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Division of Professional Licensure**

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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
June 2, 2020 at 9:00 a.m.**

Board Members Present:

Stephen Sampson, Chairman
Eric Morse
David Gaudet
Jacob Nunnemacher
Cheryl Davis
Brian Ronan

Board Members Absent:

David Morgan

Division of Professional Licensure Staff:

Charles Kilb (On call)
Ruthy Barros

Guests Present:

Don Partington (United Elevator)
Aric Warren (DOT)
Rob Behrent (DOT)
Stephanie LeBlanc (DOT)
Ernie Edwards (ClearWin)

The Board discussed the following:

- 1. 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 seeking a product variance to install ClearWin Escalator Handrail UV Sterilizer systems on the two escalators at the above location. Ernest Edwards stated that the proposed UV system was created in 2013 and it is designed to remove germicides from the handrails of escalators. As the handrail passes through the UV system, there is a small motor within the system that provides a low voltage to ultraviolet channel C LED lights within the system that disinfects the handrail. Mr. Edwards also stated that no alterations to the escalators are required and no power from outside sources are required, as it generates its own power. Maintenance is required once every three months to remove any dust within the unit. The LED sanitation lights are warranted for 10,000 hours of operational use and it removes 98% to 99% of all germs on the handrail of escalators. Mr. Edwards addressed the Chairman's comments regarding the pinch points and the possibility of adults and children getting their fingers stuck in the unit. An extra guard has been added at the top and the bottom of the unit. Mr. Edwards stated that there are units installed on escalators in Texas at the Houston Airport and there will be 464 units installed throughout the London Underground and all the way up to Heathrow Airport. Mr. Edwards stated he will provide the Board with photos, videos and test results that were taken from London Underground. Aric Warren stated that DOT would like to install some UV systems as a test at the office location of 10 Park Plaza. A motion was made by Cheryl Davis to allow the prototype installation of four ClearWin Escalator Handrail UV Sterilizer systems on the two escalators at the above location, pending receipt of any code variances that are required in Massachusetts and review by the Chief and any Board members prior to allowing additional installations of the product. Justification being safety for the public. The motion was seconded by David Gaudet with comment; as it is a prototype, if it were found that the prototype installed is found to be unsafe, it must be removed at the discretion of the Board and/or DPL.

Motion: Cheryl Davis

Seconded: David Gaudet

Vote: 6-0; Installation of prototype granted.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<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 ☒ yea ☐ nay

2. A motion was placed by David Gaudet to go into closed session. The motion was seconded by Brian Ronan. Roll Call Vote:

- Stephen Sampson, Chairman ☒ yea ☐ nay
- Jacob Nunnemacher ☒ yea ☐ nay
- David Gaudet ☒ yea ☐ nay
- Cheryl Davis ☒ yea ☐ nay
- Brian Ronan ☒ yea ☐ nay
- Eric Morse ☒ yea ☐ nay

The Board went into Quasi-Judicial Session pursuant to M.G.L. c. 30A, §18 to review and deliberate in the matter of two product variance decisions to install an automated parking device to be located at 29 Commonwealth Avenue and 1 Post Office Square, Boston. A motion was placed to go back into open session by Jacob Nunnemacher. The motion was seconded by Brian Ronan.

Roll Call Vote:

- Stephen Sampson, Chairman ☒ yea ☐ nay
- Jacob Nunnemacher ☒ yea ☐ nay
- David Gaudet ☒ yea ☐ nay
- Cheryl Davis ☒ yea ☐ nay
- Brian Ronan ☒ yea ☐ nay
- Eric Morse ☒ yea ☐ nay

3. Approval of meeting minutes from May 19, 2020 [Exhibit 3]

A motion was put forth by David Gaudet to accept the minutes as written. The motion was seconded by Eric Morse. **Vote: 6-0; Granted.**

Roll Call Vote:

- Stephen Sampson, Chairman ☒ yea ☐ nay
- Jacob Nunnemacher ☒ yea ☐ nay
- David Gaudet ☒ yea ☐ nay
- Cheryl Davis ☒ yea ☐ nay
- Brian Ronan ☒ yea ☐ nay
- Eric Morse ☒ yea ☐ nay

1. **Old Business:**

The Board decided to remove from “Old Business” the matter of mounting video screens in elevator cabs, due to the fact that the owner will comply with code and add code compliant glass in front of the video display.

The Board went on to discuss the Federal standard, which has been adopted by the Federal government, specifically a 1999 edition of NFPA 13, which requires sprinklers in the hoistways and machine rooms. This standard is in contradiction with 524 CMR 35:00 Section 2.8.3.3, which states sprinklers shall not be permitted in power passenger or freight elevator hoistways, pits, machine rooms or control spaces. jurisdiction. Chairman/Chief Stephen Sampson will extend an invitation for a listening session to Daniel Kristola of the U.S. Department of Health & Human Services, Center for Medicare and Medical Services – Life Safety Branch, so he may have the opportunity to express his concerns with the NFPA 13-1999 sprinkler requirement to the Board.

Exhibit List:

Exhibit 1: Variance packet for 10 Park Plaza – Boston, MA

Exhibit 2: Draft decisions for 29 Commonwealth Avenue and 1 Post Office Square

Exhibit 3: Meeting minutes from May 19, 2020

Motion to Adjourn: Eric Morse

Seconded: Jacob Nunnemacher

Vote: 6-0; Adjourned.

Roll Call Vote:

• Stephen Sampson, Chairman	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<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

Hearing concluded at 10:18 a.m.

Prepared by: Ruthy Barros