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ELEVATOR SAFETY REVIEW BOARD MEETING

Report of proceedings had at the meeting of  
the ELEVATOR SAFETY REVIEW BOARD before CHAIRMAN DAN  
BAUMANN, at the Suburban North Regional Office Facility,  
9511 West Harrison Street, Des Plaines, Illinois,  
commencing on the 18th day of September 2014, at the  
approximate hour of 8:30 a.m.

1 BOARD MEMBERS PRESENT:

2 CHAIRMAN DAN BAUMANN

3 THOMAS JIRIK

4 K. DOUGLAS JONES

5 MARK HERTSBERG

6 EDWARD CHRISTENSEN

7 DAVID DATTILO

8 THOMAS GANIERE

9 WILLIAM BOGDAN

10 AARON ADAMS

11 KELLY WELLER

12 MATTHEW HUNT

13 GERALD GROSS

14

15

16 DICK GREGORY, Consultant to the Board

17

18

19 OSFM STAFF PRESENT:

20 ROBERT CAPUANI, Director of Elevator Safety

21 ANGELA STINSON-MARTI, General Counsel

22 CELENA JEFFRIES, Licensing

23 DEBORAH WILLIAMS, State Fire Marshal's Office

24

1 CHAIRMAN BAUMANN: We'll call the meeting to order  
2 at 8:36. We'll do the Pledge of Allegiance.

3 (WHEREUPON, recitation of the  
4 Pledge of Allegiance by all.)

5 CHAIRMAN BAUMANN: Following the agenda, review and  
6 possible action on the minutes, did everybody read the  
7 minutes of the last meeting?

8 (No response.)

9 CHAIRMAN BAUMANN: Any changes?

10 (No response.)

11 CHAIRMAN BAUMANN: A motion to accept?

12 MR. GANIERE: I'll make the motion to accept.

13 CHAIRMAN BAUMANN: Any seconds?

14 UNKNOWN SPEAKER: Second.

15 CHAIRMAN BAUMANN: Moved and seconded. Minutes  
16 have been approved.

17 Onto Bob Capuani's report.

18 MR. CAPUANI: Go Bears.

19 Okay. Total number of conveyances, 34,105.  
20 Permits this year, 603. Licenses, 328. Registrations,  
21 425. Certificates, 7,478.

22 CHAIRMAN BAUMANN: That's it. Any questions?

23 (No response.)

24 CHAIRMAN BAUMANN: Moving on to rule change making

1 possible language prior to submittal of Illinois  
2 Secretary of State/JCAR. To accept, who's going to make  
3 the motion?

4 MR. WELLER: On the rule changes? Sure. Yeah.

5 MS. STINSON-MARTI: Have you guys had a chance to  
6 review the rule changes? Are they -- Any questions  
7 about them? They're pretty basic. The date, and then  
8 we made the change to the QEI from last year's  
9 buildings.

10 MR. GREGORY: QEI, you recognize there's only two  
11 people that can certify NAESA and AESA International.  
12 And QEITF which used to be called EIWPF. QEI services  
13 on New York gone.

14 MS. STINSON-MARTI: We didn't get that specific.  
15 We just made it -- We left it broad.

16 MR. GREGORY: Okay.

17 THE COURT REPORTER: I'm sorry. Could I ask the  
18 Board to please speak up?

19 CHAIRMAN BAUMANN: Sorry.

20 THE COURT REPORTER: Thank you.

21 CHAIRMAN BAUMANN: We have a motion to accept?

22 MR. WELLER: Weller, motion to accept.

23 CHAIRMAN BAUMANN: Do we have a second.

24 MR. DATTILO: Second.

1 CHAIRMAN BAUMANN: Moved and seconded. All those  
2 in favor, say aye.

3 (Chorus of ayes.)

4 CHAIRMAN BAUMANN: All those against.

5 (No response.)

6 CHAIRMAN BAUMANN: The ayes have it unanimous.

7 MS. STINSON-MARTI: I think the next step is that  
8 we will submit it to JCAR, right, Deb?

9 MS. WILLIAMS: File with the Secretary of State for  
10 first notice within the couple weeks, and then it will  
11 be a 45-day comment period.

12 CHAIRMAN BAUMANN: For the record, can you mention  
13 your name and spell your last name?

14 MS. WILLIAMS: I'm Deborah Williams from the State  
15 Fire Marshal's Office.

16 CHAIRMAN BAUMANN: Thank you.

17 MS. WILLIAMS. And then if there's any -- Hopefully  
18 there won't be any comments, not very substantive. And  
19 I will proceed with JCAR after that. If there is  
20 something significant that comes up, I guess we'll bring  
21 it back to the next Board meeting.

22 CHAIRMAN BAUMANN: Thank you.

23 Kelly ...

24 MR. WELLER: Yeah. Just to clarify, this is just a

1 vote to send the rules to JCAR to be reviewed. All of  
2 those changes or any changes will come back to us for  
3 final vote?

4 MR. WILLIAMS: Maybe not a comma or something like  
5 that, but ...

6 MR. WELLER: Okay.

7 CHAIRMAN BAUMANN: All right. Any other questions?

8 (No response.)

9 CHAIRMAN BAUMANN: Moving on to public comment,  
10 Nick Budmats.

11 MR. BUDMATS: Nick Budmats, B U D M A T S.

12 CHAIRMAN BAUMANN: Can you speak up, Nick.

13 MR. BUDMATS: Jeffry Elevator Company. I'm  
14 addressing an issue that's come up concerning Fireman's  
15 Service being added to elevators or being required to be  
16 added to elevators where sprinkler fittings are in place  
17 on existing elevators.

18 Recently, several of our customers have  
19 expressed a concern as they are being told that they  
20 should have to add Fireman's Service feature to their  
21 elevators which are already code compliant. This is  
22 being suggested as a result of the fact that the  
23 building and not the elevator is being altered. And as  
24 a result of those alterations, fire panels are being

1 updated or added to the property. When they add those  
2 fire service panels -- not to the elevator, but to the  
3 building -- they install a provision called a shunt trip  
4 provision which removes power from the elevator prior to  
5 the application of water to either the elevator hoistway  
6 or the elevator machinery space.

7           The installation of this shunt trip causes a  
8 problem for the elevator inspector because normally an  
9 elevator -- a new elevator will have a Fireman Service  
10 recall feature which will cause it to come to a floor  
11 and open its doors and safely allow passengers to exit  
12 the elevator prior to the application or removal of  
13 power.

14           However, elevators installed prior to 1987 did  
15 not require Fireman Service, so there are several  
16 thousand elevators, anything built before 1987, that  
17 does not have Fireman Service and has a sprinkler  
18 fitting where possibly we would be taking a chance of  
19 leaving people in a hoistway with water being poured on  
20 them.

21           So this Board has a unique quality because,  
22 unlike other state boards, you are part of the State  
23 Fire Marshal's Office and, as such, you have a sway with  
24 the local enforcing fire departments. Obviously, home

1 rural fire departments can do whatever they want and  
2 enact whatever they want in their legislation. But by  
3 this Board setting a standard and having it come from  
4 stationery of the Office of the State Fire Marshal, this  
5 Board can help make existing elevators safer by allowing  
6 for or even directing for the removal of sprinkler  
7 fittings from certain portions of the elevator hoistway  
8 and also from elevator machinery spaces.

9           The law which established this Board also  
10 limits the power of the Board to require upgrades to  
11 Fireman Services except in cases of public safety. It  
12 seems the Board needs to consider the option to make a  
13 statement considering sprinklers in existing elevator  
14 hoistways and machinery spaces.

15           For information, when Chicago adopted its new  
16 elevator code 2 years ago, it specifically addressed  
17 this issue. Chapter 18, 340 says that sprinklers are  
18 not permitted in an elevator hoistway at the top where  
19 hoistway is (unintelligible) to other construction.  
20 Sprinklers can be provided and shall be provided in the  
21 bottom 2 feet of the pit in order to extinguish a fire  
22 in a pit from debris that may accumulate. And  
23 sprinklers shall not be permitted in machinery spaces  
24 where the machinery space is only used for the housing

1 of elevator equipment.

2 If this issue is left unaddressed, inspectors  
3 are forced to do their best to improve and set a  
4 standard for public safety based on their belief that  
5 having a shunt trip remove power in an elevator without  
6 recall provides an unsafe situation where passengers  
7 could be trapped. Some of those inspectors are calling  
8 for the installation of Fireman Service Phase 1 and 2.  
9 Some in the past have called for just the installation  
10 of recall.

11 This gray area of the Code requires some  
12 definition in the absence of any direction regarding the  
13 presence of sprinklers in the hoistway and the machinery  
14 space. I respectfully ask that the Board determine a  
15 best practice for this area of the Elevator Code  
16 enforcement and provide a recommendation for either the  
17 fire chiefs of various municipalities to consider or,  
18 alternately, for the elevator inspection community to  
19 follow.

20 Thanks for your time.

21 CHAIRMAN BAUMANN: Thank you for your comment.

22 MR. GROSS: I assume that ...

23 MR. WELLER: I make a motion that we discuss this  
24 if that's what it takes. I mean, he came all this way

1 to have a conversation. Let's do it.

2 CHAIRMAN BAUMANN: Make the motion.

3 MR. WELLER: Sure.

4 CHAIRMAN BAUMANN: Okay. Do we have a second?

5 MR. GROSS: Second.

6 CHAIRMAN BAUMANN: When will we discuss it?

7 MR. WELLER: I would just like to hear a little bit  
8 more about it because I'm trying to understand.

9 CHAIRMAN BAUMANN: Kelly, do you want to discuss it  
10 at the next meeting or do you want to discuss it right  
11 now?

12 MR. WELLER: Well, I would suggest --

13 CHAIRMAN BAUMANN: So do you want to be prepared  
14 for it?

15 MR. WELLER: Yeah. I would suggest --

16 CHAIRMAN BAUMANN: You could get more information.  
17 You could read on it.

18 MR. GREGORY: Could he -- Will you ask him to give  
19 this to us in writing so that we can ...

20 CHAIRMAN BAUMANN: If you want to put it as a  
21 question, what we want to do is we want to put it on the  
22 agenda for the next meeting. This -- This is -- Prior  
23 to our meeting today, you could have called Bob Capuani  
24 and put it on the agenda and we could have had a

1 discussion on it then.

2 MR. BUDMATS: It's literally come up in the last  
3 few days again. I talked to Bob about it about a week  
4 ago. But there seems to be a wide variance of opinion  
5 of what's really happening amongst even the elevator  
6 inspection committee on this very item.

7 And I know that you're looking at a variance  
8 today for one building based on this same concept.  
9 Unfortunately, it's a healthcare facility which is  
10 subject to different rules and regulations. I'm looking  
11 more for just everybody else's elevator in general --  
12 general knowledge.

13 MR. GROSS: I would like to just get a  
14 clarification of what we're talking about here. Is this  
15 coming up because of the life safety evaluations in the  
16 City of Chicago?

17 MR. BUDMATS: No. It's coming up because of  
18 improvements to life safety in suburban elevators and  
19 when people are upgrading their fire alarm panels. And  
20 they've had a sprinkler building forever and forever.  
21 And now the Fire Code requires them to install a shunt  
22 trip. But there's nothing in the Elevator Code that  
23 says when you install shunt trip you have to do A, B, or  
24 C.

1 MR. GREGORY: So you're going to reduce this to --

2 MR. BUDMATS: I can provide you with my minutes --  
3 my notes.

4 MR. GREGORY: Yeah. Your notes were very clear, at  
5 least to me. So if you could provide those in  
6 electronic format to Bob or Celena or both or whatever.

7 MR. BUDMATS: Okay.

8 MR. GREGORY: I mean, that would be -- yeah.

9 MR. BUDMATS: Okay. Thanks.

10 CHAIRMAN BAUMANN: Thank you.

11 Patty Young.

12 MR. YOUNG: I do not have a comment at this time,  
13 but I reserve the right in case another item comes up.

14 CHAIRMAN BAUMANN: Thank you.

15 David Cooper ...

16 MR. COOPER: My name is David Cooper, and I would  
17 like to address the Board today on a couple of matters  
18 which I think are serious.

19 UNKNOWN SPEAKER: We can't hear.

20 CHAIRMAN BAUMANN: Can you speak up, please?

21 MR. COOPER: I would like to address the Board  
22 today on a couple of matters that I think are very  
23 serious. I would like to add I do have the  
24 documentation here in packets to back up everything I'm

1 saying today. I could hand them out to you right now or  
2 I could hand them out to you when I'm done speaking.  
3 Which do you prefer?

4 CHAIRMAN BAUMANN: You can hand them out now.

5 MR. COOPER: Okay.

6 CHAIRMAN BAUMANN: Thank you.

7 MR. COOPER: I will point out on one of these forms  
8 I've got down actually '07 and it should actually be  
9 '08. It's a typo. I will point that out to you.

10 The first matter I would like to address is  
11 the matter of Stuard and Associates harassing my  
12 customer.

13 MR. STUARD: I can't hear.

14 MR. COOPER: The first matter I would like to  
15 address back there, Steve, is the --

16 MR. CAPUANI: Gentlemen, gentlemen.

17 CHAIRMAN BAUMANN: Public comment is up here.

18 MR. CAPUANI: This is a professional meeting.

19 MR. COOPER: -- is the harassment of my customer,  
20 Illinois Valley Community Hospital in Peru.

21 Steve Stuard was told multiple times by the  
22 hospital that the hospital uses my company for their  
23 inspections. Steve Stuard then went to KONE Elevator  
24 office and told Bob Beever in Champaign, the KONE

1 supervisor, that IVCH gave him permission to do their  
2 inspections. That definitely was not the case. When  
3 KONE and Stuard showed up at the hospital to do the  
4 inspections, Stuard was told to leave their property.

5 The second matter I would like to address here  
6 is that Stuard did this while, I believe, not being  
7 registered to conduct business in our state. The Fire  
8 Marshal's Office sent in a letter. They were updating  
9 their files. One of the things they asked for was a  
10 certificate from the Secretary of State's Office to  
11 conduct business in Illinois. I don't believe  
12 Mr. Stuard could produce that document. I still don't  
13 believe Mr. Stuard can produce that document.

