

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

February 3, 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 1:00 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: Secretary Tim Moyer, Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich (PMMB), Earl Fink (PAMD), Carl Herbein, CPA (PAMD), Marvin Beshore, Esq. (PADC), John Bell, Esq. (PA Farm Bureau), John Howard, Esq. (PDA), Dennis Schad (Land O Lakes), Jay Howes (PADC), Greg Hostetter (PDA)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the January 4, 2017 Sunshine Meeting.

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the January 4, 2017 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the February 3, 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):

N/A

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

A. A Petition for Hearing for amendment of OGO-903A

MOTION: Member Van Blarcom

Moved to accept the Petition for Hearing for amendment of OGO-903A. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

B. Change of March Sunshine meeting date

DISCUSSION: Chairman Brubaker stated that the March 1 Sunshine meeting would be moved to March 21, at 11:00 A.M. the room is to be determined.

MOTION: Member Van Blarcom

Moved to approve the date change for the March Sunshine meeting from Wednesday March 1st, to Tuesday, March 21st, at 11:00 A.M. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly stated he met with Secretary Moyer and the Board Members just prior to today's meeting. The Board discussed the Area 4 Cost Replacement hearing, and the Board will have a decision forthcoming on that. They also discussed the Over-Order Premium hearing coming up. The Board reviewed their calendars for the March Sunshine meeting date change due to the Farm Bureau event in Washington D.C. They further checked for a date upon the approval for the Petition for Hearing for amendment of OGO-903A, and it was determined this will be held also February 28th, in the Susquehanna room at the Farm Show Complex. No official actions or deliberations took place. No further meeting will follow today.

7. LEGAL CASE DISPOSITIONS

N/A

8. LICENSE APPLICATIONS:

1. A. J. Silberman & Company L.P. Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that A. J. Silberman & Company L.P. has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase package milk/cream products from a dealer. Applicant will sell packaged milk products to restaurants, schools, and stores in Areas 3, 4, and 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. A Provisional license was granted on January 19, 2017. With Board approval of this application, a subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to approve a subdealer license to A. J. Silberman & Company L.P. as presented.

Seconded by Member Van Blarcom.

DISCUSSION: Chairman Brubaker inquired if purchases were with a PA dealer?
Attorney Saylor stated it to be indeed a dealer in PA.

Motion carried without dissent.

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

Dissenting: None

2. Wilt's Vending Service, LLC Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Wilt's Food Vending Service, LLC has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from a dealer. Applicant will sell packaged products to various businesses and organizations, primarily in vending machines in Area 6. 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 approve a subdealer license to Wilt's Food Vending Service, LLC as presented.

Seconded by Consumer Member Bowman.

DISCUSSION: Consumer Member Bowman inquired if they were working with a PA dealer.
Attorney Saylor stated they are.

Motion carried without dissent.

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

Dissenting: None

3. JMSB Distributors Inc. Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that JMSB Distributors Inc. has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from an out of state dealer. Applicant will sell packaged products to restaurants, schools, and stores in Area 1. No bond is required. 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 approve a subdealer license to JMSB Distributors Inc. as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

9. REMINDERS:

PRESENTED by: Chairman Brubaker

Hearing (s)	Date	Time	Room
Over-Order Premium	Tues. Feb. 28, 2017	9:00 AM	Farm Show Complex Susquehanna Room

Sunshine Meeting	Date	Time	Room
Regular Sunshine Meeting	March 21, 2017	11:00 A.M.	To be determined.

Chairman Brubaker added that the OGO-903A Hearing will also be held on Tuesday, Feb. 28, 2017.

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:16 P.M.