

MINUTES

NEW HIGHMARK STADIUM COMMUNITY BENEFITS OVERSIGHT COMMITTEE

December 9, 2024

ECC North Campus – Gleasner Hall
6205 Main St, Williamsville, NY 14221
Monday, December 9, 2024

The CBOC convened for its eighth meeting on Monday, December 9, 2024, at ECC North Campus in Williamsville, NY. 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 11:13 AM ET. Chairman Blue established 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 November 12, 2024, CBOC Meeting (Action Item)

Chairman Blue requested a motion to accept the meeting minutes from the committee's prior meeting on Tuesday, November 12, 2024.

Upon a motion by Member Frederick, seconded by Member Parker, 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.

1. Discussion Regarding Committee Bylaws

Chairman Blue noted that Member Cannady, as CBOC Secretary, provided to the CBOC the final copy of the committee bylaws. Chairman Blue noted that bylaws were reviewed and agreed upon by the stakeholders' legal counsel and suggested the committee vote on the adoption of the bylaws at the next meeting in January.

Chairman Blue tabled further discussion on the bylaws until CBOC members have reviewed.

2. Discussion Regarding Resolution #1 Presented at September Meeting

- **Initial Comments by Member Semaia.** Member Semaia noted that regarding Resolution #1, presented at the September meeting by Member Mulligan, there were discussions in October and November, as detailed in the minutes, which indicated that Member Mulligan had requested that concerns regarding the resolution be put in writing. Member Semaia introduced a letter from the Bills' SVP and Chief Legal Officer to the committee. Chairman Blue confirmed that he had requested Member Cannady distribute the letter to CBOC and asked if there was any further discussion on the matter.
- **Comments by Member Whyte.** Member Whyte noted that she had a couple of comments and perhaps recommendations. Member Whyte expressed concern about the letter being more focused on problems rather than solutions. As a County Executive appointee, Member Whyte stated that the County has retained two consultants to support monitoring and compliance with the Community Benefits Agreement (CBA). According to Member Whyte, the County Attorney made available to County appointees to the CBOC a presentation from Philips Lytle and Bellwether. Member Whyte stated that the presentation highlighted the tremendous job the Bills are doing to meet compliance. Member Whyte recommended striking the resolution entirely from consideration, receiving and filing it, and instead making a motion for the committee to hear a presentation from the County's compliance consultants. According to Member Whyte, this would allow the public to be informed about the number of contracts resulting from stadium procurement that are under \$50,000 and \$25,000.
- **Initial Comments by Member Sumbundu.** In response to Member Whyte's comments, Member Sumbundu agreed that a presentation would be helpful to provide a clearer understanding of the current situation. He stated that it is crucial to understand the people impacted by these agreements.
- **Additional Comments by Member Semaia.** In response to Member Whyte and Member Sumbundu, Member Semaia emphasized the importance of ensuring the CBOC is very clear on the information being shared, particularly regarding who is responsible for oversight of compliance and accountability for the Bills. He noted that Empire State Development (ESD) is responsible for this oversight. For the record, Member Semaia mentioned that he had previously presented data on the regionalized MWBE and SDVOB data points tracked by ESD, which highlights all contracts for certified firms within a 100-mile radius. He also noted that this information was submitted with the minutes. Member Semaia reiterated that ESD is responsible for oversight and compliance, and emphasized the importance of being mindful of who is presenting information, ensuring that all stakeholders have the opportunity to review what is shared. **Member Cannady** seconded Member Semaia's comments, stating that the State is principally responsible for monitoring and overseeing the Affirmative Action Plan (see Section 2.3(c) and Exhibit B Section II(A) and (B) of the Construction Coordinating Agreement, dated March 29, 2023, between the County, ECSC and Bills Stadium and Events Company, LLC, 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). She emphasized the importance of ensuring that those responsible for upholding compliance

standards are involved in the presentation, especially when it comes to information of such magnitude that will be shared with the public.

