

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

September 5, 2018  
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, Member James Van Blarcom  
Consumer Member Carol Hardbarger

**Absent:** None

**Others Present:** Doug Eberly, Esq., Andrew Saylor, Esq. Gary Gojsovich (*PMMB*), Marvin Beshore, Esq. (*PADC*), Allen Warshaw, Esq. (*PFMA*), Kerry Golden (House Ag Committee), Ron Mong (Herbein & Co.), Wendy Yovienne, Esq. (Baker, Donelson), Ed Schneider (Valley Farms), Alan Zepp (CDE), John Bell, Esq. (PA Farm Bureau), Dep. Sec. Greg Hostetter (PDA)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the August 8, 2018 Sunshine Meeting.

**PRESENTED by:** Chairman Barley

**MOTION by:** Consumer Member Hardbarger

Moved to accept the minutes as attached of the August 8, 2018 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the September 5, 2018 Sunshine Meeting.*) **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

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

N/A

**4. OLD BUSINESS:**

N/A

## **5. NEW BUSINESS:**

### **1. Petition for hearing to consider minimum retail pricing.**

**PRESENTED by:** Attorney Warshaw

**DISCUSSION:** Attorney Warshaw stated that the Pennsylvania Food Merchants Association, on behalf of its members, petitions the Board to hold a hearing, at the Board's convenience, regarding the minimum retail prices on retail products regulated by the Board. It is his hope that the necessary data will be ready for a hearing in January. They will be meeting with Attorney Saylor following today's meeting.

Chairman Barley inquired if Board legal staff Attorney Saylor had any comments. Attorney Saylor stated that it was very realistic for it to happen in January.

**MOTION by:** Member Van Blarcom

Moved to accept the Petition for a hearing to consider minimum retail pricing. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

**Dissenting:** None

### **2. Application & Agreement for Use of College Facilities Contract for September 26<sup>th</sup> Listening Session.**

**PRESENTED by:** Chairman Barley

**MOTION by:** Consumer Member Hardbarger

Moved to accept the Application & Agreement for use of college facilities contract for September 26<sup>th</sup> Listening Session. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

## **6. REPORT OF CHIEF COUNSEL:**

**PRESENTED by:** Attorney Eberly

**DISCUSSION:** Attorney Eberly stated that the Board will meet following the Sunshine meeting to discuss today's hearing. No deliberations nor official actions will be taken.

## **7. LEGAL CASE DISPOSITIONS**

- 1. Wayne Harman Trucking** late hauler monthly reports, late payment of hauler fees, late renewal of hauler license, operating without a license

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CA-18-007 for Wayne Harman Trucking** for the late monthly hauler reports, late payment of hauler fees, late renewal of hauler license, and operating without a license. A consent order was signed and a penalty of one thousand eight hundred dollars (\$1,800.00 ) was paid.

**DISCUSSION:** Attorney Saylor explained the reason for the significant penalty amount is due to a long record of violations. His previous violations include a \$50.00, \$150.00, \$500.00, \$900.00 and today's \$1,800.00 consent order. It has been an ongoing issue, and we were prepared for a hearing this time, but it appears there is now a long-term resolution in place.

Member Van Blarcom inquired if the resolution was that the company he deals with is handling it. Attorney Saylor stated that the company for which he delivers the milk has offered to file and pay the monthly reports on his behalf. This is now set in place.

Consumer Member Hardbarger inquired if this was something dealt with personally or was it handled electronically? Attorney Saylor stated that he has dealt with him personally several times. He is a small business but has been in business a long time, and the company he works with appreciates their hauling for them. Staff has gone the extra mile to work with him for the follow through of the reports and fees. Compliance is our goal always.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

**Dissenting:** None

## **8. LICENSE APPLICATIONS:**

### **1. Coca Cola Company of Northern New England, Inc. Subdealer**

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Coca Cola Company of Northern New England, Inc. has submitted an application for a subdealer license, for 2018-2019. Applicant will purchase packaged milk/cream products from an out of state dealer. Applicant will sell to stores in all six Areas in PA. 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 subdealer license will be issued.

**MOTION by:** Consumer Member Hardbarger

Moved to approve a subdealer license to Coca Cola Company of Northern New England as presented. **Seconded by Member Van Blarcom. 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>
Special Sunshine Meeting	Tues - Sept. 18, 2018	10:00 A.M.	309 Ag Bldg.
Dairy Industry Listening Session	Wed – Sept 26, 2018 -	Doors open at 5:30 -	Founder’s Hall Butler County Community College, Butler, PA
Regular Sunshine Meeting	Wed. Oct. 3, 2018	1:00 PM	202 – Ag Bldg.

<u>HEARING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Cooperative Milk Procurement Costs Continuation...	Tues. Oct. 9, 2018 Oct. 10, 11, 12	10:00 AM	Susquehanna Room Farm Show Complex

**10. ADJOURNMENT:**

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