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Office of Public Safety and Inspections

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REGULATION

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OCCUPATIONAL LICENSURE

Minutes

Meeting of the
Board of Elevator Regulations
August 6, 2024, at 1:00 p.m.

1000 Washington Street
Boston, MA 02118
1st Floor-Room 1D
Hybrid Meeting via Microsoft Teams

Board Members Present:

Eric Morse, Acting Chair
David Gaudet
Neil Mullane
Brian Ronan
Anthony Buonopane
Christopher Towski

Division of Occupational Licensure Staff:

Peter Kelley
Gayle Richardson
John Rubyck (remote)

Board Members Absent:

Tim Morgan

Guests Present:

Jerome Phillips – Stiltz Homelifts
William MacMillan – 101 Mobility
Nick Landry – DRT – Architect
Coleman Barnes – DRT – Designer
Deborah Bouvette – Atlantic Elevator – Account Manager
Michael Ray – Atlantic Elevator – Modernization Department
Samantha Fiore – Wachusett Manor Nursing Home - Director of Operations
Gavin Nui

Call to Order: 1:01 p.m.:

1. Roll call.



2. **APP-BER24-0004**
271 Carew Street Springfield
STATE ID: 281-P-120
Code Reference: 2.26.2.21
Petitioner: Otis Elevator Company Agawam

This application was withdrawn at the request of the petitioner. No further action was taken.

3. **VAR24-0053** **[Exhibit 1]**
State ID: N/A
Product Name: DUO Alta
Code Reference: 524 CMR 38:00 Safety Standards for Platform Lifts and Stairway Chairlifts
Petitioner: Jerome Phillips

The petitioner seeks variance from code 524 CMR 38:00, incorporating ASMI A18.1 2014 § 5.7.1 (requiring rated load not less than 200 kg [450 lb.]), seeking a prototype variance for the use and installation of the DUO Alta Model, with a rated load of 170 kg (375 lb.).

Jerome Phillips gave a summary of the request to allow the installation of the Duo Alta, which is a smaller unit, then the previously approved Trio. The duo is being requested more often for residential homes where the bigger unit is not necessary or the footprint of the area available is smaller. The Duo has a maximum capacity of 375 lbs., but code mandates a minimum weight capacity of 450 lbs. Jerome stated that the unit is code compliant in all other ways, has an overload sensor, has a standard maximum travel of 4 ½ meters and that it cannot be adjusted, they are constant pressure, they offer both a half gate and a full gate and that the safety for the door is a system stop if an open area has been breached and it then starts again once there is no longer a breach of the area.

Following Board discussion, Neil Mullane moved to grant a variance for a prototype installation for the Duo Alta unit, with a rated load at 375lb because the additional safety circuits continue to protect against overloading. The motion was seconded by David Gaudet. Vote 5-0-1

Motion: Neil Mullane
Seconded: David Gaudet
Vote: 5-0-1 Granted
Roll Call Vote:

| | | | |
|----------------------|---|------------------------------|---|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input type="checkbox"/> aye | <input type="checkbox"/> nay | <input checked="" type="checkbox"/> abstain |
| • Brian Ronan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

4. **VAR24-0058** **[Exhibit 2]**
32 Orleans Street Boston
Product: LULA Sliding
Code Reference: ASME A17.1 - 5.2.1.4.3 & ASME A17.1 - 2.4.7.1
Petitioner: Nick Landry

The petitioner seeks variance from code ASME A17.1 § 5.2.1.4.3 and § 2.4.7.1 to lower the elevator hoistway overhead clearance height from 135" to 108".

The petitioner gave some background and a summary of the request by stating that this was originally a 3-family home that was demolished, and a new building was built with six unit. Before construction utilizing a lift instead of a LULA was addressed but the final decision was for a LULA. The LULA was built with a shaft that only measures 108 inches which the manufacturer was comfortable with, but code requires 135 inches, and Garaventa Lift, will not install the LULA until the variance is approved. They could not build up higher due to restrictions put in place by the neighbors. The LULA will provide access to the first floor of living to meet the requirements of the EMAAB. The LULA will only serve the entry level floor and the first floor.

