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

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REGULATION

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

**Minutes**

**Meeting of the**  
**Board of Elevator Regulations**  
**March 5, 2024, 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:**

Lynn Read  
Gayle Richardson  
Jay Ryan  
Greer Spatz Croxford  
Walter Zalenski  
Johnny Rubyck  
Martin Guidod

**Guests Present:**

Russ Larson  
Johnny Stockstill  
Cody Utke  
Nick Georgantas  
Kevin Medeiros  
Corinne Nawrocki

**Call to Order: 1:12 p.m.:**

1. Roll call.
2. Greer Spatz Croxford joined the meeting as Board Counsel for this meeting. Lynn Read joined the meeting at 1:21 p.m. and Greer Spatz Croxford left the meeting at 1:22 p.m. Lynn Read will be the Board Counsel for this meeting.



3. **VAR23-0104 - Product Variance** [Exhibit 1]  
**50 Service Road Boston**  
**State ID: 1-P-21950**  
**Code: 524 CMR 13.02**  
**Petitioner: Russ Larson**

Following a January 23, 2024, appearance before the board, the petitioner returns to provide verification that the telephone style keypad is compliant with the Nonmandatory Appendix E section 9.4 -Telephone-Style Keypads and to provide a walk-through of phase I and phase II procedures. The petitioner is seeking a product variance for a COP Keypad relating to ASME code 2013 A17.1 2.27.3.3.1(l) The floor selection means shall be operable without the use of keys, cards, tools, or special knowledge and A17.1-2013 2.27.7.2 The sign shall include only the wording and graphics shown in Fig. 2.27.7.2.

The petitioner summarized his request for the variance and verified that the telephone style keypad is compliant with seven of the nine items listed under ASME Code 2013 A17.1, Non-mandatory Appendix E, § 9.4. The two noncompliant items are numbers five and nine, indicated below:

- 5) The raised dot on the number five of the keypad has a size requirement of 1/8" and is bigger than what the raised dot on the current keypad has, which is 1/16".
- 9) The requirement that a standard five-point star should be used to indicate the main entry floor is not provided on the current panel, but instead the number 1 is used for the main floor.

The petitioner then reiterated that the interpretation that he referenced in the previous board meeting stated, "similar if not identical to the keypad" and that these two items relate to accessibility and have very little impact on firefighters, so that the criteria meets the wording "similar if not identical to the keypad".

Board noted, in passing, separate requirement in § 2.27.7.3, regarding permanence of instructions, which must be complied with.

After a discussion of the requested variance, Eric Morse moved for the board to take no action on this item with the justification that the keypad is code compliant. Neil Mullane seconded the motion. Vote: 7-0-0

**Motion: Eric Morse**  
**Seconded: Neil Mullane**  
**Vote: 7-0-0 No action taken**  
**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

4. **VAR24-0008** [Exhibit 2]  
**TK Elevator Corporation - Westwood**  
**Prototype Approval Variance (PAV)**  
**Code: 524 CMR 35.00 and ASME A17.1-B44 2013 SECTION 2.22 Buffers and Bumpers**

**Petitioner: Jason Tellier**

The petitioner is requesting a Prototype Approval Variance (PAV) for a new elastomeric buffer to be used with the EOX product. Related variances: VAR23-0043, on 5/3/23 and VAR23-0061 on 9/19/23. The sections of code referenced are the 524 CMR 35.00 and ASME A17.1-B44 2013 Section 2.22.1.1.

John Stockstill provided a summary of the variance request and explained that the EOX product previously approved is back in front of the board regarding the elastomeric buffer which now can be utilized with both traction and hydro. The previous board approval was specific to just traction. The current code 2.22.1.1 speaks to buffers of spring, oil, or equivalent type shall be installed under cars and counterweights. The construction is elastomeric rather than steel or oil buffer, but it has the same characteristics. Previous code did not call out elastomeric by name, but it meets all code requirements in A17.1.

