

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

July 8, 2020

1:00 P.M.

Via SKYPE Phone Conference

1. CALL OF MEETING TO ORDER/ROLL CALL:

Chairman Rob Barley called the regular Sunshine Meeting of the Pennsylvania Milk Marketing Board to order at 1:00 P.M. via Skype Phone Conference. He opened with a moment of silence.

Secretary Hardbarger called the roll. Those in attendance and constituting a quorum were:

Board Members:

Present: Chairman Robert Barley, Member James Van Blarcom.

Absent: None

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the June 3, 2020 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the minutes for the June 3, 2020 Sunshine Meeting. *Note:* Minutes were prepared and distributed to the Board members for their review prior to the July 8, 2020 Sunshine Meeting). **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES:

N/A

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Pennsylvania Association of Dairy Cooperatives petition for an over-order premium hearing.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the Petition as requested. **Seconded by Chairman Barley.**

DISCUSSION: Chairman Barley stated that the Board has set the hearing for September 2, 2020, with details to follow.

Motion carried without dissent.

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly stated that the Board had no executive sessions. Chairman Barley and Member Van Blarcom discussed via email the petition request and established a hearing date. Hearing notice will be circulated tomorrow at the latest. There were no deliberations nor official actions taken.

7. LEGAL CASE DISPOSITIONS

1. PMMB v Suiza Dairy Group, LLC

Bond Claim

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket CL-20-001 Suiza Dairy Group LLC**. – milk dealer, failed to account and make payment for milk received from producer, Dairy Farmers of America, during the 2019-2020 license year, in the amount of \$13,420.80. Defendant executed a consent order admitting to the violation and consenting to the Board making a claim against its Milk Dealer’s Corporate Surety Bond in the amount of \$13,420.80.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. (**1. Legal Docket CL-20-001 Suiza Dairy Group, LLC, as presented**). **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Rob Barley, Member Van Blarcom

Dissenting: None

2. PMMB v Tuscan/Lehigh Dairies, Inc
Lansdale and Schuylkill

Bond Claim

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket CL-20-002 Tuscan/Lehigh**

Dairies, Inc. – Lansdale and Schuylkill milk dealer, failed to account and make payment for milk received from producer, Dairy Farmers of America, during the 2019-2020 license year, in the amount of \$5,085,399.68 Defendant executed a consent order admitting to the violation and consenting to the Board making a claim against its Milk Dealer’s Corporate Surety Bond in the amount of \$5,085,399.68

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CL-20-002 Tuscan/Lehigh Dairies, Inc. – Lansdale and Schuylkill, as presented). Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Rob Barley, Member Van Blarcom

Dissenting: None

3. PMMB v Garelick Farms, LLC Burlington Bond Claim

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket CL-20-003 Garelick Farms, LLC Burlington** – milk dealer, failed to account and make payment for milk received from producer, Dairy Farmers of America, during the 2019-2020 license year, in the amount of \$3,262,196.63. Defendant executed a consent order admitting to the violation and consenting to the Board making a claim against its Milk Dealer’s Corporate Surety Bond in the amount of \$3,262,196.63

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CL-20-003 Garelick Farms, LLC Burlington as presented). Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Rob Barley, Member Van Blarcom

Dissenting: None

4. PMMB v Dean Dairy Holdings, LLC Bond Claim
Sharpsville - Lebanon

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket CL-20-004 Dean Dairy Holdings, LLC – Sharpsville and Lebanon**, milk dealer, failed to account and make payment for milk received from producer, Dairy Farmers of America, during the 2019-2020 license year, in the amount of \$900,198.79. Defendant executed a consent order admitting to the violation and consenting to the Board making a claim against its Milk Dealer’s Corporate Surety Bond in the amount of \$900,198.79.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CL-20-004 Dean Dairy Holdings, LLC Sharpsville, and Lebanon, as presented). Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Rob Barley, Member Van Blarcom

Dissenting: None

8. **LICENSE APPLICATIONS:**

1. Conoco View Dairy LLC Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that Conoco View Dairy LLC has submitted an application for a dealer license for 2020-2021. Applicant will process and sell milk products produced on own farm. Applicant will package milk products for resale to stores in Areas 2, 3 and 4. A bond is not required. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, 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 Conoco View Dairy LLC, as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

2. Melanie A. Bachman D/B/A God's Country Creamery Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that Melanie A Bachman D/B/A God's Country Creamery, has submitted an application for a dealer license for 2020-2021. Applicant will process and sell raw milk produced on own farm. Applicant will package milk products for resale to stores in Areas 3, 5, and 6. A bond is not required. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, 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 Melanie A. Bachman D/B/A God's Country Creamery, as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

3. The Springhouse Country Stores, LLC Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that The Springhouse Country Stores, LLC has submitted an application for a dealer license for 2020-2021. Applicant will process and sell milk produced on own farm. Applicant will package milk products for resale to restaurants, and stores in Area 5. A bond is not required. Appropriate staff has reviewed the application to ensure that adequate forms and fees

have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, 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 The Springhouse Country Stores, LLC, as presented.

Seconded by Chairman Barley. Motion carried without dissent.

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

4. Marvin W. Zimmerman D/B/A Trostle Hill Farm Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that Marvin W. Zimmerman D/B/A Trostle Hill Farm, has submitted an application for a dealer license for 2020-2021. Applicant will process and sell milk products produced on own farm. Applicant will package milk products for resale to stores in Areas 2, and 4. A bond is not required. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, 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 Marvin W. Zimmerman D/B/A Trostle Hill Farm, as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

5. Barbara T. Nocchi Subdealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that Barbara T. Nocchi has submitted an application for a subdealer license for 2020-2021. Applicant will purchase packaged milk/cream products from a dealer. Applicant will sell to restaurants, stores, schools, and campgrounds in Area 3. A bond has been provided. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a subdealer license to Barbara T. Nocchi, as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

6. McLane Eastern Inc. D/B/A McLane Northeast SubDealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that McLane Eastern Inc. D/B/A McLane Northeast has submitted an application for a subdealer license for 2020-2021. Applicant will purchase packaged milk/cream products from dealers. Applicant will sell packaged products to stores in Areas 1, 2, 3,4, 5, and 6. A bond has been provided. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a subdealer license to McLane Eastern Inc. D/B/A McLane Northeast, as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

7. McLane Mid-Atlantic, Inc. SubDealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that McLane Mid-Atlantic, Inc. has submitted an application for a subdealer license for 2020-2021. Applicant will purchase packaged milk/cream products from dealers. Applicant will sell packaged milk products to stores in Areas 1, 2, 3, 4, 5, and 6. A bond has been provided. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

DISCUSSION: Member Van Blarcom inquired why McLane was requesting two licenses, why not combined? Attorney Petrascu stated he would review it further and let him know.

Moved to approve a subdealer license to McLane Mid-Atlantic, Inc., as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

Dissenting: None

8. Primo No 1 In Produce, Inc SubDealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that Primo No 1 In Produce, Inc. has submitted an application for a subdealer license for 2020-2021. Applicant will purchase packaged milk/cream products from a dealer. Applicant will sell package milk products to restaurants, stores, district schools, and food banks in Areas 1, 2, 3, and 4. A COD has been provided in lieu of a bond. Appropriate staff has

reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a subdealer license to Primo No 1 In Produce, Inc., as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom

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. 5, 2020	1:00 P.M.	202 – Ag Bldg.

<u>HEARING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Over-Price Premium Hearing	Wed. Aug. 5, 2020	10:00 A.M.	202 – Ag Bldg.

10. ADJOURNMENT:

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