NEW YORK STATE OF OPPORTUNITY. | Erie County Stadium Corporation
A Subsidiary of Empire State Development

ERIE COUNTY STADIUM CORPORATION

at the
University of Buffalo - Center of Excellence in Bioinformatics & Life Sciences
701 Ellicott Street - Conference Room B2-209
Buffalo, New York 14203

Meeting of the Directors

Wednesday
March 15, 2023 – 9:30 am

REVISED PROPOSED AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the January 23, 2023 Directors' Meeting

2. Officer of the Corporation – Appointment of President

3. FY 2023-24 Operating and Capital Budgets – Approval of the Corporation's FY 2023-24 Operating and Capital Budgets (April 1, 2023 – March 31, 2024)

FOR CONSIDERATION

4. Orchard Park (Erie County) – Erie County Stadium Civic Project – Authorization to Affirm the General Project Plan; Authorization to Acquire and Lease Real Property; Authorization to Enter into a Lease and Other Agreements; and Authorization to Take All Related Actions

Item 1

DRAFT – SUBJECT TO REVIEW AND REVISION

Erie County Stadium Corporation
University of Buffalo – Center of Excellence
In Bioinformatics & Life Sciences
701 Ellicott Street
Conference Room B2-209
Buffalo, New York 14203

January 23, 2023

MINUTES

In Attendance Directors:	Robert J. Duffy – Chair Byron W. Brown Paul Brown Brenda Williams McDuffie Eric S. Reich Thomas Quatroche William E. Geary, Jr. Jeremy Toth April N.M. Baskin Bryan Fiume
Present for ECSC:	Hope Knight, President Raymond Orlando, Chief Financial Officer Debbie Royce, Secretary
Present for ESD:	Stephen Gawlik, VP, Poly & Capital Projects & Senior Counsel, Strategic Initiatives Laura Magee, Deputy Director - Public Affairs Paul Tronolone, Vice President - Planning & Policy, WNY
Also Attended:	Members of the Media Members of the Public

Before calling the meeting to order, Chair Duffy welcomed everyone and called the meeting of the Erie County Stadium Corporation for Monday, January 23, 2023 to order.

Chair Duffy then thanked Governor Hochul for appointing him as the Chair of the Corporation and noted that he is looking forward to working with the State, County, City and

the Buffalo Bills on this project. He then asked the Directors to introduce themselves.

Chair Duffy formally called the meeting to order and noted that the meeting would be webcast.

Chair Duffy noted that the public had been given an opportunity to comment on the Agenda items by submitting their written comments by 9:00 a.m. this morning and that one comment was received from the public, was provided to the Directors and posted on the meeting website page.

Chair Duffy then noted that the Directors had received the relevant written materials in advance of today's meeting and were free to ask questions.

The Chair then asked the Directors if anyone had any potential conflict of interest with regard to any of the items on the Agenda and no conflicts were noted at this time.

Hope Knight, President of the Erie County Stadium Corporation was introduced and provided some opening comments.

Chair Duffy then asked Steve Gawlik, Empire State Development's Senior Counsel for Strategic Initiatives, to present today's Agenda item relating to the Erie County Stadium Civic Project for the Directors' consideration.

Mr. Gawlik explained that Erie County Stadium Corporation ("ECSC") is a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development ("ESD") that's been tasked with implementing the Buffalo Bills Stadium project.

Mr. Gawlik gave a brief history of the project noting that the stadium was named Rich Stadium when it first opened in 1973. He noted It was funded and built by Erie County and in 1998 the original lease expired and Erie County Stadium Corporation was formed.

Mr. Gawlik explained that since 1998 the 200 plus acre property and the facilities was owned by Erie County and since 1989 had been leased to the ECSC and subleased to the Bills. He further explained the last extension occurred 10 years ago in 2013 under the same terms and will expire this July.

Mr. Gawlik stated that the State, the County and the Owners of the Bills entered into a Memorandum of Understanding outlining the basis of the new deal to include replacing the existing stadium.

Mr. Gawlik noted that the project budget is $1.4 billion, of which the State is contributing $600 million, the County is contributing $250 million and remainder of the budget will be provided by the Bills.

Mr. Gawlik further noted there were two funding sources for the project contributed by

the State, the County and the Bills: a capital improvement allowance which the State will be contributing $6 million and the County up to $4 million with a caveat.

Mr. Gawlik explained the Bills will contribute $900,000 annually to be used for the capital upkeep of the stadium, a second fund, which is a 15-year fund contributed by the State at $6.75 million will be used for capital, maintenance and upkeep. He advised the County share of $4 million will be based on surcharges that are going to be implemented by the County and expected to net $4 million.

Mr. Gawlik noted that as part of the agreement there will be a lease between the Stadium Corporation and the Bills. He also advised that a Community Benefits Agreement ("CBA") has been negotiated as part of this agreement and there will be a lease extension on a year-to-year bases until the new stadium opens.

Mr. Gawlik further noted that the groundbreaking is coming up soon, but that the existing stadium would continue to be used until the new stadium is complete. Once the new stadium is complete the old one will be demolished, leveled and turned into a parking lot.

Mr. Gawlik noted that as part of the CBA there will be a Community Benefits Oversight Committee appointed by the County, EVCSC and Bill which will be charged with oversight of the opportunities involved in the Community Benefits Agreement.

Mr. Gawlik noted that a public hearing would be held on the plan and if negative comments are received at the public hearing for the project, the item will come back to the board for final approval.

Mr. Gawlik explained that in addition to approving the General Project Plan, the Directors were being asked to make findings that there is no significant impact on the environment. He noted the County legislature was the lead agency under the State Environmental Quality Review Act ("SEQRA") and made findings last week.

Mr. Gawlik recapped that the Directors were being asked to authorize the adoption of a General Project Plan, authorize a public hearing and authorize the taking of all related actions.

Mayor Brown asked, what are the duties and powers of the Stadium Corporation.

Mr. Gawlik stated that the Stadium Corporation is a legal vehicle that will own the facility and lease it to the Bills and ESD will execute all of the agreements.

Following the full presentation, Chair Duffy called for questions or comments from the Directors. Hearing no further questions and noting that no comments were received from the public, upon motion duly made and seconded, the following Resolutions were unanimously adopted:

ERIE COUNTY STADIUM CORPORATION - Orchard Park (Erie County) – Erie County Stadium Civic Project – Adoption of Findings Pursuant to Sections 10(d), and 10(g) of the New York State Urban Development Corporation Act of 1968, as Amended Authorization to Adopt the General Project Plan; Authorization to Hold a Public Hearing; Authorization to Acquire and Lease Real Property; Authorization to Enter into a Lease and Other Agreements; and Authorization to Take All Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Erie County Stadium Corporation (the "Corporation"), relating to the Erie County Stadium Civic Project (the "Project"), the Corporation hereby finds pursuant to Section 10 of the New York State Urban Development Corporation Act of 1968, as amended (the "Act"):

(1) that there exists in the area in which the Project is to be located a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project;

(2) that such Project shall consist of a building or buildings which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;

(3) that such Project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be made for the payment of the cost of acquisition, construction, operation, maintenance, and upkeep of this project;

(4) that the plans and specifications assure adequate light, air, sanitation, and fire protection; and be it further

RESOLVED, that on the basis of the materials presented to this meeting relating to the Project indicating that there are no families or individuals to be displaced from the Project area, the Corporation hereby finds that the requirements of Section 10(g) of the Act are satisfied; and be it further

RESOLVED, that the Corporation does adopt, subject to the requirements of Section 16(2) of the Act, the proposed General Project Plan (the "Plan") for the Project submitted to this meeting, together with such changes therein as the President and Chief Executive Officer of the Corporation or her designee(s) may deem appropriate, a copy of which Plan, together with such changes, is hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that the Corporation is authorized to hold a public hearing on the Plan; and be it further

RESOLVED, that upon written finding of the President and Chief Executive Officer of the Corporation that no substantive negative testimony or comment has been received at the public hearing held on the Plan, such Plan shall be effective at the conclusion of such hearing; and that upon such written finding being made, the Corporation is hereby authorized to acquire property and lease the same in accordance with the terms contained in the Materials and the President and Chief Executive Officer of the Corporation or her designee(s) be, and each of them hereby is authorized to enter in all agreements necessary to effectuate the Project; and be it further

RESOLVED, that the President of the Corporation or her designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents, contracts and other agreements and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

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ERIE COUNTY STADIUM CORPORATION - Orchard Park (Erie County) – Erie County Stadium Civic Project – Determination of No Significant Effect on the Environment

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RESOLVED, that on the basis of the materials submitted to the Directors with respect to the Erie County Stadium Civic Project (the "Project"), the Corporation hereby makes a determination that the proposed action will not have a significant adverse effect on the environment.

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There being no further business, the meeting was adjourned at 2:24 p.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

Item 2

NEW YORK STATE OF OPPORTUNITY. | Erie County Stadium Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
March 15, 2023

TO: The Directors

FROM: Hope Knight

SUBJECT: Officer of the Corporation

REQUEST FOR: Appointment of President

I. Background

The office of President to the Erie County Stadium Corporation (the "Corporation") is currently held by Hope Knight by virtue of her position as President and CEO of the New York State Urban Development Corporation d/b/a Empire State Development. ("ESD"). Now that the Corporation is involved in the construction of a new stadium to house the Buffalo Bills and will own the stadium once complete, dedicated staff are needed to manage the project. As such, to ensure the Corporation has a principal officer who can execute all required documentation on the Corporation's behalf, and who otherwise fulfills the duties and responsibilities of the President as contained in the Corporation's bylaws, it is recommended that Steven Ranalli be appointed President of the Corporation.

