

Prosecutor Charges Safety Manager, Two Others in Fatal Fire

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A New York City prosecutor charged the site safety manager for Bovis Lend Lease LLC with manslaughter and criminally negligent homicide in connection with a fire that damaged a Deutsche Bank high-rise in lower Manhattan 16 months ago and killed two firefighters. The building had been undergoing asbestos abatement and demolition.



Photo: AP/Wideworld

Jeffrey Melofchik, Bovis site safety manager at Manhattan's Deutsche Bank demolition project, arrives for his arraignment Dec. 22

The indictments were announced Dec. 22 by Manhattan District Attorney Robert Morgenthau against Jeffrey Milofchik, who had been Bovis site safety manager at the 40-story Deutsche Bank, which was adjacent to the destroyed World Trade when the fire occurred in August 2007. Firefighters Robert Beddia and Joseph Graffagnino died attempting to suppress the fire. Also named in the indictment were Mitchel Alvo, identified as abatement director for The John Galt Corp., the subcontractor hired by Bovis to handle the bank demolition, and Salvatore DePaola, identified as a foreman for Galt and believed to be a member of Laborers' union Local 79 in New York City. All were arraigned in New York City on Dec. 22.

The indictment accuses the defendants of being aware that a building Standpipe, a critical factor in the firefighters deaths, was inoperable or had been disabled and that the defendants failed to fix it or report the situation. The defendants faces up to 15 years in prison on the manslaughter charges, up to four years on on the negligent homicide charges and one year on a reckless endangerment charge.

One veteran New York contractor safety executive termed the charges against Melofchik "unprecedented, the first I've ever seen."

"Bovis does not challenge the factual conclusions of the district attorney's office," Bovis said in a statement. Bovis also said that Melofchik and other site superintendents have been terminated as

part of an agreement reached with the Manhattan district attorney.

The indictment does not name anyone else associated with the firms or the project, and the only corporate entity charged is Galt. It also does not name any officials of the Fire Dept., which had been criticized for failing to inspect the building's fire protection systems or other city agencies, including the Lower Manhattan Development Corp., which owns the bank building and approved the hiring of Galt, a move investigators had questioned because of the Galt company's alleged ties to organized crime.

"We now know what happened at the Deutsche Bank building, what caused the fire, what went wrong and who is responsible," says Morgenthau. He says his office's probe of the fire "was one of the most complex we've ever conducted," with more than 80 witnesses called to testify to a Grand Jury.

Attorneys for the indicted officials could not be reached. However, sources close to the project say he remains employed and has been a Bovis manager since being hired in 2005. "Bovis is going to stick behind Jeff no matter what," says one project source. Other former colleagues say he had previously been a safety manager for AMEC Earth and Environmental and was called in to assist AMEC's cleanup work at the Ground Zero site after the Sept. 11, 2001 terror attack. A 2002 issue of the newsletter of the American Society of Safety Engineers acknowledges him for a "well received and professionally run" tour of the site given to society members and for "sharing insights."

Morgenthau also says that Bovis and the city have agreed to take "remedial actions" at the Deutsche Bank site and at other city construction projects. Among other steps, Bovis will hire a new senior manager reporting to its CEO who will supervise fire safety at all city projects and will elevate executive responsibility of all New York operations to its chief operating officer. An independent monitor, approved by the district attorney and funded by Bovis, will also be named to oversee safety and subcontractor hiring procedures.

Bovis had also agreed to pay \$5 million each into a "memorial fund" for the families of the two firefighters, although the payments will not affect possible civil lawsuits. The contractor also agreed to fund a \$2-million "fire safety academy" through the Contractors Association of Greater New York to improve construction industry fire safety training in New the city, according to the agreement.

The city has agreed to create a new 25-person fire safety inspection unit within the Fire Dept. that will focus "exclusively" on buildings being constructed, demolished or abated in New York City, among other improvements.

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