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Division of Professional Licensure**

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LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
July 21, 2020 at 9:00 a.m.**

Board Members Present:

Eric Morse, Acting Chairman
Jacob Nunnemacher
Cheryl Davis
Brian Ronan
David Morgan

Board Members Absent:

David Gaudet

Division of Professional Licensure Staff:

Charles Kilb
Ruthy Barros
Martin Guiod

Guests Present:

Nathan Rae (MBTA)
Zhu (Joe) Liu (Jacobs)
Andrea E. Ruff (Vertical Transportation Excellence)
Daniel Bass (BWA Architecture)
Peter Scantlebury (The Congregational Church of Littleton)
Thomas Sears (Holyoke Gas and Electric Department)

The Board discussed the following:

1. **29 Waterfield Road - Winchester, MA [Exhibit 1]
New Installation (3 New Elevators)
A17.1-2013 Section 2.11.10.1.1
Petitioner: Andrea E. Ruff**

The petitioner was in front of the Board seeking a variance from A17.1-2013 Section 2.11.10.1.1. This section of the code, Landing-Sill Guards, requires landing sills to be guarded on the underside with guard plates of smooth metal not less than 1.4mm (0.55 in.) thick, extending the full width of the car sill exposed to the landing entrance, and securely fastened in place. The petitioner is requesting a variance to provide this guard, generally known as ‘hoistway fascia’, to be made of glass in lieu of metal. The MBTA is required, per its settlement agreement with the Boston Center for Independent Living, to provide maximum transparency of the elevator and headhouse to promote safety through visibility. A solid panel of smooth metal fascia at these glass headhouses would negate the visibility into the headhouse and elevator. A smooth glass fascia, exceeding the properties of the .055 inch thick smooth steel, is proposed in place of a smooth metal fascia for the front of the glass headhouses. The remaining fascia on the platform side would be smooth steel due to the lack of glass construction on the rear of the hoistways. The petitioner stated as part of this project they will be adding three new machine room less 3,500lb capacity elevators, one elevator on the inbound side of the station and two elevators on the outbound side of the station. These elevators will provide access between the parking/street level and the platform level. The three new elevators will each have a new hoistway with all units needing portions of the fascia to be glass to provide visibility. The glass will be laminated and labeled properly to meet ANSI Z97.1. The petitioner also stated that this request is identical to previous MBTA variance requests, which have been approved by the Board. A motion was placed by David Morgan to grant the petitioner’s variance request for three new elevators to be located at the above location, with the justification being to improve public safety. The motion was seconded by Cheryl Davis.

Motion: David Morgan

Seconded: Cheryl Davis

Vote: 5-0; Granted.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. **330 King Street - Littleton, MA [Exhibit 2]**

State ID: 158-L-36

524 CMR Section 17.23 (5)(i)

Petitioner: Peter Scantlebury

The petitioner was in front of the Board seeking a variance from an Inspector's Report citing, "524-17.23 (5)(i) – Flexible high pressure hoses must be replaced not to exceed six years and shall be permanently marked with SAE hose type and required replacement date. Make code compliant". The petitioner stated that the above listed lift was installed in October of 2001 and this is the first time the replacement of the flexible high pressure hoses have ever been brought to the petitioner's attention. The petitioner stated that the manufacturer created the use of the flexible hoses because of the torque in the hydraulic pump that is down in the reservoir. The petitioner then requested that the Board allow an additional year, to allow the church to budget the cost of replacement. The petitioner provided photographs of the hydraulic reservoir, with manifold and the stainless steel reinforced flexible hose. The Board expressed safety concerns that the hose has not been replaced in the last 19 years. A motion was placed by David Morgan to deny the variance at the above location with the justification that this is a safety issue for the riding public and the hose could fail at any time, since it has far exceeded the six year replacement requirement per code and it should be replaced immediately. Board member Jacob Nunnemacher stated that his vote will be to deny the variance request also, due to the fact that although, the lift is only being used on Sundays, there still remains a safety issue and the petitioner is unable to get any information from the manufacturer that would combat the six year lifespan. The motion was seconded by Brian Ronan.