- **Comments by Member Mulligan.** Member Mulligan noted that vendors contracted with Erie County also have purview over compliance with the Affirmative Action Plan. He noted that there is a metric, which may be interpreted differently by some, aimed at maximizing local participation in the Project. Member Mulligan expressed satisfaction with the information received about locally certified businesses but emphasized the need for data on non-certified businesses as well.
- **Additional Comments by Member Sumbundu.** Member Sumbundu noted that right-sizing is not in Empire State Development's purview and that ESD is responsible for tracking the MWBE portion of contract.
- **Additional Comments by Member Whyte.** Member Whyte noted that although the committee continues to use the term "right-sized contracting," the CBA does not reference that term. Member Whyte suggested that the committee focus on the language of the CBA that states the segmenting and sizing of bid packages such that they could be accessible to the small businesses in our community. Member Whyte also noted that it is in the interest of CBOC, County, State, and the Bills for the public to fully understand and appreciate the tremendous effort undertaken by all parties to ensure the segmenting and sizing of bid packages such that they are accessible to small businesses. Member Whyte noted that she is OK amending her motion to indicate presentation be made no later than Q1 of 2025 so that we can all take a look at material in advance to ensure comfortability with what's being shared. Member Semaia reiterated that much of the requested information has already been shared with the committee and emphasized the need to be conscious of the impact of correct information. Member Semaia further noted the importance of all stakeholders having the chance to review the information, which is the same process Member Semaia takes when he presents package release and workforce information.
- **Additional Comments from Member Sumbundu.** Member Sumbundu noted that, at state level, the state agrees it's important to put information out to show transparency. Member Sumbundu suggested tabling the resolution and bringing a motion next month to give all parties opportunity to agree. Member Whyte agreed but asked the committee to commit itself to resolving the resolution at the next meeting.
- **Comments by Chairman Blue.** Chairman Blue noted that the CBOC was not present when the CBA was created and that questions will continue to come up. Chairman Blue suggested that the stakeholders meet on a potential presentation and make sure that this issue is resolved at the next meeting. Member Semaia clarified that this presentation would be in addition to the information he's already shared (and continues to share).
- **Additional Comments by Member Mulligan.** Member Mulligan noted that there are also compliance goals and requirements on spending in maintenance and operations every year stadium is in existence and that he believes the CBOC can use the same examination mechanisms on the maintenance and operations as the board intends to use on the construction. He further noted that this will be valuable as the board looks over how many local food vendors Legends uses, the hiring of the janitorial and cleaning and security services. He noted that while the committee cannot change the hiring on the construction project, it can understand how it happened and can learn best practices.

Member Whyte withdrew her initial motion and made a motion to receive and file Member Mulligan's existing resolution. Chairman Blue agreed to receive and file.

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.

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 October 31, 2024, Developer has exceeded its minority and apprentice workforce hours, reporting (i) 21.75% for minority work hours (which exceeds the 15% goal) and (ii) 15.01% for apprentice work hours (which exceeds the 10% goal). Developer also reported the following percentages with respect to non-minority women work hours: (i) 3.67% for non-minority women work hours (which falls just below the 5% target).

Category	Goal	Through 10/31/24
Minority Work Hours	15%	21.75%
Non-Minority Women Work Hours	5%	3.67%
Apprentice Work Hours	10%	15.01%

- **Business Participation Update:**
 - As of Q3 2024, Developer has awarded a total of 322 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. 144 of the Regional MWBE/SDVOB contracts or OCSD-4 commitments have been made for a value less than or equal to \$1,000,000, representing results of the Developer's efforts in defining, segmenting or sizing bid packages at levels to increase the likelihood MWBE firms are reasonably able to successfully undertake such projects and to ensure MWBE contractors and/or subcontractors retained for the Project shall come from the Western New York Region.

