



Buffalo Municipal Housing Authority

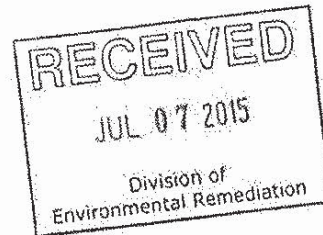
300 Perry Street • Buffalo, New York 14204-2299

(716) 855-6711 - (FAX) (716) 855-6761 - (TDD) (716) 855-6725

Certified Mail Return Receipt Requested

July 1, 2015

Robert W. Schick, P.E. Director
New York State DEC
Division of Environmental Conservation
625 Broadway
Albany New York 12233-7011



RE: Kensington Heights Towers
Tax Map ID No.: 90.13-1-11
Site No.: C915279

Director Schick:

The Kensington Heights Revitalization Corporation (KHRC) hereby submits the following relative to the accepted application:

1. Three originally signed Brownfield Cleanup Agreements;
2. Proof that Dawn E. Sanders-Garrett is authorized to bind the Requestor, specifically, Minutes of Organizational Meeting of KHRC and Written Consent of the Board of Directors for KHRC authorizing all necessary actions to complete and process the subject application.

If you require anything further, please contact me at your earliest convenience. My direct phone number is (716) 855-6711 ext. 204 and e-mail is drodriguez@bmhahousing.com.

Sincerely,



David Rodriguez
General Counsel

"BMHA is an Equal Opportunity/Affirmative Action Employer"



DEC 000017

MINUTES OF ORGANIZATIONAL MEETING
OF
KENSINGTON HEIGHTS REVITALIZATION CORPORATION

The undersigned, being the sole Incorporator of Kensington Heights Revitalization Corporation (the "Corporation"), held an organizational meeting on the date set forth below, at which meeting the following action was taken:


It was resolved that a copy of the Certificate of Incorporation together with the receipt issued by the New York State Department of State showing payment of the statutory organization tax and the date and payment of the fees for filing the original Certificate of Incorporation be placed in the corporate minute book.

By-Laws regulating the conduct of the business and affairs of the Corporation, as prepared by Kavinoky Cook LLP, counsel for the Corporation, were adopted and placed in the corporate minute book.

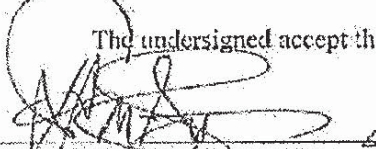
The initial number of directors was fixed at three (3), and Dawn E. Sanders-Garrett, as Executive Director of the Buffalo Municipal Housing Authority, Michael Seaman, as Chairman of the Buffalo Municipal Housing Authority, and Modesto Candelario, as Assistant Executive Director of the Buffalo Municipal Housing Authority were elected as the initial Directors of the Corporation to serve until the first annual meeting of shareholders or the next meeting of shareholders called for the purpose of electing directors.

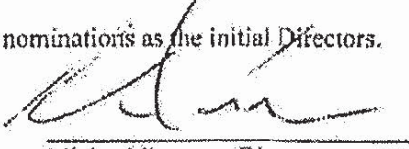
The Board of Directors was authorized to issue all of the unsubscribed shares of the Corporation at such time and in such amounts as determined by the Board and to accept in payment money or other property, tangible or intangible, actually received, or labor or services actually performed for the Corporation or for its benefit or in its formation.

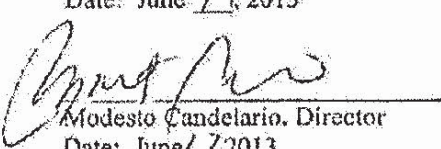
DATED: June 17, 2013


Laurence K. Rubin, Sole Incorporator

The undersigned accept their nominations as the initial Directors.


Dawn E. Sanders-Garrett, Director
Date: June 17, 2013


Michael Seaman, Director
Date: June 17, 2013


Modesto Candelario, Director
Date: June 17, 2013

WRITTEN CONSENT
OF THE BOARD OF DIRECTORS OF
KENSINGTON HEIGHTS REVITALIZATION CORPORATION

The undersigned, being all of the Directors of Kensington Heights Revitalization Corporation (the "Corporation"), hereby consent to, approve and adopt the following Resolutions for the organization of the Corporation, which Resolutions shall have the same force and effect as if adopted at an organizational meeting of the Board of Directors of the Corporation, duly called and held for the purpose of acting upon these Resolutions.

RESOLVED, that the By-Laws placed in the minute book of the Corporation be, and they hereby are, ratified and adopted as By-Laws of the Corporation.

RESOLVED that all of the other actions taken and decisions made by the Incorporator be, and they hereby are, ratified and adopted by this Board of Directors.

RESOLVED, that the following persons be, and they hereby are, elected as the officers of the Corporation to serve until their successors are duly elected and qualified or until their earlier removal or resignation:

President: Dawn E. Sanders-Garrett, acting in her capacity as the Executive Director of the Buffalo Municipal Housing Authority.

Vice President: Michael Seaman, acting in his capacity as the Chairman of the Buffalo Municipal Housing Authority.

Secretary: David Rodriguez, acting in his capacity of General Counsel to the Buffalo Municipal Housing Authority.

Treasurer: Modesto Candelario, acting in his capacity as the Assistant Executive Director of the Buffalo Municipal Housing Authority.

RESOLVED, that the specimen form of Certificate annexed hereto be, and it hereby is, approved and adopted as the Certificate representing the common stock, no par value, of the Corporation.

RESOLVED, that any officer of the Corporation is hereby directed and empowered to file an application for an Employer Identification Number with the Internal Revenue Service and to notify the New York State Tax Commission of the location of the stock book.

RESOLVED, that the seal, an impression of which shall be affixed hereto, is adopted as the seal of the Corporation.

RESOLVED, that the fiscal year of the Corporation shall begin on the 1st day of July and end on the 30th day of June of each calendar year.

RESOLVED, that any corporate officer be, and each of them hereby is, directed to pay all expenses properly incurred in connection with the organization of the Corporation.

RESOLVED, that each corporate officer be, and each of them hereby is, instructed to purchase such record books and books of account, checks, stationery and office supplies as may be necessary or appropriate for the proper administration of the affairs of the Corporation.

RESOLVED, that the offer of Buffalo Municipal Housing Authority to acquire two hundred (200) shares of the no par value common stock of the Corporation at a price of One Dollar (\$1.00) per share is hereby accepted.

RESOLVED, that the Corporation issue and deliver to Buffalo Municipal Housing Authority two hundred (200) shares of the authorized but unissued common stock, evidenced by common stock certificate no. 1, in consideration of the payment by Buffalo

Municipal Housing Authority of Two Hundred Dollars (\$200.00) in cash, whereupon such shares shall be duly and validly issued, fully paid, and non-assessable.

RESOLVED, that the proper officers of the Corporation be, and they hereby are, authorized, empowered and directed to do all other things and acts and to execute and deliver all other instruments and documents as may be, in their sole judgment, necessary, proper or advisable in order to carry out and comply with the purposes and intent of these resolutions and that all of the acts and deeds of the proper officers of the Corporation which are consistent with the purposes and intent of these resolutions, shall be, and the same are, in all respects approved, confirmed and adopted as the acts and deeds of the Corporation.

RESOLVED, that the Corporation be, and hereby is authorized, directed and empowered to take all such action as may be necessary or appropriate to negotiate and enter into a secured construction loan of \$8,000,000.00 from M&T Bank to complete the abatement, demolition of the existing towers and prepare the site for unrestricted use.

RESOLVED, that the Corporation be, and hereby is authorized, directed and empowered to take all such action as may be necessary or appropriate to continue to pursue New York State Tax Credits under the New York State's Brownfield Cleanup Program, including, but not limited to, entering into an Option Agreement with the Buffalo Municipal Housing Authority for the sale of Kensington Heights, and the assignment to the Kensington Heights Revitalization Corporation of such contracts as the Buffalo Municipal Housing Authority has entered into to complete the asbestos abatement, soil remediation, demolition and other work needed to comply with the Consent Order issued by the United States Environmental Protection Agency to the Authority with respect to Kensington Heights and to undertake and complete remediation of Kensington Heights under the New York State Brownfield Cleanup Program.

RESOLVED, that the officers of the Corporation be authorized, directed and empowered to negotiate,

execute, ratify, deliver and perform any and all agreements, applications or other documents, or to take or omit to take any actions, as may be necessary or appropriate to carry out the intent of the foregoing resolutions.

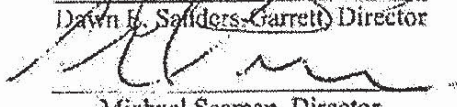
RESOLVED, that the Corporation proceed to carry on the business for which it was incorporated.

