

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Board of Elevator Regulations

**This meeting was held remotely via GoToMeeting
October 20, 2020 at 9:00 a.m.**

Board Members Present:

Eric Morse, Acting Chairman
Jacob Nunnemacher
David Gaudet
Cheryl Davis
David Morgan
Brian Ronan

Division of Professional Licensure Staff:

Sarah Wilkinson
Charles Kilb
Ruthy Barros

The Board discussed the following:

1. Investigative Conference – Docket No. C20-00052 (Closed Session). [Exhibit 1]

The Board went into closed session to discuss Docket No. C20-00052. A motion was placed by Eric Morse to dismiss the complaint without prejudice. The motion was seconded by Brian Ronan.

Motion to Adjourn: Eric Morse

Seconded: Brian Ronan

Vote: 6-0; Dismissed.

Roll Call Vote:

• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay

- | | | |
|----------------|---|------------------------------|
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

2. The Board went on to discuss the adoption of the 2016 and 2019 elevator code. The Board requested that DPL provide the Board with the most current editions of codes and standards, so the Board may review and use as a reference. This matter will remain on the agenda for continued discussion.

3. Next, the Board discussed the requirement of a letter for compliance with the Control of Smoke and Hot Gasses. Board member Cheryl Davis pointed out that the letter requirement is currently in code, when applying for a permit. Board member Eric Morse suggested a possible amendment to 524 CMR Section 2.1.4.

Cheryl Davis exited the meeting at 9:41 a.m.

4. **Approval of meeting minutes from October 6, 2020 [Exhibit 2]**

A motion was put forth by Jacob Nunnemacher to accept the minutes as corrected. The motion was seconded by David Morgan. **Vote: 4-0; Granted.**

Roll Call Vote:

- | | | |
|---------------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | ABSTAINED | |

5. **Approval of meeting minutes from October 7, 2020 [Exhibit 3]**

A motion was put forth by Jacob Nunnemacher to accept the minutes with the noted corrections. The motion was seconded by Brian Ronan. **Vote: 5-0; Granted.**

Roll Call Vote:

- | | | |
|---------------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

6. **Old Business:**

334 Huntington Avenue – Boston, MA

The petitioner was in front of the Board on July 28, 2020 seeking a product variance for a prototype approval of an Otis Cab Air Purifier. The case was placed on hold for 30 days for the applicant to provide the Board with additional information. The Board did not receive the requested additional information; therefore, the Board considers this request withdrawn. A motion was put forth by Eric Morse to remove the petitioner's request from the agenda. The motion was seconded by Jacob Nunnemacher.

Motion to Adjourn: Eric Morse

Seconded: Jacob Nunnemacher

Vote: 5-0; Withdrawn.

Roll Call Vote:

- | | | |
|---------------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

115 Winthrop Street – Boston, MA [Exhibit 4]

The petitioner was in front of the Board on September 1, 2020 seeking a variance due to potential power cable issues associated with high winds due to the height of the building and the jobs location. The case was placed on hold for 30 days for the applicant to provide the Board with additional information. Additional documentation was provided to the Board, but it was not what the Board specifically requested, which was more information on the proposed McKee call boxes, specifically if they can be retrofitted, documentation from BFD and clarification on the code(s) the petitioner is seeking a variance from. The Board believes this is a life safety issue and would like to have the petitioner back in front of the Board. A motion was put forth by David Gaudet to request that OPSI schedule another hearing date with the petitioner to present their case. The motion was seconded by Brian Ronan.

Motion to Adjourn: David Gaudet

Seconded: Brian Ronan

Vote: 5-0; OPSI to schedule a hearing.

Roll Call Vote:

- | | | |
|---------------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

- | | | |
|----------------|---|------------------------------|
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

144 Old Colony Avenue – Boston, MA [Exhibit 5]

The petitioner was in front of the Board on September 1, 2020 seeking a product variance to install a semi-automated parking device. The case was placed on hold for 30 days for the applicant to provide the Board with additional information. The petitioner emailed OPSI stating that the proposed product and installation site are code compliant and she will no longer be seeking a variance request. A motion was put forth by David Gaudet to take no action and consider this request withdrawn. The motion was seconded by David Morgan.

Motion to Adjourn: David Gaudet

Seconded: David Morgan

Vote: 5-0; No action taken, withdrawn.

Roll Call Vote:

- | | | |
|---------------------|---|------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |

99 Suffolk Street – Holyoke, MA

The petitioner was in front of the Board on July 21, 2020 appealing an Inspector's Report regarding the safety bulkhead. The request was denied on September 15, 2020 and the petitioner was given 120 days to comply. **Deadline: January 13, 2021.** The case will be removed from the agenda.

Exhibit List:

- Exhibit 1: Documents pertaining to Docket No. C20-00052
- Exhibit 2: Meeting minutes from October 6, 2020
- Exhibit 3: Meeting minutes from October 7, 2020
- Exhibit 4: Additional information for 115 Winthrop Street
- Exhibit 5: Email from UpLift, Inc.

Motion to Adjourn: Brian Ronan

Seconded: Jacob Nunnemacher

Vote: 5-0; Adjourned.

Roll Call Vote:

- Eric Morse
- Jacob Nunnemacher
- David Morgan
- David Gaudet
- Brian Ronan

☒ yea

☐ nay

☒ yea

☐ nay

☒ yea

☐ nay

☒ yea

☐ nay

☒ yea

☐ nay

Hearing concluded at 10:07 a.m.

Prepared by: Ruthy Barros