- MWBE/SDVOB Contracts or OCSD-4 Commitments: 322
- Regional MWBE/SDVOB Contracts or OCSD-4 Commitments: 192
- Regional MWBE/SDVOB Contracts or OCSD-4 Commitments <= \$1,00,000: 144

Regional MWBE/SDVOB Contracts or OCSD-4 Commitments	
< \$99,999	62
\$100,000 – \$249,999	31
\$250,000 – \$499,999	25
\$500,000 – \$1,000,000	26
Total <= \$1,000,000	144

*CBA Section 1.(n) defines Region as the geographic area within the State of New York comprising a 100-mile radius from Orchard Park, New York



- Solely with respect to proposal releases #1-4, Developer has exceeded its business participation commitment goals with respect to MBEs at 16.8% (which exceeds the 15% goal) and WBEs at 16.1% (which exceeds the 15% goal). Developer also reported the following percentage with respect to SDVOB business participation goals: 5.8% SDVOB participation (which falls below the 6% goal).

Category	Goal		Through Proposal Release #1-4
Minority-owned Business Enterprise	\$231,000,000	15%	16.8%
Women-owned Business Enterprise	\$231,000,000	15%	16.1%
Service-Disabled Veteran-Owned Business	\$94,400,000	6%	5.8%
MWBE & SDVOB Total	\$554,400,000	36%	38.7%

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

- PIP Installers, Inc. (MBE)
- **Mark Cerrone, Inc.**
- **Ferguson Electric / E-J Electric JV**
- **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)
- Celtic Sheet Metal, Inc. (WBE)
- F. W. Sims, LLC
- **Ferguson Electric / E-J Electric JV**
- **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)
- 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)**
- **Superior Steel Door and Trim Co., Inc. (WBE)**
- **GP Flooring Solutions (WBE)**
- **Heritage Contract Flooring, LLC**
- Rommel Fence, LLC (WBE)
- **Billitier Electric, Inc.**
- Design Communications, Ltd.
- **Scrufari Construction Co., LLC**
- **Union Concrete & Construction Corp.**

*BOLD = Regional

For List of Awarded Contractors and Package Descriptions, please visit www.buffalobillsnewstadium.com/contracting-opportunities

POST CONSTRUCTION OPERATION

Member Semaia highlighted the Maintenance and Operations as well as the Concession goals in the CBA, which are as follows:

“Developer shall use commercially reasonable efforts to implement initiatives for maximizing participation in the maintenance and operation of the New Stadium, including, without limitation, aiming to achieve the following goals:

- 30% and 6% of all retailers, vendors, and service companies used in stadium maintenance and operations to be MWBE and SDVOB firms, respectively
- 30% and 6% of all monies paid to retailers, vendors, and service companies used in stadium maintenance and operations be paid to MWBE and SDVOB firms, respectively
- 30% of the food products used by the concessionaire to be purchased from Erie County certified MWBE food service companies
- Preference given to food and beverage items for sale at New Stadium produced and/or manufactured in New York State
- Require the concessionaire to administer food and beverage service mentorship programs for MWBEs”

Member Semaia highlighted efforts taken to date, including:

Taste of Diversity Program

- Bills partnered with Erie County and SUNY Erie to launch the "Taste of Diversity" pilot program
- Six-week program trained 5 MBE restaurants in a fast-paced, stadium-like concession setting
- Participating vendors: EM Tea Coffee Cup Café, Golden Cup Coffee, Manna Culinary Group, Radah Baked Goods, and Crenshaw’s Chicken & Waffles

Diversity Shop

- In partnership with the Buffalo Sabres and Bills, 8 MBE retailers showcased products at select Sabres games in KeyBank Center
- Participating vendors: Najah Corporation, Skincare Essentials by Jill, Elle James Decor, Black Monarchy, Melanin Skyn Co., Skinny Wick Candle Co., Nikki's Chocolates WNY, and Charm Handmade Jewelry

