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BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts  
Division of Occupational Licensure**

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**EDWARD A. PALLESCHI**  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
October 18, 2022 at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor – Room 1D**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
David Morgan  
Brian Ronan  
Thomas McDermott  
Christopher Towski  
Neil Mullane

**Division of Occupational Licensure Staff:**

Peter Kelley  
Ruthy Barros  
Michael Golonka  
Edward Sandell

**Guests Present:**

Shamont Mazyck  
Richard Nolan  
Noel Herchell  
James Dyer

**Call to Order 1:03 p.m.:**

Eric Morse recused himself at 1:04 p.m.

**1. 75 Federal Street, Boston [Exhibit 1]**

**State IDs: 1-P-3563, 1-P-3564, 1-P-3565, 1-P-3566, 1-P-3567, 1-P-3568, 1-P-3569 and 1-P-3570**

**Appealing Inspector's Report**

**Petitioner: Shamont Mazyck**

Mr. Morse took no part in the discussion of or deliberation upon this matter. The petitioner appeared before the Board seeking an appeal to an Inspector's report, which cited, "5.9.14.1, a

permanent mounted emergency stop switch shall be provided for the top of car emergency exit”. Mr. Nolan indicated the original Inspector’s citation from August 3, 2022, which cited the above section and comments, but this section is not applicable to passenger elevators and a call was made to OPSI to remove the citation. On August 11, 2022, the report was revised to a violation to Section 2.26.18, “Car Top Emergency Exit Electrical Device. An electrical device conforming to 2.14.5.1(f) shall be provided on the car top emergency exit cover. Mr. Nolan stated that the revised citation is not applicable as the elevators were modernized in 1998 under the 1996 edition of A17.1, which did not require a switch on the top of car emergency exit. The emergency exit switch was not required until the 2002 edition of A17.1, which Massachusetts did not adopt until March 2003. Mr. Nolan stated that the existing emergency exits are fully compliant with the code under which they were installed. Mr. Sandell stated he received a phone call from the inspector and modified the original citation by citing A17.1-2004, as he believed it applied to the pictures taken by the inspector. Mr. Morgan indicated the purpose of the emergency switch on the escape hatch. Mr. Gaudet stated that the emergency switch is not in the 1996 code, but there are provisions mentioned, to make the cover safe and how it operates. The inspector testified that he does not know how the top exit cover was removed but that contractors were using to the hatch opening to move tall materials and there was no chain or hinge. Mr. Gaudet indicated that this is an unsafe condition per section 204.1(e) of the 1996 Code – Top Emergency Exits: The top exit cover shall open outward. It shall be hinged or securely attached with a chain when in both the open and closed positions. If a chain is used, it shall be not more than 12 in. (305 mm) in length and have a factor of safety of not less than 5. The exit cover shall only be openable from the top of the car, where it shall be openable without the use of tools. In other words, the hatch must be permanently affixed, per § 204.1(1)(a)(1)(c) and per § 204.1(1)(e)(1)(c), must be securely mounted, which are not the case here. The petitioner stated the estimate cost to add a switch is \$500 per elevator. A motion was made by Neil Mullane to grant the relief from the inspector's report from the cited code, Section 2.26.2.18 in regards to Car Top Emergency Exit Electrical Devices, with the justification being that it was not required by the applicable Code (96) at the time of permitting. The motion was seconded by Christopher Towski.

**Motion:** Neil Mullane

**Seconded:** Christopher Towski

**Vote: 5-1; Granted. Thomas McDermott was in opposition.**

Roll Call Vote:

- Eric Morse
- David Gaudet

Recused

☒ yea

☐ nay

- |                      |   |   |
|----------------------|---|---|
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay            |
| • Brian Ronan        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay            |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay            |
| • Thomas McDermott   | <input type="checkbox"/> yea            | <input checked="" type="checkbox"/> nay |
| • David Morgan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay            |

2. **44 North Road, Bedford [Exhibit 2]**

**State ID: 24-P-163**

**524 CMR**

The petitioner did not appear in front of the Board.

