

**AMUSEMENT RIDE SAFETY
ADVISORY BOARD MEETING
AUGUST 20, 2019**

**DEPARTMENT OF AGRICULTURE
HARRISBURG, PA
10:00 AM**

ADVISORY BOARD MEMBERS

Bureau Director, Walter Remmert

| | |
|---------------------------------------|------------------------------------|
| Thomas Rebbie | Philadelphia Toboggan Coaster Inc. |
| Bradley Nesland **Absent | Dorney Park |
| Jim Houghton | PA State Showmen's Association |
| Stephen Gorman **Via Phone | Waldameer Park |
| John D. Blaney, Jr | PA State Assoc. of County Fairs |
| William B. Hall, III | Public Member |
| John C. Pittman | Public Member |
| Kenneth Potter, Jr. | Special Advisor |
| John D. Makrias | Special Advisor |
| Stephen Swika, III **Via Phone | PA State Showmen's Association |
| Robert A. Di Domizio, Jr. PE | RAD Engineering Corporation |

AGENDA

- A. CALL TO ORDER – Deputy Secretary Fred Strathmeyer**
 - a. Sunshine Law Announcement

- B. APPROVAL OF MINUTES:**
 - a. Approval of the minutes – **April 16, 2019**

- C. SECRETARY'S REMARKS:**

- D. DIRECTOR'S REPORT:**

- E. OLD BUSINESS:**

NEW RIDE APPROVALS

MANUFACTURER

Ropes Course Incorporated
Battech Enterprises, LLC
S & S Worldwide
Speed Raceway Mini GoKart Track

RIDE NAME

Sky Trail w Sky Rail
Black Widow
Steel Curtain Coaster
Speed Raceway Mini Car & Track

G) NEW BUSINESS: Short Presentation by Pret Lytle - (Hershey Park) New Roller Coaster

Joe Filoromo to talk about new ride
Approval letter & misuse of the term
"service proven"

H) BOARD MEMBER COMMENTS:

I) PUBLIC COMMENTS:

J) ADJOURNMENT:

**Upcoming Advisory Board meetings will be held at the Department of Agriculture
at 10am in room 309**

Wednesday, October 16, 2019

AMUSEMENT RIDE SAFETY ADVISORY BOARD MEETING

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COMMONWEALTH OF PENNSYLVANIA

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BEFORE: WALTER REMMERT, Chair
Fred Strathmeyer, Member
Joseph Filoromo, Member
Randall Arndt, Member
Thomas Rebbie, Member
William B. Hall, III, Member
Natalie Behe, Member
Yvonne Brown, Member
John D. Makrias, Member
Kenneth Potter, Member
John C. Pittman, Member
John D. Blaney, Jr., Member
Robert A. Di Domizio, Jr., Member

Reporter: Derek Richmond

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MEETING: Tuesday, August 20, 2019

10:01 a.m.

LOCATION: 2301 North Cameron Street

Harrisburg, PA 17110

AUDIENCE: Nathaniel Rivera, Esquire, David Pfeffer,

Rob Henninger, Ben Pfeffer, Pret Lytle, Craig

Glover, Derek Shaw, Jim Liggett, Sean McCabe

E X H I B I T S

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NONE OFFERED

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CHAIR: Good morning.

My name is Walt Remmert. I'm the Bureau of Director for Ride Safety Standards. To my left is Deputy Fred Strathmeyer. And I would offer to you Deputy Strathmeyer to begin the -.

MEMBER: What's up with the echo?

CHAIR: I have no idea. I'm trying to figure it -.

MEMBER: And just to let you know, these mics, the new toys, they do pick up so you don't need to be leaning into them. They're - you can see where I'm standing, see, and it's picking up just fine. So it's just a matter of pushing the button and speaking.

So you guys can even sit back there probably and turn that on and pop right on. So we'll be listening.

CHAIR: Yeah. No chitter chatter.

MR. STRATHMEYER: So again, this - the meeting's good on time. I just want to thank everybody for being here. Obviously, it's the busy time of the year here. That's darn sure. Really appreciate everything that you all do in the

1 industry and for taking the time today out of your
2 busy schedules to - to be here, and be part of
3 something that's extremely important to the state
4 and to the citizens that come in here, and that live
5 here, and that come here to visit and play and have
6 fun.

7 So without further ado and just - I
8 turn the mic right back over - over to - to Walt,
9 and we can get moving in just a minute.

10 CHAIR: Perfect. Again, I'm Walt
11 Remmert, and I appreciate the opportunity and
12 everybody showing up today. I will be brief in my
13 comments as far as the Director's report.

14 Since Fred has given it back to me,
15 I'll ask if all the Board members present have had
16 the opportunity to review the minutes from the April
17 16th meeting. I believe they were emailed back and
18 forth. I did not actually see more than one change.

19 Is there any discussion about those
20 meeting minutes from the April 16th meeting?

21 All right.

22 Is there a motion to approve the
23 minutes as they're distributed?

24 MR. REBBIE: Moved.

25 CHAIR: Thank you, sir. Is there a

1 second?

2 MR. PITTMAN: I'll second.

3 CHAIR: Is there any further
4 discussion concerning minutes?

5 Seeing and hearing none, all those in
6 favor, please respond by saying aye to approve the
7 minutes.

8 ---

9 (WHEREUPON, AYES RESPONDED.)

10 ---

11 CHAIR: Are there any opposed?

12 Thank you.

13 As far as the Director's report, I
14 have one significant item which I'd like to offer.
15 Starting on Monday of the following week, we are
16 adding an amusement ride quality assurance inspector
17 position to the Bureau. This is not to replace
18 anybody. This is a brand new position. So we're
19 very excited that we actually have - can I try it
20 now?

21 All right.

22 I got it, thank you.

23 We're better at it than last time, so
24 we're always making progress.

25 MR. FRIEDEN: Hello?

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CHAIR: We - we can, but just - it's just - folks on the telephone, can you hear us?

MEMBER: Yes. Yes.

CHAIR: Just turn your volume all the way down.

MEMBER: Every day is evolving.

CHAIR: All right.

So I think we've moderated the issues on our end. I appreciate your indulgence with us while we were working through, again, new technology. But we're getting better.

Can the folks on the telephone hear me now?

MEMBER: Yes, yes. No. Yes. Yes, I can.

CHAIR: That's a good start for eight minutes after 10:00. We're only going to get better.

I understand that we may have some Board members online with us. They can now hear us. If we have Board members on, would you please identify yourself?

MR. GORMAN: Steve Gorman.

CHAIR: Thank you, Mr. Gorman and

1 welcome aboard.

2 Would the remainder of the people, one
3 at a time please, identify yourself and who you're
4 here to represent?

5 SPEAKER: This is -.

6 COURT REPORTER: I didn't get that.

7 MR. FRIEDEN: Albert Frieden, Battech
8 Enterprises.

9 MR. TERPSTRA: Jordan Terpstra, Ropes
10 Course, Incorporated.

11 MR. FEELEY: Bob Feeley, Philadelphia
12 Zoo.

13 SPEAKER: Philadelphia Zoo as well.

14 MR. LIGGETT: Jim Liggett from Ropes
15 Course, Incorporated.

16 MR. MAGAVERY: Phil Magavery, the
17 engineer.

18 CHAIR: Thank you, gentlemen. We're -
19 as soon as we get to the new ride approvals, we'll
20 take you in the order in which we have on the
21 current agenda. The agenda only has four items on
22 it for today. So with some fingers crossed and some
23 good luck, we'll move through this rather briskly I
24 hope. But we'll - we'll see how that goes.

25 Is there anybody in the audience in

1 attendance today that is here to represent one of
2 the items on our agenda?

3 And you are, sir?

4 MR. HENNINGER: I'm Rob Henninger with
5 Kennywood for the Steel Curtain ride.

6 CHAIR: Very good. Thank you.

7 And we'll get to the remainder of this
8 either post-Board or the comments portion at the end
9 of it, so we'll - we'll address almost everybody's
10 issues here. But we're going to stick to the
11 agenda.

12 All right.

13 As far as the Director report, now
14 that I'm back and everybody can hear me, a new
15 inspector. That new inspector, after having a
16 conversation with Joe, will be home-headquartered in
17 one of three places, Lehigh County, Dauphin County,
18 or Lebanon County.

19 The reason for the home- headquarter
20 location choices rather than anywhere was Joe's been
21 out of town. He's a supervisor, and really should
22 not be out doing the inspections. He should be
23 supervising the quality assurance inspections, which
24 he does spend a good bit of his time out in the
25 field.

1 Randall, also pretty close to Joe,
2 covers mostly the Philadelphia or southeast and
3 central region where there is an awful lot of
4 concentration. And right now, the two positions
5 that we have out west cover mid-state to western
6 boarder north and south very well.

7 So the - they're located well. Our
8 concentration is here, and we wanted to pick
9 counties where people have easy access to the north,
10 south, east, west parts of the state. So that's why
11 the determination is made for either Dauphin,
12 Lebanon, or Lehigh County.

13 MEMBER: How many full-time people are
14 there?

15 CHAIR: Well, right now, Joe is the
16 supervisor also providing - he's the quality
17 assurance inspector senior. So he's a supervisor,
18 and we have three. So it'd be Randall and Joe
19 covering the east collectively. And then John
20 Humberger and John Garden covering the west. So
21 this will actually give us four inspectors and a
22 supervisor.

23 Still reduction from what we've had at
24 their inception, but it is a start in the right
25 direction. So Joe hasn't argued with me. He's

1 happy. We are ready and receiving. We hiring this.
2 It will start as soon as the selected candidates are
3 available to start. We have a vehicle, we have
4 equipment. We have training modules. We're ready.
5 So interviews then start on Monday.

6 We have 51 interested candidates. We
7 asked for the top 50 percent or so come to us based
8 on, you know, objective scoring. I think we still
9 ended up with 29 with all them testing. Out of
10 those 29, we reduced that to nine extremely well
11 qualified candidates. We expect to interview at
12 least six of them, seven of those. And we're very
13 excited for the opportunity.

14 So it's a new day. It's been a long
15 time. I think the last person that we actually
16 hired in the room wasn't Drew, but was Randall.
17 Randall was already working for us. We just made -
18 Randall made the move from a seasonal nine-month
19 employee to a full-time employee. And since Randall
20 came on board, we had used our last seasonal one,
21 which was Charlie.

22 MR. REBBIE: How long ago was that?

23 CHAIR: Well, six years ago?

24 MR. ARNDT: Seven years ago. Seven,
25 yeah.

1 MEMBER: He's been a rookie for -.

2 CHAIR: He's been the low man on the
3 totem pole. He's looking forward to moving up the
4 ranks a little bit. So we're extremely excited
5 about this opportunity. Happy to make it happen.
6 Just beyond words that Agriculture's allowing us to
7 invest back into this program.

8 What more can I say other than we have
9 great news coming. We're going to make the
10 candidate selection and interviews. We're going to
11 be done hopefully by Wednesday afternoon. We'll
12 start the HR process, and we're very fortunate in 60
13 days from there, or sooner, we'll have a new person
14 on board to introduce to you. Looking forward to
15 it.

16 Are there any questions from Board
17 members before we move into the agenda items? I
18 mean, we could - we always have the chance at the
19 end.

20 Seeing none, I believe it is
21 appropriate to follow our agenda. So we're going to
22 go to the first submission on our agenda which is
23 Ropes Course, Incorporated, the Sky Trail with Sky
24 Rail.

25 Please give us a moment to put some of

1 the information up on the big board behind us, and
2 to allow our Board members to orient themselves to
3 the packet of information that they've been
4 reviewing for the last four to six weeks.

5 I will give an opportunity. Who on
6 behalf of Rope Courses, Incorporated would like to
7 give us a quick overview of your submission?

8 MR. TERPSTRA: So our submission is a
9 seven pole, two level ropes course with a 180 degree
10 sky rail ride system built into it.

11 CHAIR: And you'll - you'll forgive
12 me, but for the sake of our stenographer, would you
13 state your first name and slowly spell your last
14 name for his sake?

15 MR. TERPSTRA: Jordan,
16 T-E-R-P-S-T-R-A.

17 CHAIR: Thank you very much, sir. So
18 I'll - I'll ask a few primer questions to help us
19 orient what we're doing.

20 Does this exist anywhere else other
21 than Pennsylvania, or something similar to this?

22 MR. TERPSTRA: Yes.

23 CHAIR: Where - where, and how many,
24 and how long might it been operating?

25 MR. TERPSTRA: So we have about - Jim,

1 what did you say, 400 Ropes Courses throughout the
2 world?

