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Minutes

Board of Elevator Regulations

One Ashburton Place, 13th Floor Room 1301, DPS conference room

August 2, 2016 - 1:00PM

Board Members Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
David Morgan
Cheryl Davis
Harold J. McGonagle
Michael J. Nicoloro Jr.
Thomas Riley

Guest Present:

Deirdre Hosler (Deputy General Counsel)
Stephen Carley (Assistant General Counsel)
Ruthy Barros (DPS)

Code Review

The Board reviewed the draft of 524 CMR Chapter 1 and discussed changes made by legal. Legal discussed the proper naming of Massachusetts Regulations (Title, Chapter and Section). The Board, along with legal reviewed changes in the wording throughout the draft, e.g. "elevators" instead of listing all types of elevators. The Board reviewed and discussed section 1.1.2 (2) in regards to the definition of material change, modernization and major alterations. Legal stated that they will research Chapter 288 and 324. Legal made a generalized note to remove the term "reclassification" throughout the draft. The Board and legal discussed section 1.1.5 and the inclusion on 527. The Board and legal reviewed and discussed section 1.3 in regards to elevator registration numbers and its requirements. Throughout the draft legal along with the Board reviewed the removal of unnecessary language. The Board and legal discussed the importance of section 1.4.9 – Areas Prone to Flooding and how it relates to elevators. The Board and legal reviewed and discussed section 1.5.2 in regards to titling the section Alterations and Repairs. The Board and legal discussed section 1.5.3.1 in regards to the 30 day window to allow the Department of Public Safety to issue or deny a permit. Also, the Board discussed permit reapplication

requirements in regards to the change in the scope of work. Legal along with the Board agreed to create a subsection under section 1.5.5 in regards to elevator permit expirations.

Board of Elevator Regulations Variance Hearing

Board Members Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
David Morgan
Cheryl Davis
Harold J. McGonagle
Michael J. Nicoloro Jr.

Guests Present:

Kimberly Paikos (H.N. Gorin, Inc.)
Charles Sacoco (Kone Elevator)
John Vecchi (Safway Services)
James Spillane (Safway Services)
Jim Boudreau (Safway Services)
Ruthy Barros (DPS)

The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on July 26, 2016. **A motion to accept the minutes with the noted corrections was made by Cheryl Davis. The motion was seconded by John O'Donoghue. Vote: 6-0 and abstained by Harold McGonagle.**

The Board discussed the following:

- 1. 12 Commonwealth Avenue – Boston, MA**
Unit: 1-P-2480
Interpretation of: 524 CMR 17.02 (10)
Owner: 12 Commonwealth Avenue Nominee Trust
Petitioners: Kimberly Paikos

The petitioners came before the Board seeking an interpretation from 524 CMR 17.02 (10). The petitioner stated that the hired contractor has proposed to install a cage over the existing vertical ladder and install a platform outside the access panel. The existing unit is a vertical elevator that leads to an access panel on top of the elevator shaft. The petitioner stated that the contractor will secure the existing ladder. A motion was put forth by Cheryl Davis to grant the variance to allow the vertical ladder, moving it to the left so it does not encroach on the door. The ladder will have a cage placed over it, also the petitioner must install an adequate platform so the access door can be fully swung open to be perpendicular with the façade of the building, which will lock back when opened. Also, the handrail height on the platform shall be 42". The Board's justification is based on the existing conditions and the inability to provide any other access with a 60 degree ladder. The motion was seconded by Harold J. McGonagle.

Motion: Cheryl Davis

Seconded by: Harold J. McGonagle

Vote: 7-0; Granted.

2. Beta Max Inc.

Product Variance – Maxial Track Hoist System

Petitioner: Stu Charlesworth – Safway Services LLC

The petitioner came before the board seeking a product variance for a Maxial Track Hoist System. The proposed hoisting system delivers materials to the job level after scaffold is in place. It is used for scaffolding erection and dismantlement. The maximum lifting capacity is 450 lbs and is equipped with an overweight limit switch. The petitioner stated that the proposed hoisting system expedites production and personnel, but the main thing is that it increases safety for workers on scaffolding. A letter from Shanon Beekman, Beta Max Director of Electrical Design, gave a written response to the Maxial Track Hoist System and how it relates to the ANSI A10.5 Material Hoist Code. A motion was put forth by David Morgan to take the matter under advisement until requested information is received and further discussion. The motion was seconded by Harold McGonagle.

Motion: David Morgan

Seconded by: Harold McGonagle

Vote: 7-0; Placed on hold.

Matters not reasonably anticipated 48 hours in advance of meeting

The Board received two emails requesting variance withdrawals. One withdrawal request was from Mike Coughlin in reference to 55 Fruit Street – Boston, MA (State ID: 1-P-11500, 1-P-13381, and 1-P-11501) and the other withdrawal was from Kyle Goodwin in reference to Custom Industrial Products, Inc. – Product Variance.

Exhibit List:

Exhibit 1: Draft of 524 CMR Chapter 1

Exhibit 2: Meeting minutes from July 26, 2016

Exhibit 3: Variance Petition – 12 Commonwealth Avenue – Boston, MA

Exhibit 4: Variance Petition – Beta Max Inc. – Product Variance

Exhibit 5: Product Information Packet – Beta Max Inc. – Product Variance

Exhibit 6: Email Requesting Withdrawal – 55 Fruit Street – Boston, MA

Exhibit 7: Email Requesting Withdrawal – Custom Industrial Products, Inc. – Product Variance

Motion to adjourn by: Harold McGonagle

Seconded by: Cheryl Davis

Vote: 7-0; Granted.

Hearing Concluded at 2:43 p.m.

Prepared by: Ruthy Barros