

MINUTES
BOARD of DIRECTORS
PA State Council of Farm Organizations
Harrisburg, PA
March 31, 2014

Attending: B. Snyder, E. Richard, J. Nogan, G. Robertson, B. Huber, T. Wentz, A. Bradford, R. Leiby, C. Myers, K. Fuchs,

Not Present:, E. Yeiser, D. Livingston, R. Diebold

Staff: V. Phillips, C. Phillips

Guests: J. Pace, S. Davison

Meeting was called to order at 10:05 a.m. by President B. Snyder.

Minutes were approved per motion by E. Richard, second by G. Robertson

Association Management Report. V. Phillips covered a number of items. These included correspondence from PDA re quarterly conference calls and for a food safety workshop with FDA; Requests from AgLaw Committee of the PA Bar Association re Ag Law Seminar; Hunger-Free PA re hunger coalition; and a correction from M. Wirth regarding Penn State Agricultural Research & Extension budgets for FY 2014-15...Amount being sought is a \$3 million increase above FY 2013-14 levels. A request by PSU student Abbie Hamilton for research help was distributed to PSCFO members with PACD publicizing her need to its 1,000-plus mailing list. Other items included:

- **Web Contractor:** In lieu of interviewing the two applicants, G. Robertson volunteered to donate his labor to update and re-form the PSCFO web site. He also previously donated approximately \$100 to purchase the WordPress software. Current contractor, Reading Eagle Internet Services, should be given a month's notice. **PSCFO Board unanimously approved of G. Robertson's work per motion by E. Richard, second C. Myers.** Staff was directed to thank applicants Stephanie Shirk and Nicole McCord.
- **D&O:** Previously the Board authorized Directors & Officers liability insurance bids. Two bids were discussed by the Board – Chubb and Great American. Broker J. Pace described coverage options, leading to a Board decision to obtain a Chubb policy at \$1 million plus employment practices liability including coverage to PSCFO association management contractor and crime coverage. The premium would be capped at \$1,075.00 although the actual premium may be less. **A unanimous Board decision followed a motion from T. Wentz, second C. Myers.**
- PSCFO was unsuccessful in gaining an exemption from the PA sales tax because the Department of State did not feel that PSCFO's mission was "charitable". Following discussion, **the Board unanimously voted on a motion by G. Robertson, second by J. Nogan, to direct staff to file incorporation papers with the Department of State.**

Treasurer's Report. J. Nogan reported total income year date of \$7,055.00 and expenses of \$3,166.00. Not included were additional incoming Cornucopia monies and payment to the caterer for the reception. Bank balance was listed as \$24,565.98 per

February 28, 2014 bank statement. **The Board approved the report per motion by A. Bradford, second C. Myers.**

Committee Reports:

- **Communications:** (G. Robertson) Web site previously addressed.
- **Membership:** (J. Nogan) Status is currently 60 with thank you letters being distributed in person at 3/31/14 Council meeting and via US Mail by week's end. Two members did not renew, COBank and Dairy Princesses. Discussion centered on renewals from PennAg, PA Veterinary Students Association and the Dairy Princesses.
- **Cornucopia:** (V. Phillips) Event will be a success per numbers of legislators and staff participating higher than last year's but will not break even because of a decrease in sponsorship via one non-renewed and one decreased sponsorship level.
- **Yellow Book:** (J. Rotz is chair, reported by J. Bell) No report.
- **Nominations:** (G. Robertson) **reported a slate of officers and Board members which was approved per a motion by C. Myers, second G. Robertson.** This slate includes:
 - B. Snyder, President for second one-year term
 - E. Richard, Vice President for second one-year term
 - J. Nogan, Secretary-Treasurer for second one-year term
 - G. Robertson, Board, second three-year term
 - C. Meiss, Board, first three-year term
 - H. kSmith, Board, first three-year term

Old Business

Transportation/Bridge Restrictions. Discussion centered on whether PennDOT was making rural bridge repairs a priority after passage of Act 89. C. Myers reported that Governor Corbett was going to announce a package bid to expedite replacement of smaller rural bridges with box culverts. J. Nogan said that it appeared that PennDOT was reevaluating the list of substandard bridges on a bridge by bridge basis. K. Fuchs said that PennDOT was lifting restrictions gradually since some bridges were not weight reclassified because of an imminent threat to public safety but rather to extend the life of the bridges.

