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Minutes

**Meeting of the
Board of Elevator Regulations
July 6, 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
Neil Mullane
Sarah Wilkinson

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros

Board Members Absent:

Brian Ronan
David Morgan

Guests Present:

Frank McGuire
Douglas Carmichael
Mark Bernhard
Charles Zammuto
Christopher Lawson

The Board discussed the following:

1. **400 Groton Road – Ayer, MA [Exhibit 1]**

State ID(s): 20-P-10 and 20-P-11

524 CMR 35.00 §2.8.3.3

Petitioner: Frank McGuire

The petitioner was in front of the Board seeking a variance from 524 CMR 35:00 §2.8.3.3, which states sprinklers shall not be permitted in power passenger or freight elevator hoistways, pits, machine rooms or control spaces. The petitioner stated that the reason for this request of variance is that a Life Safety Code (LSC) comparative Federal Monitoring Survey was conducted by the Centers for Medicare and Medicaid Services (CMS) on October 23, 2019 following a state agency survey that was conducted on October 16, 2019. At this comparative Federal Monitoring, Apple Valley Center was not found in substantial compliance with the requirements for participation in Medicare/Medicaid, 42 CFR, Subpart 483.90(a), Life Safety from fire and the 2012 edition of NFPA 101, LSC, and Chapter 19 Existing Health Care Occupancies. The facility failed to provide sprinkler protection for both facility hydraulic elevator machine rooms and hydraulic elevator pits in accordance with 42 CER 48390(a) (60), NFPA 13, 2010 edition, LSC §19.3.5.1, 19.3.5.4 and 9:7-11. A motion was made by Sarah Wilkinson to grant the petitioner's request, in the same manner as the other similarly situated petitions for variance as are now pending before the board, with the justification being 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 Neil Mullane.

Motion: Sarah Wilkinson

Seconded: Neil Mullane

Vote: 5-0; Granted.

2. **Product Variance [Exhibit 2 and 2A]**

Manufacturer: EEA Solutions Inc.

Product Name: HOLO Lift Holographic and Voice Activated Elevator Car Operating Panel and Hall Station

524 CMR

Petitioner: Mark Bernhard

The petitioner was in front of the Board seeking a product variance for the installation of a HOLO Lift Holographic and Voice Activated Elevator Car Operating Panel and Hall Station. The petitioner stated that this product is not a stand-alone unit, and it is not intended to replace the existing car panel. The HOLO Lift COP is an auxiliary

component which is not integrated into the safety circuit of the elevator. The purpose of the HOLO Lift device is to provide the user with the option of registering a car call without having to physically touch a button. The proposed device interfaces with the existing car operating panel by using a hologram to create and project a virtual elevator car operating panel and elevator hall station, essentially providing users with the option of a safe, zero contact means of placing a car call while reducing the risk of exposure to germs, viruses, and bacteria. The petitioner also stated that the system is disabled upon activation of fire service recall and the device is compliant with A17.1 and 524 CMR. The petitioner went on to discuss the process to call for help, which is through voice command. General board discussion to the effect that, in the absence of a code violation, there is no need to obtain a variance. A motion was put forth by Eric Morse to take no further action, the petition has been read and will be filed. The motion was seconded by Christopher Towski.

Motion: Eric Morse

Seconded: Christopher Towski

Vote: 5-0; No action taken.

3. **87 Medford Street – Medford, MA [Exhibit 3]**

Product Variance

Manufacturer: Nationwide

Product Name: PP-8HL

Petitioner: Charles Zammuto

The petitioner was in front of the Board seeking a site-specific product variance for the installation of a PP-8HL 8,000lb capacity four post-lift. The petitioner stated that there are already 17 lifts installed at the above address and the units are not electrically connected. The petitioner stated he was unaware of the installation process and did not know that the installation of the lifts is to be installed by a Massachusetts licensed elevator mechanic and he is now in front of the Board to rectify the situation. Keystone Elevator was working on the passenger elevator and notified the Elevator Division of the lifts that were installed by a non-elevator contractor and with no permits at the above address. An Elevator Inspector then went out to the property on a compliance inspection and a notice to stop was issued to the property owner. The Board discussed with Mr. Zammuto the process by which petitioner would hire a MA registered elevator contractor, who would have MA licensed elevator mechanics to install the lifts and who would also apply for the proper elevator permits on the owner's behalf with the Elevator

Division. A motion was put forth by Eric Morse to dismiss the petitioner's request, as no variance is requested. A motion was seconded by Christopher Towski.

Motion: Eric Morse

Seconded: Christopher Towski

Vote: 5-0; Dismissed.

4. Agenda item #5, 54 Auburn Street, Brookline was not heard due to lack of a quorum, as Mr. Morse took no part in the discussion of Or deliberation upon this matter. The hearing will be rescheduled. **[Exhibit 4]**
5. The Board then reviewed the draft version **[Exhibit 5]** of the decision to be issued to the six outstanding sprinkler variances previously heard by the Board. The Board also discussed the process going forward with identical variance requests. A motion was put forth by Sarah Wilkinson to accept the draft version as the final version. The motion was seconded by Neil Mullane.

Motion: Sarah Wilkinson

Seconded: Neil Mullane

Vote: 5-0; Approved.

6. **Approval of meeting minutes:**

June 1, 2021 [Exhibit 6]

A motion was put forth by Sarah Wilkinson to accept the minutes as written. The motion was seconded by Christopher Towski. **Vote: 4-0; Granted.** Neil Mullane abstained.

June 8, 2021 [Exhibit 7]

A motion was put forth by Sarah Wilkinson to accept the minutes as written. The motion was seconded by Christopher Towski. **Vote: 4-0; Granted.** Neil Mullane abstained.

7. Mr. Towski moved to exit open session and to enter into closed session in order to conduct an adjudicatory conference, pursuant to G. L. c. 30A, § 18, ¶ 5(d). The motion was seconded by Neil Mullane. **Vote: 5-0; Enter into closed session.** Mr. Morse took no part in the discussion of or deliberation on the matters in adjudicatory conference.

A motion was put forth by Neil Mullane to exit closed session and to enter open session.

The motion was seconded by Sarah Wilkinson. **Vote: 4-0; Move back into open session.**

Motion to Adjourn: Sarah Wilkinson
Seconded: Neil Mullane
Vote: 5-0; Adjourned.

Hearing concluded at 3:06 p.m.
Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Variance packet for 400 Groton Road – Ayer, MA
- Exhibit 2: Variance packet for HOLO Lift Holographic and Voice Activated Elevator Car Operating Panel and Hall Station
- Exhibit 2A: Testing Procedure for HOLO Lift Car Operating Panel and Hall Station, dated March 4, 2021
- Exhibit 3: Variance packet for 87 Medford Street – Medford, MA
- Exhibit 4: Variance packet for 54 Auburn Street, Brookline
- Exhibit 5: Draft sprinkler decision
- Exhibit 6: Meeting minutes from June 1, 2021
- Exhibit 7: Meeting Minutes from June 8, 2021