After a discussion of the requested variance, David Gaudet moved for the board to take no action on this item with the justification that the product is currently installed in Massachusetts, is approved in A17.1-2016 and 2019, and documented to meet or exceed the code requirements. Neil Mullane seconded the motion. Vote: 7-0-0

**Motion: David Gaudet**

**Seconded: Neil Mullane**

**Vote: 7-0-0 No action taken**

**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

5. The board took a recess from 2:30 p.m. until 2:39 p.m.

6. **VAR24-0011** **[Exhibit 3]**

**95 Grassy Gutter Road Longmeadow**

**State ID: 159-K-18755**

**Code: 524 CMR 8.02 – Practical Tests and Inspections - Requirements and 29.01 - Stage, Orchestra, and Organ Console Elevators – Hoistway Construction**

**Petitioner: Nick Georgantas**

The petitioner is seeking a variance from 524 CMR 8.02 and 29.01 by stating the town would like to operate the stage lift in accordance with the product's operating procedures, which according to petitioner, eliminates risk to the health and safety of operators and the public.

The petitioner explained that the service company suggested they apply for a variance after they received a shut down notice during an inspection. Notice of violation for the hoistway not being flush. Petitioner indicated the town feels that the procedures in place from the manufacturer provide enough guidance for the safe use of the lift, which was installed in 2013.

Besides the Operation Manual, the town has instituted a statement of procedure, and they have four (4) authorized and trained personnel who must be present during the operation of the lift. One person operates the lift while the 3 others are around the perimeter of the lift and make

sure that no one goes near the lift while it is in use, and they stipulate that the equipment cannot be run while there are any other individuals in the room besides those who are authorized and trained. The lift is preset for each performance. The lift is a Serapis and can run below the floor by approximately 3 feet. When it is at stage level there are no fall protection devices associated with it. The back wall is made of plywood and stanchions are used around the orchestra pit to indicate a fall hazard, with no handrails on the stairs. There is a small lip where the stage overhangs, that during the inspection was indicated as a pinch point, and also the sides by the stairs. The stage overhang is a couple of inches, and the overhang is not beveled.

The petitioner explained that in 2018 during an inspection, it was brought to the town's attention that the lift did not have a State ID #, so he started the process of obtaining a State ID and completed that process in 2020. There have been previous violations and shut down notices on this State ID over the last couple of years and this lift has been shut down since 2022.

After a discussion of the requested variance, Tim Morgan moved to deny the variance from 524 CMR 8.02 and 29.01 with the justification that the unit is unsafe and not code compliant. Chris Towski seconded the motion. Neil Mullane expressed his opinion that the photos presented did not provide an appropriate representation of the present condition, as the photos were very dark. Vote: 7-0-0

**Motion: Tim Morgan**

**Seconded: Chris Towski**

**Vote: 7-0-0 Denied**

**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

**7. VAR24-0012**

**[Exhibit 4]**

**80 Cross Road Dartmouth**

**State ID: 72-P-25540**

**Code:** ASME 2.7.3.4 - Access Doors and Openings and 2.7.4 - Headroom in Machinery Spaces, Machine Rooms, Control Spaces, and Control Rooms.

**Petitioner: Kevin Medeiros**

The petitioner is seeking a variance from ASME 2.7.3.4.2 as the machine room height is 4" less than the 84" requirement and from ASME 2.7.4.1 as the height of the door to the machine room is 2" less than the 80" requirement. Height deficits are due to a high-water table level, encountered during excavation for the foundation, which caused the footing height to be raised. However, the wall height could not due to the height restriction of the building under the local bylaws.

The petitioner summarized the situation by explaining that during excavation of the property, a 24-unit apartment building, they encountered a substantial amount of groundwater, which at that point they had to raise the footing and reduce the wall height. Reducing the wall height, in turn decreased the height room in the basement to just under 7 feet. They couldn't raise the building height because they had a height restriction on the building of 42 feet, after they went to the local zoning board of Dartmouth for a variance, and they had elevation grades on the exterior of the building.

