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Minutes

Board of Elevator Regulations
One Ashburton Place, 21st Floor – Conference Room #2
August 30, 2016 at 1:00PM

Board Member Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
David Morgan
Cheryl Davis
Michael J. Nicoloro Jr.

Guests Present:

Ruthy Barros (DPS)
Deirdre Hosler (Deputy General Counsel)
Stephen Carley (Assistant General Counsel)

Board Members Absent:

Thomas Riley
Harold J. McGonagle

Code Review

The Board along with counsel, discussed the public hearing comments submitted and mentioned from the public hearing that took place on August 22, 2016. Comments and discussion included safety standards citing A17.5 and A17.6. The Board also discussed references to omissions of 17.2, a source for the inspection checklist, 17.3 for existing installations and 17.4 for emergency personnel. The Board agreed that they will review A17.5 and A17.6. The Board agreed that A17.2 and A17.3 will not be adopted and there will be a cleanup of any references to A17.2 and A17.3 within A17.1 that may cause issues. The Board also discussed comments made in regards to fire safety.

Board of Elevator Regulations Variance Hearing

Board Member Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
David Morgan
Cheryl Davis
Michael J. Nicoloro Jr.

Guests Present:

Ruthy Barros (DPS)
James Bourdreau (Safway LLC)
Wayne Thompson (Fujitec America)

Board Members Absent:

Thomas Riley
Harold J. McGonagle

The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on August 23, 2016. **A motion to accept the minutes with the noted corrections was made by David Morgan. The motion was seconded by John O'Donoghue. Vote: 5-0; Granted and abstained by Michael Nicoloro Jr.**

The Board discussed the following:

1. Beta Max

Product Variance

Petitioner: James Bourdreau

The petitioner came before the Board seeking a product variance. The proposed hoisting system delivers materials to the job level after scaffold is in place. It is used for scaffolding erection and dismantlement. The maximum lifting capacity is 450 lbs and is equipped with an overweight limit switch. The petitioner stated that the proposed hoisting system expedites production and personnel, but the main thing is that it increases safety for workers on scaffolding. A letter dated August 5, 2016 from Shanon Beekman, Beta Max Director of Electrical Design, gave a written response to the Maxial Track Hoist System and how it relates to the ANSI A10.5 and ANSI B30.7. The petitioner stated that after further analyzing A10.5 and B30.7, the Maxial System does not comply with numerous sections. A motion was put forth by Stephen Sampson to deny the variance with the justification that the Board believes that this product is not under the Board's jurisdiction. The motion was seconded by Cheryl Davis.

Motion by: Stephen Sampson

Seconded by: Cheryl Davis

Vote: 5-1; Denied. David Morgan was in opposition.

2. 125 Summer Street

524 CMR § 35 2.7.2.2 and A17.1 2004 2.7.6

Owner: Oxford Properties

Petitioners: Wayne Thompson

The petitioner came before the Board seeking a variance from 524 CMR § 35 2.7.2.2 and A17.1 2004 2.7.6, in regards to the maintenance clearance around the machine and having the machine in the hoistway. The petitioner is proposing to remove the existing hydraulic elevators and install a new MRL manufactured by Delaware Elevator. The petitioner stated they will be using a Torin TPM4-3520-HV-10MM machine. A motion was put forth by David Gaudet to grant the variance as requested and justification being that similar machines are being installed in the state under the accepted program for MRL's. The motion was seconded by John O'Donoghue.

Motion: David Gaudet

Seconded by: John O'Donoghue

Vote: 5-0; Granted. Cheryl Davis recused herself from the above petition hearing.

Matters not reasonably anticipated 48 hours in advance of meeting:

Board handbooks and training from the Department of Public Safety was postponed by DPS Legal.

Exhibit List:

Exhibit 1: Meeting minutes from August 23, 2016

Exhibit 2: Variance Petition – Beta Max – Product Variance

Exhibit 3: Variance Petition – 125 Summer Street – Boston, MA

Motion to adjourn by: David Morgan

Seconded by: John O'Donoghue

Vote: 6-0; Granted.

Hearing Concluded at 3:18 p.m.

Prepared by: Ruthy Barros