3 CHAIR: Any others in Pennsylvania?

4 MR. LIGGETT: Yeah, one second.

5 CHAIR: I asked you questions you
6 weren't ready for.

7 MR. LIGGETT: Yeah.

8 Can you hear me now, Jordan?

9 MR. TERPSTRA: Yes.

10 MR. LIGGETT: Yeah, we have about 600
11 Sky Trails, and about 150 Sky Rails. And we've had
12 those up for over five years. So they're service
13 proven.

14 CHAIR: All right.

15 Well, let me ask, for the sake of our
16 stenographer, since he doesn't have name plates in
17 front of him, the person who just made a comment,
18 would you slowly state your first name, and spell
19 your last for his sake and ours?

20 MR. LIGGETT: Yes. I apologize.

21 My name is Jim Liggett,
22 L-I-G-G-E-T-T. And I'm the owner of Ropes Course,
23 Incorporated.

24 CHAIR: And I - I appreciate where
25 you're coming from. You were on point with your

1 answer. Our definition of service proven is a
2 little different, and that's something that we're
3 going to discuss later. But I appreciate that you
4 have a variety of these devices already - these
5 attractions already in service and have been
6 operating for several years. That gives us some
7 context for review.

8 MR. LIGGETT: And no injuries by the
9 way.

10 MR. TERPSTRA: And it looks like we
11 have about 12 to 15 in Pennsylvania.

12 CHAIR: So now for the Board members,
13 this is not a new company. This is a company we've
14 actually dealt with in the past for other
15 submissions. This is another variety of submission
16 with the Sky Rail attachments that were included in
17 the submission. And I know Mr. Gorman is online
18 with us, and I will recognize that another Board
19 member was able to attend.

20 And I apologize for not letting folks
21 know there is a detour off of Cambridge Street exit
22 which is, I'm sure, the reason he was delayed. So
23 Mr. Domizio's out here with us. So I apologize for
24 not - I didn't - I didn't give you a chance to open
25 your large binders if you had any other questions

1 for the Board members concerning this submission.

2 Seeing none in particular, I'm going
3 to ask Joe. Joe, did you have the opportunity to
4 review the information that was provided?

5 MR. FILOROMO: Yeah. I - I read it
6 and looked at it.

7 CHAIR: Okay.

8 Would you mind providing us just a
9 quick review of what - what was reviewed and
10 witnessed when you went to look at it, either one of
11 you?

12 MR. ARNDT: Yeah. I went and looked
13 at the attraction. The main part of the attraction
14 - as Jim mentioned we have several of these main
15 attractions in the state at several locations. It's
16 just a part of the element, the rail portion, which
17 is a little different than what I've seen at some
18 others.

19 So the operations of this, they - they
20 harness it, and there's an assignment, and there's a
21 pocket which is a harness assigned to the top of it.
22 Once you're connected, you really can't come undone
23 as long as the maintain - maintenance is being done,
24 and daily inspections are being done.

25 It's one of the better systems I see

1 out there. And so in working with the zoo, they
2 weren't - weren't taking no shortcuts. They were -
3 they went with a good product here. And I was - I
4 was - the day I was there, they were doing training
5 for the attendants and everything. So I have - I
6 have no issues with it.

7 CHAIR: I also got a chance to take a
8 look at its condition. And it shouldn't surprise
9 the Board members that we entertained the puck
10 system at length. In some previous submissions, as
11 Randall has said, it's the preference. It fits into
12 a track. As long as the puck's installed
13 appropriately, then it's a primarily redundant in
14 that particular system which is one of the newer
15 methods to do this type of attachment to the
16 attraction.

17 MR. ARNDT: Well yeah, this is -
18 they've been out for quite a while. So it's - it's
19 - what you've seen with it. These - it's a little
20 different from ours.

21 CHAIR: All right.

22 MR. ARNDT: But they have been around
23 for quite a while and it is one of the - one of the
24 safest ones I've seen out there.

25 CHAIR: All right.

1 Now that we have the Board members to
2 kind of acclimatized to the submission, we're
3 willing to entertain questions at this time of the
4 Board members since they have them. I see Mr. Hall
5 has his hand up. Yes, sir?

6 MR. HALL: Randall and Walter, you
7 said you made an onsite inspection of these.
8 Randall did? Where -?

9 MR. ARNDT: Yes, I had. I went out to
10 Philadelphia.

11 MR. HALL: Philadelphia Zoo?

12 MR. ARNDT: Yeah. Well, this is right
13 where the balloon used to be. So this is all where
14 the balloon is.

15 MR. HALL: Okay.

16 When was that?

17 MR. ARNDT: I was there two months
18 ago, but -.

19 MR. HALL: Thank you.

20 CHAIR: Mr. Pittman?

21 MR. PITTMAN: On this - on this
22 worksheet we have, limited and maximum age
23 requirement. I believe that's a typo. What - what
24 is the answer to that question? It says 48 inches,
25 so - not an age.

1 CHAIR: Mr. Liggett, time to shine.

2 MR. LIGGETT: Hello?

3 CHAIR: Hello.

4 MR. LIGGETT: Yeah, unaccompanied
5 height is 48 inches.

6 MR. PITTMAN: Okay.

7 What is the minimum and maximum age
8 requirement?

9 MR. LIGGETT: Fifteen (15) in the
10 harness.

11 MR. PITTMAN: Okay.

12 Then I'll clarify to make sure we
13 understand. Forty-eight (48) inches at any age as
14 long as they fit the harnesses. Is that what we're
15 saying?

16 MR. LIGGETT: Yeah. That's
17 unaccompanied.

18 MR. PITTMAN: All right.

19 And regardless, it's fit the harness?

20 MR. LIGGETT: They have to fit in a
21 harness to be - no matter who. They have to fit in
22 the harness safely. If you're under 48 inches, you
23 have difficulty moving the puck. So that's our
24 cutoff for unaccompanied person.

25 CHAIR: Very good. Thanks.

1 I always have to scan. Mr. Domizio?

2 MR. DI DOMIZIO: At the risk of - if
3 this has already been discussed, then cut me off.
4 But when an engineer hears the word - we're not
5 agreed that - we talked about service proven. Jim
6 and I talked about this.

7 And - and service proven,
8 unfortunately, takes on encompassing - so if no
9 other data exists, then you look at the - you look
10 at whether it's still standing. So that's what
11 service proven means because there's nothing else to
12 compare it to. Take it, for instance, a railroad
13 bridge.

14 Right?

15 Just because it hasn't fallen down
16 doesn't mean it's service proven. It just means
17 it's still standing. If you take - service proven
18 to me says that it's been properly examined,
19 regularly examined for - like in the case of looking
20 for any cracks or looking for any fatigue, service
21 proven says that to me. That if it's been in
22 service for any length of time, that means a lot of
23 cycles. And a lot of cycles on anything means
24 propensity for failures.

25 So you can see obvious failures from

1 cracks. You can see things like creak, where steel
2 just moves on its own and just begins to sag. Have
3 you ever seen typical barns in Pennsylvania with
4 just two stone walls? That's because the wood has
5 shrunk and fallen inside. So - so it's - it's very
6 - when I read the word service proven, as it - as it
7 was, as it is, has been replaced by good, technical
8 background. If - if I'm making these things.
9 Because you don't - you don't know what else to say.
10 You say well, they haven't fallen down.

11 MR. LIGGETT: Perfect sense.

12 MR. DI DOMIZIO: So service proven
13 isn't what I'm going to hang my hat on.

14 MR. LIGGETT: No, that - that makes
15 perfect sense.

16 CHAIR: And I'm not belaboring your
17 point, and I appreciate the - the explanation. I
18 agree. I - not to belabor the point, but
19 Pennsylvania will always, first and foremost, desire
20 answer from the submitting engineer that assures us
21 compliance with ASTM and Pennsylvania law.

22 To - to lessen that requirement where
23 they feel that they cannot put that in writing, and
24 you want to refer to something as service proven,
25 that is an individual conversation based on

1 circumstances that Joe, Board members, particularly
2 the expertise of our professional engineers sitting
3 on board would have the additional conversations and
4 decide whether it was warranted or reasonable for us
5 to declare service proven.

6 Right?

7 So we're always going to defer to a
8 requirement by the PET to review the submission as
9 it complies with ASTM and Pennsylvania law. That is
10 our standard. If you're asking for us to deviate
11 from that standard, -

12 MR. LIGGETT: No, no.

13 CHAIR: - then you'd have to have a
14 reason why we would accept service proven in lieu
15 of.

16 MR. LIGGETT: No. We - we - we don't.
17 But we can - we have our structural engineer on the
18 phone right now.

19 CHAIR: No. I wasn't speaking about
20 your particular submission. I was offering to all
21 in attendance a little clarity of service proven as
22 - as a preamble to what will happen under new
23 business later. And maybe I shortened that quite a
24 bit. So we're - we're not worried about yours, and
25 your submission will have all of the required

1 engineering language necessary for us. There's no
2 question on it.

3 Are there any other questions specific
4 to the submission of the Sky Trail with Sky Rail
5 submission?

6 MEMBER: There hasn't been any other
7 additions or corrections to the maintenance or
8 anything or any that's been turned into us?

9 CHAIR: Updated?

10 MR. FILOROMO: Yeah.

11 CHAIR: There's no last minute changes
12 that I'm aware of in the submission or anything.

13 MEMBER: Thank you.

14 CHAIR: Okay.

15 Seeing that there are no further
16 questions from Board members, I ask if there's a
17 motion? Specifically, is there a motion to
18 recommend approval for this?

19 MR. REBBIE: I'll make a motion.

20 CHAIR: Okay.

21 Is there a second to that?

22 MR. BLANEY: Second.

23 CHAIR: Thank you, sir.

24 Is there any discussion?

25 I have a motion and a second to

1 recommend approval of this. All those in favor,
2 please respond by saying aye.

3 ---

4 (WHEREUPON, AYES RESPONDED.)

5 ---

6 CHAIR: Are there any opposed?

7 All right.

8 Gentlemen from Ropes Course,
9 Incorporated, on behalf of this, in the next day or
10 two depending on how quickly Natalie will expedite
11 this, she might even have it this afternoon. We'll
12 have your approval and the follow-up information.
13 We'll get that to you in the mail with the rest of
14 the items you need to begin operation in earnest.

15 Do you have any questions for us?

16 MR. LIGGETT: Well, I would like to
17 thank the Board for your professionalism, and
18 helping us. And if you ever have any questions,
19 please contact us at any time. And we look forward
20 to continuing business in your state as it's a very
21 large part of our - our future, and our - and our
22 company's future.

23 CHAIR: We appreciate your time and
24 effort for working with us to get this through.

25 It's always easier when everybody's working toward

1 the same goal.

2 MR. LIGGETT: Thank you so much, sir.

3 CHAIR: All right.

4 Do you want to stick on the phone with
5 us? Because you're welcome to. We're going to move
6 on to the Black Widow, Battech Enterprises.

7 CHAIR: Do we have a representative
8 available to give us a brief overview from Battech?
9 And as a reminder, please state your first name and
10 slowly spell your last name before you start
11 speaking about the submission.

12 MR. FRIEDEN: It's Albert
13 F-R-I-E-D-E-N, managing member of Battech
14 Enterprises. Bill Kelley was the engineer of this
15 project. I talked to him a minute ago. He has
16 physical therapy that he can't get out of. And so
17 he will not be able to phone conference today.

18 CHAIR: All right.

19 Then we can't proceed with this.

20 I'm just kidding. I'm just kidding.

21 Would you give us a brief overview of
22 what the submission is?

23 MR. FRIEDEN: It's pretty much, the
24 Black Widow is - is a newer, updated version of a
25 ride that has a similar action to the Eyerly Spider.

1 We've addressed multiple engineering concerns with
2 the previous design. It's got a much smoother
3 operation. But essentially, it's the same -.

4 CHAIR: Joe? Mr. Filoromo, any
5 opportunity to review this at any time as concerning
6 this updated version of the previous version that we
7 have approved?

8 MR. FILOROMO: I - I looked at the
9 ride. I went over it in detail at trade shows and
10 answered every question I could throw out. I mean,
11 basically it's exactly what he just said. It's -
12 they took the spider and engineered all the problems
13 out of it. So it's good.

