

## MINUTES

### NEW HIGHMARK STADIUM COMMUNITY BENEFITS OVERSIGHT COMMITTEE

August 12, 2024

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ECC North Campus  
6205 Main St  
Williamsville, NY 14221  
Monday, August 12, 2024

The CBOC convened for its fourth meeting on Monday, August 12, 2024, at SUNY Erie Community College North Campus. The meeting was conducted and public notice was posted in accordance with NY Open Meetings Laws.

#### **AGENDA ITEM NO. 1**            Call to Order, Roll Call and Establish Quorum

The meeting was called to order by Chairman Blue at 11:05 AM ET. Chairman Blue designated Member Cannady to conduct the roll call. Member Cannady conducted the roll call and established that a quorum was present.

**MEMBERS PRESENT:**        Mo Sumbundu, Rhonda Frederick, Franchelle Parker, Chairman Mark Blue, Penny Semaia, Todd Starowitz and Toni Cannady – 7

**MEMBERS ABSENT:**        Maria Whyte and Sean Mulligan – 2

Additionally, Chairman Blue requested a motion to accept the meeting minutes from the committee's prior meeting on Monday, July 8, 2024. Upon a motion by Member Sumbundu, seconded by Member Parker and with opposition, the CBOC accepted the meeting minutes from the committee's prior meeting.

*Chairman Blue closed Agenda Item No. 1.*

#### **AGENDA ITEM NO. 2**            Old Business

Chairman Blue opened the floor for committee members to discuss old business discussion.

1. **Written Procedures Regarding Video Conferencing Due to Exigent Circumstances:** During this time, Chairman Blue noted that the document "Written Procedures Regarding Video Conferencing Due to Exigent Circumstances" was prepared by Member Cannady, and inquired whether the County representatives that provide administrative support to the CBOC reviewed the procedures (which was confirmed by Catherine Walsh and Andrew McLaren). Chairman Blue noted that if the CBOC passed a resolution to adopt the written procedures, the administrative support staff (provided by the County) must ensure that CBOC meeting locations have adequate capabilities to host and support video conferencing.

**Official Motion:** Upon a motion by Member Frederick, seconded by Member Sumbundu, and without opposition, the committee adopted the "Written Procedures Regarding Video Conferencing

Due to Exigent Circumstances”, which are available at: <https://www3.erie.gov/eo/sites/www3.erie.gov.eo/files/2024-08/cboc-written-procedures-regarding-videoconferencing-due-to-exigent-circumstances.pdf>.

2. **Written Bylaws:** Chairman Blue noted that the draft CBOC bylaws (available at: <https://www3.erie.gov/eo/sites/www3.erie.gov.eo/files/2024-08/draft-of-cboc-bylaws-8.12.24.pdf>) were prepared by Member Cannady, and emphasized that the bylaws were for discussion purposes only (noting the importance of ensuring that members of the committee conduct a thorough review before the CBOC passes a resolution). Chairman Blue proposed tabling the bylaws for further review, and suggested that committee members come to the next meeting prepared to discuss and provide input on the bylaws. Committee members shared a general consensus that the bylaws would be discussed at the committee’s next meeting on Monday, September 9, 2024.

Member Sumbundu echoed Chairman Blue’s sentiments, noting that, out of respect for Member Whyte, who plans to attend the next CBOC meeting, tabling the discussion on the bylaws would be best and would provide committee members with an opportunity to review and recommend updates at the next meeting.

**Official Motion:** Upon a motion by Member Sumbundu, seconded by Member Parker, and without opposition, the committee resolved to discuss the bylaws at the next meeting on Monday, September 9, 2024.

3. **CBOC Contact List:** Next, Chairman Blue introduced the “CBOC Contact List” (available at: <https://www3.erie.gov/eo/sites/www3.erie.gov.eo/files/2024-08/cboc-directory.pdf>, which contains a list of all CBOC members, administrative support staff (which are provided by the County) and legal counsel for each of the stakeholders to the Community Benefits Agreement (i.e., the County, ECSC and Bills Stadium and Events Company, LLC (“BSEC”). Chairman Blue inquired whether all participants had received the list (which was confirmed by all members in attendance), and noted that the list serves to inform members of who is on the committee and each member’s respective roles.