14 I have checked with the Secretary of State's  
15 Office multiple times. I've called them. I've been on  
16 their e-mail. And each time they told me that his  
17 license was revoked in '97 to conduct business in  
18 Illinois.

19 I think this is a very serious matter, and I'm  
20 asking you, the review board, to investigate this, the  
21 unethical actions of harassing my hospital and the  
22 deliberate deceit to the elevator company. And while  
23 doing this, he is not registered to conduct business in  
24 our state. That is one of the requirements to get your

1 license through the Fire Marshal's Office. If you go to  
2 the website and you scroll on down on through registered  
3 conveyances and then it goes to -- it scrolls down to  
4 the facts, you get to the facts. It says requirements  
5 of an elevator inspector's company here in Illinois.  
6 The first thing that you are to show is the certificate.  
7 I don't believe he can show it. I checked with the  
8 Secretary of State's Office first thing this morning  
9 on their website. It still shows it was revoked in  
10 '97.

11 I'm asking the review board to investigate  
12 what I think is a very serious matter.

13 CHAIRMAN BAUMANN: Done?

14 MR. COOPER: I'm done.

15 CHAIRMAN BAUMANN: Thank you for your time.

16 MR. COOPER: Thank you.

17 MR. GREGORY: What is the name of your company.

18 MR. COOPER: The name of my company is Central  
19 Illinois Elevator Inspections.

20 CHAIRMAN BAUMANN: Thank you.

21 Steve Stuard ...

22 MR. STUARD: I'll reserve comment at this time,  
23 Mr. Chairman.

24 CHAIRMAN BAUMANN: Thank you.

1           That's the end of public comment. Move on to  
2 variance and appeals.

3           MR. WELLER: Mr. Chairman, just before we move off  
4 of that ...

5           Mr. Budmats, I want to make sure I've got your  
6 item on the agenda properly for the next meeting. What  
7 is it that you would like us to call it, fire  
8 service ...

9           MR. BUDMATS: Shunt trip issues, I guess.

10          MR. WELLER: Fire service shunt.

11          MR. GREGORY: Fire service and shunt trip issues.

12          CHAIRMAN BAUMANN: Fire service requirements with  
13 shunt trips.

14          MR. WELLER: Okay. So we're going to put that as a  
15 new business item for next meeting to be reviewed. Can  
16 I ask --

17          CHAIRMAN BAUMANN: That would be correct.

18          MR. WELLER: Can I ask Dick Gregory or a member of  
19 the Fire Marshal would like to give us some background  
20 information on that so that we've got ...

21          MR. CAPUANI: Mr. Gregory ...

22          MR. GREGORY: When you say jump, I say how high.

23          MR. CAPUANI: Will you put something together,  
24 e-mail it to us, and we'll get it out?

1 MR. GREGORY: It won't be ...

2 MR. CAPUANI: We've got 2 months.

3 MR. GREGORY: Okay. I mean, my oldest  
4 granddaughter is getting married on Saturday. And then  
5 I have ASME Code meetings next week. So ...

6 MR. CAPUANI: Okay. Thank you.

7 MR. WELLER: So is that acceptable that we review  
8 this at the next -- We don't need a motion on that or  
9 any --

10 CHAIRMAN BAUMANN: No.

11 MR. WELLER: The second thing is do we need  
12 anything to address Mr. Cooper's concerns?

13 CHAIRMAN BAUMANN: No.

14 MR. WELLER: Are you going to take care of that  
15 from the Fire Marshal's inspection side or --

16 MR. CAPUANI: Correct.

17 MR. WELLER: Okay. Mr. Cooper, will you let us  
18 know if you don't get any resolution from --

19 MR. COOPER: Oh, definitely. I would like to speak  
20 again if I can. There's a couple of things I forgot to  
21 say here to kind of explain that packet to you.

22 CHAIRMAN BAUMANN: Go ahead. We'll do the leading.  
23 Come up. You want to explain more, go right ahead.

24 MR. COOPER: Once again, Dave Cooper. The first

1 document is the e-mail that was sent from IVC Hospital  
2 to KONE showing the harassment, the multiple calls.  
3 They were ready to make a complaint themselves to the  
4 Attorney General's Office.

5 You will see the letter from the State Fire  
6 Marshal's Office requesting that documentation from the  
7 Secretary of State's Office for the certificate to  
8 conduct business.

9 The third one is the fact sheet, of course.  
10 You will also see where I made a formal complaint to the  
11 Secretary of State's Office on the matter. I was told  
12 to contact the Secretary of State's Office -- not the  
13 Secretary of State's Office -- I'm sorry -- Lisa  
14 Madigan's Office. I made the formal complaint because I  
15 was told to go there and make my complaint from the  
16 Secretary of State's Office and the Fire Marshal's  
17 Office. They sent me the letter back, which you will  
18 see in the packet there, that this was supposed to be  
19 addressed by the Fire Marshal's Office.

20 And I believe that's it. If you guys look at  
21 that and you got any questions, I will be more than  
22 happy to answer them for you.

23 CHAIRMAN BAUMANN: Thank you very much.

24 MR. COOPER: Thank you.

1 CHAIRMAN BAUMANN: This just came in. Margaret, do  
2 you have any comment -- public comment?

3 MARGARET: Not at this time. We'll reserve.

4 CHAIRMAN BAUMANN: Mr. Stuard ...

5 MR. STUARD: Steve Stuard. Chairman, I would like  
6 to make one thing clear. My license, my corporate  
7 license was sent to me 2 weeks ago. My corporation is  
8 licensed to do elevator inspections in the state of  
9 Illinois. It's unfortunate that this bad blood exists,  
10 but so be it.

11 CHAIRMAN BAUMANN: Thank you for your comment.

12 Any further public comment?

13 (No response.)

14 CHAIRMAN BAUMANN: There's none listed, so we'll  
15 move on to variances and appeals.

16 MR. CAPUANI: A variance came into our office from  
17 Hazel Crest. The variance was presented to  
18 Hazel Crest for an updating the elevators at Pine Crest  
19 Health Center. They denied the variance. The  
20 reasoning, an inspector from an inspection company wrote  
21 up that he felt that the condition of the elevator was  
22 very poor in a public safety issue. Tom from OSFM went  
23 out there. He agreed with the inspector that the  
24 condition of the elevators are very poor right now. So

1 the OSFM denied the request. They're appearing before  
2 the Board today to get permission from the Board for a  
3 variance from the Board. It was sent out. I'm sure  
4 everyone read it, I hope.

5 MR. MAGENCE: Good morning. My name is Meyer  
6 Magence. The first name is spelled M E Y E R. Last  
7 name is spelled M A G E N C E. And I am an attorney,  
8 and I represent Pine Crest Health Care Center located in  
9 Hazel Crest. With me is Doug Danenberger --

10 MR. DANENBERGER: Good morning.

11 MR. MAGENCE: -- who consults with Pine Crest on  
12 life safety issues.

13 I would first like to thank the Board for  
14 permitting Pine Crest to address this Board regarding  
15 Pine Crest's request for a variance in respect to its  
16 two elevators.

17 The elevator inspector, as agent for the  
18 Village or Hazel Crest, insists that the facility  
19 install a Phase 1 and 2 recall systems. Without them,  
20 the inspector asserts that the elevators pose a threat  
21 to the health and safety of the residents. Pine Crest  
22 disagrees.

23 Pine Crest is a 199-bed long-term care  
24 facility with a current census of approximately

1 178 residents. The building has two floors. There are  
2 two elevators used by residents, and they employ the  
3 hydraulic method of operation. The cars travel less  
4 than 25 feet going from one floor to another. Pine  
5 Crest has been told that because it is a nursing home it  
6 would be prudent to err on the side of caution and  
7 require the recall systems. The facility asserts that  
8 because it is a nursing home, there are already many  
9 fire safety features present as part of the building  
10 which are required by various government agencies,  
11 including the federal agency Centers for Medicare and  
12 Medicaid services, known as CMS; Illinois Department of  
13 Public Health; and, of course, the various building code  
14 requirements.

15 A nursing home is required to limit its  
16 combustible materials for floors and walls. In the  
17 corridor, it is a Class A-rated materials. Each floor  
18 is segmented into three components with doors that close  
19 off each section when the automatic fire alarm system is  
20 activated. There are heat and smoke detectors  
21 throughout the building with the heat detectors tied to  
22 the automatic fire alarm. There is a back-up generator  
23 in the event of a power outage. The elevators are not  
24 hooked up to the back-up generator. Every room in the

1 building, including the elevator room, has sprinklers,  
2 which is required by the federal agency CMS; and the  
3 sprinklers are tied to the automatic fire alarm.

4           The federal government has determined that  
5 sprinklers provide the highest degree of fire safety to  
6 any environment. And that is why every area in Pine  
7 Crest has them. The sprinklers are located in the  
8 elevator pit and in the machine room. Neither location  
9 contains high power electric. Sprinklers are in the pit  
10 to address the combustible hydraulic fluid. Nothing but  
11 equipment is stored in the machine room. The sprinklers  
12 in the machine room are rated at 286 degrees. Before  
13 that temperature is reached and the sprinkler head  
14 activated, the electrical equipment will have already  
15 failed due to a fire and the elevator will have stopped.  
16 The fire in the equipment -- Fire in the equipment would  
17 render the elevator car inoperable.

18           There are provisions for a shunt and heat  
19 detector in an elevator shaft. Pine Crest wants to  
20 install them but needs a permit to do that. It cannot  
21 get a permit from the Village of Hazel Crest because the  
22 elevator inspector is insisting that any further changes  
23 in the elevator must include Phases 1 and 2 recall. We  
24 are in a Catch-22.

1           In the event the elevator stops, staff is  
2 trained to bring the car to the first floor and remove  
3 anyone inside. That exercise is a part of the regular  
4 and frequent fire drills conducted at the facility. As  
5 an aside, the local fire department was pleased with  
6 Pine Crest's evacuation during the fire drill. It  
7 should be noted that it usually takes 2 to 4 minutes for  
8 the fire department to come from the nearby station.

9           In the event of a fire, because the elevators  
10 are hydraulic, the cars do not free fall. I want to  
11 emphasize again that the cars travel less than 25 feet.  
12 All codes have the exception for cars that travel less  
13 than 25 feet.

14           The elevators -- Those elevators do not need a  
15 recall system under 41, Illinois Administrative Code,  
16 Fire Protection, Chapter 1, Office of the State Fire  
17 Marshall, part 100, Fire Prevention and Safety. There  
18 is an exemption for elevator recall for existing  
19 elevator cars that travel less than 25 feet, exactly the  
20 situation at Pine Crest. The exemption clearly  
21 indicates that the absence of a recall system in the  
22 situation of travel of less than 25 feet is not an  
23 unsafe condition that threatens the health and safety of  
24 persons. That applies to Pine Crest as well.

1           Assertions by the elevator inspector of a  
2 dangerous condition absent a recall system fly in the  
3 face of these State of Illinois rules. Because of these  
4 fire safety provisions and the fact that these elevators  
5 are hydraulic and easily lowered, comparisons to fire  
6 calamities in a nearby Chicago condo, which the facility  
7 has been told about, are not relevant. Further, such  
8 analogies gloss over the actual conditions at Pine Crest  
9 and overlook the very important fact that our elevator  
10 shafts and equipment room have sprinklers.

11           For all the above reasons, Pine Crest asserts  
12 that the installation of recall systems, which are very  
13 expensive, are unreasonable and unnecessary. We  
14 respectfully request that this Board grant our appeal  
15 and not require car recall systems to be installed.

16           If I may add a post scriptum to this, if for  
17 some reason this Board chooses to deny our request  
18 despite the existing building code exemptions for such  
19 elevators, Pine Crest, in the alternative, requests that  
20 it be given 7 years to complete such repairs. The  
21 facility anticipates costs well in excess of \$300,000  
22 for all the associated repairs and upgrades that would  
23 have to be done.

24           Thank you very much.

1 MR. CAPUANI: I got a question.

2 MR. MAGENCE: Sure.

3 MR. CAPUANI: I disagree with your high-powered  
4 machismo. That's the first thing. Do you have a  
5 maintenance program here? Is there a maintenance  
6 company that takes care of the elevators?

7 MR. MAGENCE: Yes, Align Elevator.

8 MR. CAPUANI: Really.

9 MR. GREGORY: Align?

10 MR. CAPUANI: So you call this maintenance  
11 (displaying photograph)?

12 MR. MAGENCE: If I may address --

13 MR. CAPUANI: I'm asking the question here.

14 MR. MAGENCE: I'm going to address that.

15 MR. CAPUANI: Do you call this maintenance?

16 MR. MAGENCE: The answer to that question is, first  
17 of all, we are here for a variance, specific --

18 MR. CAPUANI: I understand. I understand. This is  
19 part of the condition of the elevator. Do you -- Do  
20 you -- Do you think this is proper maintenance being  
21 performed in this building?

22 MR. MAGENCE: That can be easily taken care of.  
23 That can be rewired -- Like I said, you know, we are  
24 here for a variance appeal.

1 MR. CAPUANI: I understand that. This is part of  
2 it. This is the condition of your elevators.

3 MR. MAGENCE: Mr. Capuani, if I may finish my  
4 point, I would be glad to address your point as well.

5 We are here on a specific matter. What is it  
6 that the inspector on behalf of the Village of Hazel  
7 Crest found. He did not address that. You are now  
8 addressing it. So my variance is addressing the  
9 specific point of the elevator inspector.

10 Now, your point now is there's a general  
11 issue, which was not cited by the elevator inspector,  
12 which needs to be addressed. Those things -- There are  
13 some things that could be mounted easily. Some things  
14 could be rewired. If we had our permit, no problem, we  
15 can do that quite easily.

16 MR. CAPUANI: You don't need a permit for this.

17 MR. MAGENCE: What's that?

18 MR. CAPUANI: You don't need a permit for this.

19 MR. MAGENCE: For some of the rewiring, I believe.

20 MR. CAPUANI: This is poor maintenance, no  
21 maintenance. I would say zero maintenance.

22 I will let you finish with the variance, and  
23 then we'll have a discussion about the maintenance.

24 MR. MAGENCE: Okay.

1 MR. CAPUANI: Let's go to variance issue.

2 CHAIRMAN BAUMANN: Any questions from the Board?

3 MR. JONES: Is there an exemption in the Code that  
4 allows for non-Phase 1 and 2 for 25-foot or less travel?

5 MR. CAPUANI: IDPH, yes. It's 25 feet or less for  
6 existing elevators. NFPA 101, which is the Life Safety  
7 Code, also addresses it as 25 feet or less.

