# COMMONWEALTH OF PENNSYLVANIA Pennsylvania Milk Marketing Board

# **MINUTES**

#### **SUNSHINE MEETING**

March 3, 2021 9:00 A.M. Via SKYPE Meeting

Dial In: +1 (267) 332-8737, ID: 143 213 350#

## 1. CALL OF MEETING TO ORDER/ROLL CALL:

**Chairman Rob Barley** called the regular Sunshine Meeting of the Pennsylvania Milk Marketing Board to order at 9:03 A.M. via Skype Phone Conference. Chairman Barley opened with a moment of silence and reflection.

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

#### **Board Members:**

**Present:** Chairman Robert Barley, Member James Van Blarcom.

Absent: None

## 2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the February 3, 2021 Sunshine Meeting.

**PRESENTED by:** Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the minutes for the February 3, 2021 Sunshine Meeting. *Note*: Minutes were prepared and distributed to the Board members for their review prior to the March 3, 2021 Sunshine Meeting). **Seconded by Chairman Barley. Motion carried without dissent.** 

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

**Dissenting**: None

# 3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES:

N/A

## 4.. OLD BUSINESS:

N/A

#### 5. NEW BUSINESS:

1. OGO A-993 (CRO 5) Area 1 Cost Replacement Order

**DISCUSSION:** Chairman Barley presented OGO A-993 (CRO 5) Cost Replacement Order for Area 1.

**MOTION by:** Member Van Blarcom

Moved to approve the Cost Replacement Order OGO A-993 (CRO 5) Area 1, as presented. Seconded by Chairman Barley. Motion carried without dissent.

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

**Dissenting**: None

2. OGO A-953 (CRO 12) Area 2 Cost Replacement Order

**DISCUSSION:** Chairman Barley presented OGO A-953 (CRO 12) Cost Replacement Order for Area 2.

**MOTION by:** Member Van Blarcom

Moved to approve the Cost Replacement Order OGO A-953 (CRO 12) Area 2, as presented. Seconded by Chairman Barley. Motion carried without dissent.

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

**Dissenting**: None

3. OGO A-963 (CRO 11) Area 4 Cost Replacement Order

**DISCUSSION:** Chairman Barley presented OGO A-963 (CRO 11) Cost Replacement Order for Area 4.

**MOTION by:** Member Van Blarcom

Moved to approve the Cost Replacement Order OGO A-963 (CRO 11) Area 4, as presented. Seconded by Chairman Barley. Motion carried without dissent.

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

**Dissenting**: None

4. William Shaffer bond claim order CE-19-013

**PRESENTED by:** Chairman Barley

**DISCUSSION**: Attorney Eberly presented a bond claim on William Shaffer Legal Docket No CE-19-013. This is 2<sup>nd</sup> of two bond claims against William Shaffer. We began a hearing on both claims, which is for 2 different license years. We were only able to finish 1 bond claim because, Shaffer was still doing business with Galliker, and paying back its past due balance. During the hearing as testimony was being given, they received a bounced check back and this was then held/continued, for staff to gather information, and determine balance owed to Galliker. The process was completed, and order is being

presented today. There has been dialogue with the claim's rep for Erie, and upon approval of claim order, they have the file open and ready for it to be paid.

**MOTION by:** Member Van Blarcom

Moved to approve the bond claim order CE-19-013 on William Shaffer as presented. Seconded by Chairman Barley. Motion carried without dissent.

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

**Dissenting**: None

5. Schedule Special Sunshine Meeting

**PRESENTED by:** Chairman Barley

**DISCUSSION:** Attorney Eberly stated that the Board has scheduled a Special Sunshine Meeting for March 16<sup>th</sup>, at 10:00 A.M.

Attorney Yoviene inquired if the March 16<sup>th</sup> Special Sunshine would include the cost replacement hearing pre-orders, in which Chairman Barley confirmed it would be included.

**MOTION by:** Member Van Blarcom

Moved to accept the date of March 16th, at 10:00 A.M., as scheduled for the Special Sunshine Meeting as presented. Seconded by Chairman Barley. Motion carried without dissent.

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

**Dissenting**: None

## 6. REPORT OF CHIEF COUNSEL:

**DISCUSSION:** Attorney Eberly stated no report for this month for executive sessions. But he mentioned that the Board delivered the Cooperative Over-Order Premium line-item regulations to the Ag Committees, and to the Regulatory Review Commission. That is now scheduled to be on the Independent Regulatory Review Commission's meeting agenda, for April 15 at 10:00 A.M. We may be 8<sup>th</sup> on the agenda, as there are a lot of agenda items. It is not officially on teleconference but maybe moved. We will update MMB website when that is confirmed.

## 7. LEGAL CASE DISPOSITIONS

1. Middlebury Coop Milk Prod Assn Dealer

PRESENTED by: Attorney Petrascu

**DISCUSSION:** Attorney Petrascu presented **1. Legal Docket No. CA-20-009** for Middlebury Coop Milk Prod Assn, a milk dealer who failed to file its Milk Dealer's license renewal application for the July 1, 2020 through June 30, 2021 licensing period on or before June 15, 2020. 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. (1. Legal Docket CA-20-009 – Middlebury Coop Milk Prod Assn ) Seconded by Chairman Barley. Motion carried without dissent.

Assenting: Chairman Barley, Member Van Blarcom

**Dissenting**: None

2. The Chefs Warehouse Mid Atlantic, LLC SubDealer

PRESENTED by: Attorney Petrascu

**DISCUSSION:** Attorney Petrascu presented **1. Legal Docket No. CE-20-003** for The Chefs Warehouse Mid Atlantic, LLC, a licensed milk subdealer who provided controlled products, standard and skim milk gallons, at prices below Pennsylvania Milk Marketing Board minimums, during the month of August 2020. 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. (1. Legal Docket CE-20-003 – The Chefs Warehouse Mid Atlantic, LLC) Seconded by Chairman Barley. Motion carried without dissent.

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

**Dissenting**: None

# 8. LICENSE APPLICATIONS:

N/A

## 9. <u>REMINDERS</u>:

**PRESENTED by:** Chairman Barley

MEETING (s)DATETIMEROOMRegular Sunshine meetingWed. April 7, 20211:00 P.M.via Skype.

#### 10. ADJOURNMENT:

Chairman Barley hearing no further matters to come before the Board, adjourned the meeting 9:16 A.M.