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BAKER**  
GOVERNOR

**KARYN E. POLITO**  
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**Commonwealth of Massachusetts  
Division of Professional Licensure**

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UNDERSECRETARY OF CONSUMER  
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REGULATION

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Minutes**

**Board of Elevator Regulations**

**This meeting was held remotely via Microsoft Teams  
May 18, 2021 at 10:00 a.m.**

**Board Members Present:**

Eric Morse, Acting Chairman  
Sarah Wilkinson  
Christopher Towski  
David Gaudet  
Cheryl Davis  
David Morgan

**Division of Professional Licensure Staff:**

Peter M. Kelley  
Ruthy Barros

**Board Members Absent:**

Brian Ronan

**Guests Present:**

Linda Martin, J.D. – Chief Compliance Officer, CareOne  
Andrew Grimes – Administrator, CareOne  
Kyle Clark – Director of Environmental Services, CareOne  
Ann Marie Morais – Director of Quality Improvement, CareOne  
Sarina Hart – Project Manager, Koffel Associates  
Dennis Billings – Governor's House Nursing Home  
Samantha Fiore – Regional VP, Governor's House Nursing Home  
Kevin Thimot – Administrator, Craneville Place of Dalton  
Kristen McHugh – BaneCare Management, LLC  
Helen Magliozzi – Mass Senior Care Association  
Ann Shacar – BaneCare Management, LLC  
Ryan Astrup – Director, ParkPlus  
Patrick Flaherty – Sales representative, ParkPlus  
AJ Jenkins – National Sales Director, ParkPlus  
Maria Bauza – Project Manager, ParkPlus  
Raymond Olko – Schindler Elevator Corporation  
Andrew Cohen – Century Investment  
Michael Rogers – Bob's Discount Furniture

The Board discussed the following:

1. **64 Performance Drive – Weymouth, MA [Exhibit 1]**  
**State ID: 336-P-156**  
**524 CMR 35.00 Section 3.7**  
**Petitioner: CareOne at Weymouth**

The petitioner was in front of the Board seeking a variance from 524 CMR 35.00 Section 3.7 – Machinery Spaces, Machine Rooms, Control Spaces, and Control Rooms. The above listed address is a Medicare certified skilled nursing facility, which is subject to Federal Life Safety regulations at 42 CFR 483.90, and is facing enforcement action due to the lack of a sprinkler in the machine room. These regulations require buildings to be fully sprinklered and the above facility has been cited by the Centers for Medicare and Medical Services (CMS), due to the lack of sprinkler coverage in its elevator machine room. The petitioner stated that the requirement for Medicare certified skilled nursing facilities to be fully sprinklered became effective on August 13, 2013. Until recently, CMS had discretion to approve certain time limited waivers and extensions under narrowly define circumstances. However, the prescribed timeframes for those expectations have expired and CMS no longer has such discretion. The above listed facility is a two-story building with a particular basement of Type II (000) construction with a 3-stop hydraulic elevator that was installed in 1994 and is fully sprinkler protected except for the elevator machine room serving the facility's hydraulic elevator. The machine room measures 76 square feet. In order to comply with federal regulations, the petitioner proposes to install a single sprinkler head with smoke detector in the elevator room. In addition, the petitioner will install a heat sensor to be located in close proximity (within 24 inches) to the sprinkler head to prevent unwarranted discharge. The petitioner also proposes to install a shunt trip device that will be in accordance with NFPA and ASME standards, which will ensure rapid disconnection of the power source by shutting off the circuit breaker prior to the release of the automatic sprinkler system. This will eliminate risk of electrocution or fire spread and will mitigate the risk of damage to the control panel. The petitioner stated that there are possibly 300 similar facilities statewide that might be facing the same dilemma. Lastly, the petitioner stated that the CMC enforcement has been suspended, but after 90 days the facility cannot accept new admissions and after 180 days clients will be eliminated from the program. A motion was made by Sarah Wilkinson to table this discussion to allow for additional research and full

hearing to take place no later than June 22, 2021. This topic will be placed on the next agenda for discussion. A motion was seconded by Cheryl Davis.

**Motion:** Sarah Wilkinson

**Seconded:** Cheryl Davis

**Vote: 6-0; Tabled for further research and discussion.**

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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

2. **66 Broad Street – Westfield, MA [Exhibit 2]**

**State IDs: 329-P-6 and 329-P-7**

**524 CMR**

**Petitioner: Dennis Billings**

The petitioner was in front of the Board requesting a variance to Federal Life Safety Code Tags K351 and K161, and further requests permission to install sprinklers in the elevator mechanical rooms and shafts. The above listed address is a Medicare certified skilled nursing facility, which is subject to Federal Life Safety regulations at 42 CFR 483.90, and is facing enforcement action due to the lack of a sprinkler in the machine room. These regulations require buildings to be fully sprinklered and the above facility has been cited by the Centers for Medicare and Medical Services (CMS), due to the lack of sprinkler coverage in its elevator machine room. The petitioner stated that July 15, 2021 is the Governor's House Nursing Home's deadline for denial of services and has applied for a delay in enforcement but has not heard from CMS. A motion was made by Sarah Wilkinson to table this discussion to allow for additional research and full hearing to take place no later than June 22, 2021. This topic will be placed on the next agenda for discussion. A motion was seconded by Cheryl Davis.

