



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
November 21, 2023, at 1:00 p.m.**

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

Board Members Present:

Eric Morse, Acting Chair
Christopher Towski
Neil Mullane (Remote)
Anthony Buonopane
Tim Morgan

Division of Occupational Licensure Staff:

Peter Kelley
Gayle Richardson
Johnny Rubyck
Walter Zalenski

Board Members Absent:

David Gaudet
Brian Ronan

Guests Present Remotely:

Steve Virta – Otis
Ryan Myers – Executive VP - Harding Steel
Patrick Flaherty – Regional Director - Harding Steel
Matt Damico – Elevator Mechanic - MD Lifts
Bill Damico - MD Lifts
Jennifer Mayo – Mount Auburn Cemetery
Gus Fraser – Mount Auburn Cemetery

Call to Order: 1:10 p.m.:

1. Roll call.



2. **VAR23-0088** [Exhibit 1]
1651 Massachusetts Avenue Cambridge

State ID: 49-P-1766

Code: 524 CMR 17.23 (11) – Hydraulic Elevator Machines, Tanks, Pumps, Valves and Gauges

Petitioner: Samantha Finney

The petitioner seeks variance from 524 CMR 17.23 (11). Petitioner requests relief for anti-creep that was cited due to the equipment age and need to upgrade the controller to be able to get it to function.

Steve Virta from Otis spoke to the board while reviewing the documentation submitted. The petitioner would like a variance that would put in place an extension of time to allow the school to replace the elevator instead of fixing the current deficiency of the anti-creep.

After a discussion of the requested variance, Eric Morse made a motion to deny the petition, because the anti-creep leveling device is a safety-related requirement and the petitioner did not show that the anti-creep leveling device could not be repaired. Christopher Towski seconded the motion. Vote: 5-0-0 (Petitioners advised appellate rights will be included in written decision issued,)

Motion: Eric Morse

Seconded: Christopher Towski

Vote: 5-0-0 Denied

Roll Call Vote:

- | | |
|---------------------|---|
| • Eric Morse | <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 |
| • Chris Towski | <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. **VAR23-0050** [Exhibit 2 – 2A]

400-408 West Broadway Boston

Semi-Automated Parking Device

Code: 524 CMR 26.07 – Protection at other levels 524 CMR 26.11 – Car Enclosures and Car Gates

Petitioner: Bill D’Amico

Following an October 24th appearance before the board, the petitioners are back in front of the board and provide the board’s requested information regarding the lift weight capacities and upper level maximum car heights.

Ryan Myers gave an update, while sharing diagrams [Exhibit 2] with the board showing that the lift weight capacity has been changed to 5720 lbs., now code compliant, and will be posted on front gates. In addition, Ryan shared a diagram of the overhead photosensor (Exhibit 2A) showing that new sensors will be mounted to the ceiling of each pallet measuring on the diagonal, preventing vehicles from crossing the allowable height (5’ 8 ¾” to 6’ 8 ¾”), with the system shutting down.

After discussion by the board, Neil Mullane made a motion to grant the request for variance of 524 CMR 26.07 and 26.11 with the justification that alternate means of safety, particularly the electric eyes between and above parking pallets and identification of maximum weight capacities, are met. The motion was seconded by Tim Morgan. Vote 4-0-1

Motion: Neil Mullane

Seconded: Tim Morgan

Vote: 4-0-1 Granted

Roll Call Vote:

- | | |
|---------------------|---|
| • Eric Morse | <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 |
| • Chris Towski | <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. VAR23-0090 [Exhibit 3]
580 Mount Auburn Street Cambridge
Garaventa Staage Lift
Code: 524 CMR 1.14**

Petitioner: Jennifer Mayo

Petitioner seeks variance based on 524 CMR 1.14 – Variances (3) Prototype Approval, seeking acceptance of a new product, Garaventa Staage Lift.