8 MR. DANENBERGER: In addition to that, if I may  
9 interject, the International Building Code,  
10 International Fire Code, BOCA, Southwest Building Code,  
11 Uniform Building Code, all have that same objective, the  
12 same thing.

13 CHAIRMAN BAUMANN: Can you restate -- I'm sorry.  
14 Can you restate your name and spell the last name?

15 MR. DANENBERGER: Last name is Danenberger,  
16 D A N E N B E R G E R.

17 MS. STINSON-MARTI: And where are you from?

18 MR. DANENBERGER: Life Safety Resources. We are a  
19 code consulting firm specializing in healthcare. And I  
20 am the life safety consultant for this facility.

21 MR. HUNT: Codes specifically for elevators?

22 MR. DANENBERGER: Building codes. Building codes  
23 and life safety.

24 MR. HUNT: Thank you.

1 CHAIRMAN BAUMANN: What company do you represent?

2 MR. DANENBERGER: Life Safety Resources. I'm the  
3 owner and CEO of that company.

4 MR. GANIERE: The exemption that you quoted, was  
5 that in the rules or is that state statute?

6 MR. DANENBERGER: It's both federal and state  
7 statute, including the statute that is enforced by fire  
8 prevention within State Fire Marshal.

9 MR. GANIERE: I guess I have a general question.  
10 If there is an exemption in statute, why do they need a  
11 variance?

12 MR. ADAMS: I have the same question. That's  
13 what's confusing me.

14 MR. DANENBERGER: Well, it's come up. And here's  
15 to give you some history what occurred. They had an  
16 elevator inspection. During the elevator inspection, it  
17 was indicated because of the addition of the fire  
18 sprinkler system, that turned the elevator into new  
19 construction now meeting the requirements for new. We  
20 then argued that that was an inappropriate assertion  
21 because it would be the element being modified. And we  
22 concurred that a shunt trip needed to be added.

23 We asked the City for a permit to do that,  
24 Hazel Crest. They denied the permit indicating that

1 Thompson Elevator, the elevator inspector, had indicated  
2 without Phase 1 or Phase 2 recall, the permit could not  
3 be granted.

4 We're here to discuss the requirements for  
5 Phase 1 and 2 recall as it relates to an existing  
6 building with less than 25 foot of travel. When we  
7 couldn't get a code section that supported that  
8 reference, then it was determined that the lack of  
9 recall creates a safety issue for the residents and  
10 visitors to the building.

11 We then asserted that if it's a safety issue,  
12 then why is it that every other national building code  
13 allows for it. It's hard to say it's a fire safety  
14 issue when every other standard that has ever been  
15 written has that exemption.

16 So that's what we're here to discuss, not the  
17 fact that a shunt breaker needs to be installed. It's  
18 Phase 1 and Phase 2 recall on a two-story building.

19 CHAIRMAN BAUMANN: Are you done?

20 MR. DANENBERGER: Sure.

21 CHAIRMAN BAUMANN: I would like to hear from the  
22 other side, the inspector's -- the representative from  
23 the inspection company.

24 MR. THOMPSON: I can speak?

1 CHAIRMAN BAUMANN: State your name and spell it for  
2 the reporter, please.

3 MR. THOMPSON: I'm John H. Thompson with Thompson  
4 Elevator Inspection Service. I was the inspector that  
5 was out at the facility. And when I was there the first  
6 time, I discovered that they had installed new  
7 sprinklers, which in A17.3 is an alteration and you are  
8 to comply with 8.7.3.8, which is the installation of a  
9 shunt trip.

10 In 1987, shunt trip was brought into the Code.  
11 There's buildings prior to that with sprinklers that  
12 have no shunt trip, have no recall because of the  
13 25-foot rule. That was only around for, I believe,  
14 3 years; and the code committee realized their mistake  
15 that you could have an elevator with shunt trip which  
16 stops the elevator dead in its tracks potentially with  
17 people in there with a fire in the building. The code  
18 committee straightened that out and corrected recall to  
19 be -- I believe it's 80 inches, Dick, on all cars. It  
20 was only a 3-year edition of the Code where you had the  
21 25-foot rule, and they got rid of that with shunt trip.  
22 Now all elevators have recall when there's shunt trip  
23 present on it.

24 We do not want to trap people in the

1 elevators. I cited the Act. I'm aware of the 25-foot  
2 rule. But as an inspector, I was looking out for the  
3 riding public. And I cited the Act. And under the Act,  
4 if you perform an alteration or if the equipment fails  
5 or if you jeopardize the public health and welfare,  
6 public safety and welfare, I believe that we needed to  
7 take action. And I felt that Pine Crest had met two of  
8 the three criteria in the Act for doing this alteration.  
9 They did an alteration, and they were jeopardizing the  
10 public safety in my opinion.

11 I did not want to see a nursing home -- I've  
12 been to this place. You know, there's people that have  
13 trouble getting around. They're in wheelchairs. I did  
14 not want to see people in this elevator in a potential  
15 fire situation and have the shunt trip go off and  
16 they're stuck in a building that's filling with smoke.

17 You know, he said that they had provisions for  
18 getting people out of the building. But, you know, if  
19 there's a fire alarm, can we guarantee that they're  
20 going to manually lower this car? Also, I believe  
21 that's first responders' duties. And you're supposed to  
22 be a licensed contractor to even work on an elevator.  
23 We have never trained anybody there in a rescue of  
24 people out of the elevator. So I don't know where they

1 got their training from. But I believe under the Act  
2 you're supposed to be a licensed mechanic, licensed  
3 contractor to even touch an elevator. So I don't know  
4 if that's really the best way to go, having staff do  
5 that kind of stuff.

6 I believe that those elevators need fire  
7 service Phase 1 and 2 and that the Board should do the  
8 right thing here and look out for the riding public in  
9 the building. I believe that the Act, the way it's  
10 written with that criteria, those three items, allows  
11 you guys the ability to make them put in recall.

12 I think 7 years is way too long to have a  
13 timetable for putting in recall. I gave them a year to  
14 do it when I wrote it up. I gave them a year to install  
15 the shunt trip and to put in Phase 1 and 2. And, you  
16 know, I went back; they didn't do it.

17 When our inspector was out there in August,  
18 Damen, he wrote up many things on the report. There was  
19 many issues, you know, the maintenance control program,  
20 the lack of that. There was a lot of things that were  
21 on that report. And I did talk to Mike Barrett from  
22 Align. The building has had three maintenance companies  
23 in the last 2 years. It was a Long job to begin with.  
24 KONE bought Long. KONE was in there. Now they have

1 Align, which is a spinoff company of Long and KONE guys.  
2 So they've had some turnover. So, you know, maybe give  
3 them the benefit of the doubt on that that Align is  
4 going to get in there and straighten things out. But  
5 they need a lot in this situation. I do not think --

6 You know, Hazel Crest did not grant the  
7 variance. Mr. Capuani did not grant the variance. He  
8 had the authority to do it. He basically sided with me.  
9 Now the appeal is in front of the Board. And this, you  
10 know, affects Nick's comments too. This is what we're  
11 seeing in nursing homes.

12 I've had six buildings that have had this  
13 issue. I've given people a year, and they've done it.  
14 No questions asked. I have another one in Homewood  
15 that's pending. And I talked to their architect from  
16 Legat. He understood exactly what I was talking about,  
17 and they are out shopping for a mod to put Phase 1 and 2  
18 on those elevators. They understand that we need to  
19 have this elevator go into recall.

20 There is smoke long before there is enough  
21 heat to trip a shunt. The smoke goes off. The elevator  
22 comes down. The doors open. And it takes itself out of  
23 service. That way we can guarantee nobody is on this  
24 elevator traveling up to a floor and the shunt trip goes

1 off and they get stuck and they die in a smoke-filled  
2 hoistway. I don't think anybody here wants that.

3 So those are my comments on this matter.

4 Thanks.

5 MR. DATTILO: Question. Mr. Thompson, based upon  
6 your experience, can you say give a rough idea of what  
7 the cost and time element would be to install this?

8 MR. THOMPSON: Well, in this building, it's an  
9 ideal situation because it's two Simplex units. They  
10 will never be without elevator service. There's one  
11 elevator in the front; there's one elevator in the back.

12 They already have the fire alarm equipment  
13 installed. And, you know, I question some of the --  
14 some of the comments that Meyer made because we were out  
15 there. They put in smoke detectors already. They've  
16 smokes and heats in the hoistway like they're  
17 anticipating, you know, that they're going to have to do  
18 this. Why would they be putting in the smoke detectors  
19 if they're so adamantly opposed to doing this.

20 You know, a mod with a SmartRise controller,  
21 you know, costs can be far less than \$300,000.

22 MR. CAPUANI: Do you know if the cylinders have  
23 been changed there?

24 MR. THOMPSON: It's original equipment.

1 MR. GREGORY: What year was it built?

2 MR. CAPUANI: The cylinders would have to be  
3 changed.

4 MR. THOMPSON: Excuse me?

5 MR. GREGORY: What year was the building built?

6 MR. THOMPSON: I want to say in the code data plate  
7 was in the '60s.

8 Now, the alteration did not affect the  
9 cylinders. They passed their last pressure test. And  
10 the language in the Act for that is a little bit gray.  
11 And we've asked for clarifications because it says when  
12 alteration occurs. You know, that can be somebody  
13 putting in a keyed stop switch. And for, you know, a  
14 \$500 alteration, I don't think we should be saying hey,  
15 you got to spend 60 grand on a new cylinder.

16 Here when you're doing a controller change,  
17 this would be the time to change the cylinder. But that  
18 would be entirely up to the Board until the language is  
19 a little clearer in the Act on that.

20 MR. GREGORY: Could the people from Pine Crest tell  
21 us when the building was built originally?

22 MR. THOMPSON: I want to say '69, '68.

23 MR. CAPUANI: Our system shows '65.

24 MR. THOMPSON: Yeah. It was old. It was an old

1 code data plate. I know that.

2 CHAIRMAN BAUMANN: It's not that old.

3 MR. THOMPSON: Well, we're in the year 2014.

4 That's old.

5 MR. WELLER: My question is more about -- And I  
6 don't want to be in a devil's advocate position, but I  
7 want to ask. So what really we're talking about is  
8 whether the alteration of putting these modifications  
9 for the sprinkler and fire systems in the elevator  
10 constitutes new construction which brings them under a  
11 new Code?

12 MR. THOMPSON: Well, it's an alteration. In A17.3,  
13 you got to follow 8.7.3.8, which refers you back to 2.8,  
14 which is your shunt trip. And I just cannot allow a  
15 shunt trip to be installed without recall.

16 MR. WELLER: So it's -- So it's an interpretation  
17 of what it calls --

18 MR. THOMPSON: It's my interpretation of the Act,  
19 is what it is. It's my interpretation of the Act.

20 The law says alteration. So, you know, No. 1,  
21 the criteria, there is an alteration that did occur.  
22 They put sprinklers in.

23 MR. GREGORY: That's not an alteration to the  
24 elevator.

1 MR. THOMPSON: Pardon me?

2 MR. GREGORY: That's not an alteration to the  
3 elevator.

4 MR. THOMPSON: It's making them put a shunt trip  
5 in.

6 MR. GREGORY: It's still not the elevator. That's  
7 the power.

8 MR. THOMPSON: I understand that. But it's an  
9 alteration to the machine room and the hoistway, Dick.  
10 It's an alteration to the elevator equipment.

11 MR. GREGORY: The elevator Code covers alterations  
12 to elevators. So far, let's say, sprinklers and shunt  
13 trips are not alterations to the elevator.

14 MR. THOMPSON: Correct. But it's still an  
15 alteration under 8.7.

16 MR. GREGORY: I'll look it up. I mean, I serve on  
17 that committee. But I don't -- I tend to disagree.

18 MR. WELLER: From what I heard, that seems to be an  
19 addition, correct?

20 MR. THOMPSON: Give me the '05 book, please.

21 I happen to have that right here, Dick. So in  
22 hoistways and related construction for electric  
23 elevators, on page 20, there is a note at the bottom:  
24 The installation of sprinklers in an existing machine

1 room or hoistway is an alteration. See ASME A17.1  
2 2004 -- it references that because this is the '05  
3 book -- requirements 8.7.2.8 and 8.7.3.8. And I cited  
4 him 8.7.3.8 that requires compliance with 2.8.  
5 Therefore, they had to put the shunt trip in. That's  
6 why I wrote that up and because the Act says an  
7 alteration occurred. That was No. 1.

8           The other criteria, we have it right here.  
9 The first criteria is there is an alteration. The  
10 second criteria is the equipment fails, or, No. 3,  
11 failing to replace the equipment jeopardizes the public  
12 safety and welfare as determined by the local  
13 administrator, which is me.

14           MR. WELLER: Mr. Thompson, will you go back and  
15 cite what you just read again to me and make sure that  
16 we got that clear in the record?

17           MR. THOMPSON: Cite what, out of this book?

18           MR. WELLER: Yeah. Where that's coming from and --

19           MR. THOMPSON: This is A17.3 2005.

20           MR. WELLER: And that's the existing --

21           MR. THOMPSON: This is the existing elevator code.  
22 There's a note here: The installation of sprinklers is  
23 an existing machine -- in an existing machine or a  
24 hoistway is an alteration. And this is just a note.

1 It's telling you that this is an alteration. It's  
2 clarifying that it is an alteration.

3 MR. GREGORY: And what page is that on?

4 MR. THOMPSON: It's on page 20.

5 So, therefore, I asked them to put a shunt  
6 trip in. And Pine Crest has conceded that they need a  
7 shunt trip. They stood right here and said that they  
8 need to do that, which is fine.

