

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

January 4, 2017  
1:09 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 1:09 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), Allen Warshaw, Esq. (PFMA), Carl Herbein, CPA (PAMD), David W. Stonesifer, CPA (PAMD) John Pierce (*Lehigh Dairy*), Marvin Beshore, Esq. (PADC), Wendy Yoviene, Esq. (PAMD), John Bell, Esq. (PA Farm Bureau), John Howard, Esq. (PDA), Dennis Schad (PADC)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the December 8, 2016, Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the December 8, 2016 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the January 4, 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. Memo of Understanding PMMB & PA.Department of Ag for IT services 2016-2017

**DISCUSSION:** Secretary Moyer introduced a Memo of Understanding revision to an existent agreement in place between PMMB and the Department of Ag. It reflects a small increase for this current year for equipment purchased to provide better access to files and internet use. The cost will be adjusted the following year to its regular rate.

**MOTION:** Consumer Member Bowman

Moved to approve entering into the Memorandum of Understanding with PMMB and Department of Ag. for revision of IT services. **Seconded by Member Van Blarcom**

Member Van Blarcom inquired that it was raised only due to the purchase of needed equipment. Secretary Moyer confirmed it to be as such for this year only.

Consumer Member Bowman inquired if it was costing PMMB more than having to hire someone else for IT. Secretary Moyer stated that the services have to do with the infrastructure for PMMB.

**Motion carried without dissent.**

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

**Dissenting:** None

B. Petition for hearing to consider level and duration of mandated producer Class I Over-Order Premium after March 31, 2017.

**MOTION:** Member Van Blarcom

Moved to approve the petition for the hearing to consider level and duration of mandated producer Class I Over-Order premium. **Seconded by Consumer Member Bowman**

**Motion carried without dissent.**

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

**Dissenting:** None

C. Change of February Sunshine meeting date

**DISCUSSION:** Chairman Brubaker stated the February Sunshine meeting is moved to Friday, February 3<sup>rd</sup> at 1:00 P.M.

**MOTION:** Consumer Member Bowman

Moved to approve the change for the February Sunshine meeting from Wednesday, February 1<sup>st</sup>, to Friday, February 3 as stated. **Seconded by Member Van Blarcom**

**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 briefly at lunch time to discuss the hearing which just concluded. He stated that the Board will be meeting with a representative of an independent dealer which is not a cross section dealer, and does not sell milk at minimum. The Board will discuss some issues that the dealer is facing. It is a confidential matter. Dealer is not being subpoenaed but simply is volunteering to discuss issues. No official actions or deliberations will take place at such meeting.

## **7. LEGAL CASE DISPOSITIONS**

1. Lipari Foods Operating Co. LLC

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket C L-16-078 for Lipari Foods Operating Co. LLC** for the late filing of subdealer license renewal, late payment of annual subdealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Consumer Member Bowman

Moved to accept the consent order as presented. **(1. Legal Docket CL-16-078 Lipari Foods Operating Co. LLC) **Seconded by Member Van Blarcom.****

**DISCUSSION:** Chairman Brubaker inquired on their location. Attorney Saylor stated their headquarters are in Michigan, while they do business in PA.

**Motion carried without dissent.**

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

**Dissenting:** None

## **8. LICENSE APPLICATIONS:**

1. Pasture Maid Creamery, LLC Dealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Pasture Maid Creamery, LLC has submitted an application for a dealer license, for 2016-2017. Applicant will process and package milk/cream products produced on own farm. Applicant will sell milk products to subdealer in Area 5. 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 dealer license will be issued.

**MOTION by:** Member Van Blarcom

Moved to approve a dealer license to Pasture Maid Creamery, LLC as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**Dissenting:** None

2. FLIK Lifestyles, LLC a division of FLIK International Corp.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that FLIK Lifestyles LLC a division of FLIK International Corp. has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from various dealers. Applicant will sell packaged products to assisted living facilities in Areas 1 and 4. A Stipulation has been signed and provided which states they are not eligible for licensee to licensee discounts, on purchases made to dining facilities they may operate. 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:** Consumer Member Bowman

Moved to approve a subdealer license to FLIK Lifestyles, LLC a division of FLIK International Corp. as presented. **Seconded by Member Blarcom.**

**DISCUSSION:** Chairman Brubaker inquired on who FLIK Lifestyles is. Attorney Saylor stated that they are a large food service company that does a variety of things; such as supply meals to retirement communities, or may run the dining hall facilities.

**Motion carried without dissent.**

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

**Dissenting:** None

**9. REMINDERS:**

**PRESENTED by:** Chairman Brubaker

<b>Sunshine Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Regular Sunshine Meeting	Fri. Feb 3, 2017	1:00 P.M.	To be determined.

**10. ADJOURNMENT:**

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:20 P.M.