

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

July 3, 2019
1:00 P.M. – Room 202 – Ag Building
Harrisburg, PA

1. 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 309 of the Agriculture Building in Harrisburg, PA. Chairman Barley opened the meeting with the Pledge of Allegiance followed by a moment of reflection.

Secretary 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., Andrew Saylor, Esq., Steven Zalman (PMMB), Gary Gojsovich (PMMB), Allen Warshaw, Esq. (PFMA), Marvin Beshore, Esq. (PADC), Wendy Yovienne, Esq. (PAMD), John Howard, Esq. (PDA), Jay Howes (PADC), John Bell, Esq. (PA Farm Bureau), Ron Mong, CPA (Herbein & Co), Mike Stilianos (Herbein & Co)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the June 5, 2019 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the minutes as attached of the June 5, 2019 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the July 3, 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:

N/A

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Hearing Petition: Over-Order Premium for all marketing areas.

PRESENTED by: Chairman Barley

DISCUSSION: Chairman Barley stated that Over-Order Premium hearing will take place on September 4, 2019, at 10:00 A.M.

MOTION by: Consumer Member Hardbarger

Moved to accept petition for the Over-Order Premium hearing. **Seconded by Member Van Blarcom.**

Motion carried without dissent.

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

Dissenting: None

2. Schedule Cost Replacement Hearings.

PRESENTED by: Chairman Barley

DISCUSSION: Chairman Barley stated the Cost Replacement Hearings for Areas 3, 5, and 6 will take place on November 6th, and Cost Replacement Hearings for Areas 1, 2 and 4 will be on December 4.

MOTION by: Member Van Blarcom

Moved to accept the scheduled Cost Replacement hearings as stated. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly reminded everyone about the upcoming workshop on August 7th to be held in Ag. Building, in room 202, unless room 309 becomes available. He further stated that in conjunction with that, the Board had a mini workshop today, in which Steven Zalman presented to the Board a base line run through, of things to be covered at the workshop. No deliberations nor official actions were taken.

Attorney Eberly further mentioned that in relation to cost replacement hearings, with the Board having less auditors Mr. Moyer will be helping staff prepare for the cost replacement hearings, and therefore he will not be advising the board on the matters of cost replacement, as we maintain the separation required by the *Lyness* case.

Last month, Consumer Member Hardbarger mentioned about the incorrect reporting on monthly dealer reports, he stated there was a bulletin and letters sent out in reference to that. John Pierce, with the Pennsylvania Milk Dealers Association met with Chairman Barley earlier today to reiterate the milk dealers desire to help in correction of the 62s reports, and furthermore stated how the staff and dealers will work on a more efficient bases for the cost replacement hearings. No deliberations nor official actions were taken.

7. LEGAL CASE DISPOSITIONS

N/A

8. LICENSE APPLICATIONS:

1. Aaron G. Miller D/B/A Miller's Biodiversity Farm

Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Aaron G. Miller D/B/A Miller's Biodiversity Farm has submitted an application for a dealer license for 2019-2020. Applicant will process and package raw milk produced on own farm. Applicant will sell to home deliveries in Area 1, 2, 3, and 4. 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. With Board approval of this application, a dealer license will be issued.

Attorney Saylor stated that we learned about Miller's when PDA quarantined their raw milk after someone reportedly contracted brucellosis. (RB51. Infectious disease caused by bacteria usually from unpasteurized milk or undercooked meat from infected animals.) It turned out they were shipping to at least 19 states through their "members only" club. The CDC and other states issued warnings about Miller's also. It was a national news story. In speaking with John Howard for PDA's input. He said PDA has no objection to granting the license. A raw milk permit was issued to Miller's by the Bureau of Food Safety in May, and they are in good standing with PDA.

MOTION by: Consumer Member Hardbarger

Moved to approve a dealer license to Aaron G. Miller D/B/A Miller's Biodiversity Farm as presented. **Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Barley inquired with Attorney John Howard on what is the process for getting a raw milk license. Attorney Howard stated that they have to get inspected, and must meet all sanitation requirements, along with passing all testing of the milk.

Motion carried without dissent.

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

Dissenting: None

2. TSC Emerald Valley, LLC

Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that TSC Emerald Valley LLC has submitted an application for a dealer license for 2019-2020. Applicant will purchase bulk milk from a dealer. Applicant will manufacture yogurt, for resale to distributors in Area 4. 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 June 27, 2019, and with Board approval of this application, a dealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a dealer license to TSC Emerald Valley LLC as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

Dissenting: None

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. Aug. 7, 2019	1:00 P.M.	202 - Ag Bldg.
Price Hearing Workshop	Wed. Aug. 7, 2019	10:00 A.M.	202 – Ag Bldg

<u>HEARING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
N/A			

10. ADJOURNMENT:

Chairman Barley, hearing no further matters to come before the Board, adjourned the meeting at 1:15 P.M.