

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

June 5, 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 202 of the Agriculture Building in Harrisburg, PA. Chairman Barley opened the meeting with the Pledge of Allegiance followed by a moment of reflection. The assembled dignitaries pledged allegiance to John Pierce's lapel flag.

**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), Earl Fink, John Pierce (PAMD), Greg Hostetter, Dep Sec. (PDA)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the May 1, 2019 Sunshine Meeting.

**PRESENTED by:** Chairman Barley

**MOTION by:** Consumer Member Hardbarger

Moved to accept the minutes as attached of the May 1, 2019 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the June 5, 2019 Sunshine Meeting.*) **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

B. Acceptance of Minutes of the May 23, 2019 Special Sunshine Meeting.

**PRESENTED by:** Chairman Barley

**MOTION by:** Member Van Blarcom

Moved to accept the minutes as attached of the May 23, 2019 Special Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the June 5, 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):**

John Pierce, the new Executive Vice President of the Pennsylvania Association of Milk Dealers, shared with the Board that this will be the last Sunshine Meeting for Earl Fink, the outgoing Executive Vice President, who is retiring.

Chairman Barley recognized Earl Fink for his 36 years of service with the Pennsylvania Association of Milk Dealers. He stated that Earl was hired by the Milk Marketing Board in 1971 as an auditor and was appointed Executive Secretary in January 1976. Earl served as Board Secretary until becoming Executive Vice President of PAMB in 1983. While Board Secretary, Earl worked through the Milk Marketing Law's sunset review, which was completed in 1984 with the Law being enacted in permanent form. As PAMD Executive Vice President, Earl has worked with all segments of the dairy industry to improve the industry and help maintain Pennsylvania's place as a leader in the dairy industry. Earl has also worked with governors and legislators from both parties to promote and improve the dairy industry.

Allen Warshaw, John Bell, Marvin Beshore, and Wendy Yoviene expressed their appreciation for being able to work with Earl and for his integrity, and commitment to the Pennsylvania dairy industry.

### **4. OLD BUSINESS:**

N/A

### **5. NEW BUSINESS:**

1. Official General Order No. A-962 (CRO 9) Cost Replacement Order for the Northeastern Milk Marketing Area 3.

**PRESENTED by:** Chairman Barley

**MOTION by:** Member Van Blarcom

Moved to approve OGO No. A-962 (CRO 9) Cost Replacement Order for the Northeastern Milk Marketing Area 3. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

**Dissenting:** None

2. Official General Order No. A-993 (CRO 3) Cost Replacement for Southeastern Milk Marketing Area 1.

**PRESENTED by:** Chairman Barley

**MOTION by:** Consumer Member Hardbarger

Moved to approve No. A-993 (CRO 3) Cost Replacement for Southeastern Milk Area 1. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

3. Dealer reporting of incorrect information on Form 62e

Consumer Member Hardbarger explained that many of the dealer monthly reports (PMMB Form 62e) are incomplete or incorrect. In some cases, there are persistent problems which are not corrected. A procedure is going to be developed which will include a first step of individual communications with the dealers to explain their issues and how to correct them, and a second step of warnings if the problems persist. Wendy Yoviene and John Pierce expressed their willingness to assist in the process with any dealers who are members of PAMD. Dr. Hardbarger further explained that the procedure will also advise the dealers who their contact person will be at the various stages of the process.

**6. REPORT OF CHIEF COUNSEL:**

**PRESENTED by:** Attorney Eberly

**DISCUSSION:** Attorney Eberly stated that following the Sunshine meeting the Board will be meeting with representatives from a dealer who would like to explain to the Board their current business model and situation. Subsequent to that, the Board will gather to review staff items, and office updates. No deliberations nor official actions will be taken.

**7. LEGAL CASE DISPOSITIONS**

N/A

**8. LICENSE APPLICATIONS:**

1. Turkey Hill LLC D/B/A Turkey Hill Dairy Dealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Turkey Hill LLC D/B/A Turkey Hill Dairy has submitted an application for a dealer license for 2018-2019. Applicant will purchase bulk milk from various cooperatives and purchase packaged products for resale. Applicant will sell bulk milk to various dealers. A bond has been provided. 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 April 5, 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 Turkey Hill LLC D/B/A Turkey Hill Dairy as presented.  
**Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

**Dissenting:** None

2. Windy Ridge Dairy Dealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Windy Ridge Dairy has submitted an application for a dealer license for 2018-2019. Applicant will process and package milk/cream products produced on own farm. Applicant will sell milk on own farm store, and to local restaurant/store in Area 5. 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.

**MOTION by:** Consumer Member Hardbarger

Moved to approve a dealer license to Windy Ridge Dairy as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

**3. Amos G. Miller D/B/A Misty Creek Goat Dairy Dealer**

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Amos G. Miller D/B/A Misty Creek Goat Dairy has submitted an application for a dealer license for 2018-2019. Applicant will purchase bulk milk from PA dealer. Applicant will manufacture cheese and will sell to stores in Area 4. A bond is not 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.

**MOTION by:** Member Van Blarcom

Moved to approve a dealer license to Amos G. Miller D/B/A Misty Creek Goat Dairy as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

**Assenting:** Chairman Barley, Consumer Member Hardbarger, 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 - Jul. 3, 2019	1:00 P.M.	309- 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 1:28 P.M.