IN WITNESS WHEREOF, the undersigned have signed this Written Consent of the Board of Directors.

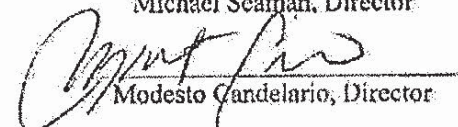
Dated: As of June 11, 2013



Dawn E. Sanders-Garrett, Director



Michael Seaman, Director



Modesto Candelario, Director

411258

May 31, 2013

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7020

RE 300 Perry Street, Buffalo, New York

Dear Sirs:

Enclosed please find the Application of Kensington Heights Revitalization Corporation for admission to the New York State Brownfield Cleanup Program pursuant to the Environmental Conservation Law Article 27, Title 14. Kensington Heights Revitalization Corporation is the contract vendee for the property located at 300 Perry Street from the Buffalo Municipal Housing Authority.

The property is currently subject to a consent order with the Environmental Protection Agency for the abatement of asbestos as the result of illegal activity by contractors hired to do work at the property and historic illegal disposal and vandalism. Enclosed herewith are documents which describe those activities. Most of the parties responsible for such activity are currently the subject of a Federal Department of Justice prosecution. The applicant purposed to remediate non-asbestos contamination under the Brownfield Program and then prepare the site for redevelopment. No penalty has been assessed against the Buffalo Municipal Housing Authority by the Environmental Protection Agency with respect to the asbestos violations. Should you need additional information to help clarify the asbestos abatement action or the division between the work to be completed under the Brownfield Cleanup Program and the asbestos abatement action please advise the undersigned and we will supply the same.

Very truly yours,
Kavinoky Cook LLP



Deborah J. Chadsey

DJC/elf
Enclosures

cc: Kensington Heights Revitalization Corporation

Visible from the Kensington Expressway, the 17-acre complex is owned by the Buffalo Municipal Housing Authority and was targeted for demolition three years ago as part of a larger plan to redevelop the site into a \$105 million retirement community.

The charges outlined in the indictment center around the work of two companies - Johnson Contracting and JMD Environmental Inc. of Grand Island - and around the allegations that they violated the federal Clean Air Act by improperly removing and disposing of asbestos.

The federal indictment alleges that from June 2009 to January 2010, Johnson Contracting and two of its managers - Rai Johnson and President Ernest Johnson - instructed workers to dump asbestos down holes cut in the floors of each building.

They also are charged with failing to wet the asbestos and leaving it in open containers.

Mango has said in the past that the government is likely to dismiss the charges against Johnson Contracting and JMD because they are now out of business.

Hawkins' admissions - he pleaded guilty to being an accessory after the fact - is significant because it was his employer, JMD, that was accused of conspiring with Johnson. The company was hired to conduct air sampling tests and other oversight work but, according to prosecutors, failed to do those tests properly.

The indictment also charges a now-retired state Labor Department inspector, Theodore Lehmann, and two city inspectors, Donald Grzebielucha and William Manuszewski, with falsifying inspection reports.

email: pfairbanks@buffnews.com

BUFFALO

Monitor pleads guilty in Kensington Heights case

By PHIL FAIRBANKS

NEWS STAFF REPORTER

The botched demolition of one of Buffalo's oldest public housing complexes took a new turn Tuesday - an admission that workers on the project tried to cover up the illegal removal and disposal of asbestos.

Henry Hawkins, a compliance monitor on the failed project at Kensington Heights, admitted falsifying inspection reports in order to protect Johnson Contracting, the Buffalo company hired to remove asbestos from the complex's six towers.

Hawkins' admissions - he is the first defendant to be convicted - are part of a deal that allows him to plead guilty to a misdemeanor charge in return for his promise to cooperate with federal prosecutors.

"There is a cooperation clause in the plea agreement," said Patrick J. Brown, Hawkins' defense lawyer. "It's a very serious charge, and this seemed like an appropriate way to resolve it."

Hawkins was one of 11 defendants - nine individuals and two companies - charged in a 23-count indictment related to the asbestos-removal project at Kensington Heights on Fillmore Avenue. The defendants include three inspectors - one from the state and two from the city.

As part of his plea deal, Hawkins said he and Rai Johnson, a supervisor at Johnson Contracting, worked together to cover up the fact that asbestos remained in four buildings they had certified as clean.

"Rai Johnson wrote in his logbook that all the asbestos had been removed," Assistant U.S. Attorney Aaron J. Mango said in court. "At the time he wrote that, all the asbestos had not been removed. And the defendant knew all the asbestos had not been removed."

Inspectors Indicted in Kensington Towers Asbestos Probe

8:32 AM, Aug 5, 2011 | comments

Written by
Maria Sisti

Written by
Dave McKinley

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Eastside

BUFFALO, NY - A federal grand jury has indicted two companies and nine people, including past and present city and state inspection officials, in connection with an asbestos removal project at the vacant Kensington Towers housing project.

Three of the nine were serving as government inspectors at the time of the alleged crimes:

2 On Your Side's Dave McKinley says two officials with the City of Buffalo's Inspection Department are accused of falsely signing off that asbestos had been properly removed when, in fact, it had not been. One has since retired, but the other is still employed by the city. Another of those accused was an inspector with the new

York State Department of Labor's Asbestos Control Bureau.

"I always want city employees to do the right thing," Buffalo Mayor Byron Brown told WGRZ-TV. "If they aren't they should suffer the consequences. But I just don't know enough about this incident to comment further," Mayor Brown said.

Whether the inspectors are alleged to have been lazy in the performance of their duties, or whether they were being compensated to look the other way, is something U.S. Attorney William Hochul declined to comment on.

"I can't comment on the motive. All I can say is the indictment specifically says the grand jury found the false statements consisting of the false reports. But as to the reasons why the defendants engaged in this criminal conduct, that will have to wait for the development of evidence which is not in that document," Hochul said.

The contractors are charged with failing to

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remove and dispose of the asbestos properly, sometimes dumping it down holes cut in the floors of the six-building high-rise campus.

Prosecutors say the contractors did so despite knowing the buildings were scheduled for demolition, and that their actions could have exposed those nearby to the asbestos.

In that neighborhood is ECMC, a school, and a park.

"These are very serious charges," said U.S. Attorney William Hochul. "As I said before, asbestos is a highly-dangerous substance. The location where these buildings still stand speaks for itself."

The post World War II-era buildings, which are owned by the Buffalo Municipal Housing Authority, are being demolished to make way for a new senior citizen housing complex.

The indictment does not accuse the Buffalo Municipal Housing Authority of any wrongdoing. Its attorney tells 2 On Your Side the authority actually fired the indicted contractor long before these charges were filed. It has since hired a new company to remove the asbestos, and, according to the attorney, the towers are scheduled to be safely demolished within days.

The following is a press release issued by the United States Attorney's Office for Western New York:

- U.S. Attorney William J. Hochul, Jr.

announced today that a federal grand jury has returned a 23-count indictment charging two companies and nine individuals with various federal felony charges relating to the asbestos abatement project conducted at the Kensington Towers apartment complex, 1827 Fillmore Avenue, Buffalo, New York. The companies charged with criminal violations are identified as Johnson Contracting of WNY, Inc. (Johnson Contracting) and JMD Environmental, Inc. (JMD). The individual defendants include Ernest Johnson, 39, and Rai Johnson, 32, both from Buffalo, N and the President and Supervisor of Johnson Contracting (respectively); Evan Hamden, 42, a supervisor of JMD and Brian Scott, 31, JMD project monitor, both from North Tonawanda; and Henry Hawkins, 41, of Buffalo, NY and Chris Coseglia, 25, of Niagara Falls, NY; also project monitors of JMD.

The remaining defendants consist of current and former public officials responsible for certifying the project's compliance with applicable asbestos

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removal laws and regulations. Charged in the Indictment are Donald Grzebielucha, 56, and William Manuszewski, 57, both of Buffalo, NY, City of Buffalo Building Inspectors during the abatement project, and Theodore Lehmann, 65, of Kenmore, NY, an Inspector with the New York State Department of Labor, Asbestos Control Bureau.

Each of the 23 federal charges carry a maximum penalty of five years in prison, a fine of \$250,000, or both.

Assistant U.S. Attorney Aaron J. Mango, who is responsible for the trial of the case, stated that the Indictment recognizes the federal Clean Air Act, along with the Environmental Protection Agency (EPA), and other federal and state agencies, as closely regulating the removal of asbestos. The reasons for the law and regulations include that asbestos is a known human carcinogen known to cause a wide range of life threatening illnesses, including mesothelioma and asbestosis.