High Tunnel Legislation. Thanks in great part to PSCFO efforts led by G. Robertson, the quest for tax exemption status of high tunnel building was achieved with two out of three bills signed into law. The remaining bill is House Bill 1440 which simply needs Senate approval as the last step before enactment. HB 1440 exempts high tunnel buildings from the Uniform Construction Code. Senator Pileggi is seen as central to whether or not the bill will finally move. G. Robertson warned that some municipalities may have prepared tax notices before the first two bills exempting high tunnels buildings became effective. His warning is that PSCFO members should be sure to examine local tax bills.

In recognition of PSCFO's work on both issues, commemorative Corbett signature pens were presented by V. Phillips to the Association.

Food Safety Rule. B. Snyder announced that the FDA agreed to re-write the most critical portions of the proposed Food Safety Rules under FSMA (Produce and Preventive Controls). He said that this success came from a united front from the entire Agriculture Community. He also said that PA Department of Agriculture and National Association of State Departments of Agriculture (NASDA) had significantly to the national discussion.

A core area of concern is the definition of “farm”. Saying in the Rule that “A farm is a facility that...” means that the FDA Rule could potentially impact most farming operations by defining them as facilities. The ultimate fix would be congressional action to change the definition of farm in the Bioterrorism Act of 2002. Attention is focusing on another FDA proposed Rule regarding animal feed. A. Bradford presented background information. Because of a court-approved settlement with the Center for Food Safety, FDA is shifting to multiple deadlines for various parts of the proposed Rules, many of which will be well past spring 2015.

New Business

Formal Endorsement of Penn State Trustee candidates

After discussion, the Board had a consensus that all three candidates were qualified. The Council will interview them and decide what endorsement if any that PSCFO makes.

Farm Show Appointment

The Executive Committee had earlier appointed V. Phillips as an interim appointment to the Farm Show Committee. **The Board appointed B. Huber to take V. Phillips’ place as the appointee to be joined by PSCFO’s P. Vitz and R. Diebold per a motion by C. Myers, second, J. Nogan.**

Act 13

G. Robertson briefed the Board on the PA Supreme Court December 2013 ruling in favor of a Washington County township and against the state regarding municipal zoning restrictions on Marcellus Shale drilling that were tougher than the state-wide standard imposed by Act 13. The Supreme Court ruled that the PA Constitution places a high value on a healthy environment and voided the state law governing restrictions such as those on how far back a well can be from a building or stream. He stressed that taken narrowly, the court decision would not necessarily affect agriculture directly since Marcellus Shale is not a primary issue. However, he said, the implications are huge. If a municipality decides for environmental reasons to void the Right to Farm Act using this court case as precedent, then the issue of state authority itself is questioned.

V. Phillips reported that legislation has already been introduced by Representatives J. Knowles and M. Hanna that would permit municipalities to ‘trump’ DEP permits in biosolid applications. He also said that another association, PA Septage Management Association, is very concerned about this issue. He was directed by the Board to invite a person from the Office of Attorney General, long a defender of ACRE and the Right to Farm Law, to brief PSCFO Council on the issue in June. G. Robertson said that PSCFO might consider filing a Friend of the Court brief should it be appropriate. No Board action on this issue was taken at this time.

In other business, **E. Richard said that the Council should pass a resolution formally thanking Michael Pechart for his service to the PA Department of Agriculture and for PA's Agricultural Community. The Board concurred.**

Meeting recessed into executive session and V. Phillips left the meeting. **In the executive session, PSCFO authorized renewal of the association management contract with V. Phillips and Phillips Associates through June 2015.** Meeting adjourned approximately at 12:20 p.m.

Respectfully submitted, Vince Phillips