Mr. Ranalli has worked for the Erie Canal Harbor Development Corporation ("ECHDC") since 2008 and has been President of ECHDC since 2019. He is a professional engineer with experience in engineering, urban planning, construction, and economic development. He has been responsible for the day-to-day oversight and management of all projects and initiatives within the ECHDC's 450 acres of waterfront property. At the request of Empire State Development's President and CEO, Mr. Ranalli has also been coordinating and helping to advance other initiatives of the WNY regional office and USA Niagara Development Corporation.

His major accomplishments with the ECHDC include the reconstruction of the historically aligned canals at Canalside, replicating the western terminus of the Erie Canal; the Explore and More Children's Museum; the Ohio Street reconstruction project, a major waterfront arterial linking the City's inner and outer harbors; and the General Project Plan for the redevelopment of the Outer Harbor, including the Lakeside Bike Park, Terminal B and Bell Slip renovations currently underway.

Mr. Ranalli has managed the Canalside Cultural Committee and the Canalside Design Committee. He is a member of Empire State Development's Smart Growth Committee and represents Empire State Development as a Commissioner of the Erie Canalway Heritage National Corridor. He is also a Director for the Buffalo Niagara Convention & Visitor's Bureau.

II. Requested Actions

The Directors are requested to approve the appointment of Steven Ranalli as President of the Corporation as set forth in these materials and to confirm that Steven Ranalli is an Officer and President of the Corporation within the meaning of the New York State Urban Development Corporation Act and the Corporation's bylaws, including the indemnification provisions thereof.

III. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

Attachment
Resolution

March 15, 2023

ERIE COUNTY STADIUM CORPORATION – Officer of the Corporation - Appointment of President

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BE IT RESOLVED, that Steven Ranalli be, and he hereby is, appointed as an Officer of the Erie County Stadium Corporation (the "Corporation"), with the title of President, his appointment being effective immediately, and a copy of the attached materials is ordered to be filed with the records of the Corporation; and be it further

RESOLVED, that in accordance with and for all the purposes of the New York State Urban Development Corporation Act and the bylaws of the Corporation, including but not limited to the indemnification provisions thereof, the foregoing individual be hereby confirmed as an officer of the Corporation.

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Item 3

NEW YORK STATE OF OPPORTUNITY. | Erie County Stadium Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
March 15, 2023

TO:	The Directors
FROM:	Hope Knight
SUBJECT:	Erie County Stadium Corporation Fiscal Year 2023-24 Operating and Capital Budget Proposal
REQUEST FOR:	Approval of the Corporation's Operating and Capital Budgets for the Fiscal Year ("FY") 2023-24 (April 1, 2023 – March 31, 2024)

I. Background

New York State Finance Law requires that prior to the commencement on April 1 of each new fiscal year, the Directors of the Erie County Stadium Corporation ("ECSC" or the "Corporation") adopt an annual operating budget and capital budget, if applicable. Attached for your review and approval are the proposed ECSC FY 2023-24 (April 1, 2023 – March 31, 2024) Operating and Capital Budgets (the "Budgets"). Funds for both the operating and capital budgets will be administered by the New York State Urban Development Corporation d/b/a Empire State Development ("ESD"), the ECSC's parent, pursuant to a Memorandum of Understanding entered into between ESD and ECSC.

II. ECSC FY 2023-24 Operating Budget Summary

The Operating Budget proposes a total of $630,270 in personal services (salaries and fringe benefits for up to four employees) and a total of $1,970,454 in non-personal services (primarily consultant and legal fees). The total of all budgeted personal and non-personal expenses for FY 2023-24 is $2,600,724. The funding will be provided through ESD from New York State Budget Appropriations.

III. ECSC FY 2023-24 Capital Budget Summary

Separate from the Corporation's Operating Budget is the Corporation's Capital Budget. The sole capital project being funded by the Corporation is the design/construction of a new stadium for the Buffalo Bills football franchise. New York State, through the Corporation, will provide $600,000,000 for the project which was separately approved by the Corporation's Board of Directors. The Corporation's Fiscal Year 2023-24 Capital Budget is $300,000,000. This represents the expected funding that will be provided for the stadium project for the current fiscal year.

Funding will be provided through ESD from New York State Budget Appropriations.

IV. Environmental Review

Approval of the Corporation's Operating and Capital Budgets for FY 2023-24 constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with this request. Capital projects are approved by the Corporation's Board of Directors under separate actions and, as necessary, will be subject to environmental review prior to such Board approval.

V. Recommendation

Based upon the forgoing, the Directors are requested to: 1) ratify and approve the Corporation's proposed FY 2023-24 Operating Budget in the amount of $2,600,724 and the Capital Budget in the amount of $300,000,000; 2) authorize the Corporation to enter into a Memorandum of Understanding with ESD to administer the funds; and 3) take all related actions.

VI. Attachments

Resolution
FY 2023-24 Budget - Operating – Erie County Stadium Corporation
FY 2023-24 Budget – Capital – Erie County Stadium Corporation

March 15, 2023

ERIE COUNTY STADIUM CORPORATION - FY 2023-24 Operating and Capital Budgets – Approval of the Corporation's FY 2023-24 Operating and Capital Budgets (April 1, 2023 – March 31, 2024)

BE IT RESOLVED, based on the materials at this meeting and ordered filed with the Corporation (the "Materials"), the Corporation's proposed FY 2023-24 Operating and Capital Budgets are hereby approved, and adopted in all respects, substantially in the form set forth in the materials and subject to the availability of funds; and be it further

RESOLVED, that the Officers of the Corporation and/or appropriate designees, and each of them, are hereby authorized and directed to take all actions and execute all documents in connection with the establishment and implementation of the Corporation's Budget; and be it further

RESOLVED, that the Officers of the Corporation and/or appropriate designees, and each of them, are hereby authorized to enter into a Memorandum of Understanding with ESD to administer the Corporation's Budget; and be it further

RESOLVED, that the President of the Corporation or his or her designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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Empire State Development
Erie County Stadium Corporation
FY 2023-24 Proposed Operating Budget

		Proposed Budget FY 2023-24
PERSONAL SERVICES		
Salaries	$	447,000
Fringe Benefits		183,270
TOTAL PERSONAL SERVICES	**$**	**630,270**
HEADCOUNT		4
NON-PERSONAL SERVICES		
Professional Fees		
Legal / Accounting Fees	$	250,000
Consultant Fees		1,465,454
Total Professional Fees	**$**	**1,715,454**
Other Non-Personal Services		
Employee Travel & Meals	$	-
On-line Services/ Due & Subscriptions		-
Office Occupancy Expenses		-
Insurance		-
Other Outside Services		255,000
Telephone/Internet		-
Office Supplies and Expense		-
Computers/Software/Equipment		-
Total Other Non Personal Services	$	255,000
TOTAL NON-PERSONAL SERVICES	**$**	**1,970,454**
TOTAL OPERATING BUDGET	**$**	**2,600,724**

Empire State Development
Erie County Stadium Corporation
FY 2023-24 Proposed Capital Budget

	Proposed Budget FY 2023-24
Acquistion Costs	$ -
Design & Other Soft Costs	-
Legal Costs	-
Property Management/Maintenance Costs	-
Insurance	-
Demolition & Site Clearance	-
Construction Costs	300,000,000
Other Misc. Costs	-
TOTAL CAPITAL BUDGET	$ 300,000,000

Item 4

NEW YORK STATE OF OPPORTUNITY. | Erie County Stadium Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
March 15, 2023

TO:	The Directors
FROM:	Hope Knight
SUBJECT:	Orchard Park (Erie County) - Erie County Stadium Civic Project
REQUEST FOR:	Authorization to Affirm the General Project Plan; Authorization to Acquire and Lease Real Property; Authorization to Enter into a Lease and Other Agreements; and Authorization to Take All Related Actions

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I. Project Summary

Project Owner:	County of Erie (the "County") 95 Franklin Street Buffalo, New York 14202
Contact:	Honorable Mark Poloncarz Erie County Executive 95 Franklin Street Buffalo, NY 14202
Project Tenant:	Bills Stadium and Events Company, LLC, formerly known as OPSTAD, LLC, an affiliate of Buffalo Bills, LLC (the "Bills") One Bills Drive Orchard Park, New York 14127
Tenant Contact:	Ron Raccuia President & CEO Buffalo Bills, LLC One Bills Drive Orchard Park, New York 14127

II. Proposed Project

The Project involves the design, construction and operation of a new stadium for the Buffalo Bills NFL franchise (the "Project"). The expected cost of the new stadium is $1.4 billion with the parties agreeing to share costs with the State contributing $600 million, the County $250 million and the Bills $550 million. The new facility will be constructed by the Bills across Abbott Road on existing parking lots and unused land owned by the County that is part of the SUNY Erie south campus.

Upon completion of construction, ownership of the new stadium and the entire stadium complex consisting of approximately 242 acres will be transferred to Erie County Stadium Corporation ("ECSC") which will then lease the complex to the Bills for thirty (30) years.

