

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

May 4, 2016
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: Secretary Tim Moyer, Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich, Carl Herbein, CPA (PAMD), Earl Fink (PAMD), John Bell, Esq. (PA Farm Bureau), Allen Warshaw, Esq. (PFMA), Marvin Beshore, Esq. (PADC), Ed Schneider (Valley Farms Dairy), John Howard, Esq. (PDA)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the April 6, 2016, Sunshine Meeting.

PRESENTED by: Chairman Brubaker

DISCUSSION: None

MOTION by: Member Van Blarcom

Moved to accept the minutes as attached of the April 6, 2016 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the May 4, 2016 Sunshine Meeting). **Seconded by Consumer Member Bowman. 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. Sunshine Meeting dates for Fiscal Year 2016-2017.

PRESENTED by: Chairman Brubaker

Wednesday, July 6, 2016	309 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, August 3, 2016	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, September 7, 2016	309 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, October 5, 2016	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, November 2, 2016	309 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, December 7, 2016	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, January 4, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, February 1, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, March 1, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, April 5, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, May 3, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, June 7, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM

MOTION by: Consumer Member Bowman

Moved to accept the Sunshine Meeting dates for Fiscal Year 2016-2017. **Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Brubaker stated that if at a later date there is any conflict with any of the meetings dates we will make the significant change needed, and give the proper notice as required.

Motion by: **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 to review senior staff items. No official actions and no deliberations took place. The Board will not meet following this meeting.

7. LEGAL CASE DISPOSITIONS

1. P.L. Weaver and Company late filing of hauler monthly reports and late fee payment.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CA-15-076, for** a late filing of hauler monthly reports and late payment of monthly fee. A consent order was signed and a penalty of \$50.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CA-15-076 for P.L. Weaver and Company) Seconded by Consumer Member Bowman.**

DISCUSSION: Chairman Brubaker inquired on their location. Attorney Saylor stated that they are on the Old Philadelphia Pike in Lancaster County.

Motion carried without dissent.

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

Dissenting: None

2. Pequea Valley Farms LLC late payments to producers

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **2. Legal Docket CE-16-011 for Pequea Valley Farms LLC** for late payments to producers. A consent order was signed and a penalty of \$ 500.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent orders as presented. **(2. Legal Docket CE-16-011 for Pequea Valley Farms LLC). Seconded by Member Van Blarcom.**

DISCUSSION: Member Van Blarcom inquired on how late were the payments. Attorney Saylor stated there were several violations, and it was about one or more weeks late in payments. Consumer Member Bowman stated that it is important that the Board enforces that producers get paid.

Motion carried without dissent.

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

Dissenting: None

3. Creamworks Inc. late filing of dealer monthly report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **3. Legal Docket CA-16-009 for Creamworks Inc. for late filing of dealer monthly 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. **3. Legal Docket CA-16-009 for Creamworks Inc.)**
Seconded by Member Van Blarcom.

DISCUSSION: Consumer Member Bowman inquired if it was a new dealer. Attorney Saylor stated that it was within the last couple of years.

Motion carried without dissent.

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

8. LICENSE APPLICATIONS:

1. JET.COM, INC Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that JET.COM, INC. has submitted an application for a subdealer license, for 2015-2016. Applicant will purchase packaged milk/cream products from an out of state dealer for resale. Applicant will sell packaged milk/cream products to home deliveries in Areas 1, 2, 3, 4, 5, and 6. 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. A provisional license was granted on April 13, 2016. With Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a subdealer license to JET.COM, INC. as presented. **Seconded by Consumer Member Bowman.**

DISCUSSION: Consumer Member Bowman inquired how they make deliveries. Attorney Saylor stated that the deliveries will be using a courier such as UPS or Fed Ex so our minimum prices may not be an issue.

Motion carried without dissent.

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Brubaker

<u>Sunshine Meeting</u>	<u>Date</u>	<u>Time</u>	<u>Room</u>
Regular Sunshine Meeting	Wed – June 1, 2016	1:00 PM	202 Ag Bldg.

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:10 PM