

MINUTES

NEW HIGHMARK STADIUM COMMUNITY BENEFITS OVERSIGHT COMMITTEE

January 13, 2025

ECC South Campus – Lecture Hall 5101
4041 Southwestern Blvd., Orchard Park, NY 14127
Monday, January 13, 2025

The CBOC convened for its eighth meeting on Monday, January 13, 2024, at ECC South Campus in Orchard Park, NY. The meeting was conducted in person and via videoconference 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 11:03 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

*Member Frederick was present via videoconference, which per NY OML and the CBOC's video conferencing procedures (available here: <https://www3.erie.gov/eo/sites/www3.erie.gov/eo/files/2024-08/cboc-written-procedures-regardingvideoconferencing-due-to-exigent-circumstances.pdf>) shall not count toward a quorum of the CBOC (although Member Frederick was able to participate and vote, given that a quorum of members were present at a physical location open to the public)

Chairman Blue closed Agenda Item No. 1.

AGENDA ITEM NO. 2 Approval of Meeting Minutes from December 9, 2024, CBOC Meeting (Action Item)

Chairman Blue requested a motion to accept the meeting minutes from the committee's prior meeting on Monday, December 9, 2024. Upon a motion by Member Whyte, seconded by Member Semaia 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 Committee Bylaws**

- **Initial Comments from Member Whyte.** Member Whyte provided two initial comments regarding the Bylaws. First, she suggested that the CBOC minutes and other records be retained by the County for the duration of the new stadium lease term. Second, she suggested holding the annual public hearing in January or February, allowing the community to testify about their priorities and enabling the CBOC to act or pass a resolution on those priorities before the fiscal year (i.e., April 1 to March 31) begins.
 - In response, **Member Semaia** noted that the September Annual Public Hearing, as scheduled per the Bylaws, provides sufficient lead time for the Bills and the Developer to review, research, and budget for the upcoming fiscal year. Member Semaia confirmed the information gathered from the Annual Public Hearing is for the following fiscal year, not the previous fiscal year.
 - **Member Cannady** added that per the CBA Section 4(a) the CBOC is required to meet at regularly scheduled intervals (including an annual public hearing) and/or at the call of the chair in a public setting to discuss community priorities. Member Cannady suggested aligning the proposed Bylaws to reflect the language of the CBA and recommended striking the existing language in Section 3 of the Bylaws to include the phrase, “for the purpose of discussing community priorities.”
- **Comments by Member Frederick.** Member Frederick inquired about the timing for submission of the annual report. Member Semaia indicated that the fiscal year 2024 report is due August 9th. Member Frederick indicated she is aligned with hosting the annual public hearing in September as it would provide both the Developer and the CBOC sufficient time to prepare for the upcoming year.
- **Additional Comments from Member Whyte.** Member Whyte noted that if the purpose of the public hearing is to gather community priorities, holding it in January or February might be more effective. **Member Semaia** noted that scheduling the public hearing in September allows the Bills to hear from the CBOC, gather information, and conduct due diligence on relevant topics and resources. Member Whyte emphasized the need for the CBOC to communicate clearly that the September public hearing will focus on gathering priorities that may be pursued in the following fiscal year, starting in April.

The CBOC collaborated and agreed to adjust Section 3 of the Bylaws to include the language of the CBA to note for the purpose of discussing community priorities for the following fiscal year.

Member Whyte questioned whether it is acceptable for the Bylaws to be silent on when the Annual report will be presented by Developer, or if a specific meeting should be designated for discussion on the annual report. **Member Cannady** noted that, given that the CBOC conducts monthly meetings, the annual report can be discussed at one of the regularly scheduled meetings (instead of scheduling a second meeting solely for the purpose of discussing the annual report). Member Cannady further noted that the purpose of the annual public hearing is to hear from the public. Member Whyte acknowledged that while all meetings are open to the public, specifying when the annual report will be reviewed could help the public identify which meetings it wants to attend. Member Whyte suggested that if the annual public hearing is held in September, the CBOC could meet twice in September – once during its regularly scheduled meeting and once for purposes of reviewing the annual report.

- **Comments from Member Sumbundu.** Member Sumbundu noted that if members feel strongly about including specific dates, the CBOC should consider doing so via an amendment at a later date.

- **Comments by Member Mulligan.** Member Mulligan agreed with Member Whyte that dates should be clearly stated in writing, but emphasized that the passage of the Bylaws should not be delayed. Member Mulligan noted that a future amendment could address the annual delivery of reports by specific dates, establishing a recurring process for the committee.
- **Additional Comments by Member Whyte.** Member Whyte inquired about distinguishing between an annual hearing and an annual meeting, suggesting the possibility of adding a section under the "Meetings of the Committee" article that explicitly states there will be an annual meeting. **Member Cannady** recommended taking the discussion offline. Member Cannady emphasized that an amendment could always be passed at a later date. *The CBOC agreed to take additional comments under consideration for additional dialogue.*

Upon a motion by Member Whyte, seconded by Member Sumbundu, and without opposition, the Bylaws were passed with the following two amendments: (1) the County will keep CBOC records for the duration of the new stadium lease and (2) the annual public hearing will be held in September of each calendar year.