In June of 2009, Johnson Contracting was awarded a sub-contract to conduct the asbestos abatement project at Kensington Towers, a six-building complex owned by the Buffalo Municipal Housing Authority, located on the East side of Buffalo. In an environmental survey conducted before the commencement of the abatement project, it was estimated that each building at Kensington Towers contained in excess of 63,000 square feet of hazardous asbestos-containing material.

The Indictment alleges that from June 2009

to January 2010, defendants Johnson Contracting, Ernest Johnson, and Rai Johnson performed and supervised the stripping and removal of asbestos-containing material at the Kensington Towers. In Count 1, these defendants are accused of conspiring to violate the Clean Air Act and defrauding the United States, by (among other things) instructing workers to dump asbestos-containing debris down holes cut through the floors at the buildings, failing to wet the asbestos during removal operations, and instructing workers to leave asbestos-containing material in the buildings knowing that the buildings were intended for demolition. Counts 2 through 7 of the Indictment charge these defendants with substantive violations of the Clean Air Act for the above conduct.

In the same time period, defendants JMD, Hamden, Hawkins, Coseglia, and Scott, agreed to perform as a sub-contract of the abatement project the air sampling and project monitoring at Kensington Towers. Count 8 of the Indictment alleges that these

Advertisement

defendants conspired to violate the Clean Air Act and to defraud the United States by (among other things) by failing to conduct proper air sampling, and by creating false visual inspection reports certifying that all asbestos had been removed from the buildings. Counts 9 through 14 of the Indictment charge these defendants with substantive violations of the Clean Air Act based on their roles as project monitors during the final visual inspection process at the buildings. Counts 15 through 17 charge defendants JMD and Hawkins with making and using false documents during the course of the asbestos abatement activities.

City of Buffalo Building Inspectors Donald Grzebielucha and William Manuszewski are charged in Counts 18 (defendant Grzebielucha) through 22 (defendant Manuszewski in Counts 19-22), with making and using false final inspection reports relating to all six of the buildings at Kensington Towers. The defendants specifically certified in the final inspection reports that all asbestos had been removed from the buildings, when in fact, the defendants knew that all asbestos had not been so removed.

Finally, Count 23 of the Indictment charges defendant Lehmann, an Inspector employed with the New York State Department of Labor, Asbestos Control Bureau, with concealing the improper asbestos abatement activities that were occurring at Kensington Towers.

"The nation's environmental laws are

intended to protect not only people who live and work near abatement sites, but those employed in the abatement industry itself," said U.S. Attorney Hochul. "In this case, the Kensington Towers complex is in close proximity to a city neighborhood where people live as well as a hospital, a school and a park. This Office, along with its law enforcement partners, will continue to enforce laws designed to ensure the safety of all."

"Exposure to asbestos can be fatal. Its unsafe disposal endangers human health and can seriously harm the environment," said William V. Lometti, Special Agent in Charge of EPA's Criminal Investigation Division in New York. "The defendants are charged with conspiring to illegally allow large amounts of asbestos to be removed unsafely in an attempt to cut costs. Anyone who tries to save money by breaking the law will be vigorously prosecuted."

"This is a multi-agency investigation, and is a prime example of how working together with our state and federal partners ensures

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the safety of not only the Kensington Towers neighborhood but all Western New York communities," said Christopher M. Piehota, Special Agent in Charge of the Federal Bureau of Investigation. "The United States government takes very seriously the health and welfare of our citizens with regard to environmental safety."

The Indictment is the culmination of an investigation on the part of Special Agents of the U.S. Environmental Protection Agency - Criminal Investigation Division, under the direction of Special Agent-In-Charge, William V. Lometti; Special Agents of the Federal Bureau of Investigation, under the direction of Special Agent-In-Charge Christopher M. Piehota; Special Agents of the U.S. Department of Housing and Urban Development - Office of Inspector General, under the direction of Special Agent-In-Charge Rene Febles; and Investigators of the New York State Department of Environmental Conservation Police, BECI, under the direction of Captain David Bennett. Additional assistance was provided by the New York State Department of Labor, Asbestos Control Bureau.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.
WGRZ-TV, wgrz.com

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EDITORIALS

Neighborhood at risk

Steps must be taken to prevent a repeat of botched asbestos removal project

Published: August 12, 2011, 12:00 AM

1 Comment

Recommen

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Updated: August 12, 2011, 6:24 AM

The immediate and most important question surrounding the stupendous recklessness that occurred at Kensington Heights is whether anyone was harmed through the improper handling of asbestos at the vacant public housing complex.

But it's not the only question.

A federal indictment alleges that two companies and nine individuals mishandled the asbestos removal project between July 2009 and January 2010. Johnson Contracting of Buffalo and two of its managers are charged with instructing workers to dump asbestos down holes that were cut in the floors of the buildings. They are also charged with failing to wet the asbestos during stripping and removal and leaving it in open, unsecured containers.

JMD Environmental Inc. of Grand Island was also indicted. In addition--and in some ways, more troubling--one state inspector and two city inspectors (one now retired) are accused of falsifying inspection reports. If that all sounds like a conspiracy, well, there's a reason for that.

Community residents are worried, despite reassurances of their safety. Who can blame them? Kensington Heights is in a neighborhood that includes three schools, a large hospital and a popular park that hosts sports teams. It's just the right mixture for a public health crisis.

The Buffalo Municipal Housing Authority, which owns the complex, says that because the buildings were not demolished, there was no widespread release of asbestos. Officials of Erie County Medical Center, located just north of Kensington Heights, agreed. State and federal agencies are obligated to inform the hospital of any such risk, a spokesman said.

The city is testing the air in the neighborhood, which is a start, but it's not enough. It is also important to understand exactly how this unfolded, to make

sure it can't happen again. It's one thing when companies or individuals violate laws or regulations; there will always be individuals skirting the law. But when the allegations include government employees--the very people who are supposed to protect us--then a whole new set of questions arises.

What was the relationship among these inspectors? How did they end up on this job? Was it merely coincidence? If, indeed, they broke the law, are they lone wolves or is there a more widespread problem? What other asbestos projects have these inspectors (and these companies) handled?

Asbestos removal isn't like taking out the garbage. Inhaled asbestos can cause severe lung damage, especially when exposure is prolonged. There are reasons we have laws to govern its handling. A serious, probing investigation is required not only to find out what happened in this case, but to take whatever steps are possible to diminish the chances that it will happen again.

Comments

SORT: NEWEST FIRST | OLDEST FIRST

Testing the air now is ridiculous. These crimes (yes I chose the word carefully) happened months ago, wind & rain will have completely changed the counts. Feels good but means nothing. The way to make sure this does not happen again is to come down HARD on these folks, especially the government inspectors.

DAVE HORNUNG, BUFFALO, NY on Fri Aug 12, 2011 at 09:02 AM

FLAG AS INAPPROPRIATE

Add your comment

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KENSINGTON HEIGHTS

Asbestos concerns get airing

By Edward Mazza

Published: August 12, 2011, 12:00 AM
0 Comments




Updated: August 12, 2011, 6:33 AM

Residents and East Side leaders met Thursday evening in Pratt Willert Community Center to address concerns about the potential for exposure to asbestos from the allegedly botched Kensington Heights abatement project.

Larry Williams Sr., a community activist and block club leader on nearby Glenwood Avenue, called the meeting and invited elected officials. He also invited representatives of the U.S. Environmental Protection Agency and state Department of Environmental Conservation.

"It's important because our children are important," Williams said. "One thing we wanted to do tonight was to close [Glenmy Park] as a safety precaution until we get results from the [air quality] testing."

A representative from the office of Rep. Louise M. Slaughter, D-Fairport, read a letter from the congresswoman addressed to Lisa Jackson, administrator of the EPA, asking that the EPA conduct air and soil testing near the vacant Kensington Heights public housing towers. Mayor Byron

W. Brown also urged the Buffalo Municipal Housing Authority, which owns the site, to arrange for air quality testing.

Two asbestos-abatement contractors were on hand to offer insight into the dangers associated with asbestos and what types of training and regulations are mandated by law.

Al Steele of Hannah Demolition and Ellen Shareef of CNR Housing Inc. offered suggestions on questions residents should be asking the DEC and EPA, including the type of asbestos at issue and whether proper measures were taken to contain it.

Both noted that asbestos abatement contractors are required to submit filters from the masks of workers for laboratory testing on a daily basis. The results, they added, should become available, so residents will know what the asbestos

levels in the air were during the time between July 2009 and January 2010 when the work was being performed by Johnson Contracting and JMD Environmental Inc. —both indicted, accused of improper disposal of asbestos.

"Given the deception that has surrounded this so far, I am not willing to trust anyone's say-so until we get some proof," Williams said.

email: emazza@buffnews.com

Comments

There are no comments on this story.

