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**Commonwealth of Massachusetts
Division of Occupational Licensure**

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REGULATION

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COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
July 26, 2022 at 1:00 p.m.**

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

Board Members Present:

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

Division of Occupational Licensure Staff:

Peter Kelley
Ruthy Barros

Board Members Absent:

David Morgan

Guests Present:

Richard Nolan
John Hamilton
Michael Smaga
Nilan Mistry
Andrew Zuroff
Charles Simmons
Brandon Hall
Santiago Rios

Call to Order 1:02 pm:

1. **109 Water Street, Beverly [Exhibit 1]**

State IDs: 31-P-127

524 CMR Section 2.27.3.3.1(d)

Petitioner: John Hamilton

The petitioner appeared before the Board seeking a variance from the enforcement of 524 CMR Section 2.27.3.3.1(d) “In Car Operating Panel Keyed Stop Switch shall not interfere with door operation when on Phase II at a desired landing”. The petitioner stated that the unit is a 40 plus year old unit with fire fighter service and in-car push/pull stop switch. The petitioner believes this code enforcement oversteps the rule by applying it to elevators with non-keyed switches. This unit has a pull to activate the stop switch it can only be activated when a conscious effort is made to activate. A simple push on the button will deactivate the switch. The petitioner stated that the cost quoted by their service company is over \$4500 to correct the inspector’s write-up and this would cause an unwarranted financial burden on the condo owners. The petitioner proposed that the elevator be exempt from this requirement until such time as they perform a complete upgrade of the controller. Mr. Morse explained the history of adding fire fighter phase II, as older cars are subject to the 1991 Code. A motion was made by Christopher Towski to deny the petitioner’s request with the justification being this is a code requirement, and there are options for the petitioner to comply with code, and due to possible safety issues for fire fighters. The motion was seconded by David Gaudet.

Motion: Christopher Towski

Seconded: David Gaudet

Vote: 6-0; Denied.

Roll Call Vote:

• Eric Morse	<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 took no part in the discussion of or deliberation on the following matter.

2. **100 Water Street, Haverhill [Exhibit 2]**

State ID: 128-P-191

524 CMR Section 2.26.4.1

Petitioner: Eric Morse

The petitioner’s representative appeared before the Board seeking a variance from 524 CMR Section 2.26.4.1(a), to allow a new disconnect in an existing machine room to be located at

20’-5” in place of the 18” as required by code. The petitioner’s representative stated that the existing disconnect was changed out to allow for the axillary contacts necessary for the installation of battery lowering. The existing disconnect is at 23". Installation of the new disconnect has been moved as close to the lock jamb side as possible at 20.5”, without blocking the door opening. While it is not located at 18” as required by code, from the lock jamb side of the door, it currently provides a safer application with the incorporation of battery lowering. A motion was made by Neil Mullane to grant the variance for 20.5” distance to the mainline disconnect with the following conditions: the disconnect must be moved off of the wall, to allow the disconnect handle to extend beyond the adjacent wall and a licensed electrician letter of compliance is provided to the Board. The motion was seconded by Christopher Towski.

Motion: Neil Mullane
Seconded: Christopher Towski
Vote: 5-0; Granted.

Roll Call Vote:		
• 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 returned to the meeting.

3. **632-638 Centre Street, Jamaica Plain [Exhibit 3]**

New Installation
ASME A17.1-2013 Sections 2.2.2.4, 2.2.2.5, and 2.2.2.6
Petitioner: Nilan Mistry

The petitioner appeared before the seeking a variance from Sections 2.2.2.4, 2.2.2.5, and 2.2.2.6 of ASME A17.1-2013 for the installation of a drain and/or sump pit in the bottom slab of the elevator shaft due to high groundwater conditions. The petitioner stated that this building is new three-story commercial/residential building with a partial basement at the front of the building and at-grade parking beneath the second floor at the rear of the building. The elevator is a traction type elevator with a travel distance from the basement to the roof level. The elevator components are being manufactured by ThyssenKrupp. During construction, pumping operations had to be employed to construct the elevator pit in dry conditions and control of water was not sufficient to construct a sump pit below the base mat. To alleviate the pumping requirements, the top wall around the elevator pit walls were

raised to 2 feet above the basement top of slab elevation. The bottom of the elevator pit consists of a 12-inch-deep reinforced concrete mat. The petitioner's representative stated that in order to provide a sump pit at this stage of construction, a sump basin would need to be installed below the base mat and it would be difficult to provide a watertight seal at the top of the base mat with this system. In lieu of the sump basin the petitioner is proposing to apply negative side waterproofing on the interior side of the elevator pit walls and top of base mat, along with the seal at the joint between the walls and the base mat. thereafter, a surface mounted sump pump would be installed for emergency activation only, and this pump would discharge to an oil/water separator in the basement before entering the sanitary drain line. Mr. Mullane commented that the petitioner should inquire as to options with manufacturer ThyssenKrupp. At this time, the petitioner requested to withdraw their variance request and possibly come back in front of the board with alternative options.

Withdrawn.

The Board recessed at 2:36 p.m. and resumed at 2:45 p.m.