Legends Hospitality Workshop

- Bills partnered with Level Up to host an expo and workshop at Highmark Stadium
- Event gave Level Up participants the chance to present their businesses to Legends Hospitality
- Legends Hospitality will provide food, beverage, and retail offerings at the New Highmark Stadium

Member Semaia also noted that there is ongoing progress and planning, including meetings with Legends Hospitality to review CBA objectives. He highlighted that the concessions goals are specific to Erie County certification. Initial research into Erie County firms in the food and beverage space revealed that there are few Member Semaia mentioned that DBJ (defined below) has hosted numerous workshops on certification for both ESD and Erie County, and he referred to updates from DBJ, which are highlighted in the forthcoming Community Engagement update.

COMMUNITY ENGAGEMENT UPDATE

As part of the presentation, Member Semaia highlighted several recent initiatives by Developments by Jem ("DBJ") related to workforce and MWBE utilization goals for the new stadium project. These initiatives included the launch of MWBE Certification Sessions. These efforts also included surveying community interest in construction careers and raising awareness of trades. *Member Semaia also reported the following:*

- **MWBE Certification Session:** A total of 52 applicants participated in the MWBE Certification Session. Of these, 22 businesses met the pre-screening criteria, and 19 completed the workshop series, receiving a 94.7% satisfactory rating. DBJ is continuing to work with the remaining 30 businesses that did not participate in the workshops.
- **Workforce Development 2025 Career Fair:** DBJ is partnering with Erie County to assist regional constituents through the Workforce Development 2025 Career Fair.
- **Women in Construction Program:** GT and DBJ are collaborating on a Women in Construction program, which will take place during Women in Construction Week in March. The program will provide information on how to enter the industry, identify opportunities, and offer support for women pursuing careers in construction.

Comments by Member Sumbundu. Member Sumbundu asked how many firms have been helped to get certified and how many have received contracts, suggesting the need to explore this further.

Comments by Chairman Blue. Chairman Blue inquired how many of these firms were involved in the construction of the stadium and how many are part of the concessions.

Comments by Member Semaia. Member Semaia clarified that there is no information available regarding concessions as it is still in the planning phase and will not be available for some time. He assured that efforts would continue to capture data on firms involved in the stadium construction.

ADDITIONAL COMMUNITY BENEFITS UPDATES

To conclude his presentation, Member Semaia discussed Developer's various initiatives over the prior month, including:

- **Thanksgiving Blitz:** The Bills hosted the annual Thanksgiving Blitz at FeedMore WNY, where meals were prepped and distributed to families from throughout the Western New York community
- **Salute to Service:** Campaign represents the NFL's unwavering dedication to honoring, empowering, and connecting with our nation's service members, veterans, and their families
- **My Cause My Cleats:** My Cause My Cleats is an initiative that allows players and coaches to customize cleats with an organization of their choice to support a cause that is important to them

Member Semaia also discussed the following items:

- **Public Transportation Hub:** Efforts are underway to ensure safe transportation for patrons and families, allowing them to travel safely from drop-off locations to the games. The team is working with NFTA on the design and location, with a focus on inclusivity.
- **Community Art Program:** The Community Art Program is set to launch in Q1 of 2025. An exciting aspect of the program is its strong Buffalo-centric focus, ensuring that regional artists have the opportunity to submit their work and showcase their talents, highlighting the best of Buffalo. The program is designed to be very inclusive. A website will be established, hosted on both the stadium's site and the main website. An RFQ process will be launched, and artist information sessions will be held to answer questions from the art community. The program will include a panel of selected panelists to review submissions.
- **Accessibility:** The project involves a collaborative effort between the developer, architect, Erie County Office for People with Disabilities, the NYS Chief Disability Officer, and regional disabled community members to ensure ADA-compliant design features are included.
- **Educational Programs:** The team is in the planning phase for both the College Internship Program and the High School Shadowing Program. There is a deliberate focus on investing in and planning for these initiatives, although there is no specific timeline outlined in the CBA at this time.

