



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Board of Boiler Rules



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Minutes
Board of Boiler Rules
Department of Fire Services
One State Road, Stow, MA 01775
Meeting of February 4, 2021

Meeting called to order by the Chairman, Ed Kawa, at 10:00 A.M. The Chairman opened this meeting of the Board of Boiler Rules, explaining that it is being held in accordance with M.G.L. Chapter 146 Section 3, the Board will be hearing any petitions for changes to 522 CMR, and holding a regular meeting. This meeting is being held online via Webex, and is being recorded.

1) The Board members in attendance were identified by roll call:

Board Members Present:

Edward Kawa, Chairman
 Charles Perry, Boiler Manufacturers
 Anthony Lucia, Operating Engineers
 Leah Francis, Insurance Companies
 Max Greig, User Group

**The Chairman reminded the Board members that all voting will be done by a roll call vote.*

DFS Staff Present:

Peter Ostroskey, State Fire Marshal	Allen Boston, DFS
Glenn Rooney, DFS, Board Counsel	Bob Vasconcelos, DFS
Dan Laperle, DFS	Holly Bartlett, DFS

Attendees Present:

* The Chairman asked that attendees please identify themselves, and with whom they are affiliated:

Glenn Robinson, HSB	Erica Daigneault, FM Global
Patrick Jennings, HSB	Brian Kanuse, Bristol County Courthouse
Jim Steifel, HSB	John Fernandes, New Bedford Housing Authority
Philip Bernier, HSB	Henry Geryk, District Engineering Inspector (Ret.)
Rick Gillis, Liberty Mutual	

- 2) Minutes from previous meetings: The minutes from the previous hearing held on November 25, 2020, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Max Greig; motion passed by unanimous roll call vote.***
- 3) Petitions for inspectional considerations: The following requests for extension of the inspectional requirement were entered into record:
 - a) Scotia Street Station, request dated October 26, 2020, for an unspecified extension of the inspectional requirement for MA120333 and MA120335. *The Chairman explained that this request was denied because it exceeded the six months allowed by statute. However, the equipment was subsequently inspected, and the current COIs have been issued.*
 - b) Whaler's Cove Assisted Living, request dated November 16, 2020, for a 6-month extension of the inspectional requirement for MAW197561, MAW197562, MAW197563, MAW197565, MAW197566, MAW197567 and MAW197568.
 - c) Brockton Hospital, request dated November 19, 2020, for a 6-month extension of the inspectional requirement for MA204882, MA204883, MA204884, MA204885, MA204886, MA208100, MA208101 and MA208103.
 - d) Falvey Linen Supply, request dated November 21, 2020, for a 3-month extension of the inspectional requirement for MA199554 and MA199547.
 - e) Northeast Energy Associates, request dated December 28, 2020, for a 150-day extension of the inspectional requirement for MA069865, MA069866, MA069867 and MA069868.
 - f) Bunker Hill Community College, request dated December 22, 2020, for a 6-month extension of the inspectional requirement for MA175207.
 - g) MATEP, LLC, request dated January 29, 2021, for a 6-month extension of the inspectional requirement for MA063104.
 - h) Wheelabrator Saugus, request dated January 26, 2021, for a 60-day extension of the inspectional requirement for MAS022850.
 - i) Hadley School, Swampscott, request dated January 14, 2020, for a 6-month extension of the inspectional requirement for MA201585, MA201586 and MA201587.
 - j) GE Heating Facility, Lynn, request dated January 29, 2021, for a 4-month extension of the inspectional requirement for MA230512, MA230549 and MA230560.

Motion to ratify the approval of these requests made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous roll call vote.

- 4) 522 Committee, Review of Adopted Codes and Standards: Anthony Lucia, the Chairman of the 522 CMR Committee, reported that the committee has met, and the review will continue over the next several months, the next meeting is during the second week of February.
- 5) Variance Request: New Bedford Housing Authority: The Chairman reminded everyone that this request had been tabled at the last meeting, then turned the floor over to John Fernandes to address the Board regarding this request. Mr. Fernandes explained that some repair work has been done, that there are 33 buildings that will have to have this repair work done, and that they are looking to their funding agent to address this violation. He expects to be able to have this work completed in a year. The Chairman asked what additional time is being requested. Mr. Fernandes clarified that NBHA is requesting an additional one-year beyond the comply-by date of July 8, 2021, on the original Violation Notice. Mr. Fernandes explained that they are working several new options to address these installations, going forward, and that they hope to have all installations completed by July, 8, 2022. The Chairman asked Mr. Fernandes to provide to the Board a list of which locations may not be in compliance by July 8, 2021. DFS Attorney Glenn Rooney clarified that this matter has been tabled by the Chairman in accordance with 522 CMR 1.05 Section 1(c) to allow for additional information, clarification from NBHA.