14 CHAIR: To be clear, Joe's opinion is
15 that it's good?

16 MR. FILOROMO: It's really good.
17 I -.

18 CHAIR: I appreciate that.

19 MR. FILOROMO: There's nothing
20 unanswered. There's nothing incomplete. It's all
21 there.

22 CHAIR: And obviously, if it's before
23 the Board today, we don't have it in Pennsylvania
24 yet. So how new -?

25 MR. FRIEDEN: You have - you have -

1 but - sorry, a temporary approval. And that was - I
2 think that was in June. I believe they only had it
3 for a couple weeks.

4 CHAIR: All right.

5 We're going to give the Board members
6 an opportunity to go through their notes, and ask
7 specific questions if they have any. And then we'll
8 move on from there.

9 Are there any questions? Seeing none,
10 I - Mr. Domizio.

11 MR. DI DOMIZIO: This is a pretty good
12 feedback - I can move in closer.

13 No, it was interesting. I know Joe is
14 very vigilant at what he does. But one thing he
15 said was it compared to an older product with the
16 way this one was being updated.

17 So my concern is this, how do we -
18 how do we tell the difference? So is this, like,
19 Black Widow 2? And so what - what we're approving,
20 is - he says an updated version of the older ride,
21 so -.

22 MR. FILOROMO: The - the older ride
23 was a ground ride. It was a spider that - the whole
24 drive is different. It wasn't - it's easily
25 recognizable. It may not be to the public, but

1 anybody in the business would know.

2 MR. DI DOMIZIO: All right.

3 So what I'm concerned with -.

4 MR. FRIEDEN: The - the biggest thing
5 with this - with this ride was we changed the whole
6 drive system. We made it a smoother operation.
7 It's ATV. Pretty much so you can control the drive
8 unit, a couple gearboxes. And it makes a much
9 smoother starting and stopping.

10 And the traditional one had a shaft
11 that was designed - it had, basically, a couple of
12 carbines selected on it. And so it's very
13 distinguishable as being able to see the center
14 drive, whether you understand the traditional ride
15 and this one. You can completely tell the
16 difference.

17 MR. DI DOMIZIO: Yeah. I guess that's
18 what I was speaking to is there is a difference. So
19 how do we tell the difference? For instance,
20 somebody were to come in with the older version and
21 say, well, this has already been approved. How do
22 we know it's the new, updated edition and not just
23 the old one?

24 So is it identifiable by anything
25 other than the name? Are they both called Black

1 Widow, or is one called the Spider? You know, this
2 one Black Widow. Is this Black Widow 2? How are we
3 distinguishing it between the one you're currently
4 are - and - and the old one?

5 MR. FILOROMO: It - it speaks -.

6 MR. FRIEDEN: It's called Eyerly
7 Spider. It was an Eyerly Spider is what it was
8 called or an Eyerly Octopus. It was an earlier
9 version of that.

10 MR. DI DOMIZIO: Okay.

11 MR. FRIEDEN: Ours is the Black Widow,
12 and we're the only one calling it the Black Widow.
13 And again, even the ride itself, even the ground
14 version, we have several of them in parts. But it
15 didn't have a modern serial number, modern data
16 plate, modern drive system. And it's quite visible
17 on the data plate that it is from Battech
18 Enterprises.

19 CHAIR: So to offer just an overview.
20 So if we register rides to make sure the compliance,
21 so that you've been through this process, you have
22 to provide a manufacturer, a model number, and a
23 model year.

24 Right?

25 So that's - that's part of the data we

1 collect routinely on all of the rides registered in
2 Pennsylvania. It goes into our comprehensive
3 Pennsylvania database. Clunky as it is, but it is
4 effective and it has all the information.

5 And wherever there's a disparity,
6 which we can't confirm, then we go out and either
7 start with a picture of the ID plate because we're
8 having a problem identifying the specific ride,
9 which does happen. And if necessary, we go out and
10 visit it if it's older.

11 Right?

12 To determine whether it's an item that
13 we have registered or something we don't. So we
14 rely heavily on the manufacturer's ID plate and an
15 awful lot of historic knowledge and expertise that
16 has existed in the program since its inception.

17 So we haven't come across one that we
18 haven't been able to categorize and determine
19 whether it's - believe or not, we have had one
20 recently that we didn't know they made a new one.
21 And when we found out, we - we put the fix in.

22 MR. DI DOMIZIO: I know you guys are
23 all - you're on your game all the time.

24 CHAIR: That's - yeah. We're very
25 specific. We don't take it by the colloquial names

1 that people call them. We rely heavily and only on
2 the manufacturer, the model number, and specific
3 serial numbers provided.

4 MR. DI DOMIZIO: Thank you.

5 CHAIR: Yep.

6 All right.

7 Board Members, sorry, we went off a
8 little side to this. But are there questions
9 concerning the Black Widow submission?

10 Looks like we're at that time again.
11 Well, sir.

12 MR. REBBIE: Apparently Mr. Gorman
13 can't get through and or be heard. I mean, he's
14 asking - is there any indicative requirements on the
15 ride? He doesn't see any.

16 MR. FRIEDEN: The only requirement for
17 this ride is the board rod needs to be replaced
18 every ten years, and it needs to be -.

19 MR. REBBIE: It's not in the manual.
20 How do you go about that?

21 CHAIR: We go about that by making
22 sure it's okay.

23 MR. REBBIE: Sorry then.

24 CHAIR: No, no. I like that you
25 asked. Yeah, so the question directed to the

1 representative of Battech Enterprises, it's our
2 understanding that you have NPT requirements, but
3 they do not appear to be in the literature that was
4 provided as far as the submission. If you can
5 direct us to it, if it does exist in there, then
6 we'll look at it. If it doesn't, then what you just
7 stated needs to be included and updated for us to
8 move forward with the final approval.

9 So which is it?

10 MR. FRIEDEN: It is not in the manual.
11 It's not on the version of the manual that we have,
12 and you're correct. I'm looking at what I have and
13 it does not have the NPT requirements. But I can
14 upload the numbers. I wanted to say though, the
15 manual I sent to you is one that I provided with
16 ours with the ride. It doesn't have that. I'll
17 email it within the hour.

18 CHAIR: Any other questions?

19 Seeing none, is there a motion to
20 recommend approval in addition to the updated
21 information being received and approved by the
22 Bureau?

23 Or any other motion?

24 MR. REBBIE: I'll make a motion.

25 CHAIR: The one I stated?

1 MR. REBBIE: Yeah.

2 CHAIR: Very good. Is there a second
3 to that?

4 MR. DI DOMIZIO: Just as a question
5 to -?

6 CHAIR: Is there a second? And then
7 we can have discussion.

8 MR. DI DOMIZIO: Sorry. I'll - I'll -
9 I'll second the motion.

10 CHAIR: Okay.
11 Very good. Discussion.

12 MR. DI DOMIZIO: And the discussion
13 I'll make is - is if Mr. Rebbie's going to really
14 include that discussion of Mr. Gorman. So is that
15 included? If it's not included in that motion -.

16 CHAIR: Yes, the motion he has agreed
17 to is recommend approval, conditioned on our receipt
18 and approval of that additional NPT information
19 included into the manuals.

20 MR. DI DOMIZIO: Okay.

21 CHAIR: Is that - that acceptable?

22 MR. DI DOMIZIO: That's - that's what
23 I was looking for. So yes. I second. I seconded.

24 CHAIR: We have a motion, we have a
25 second. Any other discussion?

1 All those in favor, please repeat by
2 saying aye.

3 ---

4 (WHEREUPON, AYES RESPONDED.)

5 ---

6 CHAIR: Are there any opposed?

7 All right.

8 Again, as I said previously to your
9 predecessor on this, you'll hear from us in one to
10 two days depending on the workload of Natalie and
11 how awesome she is. Which means she might even have
12 it out for you today. If you have any further
13 questions, let us know. You do not have to stick on
14 the phone with us, but you're more than welcome to.

15 CHAIR: We're going to move to S&S
16 Worldwide's Steel Curtain. So come on up.

17 MR. FRIEDEN: Thank you.

18 CHAIR: Let us take a moment to get
19 switched and allow the Board members to - to change
20 gears to another submission.

21 We have a gentleman before us, and we
22 have somebody on the phone. So who wants to take
23 the lead in describing the submission?

24 MR. HENNINGER: Rob Henninger with
25 Kennywood. H-E-N-N-I-N-G-E-R.

1 The Steel Curtain is our new
2 attraction for the season. It's the record-breaking
3 nine inversion coaster that we're pretty excited
4 about.

5 CHAIR: How's it been going?

6 MR. HENNINGER: Very well. Couple
7 little hiccups, but we've worked those out. We're
8 very pleased.

9 CHAIR: Well, I - I appreciate the way
10 you get some news. No harm no foul, right?
11 Everything's working just fine?

12 MR. HENNINGER: Correct.

13 CHAIR: Thanks.

14 Joe, on behalf of the program, I know
15 we've been out there many, many times. I know that
16 we have Board members aware of this as the process
17 has gone. So this is - you're here today for - just
18 to wrap it.

19 Right?

20 MR. HENNINGER: We received pending
21 approval from the Board, yourself, and Joe. And
22 then we're looking for final approval.

23 CHAIR: At that moment in time, are
24 there any questions for the Board members? Now's
25 the time to get up and say no.

1 How's the attendance? Has it been -?

2 MR. HENNINGER: Now that we have it
3 open, attendance has been great. The weather helps,
4 too.

5 CHAIR: Yeah, there's no comparison
6 this year to last year. Yeah.

7 MR. PITTMAN: It does make people
8 predict premature death. My 13-year-old grandson
9 said I thought I was going to die.

10 CHAIR: Really?

11 MR. PITTMAN: But it's nothing against
12 him.

13 CHAIR: Is that testimonial?

14 MR. PITTMAN: Yeah.

15 CHAIR: Can you describe him deciding
16 this was a near death experience?

17 MR. PITTMAN: Well, he still got on
18 it.

19 CHAIR: And he'll probably get on it
20 again.

21 MR. PITTMAN: He sure will, yes.

22 CHAIR: All right.

23 I don't see - there you go. Sir.

24 MR. REBBIE: About a month or so ago
25 where we had had the Pennsylvania Music Park

1 Association meeting at Kennywood Park. And as a
2 ride manufacturer, kind of hate to poke at things
3 and see things that probably - but couldn't do it
4 with this one. They had everything under control.
5 I think S&S Power did a beautiful ride, number one.

6 And the - from everybody that I know
7 that rode it, they really came off with a good
8 attitude with that. And that's the thing
9 manufacturer wants to see. I want get back in and
10 ride it again. I mean, personally, I didn't - I -
11 because this neck and back thing going on, so -.

12 But just talking with the maintenance
13 staff, unofficially - the Board members that we've
14 talked - they explained that they knew where there
15 were there were issues with it. And as Rob said,
16 it's probably one of the best rides I've seen at
17 this Commonwealth in the long run.

18 CHAIR: That's pretty high praise.

19 MR. HENNINGER: Appreciate that,
20 thanks.

21 ---

22 (WHEREUPON, THERE WAS A BRIEF INTERRUPTION IN THE
23 RECORD.)

24 ---

25 CHAIR: Might have been a couple

1 phones on at the same time. That's usually what it
2 is.

3 MR. REBBIE: I've seen a lot on - in
4 the social media. I kind of follow things I work -
5 I read comments. There were some nasty ones about
6 it was pretty - why you got to shut it down for a
7 day, blah, blah, blah. You're going to have that.
8 And the other - other stuff must be - must be -
9 really wasn't that bad. Very - very nice at the
10 time.

11 CHAIR: Excellent. Any other
12 comments?

13 MEMBER: I think there was -
14 appreciate that.

15 MR. PITTMAN: It does hold some
16 national records now, doesn't it?

17 MR. HENNINGER: Yes. Nine inversions
18 and the tallest inversion.

19 CHAIR: All right.

20 With that being said, I don't see any
21 further questions from the Board members. Is there
22 a motion?

23 MR. REBBIE: I would think that
24 the -.

25 CHAIR: What's your motion?

1 MR. REBBIE: Motion to approve.

2 CHAIR: Okay.

3 Is there a second?

4 MR. PITTMAN: I'll second it.

5 CHAIR: Okay.

6 Is there any discussion? All those in
7 favor, please respond by saying aye.

8 ---

9 (WHEREUPON, AYES RESPONDED.)

10 ---

11 CHAIR: Are there any opposed?

12 Thank you. In one or two days, maybe
13 even this afternoon, you'll get the letter as you go
14 about your day. Appreciate the time and effort
15 today.

16 Thank you very much.

17 MR. HENNINGER: Thanks.

18 CHAIR: Last on our agenda, but not
19 least, Speed Raceway Mini GoKart Track.

20 We have a representative online for
21 Speed Raceway and Mini GoKart Track? If so, please
22 state your name and spell your last name, slowly.