Committee members shared the following comments:

- **Initial Comments by Member Whyte.** Member Whyte acknowledged the valuable information presented and asked a question regarding the map slide. She inquired if the number of businesses within the circle had been mentioned or if it was known. Member Semaia responded that there are 192 regional businesses within the circle. Member Whyte then pointed out the red markers representing contractors who are neither MWBE nor SDVOB. Member Semaia clarified that, as part of the compliance process, they are specifically tracking certified firms, but they also collect data on prime contractors who subcontract with certified firms. He added that he would bring this information back after further clarification from the compliance group.
- **Additional Comments by Member Whyte.** Member Whyte expressed appreciation for the presentation on operations and the community benefits. She requested that youth sports, which is explicitly mentioned in the CBA, also be included. Additionally, she inquired about the progress, if any, on updating the website so that visitors are not only directed to events but can access broader information as well. Member Semaia stated he is still having internal conversations with the content web design regarding the portal. Member Semaia noted he is conscious of the perception that there

is a grant or a fund and wanted to be very clear that it's a community investment in which Bills receive feedback, comments and recommendations on priorities and vulnerabilities and will take into account within internal process. Member Frederick suggested making this point very clear at annual public hearing.

- **Comments by Member Mulligan.** Member Mulligan inquired about the concessions plan and mentorship program, noting the need for a longer discussion on the mentorship program and the fact that there is an insufficient number of Erie County-certified firms. Member Mulligan suggested that it would be great to have Legends come to a CBOC meeting.
- **Comments by Member Sumbundu.** Member Sumbundu suggested having a community organization or member who has benefitted from the Bills' community investment speak at a CBOC meeting. Member Semaia noted he will circle back on this ask.

Chairman Blue closed Agenda Item No. 4.

AGENDA ITEM NO. 5 New Business

Chairman Blue noted that the first public hearing is scheduled for Tuesday, December 10. Chairman Blue also noted that there are several questions regarding public accessibility to the Bills' annual \$3M community investment. He noted that the committee wants to have as many answers as possible.

Member Semaia confirmed that he will provide an update on the objectives of CBA, CBOC, summary of annual report and other updates similar to CBOC meetings at the public hearing. He also asked DBJ to highlight their efforts and initiatives.

Member Frederick inquired about how the CBOC interacts with the Bills' Community Investment decisions. Member Semaia stated that, per the CBA, the CBOC provides feedback on community priorities and vulnerabilities and also reviews efforts in the annual report and develops reports to Erie County and ECSC on Developer's compliance. Member Whyte referenced that the committee bylaws (although not yet adopted) discuss the CBOC's responsibility to collaborate with Bills and Developer to identify vulnerabilities and priorities.

Committee members agreed that following the annual hearing, they will review the community's feedback and collaborate and make recommendations to the Bills.

Member Whyte urged members of the media to get folks to attend public hearing.

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.

Connie Irvin highlighted two businesses in the Erie County area, one of which is certified in the food space, and urged the group to consider several points. She questioned whether the Legends model for operations will be similar to the current operator, specifically asking if products will be brought in and sold at retail or if vendors will have the opportunity to own or lease space, similar to arrangements at airports. She also noted that the \$3 million community investment may not hold the same value in the future. Additionally,

regarding the Level Up program, she praised the program as a great start but suggested that Legends should take further steps to incorporate it into their operations, stressing that not all goals should be focused on entry-level positions. Finally, she pointed out that MWBE-certified businesses in Erie County are not receiving communications from the CBOC and recommended reviewing how the CBOC communicates with the community.

Chairman Blue closed Agenda Item No. 6.

AGENDA ITEM NO. 7 Adjournment

Chairman Blue adjourned the meeting at 12:26 PM ET, upon a motion by Member Sumbundu.

The next CBOC meeting is scheduled for Monday, January 13 at 11:00AM.