

Officials: Flue pipe malfunction led to restaurant death

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A faulty flue pipe in the heating system caused the carbon monoxide poisoning in a Huntington Station chain eatery that left the restaurant's manager dead and more than two dozen employees and rescue workers sickened over the weekend, town officials said Sunday.

The lethal, odorless gas built up in the basement of the Legal Sea Foods restaurant at the Walt Whitman Shops mall after the pipe, which is supposed to vent gas coming from one of the water heaters to the outside, failed,

Huntington Town chief fire marshal Terence McNally said Sunday.

The gas levels were "extremely high" by the time rescue workers got to the restaurant shortly after 6 p.m. Saturday, Huntington Manor Fire Department Chief Fred Steenson Jr. said.

"Normal levels should be at zero. There shouldn't be any carbon monoxide anywhere," Steenson said. "On a scale from one to 10, it was probably nine and a half."

At that level, Steenson said, it could take as little as five minutes for a person to pass out.

The restaurant's general manager, Steven Nelson, 55, of Copiague, was discovered unconscious in the basement of the eatery, locked in a bathroom, said Legal Sea Foods president and chief executive Roger Berkowitz, who traveled to the Huntington Station location on Sunday.

Nelson was taken to Huntington Hospital, where he was pronounced dead, Suffolk County police said.

The restaurant's associate general manager, Megan Smith, had gone down to the basement to find Nelson, but may have fallen down the steps and collapsed in the gas-filled room, Berkowitz said.

Huntington Community First Aid Squad responders found Smith unconscious on the basement

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floor.

"When Megan apparently passed out, there was just an effort to get her out," Berkowitz said. "Right before that, she was saying, 'Where's Steve? Is Steve all right?'"

Smith also was taken to Huntington Hospital, where she was held for evaluation overnight. She was released Sunday afternoon, according to a hospital spokeswoman.

Smith declined to comment, instead releasing a statement through her family that said she appreciated "everyone's prayers and concerns."

Ultimately, more than two dozen people -- mostly restaurant employees and rescue personnel -- were taken to five hospitals for treatment, police said.

McNally said the town discovered the failure in the flue pipe of one of the restaurant's water heaters Saturday night and issued the establishment a summons for defective heating equipment.

The restaurant had passed its last town inspection, in March 2013, and was due for another one at the end of next month, he said. The flue pipe would have been examined during the inspection, McNally said.

The federal Occupational Safety and Health Administration also opened an investigation Sunday night into the event, according to regional director of public affairs Ted Fitzgerald.

"As this inspection involves a death, it could take some time," he said.

While there were no carbon monoxide detectors in the restaurant, they are not required by state or town code, town officials said.

Walt Whitman Shops spokesman Kevin Ryan said Sunday that the heating system at Legal Sea Foods was separate from that of the mall, and that there was never a threat to shoppers.

Ryan also said there are carbon monoxide detectors installed throughout the mall.

Town spokesman A.J. Carter said the code only requires the detectors be installed in residences and in places where people sleep, such as hotels and nursing homes.

Berkowitz, who expressed sorrow over Nelson's death and called it "a terrible wake-up call," vowed Sunday to install carbon-monoxide detectors in each of his 32 restaurants on the East Coast. He also brought in grief counselors to talk with employees and their families.

Yellow placards on the doors of both the Legal Sea Foods and neighboring Panera Bread restaurants at the mall declared them condemned and "unsafe and unfit for human habitation."

National Grid turned off gas service to both popular restaurants, which share a common gas line, Carter said.

Legal Sea Foods must fix its faulty heating system and have it inspected by the town before the restaurant can reopen, Carter said.

Panera Bread, which also must undergo a town inspection, could reopen as early as Monday, Carter said.

The shades were drawn on the windows of Legal Sea Foods Sunday afternoon, but workers could be seen inside cleaning up the plates of half-eaten fish and French fries, and glasses of wine and soft drinks that diners left in their rush from the building during the evacuation.

Another neighboring restaurant, The Cheesecake Factory, also had been evacuated, but was

open again by Sunday morning.

Huntington resident Mary Ellen Donnelly was concerned about the leak, but ultimately decided to have breakfast at that restaurant.

"I figured it would not be open if it hasn't been cleared," Donnelly said.

With Lauren R. Harrison

and Tania Lopez

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