

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

July 5, 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: Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich (*PMMB*), Earl Fink (*PAMD*), Allen Warshaw, Esq. (*PFMA*), Carl Herbein, CPA (*Herbein & Co*), Ed Schneider (*Valley Farms Dairy*), Wendy Yovienne, Esq. (*Baker, Donelson, Bearman, Caldwell & Berkowitz*), Marvin Beshore, Esq. (*PADC*), Jay Howes (*PADC*), Alan Zepp (*CDE*)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the June 7, 2017 Sunshine Meeting.

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the June 7, 2017 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the July 5, 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:

1. Hearing petition on Over-Order-Premium pricing for October 1, 2017, for all marketing areas.

MOTION: Member Van Blarcom

Moved to accept the Petition for Hearing for Over-Order Premium pricing for October 1, 2017, for all marketing areas. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

2. Hearing Petition to consider Fuel Adjuster.

MOTION: Member Van Blarcom

Moved to accept the Petition Hearing to consider Fuel Adjuster. **Seconded by Consumer Member Bowman.**

DISCUSSION: Consumer Member Bowman inquired if both hearings would take place on the same day. Attorney Eberly recommended it.

Motion carried without dissent.

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

Dissenting: None

3. Change August Sunshine Meeting from August 2, to August 30th.

MOTION: Consumer Member Bowman

Moved to accept the date change for the August Sunshine meeting as presented. **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 that the Board met between the hearing and the Sunshine meeting today to review the agenda, and be updated on normal senior Staff items, and to check the Boards' calendars to move the August Sunshine meeting. Having the Over-Order Premium hearings on September 6th, would be too late for the post hearing activity done in time for the September price announcements. No official actions or deliberations took place. No further meeting will follow today. He further reiterated the hearings will be held on August 30th.

7. LEGAL CASE DISPOSITIONS

1. Steamburg Milk Producers Co-op Inc. Late filing of monthly dealer report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CA-17-020 for Steamburg Milk Producers Co-op Inc.** for late filing of monthly dealer report. A consent order was signed and a penalty of \$100.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. **(1. Legal Docket CL-17-020 for Steamburg Milk Producers Co-op Inc.) Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Brubaker inquired to their location. Attorney Saylor stated that they are in East Concord, NY

Motion carried without dissent.

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

Dissenting: None

8. LICENSE APPLICATIONS:

1. Pittsburgh Special-T Dairy, LLC Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Pittsburgh Special-T Dairy, LLC has submitted an application for a dealer license, for 2017-2018. Applicant will purchase bulk and packaged milk products from a PA dealer. Applicant will process package products for resale to subdealers and other dealers in Area 5. No bond is required. A Provisional license was granted on June 14, 2017. They will be operating what was the Colteryahn plant in Pittsburgh. 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 Pittsburgh Special-T Dairy as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

2. New Albertson's, Inc. D/B/A Lucerne Dairy Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that New Albertson's, Inc. d/b/a Lucerne Dairy has submitted an application for a dealer license, for 2017-2018. Applicant will purchase milk from a cooperative. Applicant will process and package milk products for resale to stores in Areas 1, 2, 3, and 4. A bond has been provided. They will be operating what used to be Rosenberg's. 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: Consumer Member Bowman

Moved to approve a dealer license to New Albertson's, Inc. d/b/a Lucerne Dairy as presented.
Seconded by Member Consumer Bowman

DISCUSSION: Chairman Brubaker asked how long the plant was idle. Mr. Herbein stated that the plant was not being utilized for several years.

Motion carried without dissent.

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

Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Brubaker

Sunshine Meeting	Date	Time	Room
Regular Sunshine Meeting	Wed. Aug 2, 2017	1:00 PM.	202 Ag Bldg

Chairman Brubaker reminded everyone that the next Sunshine meeting as stated above, has been changed to August 30th.

Attorney Beshore inquired if the September Sunshine meeting will still occur. Attorney Eberly said that it will most likely be moved.

10. ADJOURNMENT:

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