9 So then I referred to the Act. Number 1,  
10 there is an alteration; No. 2, the equipment fails; or  
11 No. 3, failing to replace the equipment jeopardizes the  
12 public safety and welfare. So by failing to replace  
13 these controllers and not having Phase 1 and 2, I  
14 believe, jeopardizes the public safety and welfare.  
15 This is my --

16 And we need to make a decision on this because  
17 this is happening in a lot of places. IDPH is making  
18 these folks put sprinklers in. And, like Nick said, we  
19 have other buildings with sprinklers. You know,  
20 buildings are -- you know, they've been around 20, 30,  
21 40 years. They're putting in new fire alarm panels.  
22 The fire department is saying, well, you got to sprinkle  
23 these places. We're getting to a crossroads where we're  
24 putting sprinklers into these elevator hoistways and

1 it's becoming a safety issue.

2 CHAIRMAN BAUMANN: John, we've got some more  
3 questions for you.

4 MR. GROSS: Read that part again. I -- I didn't  
5 understand when you said the electrical hoistway. Read  
6 that part again.

7 MR. THOMPSON: The alteration?

8 MR. GROSS: The alteration.

9 MR. THOMPSON: This is the note. The installation  
10 of sprinklers in an existing machine room or hoistway is  
11 an alteration. See ASME A17.1 2004 requirements 8.7.2.8  
12 or 8.7.3.8, which is what I cited.

13 MR. GROSS: Okay. I thought you had some  
14 electrical or hydraulic. Is there a difference  
15 between --

16 MR. THOMPSON: No. You can have a shunt trip on an  
17 electric elevator or a hydraulic elevator.

18 MR. GROSS: Under that section, I thought when you  
19 first read it.

20 MR. THOMPSON: No.

21 MR. GANIERE: I have a question on the specific  
22 language of the three criteria. What are the three  
23 criteria again? What is that exact language?

24 MR. THOMPSON: Okay. This is the exact language.

1 It says in the event that a conveyance regulated by this  
2 Act is altered, the alteration shall comply with A17.1  
3 notwithstanding anything else in this section.  
4 Firefighters emergency operation and the hydraulic  
5 elevator cylinders including the associated safety  
6 devices outlined in section 4.3.3.b, which talks about  
7 cylinders, some of that stuff, of ASME A17.3 2005 are  
8 not required to be upgraded unless there is an  
9 alteration, which they did; the equipment fails; or  
10 failing to replace the equipment jeopardizes the public  
11 safety and welfare as determined by the local  
12 administrator, which in this case was me or the Board.

13 So I determined that by failing -- They did an  
14 alteration. And by failing, you know, to re- -- not to  
15 replace this stuff, it became a safety issue. And Hazel  
16 Crest agreed with me. They denied the variance. Bob  
17 denied the variance. So here we are in front of the  
18 Board. And I hope the information I gave you is  
19 adequate.

20 But this is an unsafe situation. You can have  
21 all the safeguards in place. Smoke detector recall is a  
22 pre-action system. The smoke goes off long before the  
23 heat detector goes off. You got to have a pretty good  
24 fire on your hands to pop a heat detector. And if

1 there's somebody in that elevator that they forgot about  
2 and the shunt trip goes off, that elevator is not  
3 moving. You can be an inch from the floor, and that  
4 elevator is stopped dead in its tracks. And there's  
5 people out of the building, and somebody got left  
6 behind. And we don't want that.

7 CHAIRMAN BAUMANN: Thank you, John.

8 Kelly ...

9 MR. WELLER: So let me make sure I understand it.  
10 I think you've got a fair point on the alteration.  
11 However, I think Dick might have a different opinion  
12 somewhat.

13 By the old elevator, had they not put this in  
14 there, they would have gone underneath an old regulation  
15 that even though --

16 MR. THOMPSON: If they didn't sprinkle the room or  
17 the hoistway, we wouldn't be here today. And I also --

18 MR. WELLER: But wouldn't the same life safety  
19 issue -- Or is it because they've sprinkled --

20 MR. THOMPSON: It's because they sprinkled this  
21 space.

22 MR. WELLER: So the sprinkler creates --

23 MR. THOMPSON: The alteration.

24 MR. WELLER: But does the sprinkler create any more

1 life safety issue? It seems to me like the sprinkler  
2 would be in the benefit of the person.

3 MR. THOMPSON: Absolutely. But shunt trip provides  
4 protection against electrocution and also minimizes  
5 damage to the elevator equipment by removing power  
6 before the water flows. We don't want firemen to walk  
7 into the elevator room and there's an inch of water on  
8 the floor and it's electrified because we haven't killed  
9 the power to the elevator and we electrocute a fireman.  
10 That's why shunt trip is put in.

11 MR. WELLER: So had they not done anything, they  
12 would have been fine?

13 MR. THOMPSON: And I gave him the option to remove  
14 those sprinklers. I said have IDPH let you take the  
15 sprinklers out of the room and we don't have to do any  
16 of this. And IDPH wouldn't let them do that.

17 MR. WELLER: So I understand their point now being  
18 in a -- a little bit of a Catch-22 because --

19 MR. THOMPSON: Correct.

20 MR. WELLER: -- one agency is telling them one  
21 thing and another agency is --

22 MR. THOMPSON: This is my -- You know, code is  
23 interpretation. This is my interpretation of the Code  
24 and of the Act in specific regards to Pine Crest's

1 situation.

2 MR. WELLER: And you're a professional, and most of  
3 us are laymen. So I'm just trying to understand how I  
4 should interpret what you're saying and what he's  
5 saying. So had they not done anything, they would have  
6 been fine.

7 MR. THOMPSON: Correct.

8 MR. WELLER: Because they did something, now  
9 they're in a Catch-22. And because they did the  
10 adaptation to bring it into IDPH requirements, now  
11 they've created an alteration which brings them under a  
12 new section of the Code as a new --

13 MR. THOMPSON: In regards specifically to the  
14 elevator. IDPH does this throughout the state. And I  
15 don't know if they're a hundred percent sure of the  
16 ramifications when they tell people to sprinkle a  
17 building. And then, you know, we come in, say that's a  
18 brand-new sprinkler pipe. You're going to have to put  
19 in a shunt and, you know, I want recall. And, you know,  
20 all of a sudden, you know, you're spending another  
21 hundred thousand dollars.

22 MR. WELLER: And it doesn't -- It appears -- And I  
23 have to believe you because that's your job. And I  
24 understand that the businesses have to do what they got

1 to do. But, I mean, it all seems a little bit wrong to  
2 them. But I don't see that we have any other option  
3 other than to follow life safety. I mean you tell me  
4 there's a life safety problem. How do I vote against  
5 that? I can't.

6 MR. THOMPSON: Right. You could have all the  
7 safeguards in place, all the training in place, all the  
8 automatic door closures, and you could still have  
9 somebody stuck in that elevator and die.

10 MR. WELLER: Even though they're spot on.

11 MR. THOMPSON: Smoke recall prevents that from  
12 happening.

13 MR. WELLER: Thank you.

14 MR. THOMPSON: That's why it's in the current Code.  
15 That's why it was only in the Code for a few years and  
16 they realized their error. The code committee said oh,  
17 we can have a shunt trip without recall; that's not a  
18 good thing. And they changed their requirement from  
19 25 feet to 80 inches. Show me an elevator that goes  
20 80 inches. You know, they all go higher than that.  
21 Essentially every elevator has recall nowadays.

22 CHAIRMAN BAUMANN: Matt, do you have a question?

23 MR. HUNT: I do, just one point of clarification.  
24 And, John, it's not meant to challenge you in any way.

1 But the Village of Hazel Crest actually didn't deny the  
2 variance. They said they didn't have adequate knowledge  
3 to review it; and basically passed the buck on it,  
4 nothing against the Village of Hazel Crest. But the way  
5 I'm reading is they said basically they're not going to  
6 take a stance on it because they don't have sufficient  
7 expertise to adequately review the variance. So they  
8 basically passed it on to --

9 MR. THOMPSON: They relied on my report and my  
10 opinion.

11 MR. HUNT: Yeah. So we don't get into an argument  
12 between you and the other gentlemen later on.

13 So my second question is actually these  
14 pictures. Did you take these, or where did these  
15 pictures come from?

16 MR. THOMPSON: Tom Lee (phonetic) did. I met Tom  
17 Lee there on-site.

18 MR. HUNT: As Kelly adequately put it, I'm by no  
19 means an elevator mechanic. Where is this and what is  
20 it?

21 MR. THOMPSON: That's in the controller in the  
22 elevator equipment room.

23 MR. HUNT: Do they typically look like exposed  
24 wires and fuses?

1 MR. THOMPSON: No. Things are usually in better  
2 shape. Like when Damen was out there, he wrote them up  
3 for a litany of things.

4 MR. HUNT: Okay.

5 MR. THOMPSON: You know, this building hasn't  
6 passed inspection in several years.

7 MR. HUNT: Just for the elevator or building  
8 inspections?

9 MR. THOMPSON: Oh. I don't know about building  
10 inspections.

11 MR. HUNT: Okay.

12 MR. THOMPSON: For the elevator, they've had this  
13 hanging over their head. Things were a little better  
14 when one of the other companies was in there. And then  
15 they had some downtime where I don't know if they had a  
16 current contract. So, you know, things have  
17 deteriorated. You know, we're talking about equipment  
18 that's, you know, pushing 50-something years old here.  
19 You know, eventually, it's like a new car. You got to  
20 get new one. You know what I'm saying?

21 MR. HUNT: And then to David's point -- or  
22 question, what is your estimated cost on a --

23 CHAIRMAN BAUMANN: He's more of an inspector. He's  
24 not in sales for a company version. So he really

1 wouldn't give you a --

2 MR. HUNT: Under 300? Dick and I were talking  
3 about it. Roughly a hundred-ish is sort of the number?  
4 I have no idea what they go for.

5 MR. HERTSBERG: Depending on the (unintelligible).

6 MR. HUNT: Okay. Thank you. I was just looking  
7 for ...

8 MR. THOMPSON: I mean, we're basically looking at a  
9 fixture package, new controllers. The pump units were  
10 replaced at some point, so they could salvage those.  
11 The cylinders -- You know, if anything, because of this  
12 alteration, it is a major alteration, I would focus on  
13 the matter at hand that we get controllers and recall  
14 here and they do the fixture package. And maybe the  
15 Board grants them time to replace the cylinders because  
16 that's an additional expense. I would recommend to the  
17 Board that, you know, maybe they give them an additional  
18 24 months to replace the cylinders. But I believe --

19 You know, they've had a year and a half to  
20 deal with this controller, you know, fire service  
21 Phase 1 and 2 issue. And they've basically stonewalled  
22 me all the way here today. I think that needs to be  
23 addressed immediately. The sprinklers are in place. We  
24 don't even have a shunt trip yet. This work isn't done.

1           CHAIRMAN BAUMANN: You might find this hard to  
2 believe, but I do agree with you.

3           MR. HUNT: My one final point in question is, real  
4 quick, there seems to be a heck of a time lapse between  
5 the time you were out there, Mr. Thompson, in February  
6 then there was a letter from you, Mr. Meyer, in May.

7           MR. THOMPSON: I was there prior to that.

8           MR. HUNT: I'm looking at the date on ...

9           MR. THOMPSON: I don't know if you have all the  
10 pertinent documents there. I think you might have got  
11 some of the latest inspection reports.

12          MR. HUNT: I'm looking at the appeal, I guess this  
13 would be. And so it says go out there the February 26th  
14 date. But then there were 4 months that passed before  
15 Mr. Meyer went to the village manager in Hazel Crest.  
16 And the approval was in 30 days. If it was -- I'm  
17 starting to agree with you, Mr. Thompson. It has just  
18 kind of been put on the back burner.

19          MR. THOMPSON: Well, I did have a conversation with  
20 the other gentleman, I believe. He called. I mean,  
21 Meyer, you know, consulted with some other folks. I  
22 mean, these things take time. You know, nobody wants to  
23 jump right in to spend the money.

24                    You know, I gave them the year deadline. I

1 stood fast. I wasn't going to pass these elevators  
2 until this issue was addressed.

3 MR. CAPUANI: John, do they have a current  
4 certificate of operation?

5 MR. THOMPSON: No, not in there.

6 MR. CAPUANI: They don't?

7 MR. THOMPSON: No.

8 MR. CAPUANI: So you realize no one can work on  
9 these elevators right now without the extension.

10 MR. THOMPSON: I told that to the maintenance  
11 fellow there at the building. They're working on their  
12 30-day. That's the temporary certificate. But that's  
13 gone by. They would have to probably, you know, appeal  
14 to you guys.

15 MR. CAPUANI: They have to appeal to Hazel Crest --

16 MR. THOMPSON: To get a temporary --

17 MR. CAPUANI: Yeah. (Continuing.) -- to get a  
18 variance extension.

19 MR. THOMPSON: Yeah, right. To do this work  
20 anyway, this upcoming work.

21 MR. CAPUANI: Because they better not be working --  
22 A licensed mechanic cannot work in your building without  
23 a current certificate. And that is in our Act and  
24 rules.

1 CHAIRMAN BAUMANN: Kelly, did you have a question?

2 MR. WELLER: No.

3 CHAIRMAN BAUMANN: Okay. Dick, did you have a  
4 question?

5 MR. GREGORY: Being somewhat generous in the cost,  
6 presuming -- This is Montgomery relay controllers?

7 MR. THOMPSON: Yes.

8 MR. GREGORY: If it takes a week to install, being  
9 very generous, using intergalactic elevator company  
10 billing rates, just installing firefighter service,  
11 buying a panel from Electrodyn, you can do two elevators  
12 for 60 grand, keeping the controllers and putting in --

13 MR. THOMPSON: Well, I strongly -- Given the photos  
14 of the controllers, I strongly recommend against buying  
15 an Electrodyn, doing an overlay, because when your  
16 controllers fail, you've just spent \$60,000 that you're  
17 throwing in the garbage.

18 MR. GREGORY: I totally agree with you.

19 MR. THOMPSON: And I do not recommend -- I mean, I  
20 feel bad for the building. IDPH made them do this. And  
21 I've tried to work with them. But the thing that needs  
22 to be done here is they need to do a control- -- You  
23 know, doing an overlay is putting a Band-Aid on it.

24 MR. GREGORY: A leaky Band-Aid.

1 MR. THOMPSON: But, you know, is it going to work  
2 right. You would have trouble finding an elevator  
3 company willing to do an overlay when you can get a  
4 SmartRise controller at a very, very reasonable cost.

