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COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes**

**Meeting of the  
Board of Elevator Regulations  
June 28, 2022 at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor – Room 1D**

**Board Members Present:**

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

**Division of Occupational Licensure Staff:**

Peter Kelley  
Ruthy Barros

**Guests Present:**

Jason O'Dowd  
Chris Fahey

Call to Order 1:03 pm:

Neil Mullane recused himself from the below case.

- 1. MBTA Haymarket Station – 136 Blackstone Street, Boston [Exhibit 1 and 1A]  
State ID: 1-P-9676  
524 CMR  
Petitioner: Jason O'Dowd**

The petitioner appeared before the Board. Petitioner is seeking a variance from 524 CMR “Top of car space”. Mr. Fahey went over the submission variance packet, stating that the existing unit is a Motion Control Elevator, hydraulic, two-stop, twin hole less, installed approximately on May 30, 1997. An incident occurred on January 28, 2022, and the unit was shut down by OPSI and failed the placard removal inspection on February 8, 2022 and removed shut down. Included in the submission was a copy of a Shutdown Notice issued on February 8, 2022, by an OPSI Elevator Inspector. Mr. Fahey stated he is seeking a variance from the citation, “No refuge spaces on top of car A17-1996 300.8d between cross head and top of hoistway”. The MBTA is proposing to put high visibility signage and warning labels on the elevator car top, in the elevator hoistway and in the elevator machine room, stating “Caution Low Overhead Clearance”. OPSI included pictures of the existing hoistway condition [Exhibit 1A], which illustrated a portion of the hoistway chipped out. Mr. Fahey stated that Kone could remove the bolts in the overhead by grinding them out. Mr. Morse stated that he does not believe a variance is required because the code is met other than the cartop light socket, which can be moved by agreement of the owners. A motion was made by David Morgan to allow the petitioner to withdraw their variance request based on the fact that the elevator, as installed, could be made code compliant. Justification being the safety of mechanics working on the elevator. The motion was seconded by David Gaudet.

**Motion: David Morgan**  
**Seconded: David Gaudet**  
**Vote: 6-0; Withdrawal.**

Roll Call Vote:

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

The Board recessed at 2:00 p.m. and resumed at 2:09 p.m. and Neil Mullane rejoined the Board.

2. **Approval of meeting minutes from March 22, 2022 [Exhibit 2]**

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by David Morgan. **Vote: 7-0; Granted.**

**Motion: Christopher Towski**  
**Seconded: David Morgan**

**Vote: 7-0; Granted.**

Roll Call Vote:

• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<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
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

**3. Approval of meeting minutes from March 29, 2022 [Exhibit 3]**

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by Brian Ronan. **Vote: 7-0; Granted.**

**Motion: Christopher Towski**

**Seconded: Brian Ronan**

**Vote: 7-0; Granted.**

Roll Call Vote:

• David Morgan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Thomas McDermott	<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
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

David Gaudet left the meeting at 2:00 p.m.

**4. Old business:**

• **204 Forest Avenue, Newton**

Petitioner contacted OPSI and requested to withdraw their variance request at this time. Read and filed.

**Motion to Adjourn: Christopher Towski**

**Seconded: Brian Ronan**

**Vote: 6-0; Adjourned.**

Hearing concluded at 2:13 p.m.

Prepared by: Ruthy Barros

**Exhibit List:**

- Exhibit 1: Variance packet for MBTA Haymarket Station – 136 Blackstone Street, Boston
- Exhibit 1A: OPSI Inspector pictures of existing hoistway condition at MBTA Haymarket Station – 136 Blackstone Street, Boston
- Exhibit 2: Meeting minutes from March 22, 2022
- Exhibit 3: Meeting minutes from March 29, 2022