Add your comment

Latest real estate listings in East Side, NY

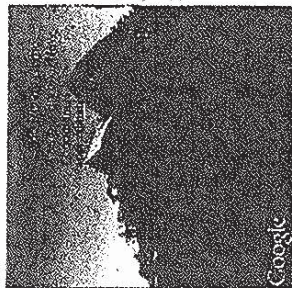
- \$44,900 - 589 Abbott Rd, 1,766 sqft, 3 bed, 1.0 bath
- \$35,000 - 58 Saint Joseph, 1,630 sqft, 3 bed, 2.0 bath

388 Abbott Rd

\$44,900

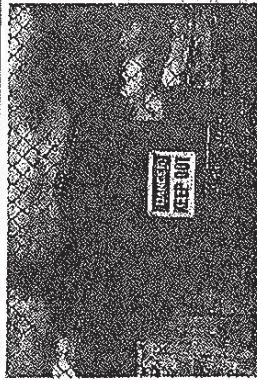
3 bed, 1.0 bath, 1,766 sqft
Single Family Residential

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The U.S. Environmental Protection Agency is preparing a compliance order that charges the housing authority with several violations of the federal Clean Air Act. Sharon Cantillon / News file photo

Housing Authority faces fines on asbestos

New allegations made at Kensington Heights

By Phil Fairbanks

Published: October 2, 2011, 7:41 PM

3 Comments

Recommended 1

Updated: October 3, 2011, 8:21 AM

Buffalo's public housing authority faces substantial fines as the result of new allegations implicating the authority in the failed asbestos removal effort at the Kensington Heights housing project.

The U.S. Environmental Protection Agency is preparing a compliance order that charges the authority with several violations of the federal Clean Air Act and could result in fines of up to \$25,000 a day for each violation.

The draft compliance order also requires the authority to remove the asbestos that remains in the six vacant towers and demolish the complex.

<http://www.buffalonews.com/city/article579508.ece>

10/3/2011

"They have to abate the building now and develop a plan to demolish the buildings property," said EPA spokesman Michael J. Basile.

Basile said that the Buffalo Municipal Housing Authority has been urged to move quickly but that the sense of urgency is not because of an existing public health threat.

Recent tests by the EPA found that asbestos levels inside the towers exceed federal standards but that levels outside the complex do not.

Visible from the Kensington Expressway, the 17-acre public housing project is right next to a public park and close to three schools and a large hospital.

"We were able to determine there's no cause for alarm," Basile said of the air and soil tests done in August.

The allegations against the authority came just weeks after the federal indictment of nine individuals and two contractors on felony criminal charges related to the asbestos removal project.

The 23-count indictment charges the contractors and individuals, including three inspectors -- one from the state, two from the city -- with improperly removing and disposing of asbestos at the complex.

Basile said the allegations against the authority are similar but are administrative charges, not criminal charges. The authority is alleged to have violated the EPA's National Emission Standards for Asbestos.

The compliance order and the potential fines it could lead to are the result of an on-site inspection by EPA officials three to four weeks ago.

"Environmental Protection Agency officials visited the Kensington Heights site and issued a proposed compliance order to the [Housing Authority] as the owner," said Adam W. Perry, a lawyer for the authority.

Perry said, "The [Housing Authority] then asked for and attended a meeting with the EPA, and the authority is working cooperatively with the EPA to resolve the identified concerns."

He declined to answer questions about the draft violations or the potential for fines, except to say, "The proposed compliance order does not impose any fines on the [Housing Authority]."

Basile said he could not comment on any penalties the authority might face, but EPA documents indicate that civil violations of the national emission standards can lead to "a civil penalty of not more than \$25,000 per day for each violation."

"That sounds like a pretty good wake-up call," said Larry Williams, a spokesman for the neighborhood groups concerned about the asbestos problem and a frequent critic of the authority.

<http://www.buffalonews.com/city/article579508.ece>

10/3/2011

Kensington Heights, a symbol of decay and abandonment for three decades, was targeted for demolition two years ago. Tearing down the eight-story towers was the first step in the authority's plan for a new \$105 million retirement community.

One of the first steps in the demolition was the removal of an estimated 63,000 square feet of asbestos in each of the towers, a job that eventually was awarded to Johnson Contracting of Buffalo.

The indictment alleges that from June 2009 to January 2010, Johnson and two of its managers instructed workers to dump asbestos down holes cut in the floors of each building. They also are charged with failing to wet the asbestos and leaving it in open, unsecured containers.

The indictment also charges JMD Environmental Inc. of Grand Island with conspiring to violate the government's asbestos regulations.

The company was hired to conduct air sampling tests and other oversight work but, according to prosecutors, failed to do those tests properly. The government also claims JMD falsified inspection reports.

By all accounts, the asbestos removal work at Kensington Heights was never completed, which is one of the reasons the EPA wants the authority to move quickly in adopting a plan for removing the asbestos that remains.

"We're very concerned," Basile said. "We want the Housing Authority to come up with a very specific plan on how their new contractor will conduct the removal of the remaining asbestos."

He said the agency also wants assurances that the towers will be demolished once the abatement is complete.

The EPA's investigation into Kensington Heights, a joint effort with the state Department of Labor, is continuing, Basile said.

Asbestos is a known carcinogen, and, the EPA says, it can increase the risk of lung disease, including lung cancer and mesothelioma.

pfairbanks@buffnews.com

Comments

SORT: NEWEST FIRST | OLDEST FIRST

New employers will have to pay fines for "Authority" criminal negligence. No individuals except designated scapegoats will be held accountable, so leaders. Why are we as taxpayers involved in housing anyways? Oh, to assure political patronage jobs and constituent placation, I forget. US involvement in housing is why we are where we are in this untenable economic situation today.

<http://www.buffalonews.com/city/articles/79508.cce>

10/3/2011

Failed liberal housing policies supposedly promoting "new and improved" housing for everyone has cost us our economy. Liar boats, subsidized living in taxpayer built palaces, and gov't guarantees for leaders making mistakes of upwards of 3/4 of a million dollars a piece which are underwritten by gov't has led us down a very path to economic destruction. Thank you former HUD head Cuomo and Wall Street for the downfall of the US.

JEFF FRIES, FREDONIA, NY on Mon Oct 3, 2011 at 06:54 AM

FLAG AS INAPPROPRIATE

What a shame, this lack of oversight would never have been allowed in the suburbs...

ROSEBA CRUMPLEY, AMHERST, NY on Mon Oct 3, 2011 at 06:18 AM

FLAG AS INAPPROPRIATE

Add your comment

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<http://www.buffalonews.com/city/articles/79508.cce>

10/3/2011

EDITORIALS

BMHA needs to do better

Botching of Kensington Heights project is just the latest in a string of miscues

Published: October 6, 2011, 12:00 AM

1 Comment

Recommended

Updated: October 6, 2011, 7:06 AM

As one community activist put it, the Buffalo Municipal Housing Authority has been given a pretty good wake-up call over the long-abandoned Kensington Heights housing project. Officials should answer that call promptly.

The city's public Housing Authority is facing substantial fines in the wake of new allegations implicating it in the failed asbestos removal effort at Kensington Heights. The handling of asbestos removal there has been deplorable, a point made in the recent action by the U. S. Environmental Protection Agency.

The EPA is preparing a compliance order that charges the authority with several violations of the federal Clean Air Act that could result in fines of up to \$25,000 a day for each violation. Further, the draft compliance order requires that the authority remove the asbestos that remains in the six vacant towers and demolish the complex.

The botched asbestos removal is just the latest in a long list of problems at the Housing Authority:

- 2011: Residents of Marine Drive Apartments complain about shoddy snow removal, mounting trash and other problems at the authority-managed property. The Common Council threatens to subpoena officials to answer charges from residents, who complain that the agency is ignoring them.
- 2009: Catholic Charities complains that a \$250,000 proposal to fix a leaky roof at the Commodore Perry neighborhood center and food pantry it runs has been ignored for more than a year. A year later, the food pantry remains open, but most community outreach programs had to be canceled because of poor building conditions.

- 2008: Tenants complain about rampant crime and illegal drug sales after the Housing Authority police force is disbanded due to budget problems. Tenants also complain that maintenance requests are not being addressed, with some waiting several years for work orders to receive attention.

- 2008: Agency administrator of capital improvements is arrested on federal charges of extortion, bribery and witness tampering. John J. Fischer Jr., who was accused of coercing a contractor who did work for the agency to perform free roofing work at the home of a friend, later pleaded guilty to an extortion charge.

- 2007: Tenants of Lyndon B. Johnson Towers complain of mold, odors and a white substance that settles on furniture.

