting. No deliberations nor official actions were, nor will be taken.

7. LEGAL CASE DISPOSITIONS

1. Gordon Food Service Inc. Late license renewal and operating without a license

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CA-19-010 – Gordon Food Service Inc.**, for late license renewal and operating without a license. A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. (**1. Legal Docket CA-19-010 – Gordon Food Service Inc.**) **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom

Dissenting: None

8. LICENSE APPLICATIONS:

1. Cayuga Marketing LLC Dealer

DISCUSSION: Attorney Saylor presented that Cayuga Marketing LLC has submitted an application for a dealer license for 2019-2020. Applicant is a cooperative who purchases from its own producers. Applicant is shipping its milk to a processor in Pennsylvania. No bond is required. Appropriate staff has reviewed the application to ensure that all forms have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. A Provisional license was granted on November 21, 2019. With Board approval of this application, a dealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve the dealer license as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom

Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Barley

<u>MEETING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Regular Sunshine Meeting	Wed. Jan. 2, 2020	1:00 P.M.	309 – Ag Bldg.

HEARING (s)

DATE

TIME

ROOM

N/A

10. ADJOURNMENT:

Chairman Barley, hearing no further matters to come before the Board, adjourned the meeting at 1:14 P.M.