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Minutes

Meeting of the
Board of Elevator Regulations
May 7, 2024, at 1:00 p.m.

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

Board Members Present:

David Gaudet
Neil Mullane (Remote)
Anthony Buonopane
Brian Ronan
Christopher Towski

Division of Occupational Licensure Staff:

Peter Kelley
Gayle Richardson
Jay Ryan (Remote)

Board Members Absent:

Eric Morse, Acting Chair
Tim Morgan

Guests Present:

Ari Erlichman – Remote
Leah Ibarra – Schindler Elevator – Remote
Melanie Carr – Schindler Elevator – Remote

Call to Order: 1:02 p.m.:

1. Roll call.
2. By unanimous consent of the members Board of Elevator Regulations present, David Gaudet was named the acting chair for this meeting.



3. **VAR24-0018**

[Exhibit 1]

18 Frances Street Woburn

State ID: 347-P-152

Code: 524 CMR 35:00 Section §2.8.3.3

Petitioner: Yahuda Raindel

The petitioner is seeking a variance from 524 CMR 35:00 Section §2.8.3.3 to allow installation of sprinklers in the elevator machine room and elevator shafts to satisfy NFPA requirement section 8.15.5.

Ari Erlichman, owner, provided a summary to the board regarding the variance request from 524 CMR 35:00 §2.8.3.3. No elevator contractor retained yet.

After a discussion by the board, Chris Towski moved to grant the petitioner's variance from 524 CMR 35:00 §2.8.3.3 as requested with the justification being hardship resulting from the withholding of federal funding due to waiver notification issued by CMS. Written variance will contain previous board provisions related to safety restrictions for compliance. The motion was seconded by Brian Ronan. Vote 5-0-0

Motion: Chris Towski

Seconded: Brian Ronan

Vote: 5-0-0 Granted with conditions

Roll Call Vote:

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

4. **VAR24-0020 – VAR24-0022**

[Exhibits 2, 3 & 4]

200 Minuteman Road Andover

State ID'S: 10-P-275, 10-P-276 and 10-P-277

Code: A17.1-2013-2.26

Petitioner: Melanie Carr

The petitioner seeks variance from ASME A17.1 2013: Section 2.26 for three elevators at the same address. They are performing a modernization at this location and are requesting an extension of the FS90 violation compliance date by one (1) year.

Leah Ibarra summarized the request for variance by providing the details of a modernization project that will address all FS90 violations as the project will be a bumper-to-bumper modernization. The project is expected to start in September 2024, with a staggered process of modernizing one unit at a time with an expected completion date of December 2024.

After a discussion by the board, Chris Towski moved to grant, with the condition that whether any car is modernized or under modernization by December 31, 2024, all FS90 violations must be corrected by that date. The justification stated was that the modernization project would provide the required violation corrections. The motion was seconded by Brian Ronan. Vote 5-0-0

Motion: Chris Towski

Seconded: Brian Ronan

Vote: 5-0-0 Granted with conditions

Roll Call Vote:

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

5. The following item was not reasonably anticipated 48 hours in advance of the meeting:
- Counsel Peter M. Kelley addressed a question from the board and provided clarification on the process of the board's decisions and potential appeal to the Board of Elevator Appeals (BEA).

6. Approval of meeting minutes from April 2, 2024. [Exhibit 3]

Chris Towski moved to accept the minutes as written. The motion was seconded by Neil Mullane. Vote 4-0-1.

Motion: Chris Towski

Seconded: Neil Mullane

Vote: 4-0-1 Accepted as written

Roll Call Vote:

- | | | | |
|----------------------|---|------------------------------|---|
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan | <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 |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

7. Approval of meeting minutes from March 26, 2024. – tabled.

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

8. Chris Towski moved to Adjourn the meeting. Motion was seconded by Brian Ronan. Vote 5-0-0.

Motion: Chris Towski

Seconded: Brian Ronan

Vote: 5-0-0 Granted

Roll Call Vote:

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

Meeting adjourned at 2:02 p.m.

Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Variance packet for 18 Frances Street Woburn
- Exhibit 2: Variance packet for 200 Minuteman Road Andover
- Exhibit 3: Variance packet for 200 Minuteman Road Andover
- Exhibit 4: Variance packet for 200 Minuteman Road Andover
- Exhibit 5: Meeting minutes April 2, 2024