3. **408 Newbury Street, Boston [Exhibit 3]**

**New Installation**

**A17.1-2013 Section .2.11.10.1.1**

**Petitioner: Noel Herchell**

The petitioner appeared before the Board seeking a variance from A17.1.2.11.10.1.1 – Metal fascia requirement to substitute with glass fascia. The petitioner stated that the MBTA is required, per its settlement agreement with the Boston Center for Independent Living, to provide maximum transparency of the elevator cab in an effort to promote safety through visibility. A solid panel of smooth steel fascia at this glass headhouse would negate the visibility as required. A smooth glass fascia, exceeding the properties of the .055-inch-thick smooth steel, is proposed for use between the top of the MBTA pedestrian tunnel elevator door and the street level in lieu of the smooth steel, for maximum visibility into the elevator cab. The petitioner stated that the remaining fascia would be smooth steel, as required by code. A motion was made by David Morgan to the grant the variance as requested, with the justification being the MBTA's requirement for visibility in elevators, glass alternative is safe as required by code, and will be ANSI Z97.1-1994 compliant. The motion was seconded by Christopher Towski.

**Motion: David Morgan**

**Seconded: Christopher Towski**

**Vote: 7-0; Granted.**

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott   | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

4. **Update on safety/code issue for emergency services utilizing Fireman's Service Phase II**

Mr. Mullane spoke to the position of the in-car stop switch when in Phase II, active or inactive. The Board discussed a car on Phase I, recalled and then to activate the in-car stop, would park the car. Mr. Morgan expressed that the in-car stop switch should be the same in all cars. Mr. Towski stated he reached out to other jurisdictions (MA, Boston, NYC, San Jose), and according to others, firefighters do not train to interact with the in-car stop switch. Mr. Towski agreed that all elevators should act the same. Chief Thomas McDermott reviewed the history of these inspections and manufacturers' responses, with 7737 violations cited, 2200 alteration permits pulled, approximately 5000 without alteration permits pulled, and 7072 elevators uncorrected. Chief McDermott indicated processing 5000 permits by the December 31<sup>st</sup> deadline will be an operational issue for the department. Discussion that the 2022 annual inspections for these elevators can be again issued a conditional certificate so long as permit has been issued/applied-for, with the 2023 annual inspections focused on the compliance testing. The Board further discussed whether the in-car emergency stop switch or the in-car stop switch is required to remain operative under Phase II operation, and referenced A17.1 1996 Rule 211.3a(3) and Rule 211.3c, Phase I Emergency Recall Operation, Phase II Emergency In Car Operation. Mr. Mullane suggested that this could create more software problems and impact to the elevator industry. A motion was made by David Morgan that it is the opinion of the Board that the in-car stop switch or the in-car emergency stop switch must be active in Phase II. Reference to Inquiry 00-15, date issued 06/29/2000. The motion was seconded by Christopher Towski. Board counsel will draft a memorandum to be approved by the Board prior to being issued to the public.

**Motion:** David Morgan

**Seconded:** Christopher Towski

**Vote: 6-1; Granted. David Gaudet was in opposition.**

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input type="checkbox"/> yea	<input checked="" type="checkbox"/> nay
• Christopher Towski	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

**Motion to Adjourn:** Christopher Towski

**Seconded:** Brian Ronan

**Vote: 7-0; Adjourned.**

Roll Call Vote:

- |                      |   |                              |
|----------------------|---|------------------------------|
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Christopher Towski | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Neil Mullane       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Thomas McDermott   | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

Hearing concluded at 3:44 p.m.

Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 75 Federal Street, Boston
- Exhibit 2: Variance packet for 44 North Road, Bedford
- Exhibit 3: Variance packet for 408 Newbury Street, Boston
- Exhibit 4: Variance packet for 249 A Street, Boston