Kensington Heights has been abandoned for three decades and is the embodiment of blight. The run-down complex, visible from the Kensington Expressway, is next to a public park and close to three schools and a large hospital. The 17-acre site was supposed to be a symbol of hope for the neighborhood, with construction of a \$105 million retirement community. Instead of being an anchor for a reborn neighborhood, the project has introduced us to a cast of dubious characters.

The contract for removal of an estimated 63,000 square feet of asbestos in each of the towers was awarded to John-son Contracting of Buffalo. A federal indictment in August alleges that from June 2009 to January 2010, the company and two of its managers instructed workers to dump asbestos down holes cut in the floors of each building. They were also charged with failing to wet the asbestos, as required, and leaving it in open, unsecured containers. JMD Environmental Inc. of Grand Island, the company hired to oversee the project, was also charged with conspiring to violate the government's asbestos regulations.

Fortunately for neighbors, EPA testing has found no dangerous levels of asbestos. But clearly the authority has to do a better job of overseeing the demolition of this housing project. Questions about the whole asbestos removal project must be answered and residents of the area must have assurances that the work complies with safety guidelines.

The Buffalo Municipal Housing Authority has been put on notice. Now it has to develop a plan to safely remove the asbestos and demolish the towers. The project is too important to the community for further delays.

Comments

Sort: NEWEST FIRST | OLDEST FIRST

The problem is not the Buffalo Municipal Housing Authority itself, it is the establishment and proliferation of authorities on a local and state-wide basis. Here is just a very small sampling extracted from New York State Authorities Budget Office (there are so many they need their own budget office—<http://www.abo.state.ny.us/>): Buffalo Urban Renewal Agency; Buffalo Municipal

BuffaloNews.com

Contractor denies charges in demolition

By Phil Fairbanks

Published: September 10, 2011, 12:00 AM

0 Comments

Recommend

0

Updated: September 10, 2011, 6:33 AM

JMD Environmental was supposed to be one of the watchdogs.

Well known in the close-knit world of demolition contractors, the small Grand Island company was hired to monitor the air quality in and around the Kensington Heights housing complex while workers removed asbestos from its six towers.

Two years later, JMD finds itself facing federal criminal charges and an effort by the state to revoke its asbestos-removal license.

Company President Heather Perry pleaded not guilty during JMD's initial appearance in federal court this week but declined to comment further on the allegations against her company.

JMD also faces potential sanctions from the state Department of Labor, which oversees the licensing of asbestos contractors across the state. JMD has been licensed since March 2005.

The state, in a recent statement to The Buffalo News, confirmed that it has started "the process to revoke the asbestos abatement licenses of JMD Environmental."

Jeremy D. Schwartz, a lawyer for JMD, declined to comment on the state's action but hinted at a possible challenge.

JMD is one of two companies indicted as part of a federal investigation into asbestos removal at Kensington Heights, a vacant public housing complex owned by the Buffalo Municipal Housing Authority.

The company is charged with falsifying visual inspection reports and failing to take enough air samples.

The indictment also contends JMD conspired with others to violate the federal Clean Air Act. It does not include any charges against Perry but does include charges against four of her employees.

Even after inspectors shut down the demolition work at Kensington Heights, JMD continued to work on other government projects.

JMD, for example, has done extensive work as part of Buffalo's ambitious demolition program, a strategy geared toward eliminating vacant housing.

pfairbanks@buffnews.com

Comments

There are no comments on this story.

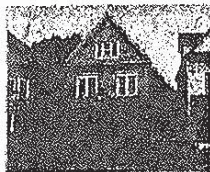
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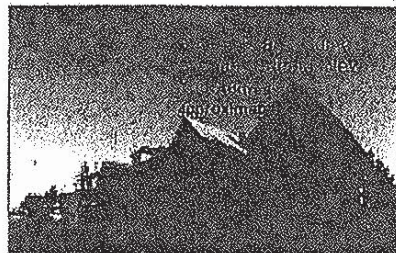
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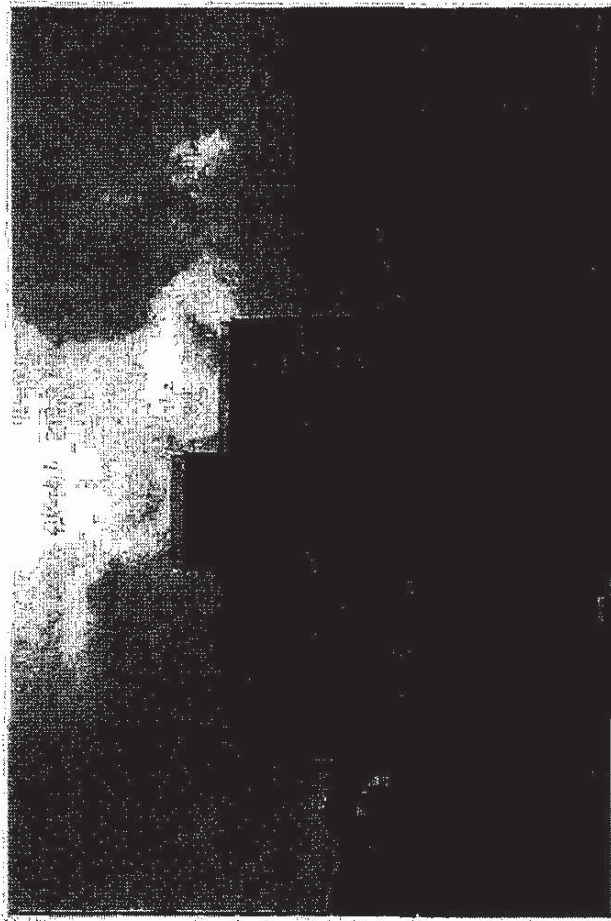
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A Statement Released by the Buffalo Municipal Housing Authority

BUFFALO, NY May 10, 2012 – Work began Monday on the former Kensington Heights apartments demolition, following a plan the Buffalo Municipal Housing Authority submitted to the U.S. Environmental Protection Agency.

That plan calls for affixing double-ply polyurethane to the outside of all building openings and maintaining them in perfect condition; remediating all asbestos-containing materials; cleaning contaminated soil; abating asbestos materials in the buildings and demolishing the abated buildings.

"We are pleased to again be moving forward on this project with our partners, the EPA and the New York State Labor Department," said Dawn E. Sanders, BMHA executive director. "We are aiming to demolish the first two fully remediated buildings starting this summer."

The BMHA has \$3.3 million remaining from a \$5 million New York State Dormitory Authority grant to conduct the work. Under the EPA plan's requirements, additional \$5 million will be needed to complete the project. The \$3.3 million in hand will lead to remediation and demolition of two buildings and sealing the other four.

"We are in active discussions now, and have been for quite some time, with all our partners, national, state and city, to determine where the final funding will come from," Ms. Sanders said. "With everyone's cooperation and support, I'm confident we will see this project to completion and the site certified asbestos free."

The current timetable calls for the contractor, Aria Contracting Corp. of Orchard Park, to demolish the first two buildings starting in July and completing that by Oct. 31. The Buffalo Fiscal Stability Authority approved the contract.

On Feb. 2, the EPA endorsed the BMHA plan for asbestos remediation at the former apartment buildings. The BMHA/EPA plan addresses the complete abatement, removal, clean-up, packaging and disposal of asbestos-containing materials in and around the buildings at the site.

What resumption of work on the buildings means to the neighborhood will be subject of a community meeting the week of May 29 at a convenient neighborhood location. Sufficient time will be utilized to alert neighbors to the meeting and the exact date.

Kensington Heights, built in 1958, has been vacant since 1980. Formerly a federal/state development, its six seven-story brick apartment buildings have stood as eyesores on 16 acres of Buffalo's East Side for three decades, visible to motorists on the nearby 33. There are approximately 67 units per building as well as some common area space and onsite parking.