The new facility will be a state-of-that-art open-air stadium with a minimum seating capacity of 60,000 seats and a maximum capacity of 63,000 seats with finishes, amenities and concourses comparable to recent NFL stadiums. The stadium will be a minimum 1.35 million square feet with eight to nine levels with a mixture of general seating, club seating, premium seating and suite offerings as well as a standing room only area and party decks. The Project will include construction of an approximate 65,000 square foot auxiliary technology building which will consist of areas for TV broadcasters and a production data center. The Project will also include demolition of Highmark Stadium upon completion of the new stadium.

III. Background and Update

In January of 2023, the Directors adopted a General Project Plan ("GPP") and authorized a public hearing to permit public comment on the Project. A copy of the GPP is attached as Exhibit A. A The Corporation held a public hearing in Orchard Park on February 2, 2023, and accepted comments via email through February 6, 2023. Two written comments were received and ten speakers provided comments at the public hearing. A copy of the written comments and hearing transcript are attached hereto as Exhibit B. A summary of all comments received and staff's response to the comments is attached hereto as Exhibit C.

A majority of the comments received were not critical of the Project but raised concerns about various issues, including use of local labor, construction impacts to the nearby residents, and questions about the Project. Based on the comment responses attached hereto, staff recommends that the GPP be affirmed without modification.

Furthermore, since adoption of the GPP, the team has changed the name of its affiliate charged with implementing the Project from OPSTAD, LLC to the Bills Stadium and Events Company, LLC. The name change will have no effect on the Project.

IV. Environmental Review

The County of Erie, as lead agency, completed an environmental review of the proposed Project, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. This review found the project to be a Type I Action, and after coordinated review with other involved and interested agencies, the County determined it would not have a significant effect on the environment. The County issued a Negative Declaration on January 19, 2023. At its meeting on January 23, 2023, the Directors make a Determination of No Significant Effect on the Environment. No further action is required.

V. Non-Discrimination and Contractor & Supplier Diversity

ESD's Non-Discrimination and Contractor and Supplier Diversity policy will apply. The Bills shall be required to solicit and utilize Minority and Women-owned Business Enterprise ("MWBEs") and Service-Disabled-Veteran-owned Business Enterprises ("SDVOBs") for any contractual opportunities generated in connection with the construction of the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(m)) to achieve at a minimum, an overall MWBE Participation Goal of 30%, and an SDVOB Participation Goal of 6%. The goal shall include a Minority Business Enterprise ("MBE") Participation Goal of 15% and a Women Business Enterprise ("WBE") Participation Goal of 15% related to the total value of the State's funding. The expenditure of the annual Capital Improvement Fund and Repair and Maintenance Fund shall also be subject to MWBE and SDVOB goals which will be set annually based on the use of the funding.

VI. Requested Actions

The Directors are requested to: (a) affirm the General Project Plan; (b) authorize the Corporation to acquire and lease to the Bills the project site; (c) authorize the Corporation to enter in all agreements necessary for the Project; and (d) take all related actions.

Attachments
Resolutions
Exhibit A - General Project Plan, January 23, 2023
Exhibit B - Transcript of public hearing on February 2, 2023 and written comments received
Exhibit C – Summary of comments received and staff response to comments

March 15, 2023

ERIE COUNTY STADIUM CORPORATION - Orchard Park (Erie County) – Erie County Stadium Civic Project – Authorization to Affirm the General Project Plan; Authorization to Acquire and Lease Real Property; Authorization to Enter into a Lease and Other Agreements; and Authorization to Take All Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Erie County Stadium Corporation (the "Corporation"), relating to the Erie County Stadium Civic Project (the "Project"), the Corporation hereby affirms the General Project Plan for the Project, together with such other changes as the President of the Corporation or his or her designee(s) may deem appropriate; and be it further

RESOLVED, that the Corporation is hereby authorized to acquire property and lease the same in accordance with the terms contained in the Materials; and be it further

RESOLVED, that the President of the Corporation or his or her designee(s) be, and each of them hereby is authorized to enter in all agreements necessary to effectuate the Project; and be it further

RESOLVED, that the President of the Corporation or his or her designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents, contracts and other agreements and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the Project and the foregoing resolutions.

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Exhibit A

2023 General Project Plan

NEW YORK STATE OF OPPORTUNITY. | Erie County Stadium Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
January 23, 2023

TO:	The Directors
FROM:	Hope Knight
SUBJECT:	Orchard Park (Erie County) - Erie County Stadium Civic Project
REQUEST FOR:	Adoption of Findings Pursuant to Sections 10(d), and 10(g) of the New York State Urban Development Corporation Act of 1968, as Amended (the "Act"); Authorization to Adopt the General Project Plan ("GPP"); Authorization to Make a Determination of No Significant Effect on the Environment; Authorization to Hold a Public Hearing; Authorization to Acquire and Lease Real Property; Authorization to Enter into a Lease and Other Agreements; and Authorization to Take All Related Actions

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General Project Plan

I. Project Summary

Project Owner:	County of Erie (the "County") 95 Franklin Street Buffalo, New York 14202
Contact:	Honorable Mark Poloncarz Erie County Executive 95 Franklin Street Buffalo, NY 14202
Project Tenant:	OPSTAD, LLC, an affiliate of Buffalo Bills, LLC (the "Bills") One Bills Drive Orchard Park, New York 14127
Tenant Contact:	Ron Raccuia President & CEO Buffalo Bills, LLC One Bills Drive Orchard Park, New York 14127
Proposed Project:	Design, construction and operation of a new stadium for the Buffalo Bills NFL franchise (the "Project").

ECSC/State Investment: $600,000,000

Anticipated Funding Source: FY 2022-2023 New York State Budget Appropriation. Annual payments referenced below will be paid from future NYS Budget Appropriations.

II. Financial Summary

A. Stadium Construction (2022-2026)

Financing Uses		**Estimated Cost**
- Design and Construction of a New Stadium		$1,400,000,000
Financing Sources		
- Buffalo Bills		$550,000,000
- Erie County		$250,000,000
- State		$600,000,000
	Total:	$1,400,000,000

B. Annual Funding (2026 -2056)

Financing Uses	**Annual Cost**	**Total Cost**
- Capital Improvement Fund	$10,900,000	$327,000,000
- Maintenance and Repair Fund (15 Years)	$6,670,000	$100,050,000
Total:	$17,570,000	$427,050,000

Financing Sources	Year 1	Total
- Buffalo Bills*	$900,000	$27,000,000
- Erie County**	$4,000,000	$120,000,000
- State*	$6,000,000	$180,000,000
- State (15 Years)	$6,670,000	$100,050,000
Total:	$17,570,000	$427,050,000

* Total cost does not include increases adjusted annually based on the Consumer Price Index capped at 2.2% annually.

** County commitment is estimated and limited to revenue generated by surcharges on ticketing, parking, and concessions.

III. Project Description

A. Background

The last remaining National Football League franchise in New York State is the Buffalo Bills NFL team. The Bills enjoy extraordinary loyal fan support in Western New York and Southern Ontario and generate significant economic activity for Erie County and New York State. Since 1973, Highmark Stadium (which opened in 1973, replacing WPA-era War Memorial Stadium on the East Side of Buffalo) is home to the Bills and located in Orchard Park, a suburb of Buffalo.

In May of 2013, ESD, through its subsidiary, the Erie County Stadium Corporation ("ECSC" or the "Corporation"), the County and Buffalo Bills LLC, entered into a ten-year lease of Highmark Stadium. The stadium and surrounding complex which includes the practice facility, administration buildings, parking lots and related infrastructure is owned by the County, leased to the ECSC, and subleased to the Bills through July of 2023. As the current lease expires after the 2022-23 season and because Highmark Stadium has reached the end of its useful life, in March of 2022, an agreement in principle was reached among Governor Hochul, Erie County Executive Mark Poloncarz and Bills owners' Kim & Terry Pegula to design and construct a new facility across Abbott Road in Orchard Park. A copy of the memorandum of understanding entered into by the parties can be found at: https://www2.erie.gov/exec/index.php?q=documents

The Project will involve the design and construction of new facility and a commitment by the Bills to remain in Western New York for the next thirty (30) years.

B. Summary of Transaction

i. Construction/Ownership

The expected cost of the new stadium is $1.4 billion with the parties agreeing to share costs with the State contributing $600 million, the County $250 million and the Bills $550 million. The Bills contribution will include any amounts derived from the sale of personal seat licenses ("PSLs") which the Bills will be responsible for the marketing and sale as agent of the ECSC, the owner of the facility. The Bills will be responsible for contracting for the design and construction of the new stadium and will bear responsibility for all cost overruns. Construction is expected to begin mid-2023 with completion anticipated in time for the 2026 season. Current renderings of the new stadium are attached hereto as **Exhibit A**.

The new facility will be constructed by the Bills across Abbott Road on existing parking lots and unused land owned by the County that is part of the SUNY Erie south campus. Upon completion of construction, ownership of the new stadium and the entire stadium complex consisting of approximately 242 acres will be transferred to ECSC which will then lease the complex to the Bills for thirty (30) years. A site plan of the stadium complex footprint is attached hereto as **Exhibit B**.