*Chairman Blue closed Agenda Item No. 2.*

### **AGENDA ITEM NO. 3**      Presentation of Community Benefits Report

As part of the Community Benefits Update, Member Semaia, in his capacity as Community Benefits Director on behalf of BSEC, provided a community benefits update on MWBE/SDVOB business participation, workforce hours objectives and the Community Benefits Report (noting that all CBOC members have received a copy of the report). *Member Semaia reported as follows:*

#### **BUSINESS PARTICIPATION AND WORKFORCE HOUR OBJECTIVE UPDATES**

As a part of the Community Benefits Update, Member Semaia provided an interim update outlining Developer’s progress regarding the MWBE/SDVOB business participation and workforce hour objectives relating to the New Highmark Stadium. *Member Semaia reported as follows:*

- Workforce Update:

- As of June 31, 2024, Developer has exceeded its minority and apprentice workforce hours, reporting (i) 20.56% for minority work hours (which exceeds the 15% goal) and (ii) 13.65% for apprentice work hours (which exceeds the 10% goal). Developer also reported the following percentages with respect to non-minority women work hours: (i) 4.28% for non-minority women work hours (which falls just below the 5% target).

Category	Goal	Through 6/31/24
Minority Work Hours	15%	20.56%
Non-Minority Women Work Hours	5%	4.28%
Apprentice Work Hours	10%	13.65%

- Business Participation Update:

- As of Q2 2024, Developer has awarded a total of 274 MWBE/SDVOB contracts or OCSD-4 commitments. Additionally, a total of 146 individual MWBEs/SDVOBs have been awarded contracts or OCSD-4 commitments, with 75 individual regional MWBEs/SDVOBs being awarded contracts or OCSD-4 commitments.
- Solely with respect to proposal releases #1-3, Developer has exceeded its business participation commitment goals with respect to MBEs at 19.5% (which exceeds the 15% goal). Developer also reported the following percentages with respect to the WBE and SDVOB business participation goals: (i) 13.4% for WBE participation (which falls below the 15% target) and (ii) 4.8% SDVOB participation (which falls below the 6% target).

Category	Goal	Through Proposal Release #1-3
Minority-owned Business Enterprise	15%	19.5%
Women-owned Business Enterprise	15%	13.4%
Service-Disabled Veteran-Owned Business	6%	4.8%

- Member Semaia addressed a request from Member Mulligan at the CBOC’s last meeting for a list of specific businesses involved in MWBE/SDVOB participation of the construction project. Member Semaia provided a list of businesses from the “Region” (as defined in the Community Benefits Agreement (available at: [https://www3.erie.gov/law/sites/www3.erie.gov.law/files/2023-03/bills\\_community\\_benefits\\_agreement\\_execution\\_version.pdf](https://www3.erie.gov/law/sites/www3.erie.gov.law/files/2023-03/bills_community_benefits_agreement_execution_version.pdf)) that have been contracted for work on the new stadium through Q2 2024. Member Semaia presented the following list:

- o 34 Group, Inc.
- o 3RD Rock LLC
- o AA Report Writing & Consulting
- o American Rated Cable and Communications Inc.
- o Angel Haven Enterprises, Inc. dba Rapid Refill
- o Bison Contracting & Builders Supply Corp
- o Blue Cord Plumbing & HVAC, Inc.
- o Buffalo Concrete Accessories, LLC
- o Buffalo Special Investigations, LLC
- o CaHill Resources, LLC
- o Cavalry Security Services, LLC
- o Clean Water Mechanical and Construction, LLC
- o Decca Paving, Inc.
- o Developments By JEM LLC
- o Diversified Industries of WNY, LTD.
- o DMYLES, Inc.
- o Draghi Burgos Construction, LLC
- o E. B.M. Consulting
- o Elitsac, Inc
- o Encorus Group Engineering, P.C.
- o Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C
- o Foit-Albert Associates Architecture, Engineering and Surveying, P.C.
- o Frandina Engineering and Land Surveying, PC
- o Hallmark Planning & Development
- o Huntress Painting, Inc.
- o Ideal Concrete Inc
- o Interstate Steel Sales, Inc.
- o Iroquois Bar Corp.
- o J.S. Curry & Associates, LLC
- o JM Davidson Engineering, D.P.C.
- o Laubacker Enterprises, Inc.
- o LCA Development Inc
- o Merk Blasting Services, Inc.
- o Natural Restorations by Linda J & Co
- o Ojibway Construction Corp.
- o Pavilion Drainage Supply Co., Inc.
- o Pinewoods Engineering, P.C.
- o Ravi Engineering & Land Surveying, PC
- o Rodriguez Construction Group Inc
- o Rucker Lumber Inc.
- o Scott Lawn Yard Inc.
- o Seneca Steel Erectors, Inc.
- o Syracuse Engineers PC
- o Steel Tech Fabricator Inc
- o T&T Materials, Inc
- o Tracey Trucking, Inc
- o Tra-Lin Corporation
- o United Mechanical Contracting Inc
- o Upstate Steel Inc
- o Watts Architecture & Engineering, D.P.C.
- o WYCO Mechanical LLC