- 6) Variance Request: Bristol County Superior Court: The Chairman turned the floor over to Brian Kanuse from the Bristol County Superior Court to address the Board regarding their request. Mr. Kanuse asked to confirm that the Board has the pictures he had submitted. He described the building to the Board, and explained that adding a doorway to the brick walls would be difficult, especially giving the close proximity of the boilers to the walls. The Chairman asked him to describe the existing door, which is a roll-up door, which a walk-thru inside of it. The Chairman asked if there has been any modifications to the building. Mr. Kanuse explained that about 10 years ago, the windows had been blocked. The Chairman explained that the inspector of record is not on this call, and thanked Mr. Kanuse for the input. ***Motion made by Anthony Lucia to approve the request for a variance from the requirement for a secondary means of egress, seconded by Leah Francis; motion passed by unanimous roll call vote.***

After the vote, Anthony Lucia made a suggestion that the outcome of this variance procedure for existing buildings be addressed in 522 CMR. The Chairman acknowledged, this, and mentioned that Charlie Perry had brought up that this requirement is in Part I/Installations of the NBIC, which would apply to new installations, or those going thru major modifications to the equipment or building. He asked Counsel if the Board could provide clarification on situations such as this. Glenn Rooney said that the Board can issue an advisory opinion regarding this matter. The Chairman said that an advisory opinion would be drafted for the Board to consider.

- 7) 522 CMR Committee Membership – Letters of Interest: The Chairman announced that DFS had received letters from five individuals:

Andrew Crear, Pepperell
Tony Chamoun, Auburn
Brian Duffy, Gardner
Henry Geryk, Northampton
Steve Kirejczyk, Fitchburg

The Chairman asked the Board to consider these submissions. Charlie Perry pointed out to the Board that he has worked with Steve Kirejczyk when Steve was a project engineer, and he is familiar with ASME code, NBIC and 522 CMR, and that he recommends his appointment. Anthony Lucia, the Chairman of the 522 CMR Committee acknowledged Mr. Kirejczyk's qualifications, and added that he did not think it would be productive to allow the membership of the Committee to become too large. Anthony Lucia and Max Greig both acknowledged the qualifications of Henry Geryk to serve as a member of this Committee, and Leah Francis agreed. ***Motion made by Charlie Perry to add Henry Geryk and Steve Kirejczyk to the 522 Committee, seconded by Anthony Lucia; motion passed by unanimous roll call vote.***

- 8) Updates from DFS Staff: The Chairman reported that DFS hired a new inspector, Jerry Soltan, in November who would be working in the Worcester district. He also let the Board know that the on-line payment option was deployed in November, and that there is now a permit process in place. He also pointed out that there is also an owner's portal now available for owner/users to view information for their equipment.
- 9) Matters not reasonably anticipated: The Chairman asked the Board if there were any other matters that should be addressed at this time; there were no replies.
- 10) Adjournment: The Chairman explained that the next meeting of the Board is tentatively set for Thursday, March 4, 2021. ***Motion to adjourn this meeting made by Anthony Lucia, seconded by Leah Francis; motion passed by unanimous roll call vote, meeting adjourned at 10:43 AM.***

List of Documents/Exhibits Used at this Meeting

- a. Minutes from meeting on November 5, 2020
- b. Extension Requests:
 - i. Scotia Street Station (Denial)
 - ii. Whaler's Cove Assisted Living
 - iii. Brockton Hospital
 - iv. Falvey Linen Supply, Inc.
 - v. Northeast Energy Associates
 - vi. Bunker Hill Community College
 - vii. MATEP LLC
 - viii. Wheelabrator Saugus
 - ix. Hadley School, Swampscott
 - x. GE Aviation Heating Facility
 - xi. Norwood Hospital
- c. Variance Request – New Bedford Housing Authority
- d. Variance Request – Bristol County Superior Court