Motion: David Morgan

Seconded: Brian Ronan

Vote: 5-0; Denied.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

3. **99 Suffolk Street - Holyoke, MA [Exhibit 3]**

State ID: 137-P-76

524 CMR

Petitioner: Thomas Sears

The petitioner was in front of the Board seeking to appeal an Inspector's Report citing, "17.23 – Proof of double bottom jack required". Chairman Eric Morris stated to the petitioner that per code all single bottom cylinders either be removed and replaced with a double bottom cylinder or that safeties be added to the elevator. The petitioner stated that

the building was built in 1923. A motion was placed by David Morgan to place the petitioner's request on hold for 30 days, to allow the petitioner more time so he could do a little more due diligence in finding information on this unit. The justification being that in Mr. Morgan's opinion, as a licensed Elevator Mechanic the cylinder may in fact be a double bottom cylinder and may not be required to be removed. The motion was seconded by Jacob Nunnemacher. The petitioner was advised by the Board that if documentation proving in fact that it is a double bottom cylinder, there is no need for the petitioner to come back in front of the Board. The document(s) will just need to be submitted to OPSI and that should clear the violation.

Motion: David Morgan

Seconded: Jacob Nunnemacher

Vote: 5-0; Placed on gold for 30 days.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

4. **Old Business:**

- **10 Park Plaza – Boston, MA**
State ID: 1-E-5875 and 1-E-5876
524 CMR Section 1.14
Petitioner: Don Partington

The petitioner was in front of the Board on June 2, 2020 seeking a product variance to install ClearWin Escalator Handrail UV Sterilizer systems on the two escalators at the above location. At the hearing conducted on June, 2, 2020, the Board tentatively approved the installation of the devices subject to further Board review and the understanding that if a variance is ultimately not granted and/or have been determined by the Board to be unsafe, they must be removed at the direction of the Board and/or DPL. OPSI Elevator Supervisor, Martin Guiod described his findings after a recent site visit. Mr. Guiod stated that he had safety concerns regarding the pinch point and the accessibility of the system for a child, which could cause harm. Based on this decision and safety concerns for the public, a motion was placed by David Morgan to deny the petitioner's request and have the devices removed immediately.

United Elevator was notified of the Board's decision on 7/15/2020 of the variance denial and immediate removal of the devices. The Board would like to issue a public notice addressing the disallowance of exterior mounted handrail sanitizing units. Legal counsel to the Board, stated that any public notice and/or press communication must go through the Governor's office and the Governor's office has been made aware of the Board's decision. Supervisor Guidod joined the meeting at 10:21 a.m. and confirmed that the Board's request for removal of the exterior mounted handrail sanitizing units at the above location has been relayed to the petitioner. Supervisor Guidod also stated that DOT is seeking to address the Board's safety concern of the pinch points by wrapping them around a stainless-steel casing to eliminate the pinch points. The petitioner will need to apply for a new product variance with the proposed modifications.

5. Approval of meeting minutes from July 14, 2020 [Exhibit 4]

A motion was put forth by David Morgan to accept the minutes with the noted corrections. The motion was seconded by Jacob Nunnemacher. **Vote: 5-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

6. A motion was placed by David Morgan to move into quasi-judicial session to continue discussion regarding a product variance request for the allowance to install an automated parking device to be located at 30 Penniman Road, Allston. The motion was seconded by Jacob Nunnemacher.

Motion to move into quasi-judicial session: David Morgan

Seconded: Jacob Nunnemacher

Vote: 5-0; Quasi-judicial session.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

A motion was placed by Jacob Nunnemacher to move into open session. The motion was seconded by Brian Ronan.

Motion to move into open session: Jacob Nunnemacher

Seconded: Brian Ronan

Vote: 5-0; Open session.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Exhibit List:

Exhibit 1: Variance packet for 29 Waterfield Road – Winchester, MA

Exhibit 2: Variance packet for 330 King Street – Littleton, MA

Exhibit 3: Variance packet for 99 Suffolk Street – Holyoke, MA

Exhibit 4: Meeting minutes from July 14, 2020

Motion to Adjourn: Jacob Nunnemacher

Seconded: Cheryl Davis

Vote: 5-0; Adjourned.

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Hearing concluded at 11:16 a.m.

Prepared by: Ruthy Barros