

MINUTES

NEW HIGHMARK STADIUM COMMUNITY BENEFITS OVERSIGHT COMMITTEE

October 15, 2024

Dunn Tire Club at the existing Highmark Stadium
One Bills Drive, Orchard Park, NY 14127
Tuesday, October 15, 2024

The CBOC convened for its sixth meeting on Tuesday, October 15, 2024, at the Dunn Tire Club at the existing Highmark Stadium. The meeting was conducted in person 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 11:08 AM ET. Chairman Blue established that every member was in attendance and that a quorum was present.

MEMBERS PRESENT: Mo Sumbundu, Rhonda Frederick, Franchelle Parker, Chairman Mark Blue, Penny Semaia, Todd Starowitz, Maria Whyte, Sean Mulligan and Toni Cannady – 9

MEMBERS ABSENT: None – 0

Chairman Blue closed Agenda Item No. 1.

AGENDA ITEM NO. 2 Approval of Meeting Minutes from September 29, 2024, CBOC Meeting (Action Item)

Chairman Blue requested a motion to accept the meeting minutes from the committee's prior meeting on Monday, September 9, 2024.

Upon a motion by Member Sumbundu, seconded by Member Whyte and without opposition, the CBOC approved the meeting minutes from the committee's prior meeting.

Chairman Blue closed Agenda Item No. 2.

AGENDA ITEM NO. 3 Old Business

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

- **Discussion Regarding Resolutions Presented at Last Meeting (by Member Mulligan).**
 - a. **Resolution Regarding "Right-Sized Contracts on New Stadium Construction"**
 - **Initial Comments by Member Mulligan.** Member Mulligan began by discussing the resolution presented on "right-sized contracts" on the new stadium construction project, noting that, at every meeting, the committee has heard about the Bills' progress on the

MWBE/SDVOB utilization and diversity goals that are included in the CCA and corresponding Affirmative Action Plan (available at: https://www3.erie.gov/law/sites/www3.erie.gov.law/files/2023-03/nys_erie_county_bills_stadium_development_and_construction_coordinating_agreement.pdf). Additionally, Member Mulligan noted that the construction phase runs parallel and that the committee has not received information on how many contracts have been “right-sized” (i.e., made to match the capacity of some WNY local businesses). Member Mulligan noted further the following: (i) it was understood, before the commencement of the project, that (A) there are not enough businesses in WNY to build the new stadium and (B) the Bills would have to reach outside of area within and outside of New York State in order to build the new stadium; and (ii) in the new stadium deal, the stakeholders tried to create a mechanism to ensure there are “right sized contracts”; and (iii) it would be good to receive an update on the numbers of where things stand on “right-sized” contracts. Member Mulligan then asked to move the resolution for approval.

- **Comments by Member Cannady.** Member Cannady thanked Member Mulligan for drafting and bringing forth the resolution, noting that each committee member is committed to doing the work prescribed by the CBA and CCA and ensuring the Bills are in compliance with the agreements’ terms (which, Member Cannady, noted that Member Semaia reports on each meeting). Member Cannady expressed a concern that the committee could be requesting information that does not align with the mandates of the Bills and Developer as set forth in the CBA and CCA. Member Cannady noted that those obligations and mandates are directed toward utilization and workforce goals and include specific examples of “segmenting and sizing of bid packages” (i.e., contract partnering and encouraging larger bidders to include MBE as co-bid or subcontract). Member Cannady emphasized that it may be beneficial for the committee to take the resolution offline and discuss what information is appropriate in view of the standards set forth in the CCA and CBA.
- **Comments by Member Whyte.** Member Whyte suggested a preference to table the resolution, noting that there is information regarding compliance led by consultants contracted by the County and State that would help provide more color to the discussion. Member Whyte noted that this information would help understand the bullet points set forth in the proposed resolution, and emphasized that it would be useful to know, for example, of the local contractors engaged, how many received a contract for less than \$100k or \$50k. Member Whyte noted that this information would help the committee assess what else needs to be done to potentially grow the number over course of operating phase of the new stadium and demolition of the old stadium. In response to Member Cannady’s concerns, Member Whyte noted that there is a difference between the letter of law and spirit of the law and that while the committee has to follow the letter of the law, the resolution presented by Member Mulligan gets to the spirit of the law. Member Whyte acknowledged that “right-sized contracting” is not listed in the CBA, but noted that the CBA implies how businesses are to be engaged at the smallest level to possibly have an opportunity during the construction or operations. Member Whyte concluded by noting that she embraces the spirit of the resolution and noted that there is information available to address the intent of the resolution and that the committee should have it.