23 MR. MCCABE: Yes sir. My name is
24 Sean. My last name is McCabe, M-C-C-A-B-E.

25 CHAIR: Would you tell us a little

1 overview of your submission as we move to it here in
2 person, and allow our Board members a moment to flip
3 their notes?

4 MR. MCCABE: Sure. Of course.

5 That would be Minicar manufactured by
6 EuroGames. It's designed for ages three, four,
7 five, and six primarily. It is an indoor electric
8 Go-kart for - sorry. It's electric Go-kart which
9 can be used indoors. It goes up to six miles per
10 hour.

11 Please note on the - on the ride
12 approval checklist, we did send in an updated
13 version, version two. We sent that at about 4:00
14 p.m. yesterday. So I apologize, but I have to bring
15 up the minimum height and age, weight. Everything.

16 CHAIR: All right.

17 I appreciate that.

18 MR. MCCABE: So as for the - sure. As
19 for the manufacturer, there is no minimum height or
20 minimum weight. There's also no maximum height, but
21 there is a maximum weight of 250 pounds.

22 The minimum age is three. And we have
23 the maximum age as six.

24 CHAIR: Joe, have you had a chance to
25 see this particular indoor track and/or its related

1 components?

2 MR. FILOROMO: It hasn't been
3 delivered yet. Randall talked to them and we were
4 both talking to them. The thing about this is, it's
5 similar to a go-kart, but it is not a go-kart. It's
6 a kiddie ride. You drive around the track.

7 But you know, there's some lessons
8 from go-karts already in this manual for the Board
9 and all. And it doesn't go very fast. So the
10 video's kind of speeded up actually. So it's not
11 even as fast as you've seen in your video. But
12 other than that, it's - we have everything. We feel
13 comfortable with it.

14 CHAIR: For everybody present, to kind
15 of give you an idea of how it goes on the Bureau's
16 behalf. So we get a complete submission. We're
17 required to entertain it at the next available
18 meeting. But until it's actually allowed to open
19 and operate, there are some practical hurdles that
20 it must overcome on behalf of the Bureau.

21 So we obviously would have to be there
22 shortly after the items were delivered, and ensure
23 what was delivered was what was submitted to us. So
24 we'll make that independent verification, that the
25 track that they're going to operate on because we do

1 take that into account as part of our approval for
2 this type of item, especially indoor ones - that we
3 take a look at the track, and how it's designed and
4 setup to make sure there's not a design issue.

5 More important for the ones that go
6 faster, but still equally important that we take
7 consideration of how it was designed, the
8 expectations of the driver, and what the safety
9 material and the mechanics of that track are. So
10 those are all things that we take into - into
11 account.

12 Plus, we want to ensure that the
13 operation's manual, or the operations portion of the
14 manual that they've included, is site specific. So
15 they'll be operating it not off the generic
16 operations manual, but actually tailored to the
17 location at which they intend to operate.

18 So all of those things, we'll
19 collaterally take into account once the items are at
20 the site, delivered, and they feel that they're
21 ready to open up the ride.

22 So that's something that we would
23 require to inspect ourselves before we would give
24 any final head nod for them to actually operate.

25 What we're entertaining today here is

1 the submission, and your condition or unconditional
2 - recommendation for approval of this so they can
3 move forward. It's similar to what we've done to
4 any other device, ride, or attraction.

5 With that, are there any questions
6 from the Board members concerning this submission?
7 I see heads nodding. Does that mean you have a
8 question? Have at it.

9 MR. DI DOMIZIO: Thank you.

10 As the Chair, we - we've been down
11 this path before, and I'm quite confused by the
12 words, it's a go-kart, but it's not a go-kart. We -
13 we have - in ASTM, we have various classifications
14 of go-karts from session all the way through racing.
15 And they're limited by their maximum speed that they
16 maintain, also by the ridership, the size of the
17 rider. If it - if it's electric, it requires
18 certain requirements for that.

19 There - there are specific - it's not
20 like the ATSM standards do not exist for this. They
21 do. And I - I've been through it myself on other
22 go-cats. So we might not call it a go-kart, but
23 it's - it's a go-kart.

24 MR. FILOROMO: It did - went through
25 the standard, the go-kart. And the - it didn't fit

1 the definitions strictly under that standard of go-
2 karts, so -.

3 MR. DI DOMIZIO: Which number is that?
4 I was trying to find it in here.

5 MR. FILOROMO: Okay.

6 Do you remember what it was? That the
7 - there was something about the juice or the speed,
8 or - maybe the speed maybe. But anyhow, it's - a
9 lot, you know, kind of applies to it as far as the
10 bumper, the containment system and so on.

11 You know, there are a few other rides
12 that are kind of like that. Bumper cars is not
13 quite the same, much as a horse. There's animal
14 rides in malls. Basically, individual motorized
15 things, you're on a horse or what's, you know -
16 horse or -?

17 MR. DI DOMIZIO: Yeah, but they'd be
18 in a track. Sorry to interrupt you.

19 MR. FILOROMO: No, no. These are not
20 tracks.

21 MR. DI DOMIZIO: So this - this is not
22 a track? It's -

23 MR. FILOROMO: Right.

24 MR. DI DOMIZIO: - controlled by the
25 operator. So it's - it's not limited to - sideways

1 or crashing into another car. We're - I'm not at
2 liberty to add these photos. I didn't receive
3 copies of this. It wasn't on the website. So I
4 didn't look at those.

5 CHAIR: She pulled it from the
6 website. So perhaps there's - we can certainly work
7 with you on this if that's something that we're able
8 to.

9 MR. DI DOMIZIO: Yeah. There are -
10 we've been here before. And it's - there are
11 specific recommendations that I - I mean, just from
12 what I can see here, I didn't see a roll bar. I
13 didn't see anything that would protect the person,
14 protect the person who's in it.

15 Having no age restrictions, no weight
16 restriction, no height restriction, those kind of
17 concern me. They are designed very specific for
18 that - for that reason.

19 That's why they - that's why go-karts
20 are prohibited as categorized. So to say it's a go-
21 kart, but it's not a go-kart is not really a safe
22 signal for me. Unless - unless they can back it up.

23 We're here to take the information
24 that comes in with the application with - with his
25 application and compare it to the ASTM standards

1 that are applied to. And we might not be able to
2 close the chapter at first, but I guess there are -
3 there are ASTM standards that cover exactly this
4 kind of ride. I just can't put my finger on it.

5 MR. MCCABE: As of 2007, the photos
6 for the MiniCar show a roll bar.

7 MR. DI DOMIZIO: The one's we're
8 looking at on the screen here?

9 CHAIR: Right. So I'll - I'll focus,
10 I hope. So you have questions relating to the
11 requirements for the submission. So let me ask the
12 - an attendant, the owner operator this, are you
13 going to allow these to operate on a fixed course
14 indoors?

15 Or is it going to be in a similar
16 wide-open area that people will get on, will
17 interact, drive them in a closed area with no
18 structure other than the boundaries?

19 MR. MCCABE: So outside of the fencing
20 barriers around it, we would also have Kenco
21 barriers set up just like we have for the go-kart
22 here. They'll be run in the same barriers, just in
23 a safe containment.

24 CHAIR: So in essence, a - a category
25 of go-kart with one direction for all drivers to go,

1 the attendants keeping them focused to drive through
2 the course without just being able to go wherever
3 they want, and do whatever they want?

4 MR. MCCABE: Yes, that's correct.

5 MR. DI DOMIZIO: So is there any
6 patterns or restraints - I'm sorry?

7 CHAIR: Well, I don't need to ask a
8 question.

9 MR. DI DOMIZIO: I - I don't - I don't
10 see it. Maybe it's their -.

11 CHAIR: Having indoor restraints for
12 the occupants?

13 MR. FILOROMO: The steering wheel is
14 padded, but there is no other restraint.

15 MR. DI DOMIZIO: So - so it refers to
16 - well, whoever's riding it could, conceivably, stop
17 on the track and get out of the car? This is -.

18 MR. FILOROMO: The operator would have
19 a kill switch. There's a remote control that
20 governs the speed and stop all karts.

21 MR. DI DOMIZIO: Okay.

22 MR. FILOROMO: Any - anything like
23 that would be there.

24 MR. DI DOMIZIO: From a technical
25 standpoint, just for the purpose of the Board, it's

1 - I - I'd be - I'd be looking for compliance with
2 the specific ASTM standards that would apply. So I
3 could just - I could leave it at that because I
4 can't speak to more detail about it based on what
5 I'm seeing here.

6 For the benefit of the Board and for
7 the benefit of the manufacturer it's my
8 recommendation that we would be - we would need to
9 see that. We would need to see the compliance.

10 CHAIR: I'll put you on the spot, Joe.

11 MR. FILOROMO: I - I'm trying to read
12 back through where I did take notes, when I did it.
13 We went through the ASTM standard, and there was
14 something in the standard that may have had to do
15 with the speed of the car, I forget, that didn't -
16 made it aware, it did not fit the definition for the
17 go-kart standard. Even though there's applicable
18 things in the go-kart standard, I think the
19 conclusion of that point that it is more of a kiddie
20 ride.

21 CHAIR: All right.

22 So at this point, I think we, as the
23 owner of the submission, owe the Board members some
24 clarification. So by no means does that mean we're
25 not moving forward with review of the submission,

1 and ultimately an issuance of timely approval.

2 But we have questions that we have to
3 overcome and answer before the - that we're not
4 going to be able to answer today at the board
5 meeting.

6 So we owe at least the Board members
7 to answer of why we reviewed it in consideration as
8 a kiddie ride versus the applicable go-kart
9 standard. Though, I think somewhere along the
10 lines, they both apply and I think we would probably
11 take the best out of both of those requirements.

12 So we'll have to look back with the
13 submitter and the manufacturer to get clarification
14 to make sure both of those concerns are met, and
15 offer to the Board for board consideration and
16 review the extremely near future.

17 MR. MCCABE: Okay.

18 CHAIR: Mr. Pittman has a question.

19 MR. PITTMAN: I sometimes dwell over
20 these minimum and maximums. But I note here that
21 the minimum age is three years of age. So that
22 raises two questions. A three-year-old would have
23 to be four foot, seven, according to the height
24 requirement, which it doesn't occur.

25 Does that then mean that then mean

1 that the three-year-old can sit in front of the
2 driver, and then - and they'll go around the track
3 that way?

4 MR. MCCABE: Okay.

5 Guys, we - we actually sent in an
6 updated version of the ride checklist. They'll -
7 there is no minimum height requirement. That was -
8 that was an oversight.

9 MR. PITTMAN: There's no minimum
10 height requirement?

11 MR. FILOROMO: That's correct.

12 MR. PITTMAN: Okay.

13 What about this age of three years?

14 MR. MCCABE: Yes, sir. That was the
15 recommendation from the manufacturer, EuroGames.

16 MR. PITTMAN: Okay.

17 Yeah, but three - a three-year-old - I
18 mean, a typical three-year-old kid can't even
19 operate something like this. That's awfully young.

20 CHAIR: While every - everybody's
21 thinking, I'll offer for consideration. I - I have
22 - do - do you remember those battery operated jeeps
23 or cars?

24 MR. PITTMAN: What do you mean, you
25 have in your driveway?

1 CHAIR: Yeah, yeah. This is a souped
2 up little version of the same premise.

3 Right?

4 That's why Joe offered it as a hybrid
5 between go-kart and not. This is an electric,
6 larger, cool looking, racecar and course, but very
7 similar in nature to what we would see those toddler
8 age people operating in someone's backyard. That's
9 what you're looking at.

10 MR. PITTMAN: So that's where we get
11 it it's not a go-kart?

12 CHAIR: The Board - the Board has
13 entertained, and approved, the electric, you know,
14 operated wheeled animal skinned cars that sit, like,
15 when you're holding - the - the child sits on it.
16 And they - they're - they do it around in a corral
17 area.

18 MR. PITTMAN: What's the top speed?

19 CHAIR: He said six - yeah. This -
20 this - these are six miles an hour.

21 MR. MCCABE: That's correct.

22 Up to six miles per hour.

23 CHAIR: And so, though, it looks from
24 the pictures in the submission, you might think it
25 was a bigger older brother or sister, it's actually

1 more akin to a toddler - like a big toddler or
2 adolescent attraction which is why we -.