Among the BMHA/EPA plan's highlights:

- The asbestos-containing debris outside the buildings will be abated by wetting areas with water, cutting vegetation to remove visual obstruction, and following a grid search system to locate debris.
- In areas with significant amounts of debris, soil will be wetted and removed to a minimum depth of two inches. In areas with isolated debris, the debris and the soil within a 2-foot perimeter will be removed to a minimum depth of two inches. Hard surfaces (e.g., concrete) will be abated and cleaned. After decontamination, testing and visual inspections will ensure all debris was properly removed.
- The plan also addresses two dumpsters left on-site by a previous contractor that contain asbestos-related materials. The plan called for the dumpsters to be wetted, sealed, and covered. This work is complete, under EPA and New York State Department of Labor's direction.
- Air monitoring of the work area must be conducted throughout the abatement operation.
- The plan then requires abatement of asbestos inside the six buildings. Abatement work will proceed by construction of barriers at all windows, doors, and exterior openings. That will consist of two layers of plastic sheeting installed and sealed outside each window opening.
- After installing the plastic, the buildings will be maintained in a sealed condition pending and during asbestos abatement. These barriers must be inspected daily to ensure there are no defects.
- Abatement will then proceed in each of the buildings, with negative air pressure installed and made operational in all buildings while cleaning and abatement activities take place. All debris inside the buildings will be treated as asbestos debris, and be disposed as such.
- An independent third party hired by BMHA will conduct air and project monitoring. Upon completion of abatement, the third-party project monitor will perform an inspection to determine if asbestos debris remains.
- Thereafter, the New York Department of Labor and/or EPA must inspect the buildings to ensure they are free of asbestos before aggressive final air sampling takes place.
- Asbestos-containing tar and flashing is present on structural components of the building on steel reinforced spandrel beams and reinforced concrete columns. This asbestos is not likely to become friable during building demolition. Building demolition will take place only after removal of all asbestos components, with the exception of the exterior vapor barrier tar.
- Contaminated soil will be removed and disposed of as part of the building demolition. During demolition, air sampling and monitoring shall be conducted at the fence line in accordance with the plan.

Kensington Heights Factsheet

Kensington Heights was part of the BMHA's State portfolio which at one time consisted of Ellicott Mall, Talbert Mall (now known as Frederick Douglass) Ferry Grider Homes and Marine Drive. Under the State program, the State only paid for bonds used to build Kensington Heights, while the BMHA collected rental income and managed the property. Any deficits were picked up by the City of Buffalo under a Loan and Subsidy Contract. In the early 1980s operating cost

and utilities soared. Also at that time, Kensington Heights had a vacancy rate 64.7% (240 vacant units out of 371 available units). A relocation plan was approved and the remaining residents were relocated. In August 1980 Gov. Hugh Carey signed into law legislation sponsored by Assemblyman William B. I to affect the sale of this development. The purchase price was to be \$2.5 million to pay off the bonds. Over the years, there have been several unsuccessful attempts by various developers to obtain the necessary funding to rehabilitate the development and the property has remained vacant since 1980.

In an effort to clear up any misperceptions about the project, here are the facts:

- No BMHA employee or official was ever indicted or even accused of any wrongdoing in connection with federal charges involving past subcontractor at Kensington Heights. No BMHA contractor on the project is indicted or charged.
- The project sat vacant for 30 years. BMHA and Mayor Brown deserve credit for taking on something others failed to do.
- After 30 years of inaction, BMHA secured a \$5 million state grant and is now undertaking a job that others failed or refused to do for decades.
- The U.S. Environmental Protection Agency's compliance order includes no fines and no sanctions or punitive actions of any kind.
- EPA confirmed there is no threat to public safety from asbestos outside the buildings. BMHA conducted air and soil testing with a qualified testing expert and also confirmed that there is no asbestos contamination of air or soil outside of the buildings.
- State and city inspectors charged by the U.S. Attorney were to be on site monitoring the work and reports of contractors and sub-contractors hired by developer. BMHA had no direct or indirect duties in that regard and BMHA staff was not on site at any time during the abatement.
- Despite criticism directed at Mayor Brown, the developer hired the contractors during the prior administration, without input by the BMHA, whose only was to contract with the developer for abatement and demolition prior to site development. Mayor Brown requested extensive testing after the initial allegation of possible contamination came to light. BMHA answered that request with immediate air and soil testing which showed no risk to any surrounding areas away from the buildings.

Demolition of Kensington Heights to Continue Through Winter

Dec 10, 2012 *Posted by david steele In City Comments 26*

The Buffalo Municipal Housing Authority (BMHA) has voted to negotiate with M&T Bank for a \$3.5 million bridge loan to ensure that the demolition of Kensington Heights can continue through the winter and within EPA guidelines. Two of the six buildings have already been demolished and the loan from M&T would supplement the remaining \$3.3 million in state funds to demolish the remaining buildings, which are filled with asbestos.

Demolition of the complex began in May and two of the towers have already come down and the soil around them has been remediated. The remaining buildings await demolition and are wrapped in double-ply polyurethane to contain all the asbestos materials.

If the loan is approved an additional building would be slated for total demolition over winter and demolition of another building would be started. The BMHA anticipates securing the funding by next spring to demolish the remaining buildings and finish the remediation work of the site. An eight-foot high security fence secures the site and security patrols between 8am to 4pm, seven days a week to ensure there are no trespassers.

The \$3.3 million remains from a \$5 million New York State Dormitory Authority grant to conduct the work. Under the EPA's plan, an additional \$5 million to \$10 million will be needed to complete the project and demolish the other four buildings.

Kensington Towers was built in 1958 and has been vacant since 1980. It was built as a federal and state development with sixty-seven units per building and some common area space. Many parallels can be drawn between the development and the failure of the Pruitt-Igoe housing complex in St. Louis. Built in a similar fashion, Pruitt-Igoe was erected in 1954 as an

urban renewal and slum clearance project. Although it was initially successful, the development failed for a number of reasons and was demolished in the mid-1970s.

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• Prev

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• Next

My Favorite Subjects: Jessie Lomer



Open-Air Autobus
Tours Highlights
Larkin District, The
Valley, and Central
Terminal

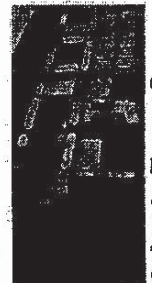


Aug 6, 2013



Art Blitz and Kidsfest

Aug 6, 2013



Going to Towne?

Barbara Evans • Deputy Managing Editor
616-464-4444 • barbara@buffnews.com

THE BUFFALO NEWS

Friday, May 9, 2014

Hamburg candidate says he is pulling out

Steffan blames rumor of link to Stephenson

By BARBARA O'BRIEN
NEWS STAFF REPORTER

Turmoil continues in the Hamburg Central School District, with one School Board candidate pulling out of the race because of what he said is a "horrible rumor" that he is connected with Vice President Sally A. Stephenson.

Kevin R. Steffan could not be reached to comment Thursday, but he made clear on his Facebook page that a rumor is causing him to end his candidacy.

"There is a horrible rumor out there spiraling out of control," Steffan said on Facebook. "I am in no way running to help Sally Stephenson and do not want that connection. My reputation and family are too important."

With the budget vote and election for two School Board members less than two weeks away, the pace of turbulent events in the district seems to have quickened.

Last week, the School Board filed official misconduct charges against one of its members. Two days ago, someone struck the superintendent's car in a school parking lot, leaving the left side dented and the mirror damaged and a note warning him to watch his back.

Wednesday afternoon, teachers held a rally in support of Superintendent Richard E. Jetter, and Wednesday night, Steffan and four other candidates attended a forum before 200 residents at Charlotte Elementary School. He said nothing of his intention to pull out; his Facebook post was made after the forum.

While Steffan may want out of the race, he had not formally notified the district clerk of his intentions by late Thursday afternoon.

"Until I get an official notice from any candidate, they are not withdrawn,"

See Hamburg on Page D10

Inspectors plead guilty over asbestos

Plea deal lowers charges on Kensington Heights

By PHIL FAIRBANKS
NEWS STAFF REPORTER

They were supposed to be the watchdogs, the final word on whether asbestos was properly removed from the Kensington Heights housing complex.

Instead, they allowed cancer-causing material to escape into the air.

Two City Hall inspectors, William Manuszewski and Donald Grzebluch, pleaded guilty Thursday to misdemeanor crimes in connection with the botched asbestos-removal effort at the vacant East Side development.

A third, Theodore Lehmann, who retired from the state Department of Labor, is expected to follow suit next week.

If that happens, it would mark an end to the government's three-year-old prosecution of companies and individuals involved in the cleanup of Kensington Heights, a symbol of decay and decline for three decades.

"The defendants did inspections at the buildings," Assistant U.S. Attorney Aaron J. Mango said of Manuszewski and Grzebluch on Thursday, "and during those inspections, asbestos material was released into the air."

The two inspectors, as part of their plea deals, stopped well short of admitting they falsified records, the allegation in the government's 2011 indictment.

See Asbestos on Page D2

Donated procedure aids Pakistani girl

Kaleida doctors team up, volunteer services

By JANE KWIAKOWSKI
NEWS STAFF REPORTER

Little Eshaal Ahmad was very sick in 2012. Just shy of her second birthday, the Pakistani girl had suffered her first brain hemorrhage, leaving her partially paralyzed and suffering seizures.

Her condition — a tangle of abnormal

and fragile blood vessels in her brain — was rare and not curable, doctors in Pakistan told her parents.