**Motion:** Sarah Wilkinson

**Seconded:** Cheryl Davis

**Vote: 6-0; Tabled for further research and discussion.**

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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

- |                   |   |                              |
|-------------------|---|------------------------------|
| • David Morgan    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

3. **265 Main Street – Dalton, MA [Exhibit 3]**

**State ID: 70-P-6**

**524 CMR**

**Petitioner: Kevin Thimot**

The petitioner was in front of the Board requesting a variance to Federal Life Safety Code Tags K351 and K161, and further requests permission to install sprinklers in the elevator mechanical rooms and shafts. The above listed address is a Medicare certified skilled nursing facility, which is subject to Federal Life Safety regulations at 42 CFR 483.90, and is facing enforcement action due to the lack of a sprinkler in the machine room. These regulations require buildings to be fully sprinklered and the above facility has been cited by the Centers for Medicare and Medical Services (CMS), due to the lack of sprinkler coverage in its elevator machine room. The petitioner stated that the facility was cited in August 2019 but has not yet heard from CMS. A motion was made by Sarah Wilkinson to table this discussion to allow for additional research and full hearing to take place no later than June 22, 2021. This topic will be placed on the next agenda for discussion. A motion was seconded by Cheryl Davis.

**Motion:** Sarah Wilkinson

**Seconded:** Cheryl Davis

**Vote: 6-0; Tabled for further research and discussion.**

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 |
| • Cheryl Davis       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Sarah Wilkinson    | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse         | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

4. **457 W Broadway – Boston, MA [Exhibit 4]**

**Product Variance**

**Manufacturer: JG Parking**

**Product Name: Semi-Automated Lift Sliding System Model PSH-2L-JG: ParkPlus LS2h1d**

**Petitioner: Ryan Astrup**

The petitioner was originally in front of the Board on March 2, 2021 seeking a product variance for a 62 car semi-automated lift sliding system model: PSHL-3-JG: ParkPlus LS2h1d. The two code sections that the petitioner stated he will not meet are 524 CMR § 26.07 – Protection at Other Levels and § 26.11 – Car Enclosures and Car Gates. The ParkPlus machine will not have dividers or ropes 42” high between parking cubicles. The petitioner’s representative stated that the operation of the system would be impossible if dividers were installed between parking cubicles. Also, the machine will not have 42” high rails on sides not used for entrance and exit. The system will be impossible to operate if these were installed. The petitioner’s representative testified that the proposed system and site is fully code compliant, aside from the two sections of code that the petitioner is seeking a variance from. The Board had concerns of numerous areas in the elevator machine room that are non-compliant, including relocation of the disconnect to the hinged wall, visual communication, siting of the switch and other possible violations of 524 CMR. The petitioner’s representative submitted new design drawings Board members questioned and expressed concerns of the use of FOBs. Board member David Morgan stated he sits on a ASME remote manipulation task force and expressed concerns of remote manipulation and cyber security concerns. The petitioner’s representative is willing to remove the FOBs and is willing to collaborate with the Board on this issue. A motion was made by Christopher Towski to grant the petitioner’s site-specific request with a required site visit prior to certificate issuance and FOBs will not be allowed. The motion was seconded by David Morgan.

**Motion:** Christopher Towski

**Seconded:** David Morgan

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

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
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	Recused	

Board member Cheryl Davis left the meeting at 10:40 a.m.

5. **135 Memorial Avenue – West Springfield, MA [Exhibit 5]**  
**State ID: 325-V-138**  
**524 CMR Section 32.07**  
**Petitioner: Raymond Olko**

The petitioner was in front of the Board seeking relief from the Inspector's Report citing 524 CMR Section 32.07, "No 2 lamp car lights, switch in machine room". The petitioner stated that this material lift has no riders and does not believe it is necessary to have a car light in the car because the hoistway is open, fenced in and surrounded by lighting and 24-hour lights are located outside the hoistway that are not on sensors. The Acting Chair stated that the requirement for the car light is outlined and specified in Section 32.01 (2)(b)(10) and Section 32.06 (6) and (7), which applies to new installation and reciprocating conveyors installed prior to April 15, 2009. The petitioner stated that the VRC was not installed with a car light and installing one would require significant alterations to the design of the system, where a travel cable would have to be installed. The date of installation was not confirmed during the hearing. The Chief of Inspectors advised the petitioner that an extension request can be made internally. A motion was made by David Gaudet to deny the petitioner's request due to safety concerns. A motion was seconded by Christopher Towski.

**Motion:** David Gaudet  
**Seconded:** Christopher Towski  
**Vote: 5-0; Denied.**

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
• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Sarah Wilkinson	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	Not present	

The meeting minutes from April 6, 2021, April 20, 2021, April 27, 2021, and May 5, 2021 were tabled to the next meeting.

**Motion to Adjourn:** Christopher Towski  
**Seconded:** Sarah Wilkinson  
**Vote: 4-0; Adjourned.**

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

- |                   |   |                              |
|-------------------|---|------------------------------|
| • Sarah Wilkinson | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Cheryl Davis    | Not present                             |                              |
| • David Morgan    | Not present                             |                              |

Hearing concluded at 11:20 a.m.  
 Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for 64 Performance Drive, Weymouth
- Exhibit 2: Variance packet for 66 Broad Street, Westfield
- Exhibit 3: Variance packet for 265 Main Street, Dalton
- Exhibit 4: Revised drawings for 457 W Broadway, Boston
- Exhibit 5: Variance packet for 135 Memorial Avenue, West Springfield