5 MR. GREGORY: Understood. I'm just telling you  
6 where -- what the minimum cost could be because I'm  
7 comparing to what he said, \$300,000 or something, when  
8 the gentleman, Meyer, talked.

9 MR. THOMPSON: Well, I think that's a bit of an  
10 inflated estimation in my opinion for two controllers  
11 and a fixture passage.

12 MR. GREGORY: One other comment. You can get mad  
13 at me. It doesn't matter. I think you should have  
14 written him up for maintenance.

15 MR. THOMPSON: I wasn't the last inspector that was  
16 out there. I did talk to Mike Barrett from Align. And  
17 they had just taken the job over recently. And I told  
18 him -- I was there with Tom, and I was on the phone with  
19 Mike. And I told him they had to get their maintenance  
20 control program, get everything out there, get it in  
21 place, and get busy on this building.

22 MR. GREGORY: Because the maintenance -- From the  
23 photographs that Tom took, the maintenance is atrocious.  
24 It's awful. It should be written up for maintenance.

1           And then the other implied issue is there are  
2 oil cans in the machine room, 5-gallon cans. If you  
3 leak more than 20 gallons of oil into the ground, then  
4 Illinois EPA requires you either remediate or prove you  
5 don't have to remediate. And the last one that I had  
6 where a different elevator company leaked 35 into the  
7 ground, 35 gallons of oil, it cost \$150,000 to prove  
8 that they didn't have to remediate. And, you know, that  
9 was a disas- -- I mean, it was ...

10           MR. WELLER: I don't think that's a fair comment on  
11 you. I don't think -- That's not got anything to do  
12 with him.

13           MR. THOMPSON: Right. Well, I mean, there's a lot  
14 of shutdown maintenance going on in the area.

15           MR. GREGORY: I'm not saying -- I just think write  
16 them up for maintenance. I mean, it's bad. It's  
17 terrible. And if you've already done that and we don't  
18 have that documentation --

19           MR. THOMPSON: There's previous reports that have  
20 cited them for many things. Damen, I want to say he had  
21 10 or 12 write-ups on the report. He ran out of paper.  
22 You know, there was no more room.

23                       We did have a conversation that day with Mike  
24 Barrett telling him that he had to get his act together

1 out there. You know, elevator companies are more prone  
2 to put a little more effort into, you know, a little bit  
3 better equipment than older equipment that they're  
4 having trouble with and trying to make work because it's  
5 50 years old. You know, you see a little more  
6 motivation when you got some nicer equipment.

7 MR. GREGORY: And, John, you're hundred percent  
8 correct because we don't train elevator mechanics on  
9 relay logic anymore.

10 MR. THOMPSON: When the 250, 300 guys retire, Dick,  
11 I don't know what we're going to do.

12 CHAIRMAN BAUMANN: Do you have something to say?

13 MR. JONES: Just a question for Dick. If we  
14 didn't -- If Pine Crest didn't go with the overlay and  
15 had to install a new controller, how much would that  
16 add -- and I understand these are all rough ideas -- how  
17 much would that add cost to them? Because we do have to  
18 be sensitive to the fact that IDPH plugged this in  
19 without consideration for all the costs to some of these  
20 people that have businesses they have to run. I do  
21 believe they have to get it fixed. But at the same  
22 time, you know, we need to know what we're asking these  
23 people to do so we don't put them out of business.

24 So I guess my question to you is: If you had

1 to put a new controller in, could you give us a rough  
2 idea of what it would cost not to do the overlay, which  
3 is not being suggested, but to do the full thing?

4 MR. GREGORY: Nick, what would think, 200?

5 MR. BUDMATS: I'll do it for 200 all day long.

6 MR. GREGORY. Okay. It's going to be under 200.

7 MR. HERTSBERG: Don't forget they need the  
8 cylinders.

9 MR. GREGORY: Well, that's the -- that's the -- if  
10 we have the actual installation date or if you've got  
11 the Montgomery number, because I know what Montgomery  
12 numbers have single bottoms. I have a record of that.

13 MR. BUDMATS: We could do the cylinders for 200.

14 MR. GREGORY: Oh. It's only two stops. Right.

15 MR. THOMPSON: Well, I would grant the building a  
16 little more time to do the cylinders because the focus  
17 here is the life safety. It did pass its last pressure.  
18 They never had an issue on a leak-down test there or a  
19 pressure test. You know, there are still some old  
20 cylinders out there. A lot of them failed in the  
21 beginning and got replaced.

22 MR. GREGORY: I just figured out a four-stop hydro  
23 replacing overhead winding drum machine on South Wabash  
24 yesterday, 6,000-pound capacity, one elevator, would be

1 under 200,000.

2 MR. THOMPSON: Yeah. I mean, there's a few people  
3 in the room that these guys could talk to where I think  
4 they could get a lot better price than \$300,000.

5 MR. WELLER: So would a better request for a  
6 variance be to request a time lag on the cylinder  
7 replacement and to put the first --

8 MR. THOMPSON: Well, the issue in front of you  
9 today was recall. The cylinders are being brought up  
10 because it's original and it does fall into this  
11 criteria. However, this is kind of a gray area, guys.  
12 And I've asked for clarification on that.

13 You know, it says the cylinders have to be  
14 replaced if there is an alteration. Like I said  
15 earlier, you know, if you replace a keyed stop switch,  
16 you know, that's an electrical protective device.  
17 That's an alteration which could be a minimal cost. But  
18 does that trigger somebody spending \$60,000 on a  
19 cylinder replacement?

20 I think the language, you know -- And we have  
21 a rules change coming up. I think the language should  
22 be cleaned up in there a little bit that if they do a  
23 controller change and they have a pre '72 cylinder that  
24 you have to do that. Because I have trouble telling

1 somebody they're going to have to spend \$60,000 because  
2 you replaced a stop switch that triggers an alteration.

3 This alteration is, you know, a fully  
4 sprinkled building and they sprinkled these spaces. And  
5 it has created a life safety situation. That's why, you  
6 know, I wrote it up the way I wrote it. And, you know,  
7 I believe that they need the recall in this situation.

8 The cylinders, if the Board ends up wanting  
9 them to do that because they are pre '72, I recommend  
10 that we do give them some time.

11 MR. GANIERE: Tom, actually, my question is  
12 procedural. And I guess I'll have to direct to our  
13 attorney. Hazel Crest has a local agreement, correct?

14 MS. STINSON-MARTI: Mm-hmm.

15 MR. GANIERE: So how does that -- how does this  
16 variance get to us?

17 MS. STINSON-MARTI: Well, in the Act, they can  
18 appeal any decision by the administrator or the local  
19 administrator to the Board. And so it looks like they  
20 appealed -- Well, first of all, there's documentation in  
21 this packet that the local administrator kind of punted  
22 to our expertise. It's not really written out in the  
23 rules that they can do that, although OSFM has the right  
24 to review and object to any exceptions or variances

1 granted by the local administrator.

2 MR. GANIERE: But they didn't reject or accept the  
3 variance.

4 MS. STINSON-MARTI: They didn't. You're right.  
5 You're right. That didn't really happen. So it's kind  
6 of like we accepted their request. It looks like we  
7 internally accepted their request. And we reviewed it,  
8 and then we issued a decision. Now, whether or not  
9 that's really right here in the rules that that can  
10 happen, it's not really stated that way. But it is here  
11 now, and it got here, and it's before the Board.

12 MR. JONES: My question would be along with Tom's.  
13 Is it then we are recommending body as opposed to  
14 granting a variance at this point? Are we the  
15 recommending body back to Hazel Crest?

16 MS. STINSON-MARTI: No. You're the final decision.

17 CHAIRMAN BAUMANN: Kelly ...

18 MR. WELLER: Bob, just one last question. If they  
19 were to -- And I'm just talking out loud. If they were  
20 to reframe their variance and ask for a cylinder  
21 variance but to move forward with a new controller,  
22 would that meet your objection?

23 MR. CAPUANI: I believe the Board could deny their  
24 variance with conditions and that be one of the

1 conditions, that you give them so much time to do the  
2 controllers, so much time to do the cylinders.

3 CHAIRMAN BAUMANN: He was asking for 7 years. And  
4 I think that's extreme.

5 MR. WELLER: What about 7 years for the cylinder  
6 presuming they can get everything else up to speed?

7 CHAIRMAN BAUMANN: I would say it would have to be  
8 done within 2 years, the whole thing. I would deny the  
9 variance and put that the Office of the State Fire  
10 Marshall monitor that building, whether it's a 6-month.

11 MR. WELLER: Well, we got to give them some path to  
12 get this fixed.

13 CHAIRMAN BAUMANN: And then 2 years to get it  
14 fixed.

15 MR. WELLER: We got to give them a path to make it  
16 right. They're running a business.

17 CHAIRMAN BAUMANN: I understand that. No one wants  
18 to put them out of business. No one is looking to put  
19 them out of business. John even said that. But it ...

20 MR. WELLER: I'm inclined to leniency on the  
21 cylinders and making sure that life safety gets fixed.  
22 We can't not vote on a life safety in an affirmative  
23 way. But, you know, the cylinders, that's everybody's  
24 got an opinion.

1 CHAIRMAN BAUMANN: Do you want to make a motion for  
2 that for the 2 years for the controller, 4 years for the  
3 cylinder?

4 MR. WELLER: I can't suggest that they modify their  
5 variance. All I can do is vote yes or no. But I can  
6 gauge ...

7 MR. CAPUANI: Can I make a suggestion to the Board?  
8 My suggestion would be 2 years to complete it, the  
9 controllers; 4 years for the cylinders with a pressure  
10 test every 6 months to make sure their cylinders are  
11 alright.

12 MR. WELLER: Can I ask if Mr. Thompson is okay with  
13 that as the inspector has got to make this happen?

14 MR. THOMPSON: Well, they've had a year and a half  
15 to deal with the controllers. The sprinklers have been  
16 in there. I think that should be done immediately. And  
17 then I believe 2 years would be fine for the cylinders.  
18 I mean, we're talking about elevators that are 50 years  
19 old, guys.

20 MR. GANIERE: I have a question. This is what I'm  
21 having a little bit of a problem reconciling. I  
22 understand exactly what Mr. Thompson is saying about the  
23 life safety stuff. But I also understand the explicit  
24 exception that was stated by the nursing home in the law

1 to allow them to continue. I'm having a conflict here  
2 of how we can -- how one overrides the other.

3 MR. THOMPSON: Well, if I can comment on that, I  
4 believe the language in the Act provides the basis for  
5 this. They performed an alteration --

6 MR. GANIERE: The Act also provides the basis for  
7 the exemption. So --

8 MR. THOMPSON: But I believe the Act --

9 CHAIRMAN BAUMANN: One at a time, please.

10 MR. THOMPSON: I believe the Act is the final say.

11 MR. GANIERE: The exemption is in the Act also.

12 MR. THOMPSON: What's that?

13 MR. GANIERE: The exemption is in the Act also,  
14 correct?

15 MR. THOMPSON: No. The exemption -- The exemption  
16 isn't in the Act.

17 MR. JONES: The Code is in the Act, right?

18 MR. GANIERE: There's still a conflict here.  
19 That's where I'm having a little bit of a --

20 UNKNOWN SPEAKER: Yeah. The exemption is not in  
21 the Act.

22 MR. CAPUANI: What it says in the Act, the  
23 firefighters emergency operation and hydraulic elevator  
24 cylinder including the associated safety devices

1 outlined in section 4 are not required to be upgraded  
2 unless there's an alteration and the equipment fails or  
3 failing to replace the equipment jeopardizes the public  
4 safety and welfare as determined by the local  
5 administrator or this Board.

6 MR. GANIERE: Right. I understand that. The  
7 exemption that the people from the nursing home were  
8 talking about, 25 feet of travel, what is that?

9 MR. CAPUANI: In IDPH rules, they do not have to  
10 upgrade their elevators unless -- IDPH can't force them  
11 to upgrade their elevators because they're less than  
12 25 feet. They also adopt the Life Safety Code, which is  
13 an M -- an MPA 101 which also states existing elevators  
14 with less than 25 feet, they can't force them to put  
15 firemen's recall.

16 MR. GANIERE: Right. So that's where I'm having a  
17 problem here. We have a conflict between the two  
18 different parts. The elevator has a code and the Life  
19 Safety Code and IDPH's statutes.

20 MR. THOMPSON: Right. But from my understanding,  
21 the Act takes precedent.

22 MR. GANIERE: They're both acts. They're all acts.

23 MARGARET: Well, this is the statute.

24 MR. THOMPSON: I mean, we have met two out of the

1 three criteria in here for replacing this equipment.

2 There was an alteration and failing to do it.

3 MR. DANENBERGER: If I can interject, what life  
4 safety concern is perceived? Because I've never to this  
5 date gotten an answer. What is the perceived life  
6 safety issue related to a 2-story building not having  
7 elevator recall in an existing environment? Does anyone  
8 know? I mean, we keep tossing it out. What is the  
9 perceived issue?

10 MR. WELLER: In my simple mind, it's just what you  
11 said. If the elevator is stuck and the sprinkler goes  
12 off.

13 MR. DANENBERGER: What happens if you have a power  
14 outage? How often do we have a power outage compared to  
15 a fire in a nursing home.

16 MR. GREGORY: I thought you stated you have a  
17 generator.

18 MR. DANENBERGER: (Unintelligible) not on a  
19 generator not hooked up. So if we're going to argue a  
20 life safety issue, then it has to be a part of a  
21 perceived life safety problem. We don't require  
22 elevators to be on emergency power. But yet we have the  
23 same issue as it relates to the shunt with cars on  
24 municipal power supplies. That's not perceived as a

1 life safety issue. We see that -- where it's been  
2 brought up that the sprinklers have created this life  
3 safety issue. But yet, by his own admission, it takes  
4 longer for a sprinkler head to fuse than it does a heat  
5 detector. So if we're relying on a heat detector to  
6 shunt because it takes the sprinkler heads longer, than  
7 what is the perceived life safety of the water being  
8 delivered. You would have already shunted.

9 Now, if we look at the latest standard, the  
10 2012 standard for the fire service industry, it merely  
11 says if you sprinkle you shunt. If you look at public  
12 comment done by UPAO (phonetic) when the adoption of the  
13 sprinklers took place, this discussion took place. And  
14 ANSI, who offered comments, offered that this was not in  
15 fact a major alteration, but only the element being  
16 modified shall meet that for new construction.