The new facility will be a state-of-that-art open-air stadium with a minimum seating capacity of 60,000 seats and a maximum capacity of 63,000 seats with finishes, amenities and concourses comparable to recent NFL stadiums. The stadium will be a minimum 1.35 million square feet with eight to nine levels with a mixture of general seating, club seating, premium seating and suite offerings as well as a standing room only area and party decks. The Project will include construction of an approximate 65,000 square foot auxiliary technology building which will consist of areas for TV broadcasters and a production data center. The Project will also include demolition of Highmark Stadium upon completion of the new stadium.

ii. Term

The term of the lease is thirty (30) years which is non-terminable and not subject to any buyout right. As part of the transaction, a separate non-relocation agreement will be executed by the Bills that will provide the right to specific performance requiring the Bills to play at the new stadium should they attempt to break the lease. If the County and State are unable to enforce their right of specific performance, the Bills would be required to pay liquidated damages by repaying all Project costs incurred by the State and County in the event the breach occurs in the first fifteen (15) years of the lease which amount will thereafter decline annually in equal amounts for the remaining years of the term.

iii. Annual Costs

Annual payments will be made by the parties that will be used by the Bills to maintain and repair the facility and are broken down into two categories: (a) a capital improvement fund (the "CIF"); and (b) a repair and maintenance fund ("RMF"). In year one of the lease, the total payments to the CIF will be $10.9 million and the RMF will be $6.75 million.

The CIF will be funded by contributions made by: (a) the State $6 million; (b) the County $4 million; and (c) the Bills rent - $900,000. The amounts will be adjusted annually based on the Consumer Price Index, but any increase will not exceed 2.2%. The County's contribution is an estimate and will be limited to actual amounts generated by surcharges on ticketing, parking, and concessions. The CIF will be used by the Bills for the capital upkeep of the stadium complex. In addition, the Bills will be permitted to use one-third of the funds contributed by the State to the CIF for expenses related to security and utilities for events occurring and the new facility.

The RMF will be funded annually for fifteen (15) years by the State at $6.67 million per year. The RMF will be used by the Bills for capital improvements, maintenance and other repairs needed for the upkeep of the stadium complex. Except for the contributions to the CIF and RMF, all other capital and operating expenses of the new stadium will be the responsibility of the Bills.

iv. Community Benefits Agreement

The transaction includes a Community Benefits Agreement ("CBA") whereby the Bills have agreed to provide various benefits to support the local community. The CBA outlines a multi-facet program to encourage participation in the Project by the local community, including people of

color, women, veterans, LGBTQ+, low-income, and other targeted members of the community. Community benefits directed towards these target groups include: (a) MWBE participation in construction, maintenance and operations; (b) prevailing wage and living wage requirements; (c) transportation improvements; (d) workforce training and development, apprenticeship and internship programs; and (e) numerous other benefits (including, without limitation, expanding of youth programing in the region (for example, in conjunction with the Buffalo Urban League), support of anti-violence initiatives (including gun violence), support of mental health initiatives, supporting recycling programs, higher education support, food insecurity initiatives, and other programs that support the upward mobility of impoverished and low-income neighborhoods.

Specifically, the CBA will: (a) set a 30% goal for Minority and Women Business Enterprises ("MWBE") and a 6% goal for Service-Disabled Veteran Business Enterprises ("SDVOB") certified by the State or County for all retailers, vendors, and service companies used in stadium maintenance and operations; (b) set a 30% goal for food products used by concessionaire's be purchased from Erie County certified MWBE food service companies; (c) require the Bills to promote and give preference to food and beverage items for sale at the stadium that are produced and/or manufactured in New York State; (d) require the Bills to apply prevailing wage programs for employees during construction and promote living wage standards in its employment practices for employees working at the stadium; (d) require the County and Bills to work in in good faith to expand public transportation to the stadium and require a public transportation hub be implemented in the stadium complex design; (e) provide for mentoring/technical assistance/internship/educational opportunities by the Bills to (i) promote the training of a diverse workforce from the various target groups during the construction, maintenance and operation of the Project; (ii) provide for paid internships for local high school students with a 30% goal of such students residing in disadvantaged communities; and (iii) collaborate with local area high schools and colleges for opportunities for members of the Bills and/or the Bills organization to speak to classes of student groups regarding the business of sports and the opportunities that exist in the sporting industry with the aim of encouraging diversity and inclusion in professional sports front offices.

Other benefits that are part of the CBA include: (a) the Bills continued support for anti-violence and mental health initiatives through Bills-led anti-violence awareness and mental health campaigns, promoting local anti-violence campaigns and supporting local community organizations whose mission include anti-violence work and mental health work, respectively; (b) the development, implementation and maintenance of a sustainability operations plan to address solid waste recycling as well as other efforts to reduce carbon emissions and the carbon footprint of the new stadium; (c) the Bills commitment to work collaboratively with local artists to develop a community art program in connection with the new stadium and to make available personnel to participate in education lectures and classroom activities in area educational institutions such as ECC and BOCES.

In addition, the CBA will create a Community Benefit Oversight Committee ("CBOC") made up of representatives appointed by the County, ECSC and the Bills that will be tasked with monitoring, oversight and accountability with respect to the commitments made by the Bills contained in the

CBA. The CBOC will identify priorities where the Bills can best direct their resource commitments which at a minimum will be valued at $3 million per year.

v. **Lease Extension**

Construction of the stadium is expected to begin in the spring of 2023 with completion expected in time to permit the Bills to play there for the 2026 season. Pending completion of the new facility, the existing leases and related agreements will be extended on a year-to-year basis on the same terms and conditions contained in the 2013 agreements. This includes the annual payments that will be made to the Bills by the County and State through ECSC that are broken down into three categories: (a) working capital; (b) operating/game day expense reimbursement; and (c) annual stadium capital improvement allowance that is expended by the County to maintain the existing stadium. In year ten of the lease (2021-22), the payments were: (a) $4.09 million working capital; (b) $6.45 million operating/game day expense reimbursement; and (c) $5.48 million Stadium capital improvement allowance. These amounts will be adjusted annually for future lease extension years based on the Consumer Price Index in accordance with the 2013 agreements. The capital improvement allowance payable by the State through ECSC and the County is reduced by the Bills rent payment which in year 10 was $953,834. The remaining obligation to make these payments are split evenly between the State and the County.

vi. **Additional Benefits**

Once complete, the new stadium will be available to the State, ECSC and the County to host civic events. The County will be permitted to hold up to five events per year while the State or ECSC may hold an unlimited number of events per year. In addition, ECSC and the County will be authorized to use the Bills logos and trademarks valued at $800,000 per lease year and the County will be provided a hospitality suite which will be available for use by the County and its guests for all events at the new facility.

C. Design and Construction

The Bills will hold the contracts for the design and construction of the new stadium and be responsible for all cost overruns. In addition, it is expected the Bills will enter a Project Labor Agreement with the local trade unions to govern work rules associated with construction of the Project. ESD/ECSC and County personnel will be involved in all aspects of the Project and will oversee the procurement of all contracts, attend construction meetings, monitor construction, and review and approve contractors' requisitions. ESD staff will secure and authorize payment of State funds when all requirements are satisfied.

IV. Statutory Findings

1. That there exists in the area in which the Project is to be located a need for the educational, cultural, recreational, community, municipal, public service, or other civic facility to be included in the project;

The Buffalo Bills have played in Orchard Park for over 50 years. The Bills maintain a sizable following in Western New York and are a source of civic pride for the residents thereof. If the Bills franchise were to relocate to another area, it would be considered indicative of a loss of major market status for Buffalo and Western New York. The team provides considerable entertainment, recreational and community services to the Erie County and New York State which will continue for the foreseeable future as a result of the Project.

2. That such Project shall consist of a building or buildings which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;

The current stadium was constructed for professional football in 1972 and has been continuously used for that purpose. The Project which consists of the design and construction of a new facility will continue and enhance that use. The Bills are an important asset of Erie County, and the Project will allow Western New York and New York State residents to continue to enjoy the recreational and entertainment value provided by the team. In addition, the new stadium will be available for use for civic events by the State and County.

3. That such Project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be made for the payment of the cost of acquisition, construction, operation, maintenance, and upkeep of this project;

Upon completion of the new stadium, the County will transfer title to the Corporation which will lease the same to the Bills. The costs of construction of the improvements and operating and maintaining the facility will be financed by the parties as described above.

4. That the plans and specifications assure adequate light, air, sanitation, and fire protection;

The Project will be constructed in accordance with all applicable codes.

5. The requirements of Section 10(g) of the Act are satisfied.

No residential relocation is required because there are no families or individuals residing on the site.

V. Environmental Review

The County of Erie, as lead agency, completed an environmental review of the proposed Project, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. This review found the project to be a Type I Action, and after coordinated review with other involved and interested agencies, the County determined it would not have a significant effect on the environment. The County issued a Negative Declaration on January 19, 2023. ESD staff reviewed the Negative Declaration and supporting materials and concurs. It is recommended

that the Directors make a Determination of No Significant Effect on the Environment.

Because the Project location has the potential to contain indigenous archaeological resources that are eligible for inclusion on the State and National Registers of Historic Places, ESD consulted with the NYS Office of Parks, Recreation and Historic Preservation ("OPRHP") pursuant to Section 14.09 of the State Historic Preservation Act and given the nature of the resources, also consulted with the Seneca Nation of Indians, Tonawanda Seneca Nation, and Tuscarora Nation. ESD entered a Letter of Resolution ("LOR") with OPRHP, and the NYS Department of Environmental Conservation and will ensure that its stipulations are adhered to in the undertaking of the Project. The Buffalo Bills and County signed the LOR as a Concurring Party, and the Seneca Nation of Indians, Tonawanda Seneca Nation, and Tuscarora Nation were also invited to sign the LOR as Concurring Parties.