## **PRESENTATION OF COMMUNITY BENEFITS REPORT**

Following Member Semaia’s MWBE/SDVOB business participation and workforce hour objectives, Member Semaia presented the Buffalo Bills 2023 Community Benefits Annual Report for Fiscal Year 2023, which was published on July 29, 2024. Member Semaia began by reiterating the following components and objectives within the CBA:

- *The Community Benefits Agreement (the “CBA”), drafted March 29, 2023, among Buffalo Bills, LLC (the “Bills”), Erie County Stadium Corporation (“ECSC”) and the County of Erie (“County”), seeks to ensure participation by all segments of the local community in the economic opportunities available in connection with the design, construction, maintenance and operation of the New Highmark Stadium project (“Project”). Per the terms and conditions of the CBA, the Bills will make an annual Community Investment approximating a value of at least Three Million U.S. Dollars (\$3,000,000.00) to support the social, educational, and economic health of the Region.*
- *Key stakeholders include (i) the Bills; (ii) Bills Stadium and Events Company, LLC (“Developer”); (iii) ECSC; and (iv) the County.*
- *The CBA’s objectives include, among other things: (A) fostering workforce inclusion and diversity in the Project; (B) addressing Prevailing Wage and Living Wage requirements; (C) enhancing supplier diversity and providing County business-priority for supplier and vendor contracts; (E) supporting affordable housing, food insecurity, educational access, social justice, and mental health initiatives in the County; (F) providing for commitments to local civic and other organizations; (G) furthering the Developer’s cooperation in the economic development of the County; and (H) furthering the Developer’s commitment to support youth and community programs in the County.*

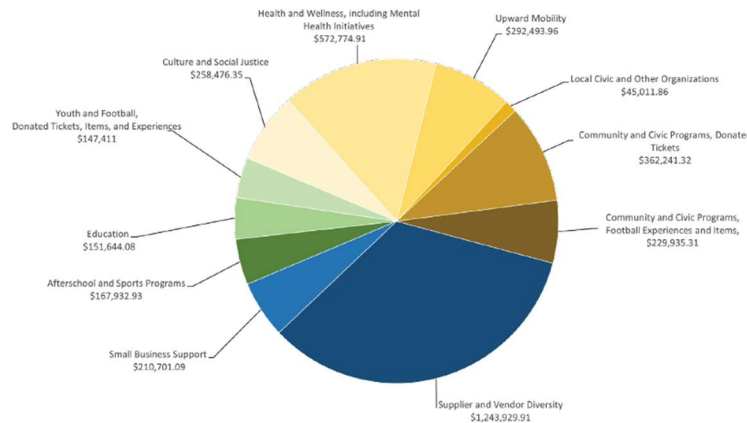
Next, Member Semaia highlighted that the Developer is proud of its **33-year commitment** and noted that the **Community Investment is expected to range from \$120,000,000 to \$140,000,000 or more for the Western New York region.**

Following this introduction, *Member Semaia reported as follows:*

- **Community Investment:**

- Member Semaia reported that the Buffalo Bills spent \$3,682,553 in the Western New York region during the first year of the Community Benefits Agreement. Member Semaia further explained that the data was categorized and broken down based on key pillars aligning with both the CBA and the Buffalo Bills organization, and presented the following distribution of the Community Investment for Fiscal Year 2023 (which includes investments specific to the CBA and excludes additional community investments by the Bills that are not part of the CBA):

<b>Community and Civic Programs</b>	<b>\$1,760,934</b>
Health and Wellness	\$572,775
Donated Tickets	\$362,241
Upward Mobility	\$292,494
Culture and Social Justice	\$258,476
Football Experiences and Donated Items	\$229,935
Local Civic and Other Organizations	\$45,012
<b>Economic Development</b>	<b>\$1,454,631</b>
Supplier and Vendor Diversity	\$1,243,930
Small Business and Economic Inclusion	\$210,701
<b>Youth and Education</b>	<b>\$466,988</b>
Afterschool and Sports Programs	\$167,933
Education	\$151,644
Donated Tickets, Items, and Experiences	\$147,411
<b>Total Community Investment FY 2023</b>	<b>\$3,682,553</b>