Gus Fraser gave an overview of the variance request for a portable wheelchair lift manufactured by Garaventa to be used to provide access between the nave and the chancel levels when both are open to the public. Petitioners were unable to state how the proposed portable lift identified would fit within established regulations, and therefore needed to bring in a company representative or other subject matter expert to provide such testimony.

After discussion, Eric Morse moved to put the variance on hold for to February 19, 2024 for the petitioner to provide the architectural drawings of the new platform and to schedule someone from Garaventa or another appropriate representative to present the board with the information required for any variance sought, including issues of alternate safety measure and precautions. Motion was seconded by Christopher Towski. Vote 5-0-0 Deadline February 19, 2024

Motion: Eric Morse

Seconded: Christopher Towski

Vote: 5-0-0 Hold for 90 days

Roll Call Vote:

- | | |
|---------------------|---|
| • Eric Morse | <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 |
| • Chris Towski | <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 October 17, 2023, meeting minutes. [Exhibit 4]

Christopher Towski moved to accept the minutes as written. The motion was seconded by Neil Mullane. Vote 5-0-0

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 5-0-0 Accepted as written

Roll Call Vote:

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

- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Chris Towski ☒ aye ☐ nay ☐ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

6. Approval of October 24, 2023, meeting minutes. [Exhibit 5]

Christopher Towski moved to accept the minutes as written. The motion was seconded by Tim Morgan. Vote 4-0-1

Motion: Christopher Towski

Seconded: Tim Morgan

Vote: 4-0-1 Accepted as written

Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Chris Towski ☐ aye ☐ nay ☒ abstain
- Neil Mullane ☒ aye ☐ nay ☐ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

7. Approval of October 31, 2023, meeting minutes. [Exhibit 6]

Christopher Towski moved to accept the minutes as written. The motion was seconded by Tim Morgan. Vote 3-0-2

Motion: Christopher Towski

Seconded: Tim Morgan

Vote: 3-0-2 Accepted as written

Roll Call Vote:

- Eric Morse ☒ aye ☐ nay ☐ abstain
- Tim Morgan ☒ aye ☐ nay ☐ abstain
- Chris Towski ☐ aye ☐ nay ☒ abstain
- Neil Mullane ☐ aye ☐ nay ☒ abstain
- Anthony Buonopane ☒ aye ☐ nay ☐ abstain

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

- a. Mr. Kelley advised Board he unavailable for 12/5/23 meeting. Indicated would put 8/8/23 minutes for vote at upcoming meeting and provided general guidance on relevancy.
- b. Discussion around the next scheduled Board of Elevator Regulations meeting on November 28, 2023, which will be a code meeting.
- c. Gayle will submit the pictures taken at the visit to an operational automated parking system on October 31, 2023.

9. Motion was put forth by Christopher Towski to Adjourn. Motion was seconded by Tim Morgan. Vote was Granted. Vote 5-0-0

Motion: Christopher Towski

Seconded: Tim Morgan

Vote: 5-0-0

Roll Call Vote:

- | | |
|---------------------|---|
| • Eric Morse | <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 |
| • Chris Towski | <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 adjourned at 2:33 p.m.

Prepared by: Gayle Richardson

Exhibit List:

- | | |
|-------------|---|
| Exhibit 1: | Variance packet for 1651 Massachusetts Avenue Cambridge |
| Exhibit 2: | Variance packet for 400-408 West Broadway Boston |
| Exhibit 2A: | Picture of Overhead Photosensor |
| Exhibit 3: | Variance packet for 580 Mount Auburn Street Cambridge |
| Exhibit 4: | Meeting Minutes October 17, 2023 |
| Exhibit 5: | Meeting Minutes October 24, 2023 |
| Exhibit 6: | Meeting Minutes October 31, 2023 |

If you need reasonable accommodations to participate in the meeting, please reach out to Cheryl Yebba at 617-701-8711. While the Board will do its best to accommodate you, certain accommodations may not be available if requested immediately before the meeting.