VI. Non-Discrimination and Contractor & Supplier Diversity

ESD's Non-Discrimination and Contractor and Supplier Diversity policy will apply. The Bills shall be required to solicit and utilize Minority and Women-owned Business Enterprise ("MWBEs") and Service-Disabled-Veteran-owned Business Enterprises ("SDVOBs") for any contractual opportunities generated in connection with the construction of the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(m)) to achieve at a minimum, an overall MWBE Participation Goal of 30%, and an SDVOB Participation Goal of 6%. The goal shall include a Minority Business Enterprise ("MBE") Participation Goal of 15% and a Women Business Enterprise ("WBE") Participation Goal of 15% related to the total value of the State's funding. The expenditure of the annual Capital Improvement Fund and Repair and Maintenance Fund shall also be subject to MWBE and SDVOB goals which will be set annually based on the use of the funding.

VII. Requested Actions

The Directors are requested to: (a) make Civic Project findings pursuant to Section 10(d) and 10(g) of the Act; (b) adopt the General Project Plan; (c) authorize the holding of a public hearing; (d) authorize the Corporation to acquire and lease to the Bills the project site; (e) authorize the Corporation to enter in all agreements necessary for the Project; (f) make a determination of no significant effect on the environment; and (g) take all related actions.

Attachments
Resolutions
Exhibit A – Stadium Renderings
Exhibit B – Site Plan

January 23, 2023

ERIE COUNTY STADIUM CORPORATION - Orchard Park (Erie County) – Erie County Stadium Civic Project – Adoption of Findings Pursuant to Sections 10(d), and 10(g) of the New York State Urban Development Corporation Act of 1968, as Amended Authorization to Adopt the General Project Plan; Authorization to Hold a Public Hearing; Authorization to Acquire and Lease Real Property; Authorization to Enter into a Lease and Other Agreements; and Authorization to Take All Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Erie County Stadium Corporation (the "Corporation"), relating to the Erie County Stadium Civic Project (the "Project"), the Corporation hereby finds pursuant to Section 10 of the New York State Urban Development Corporation Act of 1968, as amended (the "Act"):

(1) that there exists in the area in which the Project is to be located a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project;

(2) that such Project shall consist of a building or buildings which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;

(3) that such Project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be made for the payment of the cost of acquisition, construction, operation, maintenance, and upkeep of this project;

(4) that the plans and specifications assure adequate light, air, sanitation, and fire protection; and be it further

RESOLVED, that on the basis of the materials presented to this meeting relating to the Project indicating that there are no families or individuals to be displaced from the Project area, the Corporation hereby finds that the requirements of Section 10(g) of the Act are satisfied; and be it further

RESOLVED, that the Corporation does adopt, subject to the requirements of Section 16(2) of the Act, the proposed General Project Plan (the "Plan") for the Project submitted to this meeting, together with such changes therein as the President and Chief Executive Officer of the Corporation or her designee(s) may deem appropriate, a copy of which Plan, together with such changes, is hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that the Corporation is authorized to hold a public hearing on the Plan; and be it further

RESOLVED, that upon written finding of the President and Chief Executive Officer of the Corporation that no substantive negative testimony or comment has been received at the public hearing held on the Plan, such Plan shall be effective at the conclusion of such hearing; and that upon such written finding being made, the Corporation is hereby authorized to acquire property and lease the same in accordance with the terms contained in the Materials and the President and Chief Executive Officer of the Corporation or her designee(s) be, and each of them hereby is authorized to enter in all agreements necessary to effectuate the Project; and be it further

RESOLVED, that the President of the Corporation or her designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents, contracts and other agreements and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

* * *

January 23, 2023

ERIE COUNTY STADIUM CORPORATION - Orchard Park (Erie County) – Erie County Stadium Civic Project – Determination of No Significant Effect on the Environment

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RESOLVED, that on the basis of the materials submitted to the Directors with respect to the Erie County Stadium Civic Project (the "Project"), the Corporation hereby makes a determination that the proposed action will not have a significant adverse effect on the environment.

* * *

Renderings are subject to change.

Renderings are subject to change.

CONCEPT SITE PLAN

- **A** NEW STADIUM
- **B** AUXILIARY BUILDING
- **C** NEW PARKING @ HIGHMARK STADIUM
- **D** EXISTING PARKING TO REMAIN
- **E** EXISTING BUILDING TO REMAIN
- **F** EXISTING EDUCATIONAL BUILDING TO REMAIN

Exhibit B

Hearing Transcript and Comments

1 **ERIE COUNTY STADIUM CORPORATION**

2

3 **PUBLIC HEARING ON THE GENERAL PROJECT PLAN**

4 **WITH RESPECT TO THE**

5 **ERIE COUNTY STADIUM CIVIC PROJECT,**

6 **Pursuant to Section 16 of the New York State**

7 **Urban Development Corporation Act**

8

9

10

11 Held at: Erie Community College South Campus

12 4041 Southwestern Boulevard

13 Orchard Park, New York

14

15 Held on: February 2nd, 2023 at 5:00 p.m.

16

17 Presiding: Stephen Gawlik, Esq.
General Counsel

18

Gary Gerace, Esq.

19

20

21

22

23 HEARING REPORTER: Rebecca L. DiBello, RPR

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6 3. Paul Renzo

7 4. Albert Catalano

8 5. William Hanrahan

9 6. Eric Matwijow

10 7. Ron Klinczar

11 8. Stan Gasiewicz

12 9. Jay Knavez

13 10. Donald Lang

14

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21 3 - Director's Materials, General Project Plan, January 23rd,

22 2023 6

23

1 MR. GERACE: Good evening, ladies and
2 gentlemen. My name is Gary Gerace. I'm an
3 attorney duly admitted to practice law in the
4 State of New York. I have been asked by the
5 Erie County Stadium Corporation, a subsidiary
6 of the New York State Urban Development
7 Corporation, doing business as Empire State
8 Development, to conduct today's public hearing
9 pursuant to Section 16 of the New York State
10 Urban Development Corporation Act.
11 This hearing is being held pursuant to a
12 public notice published in accordance with the
13 UDC Act in the January 23rd, 2023 edition of
14 the Buffalo News. The purpose of this hearing
15 is to afford the general public an opportunity
16 to make statements and comments about Erie
17 County Stadium Corporation General Project Plan
18 for the proposed Erie County Stadium Civic
19 Project.
20 The hearing will remain open for a
21 period of not less than one hour or until all
22 members of the public who are present at the
23 hearing have been given an opportunity to make

statements or comments on the proposed project.

This is not a question and answer session. A stenographic transcript of this hearing is being made. Comments presented at this hearing will be taken into consideration by ECSC as part of the final approval of the proposed project.

First, Stephen Gawlik will present information on the project on behalf of ECSC. Then I will recognize anyone else who wishes to make a comment about the project. If you wish to speak at today's hearing please sign the register. Copies of ECSC's General Project Plan for the proposed project are available for your information and convenience.

In order to give everyone an ample opportunity to speak, I request that speakers keep their own presentations to no more than five minutes. Speakers representing organizations with a substantial number of members are asked to register and identify themselves as such and depending on the number of speakers wishing to be heard may be afforded

1 up to ten minutes for their presentation.
2 In order to ensure an accurate
3 transcript and to enable all assembled to hear
4 your remarks, I'm asking each speaker when
5 called upon to the front of the room to please
6 state your name and address. If you are
7 appearing as a representative of an
8 organization or government entity, please
9 identify the organization or entity and state
10 its address.
11 Finally, I want to remind you that the
12 purpose of this hearing is to afford you an
13 opportunity to make comments about the ECSC
14 General Project Plan for the proposed project.
15 This is not a question and answer session.
16 Now I'd like to take care of some of the
17 administrative matters by asking the
18 stenographer to mark the following documents as
19 exhibits to the hearing transcript. Number 1,
20 Public Notice that appeared in the Buffalo News
21 on January 23rd, 2023.
22 Number 2, Affidavit of Publication in
23 the Buffalo News. Number 3, document entitled

1 General Project Plan, January 23rd, 2023.
2 Subject, Orchard Park, Erie County, Erie County
3 Stadium Civic Project.
4
The following exhibits were marked:
5
1 - Public Notice, Buffalo News,
6 January 23rd, 2023
7 2 - Affidavit of Publication in
The Buffalo News
8
3 - Director's Materials, General Project
9 Plan, January 23rd, 2023
10 MR. GAWLIK: All right. Thank you,
11 everybody, for coming. My name is Steve
12 Gawlik. I'm a senior counsel with ESD and the
13 General Project Plan that was adopted a couple
14 of weeks ago, there's copies around if you're
15 interested in reviewing it, but I think
16 everybody knows generally the project.
17 It's construction of a new stadium to
18 house the NFL Bills team across the street from
19 the existing Highmark Stadium on Abbott Road.
20 The stadium is being built by the Bills. It
21 has a current budget of $1.4 billion, of which
22 the state through the Stadium Corporation will
23 contribute $600 million. The county is

1 contributing $250 million and the Bills are
2 responsible for the rest and for any costs
3 above that.
4 The stadium is going to be an open air
5 facility consisting of approximately 60,000 to
6 62,000 seats and, again, it's built across
7 Abbott Road from the existing stadium.
8 In addition, the project also involves
9 extension of the current lease. The current
10 stadium and the complex is actually owned by
11 Erie County. It's leased to the Erie County
12 Stadium Corporation and it's subleased to the
13 Buffalo Bills.
14 The existing leases actually expire --
15 well, they did after this season. They
16 actually expire in July, so while the
17 construction of the new stadium is being built
18 those agreements will be extended on a
19 year-to-year basis. The stadium is expected to
20 be completed in time to play the 2026 NFL
21 season.
22 So, that's really the project in a
23 nutshell. One other thing is when the stadium

is complete ownership will change. The county will be transferring the new stadium and the entire complex to the Erie County Stadium Corporation which will then sublease it to the Bills for 30 years.

