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Minutes

Meeting of the
Board of Elevator Regulations
May 3, 2023, at 12:00 p.m.

Meeting via Microsoft Teams

Board Members Present:

David Morgan, Acting Chair
Sarah Wilkinson
Christopher Towski
Neil Mullane
Brian Ronan
David Gaudet

Division of Occupational Licensure Staff:

Peter Kelley
Terry Asci

Board Members Absent:

Eric Morse

Guests Present:

Jason Tellier, TK Elevator
Cody Utke, TK Elevator
Johnny Stockstill, TK Elevator
Sunny Kaiola, TK Elevator
Randy Lester, TK Elevator
Daniel Hall, TK Elevator
Noel Herschell, VP VDA
Sean Gray, Fennick McRedie Architects
Scott Bullock, Executive Director, Whitney Place and Beaumont of Northborough
Gerry LeBlanc, Maintenance Director, Whitney Place and Beaumont of Northborough

Call to Order 12:03 p.m.:

1. Acting Chairman, David Morgan, requested that Roll Call be done.



2. The board addressed the following board business, out of order from the meeting notice:

a. Approval of January 17, 2023, meeting minutes. [Exhibit 1]

Christopher Towski moved to accept the minutes as presented. The motion was seconded by Neil Mullane. Brian Ronan was not present for the vote. **Vote 3-0-2**

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 3-0-2 Accepted as written

Roll Call Vote:

- | | |
|----------------------|---|
| ▪ David Morgan | <input type="checkbox"/> aye <input type="checkbox"/> nay <input checked="" type="checkbox"/> abstain |
| ▪ Christopher 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 |
| ▪ Sarah Wilkinson | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| ▪ David Gaudet | <input type="checkbox"/> aye <input type="checkbox"/> nay <input checked="" type="checkbox"/> abstain |

b. Approval of January 31, 2023, meeting minutes. [Exhibit 2]

Christopher Towski moved to accept the minutes as presented. The motion was seconded by Neil Mullane. Brian Ronan was not present for the vote. **Vote 4-0-1**

Motion: Christopher Towski

Seconded: Neil Mullane

Vote: 4-0-1 Accepted as written

Roll Call Vote:

- | | |
|----------------------|---|
| ▪ David Morgan | <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 |
| ▪ Neil Mullane | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| ▪ Sarah Wilkinson | <input checked="" type="checkbox"/> aye <input type="checkbox"/> nay <input type="checkbox"/> abstain |
| ▪ David Gaudet | <input type="checkbox"/> aye <input type="checkbox"/> nay <input checked="" type="checkbox"/> abstain |

c. Approval of February 14, 2023, meeting minutes.

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

3. Brian Ronan entered the meeting at 12:15 p.m.

4. VAR23-0043 [Exhibit 3]

TK Elevator

New Product name: North American EOX

Petitioner: Jason Tellier, TK Elevator

The petitioner is looking for a product variance for new EOX product. John Stockstill presented a new product, Elevated Operating Experience (EOX) and referenced that it is

ASME A17.1-2022 code compliant. The intention is to reduce the pit area from a 5-foot pit to a 4-foot pit for safety with a smaller than 48-inch toe guard (if approved). John Stockstill shared the Manpower schematics [Exhibit 3] and provided a summary of the new product which included the controller can shut off power on the trade panel, telephone, and emergency, etc. There is a light on the circuit breaker. The test panel is LED, and the idea is to have zero trapped passengers. The machine room has an electrical clearance torch safe of 120 VAC (finger safe). The HV22 drive motor controller is solid state electronics drive hardware and software. Labels are not included but will be required by the Massachusetts code. The brake hardware and software methods (2.26.9.8) STO will prohibit motor power inhibit power to brakes. The overhead structures are FTI rated. The Governor OL35-NA with encoder and they can send the certifications to the Board. The safety gear is type B with a certified tag.

The machine is a PMB300M suspension monitoring with residual buffer stands and buffers with CWT frame. The EOX counterweight guard utilizes a smaller guard and comes with a ring and string (Seismic Protective Device Requirement) which is a fail-safe type. The entrance has rated doors with a two-hour fire rating. The cab design is on top to improve safety with low voltage wiring with a 20 x 24-inch escape hatch. There are standard railings. The interior offers a laminate that can be added which is smoke flame requirement for the stainless steel. The door operator uses CDI gate contacts and unless required by code, no facia will be used. All switches and gate switches have certificates, and a fire service 3502 key is standard. The guide shoes are heavier to keep the maintenance low. The traveler cable car hanger bracket will be mounted under the car's platform and has a short apron (if approved), which is A17.7 certified. There is two-way communication which is A17.5 certified, and PI call displays text and is integrated with Mac. There are standard fixtures on the wall and the entrance.