3 MR. MCCABE: Yes, sir.

4 That's correct.

5 CHAIR: Okay.

6 MR. MCCABE: On the EuroGames website,
7 the same exact minicar, there's all different sorts
8 of shells and fittings for it. There's one where -
9 where, like, you have a little ATV or the Flintstone
10 mobile.

11 This one just looks more like a go-
12 kart, and that's our theme in our building. That's
13 why we wanted to submit this one.

14 MR. FILOROMO: We have - also, we do
15 have those power wheels in our system. You know,
16 that little jeep you poke around with. We have
17 those in our system.

18 Now let me bring up something here.
19 ASTM standard covers a lot of different things.
20 Some are subcommittees. But when you have something
21 that's in a subcommittee, that does not limit its
22 scope. It's ASTM F 24.

23 Now, the engineer certified that it
24 meets ASTM F 24 where applicable in Pennsylvania
25 Code, which covers everything. So the whole

1 semantic of whether it's a go-kart or not is not
2 really important. Because basically, it's covered,
3 as he said, ASTM F 24 where applicable.

4 Does that make sense?

5 CHAIR: And - and as a remainder for
6 the Board, what we did - the brand name power
7 wheels, those similar ones. And we always asked,
8 just like we approved bicycles for seatbelts and
9 roll bars on them, tricycles, we're skating areas
10 that are to the benefit of Pennsylvanians, the
11 people out there that would be interacting with
12 these devices.

13 But since we don't have any clear,
14 definitive lines, we want to make sure the most
15 appropriate standards are applied, but not so many
16 that it becomes a burden or cumbersome where that
17 was never the intent for its use. So this is
18 something new, similar to what we did the power
19 wheels on, and the mall animals.

20 And your discussion is absolutely
21 appropriate and on point. And we still owe you some
22 specific answers on what part of the go-kart
23 standard, if any, are applicable.

24 Right?

25 So - and - and if it is, that some

1 requirements are associated with it. But if it's
2 not, we want to be able to clearly answer those
3 questions for you so you have a comfort level in
4 your recommendation. So Joe, and Randall, and I
5 will go back to the books. We'll interact with -
6 make sure he has current. And then we'll push the
7 information out to you in just a few short days. So
8 you will wrap your arms around the information.

9 I believe with Joe where it's a kiddie
10 ride rail, no go-kart ride. But I don't have
11 anything in front of me that says this is why or why
12 not. That's - that's the way we reviewed it when we
13 looked at the submission.

14 Are there any other comments before I
15 ask for a motion? Which will more likely be tabled.

16 MR. MCCABE: No. Not from Speed
17 Raceway.

18 CHAIR: Okay.

19 Is there a motion of any sort
20 that's -?

21 MR. REBBIE: I'd like to motion it.

22 CHAIR: All right.

23 Sir, your motion is?

24 MR. REBBIE: We table this until we
25 have Joe's, Randall's and your recommendations.

1 CHAIR: Very good. Then that will be
 2 - the information for you to review, not just our
 3 opinions. Is there a second to the motion to table
 4 it for the time being?

5 MR. BLANEY: Seconded.

6 CHAIR: Okay.

7 Thank you. Is there any discussion?
 8 All right.

9 All those in favor of tabling this
 10 submission for at least a few short days so that we
 11 have more information, please indicate by saying
 12 aye.

13 ---

14 (WHEREUPON, AYES RESPONDED.)

15 ---

16 CHAIR: Are there any opposed?

17 What that means, for you on the phone,
 18 is that we've kind of delayed this for just a few
 19 short days while we gather some more information.
 20 We'll interact with the Board by phone and email,
 21 and we'll resolve this well before the next board
 22 meeting. But we will probably make an announcement
 23 at the next Board meeting if that's satisfactory for
 24 you?

25 MR. MCCABE: Yes. And again, thank

1 you for your time and the Board.

2 CHAIR: All right.

3 And so you're invited to stay on the
4 phone. You'll be in communication with Joe and/or
5 Randall, or the pair of them, in the very near
6 future. And we're going to move on to new business,
7 starting with -.

8 MR. MCCABE: Okay.

9 CHAIR: You're invited up to the mic.
10 Please state your name, spell your last name for the
11 benefit of all here and our stenographer, and tell
12 us what you got going on.

13 MR. LYTLE: Hi. My name's Pret -.

14 CHAIR: Press the button.

15 MR. LYTLE: Sorry.

16 First name's Pret, P-R-E-T. And last
17 name Lytle, L-Y-T-L-E.

18 CHAIR: The new and improved Gary Joe.
19 And I don't see him here, so I don't even know if -.

20 MR. GLOVER: Craig Glover,
21 G-L-O-V-E-R.

22 CHAIR: Well, welcome, gentleman.
23 Thank you, once again, for being in attendance.

24 MR. LYTLE: Thanks for having us.

25 When Craig and I were driving down we

1 said when's the last one of these meetings where
2 Gary wasn't part of it. Yeah. That's what we
3 thought too. So pretty tough act to follow, but
4 we'll do our best.

5 CHAIR: I have a little picture of him
6 in my wallet.

7 MR. LYTLE: He's actually - was hoping
8 he'd be here, but he's, I believe, in Alaska right
9 now, so he couldn't make it.

10 CHAIR: Couldn't call in, nothing?

11 MR. LYTLE: Yeah. You know, time.

12 CHAIR: Not as dedicated as he used to
13 be.

14 MR. LYTLE: We're here to present
15 preliminarily our new coaster at Hershey Park for
16 2020. The name of the coaster is Candyonium.

17 CHAIR: I get that. That's good.

18 MR. LYTLE: Yeah. That's way above
19 our pay grade, the name. So we'll leave it at that.

20 This is a hyper coaster by Bolliger &
21 Mabillard. This will be - it's the only hyper
22 coaster in Pennsylvania, but there's several other
23 ones in the states. And B&M's a pretty reputable
24 coaster manufacturer. We do have the Great Bears
25 coaster that is in Hershey Park now.

1 Coaster will be located right in front
2 of our new entrance to Hershey Park which is
3 Chocolate Town. It's going to be the highest
4 coaster in the park, 210 foot lift hill. The
5 fastest, 76 miles an hour. And the longest at about
6 nine tenths of a mile.

7 CHAIR: Chocolate Town.

8 MR. LYTLE: Chocolate Town is -.

9 CHAIR: Are you moving the merry-go-
10 round?

11 MR. LYTLE: Pardon me? Yes, sir.
12 Merry go - merry-go-round's moving outside of the
13 main park, right outside of the main gate. So
14 building a new structure around the merry-go-round.

15 CHAIR: Are you pushing the gate up,
16 or - you're making some considerable entrance
17 changes.

18 MR. LYTLE: Very big, yeah. Video
19 shows some of it. There's some dramatic changes
20 around the park.

21 The ride is seven camelback hills,
22 bigger hammerhead curve at the one end, and a
23 panoramic curve around the new fountain going in.
24 Pretty long ride. Almost two and a half minutes in
25 duration. Fifty-four (54) inches and taller will be

1 the ride minimum on it. And each train can take
2 seven - 28 passengers. So there will be four
3 seats -.

4 Comes with a new station, obviously.
5 You got three levels. Lower level's an entry.
6 Queuing area is maintenance area or retail shop.
7 Second level's a ride inspection platform which is
8 really just a catalog area under the ride as opposed
9 to the station. And the top level is where you get
10 on and off the trains.

11 Here's a layout of it. The station is
12 right in this area here. So they get on there, run
13 all the way out to the hammerhead, get back in, a
14 loop here. The new fountain's in that area. Back
15 into the station.

16 So a schematic of the - of the train
17 for the ride and the video here that our marketing
18 people put together, if you go down to the bottom of
19 the screen, you should hit a play button.

20 MEMBER: The black screen here -.

21 MR. LYTLE: I don't know.

22 MEMBER: One right there -.

23 MR. LYTLE: It's serious, though.

24 Thank you.

25 MR. PITTMAN: Who came up with the

1 title?

2 MR. LYTLE: Again, we don't -.

3 CHAIR: It was Gary's doing.

4 MR. LYTLE: I build them. Craig
5 maintains them. Somebody else names them. There's
6 the new front gate there. If you look at this
7 video, there's - it looks a lot different in the
8 video than what it actually looks like in the site
9 now. I had to get used to that as well.

10 MR. PITTMAN: Busy picture for that.
11 We've got a busy picture for that.

12 MR. LYTLE: It's been a busy - we
13 started work right after New Year's this year.

14 MR. PITTMAN: Reconfiguring. I mean,
15 this is your front entrance.

16 MR. LYTLE: That was - to get that
17 done by April, was a - a real - a real challenge.

18 CHAIR: We have the sound off.
19 Kennywood's taking notes back there. We will
20 approve the modifications of the Steel Curtain any
21 time.

22 MR. PITTMAN: What you don't know is
23 the Kennywood people behind you are already drawing
24 up a new ride for 2021.

25 MR. LYTLE: That's the way it works.

1 I understand.

2 MEMBER: Just keeping up.

3 MR. LYTLE: Rollercoaster enthusiasts
4 from Pennsylvania. There's some construction where
5 we're at. This was taken from the new temporary
6 mid-way to drop people into the park. One big
7 challenge of our job was to - park's open all
8 summer.

9 You got to get all these people in
10 there right around an active construction site. So
11 this - that was quite the logistical challenge. You
12 can see the new station in the background coming up.

13 CHAIR: So this is scheduled to open
14 when?

15 MR. LYTLE: Summer of 2020. Memorial
16 Day of next year. So it sounds like a long way
17 away, but -.

18 CHAIR: Well, we're - you're here
19 before us a year out, as you all are. I mean, we
20 appreciate being involved throughout the process as
21 you know it's required.

22 Right?

23 MR. LYTLE: Yep. Here's another shot
24 of the station, construction. You can see the arena
25 in the background to give you a little bit of an

1 idea of where we're at. That's the one - we have a
2 lot of foundations in. That's the big one for the
3 lift hill of the station in the back. You can see
4 the surveyors found a good spot to put a pop up tent
5 on, so they - they set up there, and do all their -
6 a lot of their surveying from there to check in on
7 the location of other foundations.

8 There's foundation construction.
9 That's heading west away from the station. And then
10 we do have a little bit track up. We had to get the
11 track up so we could build a station around it. So
12 we had track coming into the station up, and
13 transfer track in - into the station is up. And
14 that's about it for now. Lift hill should start
15 going up in the near future.

16 That's all we got for now.

17 CHAIR: You're going to save your
18 questions until you guys are going to know if - so
19 literally, they're going to come in and people have
20 two choices, you know, go this way or they're going
21 to -?

22 MR. LYTLE: So what you'll do now,
23 you'll - we built - had to build a new bridge.
24 We're closer to crossing Spring Creek ten times.
25 When you get into the park, you know, it used to be

1 you came into the east side of Spring Creek. Well,
2 we did - we shifted the gate to the west.

3 So they went over an old highway
4 bridge that we were gifted by the township. Then we
5 built a new bridge that would take you into the
6 park.

7 When we're done, the old bridge gets
8 torn down, and that new bridge will - you'll come
9 through the front gate, and head toward the tour of
10 the main park, or they can cross the bridge to get
11 to the new station.

12 There's seven, eight buildings coming
13 up around it. You know, retail buildings, ticketing
14 buildings, a big restaurant, big retail building.
15 Restrooms. So it's - a lot going on right now. But
16 we're getting there.

17 CHAIR: How about more lockers?

18 MR. LYTLE: More lockers.

19 That's correct.

20 CHAIR: I'm assuming in the restaurant
21 in - makes - an entrance was to account for that
22 clearance all the way underneath the - that's taking
23 up all the real estate going -.

24 MR. LYTLE: Yeah. The - the
25 restaurant building's huge. It's - a lot - a lot of

1 space there. And it - we brought the grade up a lot
2 for the park. We always had ADA issues, trying to
3 get people to enter the park, but not in the hole
4 and then you came back up. This is - alleviates
5 that to a large degree.

6 So it should be good for the whole
7 park, but it's a lot of - a lot of effort to update
8 that area.

9 CHAIR: Appreciate you coming out
10 today.

11 Board members, are there any
12 questions? Yeah, absolutely.

13 MR. REBBIE: Just a comment. You had
14 mentioned about the coaster enthusiasts coming.
15 You're right. Next June, they have their
16 international convention, and Hershey Park will be
17 one of those, Funderland and Dorney Park and my
18 company.

19 Having some intel from the Board of
20 base numbers, they're looking at this is probably
21 one of the largest conventions they've had. Because
22 the eastern seaboard has the most stations per
23 capita out of the 5,000 members. So, heads up,
24 they're coming.

