



**MAURA HEALEY**  
GOVERNOR

**KIM DRISCOLL**  
LIEUTENANT GOVERNOR

**YVONNE HAO**  
SECRETARY, EXECUTIVE OFFICE  
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Occupational Licensure**  
**Office of Public Safety and Inspections**

1000 Washington Street, Suite 710  
Boston, Massachusetts 02118

**LAYLA R. D'EMILIA**  
UNDERSECRETARY, CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

**SARAH R. WILKINSON**  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the**  
**Board of Elevator Regulations**  
**September 26th, 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  
Brian Ronan  
Anthony Buonopane  
Tim Morgan  
Christopher Towski

**Division of Occupational Licensure Staff:**

Peter Kelley  
Gayle Richardson

**Guests:**

Kristina Gasson (remote)

**Call to Order: 1:01 p.m.:**

1. Roll call.
2. **Approval of April 25<sup>th</sup>, 2023, meeting minutes. [Exhibit 1 (unedited)]**  
By unanimous consent, the Board took up the items under board business out of order from the meeting notice. Christopher Towski moved to accept the minutes with edits. The motion was seconded by Eric Morse. Vote 4-0-3.

**Motion: Christopher Towski**

**Seconded: Eric Morse**

**Vote: 4-0-3 Accepted with edits**



**Roll Call Vote:**

- |                      |                                     |     |                          |     |                                     |         |
|----------------------|-------------------------------------|-----|--------------------------|-----|-------------------------------------|---------|
| • Eric Morse         | <input checked="" type="checkbox"/> | aye | <input type="checkbox"/> | nay | <input type="checkbox"/>            | abstain |
| • David Gaudet       | <input type="checkbox"/>            | aye | <input type="checkbox"/> | nay | <input checked="" type="checkbox"/> | abstain |
| • Christopher Towski | <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 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 type="checkbox"/>            | aye | <input type="checkbox"/> | nay | <input checked="" type="checkbox"/> | abstain |

**3. Approval of August 22, 2023, meeting minutes. [Exhibit 2]**

Christopher Towski moved to accept the minutes with editions. The motion was seconded by Tim Morgan. Vote 6-0-1.

**Motion: Christohper Towski**

**Seconded: Brian Ronan**

**Vote: 6-0-1 Accepted as edited**

**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 |
| • Christopher Towski | <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 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 checked="" type="checkbox"/> | aye | <input type="checkbox"/> | nay | <input type="checkbox"/>            | abstain |

4. The review of the meeting minutes from September 19<sup>th</sup>, 2023, was tabled.

5. **Board to decide start times for public hearing and next board meeting, both scheduled for October 4<sup>th</sup>, 2023.** By unanimous consent, the board scheduled the start time for the public hearing at 11:00 a.m., on October 4, 2023, and, due to a lack of a quorum, cancelled the Board meeting scheduled for the same date. Board directed staff to email the public hearing notice to the stakeholders from the Constant Contact list, in addition to posting on the website. As part of this discussion, Mr. Mullane inquired about new product variances, and it was suggested that the interested party could bring the matter up in the public hearing and subsequently as a docket item, for further review with specifics given via a variance.

6. **Continued discussion and review of 524 CMR Sections 26.00: Certain Elevator Equipment Used as Motor Vehicle Parking Devices; 29.00 Stage, Opera, and Organ Console Elevators; and 32.00 Vertical Reciprocating Conveyors.** Tim Morgan made a suggestion regarding automated parking devices, that the board make onsite visits to view the different classifications of equipment to get a better understanding of the equipment. Mr. Morse indicated he would check on onsite visits, which would be noticed under the open meeting law, for specific equipment classifications, so that after review, the Board could then discuss any code modifications that need to be addressed. The Acting Chair directed members to review Sections 29 and 32 individually and send any proposed changes to Peter M. Kelley, to present to the board for review and approval.

**7. Continued discussion of FS90 testing. [Exhibits 4, 5 & 6]**

- a. Testing instructions and notice to owners, contractors, and mechanics.** The board reviewed and edited a proposed notice concerning its recent decision providing an alternative means of correcting the FS90 stop switch issue for some elevators, (Exhibit 4) including testing instructions (Exhibit 5) and a flow chart (Exhibit 6). Pending further agency review, the board conditionally approved documents, as edited, by unanimous consent.

**8. Matters not reasonably anticipated 48 hours in advance of meeting.**

9. A motion to Adjourn was made by Brian Ronan. The motion was seconded by Christopher Towski. Vote was Granted. Vote 7-0-0

**Motion:** Brian Ronan

**Seconded:** Christopher Towski

**Vote: 7-0-0**

**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 |
| • Christopher Towski | <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 3:18 p.m.

Prepared by: Gayle Richardson

**Exhibit List:**

- |            |   |
|------------|---|
| Exhibit 1: | Meeting Minutes for April 25, 2023  |
| Exhibit 2: | Meeting Minutes for August 22, 2023   |
| Exhibit 3: | 524 CMR 26.00 redline draft 07-25-23  |
| Exhibit 4: | FS90 stop switch notice re: alternate means of compliance 09/22/23  |
| Exhibit 5: | Testing instructions regarding Testing Phase II in car stop switch operation when elevator is equipped with a FEO |
| Exhibit 6  | Flowchart for FS90 alternate means of compliance  |