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Minutes

**Meeting of the
Board of Elevator Regulations
August 22nd, 2023, 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
Christopher Towski
Neil Mullane (remote)
Anthony Buonopane
Tim Morgan

Division of Occupational Licensure Staff:

Peter Kelley
Gayle Richardson
Walter Zalenski (remote)
Ed Sandell (remote)
John Rubyck (remote)

Board Members Absent:

Brian Ronan

Guests Present remotely:

Karen Lepkowski (Umass)
Jeffery Neely (Umass)
Joshuah Fleming (Umass)
Samantha Fereno (Otis)
Brad Bausman (Otis)
Kayleen Castro (Otis)
Erik Perry (Otis)
Winifred Awuah (Petitioner)
James Scola (PC)
John Reil (Architect)
Jenna Wolinetz (Attorney)



1. **180 Third Avenue Waltham. Petition withdrawn. Board took up the following board business out of order from the meeting notice:**
2. Approval of meeting minutes from June 27th, 2023, tabled.
3. Approval of meeting minutes from August 8th, 2023. Motion by Tim Morgan to table. He has submitted a public records request for a copy of the recording to compare with the meeting minutes. Seconded by Anthony Buonopane. Vote 6-0-0.

Motion: Tim Morgan

Seconded: Anthony Buonopane

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 |
| • Tim Morgan | <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 |
| • 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. Chief's report – Chief of Elevators

Anthony Buonopane indicated to the Board that this report would be a means by which the department could address any issues with the FS90 stop switch determination to allow for an alternative means of compliance for some elevators, recently enacted by the Board. If the determination presents no implementation issues, then nothing further will need to be done, if there are issues reported, then this will be the platform to present those issues. Report accepted with no further action.

5. Acting Chairman Eric Morse requested that Roll Call and introductions be done.
6. **55 Lake Avenue Worcester [Exhibit 2]**
State ID: 348-P-715, 348-P-717, 348-P-718, 348-P-722

The petitioner seeks variance from code 17.1-2.27 until the Annual Inspection in 2024. David Gaudet swore in the petitioners.

There are four elevators at the UMASS campus located at 55 Lake Avenue Worcester that were cited for the emergency light power lamp not illuminating at the main lobby. UMASS has substation for its alternate power source and closed transmission was performed and inspector did not notice a bump in the power. Substation is planned to be replaced while current substation stays in place, so they are requesting a variance for this citation. It is in the contract to ensure that the elevators have the proper wires for the power transfer. Joshua added that the new substation will mirror the work done at another substation at a different wing of the school. The current substation does not have the power to provide an indication that the power has been transferred. The elevators are currently about 40 years old with a modernization about 25 years ago. The petitioner stated that there is no indicator light and that the tests are usually run as an open transition transfer of power which would make the lights in the elevator blink. The

petitioner can ensure that during the variance until the substation is replaced, then indicator lights will be put in, that they do an open transition of power so that the lights in the elevator will blink. Karen Lepkowski stated there has never been an indicator light in at least 25 years and they have never been written up. Eric Morse asked if a modernization had been carried out since 2003 and if the elevators had been updated at all. Karen Lepkowski replied no and that they are scheduled to have a mod done but that they are out to bid. The substation is being replaced within 1 year. The petitioner clarified that the elevators had a mod about 20-25 years ago and that the modernization was under a different elevator company, but they could not provide that information. Otis would have to research to see when the modernization was done. The petitioner also stated that when alternate power is transferred, all elevators have full functionality. The board discussed the code that would be relevant to this request. Neil Mullane commented that the applicant is seeking a variance but does not have the required information to verify if a variance is required, because depending on the date of the modernization, a variance may not be needed based on the code used. A motion was made by Neil Mullane to place this item on hold until September 21st, 2023, for the petitioner to provide more information, specifically the year of the modernization and the scope of the modernization. Motion was seconded by Tim Morgan. Vote 6-0-0

Motion: Neil Mullane

Seconded: Tim Morgan

Vote: 6-0-0; Granted to put on Hold with deadline of September 21, 2023

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 |
| • Tim Morgan | <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 |
| • 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 |

7. **The board took a 5-minute recess at 1:52 p.m. and resumed recording at 1:58 p.m.**

8. **253-255 Main Street Webster**

State ID: 316-P-8

The petitioner is seeking a Variance from 524 CMR 2.27.12 (1) Medical Emergency Elevators for the third floor only. David Gaudet swore in all petitioners.

Petitioner entered into a Purchase and Sale Agreement with B & C Realty Holdings, LLC in June of 2023. Client intends to operate an assisted living facility with one occupant only and they are seeking relief from section 2.27.12 (1) Medical Emergency Elevators for an existing elevator that meets requirements on the first and second floor but does not meet it on the third floor. The petitioner faces an extreme hardship to try to fix this and there is no room in the available space and to remove the existing elevator and install a new one that complies with CMR 524 is estimated to cost between \$100,000.00 and \$120,000.00 at a minimum. The building is well over 50 years old and there are no plans to expand or change the outside footprint of the building, simply a renovation of the interior of the building. Mr. Gaudet indicated this is an elevator code variance, only pursuant to 524 CMR 2.27.12 (1), this does not seem to be applicable, but there could be

other codes involved. The board can only review the code submitted via the petition. It was suggested to the petitioner to get an elevator consultant to review all other codes that may be applicable. A motion was made by David Gaudet to take no action, as a variance is not required pursuant to 524 CMR 2.27.12(1). The motion was seconded by Christopher Towski. Vote 6-0-0

Motion: David Gaudet

Seconded: Christopher Towski

Vote: 6-0-0 Granted to take no action

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 |
| • Tim Morgan | <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 |
| • 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 |

9. Old business - discussed -

- Discussion of the testing of emergency power with weights.
 - The Board requested that this matter be put on the agenda for the 8/29 meeting, including all relevant documentation and reporting as previously requested by the Board.

10. Matters not reasonably anticipated 48 hours in advance of meeting.

- Tim Morgan inquired about Board procedures. The board then discussed some of procedures and the options of how things are presented and done, especially if a member is not present and how and when an item gets voted on.

11. Board of Elevator Regulations meeting scheduled for September 5, 2023, will be cancelled, as there will not be enough members present for a quorum.

12. Christopher Towski moved to adjourn the meeting. The motion was seconded by Neil Mullane. Vote 6-0-0

Motion: Christopher 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 |
| • Tim Morgan | <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 |
| • 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 |

The hearing concluded at 3:32 p.m.

Prepared by: Gayle Richardson

Exhibit List:

Exhibit 1: Variance packet for 55 Lake Avenue Worcester

Exhibit 2: Variance packet for 253-255 Main Street Webster

Exhibit 3: Meeting minutes of August 8th, 2023.