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**Minutes**

**Meeting of the  
Board of Elevator Regulations  
August 8th, at 1:00 p.m.**

**1000 Washington Street  
Boston, MA 02118  
1<sup>st</sup> Floor-Room 1D**

**Board Members Present:**

Eric Morse, Acting Chair  
David Gaudet  
Christopher Towski  
Neil Mullane  
Brian Ronan  
Anthony Buonopane  
Tim Morgan (remotely)

**Division of Occupational Licensure Staff:**

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

**Guests Present:**

Jim Riley  
Russ Larson (remote)

**Call to Order: 1:00 p.m.:**

1. Acting Chairman Eric Morse requested that Roll Call be done.
2. Acting Chairman Eric Morse gave instructions on how to proceed with a Hybrid meeting.



3. **34 Newbury Street Boston**

**State ID: 1-P-5690**

Petitioner is requesting a variance for 524 CMR 17.22.

ELEVATOR SHUT DOWN NOTICE May 18, 2023.

Jim Riley from City Elevator Inc. was present for the petitioner. Jim Riley stated the state write up of U-groove issue on the driver. It has 2 to 1 ropes, picked 125% of capacity and is not a U-groove, but is a V-groove driver with more life on it. Eric Morse pointed out the ropes are at 3 different levels, and down in the groove. Driver would have to be banded to make a repair. Anthony Buonopane said that 2 of the ropes are stretched and that it is a four-rope driver with three ropes. Jim Riley presented 4 new color images of the machine, which were entered as Exhibit 1A. Tim Morgan asked the petitioner, what the install date of the ropes are and if there is a data tag. Jim Riley did not know. Eric Morse asked the diameter of the ropes. Jim Riley said they are 1/2 inch ropes checked by gauge. Neil Mullane questioned the V-groove depth on all of the grooves, the deepest to the unused groove. One of the pictures may show that the 1/2 remaining groove may be the highest rope, not the lowest rope. Jim Riley stated that the elevator is only used occasionally. Dave Gaudet asked how long it could run if variance is given? Jim Riley stated 50 years with current usage. Dave Gaudet asked how long it would run with regular usage as the current usage may not last. Jim Riley stated 25 years. Tim Morgan addressed that the 3 ropes at 3 heights will wear quickly if left to run and that 3 different diameter ropes will travel at different speeds.

Motion was made by Eric Morse to deny the request for variance, as the ropes are not operable, grooves are at different depths and turning at different speeds, thus raising issues of safety. The motion was seconded by Neil Mullane. Vote 7-0-0

**Motion: Eric Morse**

**Seconded: Neil Mullane**

**Vote: 7-0-0**

**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
• Brian Ronan	<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. **No elevator location**

**Product Variance**

Petitioner is requesting a Product Variance for code A17.1 2.27.1 with regard to the Otis Interactive Voice Response (IVR)

Eric Morse asked petitioner if the system is code compliant. Petitioner Russ Larson believes the system is completely code compliant. Petitioner Russ Larson presented a power point, which was Exhibit 2 of the board packet. Eric Morse then again asked the petitioner if the system is code compliant to which the petitioner Russ Larson stated to his belief the system is code compliant. Based on the statement that the system is code compliant a motion was put to the board by Eric Morse that the board make no decision,

because the IVR is apparently code compliant and a product variance requires current non-compliance. The motion was seconded by Christopher Towski. Vote 7-0-0.

**Motion: Eric Morse**

**Seconded: Christopher Towski**

**Vote: 7-0-0**

**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
• Brian Ronan	<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

5. Board reviewed emailed request from Rowan de la Barre for Exemption of Hand-Powered Dumbwaiters from Section 71E. Discussion about taking matter under advisement until next code meeting. Such motion made by Eric Morse. Seconded by Christopher Towski. Vote 7-0-0

**Motion: Eric Morse**

**Seconded: Christopher Towski**

**Vote: 7-0-0**

**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
• Brian Ronan	<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

6. Approval of meeting minutes from June 20, 2023. Board approved meeting minutes from June 20, 2023, as written.

**Motion: Neil Mullane**

**Seconded: Christopher Towski**

**Vote: 6-0-1**

**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 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
• 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. Approval of meeting minutes from July 18, 2023. Board approved meeting minutes from July 18, 2023, as written.

