

**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  
September 15, 2020 at 9:00 a.m.**

**Board Members Present:**

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

**Division of Professional Licensure Staff:**

Charles Kilb  
Ruthy Barros

**Guests Present:**

Mary Lynn Miller (101 Mobility)  
Brandon Hall (ParkPlus)  
Thomas Sears (Holyoke Gas and Electric Department)

The Board discussed the following:

- 1 Pearl Street - Brockton, MA [Exhibit 1]  
State ID(s): 44-W-20532  
524 CMR  
Petitioner: Mary Lynn Miller**

The petitioner was in front of the Board seeking relief from an Inspector's report that was written up on 8/31/2020, citing "check running clearance from unit to handrail on stairs".

The petitioner stated that a vertical platform lift was installed due to obsolescence parts on the decommissioned unit (44-W-213). The petitioner also stated that the existing handrail on the stairs could not be moved due to egress clearance per the building code. The new unit was installed, and a custom side panel was created as a safety caution, and with the protective wall, there was less than 2” running clearance. 101 Mobility went back to the location and shifted the unit, which gave an additional 2” running clearance. The petitioner confirmed that she believes that the violation has been corrected and there is no violation in accordance with the code in the way it is written. A motion was made by David Gaudet to place the petitioner’s request on hold until the acceptance test has been conducted or 30 days, to allow the petitioner time to reapply for an acceptance test and if the unit is found to be in violation of the handrail, the petitioner will be allowed to resubmit and come back in front of the Board. The motion was seconded by Cheryl Davis.

**Motion:** David Gaudet

**Seconded:** Cheryl Davis

**Vote: 6-0; Placed on hold until the acceptance test has been conducted or 30 days.**

Roll Call Vote:

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

## 2. **287 Maverick Street - Boston, MA [Exhibit 2]**

**New Installation**

**524 CMR Section 26.07 (2) and 26.11 (1)**

**Petitioner: Brandon Hall**

The petitioner was in front of the Board seeking to install a Class III Elevator which requires a variance from 524 CMR Section 26.07 (2) – Protection at other levels and 26.11 (1) – Car enclosures and Care Gates. The petitioner stated that the ParkPlus machine will not have dividers or ropes 42 inches high between parking cubicles. Also, the lift slide machine does not have 42 inch high rails on sides not used for entrance or exit. Operation of the system would be impossible if dividers and rails were installed. The petitioner confirmed that the proposed unit is at grade level and there will be no penetration to the floor and there will be 28 spaces with two additional surface parking

spaces. The petitioner also stated that the grade level system can shuffle from left to right one space, while the second level does not shuffle. A motion was placed by Jacob Nunnemacher for 30 days to allow the appellant to provide the Board with additional information regarding the gate and layout of the control room. The motion was seconded by Brian Ronan.

**Motion:** Jacob Nunnemacher

**Seconded:** Brian Ronan

**Vote: 6-0; Placed on hold for 30 days.**

Roll Call Vote:

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

3. **Investigative Conference – Docket No. C20-00052 (Closed Session). [Exhibit 3]**

A motion was placed by David Gaudet to move into closed session to review and discuss the docket number listed above. The motion was seconded by David Morgan.

**Motion to move into quasi-judicial session:** David Gaudet

**Seconded:** David Morgan

**Vote: 6-0; Move into quasi-judicial session.**

Roll Call Vote:

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

A motion was placed by David Gaudet to move into open session to listen to a pending case. The motion was seconded by Jacob Nunnemacher.

**Motion to move into open session:** David Gaudet

**Seconded:** Jacob Nunnemacher

**Vote: 5-1; Open session.**

Roll Call Vote:

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

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

4. **99 Suffolk Street - Holyoke, MA [Exhibit 4]**

**State ID: 137-P-76**

**524 CMR**

**Petitioner: Thomas Sears**

The petitioner was originally in front of the Board on July 21, 2020 seeking to relief from an Inspector's Report citing, "17.23 – Proof of double bottom jack required". Chairman Eric Morris stated to the petitioner that per code all single bottom cylinders either be removed and replaced with a double bottom cylinder or that safeties be added to the elevator. The petitioner stated that the building was built in 1923. A motion was placed by David Morgan to place the petitioner's request on hold for 30 days, to allow the petitioner more time so he could do a little more due diligence in finding information on this unit. The justification being that in Mr. Morgan's opinion, as a licensed Elevator Mechanic the cylinder may in fact be a double bottom cylinder and may not be required to be removed. The petitioner submitted documentation suggesting that this may be a double bottom cylinder. Supervisor Walter Zalenski stated that Inspector Donald Lemon reason for the citation was due to a documentation in the elevator machine room that showed the original layout of the jack and it showed on the print that it was not a double bottom cylinder. The petitioner submitted an email from ThyssenKrupp stating the original job number (E13227) from 1956 showing a double bottom assembly. Acting Chairman Eric Morse requested that the petitioner provide the Board with documentation other than the email, indicating a double bottom cylinder. A motion was placed by Cheryl Davis to allow the petitioner an additional 14 days to provide necessary proof of the double bottom assembly.

The petitioner was back in front of the Board with some drawings and prints from 1956. Acting Chair Eric Morse stated that on a correspondence that the petitioner submitted, ThyssenKrupp stated that although it appears to be two plates welded at the bottom of the jack assembly, it does not have a safety bulkhead, therefore it is not compliant with 524 CMR Section 3.18.3. Mr. Morse then referenced 524 CMR Section 8.6.5.8, which deals with in ground cylinders. Essentially, if there is no safety bulkhead in the jack

assembly, you either must install car safeties, a piston grabber or replace the jack completely. A motion was placed by Eric Morse to deny the request of relief based on the facts that were presented. The petitioner was given 120 days to comply and if it extends past the 120 days, the petitioner will be given the opportunity to come back and provide the Board with further information. The motion was seconded by Brian Ronan.

**Motion to move into open session:** Eric Morse

**Seconded:** Brian Ronan

**Vote: 5-0; Denied with 120 days to comply.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	Not present during voting.	

Jim Haddadin of NBC 10 Boston inquired to the Acting Chair if the Board will reconvene for agenda item #7 - Matters not reasonably anticipated 48 hours in advance of meeting. Mr. Morse stated that the Board will not be able to get to agenda item #7 today.

**5. Investigative Conference – Docket No. C20-00052 (Closed Session). [Exhibit 3]**

A motion was placed by Jacob Nunnemacher to move into closed session to review and discuss the docket number listed above. The motion was seconded by Brian Ronan.

**Motion to move into quasi-judicial session:** Jacob Nunnemacher

**Seconded:** Brian Ronan

**Vote: 5-0; Move into quasi-judicial session.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	Not present during voting	

A motion was placed by Jacob Nunnemacher to move into open session. The motion was seconded by Cheryl Davis.

**Motion to move into open session:** Jacob Nunnemacher

**Seconded:** Cheryl Davis

**Vote: 5-0; Open session and item to remain on agenda pending a full Board.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	Not present during voting	

**6. Approval of meeting minutes from August 18, 2020 [Exhibit 5]**

A motion was put forth by Cheryl Davis to accept the minutes as corrected. The motion was seconded by Brian Ronan. **Vote: 5-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	Not present during voting	

**7. Approval of meeting minutes from September 1, 2020 [Exhibit 6]**

A motion was put forth by Jacob Nunnemacher to accept the minutes as written. The motion was seconded by Cheryl Davis. **Vote: 5-0; Granted.**

Roll Call Vote:

• Jacob Nunnemacher	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Cheryl Davis	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Eric Morse	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• Brian Ronan	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Gaudet	<input checked="" type="checkbox"/> yea	<input type="checkbox"/> nay
• David Morgan	Not present during voting	

**Exhibit List:**

- Exhibit 1: Variance packet for 1 Pearl Street, Brockton
- Exhibit 2: Variance packet for 287 Maverick Street, Boston
- Exhibit 3: Documents pertaining to Docket No. C20-00052

- Exhibit 4: Electronic submittal of additional supporting documentation for 99 Suffolk Street, Holyoke
- Exhibit 5: Meeting minutes from August 18, 2020
- Exhibit 6: Meeting minutes from September 1, 2020

**Motion to Adjourn:** Brian Ronan

**Seconded:** Jacob Nunnemacher

**Vote: 5-0; Adjourned.**

Roll Call Vote:

- |                     |   |                              |
|---------------------|---|------------------------------|
| • Jacob Nunnemacher | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Cheryl Davis      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Eric Morse        | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • Brian Ronan       | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Gaudet      | <input checked="" type="checkbox"/> yea | <input type="checkbox"/> nay |
| • David Morgan      | Not present during voting.              |                              |

Hearing concluded at 10:59 a.m.

Prepared by: Ruthy Barros