

August 27, 2014

**Robert Duffy**

*Lt. Gov. State of New York  
Lieutenant Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224*

**Russell H. Brandon**

*Bills President and Chief Executive Officer  
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One Bills Drive  
Orchard Park, New York 14127*

**Mark Poloncarz**

*Erie County Executive  
Rath Building  
95 Franklin Street  
Buffalo, New York 14202*

Dear New Stadium Working Group Co-Chairs:

Although the New Stadium Work Group is made up of some of our finest elected officials and leaders in the community, their undisclosed meetings have caused uneasiness, concern and uncertainty, which we cannot respond to even though the building we are discussing is located in Erie County. The public has not had any notification of the committee's workings since April 1, 2014, and we are requesting that the New Stadium Working Group conduct an emergency public meeting immediately to relieve these concerns.

New York State Governor Andrew Cuomo and United States Senator Charles Schumer agree that the New Stadium Working Group Meetings should be opened to the public. Senator Schumer who is on the committee stated, "I agree that the committee should be as open as possible, and there are many parts of what the working group is discussing that should be public." Governor Cuomo through a spokesperson, Rich Azzopardi, said: "We favor having the meetings opened up and conducted in the spirit of the open meetings law." It is also encouraging to see County Executive Poloncarz on Sunday, August 17, 2014 demand that a greater openness and transparency of Roger Goodell and the NFL take place with regard to information concerning a new stadium. Like the NFL deliberations the New Stadium Working Group's discussions, communications and records should be open to public scrutiny. Despite these assertions about opening up the meetings, many are concerned about numerous unanswered questions regarding the AECOM study commissioned by Governor Cuomo, which was supposed to be distributed to prospective ownership groups on July 11, 2014 and the public is still awaiting the results of this taxpayer funded study. The people are being kept in the dark despite taxpayer money being used to fund this study and a deadline not being met.

While there have been concerns that certain aspects of the New Stadium Working Group meetings, specifically land sites considered for a possible new stadium, should be conducted

privately, following the open meetings law does not preclude this. According to Robert Freeman of the Committee on Open Government, "There are provisions of the Open Meetings Law, specifically Public Officers Law § 105 (h), which deals with land speculation and states that Executive Session may be asserted at this time." This would allow the New Stadium Working Group to hold sensitive talks by asserting Executive Session on this topic. In other words, the concerns have been dealt with and codified in the Public Officers Law, the idea that following the law will be calamitous to the group is unfounded. The Open Meetings Law has been followed by every school board and town council in New York State since 1977 without creating a crisis.

The 12<sup>th</sup> man and the taxpayers need a guarantee that the letter of the law is followed and their monetary interests, specifically \$95 million of stadium repairs and an \$11 million increase in the cost of the lease are being protected and addressed. This is what is right and the law provides for precise aspects of the meetings being protected. The requirements of the open meetings law should be followed and guaranteed, so that the 12<sup>th</sup> Man and the taxpayers, who are paying for the renovations to Ralph Wilson Stadium and for a possible new stadium in the future, are included in this process.

We are joining Assembly-member Kearns and other concerned representatives throughout Western New York who want to communicate openly, honestly and accurately with their constituents concerning potentially the biggest public-private partnership (building a new professional football or multipurpose stadium) in a generation.

Sincerely,

Michael P. Kearns – NYS Assembly 142nd District  
George D. Maziarz – NYS Senator District 62  
John Ceretto – NYS Assembly 145<sup>th</sup> District  
David J. DiPietro – NYS Assembly 147<sup>th</sup> District  
Patrick Burke – Erie County Legislature District 7  
Lynne Dixon – Erie County Legislature District 9  
Kevin Hardwick – Erie County Legislature District 4  
Joseph Lorigo – Erie County Legislature District 10  
John Mills – Erie County Legislature District 11  
Ted Morton – Erie County Legislature District 8  
Edward Rath – Erie County Legislature District 6  
John Wilson – Orchard Park Village, Mayor  
David Cummings – Newstead Supervisor  
Gary Eppolito – Concord Supervisor  
Earl Gingerich – Marilla Supervisor  
Patrick Keem – Orchard Park Supervisor  
Dennis Powers – Elma Supervisor  
David Franczyk – Councilmember Fillmore District, Buffalo  
Michael LoCurto – Councilmember Delaware District, Buffalo  
Demone Smith – Councilmember Masten District, Buffalo  
Eugene Hart – Councilmember, West Seneca  
William Hanley - Councilmember, West Seneca