The petitioner indicated that at the time, he was unaware of the height requirements and that when the technician of Associated Elevator discovered that the height did not meet the requirements, they recommended seeking a variance.

After a discussion of the board, David Gaudet moved to table this item for 90 days until June 3, 2024, to allow the petitioner to provide an original architect stamped sectional view drawing, a Geotech report regarding the water height levels in the area, and a letter from the Planning Board regarding the height restrictions. Chris Towski seconded the motion. Tim Morgan commented that it would make him feel better if the main line piping would be around the side wall and not across the ceiling. Vote: 7-0-0 Deadline June 3, 2024

**Motion: David Gaudet**

**Seconded: Chris Towski**

**Vote: 7-0-0 Tabled for 90 days**

**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 |

8. The board took up the following Meeting Minutes review and approval out of order from the meeting notice:
9. **Approval of May 23, 2023, meeting minutes. [Exhibit 5]**

Christopher Towski moved to accept the minutes as written. The motion was seconded by Brian Ronan Vote 5-0-2

**Motion: Christoper Towski**

**Seconded: Brian Ronan**

**Vote: 5-0-2 Accepted as written**

**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 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 type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Anthony Buonopane  | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |

10. **Approval of January 23, 2024, meeting minutes. [Exhibit 6]**

Christopher Towski moved to accept the minutes as written. The motion was seconded by Brian Ronan Vote 6-0-1

**Motion: Christopher Towski**

**Seconded: Brian Ronan**

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

**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 type="checkbox"/> aye            | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Anthony Buonopane  | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain            |

**11. Approval of February 6, 2024, meeting minutes. – tabled.**

The minutes were tabled for a future meeting. No action was taken on this item.

12. Chief Anthony Buonopane gave an update on FS90 items, which included a couple of issues that he is seeking clarification on if the department should enforce or not enforce. His concern is that there is no code to support the stop switch behind the locked panel. After a discussion by the board, it was clarified that the department should not be addressing the one in the operating panel but in the COP so as to not interfere with the doors on phase II.

The chief then indicated that since the stop key is now a control key, there are a lot of access key switches and stop key switches keyed alike and he is concerned that the keys will end up in the wrong hands. The department is writing them up as they go for elevators installed under the 2013 code, but anything prior to that, they are leaving as is, as they were under control I but now that it is control II, they are finding this issue. The chief will monitor this and report back to the board.

13. Discussion of the attestation policy of the department. In particular, the use of placards which may harm the building owner and not the noncompliant elevator contractor. **[Exhibit 7]**

David Gaudet indicated that the contractor is responsible for the attestation letter, but that the building owner(s) are penalized if the contractor does not supply the attestation letter, as the unit gets placarded. The discussion continued with options the department might utilize around this process including placarding the units, re-inspecting the units, fining contractors and/or building owners. In the past, the attestation letter process was put in place for an expeditious resolution, with the contractor attesting that the work required has been completed and the unit has been brought up to code, so that a re-inspection was not required. The discussion concluded with the suggestion that the department keep the process as it currently is. Eric Morse reminded the board that if the contractor is not compliant in this responsibility, the building owners can always file a complaint against the contractor.

14. Chris Towski moved to Adjourn the meeting. Motion was seconded by Brian Ronan. Vote 7-0-0.

**Motion: Chris Towski**

**Seconded: Brian Ronan**

**Vote: 7-0-0 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 |
| • 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 adjourned at 4:36 p.m.  
Prepared by: Gayle Richardson

**Exhibit List:**

- Exhibit 1: Variance packet for 50 Service Road Boston
- Exhibit 2: Prototype Approval Variance packet for TK Elevator Corporation
- Exhibit 3: Variance packet for 95 Grassy Gutter Road Longmeadow
- Exhibit 4: Variance packet for 80 Cross Road Dartmouth
- Exhibit 5: Meeting Minutes May 23, 2023
- Exhibit 6: Meeting Minutes January 23, 2024
- Exhibit 7: Annual 60-Day Reinspection Policy Change Notification