

**BOARD OF ELEVATOR, ESCALATOR AND MOVING WALKWAY  
MECHANICS LICENSING BOARD**

**5<sup>TH</sup> BUSINESS MEETING  
FEBRUARY 23, 2015**

**PUBLIC SESSION MINUTES**

**1. CALL TO ORDER**

The meeting of February 23, 2015, was called to order at 9:30 A.M. in the Hudson conference Room on the 6<sup>th</sup> floor at 124 Halsey Street, New Jersey, by James Boydston, Board Chairman. All requirements of the Open Public Meetings Act have been complied with in accordance with N.J.S.A. 10:4-6. The notice of the meeting was mailed to the Newark Star Ledger, Camden Courier Post and the Trenton Times. The notice was also sent to the Secretary of State, Trenton, New Jersey.

*The Board Saluted the Flag.*

*The following Board members were present:*

James Boydston  
James Byrnes  
Edmund DeFilippis  
Dennis O'Neill  
Scott Wallace, Jr.

*The following Board members were not present:*

Paulina Caploon

*Also present were:*

Sandra Dick, Senior Deputy Attorney General, Division of Law  
Charles Manning, Regulatory Analyst  
David Freed, Acting Executive Director  
Kathleen Moran, Administrative Assistant 3

**2. APPROVAL OF PUBLIC SESSION MINUTES**

- November 24, 2014

Motion made by Mr. Byrnes, seconded by Mr. DeFilippis, unanimously carried to approve the Minutes of the 4<sup>th</sup> Public Session Business Meeting held November 24, 2014, as presented.

### 3. Board Regulations Discussion

Mr. Manning advised he made changes to the language reflected in N.J.A.C. 13:44M-4.2(a) (2) Continuing Education Programs as follows:

Successful completion of a High Hazardous Structure (HHS) course **related to the installation, construction, alteration, maintenance, service, repair, or testing of elevators, escalators, and moving walkways** offered or approved by the New Jersey Department of Community Affairs.

#### 13:44M-5.2 Supervision

Roundtable discussion was held regarding the definition of alteration as used in 13:44M-5.2(a). The Board also discussed whether or not it should define “residential”, “limited access device, and platform lift” . The Board further discussed residential property as categorized in Group R-3 or R-5.

Tentative Board recommendations were made as follows:

The definition of commercial property is any property that is not included in the definition of “residential property.”

The definition of limited use, limited access device can be found in ASME A17.1.

The definition of platform lift can be found in ASME A18.1.

The definition of residential property is dwellings categorized as indicated in Group R-3 or R-5 pursuant to N.J.A.C. 5:23-3.14 or a single dwelling unit which is the only unit served by an elevator, escalator, or moving walkway.

Roundtable discussion was held regarding the number of individuals the licensed elevator mechanic shall supervise when an unlicensed person is performing work on a platform lift. After a long discussion regarding safety issues and the experience of the individual performing the work, the Board recommended the following:

13:44M-5.2(b) (1) a licensed elevator mechanic shall supervise no more than 6 unlicensed individuals working on a limited use, limited access device or platform lift.

13:44M-5.2 (b) (2) a licensed elevator mechanic shall supervise no more than 4 individuals working on such a device.

13:44M-5.2(b) (3) a licensed elevator mechanic shall supervisor no more than 4 individuals working on such a device.

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13:44M-5.2(a) (1) minor work means the cleaning, oiling, greasing, painting, changing brushes, fixture maintenance, observing the

operations of equipment, relamping, replacing combplate teeth, replacing carbons, contacts and shunts (not including soldered contacts or shunts), replacing door gib inserts, and clearing obstructions.

Roundtable discussion was held to define “minor” and “major” work as used in 13:44M-5.2.

The Board recommended the following change in 13:44M-5.2(c). The Board may change the drafted language based on the definition of minor work.

13:44M-5.2(c) (1) if the unlicensed person is performing minor work, the licensed elevator mechanic shall maintain daily contact with the unlicensed individual, which may be through electronic means. A licensed elevator mechanic shall supervise no more than five individuals performing such minor work; a licensed elevator mechanic shall supervise no more than five individuals performing such minor work

13:44M-5.2(c) (2) if the unlicensed person is performing any work not included in 1 above, the licensed elevator mechanic shall be present at the commencement of the work and shall be available for consultation through electronic means after the work has commenced. A licensed elevator mechanic shall supervise no more than five individuals performing such work.

Roundtable discussion was held regarding the potential problems involved with a licensee not being required to provide a consumer with a license number.

Mr. Freed stated that at this point, the Board does not have the ability to require that the licensee put a license number on a permit application. Mr. Freed also stated he is not looking to place the onus on the business; however, if the Board were to receive a complaint, the Board will have a better idea who to send a letter requesting an explanation.

Mr. Manning stated that the legislation was provided to protect the consumer and the bill was signed by the governor to address consumer complaints.

Mr. Freed stated that the regulations are being drafted over the authority of the Board under the auspice of the Division of Consumer Affairs.

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Senior DAG Sandra Dick stated one way to protect the consumer is to make sure the individuals are trained and have the requisite experience. DAG Dick also stated when a consumer feels they have been wronged by a licensee, the consumer has a place to come to other than going to court.

Mr. Freed stated in his opinion the Board would be remiss to not be as thorough as possible.

The Board recommended that language be added to the drafted regulations requiring the licensed elevator mechanic provide to the consumer their name and license number in writing. The name and license number could be provided as part of the bill presented to the consumer.

Mr. Manning asked the Board if they want to limit the number of people an elevator mechanic can supervise to ensure the mechanic not extend himself.

After a roundtable discussion, the Board recommended the following:

13:44M-5.2(d) A licensed elevator mechanic shall supervise no more than eight unlicensed individuals who are performing such work.

The Board discussed 13:44M-5.5(a) Reporting conditions not in compliance with Elevator Safety Subcode.

Roundtable discussion was held concerning how the elevator mechanic may handle the dangerous conditions. In certain situations the elevator mechanic will shut down/lock out the elevator and send a letter to the owner of the building advising that the elevator is not in compliance with the code.

The Board recommended that the drafted language not be changed. If the licensed elevator mechanic finds a dangerous situation exists, the licensee shall notify the owner of the building. If the licensed elevator mechanic is unable to notify the owner of the building, the licensee must notify the Board of the dangerous situation.

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#### **4. Adjournment**

Motion made by Mr. Dennis, and seconded by Mr. Scott, and unanimously passed, to go into Executive Closed Session to consider and to review consumer complaints, investigative reports and other information received pursuant to the Board's investigative authority in order to determine whether violations of the law, including Board regulations have occurred. The results of the deliberations will be made known when and if the Board determines to initiate disciplinary action or other law enforcement action.

Meeting adjourned at 1:00 P.M.

Respectfully submitted,

David Freed  
Acting Executive Director