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Division of Professional Licensure**

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AFFAIRS AND BUSINESS
REGULATION

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

Minutes

Board of Elevator Regulations

**This meeting was held remotely via Microsoft Teams
January 5, 2021 at 9:00 a.m.**

Board Members Present:

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

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros
Chris Eckler

Guests Present:

Jefferey Curtis – Jefferey P. Curtis Law
Chad Sherwood – Kanzaki Paper
Donald Partington – United Elevator
Colin O'Donnell – United Elevator
Paul Abrisio – JJ Cardosi, Inc.
Thomas Sears – Holyoke Gas and Electric Department

The Board discussed the following:

1. 20 Cummings Road – Ware, MA [Exhibit 1]

State ID(s): 309-V-18795

524 CMR 35.00 Section 32.01 (2) (b) (5)

Petitioner: Jefferey Curtis

The petitioner was in front of the Board seeking a variance from 524 CMR 35.00 Section 32.01. The inspector cited a violation of 524 CMR 32.01, because the VRC does not have an SOS switch as required by code. The petitioner stated that the 10,000 lb. capacity VRC is relatively new (about 2 years old) and had been certified for use after installation. Due to the design of this VRC, and how it operates, it is not possible to add an SOS

switch without severe financial hardship. The manufacturer currently has no design that allows for the installation of a SOS switch. At the request of the owner about the possibility of retrofitting the unit for an SOS switch, the manufacturer stated that they have never engineered for an SOS switch on this type of unit (roped hydraulic) and that material costs alone may be up to \$9,000. The petitioner also stated that the installation would also add additional expenses that is undetermined at this time. Moreover, there has been no estimate of how much time engineering will take or whether it would be successful.

Additionally, the petitioner stated that this unit has carriage deck locks to hold the car at the floor when loading and unloading. As the car ascends to the second landing, it proceeds slightly by level with the landing. This allows the deck locks to be mechanically and electrically extended into the hoistway from their retracted position and then the car descends slightly and rests on the deck locks for loading and unloading. Because the car is rested on deck locks, the ropes go slightly slack and the safeties partially operate. Once the car is loaded it can lift off the deck locks, the deck locks then retract, and the car can descend to the bottom landing. If there was an SOS switch, it would likely be operated every time the car rested on the second landing deck locks, resulting in a shutdown every time. The petitioner confirmed that there is no basement, and the bottom floor is concrete on grade.

A motion was made by David Morgan to grant the variance request due to the presented documents, which verified that the unit meets safety standards. Signage stating the maximum load must also be posted. The motion was seconded by David Gaudet.

Motion: David Morgan

Seconded: David Gaudet

Vote: 6-1; Granted.

Roll Call Vote:

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

2. **4 Hodges Street – Attleboro, MA [Exhibit 2]**
State ID(s): 17-P-28
524 CMR 10.04 (1) (d)
Petitioner: Don Partington

The petitioner was originally in front of the Board on October 6, 2020 seeking relief to delay the compliance with material change requirements as outlined in 524 CMR 10.4(1)(d) for the modernization of hydraulic passenger Elevator #1 (State ID #17-P-28). A motion was made to grant temporary relief from the material change requirement for a period of 16 weeks, while the petitioner awaits the installation of the new elevator, to allow the building to have service for its elderly tenants. The petitioner was back in front of the Board seeking an extension. The petitioner stated that the existing elevator will be kept running during the duplex installation and a new machine room will be installed. Mr. Donald Partington stated that the new machine room was tested on December 7, 2020 and passed and all the elevator equipment is on site. The 16–18 week extension request is due to unforeseen construction delays on the new elevator. A motion was made by Jacob Nunnemacher to grant the petitioner’s extension request with a May 15, 2021 comply date (18 weeks from January 5, 2021). The motion was seconded by David Gaudet.

Motion: Jacob Nunnemacher

Seconded: David Gaudet

Vote: 7-0; Extension granted.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<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 originally in front of the Board on July 21, 2020 appealing an Inspector’s Report regarding the safety bulkhead. The request was denied on September 15, 2020 and the petitioner was given 120 days to comply by January 13, 2021. The extension request is due to the state law bidding and approval process, which has caused

a delay. The petitioner stated that the jack should be shipped the week of January 15th, the work permit has been issued and the material has been purchased. A motion was made by Cheryl Davis to grant the petitioner's extension request with a May 5, 2021 comply date (120 days from January 5, 2021). The motion was seconded by Brian Ronan.

Motion: Cheryl Davis

Seconded: Brian Ronan

Vote: 7-0; Extension granted.

Roll Call Vote:

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

4. **Closed Session: Investigatory Conferences, pursuant to G.L. c. 112, §65C.**

Jacob Nunnemacher moved to suspend the open meeting and entered into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. David Morgan seconded the motion. Motion passed by a roll call vote.

Roll Call Vote:

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

During the closed session, the Board took the following actions:

- C20-00089 Initiate administrative proceeding and schedule hearing.
- C20-00090 Initiate administrative proceeding and schedule hearing.
- C20-00094 Initiate administrative proceeding and schedule hearing. David Morgan recused himself.

Sarah Wilkinson moved to exit closed session and to enter back into the open meeting. Jacob Nunnemacher seconded the motion. Motion passed by unanimous vote.

5. **Approval of meeting minutes from December 8, 2020 [Exhibit 5]**

A motion was put forth by David Gaudet to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 7-0; Granted.**

Roll Call Vote:

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

6. **Approval of meeting minutes from December 29, 2020 [Exhibit 6]**

A motion was put forth by David Gaudet to accept the minutes as written. The motion was seconded by David Morgan. **Vote: 7-0; Granted.**

Roll Call Vote:

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

Motion to Adjourn: David Morgan

Seconded: Brian Ronan

Vote: 7-0; Adjourned.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<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 11:34 a.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 20 Cummings Road – Ware, MA
- Exhibit 2: Email request for 4 Hodges Street – Attleboro, MA
- Exhibit 3: Email request for 99 Suffolk Street – Holyoke, MA
- Exhibit 4: Documents pertaining to Docket No. C20-00089, C20-00090 and C20-00094
- Exhibit 5: Meeting minutes from December 8, 2020
- Exhibit 6: Meeting minutes from December 29, 2020