

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

June 3, 2020

1:00 P.M.

Via SKYPE Phone Conference

**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 1:00 P.M. via Skype Phone Conference. He opened with a moment of silence.

**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 May 6, 2020 Sunshine Meeting.

**PRESENTED by:** Chairman Barley

**MOTION by:** Member Van Blarcom

Moved to accept the minutes for the May 6, 2020 Sunshine Meeting. *Note:* Minutes were prepared and distributed to the Board members for their review prior to the June 3, 2020 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:**

**DISCUSSION:** Chairman Barley stated the following about Dean Foods.

- Pennsylvania Bond claims are covered by the Milk Producers' Security Act. The Act requires that the Board hold a hearing to determine the amounts owed to producers. Staff must audit the seven Dean plants that we bond. If producers have not been paid when we finish the audits, we will hold the hearing.
- Hearing, order, etc, procedure
  - Should be quick turnaround
    - Dean owes the money and acknowledges it owes the money

- Board issues order telling surety companies to pay on the bonds
  - Surety companies send a check to the Board
  - Board deposits check in Treasury
  - Treasury pays producers
- The bond claim procedure takes time
- We spoke to Dean and its bankruptcy counsel Tuesday
- We think there is a possibility that independent producers will be paid by Dean before we can complete the entire bond claim procedure
- We will continue to monitor the producer payments as we complete the Dean audits

#### 4.. OLD BUSINESS:

N/A

#### 5. NEW BUSINESS:

1. Petition from PAMD to consider adjusting over-price premium cross sections.

**PRESENTED by:** Chairman Barley

**DISCUSSION:** Chairman Barley stated that PA Milk Dealers are requesting a petition to consider adjusting the over-price premium for cross sections, using the calculations for the over-price premium according to the OGO A 9-25. Due to the changes in ownership in PA, they are now cooperative owned. They request that we expedite it and have it in July. This probably not be something we may be able to do in July with everything that is going on. We will need to figure things out.

**MOTION by:** Member Van Blarcom

Moved to accept the Petition as requested, though it may not be in the July time frame. **Seconded by Chairman Barley. Motion carried without dissent.**

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

**Dissenting:** None

#### 6. REPORT OF CHIEF COUNSEL:

**DISCUSSION:** Attorney Eberly had nothing to report. Other than what was discussed on the Petition for the Board, and schedules, there were no other Board executive sessions

#### 7. LEGAL CASE DISPOSITIONS

N/A

#### 8. LICENSE APPLICATIONS:

1. East Side Jersey Dairy Inc. D/B/A Broughton Foods                      Dealer

**PRESENTED by:** Attorney Petrascu

**DISCUSSION:** Attorney Petrascu presented that East Side Jersey Dairy, Inc. D/B/A Broughton Foods has submitted an application for a dealer license for 2019-2020. Applicant will purchase bulk milk from Co-operatives. Applicant will manufacture, process and package milk /cream products for resale to restaurants, schools, stores and subdealers in Area 5. 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. Board Staff recommends approval, and with Board approval of this application, a dealer license will be issued.

**MOTION by:** Member Van Blarcom

Moved to approve a dealer license to East Side Jersey Dairy, Inc. D/B/A Broughton Foods, as presented. **Seconded by Chairman Barley. Motion carried without dissent.**

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

**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. Jul 8, 2020 | 1:00 P.M.   | 202 – Ag Bldg. |

| <u>HEARING (s)</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|--------------------|-------------|-------------|-------------|
| N/A                |             |             |             |

**10. ADJOURNMENT:**

Chairman Barley hearing no further matters to come before the Board, adjourned the meeting at 1:12 P.M.