So that's the project and we're welcoming comments on the project and the details that are included in the plan.

MR. GERACE: I would now like to ask the first speaker to approach the front of the room.

MR. GAWLIK: If you just want to come up here or you want to raise your hand we can hand you a mic, too. Just come on down. If anyone wants to speak, feel free. We're asking that people limit it to five minutes so everybody has a chance to speak and if you're with a group ten minutes.

MR. WILLIAMSON: My name is Rick Williamson. I'm the president of Bricklayers and Allied Craftworkers Local 3 New York. We are located at 1175 William Street, Buffalo, New York. That's where our union training

center currently is. We also have a training center in the City of Rochester and down in Binghamton.

The Bricklayers Allied Craftworkers trades jurisdiction covers really anything that pertains to masonry work; brick, block, stone, tile, terrazzo, epoxy flooring, plastering, other materials of that nature.

So we have a very vested interest in the project for the Buffalo Bills Stadium. I represent about 1300 members, 150 of them which are apprentices, are training in the New York State Department of Labor registered apprenticeship training program, so this is a great opportunity for us to showcase the work that we do and we all know that this is a once in a lifetime project for our community.

We want this project to benefit the community, the workforce as much as possible. So we would just -- our comment would be that we're here to help the Buffalo Bills organization, Turner and Gilbane in any of the development and design project finishes for the

building.

We know at this time it's just conceptual design drawings that have been presented and we would like to offer our services to help create as many jobs as possible for local workers.

There's a misnomer that construction workers are seasonal workers, which is not true. We are full-time workers and these are clear opportunities for individuals just coming out of high school, people that are now looking for maybe a second career in the trades and all the union trades are great opportunities for them to do that.

So we want to promote that the design of the building, of the project, be as much work as possible to be done by local people, create local jobs for years to come to benefit our community.

Thank you for your attention.

MR. GAWLIK: Thank you.

MR. ALMQUIST: My name is Leonard Almquist. I live at Boston State Road in

Hamburg. I'm sorry to say we can't ask any questions. I'm assuming based on your site plan that you're not intending to take any land through eminent domain and I just would like that on the record I guess is the only reason I'm here, okay? Thank you.

MR. GAWLIK: Thank you.

MR. RENZO: I'm Paul Renzo. I live in Lackawanna and I've been paying very high taxes for 35 years and I have a few comments based on what has been happening with the new stadium.

First and foremost, I'm not against the new stadium. I'm very exited about it, but I think if we're going to do this we should do it right and we should get money not only from the taxpayers of Erie County, but we should also get money where the money is, from the NFL and from the Buffalo Bills.

They've used the current venue for years making millions of dollars and it's been money that the Erie County taxpayers have paid to afford them to make that kind of money. And they have not had to pay it back.

It's just whenever like the last time they were going to leave Buffalo and go to Toronto if they didn't get their demands met, so billions were spent in upgrades which ultimately will be knocked down and thrown into a landfill and that's wasteful in my mind.

You know, first of all, getting the money granted to them based on the fact that they threatened that they were going to leave Erie County. We have the best fan base going. I have never seen fans so dedicated to their team irregardless of their outcomes.

So first and foremost, I'm not very happy with that situation because if we're going to build a stadium, if they haven't learned anything from the Browns/Bills game where we had the storm where it had to be moved to Detroit, it would make more sense if we're going to spend the money and build the correct stadium which would be a domed stadium based on the weather we have with the Great Lakes up here.

So sometimes we have mild winters and

1 sometimes we have a bad winter, so that would
2 make most logical sense if we're going to spend
3 $600 billion and the people with the money have
4 not -- they have to cough up more money, the
5 NFL or the Bills.
6 So if they want this stadium everybody
7 should give $600 million and they should build
8 an appropriate stadium for this area, not throw
9 everything that they've already invested in a
10 landfill. I don't think that's right.
11 When I take out a loan I have to pay it
12 back, but if the Bills threaten I'm going to
13 leave the area, oh, give them whatever they
14 want, give them whatever they want and they
15 don't have to worry about any retribution or
16 payback.
17 It doesn't work that way with the common
18 folk and they make millions and we know they
19 make millions because they pay their players
20 millions of dollars so, you know, like when I
21 worked I was asked to contribute for job
22 security and I have to pay for 30 percent of my
23 health insurance. Let's ask these millionaires

for more money and say, listen, you want this grand stadium, put a little bit more money in and it should be fairly and equally, not just $600 million, okay, here it is, let's build it.

I don't think that's fair and I don't think that's right and I hope that you guys consider our words and our actions, but truly this should have been put out to vote, but I was taught today that this is a representative state where you have to elect your representatives to decide what they do with our money, but when you're dealing with 600 million it should be put up to vote.

Thank you.

MR. CATALANO: Good afternoon. My name is Albert Catalano. I reside at 304 Kenwood Avenue, Delmar, New York and my comments are really to reinforce what my friend Rick Williams did say.

I'm also a representative of the Bricklayers National Union and I represent bricklayers around the State of New York and I'm a union bricklayer.

1 Obviously having that in my family for
2 four generations is a passion and a desire I
3 should say to see that the stadium itself has
4 been filled with laid in place brick masonry.
5 It's our understanding that there's a
6 possibility of using brick panels that are
7 manufactured, more than likely not in New York
8 State, so it would be manufactured out of state
9 with an out-of-state workforce and by doing
10 that it limits our opportunities to train new
11 folks to come into our industry, the
12 bricklaying industry, but it also I think in a
13 lot of ways diminishes just the culture of the
14 local workforce building, you know, the
15 building for their community.
16 So all I'm asking for is an opportunity
17 for us to be able to present an alternative to
18 the precast design. We have folks that we can
19 recommend and cover the cost of presenting what
20 it would be like to do a laid in place masonry
21 as opposed to a precast panel.
22 So we're just asking for that
23 opportunity to be able to provide that service

to the design folks so they can see an apples to apples basis of what the difference would be in terms of the cost or whatever other benefit, or not benefit by using one of the other products.

So again, I'm just asking for that opportunity and if you could help us with that we would appreciate it. Again, the folks that we train to do the laid in place masonry on this project would be from the Greater Buffalo community.

Thank you.

MR. HANRAHAN: Good afternoon. My name is William Hanrahan. I'm a fire commissioner for the Town of Orchard Park fire district.

Some of the information we wanted to relay to the Bills and the county specifically is since the Bills have moved out here since their inception it's been protected by an all volunteer fire company.

It's the only NFL stadium that we know of in the country that's protected by all volunteer. That creates a great strain on our

1 system. We are a small district. We're a
2 small town. We have 30,000 people and dozens
3 of times a year we turn into a town of over
4 100,000. That puts a great strain on the
5 services we can provide to our citizens and the
6 Buffalo Bills and the people in the stadium.
7 That being said, we also do not derive
8 any tax monies from the stadium because it's a
9 county-owned facility. We have never received
10 any tax dollars or any reimbursement for our
11 services.
12 The Bills have made generous donations
13 throughout the years, but it's to the point
14 where with the new facility going in the
15 services that -- with the construction that we
16 are going to have to provide as a fire district
17 are going to be extensive.
18 It's things we are generally not used
19 to, construction of that type and that size,
20 and what we are hoping that the Bills
21 organization and the county will look at is
22 working with us to provide the ability to get
23 the training and personnel up to speed so we

can provide that service to them. We just don't do it overnight.

Again, you're the largest organization in our town. We do the best we can to protect it and we think we do a good job. It's just at the point where we need some help from the county and the Bills to be able to progress our ability to provide the service to you and under your new proposal it says opening to civic organizations to be able to use the facility throughout the year.

Again, when that facility is open we have to provide protection to the people inside of it. Not only them, but we have to continue to provide the protection to the citizens of our town and the people that come through our town.

So it's just something we hope we can discuss with the Bills and the county about maybe there's something we can do to help us along.

MR. GAWLIK: Thank you.