- **Discussion Regarding Bid Package Resolution**

Chairman Blue introduced the discussion on the “Resolution Regarding Information Related to the Structure of Bid Packages for the New Highmark Stadium”.

Member Cannady mentioned that in previous meetings committee members requesting additional information on contracts awarded to regional MWBE and SDVOBs below certain thresholds. Member Cannady noted further that under the proposed resolution Member Semaia will present on the requested data points (i.e., contracts awarded to regional MWBE and SDVOBs in the amounts of \$25,000 and \$50,000) as part of his Community Benefits Update.

Member Sumbundu expressed appreciation for this approach, noting that it ensures the committee is fulfilling the request to share relevant information regarding appropriately sized packages. Member Sumbundu indicated he felt satisfied with the request and believed that providing monthly updates in good faith would meet the proposal made at the last meeting.

Upon a motion by Member Semaia, seconded by Member Starowitz, and without opposition, the CBOC passed the resolution.

Chairman Blue closed Agenda Item No. 3.

AGENDA ITEM NO. 4 Discussion Regarding Public Comments from Annual Hearing

- **Initial Comments from Member Whyte.** Member Whyte applauded the meeting minutes from the annual hearing, noting that the minutes captured (i) the detailed comments from the 20+ community members who spoke and (ii) Member Semaia’s presentation. Member Whyte suggested that the committee consider a process that follows the public hearings and consider a resolution that identifies the trends shared after the public hearings. Specifically, Member Whyte noted that the CBOC could use the trends expressed by the public as a way to identify community priorities and vulnerabilities in collaboration with the Bills and Developer. Member Whyte noted that she

heard the following trends during the annual hearing: (i) youth initiatives (including programming, housing, etc.), services for women, affordable housing and development of Jefferson Ave.

- In response to Member Whyte's comments, **Member Sumbundu** noted that while the CBOC cannot solve all of the themes discussed during the public hearing, the CBOC can take steps toward helping and serving the community. Member Sumbundu further expressed the desire for a process for the community to be able to have access to the \$3M community investment.
- In response to Member Whyte's comments, **Member Semaia** noted that there is a lot of value in dialogue regarding the process to identify community vulnerabilities. Member Semaia, on behalf of the Bills, expressed the Bills and Developer's desire to have further discussions with the CBOC regarding community vulnerabilities and priorities and the resources already being expended into certain themes identified during the public hearing. As follow up to Member Semaia's comments, **Member Whyte** inquired whether Member Semaia was suggesting that the CBOC consider resources being expended to certain community organizations by the Bills or by other entities. **Member Semaia** clarified that he believes the CBOC should consider both, noting that it's important to consider what resources other organizations may be committing to these initiatives/trends. As an example, Member Semaia explained that, while workforce development is a topic in the CBA, there are many organizations focusing on this issue that there may be opportunities to collaborate for greater impact.
- **Comments by Member Mulligan.** Member Mulligan began by clarifying Member Whyte's proposal (i.e., to memorialize the priorities heard at each annual public hearing).
 - In response, **Member Whyte** clarified that her proposal was two-fold to – (1) summarize what priorities were heard at the annual public hearing; and (2) set up a process of how the priorities are being identified by the CBOC. Member Whyte emphasized that the committee is engaging in historic firsts (e.g., the CBA, formation of the CBOC, annual public hearing, etc.) and that the CBOC needs to contemplate what came from the public hearing. **Member Mulligan** agreed that it was of value to memorialize the public's comments at the annual hearing in writing to identify priorities. Member Mulligan noted that, although a resolution would not bind the Bills to spend money on those priorities, it is important that CBOC pass a document or resolution that identifies the priorities they heard that at the annual public hearing.
 - **Member Sumbundu** commented that the CBOC has an obligation to look at common themes to guide the process into the next year.
 - **Member Cannady** cautioned committee members that passing a resolution or other document at this stage would be premature, particularly given that the CBA indicates that the CBOC will collaborate with the Bills and Developer to identify community priorities and vulnerabilities (i.e., the CBOC does not unilaterally identify community priorities per the CBA). Member Cannady further emphasized the need for further dialogue before anything is committed to writing.
- **Initial Comments by Chairman Blue.** Chairman Blue noted the need to perform due diligence on entities and organizations providing resources to the themes/issues discussed during the public hearing.