- **Comments by Member Sumbundu.** Member Sumbundu agreed that Member Mulligan’s resolution is getting at the spirit of the law and noted that the resolution hits a number of points that the committee should be reviewing and discussing at its meetings. Member Sumbundu noted that he feels confident from Member Cannady’s remarks that there is an opportunity to have a separate conversation outside of the meeting to figure out where the Bills are in terms of the “right-sizing” at this stage of the construction project.
- **Additional Comments by Member Mulligan.** In response to the committee’s dialogue regarding the proposed resolution, Member Mulligan noted that he agreed with the sentiments shared by committee members and appreciates the MWBE/SDVOB and workforce diversity updates. Member Mulligan stated that there are regulatory mechanisms in place for utilization, which is led by Empire State Development and the County of Erie, but that the CBA explicitly addresses the need by the Bills to maximize local participation on the new stadium project. Member Mulligan further noted that the unique thing about the CBA is stadium operations utilization requirement of 30% for concessions and maintenance and operations (noting that it’s the committee’s responsibility to oversee Developer’s compliance with these requirements).
- **Comments by Member Semaia.** Member Semaia noted that regarding specifics related to certified firms and regional businesses utilized in the construction project, Member Semaia (in his capacity as Community Benefits Director) planned to provide updates during the meeting to address certain questions raised by CBOC members. Member Semaia emphasized the importance of ensuring that the CBOC is clear on the processes for holding the Developer accountable, with sole compliance for the construction project being managed by ESD.
- **Additional Comments of Committee Members.** Chairman Blue suggested tabling the resolution to gather more information and to add more to resolution to make information more visual and tangible for the CBOC and community members. Member Whyte noted that the committee should consider an amendment to the resolution to address “right-sized” contract amounts (e.g., contracts of less than \$100k or \$50k). Member Cannady suggested it may be helpful to trade redlines of the resolution and noted that it is important that all resolutions and the conduct of the CBOC align with the plain letter of the agreement. Member Mulligan indicated that he is open to any amendments.

Upon a motion by Member Whyte, seconded by Member Semaia, and without opposition, the CBOC moved to table the proposed resolution.

b. Resolution Regarding “Public Accessibility to Community Benefits”

- **Initial Comments by Member Mulligan.** Member Mulligan presented the second resolution, which is focused on public accessibility in relation to the community benefits process. Member Mulligan noted that the CBA is a 33-year agreement with a commitment by Bills to invest \$3M annually into the Region. Member Mulligan also highlighted that since Bills’ public report, he has heard a lot from the community about being considered for the annual investment and questions have been raised regarding the factors being considered to determine distribution. Member Mulligan noted that it is important (i) to set

the public hearing soon and (ii) that there is a public process specific to CBA Community Investment fund and that CBOC will hold its first public hearing to hear from the community about the investment.

- **Comments by Member Cannady.** Member Cannady agreed with Member Mulligan that it is important that the committee set the annual hearing. Member Cannady emphasized that it is important that the committee is aligned on what the agreement requires of the committee, noting that the agreement calls for collaboration to identify community vulnerabilities. Member Cannady further emphasized that it is important that recommendations of the CBOC are reflective of the mandates in the CBA and suggested that the committee take the resolution offline, noting that an application process requires a certain level of collaboration with the Bills.
- **Initial Comments by Member Whyte.** Member Whyte noted that, following the prior CBOC meeting, she reviewed the Bills' online donation request form and noted that the form focuses on event, but is not CBA-specific (and that members of the public may not know that they can go to the website for non-event donations). In response, Member Semaia noted that the Bills also accept direct proposals and that the website serves as one method for donations. Member Semaia also noted that within the donation request form there is an opportunity to include an attachment for non-event requests.
- **Comments by Member Cannady.** Member Cannady noted that the Bills are open to recommendations of the committee and, once received, can discuss the recommendations internally and reassess the website to ensure it's user-friendly. Member Semaia reiterated the Bills' appreciation for the committee's recommendations and noted the organization will take the committee's recommendations into account and under consideration.
- **Comments by Member Frederick.** Member Frederick inquired whether (i) the Bills Foundation is separate and apart from the Bills and (ii) activities of the Foundation are a part of CBA. In response Member Cannady referred the committee to page 13, Section 5(c) of the CBA, which states that "the Developer will work with the Bills to continue to robustly support Buffalo Bills Foundation, Inc., a domestic not-for-profit corporation (the "Foundation"), to enable it to remain active in the Region to increase community and civic health through its focus on hunger and food scarcity, particularly in youth. The Bills regularly contribute hundreds of thousands of dollars in value to the Foundation on an annual basis to support the Foundation's ability to generate and donate funds to local charitable organizations every year." Member Cannady noted that this language suggests that the Bills Foundation has a part to play in CBA, but clarified that the Foundation is a not-for-profit 501(c)(3) organization and the Bills is a for profit entity.
- **Additional Comments by Member Whyte.** Member Whyte suggested an amendment to the proposed resolution that the CBOC will collaborate with Developer and Bills to develop a public application process as defined in CBA. Member Whyte noted that this is an opportunity to indicate to the public that the CBOC recognizes that the existing processes are limited in scope. Member Sumbundu agreed with Member Whyte that the CBOC should work with the Bills to discuss the process, noting that this effort will hopefully ensure the community has a process that it can follow.