**Motion:** Neil Mullane

**Seconded:** Christopher Towski

**Vote:** 6-0-1

**Roll Call Vote:**

• Eric Morse	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain
• David Gaudet	<input type="checkbox"/> aye	<input type="checkbox"/> nay	<input checked="" type="checkbox"/> abstain
• Tim Morgan	<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
• 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

8. **TK Elevator**

**Product:** North American EOX

Petitioner is seeking a product variance for new EOX product. Previously placed on hold to come back in front of the Board with additional information including a formal variance request with code citations. **Deadline: August 1, 2023.**

Board inquired if additional information had been supplied by deadline and verified that it had not been received as requested. Motion was made by Christopher Towski to treat the request as abandoned and remove from agenda. Seconded by Brian Ronan. Vote: 7-0-0

**Motion:** Christopher Towski

**Seconded:** Brian Rowan

**Vote:** 7-0-0

**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
• Brian Ronan	<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. Meeting was recessed, beginning at 2:33PM, resuming at 2:46 PM.

10. Continued discussion of FS90 testing

Written proposal (Exhibit 5): The BER has considered the question of whether elevators equipped with a firefighter's operation panel, as described in section 2.27.3.3.7, also require the in-car stop-switch to be operable while the elevator is under Phase II operation. The Board of Elevator Regulations has determined, that for only those elevators equipped with a FEO Phase II operation panel as described in section 2.27.3.3.7, the in-car stop-switch is not required to be operational under Phase II operation.

- A17.1-2013 definitions of in-car stop switch: a device located in the car and accessible for operation by elevator personnel only, that, when manually operated, causes the electric power to be removed from the driving-machine

motor and brake of an electric elevator or from the electrically operated valves and pump motor of a hydraulic elevator.

Discussion took place between all board members regarding the wording provided as Exhibit 5. David Gaudet proposed alternative wording:

“The Board of Elevator Regulations has determined the in-car stop-switch is not required to be operational under Phase II operation in elevators equipped with a FEO Phase II operation panel, as described in section 2.27.3.3.7.”

Motion was made by Neil Mullane to adopt modified wording, as read and proposed, because elevator code is silent as to operation on Phase II and firefighters are protected under proposed language. Seconded by David Gaudet.

Motion made by Anthony Buonopane to table the matter. Seconded by Tim Morgan. (Mr. Kelley indicated that, as a motion to table takes precedence over the original motion to adopt, it must be discussed and dispensed-with first.)

**Motion: Table the matter Anthony Buonopane**

**Seconded: Tim Morgan**

**Vote: 3-4-0**

**Roll Call Vote:**

• Eric Morse	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• David Gaudet	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Tim Morgan	<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
• Christopher Towski	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Neil Mullane	<input type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Anthony Buonopane	<input checked="" type="checkbox"/> aye	<input type="checkbox"/> nay	<input type="checkbox"/> abstain

Motion to table denied.

Motion to adopt modified wording (continued).

**Motion: Neil Mullane**

**Seconded: David Gaudet**

**Vote: 5-2-0**

**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 type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain
• Brian Ronan	<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 type="checkbox"/> aye	<input checked="" type="checkbox"/> nay	<input type="checkbox"/> abstain

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

12. Discussion of next BER Board of Regulations meeting. Decision was made to cancel meeting dated August 15<sup>th</sup>, 2023, as not enough members would be present for quorum. Decision made that next BER Board of Regulations meeting would be held on August 22<sup>nd</sup>, 2023, and that the meeting would be a regular meeting and not a code meeting.

**Motion to Adjourn: Christopher Towski**

**Seconded: Brian Ronan**

**Vote: 7-0-0; Adjourned at 4:21 P.M.**

**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
• Brian Ronan	<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

Prepared by: Gayle Richardson

**Exhibit List:**

Exhibit 1: Variance packet for 34 Newbury Street Boston

Exhibit 1A: Additional pictures for Variance packet for 34 Newbury Street Boston

Exhibit 2: Variance packet for 212 West Newberry Road

Exhibit 3: Email request for Exemption of Hand-Powered Dumbwaiters from Section 71E

Exhibit 4: Meeting Minutes for June 20, 2023, and July 18, 2023

Exhibit 5: Suggested wording proposed for Code Section 35 2.27.3.3.7