- **Additional Comments by Member Whyte.** Member Whyte noted the need to grapple with content (i.e., what were priorities and what is process the CBOC will establish or convey priorities heard). Member Whyte recommended that it may be prudent that the CBOC hold an additional meeting in September or October. The purpose of the meeting, according to Member Whyte, would be to engage in dialogue on the public hearing comments (including assets already dedicated to those causes). Member Whyte further noted that “all things youth” emerged as a trend in the public hearing as well as the need for an application process (which was noted in the public testimony prepared and referenced by the *Buffalo News* editorial board following public hearing).
- **Comments by Member Parker.** Member Parker noted that further discussion would be helpful with respect to asset mapping. Member Parker also emphasized that public frustration stems from the fact that the CBOC hasn’t provided clear parameters, and many members of the public felt the annual hearing was a “one-and-done” format for community input. Additionally, Member Parker recommended that the CBOC employ a greater communication strategy with the public as there were several public comments related to transparency and who knew about the public hearing as certain community members did not know of the hearing until the day of the hearing.
 - In response to Member Parker, **Chairman Blue** noted that the CBOC regularly posts its committee notices and agendas with the same publications and news media on a recurrent basis. Chairman Blue emphasized that some members of the public know about the meeting and chose not to attend. Additionally, Chairman Blue noted that the CBOC needs a process after public meetings to discuss recommendations and adopt and map out the process following public meetings.
 - **Member Starowitz** echoed Chairman Blue’s sentiments, noting that the CBOC should take pride in the turnout for the public hearing given the large turnout. Member Starowitz emphasized that, while the CBOC can always do more to spread the word, transparency is a mischaracterization. Additionally, Member Starowitz noted that Developer intends to have Member Semaia meet with members of the news media to outline the ways community members can reach out to him and this committee to discuss potential community priorities. In response, **Member Parker** noted that, while there was a great turnout, it could be better and the CBOC should hold itself accountable and potentially use social media as a means of communicating with the public.
 - **Member Cannady** noted that the public turnout is a testament to the CBOC’s ongoing efforts to consider and implement community feedback with respect to meeting communications. Member Cannady noted that, although public communications is not a result of a lack of transparency (which implies insufficient disclosure by the CBOC), the CBOC can work to develop a better strategy to spread the word about meetings.
- **Comments by Member Frederick.** Member Frederick noted that the CBOC discussed potentially having a subcommittee at initial meetings. Member Frederick also inquired whether Member Semaia had been inundated with email communications since providing his contact information at the annual hearing. In response, Member Semaia confirmed that he received a number of requests and is in the process of scheduling meetings with members of the community. Member Semaia further noted that he has set up 20 meetings since the public hearing. Chairman Blue further emphasized that Member Semaia has been engaging in discussions with several organizations and groups represented at the annual hearing, noting that these meetings are an example of the processes in place of the public to discuss community needs.

- **Additional Comments by Member Whyte.** Member Whyte inquired whether the dialogue on community priorities and vulnerabilities should have an end point and asked for further clarification on the Bills' view regarding what should follow a public hearing. In response, **Member Semaia** noted that, from a timeline perspective, the annual report is published 180 days after the Bills' fiscal year and that following the submission of the report, the CBOC should engage in dialogue on the report, host the public hearing and have an internal process. Member Whyte further inquired about the timeline, noting that it is important to think through what the CBOC wants to have as the procedure that helps it to analyze, incorporate and provide recommendations on community vulnerabilities and priorities to the Bills based on public testimony. **Member Cannady** suggested that the committee take the discussion offline for further consideration, and Member Whyte agreed.
- **Additional Comments by Member Mulligan.** Member Mulligan emphasized the need to have something public facing in the interim of the annual report and public hearing.

Chairman Blue closed Agenda Item No. 4.

AGENDA ITEM NO. 5 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 November 30, 2024, Developer has exceeded its minority and apprentice workforce hours, reporting (i) 22.20% for minority work hours (which exceeds the 15% goal) and (ii) 15.41% for apprentice work hours (which exceeds the 10% goal). Developer also reported the following percentages with respect to non-minority women work hours: (i) 3.71% for non-minority women work hours (which falls just below the 5% target).

Category	Goal	Through 11/30/24
Minority Work Hours	15%	22.20%
Non-Minority Women Work Hours	5%	3.71%
Apprentice Work Hours	10%	15.41%

- 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:

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

*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 Concessions goals in the CBA.

“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 noted that progress and planning are ongoing, including meetings with Legends Hospitality to review CBA objectives. Additionally, Member Semaia highlighted that the public art program was launched this quarter.

