

**Carnival and Amusement Ride Safety Advisory Board
Meeting, December 3, 2020
Held Virtually via Microsoft Teams**

Board Members Present

Edward M. Smith, Chairman
Albert Belmont
Lawrence Cohen
William Gehlhaus
Debbie Henderson
Geoff Rogers
Len Turtora

DCA Staff Present

Carrie Battista, Bureau of State and Local Code Inspections
Marie Daniels, Code Development Unit
Paul Lamberti, Chief, Bureau of State and Local Code Inspections
Ashraf Tahoun, Carnival-Amusement Ride Safety Unit

Guests

Brian Koshefsky, Amazing Amusements
Edward McGlynn, NJAA
Lary Zucker, NJAA

A. Mr. Edward Smith, Chairman, called the meeting to order at 10:30 a.m. Roll call was performed.

B. Approval of the Minutes of June 3, 2020

Mr. Albert Belmont made a motion, which was seconded by Mr. Geoff Rogers, to approve the minutes without change. The motion carried unanimously.

C. Old Business.

1. Draft Rule, N.J.A.C. 5:14A-1.2 and 4.13, Definition of Injury Types for Incident Reporting
Mr. Edward Smith, Chairman, introduced this item to the Board and opened for discussion. Board members felt that the proposed changes would address the current concern that the definitions are too broad.

Mr. Geoff Rogers made a motion, which was seconded by Mr. Lawrence Cohen, to approve the draft rule. The motion carried unanimously.

2. Draft Rule, N.J.A.C. 5:14A-11m Go-Kart Operations

Mr. Edward Smith, Chairman, introduced the draft rule and opened for discussion. One member asked if updating the ASTM standard would affect go-kart operations already in use. Mr. Ashraf Tahoun explained that this change would only apply to new go-kart operations and any new or fully rebuilt karts added to existing operations. The Board and Mr. Tahoun discussed a number of hypothetical examples of the applicability of the rule for clarity.

Mr. Paul Lamberti noted that, when the Department began its review, F2007-12 was the most recent edition of the standard. Since that time, F2007-18 has been published. The only difference between these two additions is one paragraph in the scoping of the standard; as such, the Department would like to propose that F2007-18 be adopted rather than F2007-12.

Mr. William Gehlhaus made a motion, which was seconded by Mr. Geoff Rogers, to approve the draft rule and utilize F2007-18. The motion carried unanimously.

D. New Business

1. Carnival/Fairs Electrical Systems – Effective November 2020

Mr. Edward Smith, Chairman, notified the Board that this rulemaking was adopted effective November 2020. He explained to the Board that he understood that, due to COVID-19, the timing of this adoption poses a more pressing hardship than anticipated; however, there is no way to turn back the effective date once the rule has been adopted.

2. Refunded Permits due to COVID-19

One Board member stated that the industry, specifically a number of rental companies, feel that there has been a disparity in the way the Department is handling refund permits. The Department's policy has been applied to rides where the permit was paid for, but no inspection was performed. For many rentals, the inspection was performed, but the rides were not operated. The Board member noted that it would be fairer to all throughout the industry if the credit could be applied to anyone who was inspected but did not operate and noted that owners would also be happy if any equitable arrangement could be found.

Another Board member noted that extending those approvals into the next season would ensure that owners are not paying again for rides that did not operate. One Board member also asked whether an NDT is needed again if the cars never operated after being approved. Mr. Ashraf Tahoun explained that a new NDT is needed unless the manufacturer provides a letter extending the NDT. One member asked whether there would be timing issues for renewals, and Mr. Tahoun assured the Board that turnarounds will be quick for renewals.

Mr. Edward Smith assured the Board that these comments will be taken under advisement.

E. Ride Statistics

Mr. Paul Lamberti presented the ride statistics and noted that, again due to COVID-19, all numbers are lower than they have been in previous years. In addition, staff did not separate the transports from the number of serious injuries, so those numbers look higher than usual.

F. Public Comment

Mr. Brian Koshefsky, Amazing Amusements, reiterated the hardships discussed previously during the meeting as it related to permit fees. His company paid \$20,000 for permits, and only operated one time for the year. In addition, because his company received a number of deposits for events that could not occur, they are honoring those deposits for next year, meaning that there will also be no profit at that time. He informed the Board that he has sent letters to the Governor and Legislators for relief.

The Board was in agreement that the refunds that were sent by the Department were invaluable, and they would like to see if any relief could be provided for rental companies. Mr. Smith again assured all in attendance that the Department would take this under advisement.

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Mr. Lary Zucker, NJAA, stated that NJAA usually holds an expo in Atlantic City each February where someone from the Department attends and presents any updates to rules that will be in effect the following season. He asked whether the Department had a way to reach out and notify members of the amusement industry of any major rule changes should the expo be cancelled. Mr. Paul Lamberti stated that the Department is already doing outreach to ensure people are informed of the changes for Carnival-Electrical systems; the same will be done when the injury definitions are updated.

G. Adjournment

Mr. Albert Belmont made a motion, which was seconded by Mr. William Gehlhaus, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 11:30 a.m.

H. Next Scheduled Meeting

March 18, 2021.