

**CHARLES D.
BAKER**
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Professional Licensure**

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes

**Meeting of the
Board of Elevator Regulations
June 22, 2021 at 1:00 p.m.**

**1000 Washington Street
Boston, MA 02118
1st Floor – Room 1C**

Board Members Present:

Eric Morse, Acting Chairman
Christopher Towski
David Gaudet
Brian Ronan
David Morgan
Sarah Wilkinson

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros
Thomas E. McDermott

The Board discussed the following:

1. The Board continued further discussion of additional information/research needed so to allow continued hearings on June 22, 2021, for outstanding variance petitions. The Board discussed how will ventilation affect heat detectors. Christopher Towski and David Morgan believe that it will be the responsibility of the design professionals to design the ventilation and sprinkler systems. The Board then went on to review a nursing home sprinkler sample decision template [Exhibit 1] for the current cases in front of the Board. The Board discussed possible revisions to the language and thoughts that would allow some type of delay in the sprinkler system, so the elevator could get to a floor to permit the riding public, including emergency personnel, to exit the elevator. Eric Morse explained the timer procedure. The Board explored every scenario and went through careful consideration regarding the financial hardship that would occur for building

owners and thorough training and education that would be required of the Inspectors. Variance requests will be applicable to the requirements of 524CMR only and do not grant relief from any other regulation or statute. The applicant may require relief from other regulatory boards and a full review of other applicable regulations is necessary. A motion was made by Sarah Wilkinson to approve the suggested revisions and grant a variance from 524 CMR 35:00 § 2.8.3.3 for the six pending cases that have come in front of the Board, with the justification being that 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. Specifically, that sprinklers are not installed in the elevator machine room, hoistway and pits. The motion was seconded by David Morgan.

Motion to Adjourn: Sarah Wilkinson

Seconded: David Morgan

Vote: 6-0; Granted.

2. Approval of meeting minutes:

May 25, 2021 [Exhibit 2]

A motion was put forth by Sarah Wilkinson to accept the minutes as written. The motion was seconded by David Morgan **Vote: 5-0; Granted.** Eric Morse abstained.

May 28, 2021 [Exhibit 3]

A motion was put forth by David Morgan to accept the minutes as written. The motion was seconded by Christopher Towski **Vote: 5-0; Granted.** Eric Morse abstained.

June 4, 2021 [Exhibit 4]

A motion was put forth by David Morgan to accept the minutes with the noted corrections. The motion was seconded by Christopher Towski **Vote: 5-0; Granted.** David Gaudet abstained.

The meeting minutes of June 1, 2021, June 8, 2021, June 11, 2021 and June 14, 2021 were unavailable for review.

The Board recessed at 2:43 p.m. and went back into session at 2:51 p.m.

3. Board counsel, Peter Kelley, notified the Board of an upcoming public hearing. Counsel stated that pursuant to M. G. L. c. 7, § 3B; c. 30A, § 2; and c. 143, § 65 the Commonwealth of Massachusetts Executive Office of Administration and Finance (A&F), in conjunction with the Division of Professional Licensure (Division) will hold a public hearing on July 30, 2021 relative to the proposed promulgation of amendments to the Division's fees for conducting elevator inspections. Counsel indicated Board members may attend or review recording of hearing.
4. A motion was made at 3:04 p.m. by David Morgan to exit open session and enter closed session to conduct an adjudicatory conference, pursuant to G. L. c. 30A, § 18, ¶ 5(d). The motion was seconded by Brian Ronan. **Vote: 5-0; Move into closed session.** Eric Morse took no part in the discussion of or deliberation on the closed session matter.

A motion was made at 3:57 p.m. by David Morgan to exit closed session and enter open session. The motion was seconded by Brian Ronan. **Vote: 5-0; Move back into open session.**

Motion to Adjourn: Christopher Towski
Seconded: David Morgan
Vote: 6-0; Adjourned.

Hearing concluded at 4:15 p.m.
Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Nursing home sprinkler sample decision template
- Exhibit 2: Meeting minutes from May 25, 2021
- Exhibit 3: Meeting minutes from May 28, 2021
- Exhibit 4: Meeting minutes from June 4, 2021