After questions from the board, the petitioner provided that the hoistway has a mechanical room built over the shaft, that will also house washers and dryers for the top floor units, so it is a tight fit and raising the floor would cause access issues. Coleman Barnes stated that Garaventa Lifts are fine with 108 inches for the shaft, but did not provide if they will shorten the cab or what the refuge space will be when completed. Mr. Barnes then clarified that the submittal has not been revised and the paperwork submitted to the board was the original submittal. **[Exhibit 2]** They were waiting for the variance to then revise the submittal paperwork. Mr. Landry also provided that Garaventa Lift did not provide them with what safety devices would be used if the lower 108-inch shaft was approved and stated that they seemed "comfortable with it" as this is what they do in existing buildings. Nick Landry stated the refuge space currently is 24 inches.

Neil Mullane provided the petitioner with information about alternative safety features which are currently utilized on existing buildings with limited refuge space on the top of the elevator, which should be considered by the board, which is not currently included with this application. Neil Mullane suggested that the petitioner gather the additional documentation to be presented to the board before the board votes on the variance request as an option for the petitioner to consider. Nick Landry agreed that it would be best for them to gather additional documentation, including the new submittal showing the sizing of the refuge space and the alternative safety features that will be taken should the variance be approved.

After a discussion by the board, Neil Mullane moved to table the variance for 59 days, to October 4, 2024, to allow the petitioner to supply more information to the board, specifically updated drawings showing the calculations of the refuge space and the alternative safety features that will be provided for a reduced overhead. The motion was seconded by Anthony Buonopane. Vote 6-0-0 Deadline October 4, 2024.

Motion: Neil Mullane

Seconded: Anthony Buonopane

Vote: 6-0-0 Tabled for 60 days

Roll Call Vote:

| | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

5. VAR24-0054

[Exhibit 3]

12 Roxanna Street Framingham

State ID: 100-P-449

Code Reference: 524 CMR section 35.3.19.4.7.3

Petitioner: Christen Parsons

The petitioner seeks variance from code ASME A17.1, § 3.19.4.7.3 as code requires threaded rupture valve but they are proposing installing a victaulic valve in lieu of a threaded valve.

Michael Ray gave a summary of the request and stated that the modernization project started back in 2020 and was completed under the most recent code at that time. The project included the controller, power unit and fixtures, but did not touch the jack during the project. The jack has a three-inch victaulic valve that comes off the jack and steps down to a two-inch victaulic valve. They do not usually install victaulic rupture valves as they do not have welders that can weld the nipples on the jacks due to the pipe being so low to the ground. In addition, the pit rupture valve steps down to an inch and a half rupture valve.

Anthony Buonopane provided information about the unit and stated the modernization permit was pulled in 2019, and the modernization included the controller, power unit, fixtures, the pump and tank, and the door operator. The door operator under 524 CMR section 3 states it must be brought up to code. Section 7 does mention the rupture valve should be installed. The unit was an Otis unit installed in 1998 under the 1996 524 CMR code, which did not require rupture valves, however when modernized, the rupture valve should have been installed.

Eric Morse requested clarification that the variance request is to retain the victaulic rupture valve out of the jack and asked if a coupling could be welded in. Michael Ray confirmed they would like to retain the victaulic rupture valve and that he is unsure if a coupling could be welded. He does not feel that there is enough room and that it would not cause a leak.

After a discussion by the board, Anthony Buonopane moved to table the variance for 59 days, to October 4, 2024, to allow the petitioner to supply more information to the board, specifically a letter signed by a certified welder or welding company stating whether the coupling to the jack can or cannot be welded. The motion was seconded by Chris Towski. Vote 6-0-0 Deadline October 4, 2024.