David Gaudet noted that the petitioner is missing the citation of 524 CMR for the specific variance(s) and to grant a variance it needs to be specific and cite the code for each request. The board and the petitioner discussed multiple points brought up in the presentation.

Neil Mullane moved to table this item for 90 days for the petitioner to provide a Formal variance request, containing code citations and documenting any alternate means of safety, to provide Board with the opportunity to review the technical package in advance. Motion was seconded by David Gaudet. Vote 6-0-0 Deadline August 1, 2023

Motion: Neil Mullane

Seconded: David Gaudet

Vote: 6-0-0 Tabled August 1, 2023

Roll Call Vote:

- | | |
|----------------------|---|
| • David Morgan | <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 |
| • 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 |
| • Sarah Wilkinson | <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 |

5. Chris Towski left the meeting at 12:35 p.m.

6. **VAR23-0020** [Exhibit 4]
MBTA Southcoast Rail RTE 18 Acushnet Avenue, New Bedford
New Installation
Petitioner: Noel Herchell, VP VDA

The petitioner is seeking relief from A17.1-2013, code section 2.11.10.1.1 metal fascia requirement seeking to substitute with glass fascia on two (new) elevators. The MBTA is required, per its settlement with the Boston Center for Independent Living, to provide maximum transparency of the elevator cab to promote safety through visibility. A solid panel of smooth steel fascia cannot achieve the required visibility. A smooth laminated glass fascia, exceeding the properties of the .055" 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 remaining fascia would be smooth steel, as required. Same characteristics as in prior variance requests related to this issue.

Neil Mullane moved to grant the variance regarding A17.1-2013, rule 2.11.10.1.1 metal fascia requirements by substituting appropriate Z97 glass for two new installs at the MBTA as maximum visibility and maintenance of structural integrity are achieved. Motion was seconded by David Gaudet. Vote 5-0-0.

Motion: Neil Mullane

Seconded: David Gaudet

Vote: 5-0-0; **Granted**

Roll Call Vote:

- | | | | |
|-------------------|---|------------------------------|----------------------------------|
| • David 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 |
| • Sarah Wilkinson | <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 |

7. **VAR23-0011 & VAR23-0012** [Exhibit 5]
238 West Main Street, Northborough
State IDs: 215-P-11 and 215-P-36
Petitioner: Scott Bullock

The petitioner is seeking a variance from 524 CMR 35:00 §2.8.3.3, to install sprinklers in the elevator machine room, hoistway and pits, to comply with the CMS mandate and avoid denial of payment for admissions before 2/16/2024 deadline.

The petitioner provided a summary explaining that a Life Safety Survey was conducted on the facility on February 1st, 2023, and Beaumont Rehab & Skilled Nursing Center of Northborough was not found in substantial compliance with the requirements for participation in Medicare/Medicaid, 42 CFR, 483.70(a)(8), NFPA13 2010 Edition Section 8.15.5 and LCS Section 19.35, 19.3.5.4, 19.3.5.5 and 9.7.1.1, by failing to provide sprinkler protection for the elevator and hydraulic elevator machine room.

Neil Mullane moved to grant the petitioner's request with the condition that the petitioner provides the detailed CMS Survey results showing the deficiency before the variance will be issued, with the justification being hardship resulting from the withholding of federal funding due to an inspection by the Centers for Medicare & Medicaid Services (CMS) for non-compliance with NFPA 13 – 1999 Edition of the Standard for the installation of Sprinkler Systems. Motion was seconded by Sarah Wilkinson. Vote 5-0-0

Motion: Neil Mullane

Seconded: Sarah Wilkinson

Vote: 5-0-0; Granted with condition

Roll Call Vote:

- | | | | |
|-------------------|---|------------------------------|----------------------------------|
| • David 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 |
| • Sarah Wilkinson | <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 |

8. David Gaudet moved to Adjourn. Motion was seconded by Sarah Wilkinson. Vote 5-0-0.

Motion: David Gaudet

Second: Sarah Wilkinson

Vote: 5-0-0; Granted

Roll Call Vote:

- | | | | |
|-------------------|---|------------------------------|----------------------------------|
| • David 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 |
| • Sarah Wilkinson | <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 |

Meeting adjourned at 2:02 p.m.

Prepared by: Gayle Richardson utilizing notes from Terry Asci.

Exhibit List:

Exhibit 1: Meeting minutes of January 17, 2023

Exhibit 2: Meeting minutes of January 31, 2023

Exhibit 3: Variance packet for TK Elevator Product North American EOX

Exhibit 4: Variance packet for MBTA Southcoast Rail Rte 18 Acushnet Avenue New Bedford

Exhibit 5: Variance packet for 238 West Main Street Northborough