

**CHARLES D.
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**Commonwealth of Massachusetts
Division of Occupational Licensure**

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COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
March 15, 2022 at 1:00 p.m.**

Microsoft Teams meeting

Board Members Present:

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

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Guests Present:

Lauren Mazerall
Michael Kennedy
Ursula Guthrie
Mark Lawrence
Greg Cronin
Jackie Welham
Inspector George Ramian
Russ Larson

Call to Order: 1:03 p.m.

The Board discussed the following:

1. Chief McDermott moved to exit open session and to enter into closed session in order to conduct an adjudicatory conference pursuant to G. L. c. 30A, § 18, ¶ 5(d), to continue

discussion on 472 West Broadway, Boston and 35 Brookline Avenue, Boston [**Exhibit 1 and 2**]. The motion was seconded by Neil Mullane.

Motion: Thomas McDermott

Seconded: Neil Mullane

Vote: 7-0; Enter into closed session.

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

Eric Morse recused himself from the closed session discussions and David Morgan took over the Acting Chair responsibilities.

A motion was made by Christopher Towski to exit closed session and to enter open session. The motion was seconded by Neil Mullane.

Motion: Thomas McDermott

Seconded: Neil Mullane

Vote: 6-0; Move back into open session.

Roll Call Vote:

• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Christopher Towski	<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
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

Eric Morse returned to the open session.

2. **78 Boston Road, North Billerica [Exhibit 3]**

State ID: 32-P-3

524 CMR 2018 35:00 §2.8.3.3

Petitioner: Lauren Mazerall

The petitioner was in front of the Board seeking a variance from 524 CMR 35:00 §2.8.3.3, to install sprinklers in the hoistway and machine room, to comply with the Centers for Medicare & Medicaid Services' (CMS) mandate and avoid denial of payment for patient admissions. The petitioner explained that a Life Safety Survey was conducted on the facility on December 15, 2021, and New England Pediatric Care was not found in

substantial compliance with the requirements for participation in Medicare/Medicaid, 42 CFR, 483.90(a-d), by failing to provide sprinkler protection for the elevator and hydraulic elevator machine room. The petitioner stated if the variance is granted, work will begin with upgrading the sprinkler system and bringing the fire protection up to meet the Federal Code requirements. A motion was made by David Morgan to grant the petitioner's request with the justification being hardship resulting from the withholding of federal funding due to an inspection CMS for non-compliance with NFPA 13 – 1999 Edition of the Standard for the installation of Sprinkler Systems. Specifically, that sprinklers are not installed in the elevator machine room, hoistway and pits. Prior established guidelines will be issued with the variance decision. 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
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

3. **9 Glen Road, Wellesley [Exhibit 4]**

State ID: 317-P-325

A17.1 §2.27.3.3.1(d)

Petitioner: George Cronin

The petitioner was in front of the Board seeking a variance from A17.1 §2.27.3.3.1(d). The petitioner stated that according to Inspector George Ramian, the cited code section is requiring the installation of a “peekaboo circuit”. Mr. Ramian, after being sworn, explained the violation. The petitioner stated that it would cost an estimated \$8,000 to upgrade the controller from Associated Elevator and this would cause a financial hardship for the owner. A motion was made by David Gaudet to deny the variance request from the applicable code A17.1-1996 §211.3(a)(3), which states “A car stopped at a landing shall have the in-car emergency stop switch or in-car stop switch rendered inoperative as soon as the car moves away from the landing. A moving car shall have the in-car emergency stop switch or in-car stop switch rendered inoperative without delay”.

Justification being safety and code compliance. The motion was seconded by Christopher Towski.

Motion: David Gaudet

Seconded: Christopher Towski

Vote: 7-0; Denied.

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

The Board recessed at 3:20 p.m. and resumed at 3:25 p.m.

4. **GEN3 Elevator [Exhibit 5]**

Product Variance

A17.1-2013 2.22 and A17.1-2013 2.18.4.2.5(a)

Petitioner: Russ Larson

The petitioner was in front of the Board seeking a product variance for the GEN3 Elevator, which will supersede the GEN2 Elevator. The petitioner stated that the GEN3 controller, suspension means, and code related documentation are identical to the GEN2. GEN3 is a rebranding of the GEN2 product. Changes or upgrades include connectivity to the internet, including diagnostics for mechanics and owners. E-Call is a Bluetooth technology to place call demands when the car is in automatic operations, only. Cab purifiers are an option with the GEN3. GEN2 variance has a slowdown switch approved variance and the GEN3 will have a software slowdown control. Also, the GEN3 will have elastomeric buffers, which are included in the 2016 code. The GEN3 contains several forward-thinking components that are not explicitly allowed in A17.1-2013. Mr. Morgan noted that no variance is cited in the application. The petitioner replied the variance being sought is to allow elastomeric buffers A17.1-2013 §2.22 and to allow the use of a hardware based electronic speed reducing switch A17.1-2013 §2.18.4.2.5(a). Mr. Larson explained that the internet connectivity is a “read only system” and understood that remote manipulation is not allowed. A motion was made by Neil Mullane to grant the variance for the GEN3 Elevator from the applicable code noted above, with a Board site visit in the first installation. The motion was seconded by David Gaudet.

Motion: Neil Mullane

Seconded: David Gaudet
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
• Neil Mullane	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

5. **Old Business [Exhibit 6]:**

Continued discussion regarding a possible safety/code issue for emergency services utilizing Fireman's Service Phase II. The Board reviewed the draft letter. A motion was made by David Morgan to approve the letter as written and for the Elevator Division to issue the letter to all impacted parties via Constant Contact. The motion was seconded by David Gaudet. **Vote:7-0.**

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

6. **New Business**

Upon a motion by Christopher Towski, the recent passing of Mr. George Dahlquist was recognized as were his numerous years and varied means of service to the safety to the citizens of the Commonwealth through his devotion to public service and elevator safety. Seconded by David Morgan. **Vote 7-0.**

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

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

Hearing concluded at 4:25 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 472 West Broadway, Boston
- Exhibit 2: Variance packet for 35 Brookline Ave., Boston
- Exhibit 3: Variance packet for 78 Boston Road, North Billerica
- Exhibit 4: Variance packet for 9 Glen Road, Wellesley
- Exhibit 5: Variance packet for GEN3
- Exhibit 5: Draft letter regarding a possible safety/code issue for emergency services utilizing Fireman's Service Phase II.