

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

October 9, 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.

**Secretary Tim Moyer** called the roll. Those in attendance and constituting a quorum were:

**Board Members:**

**Present:** Chairman Robert Barley, Consumer Member Carol Hardbarger,

**Absent:** Member James Van Blarcom

**Others Present:** Andrew Saylor, Esq. (PMMB), Steven Zalman (PMMB), Gary Gojsovich (PMMB), Joseph Wilson (PMMB), Marvin Beshore, Esq. (PADC), John Howard, Esq. (PDA), Greg Hostetter, Dep. Sec. (PDA), Jay Howes (PADC)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the September 4, 2019 Sunshine Meeting.

**PRESENTED by:** Chairman Barley

**MOTION by:** Consumer Member Hardbarger

Moved to accept the minutes as attached of the September 4, 2019 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the October 9, 2019 Sunshine Meeting). **Seconded by Chairman Barley. Motion carried without dissent.**

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

**Dissenting:** None

B. Acceptance of Minutes of the September 18, 2019 Sunshine Meeting.

**PRESENTED by:** Chairman Barley

**MOTION by:** Consumer Member Hardbarger

Moved to accept the minutes as attached of the September 18, 2019 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the October 9, 2019 Sunshine Meeting). **Seconded by Chairman Barley. Motion carried without dissent.**

**Assenting:** Chairman Barley, Consumer Member Hardbarger,  
**Dissenting:** None

**3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES:**

N/A

**4.. OLD BUSINESS:**

N/A

**5. NEW BUSINESS:**

1. Legal Docket No. CE-19-012 Trickle Springs bond claim.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that unfortunately Trickle Springs has ceased operations. Their producers have not been fully paid. The Milk Producers Security Act requires dealers to provide a bond that basically covers one month of the dealer's purchases from producers, based on PMMB minimum prices. Final figures are not in yet, but we are confident this bond will do that. At this point the Board is approving that bond claim. The next step will be when the final figures are compiled by Board Staff. Then the Board will approve the payments to the producers. We have served Trickle Springs with a Citation. They have signed a consent order agreeing with the Citation and consenting to drawing on the letter of credit that secures the bond. We ask the Board to authorize this claim on the bond.

Chairman Barley stated that he would not want the Board to hold up payment to producers, so at some point The Board may need to call a Special Meeting.

Attorney Saylor stated that it may well not be prior to the next Sunshine meeting. It will all need to be confirmed and finalized prior to presenting it to the Board.

Attorney Beshore inquired on the bond format, it is a Letter of Credit or Corporate Surety Bond? In which Attorney Saylor stated it is a Letter of Credit, which needs to be collected from the financial institution.

**MOTION by:** Consumer Member Hardbarger

Moved to accept and approve the bond claim as presented. **(1. Legal Docket CE-19-012 Trickle Springs.) Seconded by Chairman Barley. Motion carried without dissent.**

**Assenting:** Chairman Barley, Consumer Member Hardbarger,  
**Dissenting:** None

**6. REPORT OF CHIEF COUNSEL:**

**DISCUSSION:** Attorney Eberly stated a quorum of the Board had lunch together and No deliberations nor official actions were taken.

Consumer Member Hardbarger mentioned that the Board is in the process of analyzing survey data for a processing plant survey, and there was a comment relative to Coop Cost Procurement made on one survey response. It will absolutely make no difference in anything I consider or decide to do, when we have those issues brought up officially.

**7. LEGAL CASE DISPOSITIONS**

N/A

**8. LICENSE APPLICATIONS:**

1. West Dairy, Inc. Subdealer  
Spring City, PA

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that West Dairy, Inc. has submitted an application for a subdealer license for 2019-2020. Applicant will purchase packaged milk/cream products from dealers. Applicant will sell packaged milk/cream products to Business Cafeterias in Area 2. 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. With Board approval of this application, a subdealer license will be issued.

Chairman Barley inquired on what type of business this is, in which Attorney Saylor stated they are a vending company.

**MOTION by:** Consumer Member Hardbarger

Moved to approve a subdealer license to West Dairy, Inc. as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

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

**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. Nov. 6, 2019	1:00 P.M.	202 – Ag Bldg.

<u>HEARING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Cost Replacement Hearings Areas, 3, 5, 6	Wed. Nov. 6, 2019	9:00 A.M.	202 – Ag Bldg.

**10. ADJOURNMENT:**

Chairman Barley, hearing no further matters to come before the Board, adjourned the meeting at 1:10 P.M.