- **Comments by Member Starowitz.** Member Starowitz expressed concern about updating the amendment during the meeting, noting that it was important to ensure that the language is accurate and that it's important that the committee avoids setting a precedent (i.e., updating written resolutions during committee meetings without taking additional time to ensure the language is accurate and consistent with the CBA). Member Cannady agreed noting the importance of ensuring published resolutions are buttoned up because the resolutions are made public via the CBOC's update. As a compromise, Member Cannady suggested that the committee revise the resolution offline (for vote at the next meeting) and simultaneously move forward with providing recommendations to the Bills.
- **Additional Comments from Committee Members.** In response to Member Starowitz, several committee members (including Chairman Blue, Member Whyte, Member Parker and Member Mulligan) expressed concern with delaying the committee's vote and Member Whyte suggested a 5 – 10 minute recess. The CBOC took a recess from 11:52AM – 12:03PM to update the proposed resolution.

Following the CBOC's brief recess, Member Cannady read the revised resolution into the record (available at: [\[INSERT LINK\]](#))

Upon a motion by Member Whyte, seconded by Member Sumbundu, and without opposition, the CBOC voted to strike the initially proposed resolution and replace it in its entirety with the revised resolution, as presented into the record.

- **Discussion Regarding Committee Bylaws:** Member Cannady opened the discussion by noting that she and the Erie County Attorney's office were exchanging markups of the Bylaws, and were conceptually aligned. Member Cannady suggested tabling a discussion on the Bylaws until additional changes were finalized. Member Whyte agreed that it is prudent to take the necessary time to ensure the Bylaws are correct.

Upon a motion by Member Cannady, seconded by Member Whyte, and without opposition, the CBOC moved to table its discussion on the draft bylaws.

Chairman Blue closed Agenda Item No. 3.

AGENDA ITEM NO. 4 Community Benefits Updates

As part of the Community Benefits Update, Member Semaia, in his capacity as Community Benefits Director on behalf of Developer, provided a community benefits update. Member Semaia noted that the CBA represents a robust investment of over \$140 million by the Bills and Developer for a period of 33 years. Member Semaia also noted the achievement of a 1-million-hour milestone in work completed by New Highmark Stadium contractors (noting that 61% of the steel has been laid). Member Semaia also highlighted that while Empire State Development is the sole owner of compliance, achieving compliance requires a collaborative effort from the County, the State, and the Bills.

BUSINESS PARTICIPATION AND WORKFORCE HOUR OBJECTIVE UPDATES

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 August 31, 2024, Developer has exceeded its minority and apprentice workforce hours, reporting (i) 20.62% for minority work hours (which exceeds the 15% goal) and (ii) 13.99% for apprentice work hours (which exceeds the 10% goal). Developer also reported the following percentages with respect to non-minority women work hours: (i) 3.68% for non-minority women work hours (which falls just below the 5% target).

Category	Goal	Through 8/31/24
Minority Work Hours	15%	20.62%
Non-Minority Women Work Hours	5%	3.68%
Apprentice Work Hours	10%	13.99%

- Business Participation Update:

- As of Q3 2024, Developer has awarded a total of 408 MWBE/SDVOB contracts or OCSD-4 commitments. 192 of the awarded MWBE SDVOB contracts or OCSD-4 commitments have been made to Regional MWBE/SDVOBs.