Eshaal then suffered two more hemorrhages, and her father, Jamshed Ahmad, vowed to do whatever it took to restore his little girl's health.

He didn't know the road to wellness would lead to Buffalo.

"I started talking to different doctors, getting opinions, but they were not quite hopeful," Ahmad said Thursday morning during a news

conference at Gates Vascular Institute on Elliott Street. "Some doctors said she had a 50 percent chance of recovery. Others said 25 percent. We were faced with the possibility of brain surgery, and we were all very scared."

Ahmad moved his family twice seeking medical treatment for Eshaal in Pakistan. Exhausting efforts eventually led the determined father to Dr. Adnan H. Siddiqui, a neurosurgeon at the vascular institute. Through a series of emails, father

and surgeon — both Pakistani natives — hammered out a plan that brought the family here in late April.

Thursday, Eshaal was a ball of energy as she darted up and down the hallway leading to the fifth-floor meeting room where the news conference was held. Ahmad smiled as his daughter played.

"In Pakistan, everyone wanted to help me, but they wanted to do brain surgery," said Ahmad. "Siddiqui"

See Treatment on Page D2

With new features such as a paid-ticket VIP area in front of the stage and a "Battle of the Bands," the popular venue continues its evolution.



Mark Mahrt/Buffalo News/The photo

People flocked to Canalside last summer to enjoy the concerts, among them the G Love and Special Sauce concert on July 11.

Canalside Concert Series will see several changes this summer

When I arrived in Buffalo during the summer of 1990, the Thursday at the Square free concert series was discussed among local musicians as "a stroller gig." It was a family-friendly event, with plenty of room within its Lafayette Square setting for parents to push their children around in strollers, for hacky sacks to be kicked and for impromptu dancing. On Thursday, the freshly christened Canalside Concert Series, an outgrowth of the original Thursday at the Square series, announced its summer concert lineup. That lineup stands in stark contrast to the "stroller gig" era.

This lineup certainly has its fair share of highlights,



Jeff Myers

COMMENTARY

booking is certainly something different for Canalside, and perhaps it will turn out to be super funky, a dance party, and the surprise hit of the summer season.

See Canalside on Page D2



Who's coming

more, above, will be among the highlights at Canalside this summer. Page D2

CONTINUED FROM THE COVER

Days of free near-stage access are over

CANALSIDE • from D1

Thursday at the Square officially moved all of its summer programming to CanalSide in 2011, after the crowds drawn to the series had consistently outgrown the original site's ability to accommodate them. It was not unusual for more than 10,000 people to attend a Square gig, and the vast space at CanalSide immediately proved a better fit.

What was lost in the process? Intimacy, and any trace elements of the "stroller gig."

What was gained? A series held on prime waterfront property, boasting a diverse concert lineup that is sure to please a broad demographic base with high-profile headliners and, often, prominent local acts in supporting roles.

This year's lineup—the first to be announced since

been doing a similar thing for several years now. However, one holdover from the Square days allowed the front-of-stage area at CanalSide to be available to anyone, on a first-come, first-served basis. If you have been a regular attendee at the Thursday shows over the years, you surely are familiar with "the dancing guy" and "the air-guitar guy," who would attend every gig religiously, be the first through the gates to claim a spot near the front. No more. Those days are over.

Another first: CanalSide will be presenting a "Battle of the Bands" series, in which local artists will compete to land an opening slot for one of the gigs. On five Sunday evenings between June 8 and July 27, CanalSide will host these "battles," open to the public.

The "Battle of the Bands" offers the opportunity for additional programming at CanalSide, a chance for

local artists to play before potentially large crowds, and additional entertainment for concertgoers. On the other hand, it remains unclear, at press time, how the bands will be chosen for the competition, who will do the "judging," and whether or not local artists will be paid for their services. Is this a great opportunity for local artists, or merely another opportunity to be exploited? Another new event, "Music & Dance," will be held from 7 to 9 p.m. Wednesdays from July 9 to Aug. 27. It features local instructors teaching basics to novice dancers. After the 45-minute session, there will be two 30-minute dance sessions with set to live music. Here's the schedule: July 9, swing; July 16, tango; July 23, ballroom; July 30, salsa; Aug. 6, swing; Aug. 13, tango; Aug. 20, ballroom; Aug. 27, salsa. Free.

email: jmlers@buffnews.com

The concerts / Pop music critic Jeff Miers breaks down the CanalSide Concert Series

Free Thursday concerts

• June 12: Sheryl Crow, The Roots, J. Cole, and the Roots. An opening set by New Orleans brass ensemble Soul Rebels should ensure that opening day is a funky, danceable affair.

• June 19: m.o.e., Conehead Buddha. Buffalo's ambassadors of jam-band nation, m.o.e., come home. Pine Ridge's ska-jam legends Conehead Buddha open.

• June 26: Sam Roberts, July Talk. Sam Roberts and his band have a long-standing tradition with Buffalo audiences. A very strong new album to support, and the presence of Canadian indie-rock up-and-comers July Talk in the opening slot, should make this another Roberts affair to remember.

• July 3: Gord Downie & The Sadies, Ifey Kozietzki, Boy & Bear. Downie, the erstwhile Tragically Hip front-man, recently teamed with the Sadies for a vibrant studio recording. These lumps should really come to life in concert. The anemic indie-folk-rock of Newfoundland's Ifey Kozietzki and Australian Boy & Bear make this potentially the brightest light on the CanalSide schedule.

• July 10: Fitz and the Tantrums, Max Frost

The high octane blend of R&B and pop that is Fitz & the Tantrums' stock-in-trade, plus an opening set from indie-rock wunderkind Max Frost from Austin, Texas, should add up to a hipster-friendly dance party.

• July 17: Lake Street Dive, The Ob Helios. This could turn out to be the sleeper hit of the CanalSide schedule. Lake Street Dive, an indie soul-jazz quartet from Boston, has a sparkling reputation as a live act. Texas duo The Ob Helios specializes in a contemporary blend of folk and rock. A nice pairing.

• July 24: Extreme. Half a century isn't dead — it just smells funny. I expect a big crowd for this one. Buffalo boasts a strong fanbase for '80s-born pop metal. And Extreme guitarist Nuno Bettencourt is considered a pre-eminent shredder in this idiom.

• July 31: Sheila & The Glorious Life. She may best be known for the pop hit "The Glorious Life," but Sheila & The Glorious Life is a well-renewed percussive unit with a serious pedigree in Latin music. This one should be smokin'.

• Aug. 7: The Buffalo Philharmonic Orchestra plays the Music of Earth Wind & Fire and Michael Jackson. The BPO will join a fully tenured R&B/funk/soul touring ensemble in a celebration

of some of the finest R&B of the late 1970s and early '80s.

• Aug. 14 To be announced

Ticketed shows

• June 21: Tedeschi Trucks Band. My pick for the strongest booking of the CanalSide season. The TTB has created its own startlingly fresh hybrid of blues, soul, R&B, funk and jazz-band stylings. This ensemble boasts some of the finest musicians extant.

• June 27: George Thorogood & The Destroyers, Fifth On the Floor. Thorogood's raucous channeling of the enduring influence of John Lee Hooker always makes for a good time. Kentucky-born all-country outlaw Fifth on the Floor just might give the headliner a run for his money.

• Aug. 6: Girl Talk. Girl Talk — aka Gregg Michael Gills — is a DJ widely hailed as the king of the mashup. Bring your dancing shoes. Glowsticks are optional.

email: jmlers@buffnews.com

Reporters' Notebook / Bits and pieces of news...



OLAF FUB SEZE Advice

from legendary abolitionist

John Brown,

born on this

date in 1800, "Be

wild with the

wild, shred with the

confiding to the honest, rough

to the ruffian, and a thunder-

bolt to the liar. But in all this,

never be unkindful of your

own dignity!"

beer and pop.

HERE'S THE BEEF — West

Seneca Press 3113, Veterans of

Foreign Wars, 299 Leyden

Road, is hosting a steak roast

from 4 to 7 p.m. Saturday.

Dinner is \$15 and includes

a charcoal-grilled one-pound

porterhouse steak, salad,

potatoes, roll and coffee.

HAPPY DAYS — Customers

are walking away with smiles

this weekend at The Hortons

Cafe & Bake Shop sites in

Western New York. Tuna's

began its sixth annual Smile

Cookie fundraiser Wednesday,

with proceeds benefiting the

John R. Oshoff Children's

Hospital capital campaign.

While supplies last, special

chocolate chip cookies with

smiley faces made of frosting

will be available for \$1 plus

tax. But don't wait too long to

buy them. They're usually all

gone in about five days, raising

about \$70,000 for the hospital.