25 CHAIR: Is that a -?

1 MR. LYTLE: We're hoping they're
2 coming. We're banking on it.

3 CHAIR: Yeah, absolutely. I mean, you
4 can't discount the expectations. I mean,
5 Pennsylvania and its industries, all of them,
6 continually bumped up their A game. It really sets
7 the national, and in most cases, the international
8 stage for quality, reliability, safety.

9 Right?

10 So yeah, they're coming for sure.
11 Those parks and all the people -.

12 MR. LYTLE: Thank you.

13 CHAIR: Joe, brief comments?

14 MR. FILOROMO: Well, we had a
15 discussion on the Board about this service proven.
16 We've had situations where there was illegal
17 modifications made to equipment, and they show up
18 here and say it's service proven. Nobody can - it's
19 okay.

20 I've had engineers refer to things as
21 service proven as I thought never operated in the
22 past. Definition of this, you know, we have two
23 different things, previously compliant and service
24 proven. In a way, for the past five years - and
25 we've had long discussion about that.

1 I just want to get it into the record,
2 the discussion we had. I didn't want to comment.
3 Bob had a lot of very good points on it. And Steve
4 gave more comments on reinforcement argument or
5 issues that -.

6 CHAIR: Well, it references all back
7 to my previous comments here. Service proven is -
8 is not something that we accept, we're accepting -
9 we have a standard, we're setting standards. ASTM
10 is what we abide by, and Pennsylvania law.

11 And that is not international, not
12 European codes. Our law specifically calls out the
13 ASTM standards and our specific law. That is the
14 benchmark that we try to meet or exceed in all cases
15 unless there's a very unique circumstance, which is
16 very small, and it's rare, small and rare, that
17 service proven or similar exceptions are - all
18 right.

19 So that, I think, speaks for all that
20 whenever we see something coming in as service
21 proven, we have a dialogue with the person
22 submitting it's saying why won't it be Pennsylvania
23 law and ASTM standard? Why are we - why are we
24 calling it service proven? And I'm not - I mean, we
25 have seen it many times in the past. It's just

1 communication issues.

2 Right?

3 It's not that the ride is not capable.
4 That's not the case. It takes a little more effort,
5 time and it takes some money for an engineer to have
6 to go back through all the design elements and test
7 that it needs - that it meets the requirements.
8 Whereas, showing it maintains operations, it's -
9 it's less of a burden on both the owner and the
10 engineer.

11 Right?

12 And we appreciate that. And I respect
13 that. That's - that's allowable, that it's okay.
14 But in many cases, it's not. So I hope that
15 clarifies, at least, my position of that program in
16 consultation with Joe, the resident professional
17 engineer.

18 So is there discussion or concern,
19 questions? Anything to help clarify on why that was
20 brought up?

21 MR. PITTMAN: Well, the verbiage,
22 service proven, is that still permissible? Is that
23 what I'm hearing?

24 CHAIR: Under very, very specific
25 circumstances.

1 MR. PITTMAN: It wouldn't be easier
2 just to eliminate from -?

3 CHAIR: ASTM - it is actually part of
4 that standard. So there is a service - there is a
5 service proven provision in the ASTM.

6 So we either buy it all, or buy none
7 of it. So we buy it. We just say, even under the
8 ASTM, there are very specific parameters on what's
9 service proven.

10 MR. PITTMAN: Bob's analogy, I just -
11 that really hit home for me. It's service proven,
12 that railroad truss hole. But for 70 years, every
13 time a train approached it, it made it across to the
14 other side safely.

15 CHAIR: But that doesn't discount -
16 that doesn't discount the inspection requirement
17 that it must pass ongoing rigorous inspections.

18 Right?

19 So they're - it's not in a bubble by
20 itself that you can just offer service proven with
21 no documentation. Just - it's not really -. That's
22 not the way it's written in ASTM, that's not the way
23 it's meant.

24 It comes - it comes with other
25 caveats. But it does - it does alleviate the

1 requirement for the detailed review as to all of
2 their current, modern, up to date ASTM standards
3 that may be applicable in another instance.

4 MR. FILOROMO: It doesn't give you an
5 exemption. It's not a free pass. But it's
6 noteworthy in some cases. That's about what I feel.

7 MR. DI DOMIZIO: To me, it's - Mr.
8 Chairman, to me it seems like it's - it's just kind
9 of a way of closing the loop. Especially when it's
10 an older - older ride, or it's one that's going to
11 be modified. You say that some - this is what they
12 want. It's not specifically covered in the ASTM.

13 So in order to not ignore it
14 completely, their - their next step is to say
15 service proven. Now that just means, which has
16 brought on a whole lot more work for yourself.
17 Because now we go back to general engineering
18 principles.

19 So I say okay, if I'm not told that it
20 takes a - a new standard, five Gs of force, I'm
21 going to go back and look at it, and say well,
22 that's going to be strong enough to not deflect more
23 than a quarter of an inch or to exceed a factor of
24 safety of five or some other generally accepted
25 engineering practice.

1 So ASTM has done that just for that
2 reason. So they don't ignore it. But it's actually
3 made it a lot more difficult to try to prove it. It
4 comes in here we say hey, service proven. You got
5 to prove it to me.

6 MR. PITTMAN: It's a red flag.

7 MR. DI DOMIZIO: Exactly, yeah. And I
8 did see it in more than one place. And - and
9 unfortunately, it's because a lot of the stuff
10 that's done, it's so very recent.

11 Maybe in the last 12, 15 years that
12 the ASTM standards have gone from being three pages
13 long to now being hundreds of pages broken down into
14 so many specific areas - talking about concession
15 karts, before there wasn't anything. Now there's -
16 now they're broken down into different areas.

17 And I'd be very careful about using
18 words like service - service proven. That's -
19 you're asking for trouble, yeah. I don't like the
20 fact that it's in there, but it is. But how we deal
21 with it, it's not told. It sounds like, how do we
22 deal with it? We're pretty much open to interpret
23 it the way we want to interrupt it.

24 So I appreciate you did agree with my
25 comments and didn't ignore my comment. I appreciate

1 that.

2 CHAIR: Any other comments from the
3 Board members concerning this particular subject?

4 Thank you, Joe.

5 Board member comments?

6 MR. DI DOMIZIO: So I - so I - is this
7 - I meant to show this before. We have a document
8 here dated July 1, 2019 to Mr. Remmert from Tim Horn
9 regarding this Toddler Town Climber. And it
10 mentions no ASTM, mentions no Pennsylvania Code,
11 chapter nine. It just says it's a service proven
12 design.

13 So - and it is sealed by Mr. Horn. So
14 this, to me, was not - would this be acceptable? So
15 here it sits. So is it - is it - is it rejected on
16 that basis? That he simply -?

17 CHAIR: Since - since it's not before
18 you today - it's a conversation to correct the
19 submission.

20 MR. DI DOMIZIO: It's one of the
21 things that I pulled out, this was quite
22 interesting. I was hoping you - you would say that.
23 But that's -.

24 CHAIR: I said it -

25 MR. DI DOMIZIO: Is that -?

1 CHAIR: - without prompting.

2 MR. DI DOMIZIO: Thank you very much.

3 CHAIR: A proven -.

4 MR. HORN: The ASTM standards that
5 apply prior to those devices by Prime Play are
6 included in all these packets.

7 CHAIR: Thank you, Mr. Horn.

8 MR. HORN: Apparently, that happens in
9 review.

10 CHAIR: Thank you for clarification on
11 this.

12 Moving on to Board member comments?
13 Who wants to start us off? Sir.

14 MR. REBBIE: Back in July, the Board
15 received an email from Bob regarding the run in
16 Czechoslovakia, I believe it is. D-O-J - I replied
17 to it a week later after I - I got back from
18 vacation.

19 And - but I only replied to the Board
20 members that Bob sent it to. And then, a couple
21 days later, I received an email directly to me. I
22 don't know if anybody else on the Board would want a
23 copy, but it was from a Benjamin Pfeffer. From what
24 I understand, he's the owner of the ride.

25 CHAIR: P-F-E-F-F-E-R.

1 MR. REBBIE: Yeah.

2 CHAIR: He's present here today if you
3 -.

4 MR. REBBIE: He's here?

5 CHAIR: Yes. So if you have
6 questions, or comments, or concerns, you can
7 certainly talk into the microphone that you are -.

8 MR. REBBIE: I'll just say that I
9 received an email from him stating comments from
10 Robert Di Domizio are not ethical and are
11 unprofessional. He has no idea of the details and
12 the review prior the certification. Euro and DIN
13 standards of focus are much more stringent in the
14 USA ASTM standards. His conclusions are based on
15 limited information.

16 I'm just curious - and I'm sorry.
17 This is apparently a copy, and it may have been
18 forwarded to me. Because it said best regards, Tim
19 Horn, P.E.

20 CHAIR: He's also on the phone.

21 MR. REBBIE: Okay.

22 Well, I'm just curious as to why I got
23 an email amongst just the Board members ended up in
24 their hands. And then I'm getting a disparity email
25 about one of our Board members.

1 What's the point of that?

2 CHAIR: Let's comment one to the
3 other. Joe, would you care to answer the question
4 on how and where?

5 MR. FILOROMO: I don't recall. I
6 really don't know what you meant. I know there was
7 so many disparaging emails, texts -.

8 CHAIR: How about - let me back up.

9 MR. FILOROMO: I can't sort this one
10 out.

11 CHAIR: I believe that Joe passed
12 along the original email with the items that he
13 expressed to the Board to either Mr. Horn, and I
14 don't want to - Heiper? Heifer?

15 MEMBER: Pfeffer.

16 CHAIR: Pfeffer. Thank you.

17 As a means of communication to assist
18 us receiving the information that he believed we
19 needed to direct the submission that, still today,
20 diligently working on.

21 I - I will offer on behalf of Mr.
22 Pfeffer that he, if nothing, is passionate. And he
23 absolutely has a variety of items that we all have
24 to deal with day in and day out that I believe that
25 they were not directed towards the Board in a

1 disparaging manner for what was written. And I'm
2 sure the moment - I'll let him speak for himself.

3 But having had some communication back
4 and forth, I would offer he - he has raised before
5 us. He is an owner operator here in Pennsylvania.
6 He has a good reputation, and a very good
7 reputation.

8 And we appreciate him in Pennsylvania
9 and going through the work process along with the
10 rest of your family. And we know that this is the
11 only experience on both parts on what - what we
12 require to do our jobs diligently.

13 And I understand you wanted to operate
14 this as part of the headliners for some of your
15 shows. I get it. I understand. However, we can't
16 circumvent the process that we have in place that
17 everybody, big parks, and little operators alike,
18 abide by.

19 And we'll do our best to move through
20 this process as quickly as we can to get to results
21 that we're all satisfied with, which ultimately will
22 be an approval of the ride in question.

23 So I will offer that when that became
24 out back and forth, there was a lot of emotion
25 attached to it. Some of it was on Ben's part. Some

1 of it was on our part. Whether it was me or by
2 proxy, Joe. But ultimately, we - we regained that
3 level of professionalism and moved past it. So I
4 would offer, on both parts, there was a sincere
5 apology offered to us concerning the back and forth
6 on social media and, you know, the email chain.

7 I believe Joe honestly shared the
8 email because of the content of the items we were
9 looking for, or to expedite the process to get the
10 information returned. And there are some other
11 items that I'll leave for the family to whether they
12 want to decide.

13 I - I appreciate the circumstance
14 we're in, and even today, show them that they - that
15 we're here to answer questions should they arise.
16 That they would offer, they want to get through this
17 process, and give us whatever we need to move this
18 process along.

19 Did I get close to it right? I don't
20 want to - you - you're welcome to come up and
21 comment if you want. You are welcomed to if you'd
22 like. You can comment on his behalf, that's fine.

23 ATTORNEY RIVERA: Yeah. I'll comment
24 on behalf -.

25 CHAIR: Just remember to spell your

1 name so that - so we can recognize it on the record.
2 Okay.

3 Well, hang on a second. We'll let him
4 finish.

5 Go ahead.

6 MR. REBBIE: And in my response to the
7 Board - I apologize for being late. I was at
8 another hearing. And I was catching up with the
9 emails. After I looked over Mr. Gorman's, Mr.
10 Nesland's, and Mr. Di Domizio's responses, my
11 response was I feel that - that was required to
12 operate this ride in the Commonwealth of
13 Pennsylvania.

