

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

December 6, 2017
1:00 P.M. – Room 202 – Ag Building
Harrisburg, PA

1. CALL OF MEETING TO ORDER/ROLL CALL:

Chairman Luke Brubaker called the regular Sunshine Meeting of the Pennsylvania Milk Marketing Board to order at 1:15 P.M. in Room 202 of the Agriculture Building in Harrisburg, PA. **Secretary Tim Moyer** called the roll. Those in attendance and constituting a quorum were:

Board Members:

Present: Chairman Luke Brubaker, Consumer Member Lynda Bowman, Member James Van Blarcom

Absent: None

Others Present: Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich (*PMMB*), Earl Fink (*PAMD*), Carl Herbein, CPA (Herbein & Co), Marvin Beshore, Esq. (PADC), Dep. Sec. Greg Hostetter (PDA), Wendy Yovienne, Esq. (Baker, Donelson), John Howard, Esq. (PDA), John Pierce (Lehigh Valley), John Bell, Esq. (PAFB), Allen Warshaw, Esq. (PFMA), Troye Cooper (MD/VA Coop), Ed Schneider (Valley Farms)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the November 1, 2017 Sunshine Meeting.

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the November 1, 2017 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the December 6, 2017 Sunshine Meeting). **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES):

DISCUSSION: Enos Stoltzfus of Lancaster mentioned that last year he attended a PMMB meeting. He realized how hard it is for the Milk Marketing Board with the different requests from all. He simply asks that it be done within honest integrity. There is a 2 mile stretch near him that has lost several farms, out of the 10 farms which were there only 2 remain. One of those is his own, and he shared how close he came to selling out. He further understands what processors are also going through.

Chairman Brubaker thanked him for coming, and stressed how important it is to attend, to learn and hear the discussions with the farmers and processors, and the many interested parties within the industry.

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

N/A

6. REPORT OF CHIEF COUNSEL:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly reported that the Board met in brief prior to the Sunshine meeting, to review some procedural issues regarding the hearing. No official actions or deliberations took place. The Board will meet following today's Sunshine meeting to review today's hearings.

7. LEGAL CASE DISPOSITIONS

1. Dean Duncan Milk Hauling LLC Late filing of monthly hauler reports and late payment of monthly hauler fees.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CA-17-054 for Dean Duncan Milk Hauling LLC** for late filing of monthly hauler reports and late payment of monthly hauler fees. A consent order was signed and a penalty of \$50.00 was paid

MOTION by: Member Van Blarcom

Moved to accept the consent orders as presented. **(1. Legal Docket CA-17-054 for Dean Duncan Milk Hauling LLC) Seconded by Consumer Member Bowman.**

DISCUSSION: Consumer Member Bowman inquired if he is an independent hauler? Attorney Saylor stated they haul for several different companies, and at least one cooperative.

Chairman Brubaker explained to those present that PMMB does not like to assess penalties, but we want folks to be licensed, and if done on time it saves time and money.

Mr. Cooper asked what is the calculation for a monthly hauler fee?

Attorney Saylor stated it is based on the volume of milk hauled in PA.

Tim Moyer stated the fee calculation to be .005 cents per hundredweight.

Motion carried without dissent.

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

8. LICENSE APPLICATIONS:

1. Aldo's Frozen Foods Inc. Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Aldo's Frozen Foods Inc. has submitted an application for a subdealer license, for 2017-2018. Applicant will purchase packaged milk/cream products from an in-state dealer. Applicant will sell packaged milk products to restaurants and stores in Area 5. A COD letter has been filed in lieu of a bond. Appropriate staff has reviewed the application to ensure that all forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. With Board approval of this application, a subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to accept the subdealer license to Aldo's Frozen Foods Inc. as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

2. Liberty Coca-Cola Beverages LLC Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Liberty Coca-Cola Beverages LLC has submitted an application for a subdealer license, for 2017-2018. Applicant will purchase packaged milk/cream products from an out of state dealer. Applicant will sell packaged milk products to restaurants and stores in Area 1. No bond is required. A provisional license was granted on November 9, 2017. Appropriate staff has reviewed the application to ensure that all forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. With Board approval of this application, a subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to accept the subdealer license to Liberty Coca-Cola Beverages LLC as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

3. Rivendale Farms Pittsburgh, LLC Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Rivendale Farms Pittsburgh, LLC has submitted an application for a subdealer license, for 2017-2018. Applicant will purchase packaged milk/cream products from a dealer. Applicant will sell packaged milk products to Athletic Teams in Area 5. A bond has been provided. Appropriate staff has reviewed the application to ensure that all forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. With Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to accept the subdealer license to Rivendale Farms Pittsburgh LLC, as presented.

Seconded by Consumer Member Bowman.

DISCUSSION: Chairman Brubaker inquired about its location. Attorney Saylor stated its location to be in Area 5 (farthest western area of Pennsylvania).

Motion carried without dissent.

Assenting: Chairman Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Brubaker

Sunshine Meeting	Date	Time	Room
Special Sunshine Meeting	Thurs. Dec. 14, 2017	10:00 A.M.	202 Ag Bldg
Regular Sunshine Meeting	Wed. Jan. 3, 2018	1:00 P.M.	202 Ag Bldg

Hearings:

Cost Replacement For Areas 1, 5, and 6	Wed. Jan. 3, 2018	10:00 A.M.	202 Ag Bldg
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10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:35 P.M.