PASSION — Past! The

mass mob is afoot again this

weekend. This time they'll

gather to say a Mass Mob

Rosary at 10 a.m. Saturday at

Broadway and Erie Street.

For info, call 633-8788.

HAPPY BIRTHDAY —

James Wilcox, Howard

Zemsky, Paul Rosen, Clint

Holmes, Haydn Winkler,

Marion McGowan, Miley

McGowan, Justin Miller, Pier-

ce "Pier" Pardi, Candace

Kaminski, Jesse Hughes,

Angela Penick, Donna

Connor and Ryleigh Kelly

McGowan.

SATURDAY — Dolores

McCarthy, Artie Zivotchoff,

Ron Rice, Amanda Ann

Burns, Matt Tusosop,

Art Bean, Al Bean, Thomas

Weiszner, John Blittler Jr.,

Victor Carbone, Lawrence

Willis, Ryan Myers, Mary Lou

Friedman, Megan Makowski,

Marion Rupp, Roberta Pen-

skid, Chris Kloc, Gavin Snyder

and Renee Abbott.

AND SUNDAY — Ludwig

Zander, Anita L. Hines, Karen

Alonso, Jennifer Douglas-

ski, Dennis Maloney, Dan

Newerth, Marie Menza, Bob

Erker, Connor Han, Matthew

Pankiewicz, Philip Kuminaki,

Jennifer Piel, Jim Kasperick,

David Rockenwall, Carolyn

Vogt, Spencer Lee Vogt,

Montgomery Bill Gallagher, Dave

Colson, Bob Kintano, Bruce

Blackwell, Terry Daniels and

Deaglan Quinn Carney.

email: olafub@buffnews.com

Doctor used minimally invasive approach

TREATMENT • from D1

was the only one who was quite confident that he could do it without surgery, and that was a relief."

Doctors from Women & Children's Hospital of Buffalo and Gates Vascular Institute teamed up to volunteer their services and treat Ehsaai.

"We thought we could address this using the minimally invasive approaches available to us at Gates Vascular Institute," said Siddiqui, vice chairman of the University at Buffalo department of neurosurgery and director of Kaleida Health stroke services. "We were able to arrange for her care, but unfortunately she was denied a visit not once, but twice. On the third attempt she was granted a visit."

Ehsaai, who is now 4, suffered from a rare type of arteriovenous malformation (AVM), a cluster of twisted vessels that short-circuit normal blood flow and frequently cause brain hemorrhages that can be disabling or fatal.

"The fact that she in her young life had already suffered three hemorrhages, the risk to her life was a lot higher," Siddiqui said. "There was a 45 percent risk during the procedure of something else happening



Sharon Cantillon/Buffalo News

Ehsaai Ahmad, 4, is intrigued by a microphone Thursday at Gates Vascular Institute. Thursday, see a photo gallery at buffnews.com.

such as a bleeding blood vessel. So this was high risk, high stakes."

With each event there is also a 10 percent risk of mortality and a 35 percent risk of major stroke. The risk of hemorrhage is lifelong and increases 2 to 4 percent each year.

Ehsaai's small stature required Siddiqui to delicately thread a tube into her leg, through her body and to her brain, where the malformed vessels were located. Through a series of procedures, the tube was filled with platinum coils and glue to obstruct the dangerous flow.

Dr. Renee Reynolds, a pediatric neurosurgeon, oversaw Ehsaai's care at Women & Children's, where the girl spent a total of 48 hours in the critical care unit.

"She was transported on a ventilator back to Women & Children's via Rural/Metro ambulance," Siddiqui said. "She was intubated to make sure no bleeding would occur from the entry site and to make sure the airway was secure."

The deformity Ehsaai suffered was congenital, her physicians said. "She was born with it. It can present with a brain hemorrhage at any given time during a person's life," Siddiqui said. "They are frequent causes of hemorrhages in children, young adults and also in older people."

Ahmad and his wife, Kiran, also have a daughter who is 3. The couple sold their business as well as their home to travel here. Ahmad said. After spending a few days in New York City, they will return to Pakistan and begin to rebuild their lives.

"Honestly, I cannot believe my daughter is feeling so well," Ahmad said. "The nightmare hasn't stopped since Ehsaai's first year. I have no words to express my gratitude. I can't show my feelings."

email: jkivatskouski@buffnews.com

Inspectors were 7th, 8th defendants in case

ASBESTOS • from D1

They pleaded guilty instead to negligent endangerment under the Clean Air Act and admitted putting other people at risk because of their actions.

The plea deals, reached just days before they went on trial before U.S. District Richard J. Arcara, mean Manuszewski and Grzebluchka get misdemeanor, not felony, convictions.

In addition, Manuszewski will be able to keep his job with the city, according to defense lawyer Michael J. Stachowski. Grzebluchka is retiring.

Stachowski said his client weighed the risks and benefits of going to trial versus taking a plea and in the end decided it was best to acknowledge that he and City Hall were partly to blame for the problems at Kensington Heights.

"He was untrained and ill-equipped," Stachowski said of Manuszewski. If Lehman also pleads guilty — his lawyer, Mark S. Carney, said he intends to take a plea deal next week — it would end a criminal case that rocked the neighborhood around the housing complex.

When prosecutors announced their indictment of nine individuals and two companies connected to the asbestos-removal project, residents who live and work around the site raised questions about the potential health effects of the bungled asbestos project.

The 12-acre complex, located behind Erie County Medical Center, is also near three schools and a park frequented by youth sports teams.

Air samples from the neighborhood later indicated that asbestos levels inside the complex's six towers exceeded federal standards but levels outside the complex did not.

Manuszewski and Grzebluchka became the seventh and eighth defendants and the first inspectors to plead guilty in the three-year-old case. The other plea deals involved two asbestos-removal contractors and four private compliance monitors.

The grand jury indictment also charged two companies, Johnson Contracting of Buffalo and JMD Environmental Inc. of Grand Island, but those charges were dropped when the companies went out of business.

Johnson was hired to remove and dispose of the estimated 63,000 square feet of asbestos in each of the six towers, and JMD was hired to remove the asbestos.

Ernest Johnson, president of the asbestos-removal company, recently pleaded guilty and, as part of his plea deal, admitted his role in the bungled project. Among other things, his workers dropped asbestos down holes cut in the floors.

The initial allegations against the two city inspectors involved falsifying inspection reports from the Fillmore Avenue development.

Manuszewski, for example, was accused of using his final inspection reports to claim that asbestos work in five of the complex's six buildings had been completed when, in fact, he knew it had not been finished.

Manuszewski and Grzebluchka will be sentenced by Arcara on Aug. 28.

email: jgfrank@buffnews.com

beer and pop.

HERE'S THE BEEF — West

Seneca Press 3113, Veterans of

Foreign Wars, 299 Leyden

Road, is hosting a steak roast

from 4 to 7 p.m. Saturday.

Dinner is \$15 and includes

a charcoal-grilled one-pound

porterhouse steak, salad,

potatoes, roll and coffee.

HAPPY DAYS — Customers

are walking away with smiles

this weekend at The Hortons

Cafe & Bake Shop sites in

Western New York. Tuna's

began its sixth annual Smile

Cookie fundraiser Wednesday,

with proceeds benefiting the

John R. Oshoff Children's

Hospital capital campaign.

While supplies last, special

chocolate chip cookies with

smiley faces made of frosting

will be available for \$1 plus

tax. But don't wait too long to

buy them. They're usually all

gone in about five days, raising

about \$70,000 for the hospital.

PASSION — Past! The

mass mob is afoot again this

weekend. This time they'll

gather to say a Mass Mob

Rosary at 10 a.m. Saturday at

Broadway and Erie Street.

For info, call 633-8788.

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Lottery Picks /

Winning numbers

for Thursday

N.Y. Evening Numbers 352

Lucky Sum: 10

N.Y. Midday Numbers 639

Lucky Sum: 21

Win For Evening: 8065

Lucky Sum: 19

Win For Midday: 83045

Lucky Sum: 12

Take Five: 6 22 23 29 36

Sweet Million: 1 6 11 18 27 34

Pick 10: 7 11 14 18 20 24 29 30 31 32

33 34 36 41 52 55 66 70 75 79

Penn. Evening Numbers: 338

Penn. Midday Numbers: 439

Big 4 Evening: 8656

Big 4 Midday: 5227

Late numbers for Wednesday

Take Five: 2 10 20 31 35

N.Y. Lotto: 20 21 23 32 45 48

Bonus Number: 41

Powerball: 17 23 31 48 49

Power Ball: 34

PowerPlay: X2

These numbers are unofficial.

For official New York Lottery results

go to buffalo.com/lottery or your

lottery retailer.

What are today's hot topics?