

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

October 5, 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 (*via telephone*)

**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), John Bell, Esq. (PA Farm Bureau),

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the September 7, 2016, Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**DISCUSSION:** None

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the September 7, 2016 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the October 5, 2016 Sunshine Meeting). **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

B. Acceptance of Minutes of the September 14, 2016, Special Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**DISCUSSION:** None

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the September 14, 2016 Sunshine Meeting. (Note: Minutes were prepared and distributed to the Board members for their review prior to the October 5, 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):**

N/A

**4. OLD BUSINESS:**

N/A

**5. NEW BUSINESS:**

A. PAMD request to change November milk price announcement date.

**MOTION:** Consumer Member Bowman

Moved to accept the PAMD request to change November milk price announcement date to November 17. **Seconded by Member Van Blarcom.**

**DISCUSSION:** Chief Counsel Eberly stated that the Price Announcement Order allows the Board the authority to change the milk price announcement dates for holidays or other reasons, at a Board Sunshine meeting, and without a hearing. The November milk price announcement date would be on the Wednesday before Thanksgiving at about 3:00 PM, and this may be too short of time to adjust prices before the beginning of December. He stated that the wholesale and retail prices announcement date is being moved to November 17<sup>th</sup> for the December prices.

**Motion carried without dissent.**

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

**Dissenting:** None

B. Area 4 Cost Replacement Hearing will be held at the December Sunshine meeting date.

**MOTION:** Consumer Member Bowman

Moved to hold the Area 4 Cost Replacement Hearing at the December Sunshine Meeting date. **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 with Secretary Moyer and two Board Members in executive session prior to the Sunshine meeting to discuss some senior staff items, and to review the

meeting agenda in reference to the legal case disposition, and new licensee request. No official actions and no deliberations took place. The Board will not meet following the meeting.

## **7. LEGAL CASE DISPOSITIONS**

1. Terry L. Senft, Jr. Late filing of monthly hauler report and late payment of hauler fee.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CA-16-040 for Terry L. Senft, Jr.** for late filing of monthly hauler report and 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. **(1. Legal Docket CA-16-040 for Terry L. Senft, Jr.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

## **8. LICENSE APPLICATIONS:**

1. Three Rivers Grown LLC Subdealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Three Rivers Grown LLC has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from Pennsylvania dealers. Applicant will sell packaged milk/cream products to stores in Areas 5 and 6. A bond has been provided. 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:** Consumer Member Bowman

Moved to approve a subdealer license to Three Rivers Grown LLC as presented. **Seconded by Member Van Blarcom. 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 – Nov. 2, 2016	1:00 PM	202 Ag Bldg.

## **10. ADJOURNMENT:**

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:15 P.M.