- Member Semaia clarified that the investments included in the Community and Civic Programs category do not include youth programming, which is covered separately under the Youth and Education category. Within Community and Civic Programs, Member Semaia noted the operational investment of Give 716 was \$40,000, which resulted in \$1,100,000 in economic impact for the “Region”, and demonstrates how community resources and investments can lead to significant growth multipliers.
- Next, Member Semaia explained that investments in the Economic Development category focus on BSEC’s intentional practices to engage Regional partners and businesses (including MWBE and SDVOB businesses) and small business economic inclusion programming. Member Semaia specifically highlighted the Bills’ support for Legislator Baskin’s Level Up program.
- In discussing the Youth and Education category, Member Semaia emphasized the importance of after-school and sports programs. Member Semaia highlighted the role of

the Bills as a football organization in promoting active, healthy lifestyles and supporting life skill transitions through sports engagement for youth.

Member Semaia concluded the presentation by opening the floor for questions from the CBOC.

Committee members made the following statements and asked the following questions (see the corresponding response below each question) regarding the Community Benefits Report:

### **Questions and Answers:**

#### 1. Chairman Blue:

- a. **Q:** Chairman Blue noted that in looking through the report, there is not a breakdown of how much money was given to individual groups and inquired about the impact of the funding (particularly for some of the community groups that had not previously received money from the Bills organization). Chairman Blue noted that giving money is one thing, but looking at the result and impact is another, and asked what type of impact did the community investment have for first time and longtime recipients of any type of contribution.
  - i. **A:** In response, Member Semaia noted that Member Whyte had a similar question at a previous meeting, and explained that, in his role as Community Benefits Director, one of the first things the BSEC sought to identify was where there are opportunities to measure community impact. Member Semaia confirmed that BSEC has begun working with their data analytics team towards developing a metrics process to identify not only where investments are made, but also the impact of that investment. Member Semaia also noted that a pilot program is being launched to capture impact data for the current year, with a focus on highlighting the communities experiencing positive impact through the community investment.

#### 2. Member Sumbundu:

- a. **Q:** Member Sumbundu noted that the State had shared its comments on the report with the County. Member Sumbundu indicated that it would be helpful for CBOC members to dive deeper into the numbers to understand the outcomes and the story being told, echoing earlier comments by Chairman Blue and Member Whyte. Member Sumbundu also noted that CBOC members need more time to digest the report, and recommended bringing the topic back to the next meeting for further discussion.

#### 3. Member Frederick:

- a. **Q:** Member Frederick inquired how the Bills decide which organizations to support and the areas of support. Member Frederick noted that certain topics mentioned in the CBA, such as affordable housing and food insecurity, do not appear to be covered in the current report and referenced Chairman Blue's mention of holding a public hearing to gather community input on how the team and the CBA can better support these topics.
  - i. **A:** Member Semaia thanked Member Frederick for her feedback and highlighted the Bills' 50-year rich history within our Region and community (which includes a longstanding commitment to addressing food insecurity, which is a hallmark of the Bills Foundation through programs like Huddle for Hunger). Member Semaia mentioned that many of the programs the Developer has historically invested towards are aligned with the objectives of the CBA.

## Statements:

### Chairman Blue:

- b. **Statement Regarding Annual Public Hearing:** Chairman Blue stated that one of the things mentioned in the CBA is an annual public hearing, which is something the CBOC needs to look at doing. Chairman Blue suggested the CBOC needs to look at when to have the public hearing to ensure the community knows and also address the opportunity to weigh in on how the monies are being allocated. Chairman Blue thanked the Developer for the report, acknowledging it was an inclusive report that the CBOC has asked for. Chairman Blue indicated now that the CBOC has it, members need to even further review so the community can understand and so the CBOC can weigh in with some suggestions on how monies will be allocated to community groups moving forward. Chairman Blue reiterated his thanks for the report provided and stressed the need to continue moving forward from here. In response, Member Semaia stated that the Developer looks forward to receiving further feedback and recommendations from the CBOC and the community. Member Semaia commented it was very intentional to post the report on the same day it was received by the CBOC to ensure the community had access. Member Semia noted that the report, along with materials from meetings, are located on the Erie County website.
- c. **Statement Regarding Publication of Announcements:**
  - i. Chairman Blue noted that the minutes reference WUFO and mentioned that this past Thursday, CBOC members participated in an NAACP show called NAACP Speaks, which airs on the 2nd and 4th Sundays of each month. Chairman Blue thanked Member Semaia and Member Starowitz for their participation. Chairman Blue emphasized the need to review the publications and dates of publication of various media outlets and papers, such as *The Criterion* and *The Challenger*, to ensure announcements are published in a timely manner. He suggested these examples are weekly publications, but need to clarify whether these publications are released on Mondays or Fridays, for example, to make sure the notice is publicized in these publications. Chairman Blue stated that according to the rules, there is a three-day notice, but that the CBOC should consider extending this timeframe to at least one week to allow individuals adequate time to navigate and arrange transportation. He also suggested considering accessible locations for individuals to attend. In response, Member Cannady confirmed that this matter will be looked into and that the CBOC will work with the County administrative support staff as they have been very helpful in helping us secure the meeting locations.