14 So I agreed with - with Gorman,
15 Di Domizio and Nesland. And I said, if we were to
16 take vote, I would say no, I'm going to allow it. I
17 was just curious what he thought was necessary to
18 respond back to me.

19 And was it your way of trying to
20 persuade me, your way of spouting off steam?
21 Because as a manufacturer, yeah, I get frustrated
22 with things, customers, employees.

23 But I don't go unprofessional like
24 that by sending other Board members remarks like
25 that. I just don't like it. I don't think that's

1 right. I can't speak for the rest of the Board, but
2 that's how I feel. If you want to see the email,
3 I'll be happy to give you a copy.

4 ATTORNEY RIVERA: I've thoroughly
5 reviewed everything. I can always - my name -.

6 CHAIR: Please.

7 ATTORNEY RIVERA: My name for the
8 record, Nathaniel Rivera, N-A-T-H-A-N-I-E-L,
9 R-I-V-E-R-A.

10 So I can't attest to my client's
11 intention with regard to that email. But my
12 understanding is this sort of - and correct me if
13 I'm wrong, is just to make sure everyone had that
14 email. Those words were specifically words of Tim
15 Horn, your professional engineer.

16 While again, I do recognize that this
17 is a heated situation - and I mean, no disrespect to
18 anything that you guys sit down here, or to anyone
19 here today. It is tense. It is tough. And I
20 understand that there's sometimes some hostility at
21 issue.

22 The fact of the matter is, we're
23 looking at a ride approval process. And that's sort
24 of why I'm here today, to step in, alleviate some
25 communication issues. And again, the fact of the

1 matter is we're not approving people. We're not
2 approving things. We're simply approving a ride.
3 It's a manufactured piece of equipment. That's
4 what's under the scope here.

5 That being said, again, my client has
6 specifically - did not personally author that email.
7 Those weren't Ben's comments that something was
8 unethical. And well, again, Ben is very qualified.
9 He's very well known in the industry.

10 But I - he is not an engineer. He
11 wouldn't be able to comment on the ethical nature,
12 if there really is, unethical nature to engineering.
13 It's science.

14 MR. REBBIE: I have a question about
15 that. Did anybody else from the Board receive this
16 email?

17 ATTORNEY RIVERA: The email, again, be
18 that as it may, I don't think it was made with any
19 intent or malice. You know, I can tell by the look
20 on your face that you happen to disagree. I
21 understand that.

22 And again, what we're here for is
23 essentially an approval of a ride. That - that is
24 what we're here for.

25 That being said, I do have some

1 concerns. Not necessarily with the job of the
2 Board. I think the Board's doing a fine job.
3 Obviously, at the end of the day, this is about the
4 safety of people who reside in the Commonwealth of
5 Pennsylvania. Nobody's trying to compromise on the
6 safety for anyone here.

7 For you, the manufacturer, I can
8 assure you that they are not purposely evade
9 anything. My concern is, simply, with the
10 regulations as written.

11 The basis of denial as I understand it
12 in most situations is due to the fact that standards
13 aren't conformed to, you know, ASTM, ASTM 24,
14 various iterations of whatever code or standard that
15 Pennsylvania legislatures chose to adopt.

16 My concern is with regard to the
17 regulations as written. And I think going through
18 this process again, attempting to get all the
19 information that the Board would like to have in
20 front of them, my job is not to make this more
21 difficult for anybody.

22 My job's solely to make it easier.
23 I'm going to communicate with everyone as needed. I
24 want to get you all the information that you could
25 possibly want or need, even more if you happen to

1 require it. I'm happy to do that for everyone.

2 And I think one concern here, and I
3 believe it would be good for the Board to consider
4 at this time is considering the adoption of
5 additional regulation. And this is coming from a
6 person - wait a minute, I represent a client. Why
7 would I want additional regulations? It seems kind
8 of counterintuitive from that type of perspective.

9 But for the smaller shows in the
10 traveling industries, as formerly an employee of a
11 smaller show, I think a big concern is that there
12 is, unfortunately, a relative lack of guidance, so
13 to speak, as to what's required.

14 Yes, there are obviously things that
15 need to meet the engineering standards. And then
16 you have an engineer sign off, saying that yes, this
17 product does, in fact, meet those standards.

18 As part of the regulations, there's
19 supposed to be - within 30 days - 30 days of
20 submission of the application, either a formal
21 denial stating the reasons for the denial, a formal
22 approval, or a request for additional information.

23 I would just simply ask that
24 potentially the court - the court? My apologies.
25 Used to litigating.

1 I would think that if the Board, be
2 that as it may, interview some - or interview, I'm
3 sorry - reconvene at some time in the future and
4 consider possible additional regulations brought on
5 by members of the industry, to say hey, you know,
6 the next time a ride comes - this is not necessarily
7 me addressing this particular wheel.

8 But for future reference, a sort of
9 list, a guidelines, so that way, each of these
10 individuals, and owners, and operators, and even
11 manufacturers, can go down and say hey, they want an
12 electric cinematic. Hey, they want information
13 pertaining to the power supply. They want
14 information pertaining to the riders.

15 Because yes, generally speaking, you
16 know, all that stuff is covered within those
17 engineering standards. But not all of us are
18 engineers.

19 I - I'm an attorney, and I'm, you
20 know, fortunate that I have somewhat of a mechanical
21 background right now. Obviously, I don't have the
22 professionalism of Mr. Di Domizio to say, well, this
23 is something that would be required under this
24 standard.

25 And I think if there's some way that

1 the Board could work this, together and with other
2 members of the industry possibly, come up some sort
3 of list. Now obviously, standard things. Like
4 owner's manuals obviously is something that -
5 standard that should always be included.

6 But my client received a series of
7 comments back in request for information. Some of
8 it was requesting for information. Some of it was
9 just kind of general commentary. And then others
10 were things that, you know, should have been, like,
11 mentions of updates in the manual or things along
12 those lines.

13 And I think if we can kind of all
14 collectively work together, and come up with some
15 sort of system, or some sort of list essentially,
16 the general outline of everything that's required,
17 top to bottom, it would not only make the Board's
18 job easier here as the documents would be readily
19 available and in front of everybody. And it could
20 be updated regulation wise to be included in the
21 application packet.

22 Again, this is something the Board has
23 power to do. While there is kind of a statutory
24 scrutiny as to the exact power the Board can
25 manifest over the approval process, specifically

1 because it wasn't given to the Board in the
2 Legislature, but it would - does have the power to
3 revise and consent. And it does have the power to
4 recommend regulations.

5 And I think this would be a
6 significant step in the right direction for the
7 industry. So not only would the manufacturers and
8 the operators of these rides know exactly what they
9 have to provide, right up front - and I understand
10 to some extent, there's going to be variance.

11 A Ferris wheel is very different from
12 a merry-go-round. It's very different from those
13 kiddie rides/go-kart things that were previously
14 brought up before.

15 But I think if there just can be a
16 general outline that, essentially, will not only
17 assist the operators, assist the owners, assist the
18 engineers, but also assist the advisory board. It
19 can be as simple as a checklist. Just an easy way
20 to determine.

21 So I know, for instance, my client had
22 submitted their application packet back in April.
23 It was in full conformance with the requirements of
24 the law. It was not a previously registered ride.

25 So it had the certification under the

1 seal of the engineer that it met all these
2 standards. And then the power supply became an
3 issue. And granted, the power supply in and of
4 itself, especially the transformer that was related
5 to the ride, is not part of the ride. It's all -
6 it's not manufactured with the ride. It did not
7 come with the ride. It had to be purchased
8 separately.

9 But nonetheless, I think using this as
10 an almost an exercise - going back to the comments
11 maybe that have been lodged to other different
12 manufacturers and owners saying hey, you know, when
13 this person had fair - merry-go-round come in, these
14 were issues that were brought up. And this was
15 additional information we asked to have.

16 Because I think, unfortunately, as the
17 regulations are written right now, there is no
18 outline as to why it denied this issue. Again,
19 there are inspection requirements, it's required to
20 be certified to meet certain standards.

21 But the regulations are silent as to
22 why exactly an application, not necessarily the
23 ability to operate the same - obviously, if it fails
24 an inspection or it's not safe, it shouldn't be
25 operating.

1 But then, it begs the question, if
2 something fails an inspection after it's approved,
3 do we immediately pull the registration? How do we
4 move forward from that?

5 And I think the big issue here for me
6 today is there needs to be more guidance as to the
7 manufacturers and the owner, operators so they know
8 how to comply. And I think in addition, there just
9 needs to be a little more adherence as far as the
10 regulations of the approval process. I know that
11 the - yes.

12 CHAIR: I appreciate that we gave an
13 opportunity to answer his - his question. That is,
14 as a Board member comment, I suspect if you stay
15 seated, you'll probably have an opportunity to
16 continue. But let's try to get through the rest of
17 the Board process.

18 ATTORNEY RIVERA: I understand that.

19 CHAIR: Right.

20 Just to be clear for the record, we're
21 all aware of the pending application that Mr.
22 Rivera's representing. And - and it's not on the
23 agenda for today.

24 And I would not have invited comments
25 except I wanted - because we have people present to

1 - to be firsthand to be able to answer the Board's
2 questions. And should there be additional
3 questions, I will offer them to feel free to
4 continue to have that one-to-one conversation.

5 However, we need to stay with the
6 agenda and to move forward with our Board member
7 comments. And then if the --- we're done with this,
8 then we'll go ahead and entertain any additional
9 questions if I have time for you, absolutely today.

10 But I will offer, you were on point
11 with your comments. They are recommended by,
12 ultimately - and this is - a working relationship
13 with the Board is fantastic selectively and
14 individually.

15 The onus is on the Department. The
16 Department, the Secretary, who defers that sometimes
17 to a representative, in this case me, to make those
18 changes, to sign off, to vote in his stead. So we
19 own this.

20 Right?

21 They recommend. So your impassioned
22 plea is to us, just to be clear.

23 All right.

24 We're on Board members -.

25 MR. DI DOMIZIO: Yeah, it really helps

1 - if I could just make a comment?

2 CHAIR: Absolutely.

3 MR. DI DOMIZIO: It - it helps when -
4 and I think Mr. Rivera has a valid point. And - and
5 we are - we are open that we might send a -

6 CHAIR: Checklist.

7 MR. DI DOMIZIO: - question.

8 And I might answer a question, but I'm
9 under the assumption that Joe works for you. And
10 you, in turn, disseminate that response. It's not -
11 it's not meant to be secret. So we have nothing to
12 hide.

13 I think Mr. Rebbie is correct, that he
14 felt like a response was directed at him. So it
15 needs to be understood that any - anything, coming -
16 either coming from the Board or from the public,
17 should come directly to - to you, to the Chairman of
18 the Board, for nothing more than just the respect
19 afforded this Board.

20 He - he shouldn't get - I mean, I - I
21 got pretty thick skin. But I understand him. I
22 don't - I don't like it. But I will also engage in
23 academic discussion as - as asked.

24 And I take issue that we - we don't -
25 we don't make up our rules. We're - we're not the

1 ones that have to prove that the ride is - is in
2 compliance with the Pennsylvania Code. The - the
3 reason we're here is to see the evidence come to us
4 and make recommendations for you.

5 So for us to have to go out and prove
6 the case, it's - doesn't really work that way.
7 Unless there's a discussion like there is now
8 between - if there's an exception.

9 Nothing that anybody - at least it
10 should, at least in my camp, I'm not going to stick
11 my neck out for anything that's not written down and
12 that's not in the codes. It'll be either from -
13 from my professional opinion as recognized by the
14 Commonwealth of Pennsylvania. Just as I write this,
15 as I recognize the legal argument coming from - from
16 an attorney. So it's the same way.

17 But I still see - I still feel that
18 Mr. Rebbie was singled out.

19 CHAIR: Mr. Hall?

20 MR. DI DOMIZIO: Unless - please try
21 to avoid that confusion.

22 MR. HALL: For his comments?

23 CHAIR: Absolutely.

24 MR. HALL: Never having been a fan of
25 the telephoned in applications, I might compliment

1 Mr. Henninger from Kennywood and Idlewild, and Craig
2 and Chris from Hershey Park. They, along with
3 Dorney Park and Knoebels, I believe, come in here
4 well prepared. They gave us previews of what to
5 expect months down the road.

6 And I can't understand sometimes with
7 the investment involved why more of these applicants
8 don't make an effort to get here for our quarterly
9 meetings. It's so much easier to deal with these
10 people when they're sitting there in front of us.
11 They bring in presentations, and they're open to our
12 questions.

