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Minutes

**Meeting of the
Board of Elevator Regulations
August 17, 2021 at 1:00 p.m.**

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

Board Members Present:

Eric Morse, Acting Chairman
Christopher Towski
David Gaudet
Neil Mullane
Sarah Wilkinson
David Morgan

Division of Professional Licensure Staff:

Peter M. Kelley
Ruthy Barros

Board Members Absent:

Brian Ronan

Guests Present:

Ron Morgan
Sam Laudati
Joe Imparato
Amy Apfelbaum
Nicole Martineau
Steve VanDyke
Randy Komssi

The Board discussed the following:

1. Mr. Towski moved to exit open session and to enter into closed session in order to conduct an investigative conference, pursuant to G. L. c. 30A, § 65C. The motion was seconded by Sarah Wilkinson. **Vote: 5-0; Enter into closed session.** Mr. Morgan took no part in the discussion of or deliberation on this matter.

A motion was made by Christopher Towski to exit closed session and to enter open session. The motion was seconded by Sarah Wilkinson. **Vote: 5-0; Move back into open session.**

During closed session, the Board took the following actions:

- C20-00094 Schedule respondent for an investigatory conference.

2. **Product Variance [Exhibit 2]**
Manufacturer: Staying Home Corporation
Product Name: Hide-A-Waiter Dumbwaiter
524 CMR 2018 35:00 § 1.3
Petitioner: Michael Vogt

The petitioner's representative was in front of the Board seeking a variance from 524 CMR 2018 35.00 § 1.3 to allow for the controller to ride with the unit. The petitioner's representative stated the Hide-A-Waiter Dumbwaiter has been on the market for several years and has been independently tested by ETL and found to be in compliance with all facets of ANSI A17.1 Part 7 for dumbwaiters. The controller, electrical, and battery power is in an enclosure on the bottom of the car. The petitioner's representative testified that they could move the above listed items to the bottom of the hoistway by adding a trailing cable to the unit. However, the motor-gear must stay in place as it is a direct rack and pinion drive as allowed by ANSI A17.1 Part 7. The petitioner's representative stated it is not possible to do a rack and pinion drive without the motor-gear traveling with the car. The entire electrical system is only 24 Volt, as this is a fully battery powered dumbwaiter. As a result, there is no opportunity for electrical shock to cause injury in this system. The dumbwaiter is also provided with an overspeed device to assure the car cannot travel down even in the event of a gear failure. A motion was made by Sarah Wilkinson to place the petitioner's request on hold until November 8, 2021, to allow the petitioner to provide the Board with more information and to come back in front of the

Board with a representative of the Elevator Contractor to answer technical questions. The motion was seconded by David Morgan.

Motion: Sarah Wilkinson

Seconded: David Morgan

Vote: 6-0; Placed on hold.

3. **Product Variance [Exhibit 3]**

Manufacturer: Innovation Industries

Product Name: Point on Demand

524 CMR

Petitioner: Jake Tyler

The petitioner submitted a withdrawal request to the Board. A motion was made by Sarah Wilkinson to accept the petitioner's request. The motion was seconded by Christopher Towski.

Motion: Sarah Wilkinson

Seconded: Christopher Towski

Vote: 6-0; Withdrawn.

4. **58 Charles Street – Cambridge, MA [Exhibit 4 and 4A]**

State ID: 49-P-347

ASME A17.1-2013 §2.2.2.6

Petitioner: Sal Zinno

The petitioner's representative was in front of the Board seeking a variance from ASME A17.1-2013 §2.2.2.6 – "Sumps and sump pumps in pits, where provided, shall be covered. The cover shall be secured and level with the pit floor", with respect to an existing passenger elevator located at the above address. The petitioner's representative stated that the existing building was constructed in 1911, and the existing passenger elevator was added as part of the 1987 renovation and is located within the original freight hoistway. The existing elevator currently has a sump pump installed, which sits in a 12-inch depression in the elevator pit slab. The petitioner's representative stated as part of renovations to the building, the owner intends to install a new sump pump with a capacity of removing 3,000 gallons of water per hour, as well as an oil separator with the capacity two remove 3,000 gallons per hour. The petitioner's representative testified that due to the historic condition of the building, relief is requested from installing a dedicated sump pit within the existing elevator system. Lastly, the petitioner's representative stated that cutting the existing slab creates challenges and concerns to the existing building structure. A motion was made by David Morgan to grant the variance request with the following stipulations, that safety tape be placed on top of the 10-inch metal cover and

the safety tape be maintained, signage in the pit warning of tripping hazard located at the bottom of the ladder, and a second light be installed in the pit. The motion was seconded by Neil Mullane.

Motion: David Morgan

Seconded: Neil Mullane

Vote: 6-0; Granted.

5. **50 Rt. 20 – Millbury, MA [Exhibit 5]**

State ID: 186-F-13

524 CMR 35.00 §2.27

Petitioner: Randy Komssi

The petitioner was in front of the Board seeking a variance from the elevator recall requirements of 524 CMR 35.00 §2.27 triggered by the upcoming modernization project. the petitioner stated that UBCW is the municipal agency providing treatment of the wastewater from the greater Worcester area. The facility is comprised of a campus of buildings, in which the existing 8-stop freight elevator, installed in 1975, is located between the incinerator building and these sludge dewatering building. The petitioner stated the buildings are an industrial use that is not open to the public. The two buildings were built at different times in the four levels do not align between the two, roughly 15 inches apart vertically. The existing freight elevator is mainly used for transporting 55-gallon drums on wheeled dollies between the two buildings but is also occasionally used for light duty forklifts and similar vehicles. The petitioner also stated that access to the building is restricted to employees only and all employees have had appropriate safety training for the use of the elevator. UBCW plans to replace the machine and controller, ropes and traveling cable, doors/rollers/guides, cab interior and cab/hoistway controls. The petitioner testified that the existing conditions make the incorporation of recall difficult. A motion was made by David Morgan to deny the petitioner's request for the removal of Firefighter Service with the justification being public safety. The motion was seconded by Christopher Towski.

Motion: David Morgan

Seconded: Christopher Towski.

Vote: 6-0; Denied.

6. The Board went on to discuss a possible safety/code issue for emergency services utilizing Fireman's Service Phase II. Eric Morse will draft a letter advising elevator owner's and Elevator Contractors of the Office of Public Safety and Inspections' concern

regarding the testing of the Stop Switch located on the car operating panel (COP) while the elevator is on Firefighters Emergency Operation (FEO) Phase II and potential violation of 2.27.3.3.1(d) of the Elevator Safety Code. OPSI will begin testing on all scheduled inspections, with 90 day reinspection period, 10 day appeal period, reporting to the Board with stated id, and address for all such safety concerns. The Board will place this matter on the next agenda for further discussion.

Motion to Adjourn: David Morgan

Seconded: Christopher Towski

Vote: 6-0; Adjourned.

Hearing concluded at 3:56 p.m.

Prepared by: Ruthy Barros

Exhibit List:

- Exhibit 1: Docket Number C20-00094
- Exhibit 2: Variance packet for Hide-A-Waiter Dumbwaiter
- Exhibit 3: Withdrawal request from Innovation Industries
- Exhibit 4: Variance packet for 58 Charles Street, Cambridge
- Exhibit 4A: Plans for 58 Charles Street, Cambridge
- Exhibit 5: Variance packet for 50 Rt. 20, Millbury
- Exhibit 6: Email from David Morgan dated 8/10/2021