17 In this particular case, the element being  
18 modified would be the addition of the sprinklers, which  
19 would take you to, I believe, section 3.8 which merely  
20 says shunt the car. Now, how we're making the reach  
21 from shunting the car to this catastrophic life safety  
22 issue that requires recall is by osmosis. There is no  
23 documented case where that has taken place. There's no  
24 documented failure. There's no fire that has ever

1 occurred. So we're making this leap of faith somehow.

2 And that's what I'm struggling with.

3 As a code consultant in this industry that  
4 does the fire service side, I'm trying to get how do we  
5 get from Point A to B without being a leap of faith.

6 And I would love somebody to explain it to me.

7 MR. ADAMS: A quick clarification. In the example  
8 that you used with regards to a loss of power situation,  
9 the simple loss of power situation, you don't have an  
10 environment that's conducive to smoke or a toxic gas.  
11 And in a fire situation where you have what we're  
12 talking about here as far as life safety goes, you've  
13 got an environment that's going to be conducive to  
14 filling with toxic gas, carbon monoxide.

15 MR. DANENBERGER: But understand that nursing  
16 homes, hospitals, healthcare occupancies are defend in  
17 place occupancies. We do not evacuate those  
18 occupancies. So if we're going to say that we're going  
19 to have hot smoke and gas transmitting through the  
20 building, that's not an accurate statement. Because in  
21 a nursing home and in a hospital environment where we  
22 defend in place, those elements are not there. Because  
23 we keep people in the building --

24 UNKNOWN SPEAKER: You're assuming the elevators at

1 that point are completely empty. And if you go off that  
2 assumption, then there's -- if there's nobody in the  
3 elevator, there's no immediate life threat.

4 MR. DANENBERGER: Even if there's somebody in the  
5 car, what is the perceived hazard? It's no different.  
6 We're a 2-story building. If we have a smoke-based  
7 fire, the alarms have already went off. Nursing home  
8 residents do not travel these elevators unsupervised  
9 because they can't. That's a statute. So the alarms  
10 are going off.

11 MR. CAPUANI: Not true. Not true. I believe  
12 that's a false statement.

13 MR. DANENBERGER: In some facilities, you are  
14 correct. In this one, you are not.

15 So when we have supervision, we have to  
16 account for all the residents. All the doors are  
17 alarmed. Again, what is the perceived risk?

18 MR. ADAMS: To me, that is my perceived risk, is  
19 that you've got a possibility of somebody trapped in  
20 that elevator, having the shunt trigger, no recall. And  
21 if the car is just stuck there, unless you have somebody  
22 physically go and bleed the elevator, correct, that's  
23 the only option of getting it to a place where you can  
24 use the keys and open up the doors?

1 MR. DANENBERGER: Correct.

2 MR. ADAMS: So that is my -- that's the perceived  
3 threat that I see as far as life safety. Because now  
4 you've got -- it's an environment that's going to be  
5 time sensitive because we know that combustion creates  
6 gas.

7 CHAIRMAN BAUMANN: What is your emergency  
8 evacuation plan for 2nd floor residents?

9 MR. DANENBERGER: 2nd floors, under the state,  
10 they're prohibited using the elevator. An elevator  
11 cannot be part of an evacuation procedure period. It's  
12 outlined in the statutes.

13 Their policies and procedures require them to  
14 defend in place. That each of the individual three  
15 compartments, upon a fire department doing an  
16 assessment, then they evacuate down the stairs using  
17 pole rigs. That's been a statute since the '60s.

18 MR. ADAMS: That's always. That's high-rise fire  
19 operation for the most part. I mean, you're at a --

20 MR. DANENBERGER: Healthcare occupancies, that's  
21 been statute since 1967, the very first standard.

22 MR. ADAMS: The issue would be if there's somebody  
23 in the elevator when an incident occurs.

24 CHAIRMAN BAUMANN: Somebody gets stuck in an

1 elevator. Who gets them out?

2 MR. DANENBERGER: So let's go through a scenario  
3 where we have a smoky fire, as Mr. Thompson outlined.  
4 The fire department gets there in 2 to 3 minutes. If we  
5 have smoke detection, which we do, then they're going to  
6 be there prior to the elevator even shunting. You've  
7 got to understand that the elevator is only going to  
8 shunt if the hydraulic fluid is on fire or we have a  
9 fire in the bottom of the shaft. That is the only two  
10 scenarios where the car would shunt.

11 MR. ADAMS: Once the --

12 MR. DANENBERGER: Let's be clear about when the car  
13 should shunt.

14 MR. ADAMS: I've got a -- Okay. Let's -- When the  
15 elevator does shunt, what is the plan to evacuate people  
16 from the elevator?

17 MR. DANENBERGER: It would be the fire department.  
18 The fire department is trained to do that.

19 MR. THOMPSON: A fireman could be on the elevator,  
20 or even employees could be on it.

21 MR. MAGENCE: Well, we also have employees that are  
22 trained to lower the elevator to the first floor --

23 (A chorus of noes.)

24 MR. CAPUANI: That's wrong.

1 MR. DANENBERGER: So the issue is is that car even  
2 operable if the controller or the hydraulic reservoir is  
3 on fire. Because that would be the only time that that  
4 head would fuse because there's nothing else in that  
5 room other than those two components.

6 CHAIRMAN BAUMANN: Patty ...

7 Thank you. I don't like the sitting down  
8 thing.

9 MS. YOUNG: Patty Young with Thompson Elevator.  
10 When this originally began, we had cited the section in  
11 A17.1 2010, which is the current Code that we're on. We  
12 cited the section under alteration, which is section  
13 8.7.3.8. So, Dick, I don't know if you want to go over  
14 to that. I have it here.

15 8.7.3.8 is talking about that if you put in  
16 electrical wiring, pipes, and ducts in hoistways and  
17 machine rooms. The installation of any new -- that's  
18 the keyword, new -- or the alteration of existing  
19 electrical equipment, wiring, raceways, cables, pipes,  
20 or ducts shall conform to the applicable requirements of  
21 2.8. So with that being said, there was new items in  
22 the hoistway. And that prompted us to cite section 8.7,  
23 as I just read.

24 Now, if we take it back to the Elevator Act

1 and we were in section 3.12.35 -- I'm almost there --  
2 item "I" -- and Bob Capuani has mentioned this -- the  
3 firefighters emergency operation and the hydraulic  
4 elevator cylinder, a whole bunch of things, are not  
5 required to be upgraded unless (1) there is an  
6 alteration. So that is one. There's three conditions  
7 there. This meets the first condition that there is an  
8 alteration. Because they decided in 8.7.3.8 in the  
9 existing code book that I mentioned, A17.1 2010. There  
10 are three items, but it does not say you have to meet  
11 all three items. You just have to meet one. And we met  
12 number one by the fact that there was an alteration.

13 MR. GANIERE: Patty, let me ask you a question.  
14 Read all three of those exactly as the language is  
15 because it may -- the language may indicate you have to  
16 meet those two or the third one.

17 MS. YOUNG: Okay. Are not required to be upgraded  
18 unless, No. 1 there is an alteration; No. 2 the  
19 equipment --

20 MR. GANIERE: Is there any punctuation between  
21 those two?

22 MS. YOUNG: There's a comma.

23 MR. GANIERE: A comma.

24 MS. YOUNG: A comma.

1 MR. GANIERE: So that's an and, so it needs to meet  
2 both of those.

3 MS. YOUNG: No comma. There's an or.

4 MR. GANIERE. No. Where's the or?

5 MS. YOUNG: The or is after No. 2. 2, the  
6 equipment fails, comma, or No. 3, failing to replace the  
7 equipment jeopardizes blah-blah-blah.

8 Did you find it, Tom? It's in section "I."

9 MR. GANIERE: What page?

10 MS. YOUNG: In the Act, there's really no pages.

11 I do not see the presence of the word "and"  
12 after a comma.

13 MR. GANIERE: My reading, and our attorney may  
14 disagree with me, it would state that you have to meet  
15 both 1 and 2 or 3.

16 MS. YOUNG: I'm not here to argue about that. I'm  
17 here to present it because we were starting to get off  
18 on a tangent. And the way I'm interpreting the Act --  
19 and I'll rely on Angie and Bob to determine it -- it  
20 meets the minimum of 1 if not 2.

21 MR. GANIERE: 3 is where you're --

22 MS. YOUNG: Well, item No. 3. But, I mean, two out  
23 of the three are being met, is my point. So I hope that  
24 clarifies. I think it was starting to be over here that

1 we needed some clarification on that.

2 MR. DANENBERGER: If I may make one more  
3 statement --

4 CHAIRMAN BAUMANN: Hold on a second.

5 MR. GROSS: The sprinklers came from an IDPH  
6 equivalency --

7 MR. DANENBERGER: Federal. No, federal standard.  
8 The federal government adopted rules and regulations  
9 that said all healthcare occupancies, housing, and  
10 nursing has to be fully sprinkled.

11 MR. GROSS: But is there a reserve LSE that was  
12 performed recently on that that triggered that, that you  
13 didn't have it before? In other words --

14 MR. DANENBERGER: The federal government gave  
15 everyone 4 years to be fully sprinkled in nursing homes.  
16 And the determination of that was December of last year.  
17 It's a condition of participation. You can't be a  
18 healthcare facility now if you're not fully sprinkled.

19 MR. GROSS: I know. And just in electrical rooms  
20 too, you know. And this has been a big issue in  
21 electrical rooms because the fire department is always  
22 concerned that, you know, we have a sprinkler go off in  
23 an electrical room, someone gets fried. And there's  
24 never -- that I know of, never ever been an accident. I

1 don't think there's been an accident on this.

2 MR. DANENBERGER: There has not. Now, the  
3 difference with that is if you look at the fire  
4 department operations, what we're all losing sight of --  
5 And I can't tell you beyond fact, you know, every single  
6 incident because every one is different. But those that  
7 do preplanning, the very first thing they do upon  
8 arriving to the building that is under -- that has an  
9 event occurring in it is they pull the power. So once  
10 the fire department comes and there's an event, the very  
11 first step is they kill the power to the building  
12 anyway.

13 But that's not what we're here about. We're  
14 not here to talk about fire operations or fire  
15 department preplanning. We're here to talk about is  
16 this -- You know, when we look at the term  
17 "alteration" -- And I don't disagree, but it says where  
18 applicable. Now, the way I interpret that and they way  
19 I interpret all building codes is you have to look at  
20 the element being modified.

21 So in this particular case, if we're saying  
22 that because a sprinkler system was added, now it brings  
23 in ANSI A17.1, arguably it brings in all components of  
24 ANSI A17.1. But that's not what we're arguing. We're

1 arguing that we're going to cherry pick certain items  
2 out of ANSI A17.1 because we feel that those are the  
3 ones that are important.

4 Now, if you look at the Code language, it  
5 specifically directs you from the alteration section to  
6 the pipe section. And, arguably, whether the addition  
7 of pipes actually meant sprinklers, you know, if you  
8 talk to the guys at ANSI, that was not the intent. It  
9 was alterations of actually hydraulic piping or piping  
10 associated with the elevator. Because in this  
11 particular case there is zero modification to the  
12 controller or the car, any of the hardware, any of the  
13 nuts and bolts. It's a penetration of the shaft.

14 But given that, we looked at the latest  
15 standard that's available. And that's the 2013  
16 sprinkler standard. And it clearly directs you through  
17 the path as it relates to installing shunt trip. We are  
18 not disputing that at all. The standard requires shunt  
19 trip.

20 We attempted to install -- I shouldn't say we.  
21 The facility attempted to install shunt trip. They got  
22 cease and desist. The project was stopped. That is the  
23 reason why there is provisions for the heat detection  
24 and smoke detection, is because in accordance with the

1 30-day notice that was given, they attempted to install  
2 shunt trip before the project was shut down.

3           Some of the controller wiring, not all of  
4 it -- and I'll grant you that it's in poor shape -- is a  
5 derivative of the fact they started to install shunt  
6 trip before they were stalled.

7           Now, we have a new elevator company. They say  
8 they can provide the appropriate maintenance and  
9 controller. That's not what we're here about. What  
10 we're here about is does this alteration bring in the  
11 elements of ANSI 17.1 or does it not. And if it does  
12 bring it in, do we follow the sections that say we're  
13 bringing in the applicable sections of ANSI A17.1  
14 because we have to look at the element that was modified  
15 or do we bring them all?

16           Because using the logic -- and I concur with  
17 Mr. Thompson completely -- if we service a call station  
18 and put in a new call station by the definition of  
19 alteration, that's alteration, guys. We've got to put  
20 in a new controller. That's not the intent of the  
21 standard. The intent of the standard was if you're  
22 changing a controller, elevator recall. And that's my  
23 opinion.

24           You guys have got to make that decision, what

1 that alteration term actually means. Does it mean that  
2 if you make a minor modification, does it bring in all  
3 of ANSI A17.1 in accordance with the Act? Because the  
4 term "alteration" was never defined. That's the  
5 problem.

6 So in that respect we're looking at this  
7 variance as it relates to did this constitute or rise to  
8 a level that this was considered an alteration that  
9 brings the car into new construction. That's what's on  
10 the table. Because lacking new construction, elevator  
11 recall is off the table.

12 CHAIRMAN BAUMANN: Alterations are -- is defined in  
13 the Act as any change to equipment including its parts,  
14 components, or subsystems other than maintenance,  
15 repair, or replacement of the equipment including its  
16 parts, components, or subsystems.

17 MR. DANENBERGER: In accordance with that  
18 definition, then it would not fall under -- or come to  
19 the point of an alteration because the components  
20 weren't altered.

21 CHAIRMAN BAUMANN: Subsystems.

22 MR. DANENBERGER: What subsystem was altered?

23 CHAIRMAN BAUMANN: The sprinklers and the shunt  
24 trip.

1 MR. DANENBERGER: The shunt trip is not part of the  
2 elevator at all. The shunt trip is an electrical  
3 apparatus that's installed prior to the elevator ever  
4 getting there. We're not arguing the shunt trip,  
5 because we agree that the standards require a shunt  
6 trip. Now, if we use that definition, we would be  
7 taking the shunt trip off the table, which I don't think  
8 is even realistic. That shunt trip is required.