Motion: Anthony Buonopane

Seconded: Chris Towski

Vote: 6-0-0 Tabled for 60 days

Roll Call Vote:

| | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

6. The board took a recess from 2:32 p.m. until 2:41p.m.

7. VAR24-0063**[Exhibit 4]****32 Hospital Hill Road Gardner****State ID: 103-P-80****Code Reference: - 524 CMR 35 2.8.3.3****Petitioner: Mark Presutti**

The petitioner seeks variance from code 524 CMR 35:00 §2.8.3.3, to install sprinklers in the elevator shafts and control rooms, to comply with Centers for Medicare & Medicaid Services (CMS) mandate and avoid denial of payment for admissions.

Samantha Fiore summarized that the facility, Wachusett Manor Nursing Home had received a Federal Life Safety Code survey and were found not in compliance and therefore corrections were needed in order for the facility to continue to participate in the Medicare and Medicaid Programs. They provided a copy of the Statement of Deficiencies, under code K351, which states that sprinklers are required under section 8.15.5 of the NFPA 13, Standard for the Installation of Sprinkler Systems. They also provided a copy of the letter from CMS showing that they will lose all federal funding if the deficiencies are not updated.

Chris Towski moved to grant the petitioner's request for a variance from 524 CMR 35:00 §2.8.3.3 to allow the installation of sprinkler coverage in the elevator machine room with the justification being hardship resulting from the withholding of federal funding by CMS. Written variance should contain prior provisions related to safety restrictions related to compliance. The motion was seconded by Neil Mullane. Vote 6-0-0

Motion: Chris Towski**Seconded: Neil Mullane****Vote: 6-0-0 Granted****Roll Call Vote:**

| | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

8. VAR24-0055**[Exhibit 5]****STATE ID: N/A****Product Name: Elevator Floor Selection Button Signal Trigger Internet of Things (IoT)****Code Reference: N/A****Petitioner: Gavin Nui – In person**

The petitioner came to the Board of Elevator Regulations to request a Prototype approval of a new product in Massachusetts. After Eric Morse explained that new products do not require approval as long as the product complies with 524 CMR, the petitioner requested to withdraw his petition for a prototype variance. No further action was taken.

9. Elevator Division Business - Firefighter Emergency Elevator Operation and Elevator Extrication Response form review of updates.

Chris Towski and the Anthony Buonopane provided the board with information regarding changes that they are putting in place on the Firefighter Emergency Elevator Operation and Elevator Extrication Response form and why they feel the updates are needed. The board discussed some of the situations in which this form is needed and who would be completing the form for submission to the department. Chris Towski confirmed that both the Fire Department and the Division are working together on the form to make it more user friendly and wanted to bring the updates to the board for informational purposes.

10. Approval of meeting minutes from July 16, 2024, and July 23, 2024. – tabled.

The minutes were tabled for a future meeting. No action was taken on these items.

11. Matters not reasonably anticipated 48 hours in advance of meeting:

- a. Chris Towski inquired about simplifying the process of reviewing and granting variances for skilled nursing facilities where CMS is threatening to withhold payments. The board and counsel discussed what the criteria might look like and if it would be beneficial to the board to be able to delegate the process if all criteria is met. The board agreed that this should be an item that gets placed on a future agenda for discussion/approval.
- b. Chris Towski asked if the FS90 extension variance requests we receive should also be placed on a future agenda for the division to process. After a discussion by the board, it was the Board’s consensus that FS90 extension variances would continue to be presented to the board on a case-by-case basis.

12. Chris Towski moved to Adjourn the meeting. Motion was seconded by Brian Ronan.
Vote 6-0-0.

Motion: Chris Towski
Seconded: Brian Ronan
Vote: 6-0-0 Granted
Roll Call Vote:

| | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Brian Ronan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

Meeting adjourned at 3:26 p.m.
Prepared by: Gayle Richardson

Exhibit List:

- Exhibit 1: Variance packet for Stiltz Homelifts product - DUO Alta
Exhibit 2: Variance packet for 32 Orleans Street Boston
Exhibit 3: Variance packet for 12 Roxanna Street Framingham
Exhibit 4: Variance packet for 32 Hospital Hill Road Gardner

- Exhibit 5: Variance packet for Elevator Floor Selection Button Signal Trigger Internet of Things (IoT)
- Exhibit 6: Firefighter Emergency Elevator Operation and Elevator Extrication Response form