13 It's - it's easier for me, and I'm
14 sure fellow Board members. And we do get personal
15 representatives from the applicants. I don't know
16 about my Board members, but I certainly appreciate
17 that. And that comes from somebody who's been on
18 this advisory board since 1992.

19 That said, I'm going to read something
20 that I came across. It's quick, but it opens up
21 some field of jurisdiction for us possibly.

22 Venturing into the theme park and attractions field,
23 Feld Entertainment will debut its Monster Jam Thrill
24 Alley from September 14 to November 3 at Dorney Park
25 and Wildwater Kingdom in Allentown, PA.

1 This is what has me concerned.
2 Oversized and unique trucks from - the arenas
3 staging Monster Jam will be featured with park
4 attendees urged to, quote, get up close, sit in, and
5 even ride in some of your favorite Monster Jam
6 trucks, end of quote.

7 Does that come under our jurisdiction?
8 Where a new attraction is being urged that riders
9 get in, and experience an on motion action?

10 MEMBER: I - yep. I would - I was -.

11 CHAIR: I would answer.

12 MR. HALL: Would you say that -?

13 MEMBER: No, no.

14 MR. BLANEY: I probably got more
15 experience with monster trucking rails than this
16 room. But there's ride trucks from all over the
17 country, the operator fair, operator wherever. I
18 would see no reason they can't operate there.

19 MR. HALL: I'm not saying they can't
20 operate. I'm asking the fact that they're invited
21 to ride. Patrons of the park are being invited to
22 ride in the vehicles. Does that fall within our
23 jurisdiction as an amusement park ride or
24 attraction?

25 MR. BLANEY: If - if it does, then

1 we've got a lot of fairs we're going to be going to,
2 because they're using ride trucks -.

3 CHAIR: The - the simple answer, as of
4 today, is no. That is outside scope, similar to, I
5 don't know, hate to bring it up, hayrides that run -
6 that entertain today.

7 So there is an applicable oversight
8 for vehicles. There - there's rules, regulations
9 that an oversight ride is not. So similar to
10 elevators, sky rides that are used outside of the
11 amusement park or trans that are used to transport
12 people back and forth, they may fall under different
13 places.

14 It is our opinion through our legal
15 office today that we could, because our law allows
16 us to wrap our arms a lot of things based on the
17 generality of our definition, but it is not a - a
18 definitive, absolutely, you must oversee this.

19 So at this point, the way we're
20 handling it, Dorney did ask us first for our opinion
21 before they ever made that announcement. So they
22 were very forthright and up front months and months
23 ago about this. And we said, at this time, we are
24 not considering those as rides that would require
25 our oversight.

1 MR. HALL: Second point, I - I - back
2 in the summer, early summer, late spring, I saw a
3 television ad. I believe it was for AT&T. And it
4 was about safely securing somebody on an amusement
5 ride. And the patrons, it was a woman and her son,
6 asked what happens if the safety bar comes loose and
7 there's an accident. And the ride operator said we
8 leave town.

9 And I thought wow. All the effort we
10 go through here to create ride safety, and a
11 national advertiser's telling you that they're
12 basically fleeing the scene.

13 And I thought maybe that requires some
14 sort of follow-up by our department to the AT&T, or
15 whoever it was. I think it was AT&T. If not the
16 company itself, at least he advertising arm because
17 we stress safety. And here they were telling you
18 how to beat the charge. Just a thought.

19 I ran into something this summer.
20 They called it a banana boat, but if I could name
21 it, I'd call it an aqua rocket. It was yellow and
22 shaped like a long banana. It was towed by water
23 skis or a motorboat and seated five. They held on,
24 they all had to wear life jackets.

25 I heard just scuttlebutt talk that an

1 adult had to be with the riders. And they were
2 towing them around on a lake in Michigan.

3 And I don't know whether if any of our
4 amusement park and facilities have encountered this,
5 but I'm sure it would be a good money making
6 attraction, but one that requires good supervision.
7 Have anybody - has anyone in this group encountered
8 the Banana Boat? I - I believe it will be coming.
9 It was extremely popular where I saw it. And the
10 kids couldn't get enough of it. Made in China. It
11 was made in China. It was inflatable.

12 Talking about inflatables, I ran into
13 a celebration on the 4th of July in Chestnut Hill,
14 Philadelphia. And they said the recreation
15 department in the City of Philadelphia had banned
16 all inflatables on their property. Are you aware of
17 anything like that, Mr. Makrias?

18 MR. MAKRIAS: I am aware that the
19 local jurisdiction has tried to make statements on
20 the misuse of inflatables. I often deal with
21 requirements - so it's not something I've
22 consistently heard of, but it's something that I've
23 had to deal with before.

24 MR. HALL: Well, I got thinking, maybe
25 there have been incidents on City of Philadelphia

1 properties that have made them come up with this,
2 either through suggestion. But I don't know if we
3 have any record of that.

4 MR. MAKRIAS: I can't speak to the
5 records for the department, but - but most of the
6 times, cities or parks make their statements because
7 they fear the liability that's associated with
8 inflatable, generally speaking.

9 Accidents aside, it's just a safety
10 precaution that they take preventatively. That's
11 part of the -.

12 MR. HALL: Thank you.

13 Another point, a friend of mine, an
14 88-year-old mother walked into a celebration in
15 Ambler a few months ago. It was a charity event and
16 celebration combined.

17 And she was struck by a zip line
18 rider, knocked down, suffered lung damage, various
19 fractures, and it was on private property. How do
20 we ever - how do we ever have things like this
21 happen without us being notified?

22 CHAIR: It should've been reported.

23 MR. HALL: It should've been reported.

24 CHAIR: Of course.

25 MR. HALL: Well, it's news to you,

1 isn't it?

2 CHAIR: It is.

3 MR. HALL: And - and when this fellow
4 told me about this 88-year-old mother being felled,
5 which she made a remarkable recovery, I thought it
6 sounded like outlaw operation where you just stick
7 up a zip line and the public's ingressing and
8 egressing from the spot. And bang, you have an
9 accident like that, but -.

10 ATTORNEY FILOROMO: Find out the date
11 and where?

12 MR. HALL: Dates and where? I think
13 that would be easy for me to do, but I'm not looking
14 to create any trouble, but I'm sure there's going to
15 be some lawsuits on this, you know.

16 CHAIR: We would rather be aware of it
17 and looking into it than -.

18 MR. HALL: Do you want me to try to
19 get further information?

20 CHAIR: Absolutely.

21 MR. FILOROMO: That might be an
22 entirely illegal operations as far as I know.

23 MR. HALL: Well, that's what it
24 sounded like to me. But they took the woman to the
25 hospital, they had an ambulance and everything else.

1 And she was hospitalized for a long while. But 88
2 years of age.

3 CHAIR: The question is whether it was
4 reported. We haven't heard or seen anything like
5 it, I can only assume -.

6 MR. HALL: Well, I have a number of
7 Board comments, and that's it for today.

8 Thank you.

9 CHAIR: Thank you, Mr. Hall.

10 Mr. Blaney?

11 MR. BLANEY: Comment on the - the ads.

12 Two - two state organizations,
13 Pennsylvania Showmen's Association and the
14 Pennsylvania State Association of County Fairs, both
15 raised hell with people about that. That ad
16 disappeared pretty quick.

17 CHAIR: Occasionally, we see what
18 people think is a good idea go flat until they start
19 getting blowback from it. So whoever approved that
20 to be on the air probably is not employed.

21 MR. BLANEY: Yeah. They probably
22 don't have a job there.

23 CHAIR: That's my guess.

24 I agree they are inappropriate. I
25 understand the context in which it was offered on

1 the commercial, still wholly inappropriate.

2 MR. DI DOMIZIO: Quick question for
3 you, Mr. Chairman.

4 We talked before about Internet access
5 in the building. I noticed that we still - do we
6 have it in here now? Because we have -.

7 CHAIR: We have all of the hardware.

8 MR. DI DOMIZIO?: We have three
9 inactive networks right now in here.

10 CHAIR: So they have all of the
11 hardware installed.

12 Okay?

13 And we have yet to receive the keys to
14 the kingdom on how to access it.

15 MR. DI DOMIZIO: Well, good. I see
16 COPA-Campus -.

17 CHAIR: That - that - that made
18 progress to the point where if they can get the
19 security of it locked down to meet with the
20 Commonwealth requirements, they would release the
21 actual code.

22 MR. DI DOMIZIO: Okay.

23 Was - and if what I - what I brought
24 with me today wasn't - people might be interested in
25 it, is a mini Wi-Fi.

1 CHAIR: Sure.

2 MR. DI DOMIZIO: Have you ever seen
3 these? These have become very popular because you
4 can take them to hotels, and - and it's a secure
5 connection rather than just going into your hotel
6 room and hooking up to - hooking up to the hotel Wi-
7 Fi. So it's \$20 a month. But it's become very
8 popular.

9 So right now, you can - if you look at
10 yours, you'll see that my Wi-Fi is mini Wi-Fi. It -
11 I wanted to just - so it looks like you're already
12 there.

13 So I'm happy that you're - we're
14 moving in the right direction. I rely on putting
15 all that stuff on the cloud when I come here.

16 CHAIR: We're work - we're working
17 towards the capacity, especially for the folks who
18 rely on it.

19 MR. DI DOMIZIO: Well, good. Good.
20 Glad to hear that.

21 CHAIR: Any other Board member
22 comments?

23 Okay.

24 And as always to make it easier, I'm
25 going to offer the time for public comments.

1 Mr. Rivera, that means that if you
2 have some last, small comments to make to the Board,
3 or - I'm absolutely here and available after your
4 recess.

5 ATTORNEY RIVERA: I'll just make a
6 brief comment real quick. From here on out, and my
7 apologies to the Board, all of my communication will
8 be through Mr. Remmert.

9 Likewise, all communication for me
10 will be through you at this point in time. I
11 advised my clients of the same thing. There's to be
12 no further, you know, either perceived or real
13 slights against anyone.

14 This is very much just - and as Mr.
15 Remmert said, a very professional situation. We're
16 just here to get a ride approved. I'm here to do
17 right by my client, and I understand everyone here's
18 to do right by the people of the Commonwealth. And
19 that's, essentially, the process we are here for
20 today.

21 And that's all I have.

22 CHAIR: I appreciate that, and we will
23 continue to work through to a resolution on this. I
24 guarantee it. We haven't failed in one yet.

25 Any other public comments?

1 Seeing no Gary Joe, I'm going to
2 assume that we'll have - we have - we are in receipt
3 of the PACE fall seminar, as we are the safety
4 seminar information. So that is going through its
5 process. So training continues.

6 Sir.

7 MR. SHAW: Derek Shaw, S-H-A-W.

8 And piggybacking on Gary Joe, he says
9 hello and wishes everyone the best. He's on an
10 Alaskan cruise with his wife, or he probably
11 would've been here.

12 The other thing I wanted to talk about
13 was a personal motion on the Steel Curtain
14 rollercoaster at Kennywood. I attended the media
15 day and I got to say I do not like inversions. I'm
16 not afraid of inversions, the restraint system is
17 just horrible. They do a number to my neck.

18 But S&S Worldwide has figured out how
19 to perfect the inversion. It works, it's well done,
20 it's well paced. And the proof is in the pudding as
21 I expected to ride this ride one time and I'm done,
22 don't ever have to ride it again.

23 I was in that station over 15 times
24 that day and enjoyed every single ride. So S&S
25 Worldwide knows how to make inversions and make them

1 work well.

2 And there is a T-bar restraint system.
3 And it's - it's very well done. No
4 over-the-shoulder, dreaded restraints.

5 CHAIR: See, I knew we had time for
6 you.

7 MR. SHAW: Good.

8 CHAIR: It was just a matter of when
9 and where.

10 MR. SHAW: Sure.

11 CHAIR: Appreciate you coming, as
12 always.

13 Any other comments?

14 Seeing that we've expired our agenda,
15 and I don't know that there's any additional
16 comments, I need one last motion of the day. You
17 want to make -?

18 MR. REBBIE: Sure. I make motion to
19 adjourn.

20 CHAIR: Is there a second?

21 MR. PITTMAN: Yes, second.

22 CHAIR: Any discussion? All those in
23 favor, please respond by saying aye.

24 ---

25 (WHEREUPON, AYES RESPONDED.)

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CHAIR: Thank you all for your time
and indulgence.

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HEARING CONCLUDED AT 12:05 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding was reported by me on 08/20/19 and that I, Derek Richmond, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 31st day of August, 2019



Derek Richmond,
Court Reporter