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OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
September 19th, 2023, at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor-Room 1D  
Hybrid Meeting via Microsoft Teams**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
Neil Mullane (remote)  
Brian Ronan  
Anthony Buonopane  
Tim Morgan

**Division of Occupational Licensure Staff:**

Peter Kelley  
Gayle Richardson  
John Rubyck (remote)  
Walter Zalenski (remote)  
Mike Morton (remote)  
Martin Guiod (remote)

**Board Members Absent:**

Christopher Towski

**Guests Present:**

Corrine Nawrocki  
Samantha Fereno, General Manager, Otis Elevator (remote)  
Erik Perry, Otis Elevator (remote)  
Joshuah Fleming, Facilities Director, UMASS (remote)  
Jeffery Neely, Maintenance Manager Electrical, UMASS (remote)  
Daniel Scotto, Vice-President, Next Step Healthcare, (remote)  
Dan Hall, TK Elevator Corporation  
Randy Lester, TK Elevator Corporation  
Phillip Hampton, TK Elevator Corporation  
Jason Tellier, TK Elevator Corporation  
Johnny Stockstill, TK Elevator Corporation, (remote)  
Justin Allen, TK Elevator Corporation (remote)



1. Roll call.

2. **VAR23-0056**

**55 Lake Avenue Worcester [Exhibit 1]**

**State ID: 348-P-715, 348-P-717, 348-P-718, 348-P-722**

**Code: 17.1-2.27**

**Petitioner: Christine Parnell**

The petitioner seeks variance from code 17.1-2.27 until the Annual Inspection in 2024. The petitioner is back in front of the board presenting additional paperwork requested in the 8.22.23 meeting.

Petitioner is returning from a previous hearing in which the board requested additional information, specifically the date of the modernization and the extent of the modernization. Samantha Fereno confirmed that the modernization took place in May 2006 and should have been conforming to ASMI 17.1 2004 code. Additionally, they checked in the lobby to see if there was a panel for Emergency Power. She confirmed there was no working panel. Eric Morse stated a picture was submitted [Exhibit 1] showing a hall push button fixture with an Emergency Light Indicator. Samantha Fereno verified that the fixture was not working with the signal from the substation. Eric Morse stated that the modernization of May 2006 would have fallen under the 2004 code. Anthony Buonopane asked Samantha Fereno if all the cars can be tested during the day for emergency power? Samantha Fereno stated they are currently tested for emergency power at night. Anthony Buonopane stated that a variance could be entered into the system and that an Emergency Power Overnight test would need to be done separately, within the month of the annual expiring, so it would need to be scheduled prior to the annual.

A motion was made by Neil Mullane to grant the application for the extension of the current 90 days until July 31<sup>st</sup>, 2024, for compliance with the code. Justification is the lead time for modifications and equipment will surpass their current safety. David Gaudet seconded the motion. Anthony Buonopane reiterated that the generator testing must be completed prior to the expiration date of July 31, 2024, and before the annual inspection. Vote: 6-0-0

**Motion: Neil Mullane**

**Seconded: David Gaudet**

**Vote: 6-0-0 Granted**

**Roll Call Vote:**

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• David Gaudet	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Tim Morgan	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Brian Ronan	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Neil Mullane	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Anthony Buonopane	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain

3. **VAR23-0062**

**40 Martin Street Melrose [Exhibit 2]**

**State ID: 178-P-59**

**Code: 524 CMR 35:00 & 2.8.3.3**

**Petitioner: Daniel Scotto**

Petitioner requesting a variance on 524 CMR 35:00 §2.8.3.3 to allow the installation of sprinkler coverage in the elevator machine room to satisfy NFPA requirement section 8.15.5.

Eric Morse asked if CMS provided a letter stating that they will cease funding? Daniel Scotto stated that at the resurvey this all came up as nothing had been done previously by his predecessor. In the interim he had requested a Time Limited Waiver, which gave him until March 1<sup>st</sup>, 2024, to take care of this pending an approval for the variance. Erik Morse explained that the board usually requires a copy of a letter from CMS that provides the date that they will cease funding the facility and asked if the petitioner had that? Daniel Scotto stated that he did not have that letter but had a letter that was provided to the board that was written by Daniel Kristola of CMS. The letter he provided only indicates the deadline of the Time Limited Waiver. David Gaudet explained that typically we get a report that states Elevator, Hoistway and/or Machine Room must be sprinkled; and asked if he had that. Daniel Scotto does not have that correspondence from CMS. Eric Morse asked Daniel Scotto if he has this letter anywhere in his files. Daniel Scotto stated he can try to email Daniel Kristola for the original letter that was sent out. Eric Morse asked if 30 days would be enough time to gather the rest of the information? Daniel agreed that 30 days would be plenty of time. Tim Morgan moved to grant the petitioner a 30-day extension to provide further documentation (letter from CMS) for variance. Motion seconded by Anthony Buonopane. Vote 6-0-0

**Motion: Tim Morgan**

**Seconded: Anthony Buonopane**

**Vote: 6-0-0; Placed on hold**

**Roll Call Vote:**

- |                     |   |                              |                                  |
|---------------------|---|------------------------------|----------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

**4. VAR23-0061**

**TK Elevator Corporation - Westwood [Exhibit 3]**

**Product Variance – PAV**

**Code : ASME A17.1- B44 2.22.5**

**Petitioner: Jason Tellier**

The petitioner is requesting a Prototype Approval Variance (PAV) in accordance with 524 CMR: BOARD OF ELEVATOR REGULATIONS 1.14(3). The PAV is for elastomeric buffer to be used with the EOX product section 2.22.5.

