

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

November 2, 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 1:05 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 (PMMB), Earl Fink (PAMD), Allen Warshaw, Esq. (PFMA), Carl Herbein, CPA (PAMD), Mike Eby (National Dairy Producers Organization, Inc.), John King (National Dairy Producer Org. Inc.), Enos Stoltzfus, Jr. (NDPO & Dairy Pricing), Elmer K. King (NDPO & Dairy Pricing), Jay Howes (PADC), John Pierce (Lehigh Dairy), Marvin Beshore, Esq. (PADC), John Howard (PDA), Alan Zepp (Center for Dairy Excellence), Gregg Hostetter (PDA)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the October 5, 2016, Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**DISCUSSION:** None

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the October 5, 2016 Sunshine Meeting. (Note: Minutes were prepared and distributed to the Board members for their review prior to the November 2, 2016 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):**

**DISCUSSION:** Mr. Mike Eby thanked the Board for the opportunity to speak: a former PA dairy farmer and has taken an active role in speaking on behalf of dairy producers, and as the Board Chairman for National Dairy Producers Organization would like to speak on behalf of House Bill 1265. He distributed a copy of various articles in support and consideration for House Bill 1265, as previous letters

which were written on behalf of dairy producers, along with the August copy of the Producer's Voice pamphlet with the National Dairy Producers Organization, Inc. with a heading *Let's Make Our Co-ops Great Again!* He reviewed a few sections from each letter presented. (See copy is attached)

**Chairman Brubaker** stated that he would need to review all the letters in detail. At times farmers are not always understanding what the Board does and how it operates. The Board has looked at the issue a lot He suggested in general that if farmers do not have faith in their Coops then dialogue needs to be with their own Coops.

**Consumer Member Bowman** stated that she spoke for herself but it may reflect on the Board overall. The Board really attempts to listens to all aspects, and the different segments of the industry to help all work together. She will review the material distributed.

**Mike Eby** stated that the plan is to indeed try to work with Coops, as his organization asks for transparency and sees a need to change the atmosphere. He stated he was simply letting the Milk Marketing Board be aware of their plans and not asking for anything.

**Member Van Blarcom** thanked Mr. Eby for coming and for bringing the farmers along to the meeting, as it is always good to have them join us.

**Mr. Enos Stoltzfus, Jr.** stated how difficult it is for a farmer, as he sees the farms empty around him; he notes there are 10 barns nearby and only 3 are filled with cows. He is concerned for how we are losing our next generation, and it's a serious problem for the industry overall. He is currently seeking to find work outside of the farm just to keep his property.

**Chairman Brubaker** thanked Mr. Stoltzfus, and stated his awareness of how there are many other farmers just like him all around. He further stated as one who has traveled to other countries recently, the milk industry it is a worldwide issue. (Germany, France and Italy to his personal knowledge) It is not the over order premium that is hurting the industry. There is a tremendous value to having Coops and processors, and we need to respect them for their role in the industry. There is much more beyond the milk check. This is a world situation of low milk prices and we need to try to fix it. We shouldn't be looking at removing something from everyone just because some may not always get what they want. There are farmers on the Board and all feel their pain.

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

N/A

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

A. Change of the December Sunshine meeting date from December 7<sup>th</sup>, to December 8<sup>th</sup>.

**MOTION:** Member Van Blarcom

Moved to accept the change the Sunshine meeting from December 7<sup>th</sup> to December 8<sup>th</sup>. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**Dissenting:** None

B. Change the December Sunshine meeting from 1:00 P.M. to 12:00 Noon for the December 8<sup>th</sup>, Sunshine meeting.

**MOTION:** Consumer Member Bowman

Moved to change the December 8<sup>th</sup> Sunshine meeting time from 1:00 P.M. to 12:00 Noon.  
**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 he met in executive session during lunch with Secretary Moyer and the Board Members prior to the Sunshine meeting, to review the agenda and to discuss the Sunshine meeting date and time change. He further informed all of the starting time for the December hearing, it is being changed from its scheduled time of 10:00 A.M. to 9:00 A.M. An order will be forth coming by the following day. No official actions and no deliberations took place. The Board will not meet following the meeting.