MR. MATWIJOW: Eric Matwijow, 4159

1 Abbott Road. Also a provider of Hammer's
2 parking lot, 4170 right across the street,
3 right downwind.
4 I've been to the -- this is my third
5 meeting that I've been to and I have yet to
6 still have -- yet to get clarification on the
7 size of the auxiliary building which might
8 border my property, might not. How high is it?
9 Might be 11,000 square feet or up to 150,000
10 square feet. We don't know the height.
11 It's very, very, very vague. As a
12 neighbor also, in the past when we've had
13 construction going on we had a liaison, me,
14 with the Bills. If there's any problems they
15 would address it with construction dust or mud
16 out on the road, but who is the contact person
17 going to be if there is a problem with any of
18 the construction stuff that's going on?
19 We realize there's going to be noise and
20 stuff, but there might be some other factors
21 that need to be -- issues that have to be taken
22 care of.
23 Also, on page six there's also an

1 additional benefit. Sorry to say, but the Town
2 of Orchard Park in the past was able to use the
3 stadium for civic events as long as it wasn't a
4 moneymaker. Many years ago 4th of July
5 celebration. I don't see anything on page 6
6 about that. It says Erie County.
7 Erie County also gets a suite. Will
8 Orchard Park be able to use that suite to their
9 benefit also? Also with the community benefits
10 agreement, the police department, $60,000 a
11 year. They provide a great service. It's not
12 an easy job they do. A little reimbursement I
13 think would go a long way.
14 Thank you very much for your time.
15 MR. GAWLIK: Thank you.
16 MR. KLINCZAR: Good evening. I'm Ronald
17 Klinczar and I'm here representing the Western
18 New York Southtowns Scenic Byway. You may be
19 aware the Byway runs right from the Village of
20 Orchard Park about a mile and a half from the
21 Bills Stadium right down into Ellicottville.
22 Over the past six months we've written
23 letters to Governor Hochul, to Poloncarz, to

1 John Mills and to the Buffalo Bills as well as
2 to the Pegulas regarding getting represented by
3 the Byway at the new stadium complex.
4 We think the partnership that developed
5 as a result from the Byway right here in
6 Orchard Park and the Bills is a good
7 partnership and what we've done in letters is
8 we have asked for some representation in the
9 form of a couple kiosks that would allow us to
10 announce the Byway.
11 We think it would be an additional
12 activity for people that come for the weekend
13 to take part in, enjoy the Byway which is a
14 route going right down 219 right into
15 Ellicottville and we also think that, you know,
16 if you are a Bills fan coming from the Southern
17 Tier or coming from Northern Pennsylvania the
18 Byway is the natural route to go.
19 So, I'm here to just say that the Byway
20 is -- I would like to commend everybody for the
21 work that you're doing on the Stadium. We're
22 looking forward to looking at your efforts and
23 we're going to take this opportunity to ask for

follow-up meetings and representation at the new Stadium.

Thank you very much.

MR. GAWLIK: Thank you.

MR. GERACE: Thank you. We have a mic way in the back in case anybody wants to make a comment. And just come around. Don't hesitate. This is why we have this is to make your comments.

MR. GAWLIK: We're here until at least six.

MR. GASIEWICZ: Stan Gasiewicz and I live at 4914 Big Tree Road, Hamburg. What I wanted to mention is that this will be my fourth year that I have lived in this area and I have come and mentioned at the October meeting and I submitted comments in July for that.

Although it's nice to have the stadium close by where I can go to games and participate in concerts, I think it would have been a better idea that everyone has probably talked about that it would have been a domed

1 stadium closer to the city and used for
2 multiple purposes, but if it's going to be
3 where it's going to be, my concern is that I'm
4 a neighbor and the utilities is a concern of
5 mine.
6 And I see according to the Executive
7 Summaries when you talk about groundwater,
8 flooding and surface water there's going to be
9 no significant adverse effect on these. The
10 other piece was the water pressure and the
11 sewer. Again, no significant adverse impact on
12 these and I know I can't ask questions, but I'd
13 like somebody to give me direction because in
14 the past two or three weeks these little green
15 flags appeared on the front lawns on the north
16 side of 20-A or Big Tree Road starting from
17 these entrances to the college going west
18 towards McKinley and on them is ECSD which is
19 Erie County Sewer Department, so I need to know
20 what is going on with that.
21 I didn't see anything in the document
22 that related to that, so I'm not sure what is
23 going to happen. Now traffic is going to be

closer as far as the entrance because now the south entrance of the stadium will be just two or three doors away from my home and there's going to be a lot more traffic coming through.

The other comment I wanted to make is I'd like to see handrails on the stairs in the stadium so that if you have handicapped individuals or people who have difficulty with uneven stairs that they have something to hold onto.

And the last thing is the safety concerns that I see in the documents expressed as far as pedestrians. When I go to games I just go to the back of my property and cut through Erie Community College parking lot and I'm there within ten minutes.

This last game against Cincinnati I walked along Big Tree Road, 20-A, and a lot of individuals do. They park towards Tops parking lot and they walk on the shoulder. Well, on the way home my son and I were coming out of one of the ECC exits on Big Tree Road.

As we got to the first home, because

there is homes behind us, a car decided to honk his horn. We were on the shoulder and there was quite a few individuals walking on the shoulder. Usually there's just one row of cars going west on 20-A towards McKinley and for some reason this individual decided to pull up behind us and my son was worried about us getting hit and I said if they run us over your sister is an attorney. We'll just sue them.

So we proceeded to continue to walk to the next three homes, but there was a whole line of individuals walking west and these people were just a bunch of idiots. I hadn't seen this before. I don't really pay attention to it.

So I think we need to look at the safety concern of pedestrians. I know it's mentioned for Southwestern Boulevard and Abbott and Big Tree Road is going to be busy, too.

So that's basically it.

MR. GAWLIK: Thank you.

MR. KNAVEZ: My name is Jay Knavez. I'm a resident of 5028 Big Tree Road directly

behind the new stadium on Big Tree Road. I'm also a 25-year old or 25-year resident of Orchard Park and also a 20-year veteran of the Orchard Park Fire District and the Windom Volunteer Fire Company, so I have multi interests involved in this and, number one, I would like to first echo what Mr. Hanrahan said about the volunteer organization and the stress that the Bills put on eight days a year, mainly eight days a year, but now if this turns into a 52 week thing, then we need to look at it.

Secondly, I would like to just make comments about -- I've been through many different construction and remodels in my personal and professional career. As much as we say they're going to be nice and clean and neat, they never are, okay?

You know, I'm pretty proud of my property. I have a very nice swimming pool. The last thing I want to be doing, just like anybody else, is cleaning remodel debris out of it or off my cars. Many people have different comments on going through different remodels.

When the town or the county works on a road you get debris in your pool and on your car. I don't want to be dealing with that and I don't think any other resident would.

Again, construction noise. You know, hopefully it will be during regular day hours. One comment that just the last couple of weeks when there's a Bills game, a home Bills game, we get to listen to the backup alarms and the dump trucks and the loaders going by in the middle of the night.

I get it. We've got to deal with that because we want the Bills to be able to play the next day and, listen, I love the Bills. My Bills Mafia hat is up there. More than anything in the world. But at the same time, you know, my sleep is just as important as everybody else's in this room and the players and everybody else.

Okay. They get paid a lot of money to do what their hobby is or their sport and I applaud that and, again, I enjoy going to a game when I can, but at the same time I think a

lot of respect needs to be paid for the homeowners that have been here longer.

Personally I haven't been here longer than the Bills, but I'm sure there's other homeowners that have been around longer than the Bills and since they're not paying as much money as our taxpayers are, I think just the respect needs to be given to everybody else.

That's all I have.

MR. GAWLIK: Thank you. Anybody else have anything? Feel free to come up if you have any comments.

MR. GERACE: Once again, do we have anybody else? Don't be afraid. This is your time to make your comments.

MR. LANG: I would just like to know has there been a study of how many workers in all the specialities will be needed for the Stadium and do we have all those people locally and, if not, could there be a recruitment to get people into training in the specialties that we don't have the workers already trained here?

I'd like to see as much of the people

working on the Stadium being local and that puts all the money, all the wages, into the economy. Thank you.

MR. GERACE: Did you give us a name? Could you tell us who you are.

MR. LANG: Donald Lang. I live in Elmwood Village.

MR. GERACE: Thank you. Anybody else? Anybody else present who would like to make a statement regarding this project?

We will hold the hearing open until 6:00 p.m. in order to afford any latecomers the opportunity to make a statement. At this time I'm going to call for a recess in these proceedings until such time as someone requests an opportunity to make a statement. The time now is 5:34.

Again, at this time during this recess those assembled here may request an opportunity to make additional statements. We're going to be here until 6:00.

(Recess taken)

MR. GERACE: The time is now 6:00. The hearing has been held open since 5:00 p.m. to allow for public comment on the proposed project.

Before we close the hearing, is there anyone else here who would like to make a statement regarding this project? The time is now 6:00. The hearing is now closed. Thank you all for attending.

(Proceedings concluded at 6:00 p.m.)

1 STATE OF NEW YORK)
2 COUNTY OF ERIE)
3
4 I DO HEREBY CERTIFY as a Notary Public
5 in and for the State of New York, that I did
6 attend and report the foregoing proceedings,
7 which was taken down by me in a verbatim manner
8 by means of machine shorthand.
9 Further, that the proceedings were then
10 reduced to writing in my presence and under my
11 direction; that the proceedings were taken to
12 be used in the foregoing entitled action.
13
14
15
16 ----------
17 Rebecca L. DiBello
Notary Public - State of New York
18 No. 01D14897420
Qualified in Erie County
19 My commission expires 5/11/2025
20
21
22
23

From: Maureen Pernick Huber [redacted]
Sent: Monday, February 6, 2023 11:28 AM
To: esd.sm.ECSCHearing
Cc: Maureen Pernick Huber
Subject: comments on stadium plan

[redacted]

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning,
I have been unable to attend the public hearings regarding the new stadium but wanted to share some of my concerns.

I'm concerned about basic infrastructure - e.g. electricity. The snow in November and this last one before Christmas were rough for all - and we lost power for about 6 hours each time. Nothing by comparison to so many others. However, I'm concerned that since this basic utility is an issue now - what is going to happen with all the plans for the new stadium? What is the plan for the local residents?