- Total Contracts or OCSD-4 Commitments: 408
- Total MWBE/SDVOB Contracts or OCSD-4 Commitments: 322
- Total Regional MWBE/SDVOB Contracts or OCSD-4 Commitments: 192

*Through Q3 2024



- Solely with respect to proposal releases #1-3.5, Developer has exceeded its business participation commitment goals with respect to MBEs at 17.5% (which exceeds the 15% goal). Developer also reported the following percentages with respect to the WBE and SDVOB business participation goals: (i) 14.1% 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 #1-3.5
Minority-owned Business Enterprise	15%	17.5%
Women-owned Business Enterprise	15%	14.1%
Service-Disabled Veteran-Owned Business	6%	4.8%
MWBE & SDVOB Total	36%	36.4%

- In response to a previous request by the committee, Member Semaia also provided the following list of prime contractors:

- PJP Installers, Inc. (MBE)
- Mark Cerrone, Inc.
- Ferguson Electric / E-J Electric JV
- Pinto Construction Services, Inc.
- Union Concrete & Construction Corp.
- Schindler Elevator Corporation
- Source Blue
- SubAir Systems
- Baker Concrete Construction, Inc.
- Cives Steel Company
- R. W. Sidley, Inc.
- Crown Corr
- High Concrete Group
- Union Concrete & Construction Corp.
- Roger & Sons Concrete, Inc. (MBE)
- Celtic Sheet Metal, Inc. (WBE)
- F. W. Sims, LLC
- Ferguson Electric / E-J Electric JV
- John W. Danforth Company
- D.V. Brown & Associates
- Rael Automatic Sprinkler Co., Inc.
- George M. Raymond Co.
- William H. Lane Inc.
- Irwin Seating Group
- Island International Enterprises, LLC
- Sightline Commercial Solutions LLC
- Crystal Steel Fabricators, Inc. (MBE)
- Thomas Johnson, Inc.
- SwimEx, Inc. (WBE)
- SCG Fields, LLC
- Jameson Roofing
- MTN Inc.
- Hamburg Overhead Door, Inc. (WBE)
- Builders Hardware
- Executive Group
- Allegheny Millwork Inc.
- Tiede Zoeller (SDVOB)
- FCS Group (MBE)
- R.W Painting (WBE)

COMMUNITY ENGAGEMENT UPDATE

As part of the presentation, Developments by JEM (“DBJ”) presented updates on several recent initiatives related to the workforce and utilization goals of the new stadium project, including the WNY MWBE Round Table Discussion at the Northland Workforce Training Center, the "Be Your Own Hero" event at Highmark Stadium (which attracted over 1,000 area students), and Opportunity and Awareness Huddles in South Buffalo and the East Side of Buffalo. Note that these efforts included surveying community interest in construction careers and awareness of trades. ***DBJ also reported the following:***

- DBJ conducted impact interviews with contractors on the new stadium project site to evaluate communication and interactions involving minority contractors, with a focus on barriers faced by contractors. Of the survey participants, the following contractors were included: Iroquois Bar Corp. (MBE), Laubacker Enterprises, Inc. (SDVOB), and WYCO Mechanical, LLC (WBE) (all of which are regional firms). According to DBJ, the challenges identified in these interviews were typical of those faced in the construction industry, such as scheduling issues, but generally, participants indicated that they’ve had a positive experience. DBJ intends to meet with the National Association of Women in Construction to discuss WBE-related issues as there is an industry decline in women in the workforce.

- DBJ met with Workforce Buffalo and is coordinating with Erie County for a 2025 construction career fair, with a goal to support workforce development skills and trade. DBJ also attended the Buffalo Build Presentation on a new initiative led by Arthur O Eve Educational Opportunity Center, which has 2 components: (i) skilled trade pre-apprenticeship, direct entry training, and (ii) community-wide building trades training collaboration.
- DBJ is hosting MWBE Certification Sessions in October and November to assist eligible businesses interested in becoming Erie County and/or NYS MWBE-certified. DBJ is also offering office hours to assist businesses in navigating the certification process.

Concluding DBJ's presentation, Member Semaia summarized the barriers identified by DBJ and the project team (in response to a question posed by Chairman Blue in the CBOC's September meeting), noting that the key barriers are as follows: paid training, transportation and access, childcare resources, and interest in careers in the trades.