## **7. LEGAL CASE DISPOSITIONS**

**1. Sysco Eastern Maryland Inc.** Late filing of dealer annual financial statement

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CA-16-030 for Sysco Eastern Maryland Inc.** for late filing of the late filing of dealer annual financial statement. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Consumer Member Bowman

Moved to accept the consent order as presented. (**1. Legal Docket CA-16-030 for Sysco Eastern Maryland Inc.**) **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**2. Dean Dairy Holdings LLC** Late filing of hauler license renewal and hauling without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **2. Legal Docket CL-16-044 for Dean Dairy Holdings LLC** for late filing of hauler license renewal and hauling without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. (**2. Legal Docket CL-16-044 for Dean Dairy Holdings LLC**) **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**3. Land O' Lakes, Inc.** Late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **3. Legal Docket CL-16-058 for Land O' Lakes, Inc.** or late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Consumer Member Bowman

Moved to accept the consent order as presented. (**3. Legal Docket CL-16-058 for Land O' Lakes, Inc.**) **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

**4. Antonio Mozzarella Factory Inc.** Late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **4. Legal Docket CL-16-053 for Antonio Mozzarella Factory Inc.** for late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. (**4. Legal Docket CL-16-053 for Antonio Mozzarella Factory Inc.**) **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Chairman Brubaker inquired on their location. Attorney Saylor stated it is in Newark, New Jersey.

**Motion carried without dissent.**

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

**Dissenting:** None

**5. Jackson Farms** Late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **5. Legal Docket CL-16-054 for Jackson Farms** for late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. (**5. Legal Docket CL-16-054 for Jackson Farms**) **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Member Van Blarcom inquired on their location. Attorney Saylor stated it is in New Salem, PA.

**Motion carried without dissent.**

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

**Dissenting:** None

- 6. Barrick N Stewart Milk Hauling** Late filing of monthly hauler report and late payment of hauler fee.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **6. Legal Docket CA-16-051 for Barrick N Stewart Milk Hauling** for late filing of monthly hauler report and late payment of hauler fee. A consent order was signed and a penalty of \$50.00 was paid.

**MOTION by:** Consumer Member Bowman

Moved to accept the consent order as presented. (**6. Legal Docket CA-16-051 for Barrick N Stewart Milk Hauling**). **Seconded by Member Van Blarcom.**

**DISCUSSION:** Consumer Member Bowman verified the penalty fee to be as written of \$50.00, in which Attorney Saylor confirmed it to be \$50.00, and not \$150.00.

**Motion carried without dissent.**

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

**Dissenting:** None

**8. LICENSE APPLICATIONS:**

1. Lamagna Food Group, LLC Dealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Lamagna Food Group, LLC has submitted an application for a dealer license, for 2016-2017. Applicant will purchase bulk milk from dealers. Applicant will use milk to manufacture cheese and sell to restaurants, and stores in Areas 3, 4, 5, and 6. No bond is required with it being dealer to dealer. 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 October 21, 2016, and with Board approval of this application, a dealer license will be issued.

**MOTION by:** Consumer Member Bowman

Moved to approve a dealer license to Lamagna Food Group LLC as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

2. The Milkman Subdealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Jeff Brunton, dba The Milkman has submitted an application for a dealer license, for 2016-2017. Applicant will purchase bulk milk from a dealer. Applicant will sell the packaged milk products to restaurants, and home deliveries in Area 5. A COD letter has been provided in lieu of a bond. 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 subdealer license will be issued.

**MOTION by:** Member Van Blarcom

Moved to approve a subdealer license to The Milkman as presented. **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Attorney Beshore inquired if this is corporation, LLC or other?

Attorney Saylor stated it to be a sole proprietor. It is Jeff Brunton, the son who is purchasing from Brunton Dairy.

**Motion carried without dissent.**

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

**Dissenting:** None

**DISCUSSION:** Member Van Blarcom inquired on how much home delivery is taking place in Pennsylvania? Attorney Saylor stated that we have a few but he is not aware of their degree of success. The volumes on applications are not significant, but it does seem to be a trend.

Deputy Secretary Hostetter stated that he was made aware at a recent training that online sales of new products and using FED EX and UPS are really increasing. It has been discussed on how to verify the integrity of the package, and product temperature for transport of product.

## **9. REMINDERS:**

**PRESENTED by:** Chairman Brubaker

<b>Hearing:</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Cost Replacement for Milk Marketing Area No. 4	Thurs. Dec. 8, 2016	9:00 A.M.	202 Ag Bldg
<b>Sunshine Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Regular Sunshine Meeting	Thurs. Dec. 8, 2016	12:00 P.M.	202 Ag Bldg.

## **10. ADJOURNMENT:**

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:40 P.M.