ADDITIONAL COMMUNITY BENEFITS UPDATES

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

- The Buffalo Bills Social Justice Committee awarded three local organizations each with \$40,000 in grants as part of the NFL's Inspire Change initiative: Open Buffalo, Buffalo Center for Health Equity, United Way of Buffalo & Erie County
- Damar Hamlin teamed up with U.S. Senate Majority Leader Chuck Schumer to advance a bill that would put AEDs in schools and make CPR more accessible across America
- Bills players and families took part in a flag football event benefitting Haven House, an organization providing critical tools and resources to prevent domestic violence and abuse
- Dion Dawkins' Dion's Dreamers Foundation, the Buffalo Bills Foundation, Wegmans, and the Buffalo Peacemakers partnered to distribute holiday food boxes to families in Buffalo
- Damar Hamlin launched the Buffalo Heroes Scholarship to support underserved high school and college-bound students in Buffalo pursuing private high schools, trade schools, or universities
- The Bills selected Dave Rust from Say Yes Buffalo as their honoree for the NFL's Inspire Change Changemaker Award which recognizes individuals making a significant impact through social justice work in communities

Member Semaia next highlighted that the Bills are committed to enhancing the community's well-being and creating a positive, lasting impact on Erie County and the surrounding region. He outlined the process through which the Bills receive information, which includes:

- Public CBOC Meetings
- Annual Public Hearing
- Direct contact with Penny Semaia at penny.semaia@bills.nfl.net

Additionally, Member Semaia emphasized other ways the Bills' community investment is implemented, including:

- Bills Foundation (addressing food insecurity)
- Donation and Sponsorship Request link

Comments from CBOC Members:

- **Initial Comments by Member Mulligan.** With respect to post-construction, Member Mulligan noted that things are progressing internally with Legends Hospitality and requested Legends come to a CBOC meeting. **Member Semaia** indicated there are still internal processes and meetings being conducted with respect to the post-construction goals set forth in the CBA. Member Mulligan noted that Legends is a major player in operation of the new stadium and the CBOC should establish a relationship with them. Member Mulligan further opined that the construction compliance goals for the new stadium did not get off to a great start and that he would like to avoid that for post-construction goals. Additionally, Member Mulligan noted that there is not currently a large pool of vendors for purposes of the post-construction goals and that local vendors will need help up until the stadium opening day.
- **Comments by Member Sumbundu.** Member Sumbundu noted that it is critical to ensure DBJ spends time working with companies, especially minorities, interested in working in the new stadium.
- **Comments by Member Whyte.** Member Whyte inquired whether Legends has engaged subcontractors with respect to its concession obligations. **Member Semaia** commented that subcontractor engagement is still in process. Member Whyte further inquired as to the timeline for

signing contracts. Member Semaia clarified that updates will be shared as they become readily available.

- **Additional Comments by Member Mulligan.** Member Mulligan noted that the committee passed a resolution regarding a new application form specific to the CBA. Member Mulligan further noted that an application process will be vital going forward and will need to begin starting April 1. In response, Member Cannady clarified that the resolution was for the Bills to develop or improve upon a public application process, which may include updates to the Bills' existing online donation request form.. Member Semaia noted that these updates have not yet been implemented.

Chairman Blue closed Agenda Item No. 5.

AGENDA ITEM NO. 6 New Business

No new business was brought forth by CBOC members.

Chairman Blue closed Agenda Item No. 6.

AGENDA ITEM NO. 7 Public Comment

Chairman Blue opened the meeting for public comment, which is limited to three (3) minutes per commenter.

- **Nina Karambelkar SBLC** – Ms. Karambelkar noted that her organization, the Western New York Law Center's Small Business Legal Clinic, provides free legal assistance to start businesses (e.g., business formation, hiring, certification, wind down, etc.) and that her organization was the only clinic to provide such services in Western New York. Ms. Karambelkar further noted that the organization has helped MWBEs take advantage of resources available and helped 15 small business owners in Level Up.
- **Connie Irvin** noted that food operations can be difficult, particularly in terms of serving large numbers and ensuring guest satisfaction. She called attention to Delaware North at Highmark Stadium and KeyBank Center, highlighting their commitment to working all games and their ability to adjust to meet needs. Ms. Irvin noted that many employees do not have cars, so transportation is provided between downtown and the stadium, as rideshare options can be cost-prohibitive. Ms. Irvin questioned whether current workers would be transitioned to new roles or have to apply as new hires. Additionally, Ms. Irvin questioned whether transportation would continue to be provided. She expressed concern about potential unintended vulnerabilities in the community and urged that time and effort be taken to ensure a positive experience for workers.

Chairman Blue closed Agenda Item No. 7.

AGENDA ITEM NO. 7 Adjournment

Chairman Blue adjourned the meeting at 12:37 PM ET, upon a motion by Member Mulligan.

The next CBOC meeting is scheduled for either **February 18th or 25th**.