9 So we're not arguing the shunt trip at all.  
10 We believe it to be a necessity. Now, the shunt trip is  
11 what is driving the elevator recall. Now, one could  
12 argue the installation of the shunt trip is making it a  
13 more dangerous condition, but that's not what we're here  
14 to argue.

15 MR. ADAMS: So just for clarification, you're  
16 saying that the electrical system that controls the  
17 elevator is not a part of a subcomponent of the  
18 elevator.

19 MR. DANENBERGER: I mean, you can get down to, you  
20 know, is that breaker part of the sub- -- is the switch  
21 gear part of the subcomponent. I mean, there has to be  
22 a point where we start and where we stop.

23 MR. ADAMS: Okay. So --

24 MR. DANENBERGER: So, You know, if that's the

1 case --

2 MR. ADAMS: Pardon me.

3 MR. DANENBERGER: -- you could say well, the  
4 elevator goes through the main switch. We change our  
5 breaker in the main switchgear, that goes to new.

6 MR. ADAMS: I'm not an elevator mechanic. Is that  
7 reasonable to say that?

8 MR. GREGORY: The elevator starts at the main power  
9 terminals of the elevator controller. That's where the  
10 elevator starts.

11 MR. DANENBERGER: If that's the case, then this  
12 would not be an alteration because the shunt is prior to  
13 those devices.

14 MR. THOMPSON: But you said the wires in the  
15 controller were being moved around, or whatever, because  
16 of the shunt tripping --

17 MR. GREGORY: And it doesn't make sense.

18 MR. DANENBERGER: No. What I'm saying is they were  
19 getting ready to install shunt.

20 MR. THOMPSON: You have nothing to do in a  
21 controller with a shunt trip installation.

22 MR. DANENBERGER: I can only say what Align  
23 indicated to us. As I said, I'm here to discuss the  
24 building codes and life safety issues. And I'm having a

1 tough time --

2 MR. THOMPSON: Well, you also stated that, you  
3 know, putting the shunt trip in, having smoke recall,  
4 you know, the shunt trip could be a more dangerous  
5 situation. You just said that a minute ago. You  
6 understand my reasoning.

7 MR. DANENBERGER: I don't disagree with your  
8 reasoning. My point is --

9 CHAIRMAN BAUMANN: Let's not argue.

10 MR. DANENBERGER: A code perspective, you can't get  
11 where you're going.

12 MR. THOMPSON: But you can through the Act.

13 CHAIRMAN BAUMANN: John, please ...

14 MS. YOUNG: Patty Young. I just want to bring it  
15 to everybody's attention, in the Act, I'm citing section  
16 3.12/125. I don't know if you have the full Act there,  
17 Angie. What it states is state law, code, or  
18 regulation, semicolon, rule compliance. Whenever a  
19 provision in this Act is found to be inconsistent with  
20 any provision of any -- or of another applicable state  
21 law, code, or rule, this Act shall prevail. I just want  
22 to bring that to everybody's attention.

23 MR. HUNT: Doug, I was struggling to remember your  
24 last name off the top of my head. I apologize.

1 MR. DANENBERGER: That's fine. It's Danenberger.

2 MR. HUNT: Thank you. I had it written down. I  
3 just couldn't get that damn screen password undone.

4 I think I found your website. Is it  
5 lsroffices.com?

6 MR. DANENBERGER: Yes.

7 MR. HUNT: And you list some of your clients in the  
8 healthcare industry. And I'm reasonably new on the  
9 Board, so I'll ask a naive question that I think I know  
10 the answer to. But is the first client you've had in  
11 the healthcare industry seeking a variance for the Phase  
12 1 and 2 if it's such a hot topic? Because some of your  
13 clients are the University of Chicago Medical Center,  
14 Swedish Covenant, MacNeal, Mount Sinai. I'm just  
15 throwing out the big ones.

16 MR. DANENBERGER: I mean, I represent the big ones.

17 MR. HUNT: And then you've also got some smaller  
18 ones like Sunrise Assisted Living and Manor Care as far  
19 as height goes.

20 MR. DANENBERGER: Yeah. Correct. We are a  
21 national-based company. We do healthcare consulting all  
22 over the country. And we did actually work for the DOD,  
23 so we actually do some all over the world.

24 Is this the first time? No, it is not the

1 first time.

2 MR. HUNT: In front of our Board. I'm sure --

3 MR. DANENBERGER: In front of your Board.

4 MR. HUNT: -- in another state perhaps, but in  
5 front of this Board here.

6 MR. DANENBERGER: In Illinois, I will say I have  
7 other ones that Mr. Thompson has cited including I've  
8 received phone calls from Illinois Department of Public  
9 Health. Mr. Thompson has called them indicating that  
10 this is an unsafe condition. The Department of Public  
11 Health disagrees with that.

12 MR. HUNT: And forgive me for directing it though.  
13 But variances coming in front of this Board, not as far  
14 as --

15 MR. DANENBERGER: This is the first time.

16 MR. HUNT: -- what Mr. Thompson has done or not  
17 done.

18 MR. DANENBERGER: No. Because the other  
19 municipalities where this has occurred in, both the fire  
20 service as well as a building department took it off,  
21 wiped it away. So he may show it on the elevator  
22 report, but it's been removed from -- by the building  
23 department and fire prevention.

24 MR. HUNT: Do you know someone we can contact?

1 MR. DANENBERGER: I am not authorized to give out  
2 the names of those facilities unfortunately. I checked  
3 before I came to see if they would be willing to come  
4 here, and they're unwilling to do that.

5 MR. HUNT: Because some of the life safety aspect  
6 is the scary part for me. We're dealing in what would  
7 happen if and what's the likelihood of.

8 MR. DANENBERGER: Sure. You can dream up scenarios  
9 all day long.

10 MR. HUNT: But you had asked what the likelihood  
11 was or how many instances it has been. I don't know,  
12 and I don't know if there has been any. God willing  
13 there won't be any.

14 MR. DANENBERGER: That's correct.

15 MR. HUNT: But I could tell you, if it was my  
16 grandmother or grandfather or my parents in the  
17 building, personally speaking, I would want the Phase 1,  
18 the Phase 2. I would want the guys from the fire -- and  
19 women from the services not to have to go to the  
20 mechanics room to bleed out the hydraulic cylinders,  
21 wait while someone potentially -- more than likely if we  
22 can all take the leap that an elderly person has a  
23 respiratory issue, wait a few minutes in a  
24 smoke-filled -- potential smoke-filled elevator or

1 building while the power is out, sitting in the dark,  
2 breathing in toxic fumes, and, in theory, making a leap,  
3 be dead by the time the doors open. In the 2 to  
4 4 minutes that it takes the Hazel Crest Fire District to  
5 arrive, which was a number somebody had stated, a  
6 handful of minutes -- I don't know -- 10 minutes to  
7 bleed out a hydraulic cylinder.

8 MR. GREGORY: No.

9 CHAIRMAN BAUMANN: Less than that.

10 MR. HUNT: Less than that?

11 MR. DANENBERGER: Yeah. It's about 2 minutes.

12 MR. HUNT: 2 minutes?

13 MR. DANENBERGER: Yeah.

14 MR. HUNT: So now we're looking 4 to 6 minutes.

15 That's kind of a bad situation. Now you have to get the  
16 doors open, plus the time it takes the firemen to get to  
17 the mechanics room. I'm a pretty good triathlete, and I  
18 could hold my breath for a while. I don't think 6 to  
19 8 minutes though is going to work. So there's my stance  
20 on kind of what I'm thinking of.

21 MR. DANENBERGER: The problem is we're looking at  
22 too many TV shows. And I don't mean that to be  
23 insulting. If we look at the obscuration rate of a  
24 smoke detector -- And I'll get technical here. And if I

1 go and say something inappropriate, let me know. When  
2 we deal with the obscuration of a smoke detector, we're  
3 dealing with 0.3 obscuration rate when it goes into  
4 alarm. Now, everyone says what's 0.3. 0.3 is before it  
5 can be seen, smelled -- or before it generates odor and  
6 before smoke can be seen.

7 So if we're going to rely on electrical  
8 devices, which by the Board's own admission that's what  
9 you've decided to do as it relates to recall, is because  
10 we are able to pick up the product's combustion prior to  
11 those product's combustion being seen.

12 So to go from the alarm going off to a fully  
13 engulfed fire in a healthcare facility, that is so far  
14 out in -- out in -- beyond the levels of possibility.  
15 Because what we do in healthcare is they have to use  
16 Class A finishes. Now, you probably, guys, don't know  
17 what Class A finishes are. That means they don't give  
18 off smoke, they don't give off fuel. So in order to  
19 have a fire, you have to have fuel, oxygen, heat. So we  
20 took away the fuel right off the bat because everything  
21 has to be Class A. Upholstered furniture can't go in a  
22 facility. It doesn't meet the Class A standards. So  
23 it's a very highly regulated marketplace as it relates  
24 to the components that are allowed in the building.

1           So it's easy for us to talk about healthcare  
2     because that's where this is occurring at. But  
3     healthcare has such a number of redundant systems, the  
4     scenario just wouldn't work. And to this date, there's  
5     not a scenario where something like that has occurred.

6           MR. HUNT: That's a really good thing, that there  
7     hasn't been a scenario.

8           MR. DANENBERGER: And if you look at the argument  
9     that the car --

10          MR. HUNT: Because that means somebody else is  
11     still alive.

12          MR. DANANBERGER: -- is going to shunt, the only  
13     time the car could possibly be shunt is controller is on  
14     fire, hydraulic fluid is on fire, the piston is on fire.

15          MR. GREGORY: In the pictures Mr. Lee took, there  
16     was other, let's say, junk in the machine room that  
17     could be on fire. I mean, there was a board and a whole  
18     bunch of, quote, stuff.

19          MR. DANENBERGER: I can only say what was there  
20     when I was.

21          MR. GREGORY: Yeah.

22          MR. DANENBERGER: I have not seen these pictures.  
23     They were not given to us. When I was there, there was  
24     no other ancillary equipment storage in the room. The

1 room was locked. The room was closed. It was limited  
2 to the elevator equipment. Now, I will tell you the  
3 panel cover was off when I was there. I will tell you  
4 that the relays were hanging, and I was somewhat taken  
5 aback by it. But the way I look at that, that's an  
6 entire separate issue than what we're here for today.  
7 That's maintenance. That's deferred maintenance. And  
8 that's something that needs to be remedied. We won't  
9 argue that. But I'm not here to discuss that at all.

10 What we're here to say is does this live up to  
11 the level -- and by your own definition of an  
12 alteration, it doesn't even meet the requirement as an  
13 alteration because all that is prior to the car -- does  
14 that warrant new construction. So does the addition of  
15 sprinklers jump the car to new construction. That's  
16 what we're here to discuss.

17 MR. ADAMS: In citing the Class A requirements, I  
18 think, is perfect. If everybody abided by the law and  
19 what was expected of Code, the world would operate very,  
20 very differently than it does. In reality, I've been in  
21 elevator shafts as a firefighter where there's  
22 4 by 8 sheets of plywood stored in there. They're not  
23 supposed to be there. Code says they're not supposed to  
24 be there. The law says can't have this here.

1           The reality is 5-gallon canisters of oil are  
2 typically in there, 4 by 8 sheets of plywood. It  
3 doesn't happen all the time, but it happens. And it  
4 usually happens in the situations where all the  
5 catastrophe happens because it's not just that  
6 situation. It's all sorts of different ball-rolling  
7 opportunities that the ball starts going the wrong  
8 direction. And then all of these redundant systems that  
9 are in place that are supposed operate, somebody has  
10 dropped the ball and not stopped it. And, to me, that's  
11 where I'm coming from with regards to what the  
12 redundancies are that are supposed to be in place. And  
13 this is just another one of those redundancies that are  
14 supposed to be there for life safety. And when  
15 everybody steps back and goes, well, how did this  
16 happen, how did we get to this point, and we knock down  
17 all those redundancies, it's one after the other. And  
18 that's where my biggest hang-up is.

19           MR. DANENBERGER: I won't argue that elevator  
20 recall is required for new construction. It's not  
21 even -- not even worth discussing because in my job, we  
22 stick to what are the standards. And if we all follow  
23 the same rules, then it's an easy world to live in.

24           Now, this particular case we're talking about

1 what is in the standards. Now, if the standards are  
2 wrong, then we go through rule change. We propose a new  
3 rule. It goes out for public comment. We get  
4 everybody's side of the story so we can make an  
5 appropriate evaluation. In this particular case, I  
6 struggled whether it was even a variance because I  
7 believe it's just a misapplication of the standard.  
8 That's my truthful -- my opinion.

9 MR. ADAMS: The other side of the struggle that  
10 I've got is that you were required to put something in  
11 place that wasn't there for years. And now as a result  
12 of that from -- And this is my opinion on it. Now as a  
13 result of that, this redundant system should be in place  
14 because of the alteration, in my opinion, that occurred.

15 MR. DANENBERGER: I would agree if we increased the  
16 hazard. But tell me where we increased the hazard is  
17 where I'm struggling. Because sprinkling is the  
18 greatest level of life safety can be afforded a  
19 building.

20 MR. ADAMS. Sprinkling, you got water and  
21 electricity playing together. That's where the hazard  
22 is.

23 MR. DANENBERGER: But in this particular case, we  
24 have 220 volts, single phase --

1 MR. GREGORY: Three phase.

2 MR. DANENBERGER: Is it three phase?

3 MR. GREGORY: It better be. It won't run.

4 MR. DANENBERGER: They indicated single phase. So  
5 you're dealing with 220 volts. Again, the point of  
6 discharge would be no different than any elevator or any  
7 electrical room, any switchgear room, any generator  
8 room. So when we look at the requirements, does this  
9 make it different than any of the other spaces in a  
10 building? So we can make this assertion. But just  
11 because we are dealing with the elevator entity, does  
12 that now make every other similar space that is exempt  
13 from the Codes because it's required to be sprinkled and  
14 is required to be sprinkled by the fire service?  
15 Because there's never been been an electrocution, not  
16 one.