4. 350 Washington Street, Brookline [Exhibit 4]

State IDs: 46-P-577

ASME A17.1-2013 Section 2.26 and 2.26.2.21

Petitioner: Charles Simmons

The petitioner appeared before the Board seeking a variance from ASME A17.1-2013 Section 2.26 and 2.26.2.21, the code requirement that restricts the emergency stop switch to licensed personnel, firefighters, and authorized personnel. The petitioner stated the code was changed in 2013 and all of the elevators owned by the town of Brookline have passed state inspections since that time, including the concern with FEO Phase II. the petitioner inquired about accident or incident reports of firefighters having problems with someone placing the in-car emergency stop switch in the "STOP" position during a Phase II operation during a fire emergency in the Commonwealth. the petitioner testified that the town of Brookline does not have the funds to make repairs to all of their elevators and it would take a tremendous amount of time to obtain the funding and potentially place the repairs out to bid this would affect 24 of the town's elevators. there are some cases where fixes will not work and controllers have to be replaced along with wiring and fixtures, such as the car operating panels and haul push button fixtures. There are estimates from the service company between \$160,000 and \$200,000 for the 24 elevators. The petitioner proposed two options to the board to consider, one being that keys that would access the stop button are not available or in possession to any Brookline employees. If there is any chance or concern of this, the town

would get the cylinder re-keyed so that only authorized personnel would have this key and the board can interpret who those individuals would be. This would prevent any activations of the switch during a fire emergency. The second suggestion is to remove the emergency stop switches. The petitioner stated that the interpretation of the state elevator code based on discussions with elevator companies, is not clear. The unit failed inspection on March 16, 2022, and the FS90 code requirement failed. Mr. Mullane mentioned that that code has been in effect and has been required. A motion was made by Eric Morse to deny the petitioner’s request with the justification being operation of the doors under Firefighter’s Emergency Operation Phase II must be in full compliance with the applicable code to ensure firefighter and public safety. The motion was seconded by Christopher Towski.

Motion: Eric Morse
Seconded: Christopher Towski
Vote: 6-0; Denied.

Roll Call Vote:

- | | | |
|----------------------|---|------------------------------|
| • Eric Morse | <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 |

5. **277 Border Street, Boston [Exhibit 5, 5A and 5B]**

New Installation

524 CMR Sections 26.07, 26.11 and 26.16

Petitioner: Brandon Hall

The petitioner appeared before the Board seeking a variance from 524 CMR Sections 26.07 – Protection at Other Levels, 26.11 – Car Enclosures and Car Gates, and 26.16 – Terminal Stopping Devices and Operating Controls. The petitioner stated that Parkmatic is proposing to install a Class III type semi-automated parking system at the above address. This system, when complete, will offer seven parking spaces and will serve as Parkmatic’s first semi-automated system in the Commonwealth of Massachusetts. The petitioner testified that the Parkmatic machine will not have dividers or ropes 42” high between parking cubicles because this feature significantly impacts egress means to exit the motor vehicle after parking and the dividers or ropes can damage vehicle’s doors. Also, the Parkmatic Puzzle machine does not have 42” high rails on all car sides not used for entrance or exit, as this condition seriously impacts egress ability as an operator exits the motor vehicle after parking. The machine does employ a 48” safety gate. Lastly, the Parkmatic Puzzle machines

use a human machine interface to operate the machine, the directional buttons are up, down, left, and right and they are constant pressure switches. The Parkmatic keypad can operate the machine manually and automatically. To operate the Puzzle machine manually a specific pattern must be keyed, then the machine will be controlled by constant pressure of one of the directional buttons. Essentially the HMI will deliver constant pressure operation as well as automatic from the same station. Inspection occurred on July 21, 2022, by supervisor Edward Sandell, and the equipment owner was issued a stop order when Mr. Sandell found non-licensed personnel reassembling the system. Mr. Sandell provided the Board with pictures and notes [Exhibit 5A] from his findings. Chief McDermott stated that the department will send out another inspector to ensure the system has been taken down. Mr. Hall testified that the system will be taken down by Massachusetts licensed elevator mechanics. A motion was made by Eric Morse to place the petitioner's request on hold for 30 days, to allow the petitioner time to come back to the Board with additional information, e.g., style of door/gates, HMI, pictures etc. The motion was seconded by Neil Mullane.

Motion: Eric Morse

Seconded: Neil Mullane

Vote: 6-0; Placed on hold for 30 days.

Roll Call Vote:

• Eric Morse	<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

6. Approval of meeting minutes from April 5, 2022 [Exhibit 6]

A motion was put forth by Christopher Towski to accept the minutes as written. The motion was seconded by David Gaudet **Vote: 6-0; Granted.**

Motion: Christopher Towski

Seconded: David Gaudet

Vote: 6-0; Granted.

Roll Call Vote:

• Eric Morse	<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

7. **Approval of meeting minutes from April 19, 2022 [Exhibit 7]**

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

Motion: Christopher Towski

Seconded: David Gaudet

Vote: 5-0; Granted.

Roll Call Vote:

- | | | |
|----------------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | Abstained | |
| • 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 |

Motion to Adjourn: Christopher Towski

Seconded: Brian Ronan

Vote: 6-0; Adjourned.

Hearing concluded at 4:41 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 109 Water Street, Beverly
- Exhibit 2: Variance packet for 100 Water Street, Haverhill
- Exhibit 3: Variance packet for 632-638 Centre Street, Jamaica Plain
- Exhibit 4: Variance packet for 350 Washington Street, Brookline
- Exhibit 5: Variance packet for 277 Border Street, Boston
- Exhibit 5A: Pictures and notes from Inspector Sandell
- Exhibit 5B: Revised packet for 277 Border Street, Boston
- Exhibit 6: Meeting minutes from April 5, 2022
- Exhibit 7: Meeting minutes from April 19, 2022