ADDITIONAL COMMUNITY BENEFITS UPDATES

To conclude his presentation, Member Semaia highlighted the Bills' current public donation request form, noting that with the passing of the new resolution, there will be collaboration to improve and adapt the request form. Member Semaia also discussed Developer's various initiatives, including:

- Partnering with the Buffalo Museum of Science to reinforce the importance of STEM learning beyond the classroom.
- Raising awareness of the need for improved access to healthy food for families in Western New York through the Huddle for Hunger initiative.
- Promoting cancer awareness through early detection and risk reduction via the Crucial Catch initiative, with efforts both in-game and through community engagement.
- The Mini Mafia Field Day, Girls Flag Football, and Play 60 Field Day clinics, which empower youth by teaching football fundamentals and promoting physical activity, healthy eating, and overall wellness.
- CPR and AED awareness training sessions at all Highmark Stadium and Niagara Falls High School, providing students and the general public with essential life-saving skills and preparing them to act confidently in emergencies

Following Member Semaia's presentation, committee members made the following comments and asked the following questions (see the corresponding response below each question) regarding the Community Benefits Update:

- **Comments by Member Whyte and Member Mulligan.** Member Whyte expressed appreciation for the organization chart of project stakeholders and prime contractors. Member Whyte noted that, regarding MWBE/SDVOB information and the maps provided (see presentation, available at <https://www3.erie.gov/eo/sites/www3.erie.gov/eo/files/2024-10/community-benefits-oversight-committee-presentation-october-2024.pdf>) on the "Business Participation Update" slide, Member Whyte suggests "taking it 2 or 3 more bullets deep" and recommended providing total dollar values toward Regional MWBE's as it relates to economic impact in the Region. Member Whyte recommended identifying how many of the 192 Regional contracts or commitments are less than \$100,000, \$50,000, or \$25,000. Member Mulligan suggested this information does not need to be limited to certified MWBE/SDVOBs and can include Regional firms involved in the project.

Chairman Blue closed Agenda Item No. 4.

AGENDA ITEM NO. 5 New Business

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

Member Whyte noted that she had two items for new business – (1) organization of the agenda and (2) a short story. First, Member Whyte suggested organizing the agenda to identify discussions on the construction phase, operations phase, and annual investment component of the CBA, with the aim to facilitate discussions and provide clarity moving forward. Member Cannady, in her capacity as CBOC Secretary, noted that she will explore ways to frame and adjust the agenda to improve the organization of conversations and meeting minutes.

Next, Member Whyte told a short story, noting that she recently attended a Bills-Jacksonville NFL game. During the game she met a woman, who for purposes of the story, will be named “Ashley”. Ashley, according to Member Whyte, is 23 years old, a Bills fan and pre-k teacher certified in early education and specifically in special ed reading. Ashley works full time, while living at home with her parents, saddled with debt that she’s working hard to pay off and indicated that the cost of housing in Buffalo is too expensive, so she has a second job. Ashley used to be gymnast, but was priced out and had to quit. Member Whyte noted that what’s interesting is not how unique Ashley’s story is, but how common. Member Whyte noted that it is common to be priced out, to live at home, and to have debt because wages are too low, but noted that the CBA has an opportunity to address these things.

Member Frederick suggested discussing the scheduling of the annual public hearing and structuring the public comment process. Member Whyte proposed holding the hearing in the first week of December. Chairman Blue recommended using the November meeting to publicize the date and location. Member Cannady inquired about the timing, to which Chairman Blue suggested scheduling it for a Monday evening. Member Whyte suggested that Member Cannady circulate proposed dates and times to the committee for consideration.

Chairman Blue closed Agenda Item No. 5.

AGENDA ITEM NO. 6 Public Comment

Chairman Blue opened the meeting for public comment, which is limited to three (3) minutes per commenter. The following comments were made by the public:

- **Casimiro Rodriguez.** Casimiro Rodriguez of the Hispanic Heritage Council of WNY expressed appreciation for the transparency and efforts of the CBOC, emphasizing the importance of the Community Benefit Agreement for all areas—west, east, south, north, suburban, and non-suburban.
- **Community Member.** An unidentified member of the public suggested that the committee consider holding two annual public hearings, with one being held on a Saturday.
- **Community Member.** An unidentified member of the public thanked the CBOC and noted that he traveled to the meeting location (i.e., Orchard Park, NY) from Buffalo, NY. The community

member emphasized the need to be mindful of meeting locations for attendees coming from the inner city. In response, Chairman Blue noted that the committee may not always provide responses to public comment, but noted that the committee holds meetings at different locations throughout the Region.

Chairman Blue closed Agenda Item No. 6.

AGENDA ITEM NO. 7 Adjournment

Chairman Blue adjourned the meeting at 12:52 PM ET, upon a motion by Member Sumbundu, seconded by Member Frederick, and without opposition.

The next CBOC meeting is scheduled for **Tuesday, November 12, 2024, at 11:00AM.**