Phillip Hampton explained they had already had a previous board meeting presenting a different product. After that discussion, the company has come back and decided to approach the product with only one variance which will be only on the elastomeric buffers. Eric Morse asked if all other components of the unit are code compliant and

Phillip Hampton responded yes and continued, that the buffer meets the 2016 and later ASME 17-1 elevator codes and is fully compliant. It also received the A 17-7 product equivalency for that particular product. It meets all the retardation rates, all the requirements and the latest codes on the buffers. He also stated that they are equivalent in terms of all the functionality. The buffer was adopted in a later code, and they wanted to resolve any doubt. The board discussed these types of buffers and the code involved. Neil Mullane made a motion for approval of the request for prototype variance for the elastomeric buffer under 2.22.5 with the justification that the product is already installed in Massachusetts, it is accepted under the most updated codes of the 2016 code under 2.22.5 and has demonstrated a proper performance through testing and all other aspects of CMR 524. The motion was seconded by David Gaudet. Vote 6-0-0.

**Motion: Neil Mullane**

**Seconded: David Gaudet**

**Vote: 6-0-0 Granted**

**Roll Call Vote:**

- |                     |   |                              |                                  |
|---------------------|---|------------------------------|----------------------------------|
| • Eric Morse        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan       | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

**5. Approval of March 28<sup>th</sup>, 2023, meeting minutes. [Exhibit 4]**

A motion was put forth by Neil Mullane to accept the minutes as written. The motion was seconded by David Gaudet. Vote 3-0-3.

**Motion: Neil Mullane**

**Seconded: David Gaudet**

**Vote: 3-0-3 Granted**

**Roll Call Vote:**

- |                     |   |                              |   |
|---------------------|---|------------------------------|---|
| • Eric Morse        | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • David Gaudet      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Tim Morgan        | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Brian Ronan       | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Neil Mullane      | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |
| • Anthony Buonopane | <input type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |

**6. Approval of meeting minutes from August 22<sup>nd</sup>, 2023. – tabled.**

**7. Full Load - Category 5 testing [Exhibits 5-5D]**

Continued discussion took place by the board regarding Full load category 5 testing. Eric Morse requested that Anthony Buonopane give a summary of what was submitted. Anthony Buonopane provided different examples of what he had seen with full load category 5 testing. Neil Mullane stated that the information submitted did not seem clear as to when there was a generator failure and when it was due to other components of the

system. Anthony Buonopane then went through the different scenarios providing some more detail. Anthony Buonopane stated that he can dig into the examples provided for a reason why it happened. Eric Morse stated the board needs more data to review as there are many questions still there, that documentation and facts are needed to validate efficacy of testing. Eric Morse offered to help collect additional data. Eric Morse indicated that the board would come back to this item once additional information was received.

8. **Counsel Peter M. Kelley addressed the board to discuss ‘old business’ item on the meeting notices.**
9. Neil Mullane asked for an update about the FS90 adoption and the interest from the industry about documenting the decision of the board and being able to provide customers with insight into the corrections that need to be made in a timely fashion. Is there an expectation that we will publish anything further relative to the testing or the procedure for FS90 compliance? Anthony Buonopane is working on a draft for a test procedure. Once that is finalized it will be sent out, possibly in a Constant Contact letter. Eric Morse put something together that he will share with Anthony Buonopane.
10. Motion was put forth by Neil Mullane to Adjourn. Motion was seconded by Brian Ronan. Vote 6-0-0.

**Motion:** Neil Mullane

**Seconded:** Brian Ronan

**Vote: 6-0-0 Granted**

**Roll Call Vote:**

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• David Gaudet	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Tim Morgan	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Brian Ronan	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Neil Mullane	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• Anthony Buonopane	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain

Meeting concluded at 2:45 p.m.

Prepared by: Gayle Richardson

**Exhibit List:**

Exhibit 1: Variance packet for 55 Lake Avenue Worcester  
Exhibit 2: Variance packet for 40 Martin Street Melrose  
Exhibit 3: Variance packet for TK Elevator Corporation - Westwood  
Exhibit 4: Meeting Minutes March 28<sup>th</sup>, 2023  
Exhibit 5: Elevator not working on generator and not lifting capacity  
Exhibit 5A: Category 5 Test for Emergency and Standby Power  
Exhibit 5B: Copy of ASME A17.1/CSA B44 Handbook (2013) page 547  
Exhibit 5C: Massachusetts Life Safety System Testing 6-5-17  
Exhibit 5D: NFPA 110 EPSS Generator Code110-16-PDF