My other comment is regarding the CBA - great ideas in theory and would be great in practice and they make good headlines - but I've seen nothing about acknowledging the local residents. We are the ones who are going to be dealing with the overall change in to our neighborhoods, the disrespect from people looking for cheap parking (no, we do not park cars), the noise, and the whole area becoming more commercial. I'm not looking forward to multi-story hotels, losing green space, and the overall commercialization of an otherwise quiet community. I have lived here for almost 30 years and my husband has been here for 40 years, so don't tell us to move or that we should be used to it with the current stadium. The plans for the new development are much more grandiose and disruptive to this community.

The public meetings notices and even this email address to voice my comments have been buried and not well publicized. It took a little digging to find where to voice my concerns.

Thank you,
Maureen Pernick Huber
[redacted]

From: [redacted]
Sent: Thursday, February 2, 2023 3:52 PM
To: esd.sm.ECSCHearing
Subject: Bills Stadium Plan

[redacted]

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello,

I would just like to express my disgust at this woeful stadium plan. We are getting a smaller stadium, in the snowbelt, with no roof and no way of generating money or economic benefit outside gamedays for the most amount of public money ever spent on a stadium in US history. The team is going to lag again in revenue and before we know it the team will be asking for extras to keep up or it'll be the moving threats. All to please the cheap Pegulas who haven't spent a penny.

Should have done it right, even for a bigger sum. Build in/near Downtown, heck even Amherst was way better. Out of the snowbelt, closer to highways, light rail, more value for money by sharing with UB football who also have a stadium issue. Also is there any money left for arena renovations?

Sadly our politicians and civic leaders are cowards who lacked the vision to get anything done of substance.

A CBA that is nothing but crumbs for the stadium in lily white wealthy Orchard Park. About as awkward a place as you can get to within the region by public transit.

Amanda,

[redacted]

Exhibit C

Response to Comments

ERIE COUNTY STADIUM CIVIC PROJECT

Response to Comments Regarding 2023 General Project Plan

A. INTRODUCTION

This document summarizes and responds to the oral and written comments received on the General Project Plan for the Erie County Stadium Civic Project adopted by the Erie County Stadium Corporation on January 23, 2023. A public hearing was conducted on February 2, 2023 and written comments were accepted until February 6, 2023 at 5:00pm. A total of ten people spoke at the hearing and two written comments were received.

B. COMMENTS AND RESPONSES

Comment 1: Comments were made from the local Bricklayers union(s) expressing support for the use of local labor for construction of the new stadium. In addition, the comment included a specific request that the outside façade which may involve precast materials could be completed using brick or similar materials and be constructed onsite with local labor.

Response: Local labor will be a focus for all construction work on the project. Pursuant to the terms of the Community Benefits Agreement ("CBA"), the Bills are required to develop a local hiring and contracting program for design and construction jobs that encourage the applicable employer to directly employ residents of the County and the region of diverse socioeconomic backgrounds.

With respect to the specific reference to the outside façade of the new stadium, the comment was provided to the Bills and their design team. While the Bills have indicated that the current design of the outside façade is not conducive to laid brick due to the angle of the walls, there are approximately 1 million/sf of several different types of masonry that will be installed by bricklayers. Those masonry bid packages are expected to be issued in the 3rd quarter of 2023. Furthermore, the Bills and their design team have agreed to meet to discuss the unions concerns and review project details. ESD staff will coordinate and attend the meeting.

Comment 2: A question was asked whether the project would involve the use of eminent domain.

Response: Eminent domain will not be part of the project. All of the property needed for the project is currently owned by Erie County.

Comment 3: A comment was made requesting to incorporate and/or include kiosks at the new stadium to promote the Western New York Scenic Byway system.

Response: The comment is acknowledged. The parties recognize the importance of the scenic byway system to Western New York. The comment has been provided to the Bills to consider how the scenic byway system could be promoted at the new facility.

Comment 4: Several comments were made about the public investment and that the Bills and NFL should pay more of the stadium costs.

Response: While the public commitment is significant, Buffalo is a small market team and in order for the team to remain in Buffalo and be a competitive team on and off the field, there was a need for a public-private partnership. This Project includes just 60.7% public financing, well below other recent NFL stadium deals in comparable markets. The state share of the project funding is 43%. In addition, the share of public financing is reduced from previous deals. In 1973, the construction of Highmark Stadium was 100% publicly financed, as was the 1998 renovation and training facility construction. With respect to the last lease extension in 2013, 73% of the stadium renovation costs were publicly financed.

Furthermore, the public funds spent on the stadium are more than covered by the direct tax revenue that will be received -- $27M annually, the vast majority of which is salary income taxes. This figure is expected to rise as NFL salaries rise. Plus, the Bills have significant economic impacts beyond just tax revenue including an estimated $385M annually in economic impact from team and patron spending, thousands of construction jobs from the stadium, plus the intangible benefits including enhancing community morale and pride, providing global media exposure and serving as a component of the region's position as a tourist destination

Comment 5: Several comments were made stating that a domed stadium would be preferable due to local weather.

Response: Due to the increased cost and because playing outdoors is part of the overall experience and culture of Western New York, a dome is not part of the current Project.

Comment 6: Two individuals recognized the commitment and services provided by the local volunteer fire company that served the stadium complex. A request was made for additional assistance be provided due to the strain placed on the fire company due to events held at the stadium.

Response: The comment is acknowledged. While the new stadium is not expected to require any additional public services when complete, the Bills have in the past provided

support to local civic organizations including the local volunteer fire departments and that is expected to continue. Furthermore, additional support may be available as a result of the CBA subject to approval from the Community Benefits Oversight Committee.

Comment 7: A comment was made by an adjoining landowner concerning the size and height of the auxiliary building that is being constructed as part of the project and whether it would have any negative effects on adjoining landowner's property.

Response: As stated in SEQRA review, the auxiliary building which will house stadium operations and is not expected to have any effect on adjoining landowners due to its location and typical wind direction. The current design of the building is a one-story facility with approximately 18,750 square feet located approximately 200 feet from the adjoining landowner.

Comment 8: Several comments were made from nearby residents concerning potential construction impacts, (noise, debris, dust, etc.) and requesting that these impacts be minimized and communication be maintained with residents in the area.

Response: The comment is acknowledged. The Bills are aware of the concerns and will coordinate communications with the construction providers and nearby residents to limit any negative impacts associated with the Project and have committed to providing a point of contact to neighboring residents and businesses to raise any issues during construction.

Comment 9: A question was raised about whether the suite being made available to the County would be available for use by the Town of Orchard Park.

Response: The suite is provided to Erie County and is to be used for encouraging and fostering economic development, tourism and public awareness for the City of Buffalo, Erie County and the State of New York and other charitable or public functions as determined by the County. As such, the suite could be used by the Town at the discretion of the County.

Comment 10: A question was raised about whether the stadium could be used for civic events by the Town of Orchard Park.

Response: Per the lease, the stadium is available for use by ECSC and the County for civic events. As such, the Town could host a civic event in conjunction with ECSC and/or the County or separately subject to the agreement with the Bills.

Comment 11: A comment was made that handrails should be included on stairs in the new stadium for safety reasons.

Response: The stadium will be designed in accordance with all application building codes and in accordance with the requirements of the Americans with Disabilities Act.

Comment 12: Comments were made about including traffic safety measures for pedestrians around the stadium during events.

Response: The existing stadium complex follows a Traffic Management Plan ("TMP") on game and event days. Various agencies are in involved in preparation and implementation of the TMP to manage game day traffic. The goal of the TMP is to provide safe and efficient flow within a given area, to reduce vehicle/pedestrian conflicts, create a safer space for pedestrians, ease congestion and delays, and provide real time traffic data for motorists. As part of the SEQRA review for the Project, the TMP was updated and, for the first time, reduced to writing. It is anticipated that updates to the TMP will occur as operations are reviewed routinely to determine adjustments to the TMP, review physical conditions of pedestrian walkways, and determine options for improved roadway and pedestrian operations.

Comment 13: A comment was made that the stadium should be located in/near downtown Buffalo.

Response: A report issued by AECOM, a consulting firm hired by Empire State Development to review stadium options, estimated a downtown stadium would cost at least $350 million and as much as $750 million more in infrastructure costs alone -- that is without any funds to facilitate other associated uses -- compared to building a new facility in Orchard Park. In addition, locating the stadium downtown would take as much as two years longer to complete and would have required disruptive private home and business relocation.

Per the study conducted by AECOM, an NFL Stadium in downtown Buffalo would not significantly drive ancillary development in and of itself. Considering the limited expectations that a downtown stadium would spur significant economic benefit on its own, the increased costs make it not a viable option.

Comment 14: A comment was made that the stadium might have an adverse effect on local infrastructure/utilities (water pressure/sewer) and that the Community Benefits Agreement was not going to help local residents actually effected by the new stadium.

Response: As demonstrated in the technical analysis conducted as part of the SEQRA review, the new stadium will incorporate several sustainability measures that are more environmental sensitive than the existing stadium including newer electrical systems, water conservation measures, improved HVAC systems, and increase greenspaces. Furthermore, the analysis determined that no new or expanded public infrastructure is required for the Project.

With respect to the community benefits to be provided by the Project, it is excepted the Project will provide benefits to the entire community the specifics of which will be decided by the Community Benefit Oversight Committee.