***Chairman Blue closed Agenda Item No. 3.***

## **AGENDA ITEM NO. 4**      New Business

Chairman Blue opened the floor for committee members to raise new business items (which are set forth in greater detail, below).

1. Member Semaia:

- a. **Statement Regarding Annual Public Hearing:** Member Semaia suggested holding the public hearing at the September CBOC meeting (noting that it would ensure the Developer receives timely feedback from the community). In response, Chairman Blue noted that the CBOC would like to first provide feedback to Developer before hosting the annual meeting (emphasizing that the September meeting would likely be premature as there are still matters for the CBOC to review). Chairman Blue suggested the October meeting might be a better opportunity to host the public hearing.

2. Member Parker:

- a. **Question on Participation Opportunities:** Member Parker raised a clarifying question about whether, during public conversation, the CBOC could present concrete ways that new and emerging businesses (not yet involved in the process) can participate in the remaining opportunities related to the new stadium. Member Parker suggested that those opportunities are clearly identified to the CBOC so that the committee can help to “fill the room” based on the business’s members have associations or relationships with to strategize around. In follow-up to Member Parker’s comment, Chairman Blue posed a question, first stating that the first three steps have been taken and that the fourth release of contracts is being submitted. Chairman Blue asked if there is still time for other companies and businesses to have an opportunity to participate. In response to Chairman Blue, Member Semaia responded that the window of time for primes to receive awarded contracts is smaller for the amount that’s still readily available. Member Semaia noted, however, that subcontractor opportunities still exist and that there are still opportunities for the demolition side of the construction. Member Semaia noted that he would obtain validation and information to bring back to the CBOC.
- b. **CBOC Role in Business Participation and Workforce:** Member Parker raised a question that if there are any issues in recruitment from labor partners or trades, how can the CBOC serve to assist in recruitment and getting the word out? Member Parker acknowledged the project is exceeding its goals but there is potential for even greater achievements. Member Parker inquired about the role of the CBOC in this context. In response, Member Semaia expressed appreciation for Member Parker’s perspective and explained that there are two key areas: the business side and workforce development. Regarding workforce development, Member Semaia referenced a previous partnership with County Executive Mark Poloncarz and the Equal Employment Opportunity Office, which hosted a “careers in construction” fair in October. Member Semaia indicated the Developer is currently working with its community group to reengage in workforce development, not only for the current stadium construction but also as part of the CBA initiatives throughout the agreement. Member Semaia noted that the Developer is meeting with various workforce development groups. To address Member Parker’s question about how the CBOC can support, Member Semaia highlighted the value of recommendations, feedback, contacts, and networks. Member Semaia emphasized that there are new opportunities in Western New York beyond the stadium, and engagement in workforce development is crucial for the region's economic growth. Member Semaia concluded that feedback, recommendations, resources, and the expertise of CBOC members are highly valuable.



3. Chairman Blue:

- a. **Statement on Organizational Chart:** Member Blue indicated that at the last meeting, he asked for an organizational chart of the primes and the subcontractors working on the construction project. Chairman Blue acknowledged the list of participating businesses (as provided in Member Semaia's report), but noted that he would like to have a list of the primes and subcontractors that are working under those primes. Member Semaia noted he will bring the request back to the group for discussion.

*Chairman Blue closed Agenda Item No. 4.*

**AGENDA ITEM NO. 5**          Public Comment

Chairman Blue opened the meeting for public comment, which is limited to three (3) minutes per commenter. Members of the community provided the following comments:

- An unidentified community member asked whether there is a strategy and timetable in place for economic development with businesses beyond the construction phase. The community member noted that, per the CBA, there are lot of opportunities for housekeeping, concessions, etc. In response, Chairman Blue noted that in certain instances the CBOC may not answer a public comment, but will take comments under consideration and will hopefully have an answer at a future meeting regarding the public comment.

*Chairman Blue closed Agenda Item No. 5.*

**AGENDA ITEM NO. 6**          Adjournment

Chairman Blue adjourned the meeting at 11:41 AM ET.

The next CBOC meeting is scheduled for **Monday, September 9, 2024, at 11:00AM.**