17 So the fire service is the one that wants  
18 these rooms sprinkled. If they're the ones wanting it  
19 sprinkled and they don't perceive a risk, then is there  
20 necessarily a risk? That's what we're here to discuss.

21 So when you're dealing with this condition,  
22 what sets an elevator apart from an electrical room, if  
23 we're going to make that leap, there is no difference.

24 MR. GROSS: I totally -- You know, I'm agreeing

1 with what you're saying. And ironically this is a --  
2 what we're dealing with here is improving the life  
3 safety of this nursing home and then getting docked on  
4 the other end to keep approved. I mean, sprinklers, by  
5 far, are a wonderful life safety -- the highest life  
6 safety factor, plus we're dealing with a nursing home,  
7 an institutional facility that's got smoke compartments  
8 that you're moving, you know, the occupants into  
9 adjacent compartments.

10 But, however, the Act, the problem is we're  
11 going back to the Act. I don't think the sprinkler, in  
12 my opinion, kicks off an upgrade on the elevator. But  
13 then the shunt trip that comes along which then  
14 indirectly kicks it up. What I would like to do right  
15 now is -- I think we all understand where we're doing  
16 here. Let me just come up with some timing for this  
17 that's reasonable.

18 MR. DANENBERGER: If I may make one more statement.  
19 It was indicated that there was this huge time lapse  
20 between the time this was cited and now. The time  
21 lapse, although it looks that way on paper, is not  
22 necessarily accurate because during that time, we were  
23 talking to Mr. Thompson. And I talked to personally, I  
24 believe. We were talking to the Village. We were

1 meeting with the Village. So there was a lot going on  
2 behind the scenes to discuss this.

3           Unfortunately, when we're dealing with a  
4 variance, things do not move quickly. Because in this  
5 particular case Hazel Crest had to make a determination.  
6 We had to get on their list. Then once we got on their  
7 list, they came back and said we don't have the  
8 expertise. Then the fire service got in and said hey,  
9 the Fire Prevention Code doesn't even require this so  
10 why are we even looking at an unvariance. Then they  
11 finally conceded and allowed it to come here. So  
12 there's when -- You know, this has been going on for  
13 some time and we've been continually asking for  
14 extensions from them so that we could get the Board's  
15 determination prior to actually doing work that is --

16           And for you guys, maybe a couple hundred grand  
17 isn't bad. The problem with that is they just spent all  
18 that money to sprinkling the building. They just got  
19 their reimbursement rates cut. The State is 4 months  
20 late in paying the Medicare reimbursement. And now, all  
21 of a sudden, we have something that really isn't even  
22 consistent with the standards coming up saying we're  
23 going to cause you even more financial hardship.

24           CHAIRMAN BAUMANN: Now you're talking about the

1 value of human life, right?

2 MR. DANENBERGER: No. Financial hardship aside,  
3 you know, we have to do right for the safety of the  
4 building. I didn't mean to cut you off. But that's  
5 where I was going. It is what is that level of safety  
6 that's warranted. Do we go from Point A to Point B, or  
7 do we go Point A to Point Z and say, you know, every  
8 time you sprinkle a building, we got to put in a new  
9 elevator? Because, unfortunately, that's pretty much  
10 where we're at. I mean, it's new traveling cable. It's  
11 new call stations. It's new car station. It's a new  
12 controller. And it's for two cars. So virtually, at  
13 the end of the day, it's going to be two new elevators.

14 MR. WELLER: Can I ask one quick question of our  
15 consultant?

16 CHAIRMAN BAUMANN: Go ahead.

17 MR. WELLER: We've heard it all. Is what he's  
18 saying -- It's down to two questions. Is this an  
19 alteration of the elevator or not?

20 MR. GREGORY: In my opinion, and I serve on the  
21 alterations committee of the American Society of  
22 Mechanical Engineers, it is not an alteration.

23 MR. WELLER: All right. So it doesn't meet the  
24 first that that this was alteration. You're still under

1 the exemption. The other question we have to decide is  
2 is it a life safety issue or not.

3 MR. DANENBERGER: That's correct. It doesn't rise  
4 to that level.

5 MR. WELLER: So it's down to if it's not an  
6 alteration, than it's got to be a life safety issue to  
7 stop it.

8 MR. DANENBERGER: Yeah. And our position is it  
9 meets every single building code that's out there. So  
10 by saying it's a life safety issue, you're basically  
11 testing every single other national standard that's been  
12 written is wrong.

13 MR. JIRIK: Mr. Chairman, I would like to make a  
14 motion. Can we go into executive session?

15 CHAIRMAN BAUMANN: I was just going to ask him if  
16 he's happy with everything.

17 MR. DANENBERGER: I'm just here to answer your  
18 questions at this point. If you have questions, I'm  
19 happy to answer them.

20 MR. THOMPSON: Well, I have a rebuttal on this.

21 CHAIRMAN BAUMANN: Hold on second. Hold on.

22 MR. THOMPSON: Okay. I do need to add something  
23 though.

24 CHAIRMAN BAUMANN: I got a motion.

1 MR. HUNT: Second.

2 CHAIRMAN BAUMANN: Motion is moved and seconded.

3 MR. GANIERE: Point of order, Mr. Chairman.

4 CHAIRMAN BAUMANN: Point of order.

5 MR. GANIERE: First of all, it is not on the agenda

6 and what's the reason for going into executive session

7 Open Meetings Act, you don't have one here. I'm sorry.

8 MS. STINSON-MARTI: The Open Meetings Act does

9 allow under -- Just for your information, we looked at

10 the Open Meetings Act. And there is a section under the

11 Open Meetings Act. And I lost it. But I think it

12 was -- it allowed for to consider testimony as being

13 presented before the Board; and that was one. And it

14 said that as long as the body's reasoning, once they're

15 done, they have a written decision that provides a

16 reasoning for the public. There was ...

17 MR. GANIERE: You think it's allowed to go into

18 executive session?

19 CHAIRMAN BAUMANN: She just said it is allowed.

20 MR. GANIERE: But it doesn't have to be on the

21 agenda?

22 CHAIRMAN BAUMANN: The executive session has to be

23 on the agenda.

24 MS. STINSON-MARTI: I might be. Yeah. I think

1 you're right.

2 MR. GANIERE: It does. It does. I just don't want  
3 us to get into trouble.

4 CHAIRMAN BAUMANN: Then it's out of order.

5 MR. GREGORY: Just let me -- I am not authorized to  
6 speak for the American Society of Mechanical Engineers.  
7 If you disagree with my opinion that this is not an  
8 alteration, you should make an inquiry -- write an  
9 inquiry to ASME and submit it to Geraldine Burdeshaw.  
10 And if I'm wrong, she'll slap my hands.

11 MR. THOMPSON: On that note, can I add one thing?  
12 This is ASME A17.3 2005. Dick is on several committees.  
13 In the book, on page 20, note, the installation of  
14 sprinklers in an existing elevator machine room or  
15 hoistway is an alteration.

16 CHAIRMAN BAUMANN: And this is in what book?

17 MR. THOMPSON: This is in A17.3.

18 MR. GREGORY: But we don't adopt A17.3 in  
19 Chicago -- in the state.

20 MR. THOMPSON: I'm not disagreeing. You've adopted  
21 certain sections of A17.3.

22 MR. GREGORY: Yes.

23 MR. THOMPSON: I'm saying it states in the book,  
24 which you are on committees of, Dick, that the

1 installation of sprinklers in existing machine room and  
2 hoistway is an alteration. So how can you sit there and  
3 say it is not an alteration?

4 MR. GREGORY: I looked in 8.7.

5 MR. THOMPSON: It refers you to 8.7.2.8 and  
6 8.7.3.8, which refers you to 2.8 to put the shunt trip  
7 in, which they have conceded. My concern here is for  
8 the riding public. The gentleman compares an electrical  
9 room to an elevator. What's the difference. The  
10 difference is his grandmother gets on that elevator  
11 because it's automatic operation and it could shunt trip  
12 and you could be stuck in that elevator.

13 A solid, good decision has to be made in the  
14 interest of the riding public here today because this  
15 issue is not going away. This issue is only going to  
16 snowball. We're going to see this in more and more  
17 places.

18 MR. GREGORY: You are absolutely correct. It is  
19 going to snowball.

20 MR. THOMPSON: I'm -- Yeah. I'm just asking  
21 that -- You know, this is the Illinois Elevator Safety  
22 Board. We are to look out for the riding public here.  
23 We can have all the safeguards in place. And when one  
24 person dies on that elevator, we can sit here and say

1 well, we should have done that, we could have done this,  
2 we had the opportunity to do that.

3 It's an alteration, Dick. It's in the book.

4 MR. GREGORY: But the State did not adopt A17.3  
5 coding.

6 MR. THOMPSON: In its entirety. This is not a rule  
7 section in the book. This is a note in the book, a  
8 general note on page 20. It's not a rule section. It's  
9 a note in the book. It exists within the book that we  
10 have adopted sections out of. It is a note. It is a  
11 footnote to say hey, the installation of sprinklers is  
12 an alteration. I don't think you can get around that.  
13 It's in black and white in this book on page 1.

14 I think it's your guys's job is to make a  
15 decision here in the best interest of the riding public.  
16 It's an alteration. If it wasn't an alteration, he  
17 wouldn't be conceding that he has to put in a shunt  
18 trip. It would be nothing then. We could put  
19 sprinklers in wherever because it's not an alteration.  
20 It is an alteration. They need a shunt trip. The Act  
21 says if an alteration occurs, which it is, on page 20,  
22 it is an alteration and if failing to replace the  
23 equipment jeopardizes the public health and safety.

24 CHAIRMAN BAUMANN: All right. John, are you

1 content with the presentation.

2 MR. THOMPSON: I just want to drive home the point  
3 that it's an alteration, guys, and that this is an  
4 unsafe situation.

5 CHAIRMAN BAUMANN: It's been brought out.

6 MR. THOMPSON: Okay. I'm good.

7 CHAIRMAN BAUMANN: Are you content with your  
8 presentation?

9 MR. DANENBERGER: I just wanted to make sure all  
10 your questions were addressed.

11 CHAIRMAN BAUMANN: Let's take a 10-minute recess.

12 (A short recess was had.)

13 CHAIRMAN BAUMANN: I call the meeting back to order  
14 at 10:51. I call the meeting back to order.

15 Do I have anything from the Board?

16 MR. JIRIK: I would like to make a motion to go to  
17 executive session to discuss the testimony of Pine  
18 Crest.

19 MR. HERTSBERG: Seconded.

20 CHAIRMAN BAUMANN: Moved and seconded. It's -- We  
21 did -- After further discussion with the attorneys, it's  
22 not in the Open Meetings Act but we will go into  
23 executive session, closed session. All those in favor?

24 (A chorus of ayes.)

1 CHAIRMAN BAUMANN: All those opposed?

2 MR. GANIERE: Abstained.

3 CHAIRMAN BAUMANN: The ayes have it. We're going  
4 to closed session. Thank you.

5 MR. CAPUANI: Everyone has to leave.

6 (WHEREUPON, the members voted to go  
7 into Executive Session to discuss  
8 the testimony.)

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(Meeting reconvened at 11:44 a.m.)

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CHAIRMAN BAUMANN: Okay. We're back in session.

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Do we have a motion?

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MR. GANIERE: I do. I will make a motion to grant

6

the variance request from Pine Crest Health Care with

7

the following conditions. Number 1, the maintenance

8

will be brought up to Code A17.1 within 30 days.

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Number 2, the controllers, Phase 1 and Phase 2, shall be

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installed within 2 years. Number 3, the cylinders shall

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be replaced within 4 years. And Number 4, the current

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cylinders will be pressure tested every 6 months and

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witnessed by a licensed mechanic -- licensed

14

inspector -- I'm sorry -- mechanic and inspector.

15

CHAIRMAN BAUMANN: Do we have a second?

16

MR. CHRISTENSEN: Seconded.

17

CHAIRMAN BAUMANN: Okay. All those in favor of the

18

motion.

19

(A chorus of ayes.)

20

CHAIRMAN BAUMANN: All those opposed.

21

MR. GROSS: Opposed.

22

CHAIRMAN BAUMANN: One opposed. The ayes have it.

23

So we will put that in writing, written form. You will

24

receive that.

1 MR. DANENBERGER: Do you guys transmit that to the  
2 Village then? Procedurally do we know how that actually  
3 works now?

4 MR. CAPUANI: We can copy the Village of Hazel  
5 Crest on our decision.

6 MR. DANENBERGER: Okay. So that will enable us  
7 then to get the permit.

8 MS. STINSON-MARTI: We hope so. I mean, they wrote  
9 that letter that said that they will defer to the  
10 expertise of others. So ...

11 MR. DANENBERGER: Procedurally that's the only  
12 thing I see is that because they have a cease work on  
13 the elevator right now, so we can't visit it to do any  
14 of that maintenance unless we can get that lifted. So  
15 anything you guys can do to get that lifted would be  
16 great.

17 CHAIRMAN BAUMANN: To perform the maintenance?

18 MR. DANENBERGER: They won't let us touch the car  
19 right now because we're beyond that 30 days that was  
20 cited.

21 MR. CAPUANI: You would have to approach the  
22 Village of Hazel Crest for a 60-day variance.

23 MR. DANENBERGER: Okay.

24 CHAIRMAN BAUMANN: No further business. We have a

1 motion to adjourn?

2 MR. GANIERE: So moved.

3 UNKNOWN SPEAKER: I second.

4 CHAIRMAN BAUMANN: All those in favor.

5 (A chorus of ayes.)

6 CHAIRMAN BAUMANN: Opposed.

7 (No response.)

8 CHAIRMAN BAUMANN: We are adjourned.

9 (Meeting adjourned at 11:47 a.m.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )

4  
5

6 Sharon Valli, being first duly sworn, on oath  
7 says that she is a Certified Shorthand Reporter doing  
8 business in the City of Chicago, County of Cook and the  
9 State of Illinois;

10 That she reported in shorthand the proceedings  
11 had at the foregoing Meeting;

12 And that the foregoing is a true and correct  
13 transcript of her shorthand notes so taken as aforesaid  
14 and contains all the proceedings had at the said  
15 Meeting.

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SHARON VALLI, CSR

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24

**BOARD MEETING 9/18/2014**

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