



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 4, 2013

Hon. Jane Corwin  
Member of Assembly  
8180 Main Street  
Clarence, NY 14221

**Re: Retention of Buffalo Bills in Erie County**

Dear Assembly Member Corwin,

This letter is in response to your letter of March 26, 2013 regarding the newly negotiated leases among the Buffalo Bills, Inc., New York State (the "State"), acting through the Erie County Stadium Corporation ("ECSC") which is a subsidiary of Empire State Development Corporation ("ESD"), and Erie County. While many of the questions posed by your letter should be directed to ESD officials, we will attempt to answer as many of these questions as we can.

Please be advised that neither the 1998 leases nor the newly negotiated 2013 documents, except as noted below, provide Erie County or its officials with any seats in the stadium for any events. The County did not seek and has not obtained the rights to a luxury box, club seats or regular seating in the stadium.

There are many documents pertaining to the lease of Ralph Wilson Stadium, a County owned facility (the "Stadium"), to the Buffalo Bills.<sup>1</sup> Without going into great detail, the County, as owner, leases the Stadium to ECSC through a master lease (the "Master Lease") and ECSC then subleases the Stadium to the Buffalo Bills, Inc. through a sublease agreement (the "Stadium Lease"). The Master Lease and Stadium Lease do provide certain rights to the County as follows:

Section 27.2 of the Stadium Lease (see also Section 19.1 of the Master Lease) provides the County, as the owner, with the right to enter the Stadium Complex to conduct inspections and make repairs at commercially reasonable times and at times and in a manner not to unnecessarily disrupt Stadium Events.

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<sup>1</sup> All documents are available on the County's web site at <http://www2.erie.gov/exec/index.php?q=buffalo-bills-stadium-lease>. Items not defined herein are as defined in the Master Lease and Stadium Lease.

Section 2.2 of the Stadium Lease (see also Section 2.2 of the Master Lease) reserves to the County access and use, on a non-exclusive basis, of County Facilities at the Stadium Complex.

Section 1.2.48 of the Stadium Lease (this definition is also used by reference in the Master Lease) defines County Facilities as:

**“County Facilities include, but are not limited to, those spaces reasonably required by the County for use by the Departments of Public Works, Health, Emergency Services, the County Sheriff and other County departments to perform their duties at Stadium Events, including spaces used by agencies that assist County departments in the above duties. As of the Effective Date, the County Facilities include but are not limited to, the approximately three hundred fourteen (314) square foot office located in the “tunnel” level of the Administration Building presently used to house the County’s maintenance office, and shall thereafter include such additional spaces as the County and the Bills may designate from time to time in good faith, so as to provide the County Departments with spaces at locations and with the amenities and services required to perform their duties while minimizing to a commercially reasonable extent material interference with the Bills’ operations.”**

As you can see from the above, the County has reserved spaces at the Stadium necessary for it to perform its duty of ensuring the public’s health and safety at Stadium Events as required by the Leases, but does not have any “seating” as such within the Stadium for the purposes of entertainment. Considering the Stadium is owned by Erie County, and general security for Stadium Events is provided, in part, by the Erie County Sheriff’s Office with assistance from the Erie County Departments of Health and Emergency Services, it is essential that the County have a central command office at the Stadium. The County has had such an arrangement since the Stadium was opened in 1973.

We do not have any information about the application of the State Constitution and State Laws to the spaces reserved for the State and any request for a legal opinion on this matter should be directed to Assembly counsel. Nor do we have any information about how ECSC plans to utilize the spaces reserved to it. We do note that the Stadium Lease (see Section 2.2 (b)) provides that food and beverage costs shall be borne by the State or its affiliates and not by the Bills. All other questions pertaining to ESD’s plans for any luxury box/seating at the Stadium are best directed to ESD.

**Letter to Assemblywoman Jane Corwin on Buffalo Bills Lease**

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Thank you for indicating your support of our efforts to retain the Buffalo Bills in Erie County. We could not have succeeded in the negotiations without the strong leadership provided by Governor Andrew Cuomo and the financial assistance provided by the State.

Sincerely yours



Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mt

cc: **Robert Graber, Clerk of the Erie County Legislature**

Hon. Edward Rath, Erie County Legislator

Richard Tobe, Esq., Deputy County Executive

Michael Siragusa, Esq., Erie County Attorney

Kenneth Adams, CEO, NYS Empire Development Corp.

Christina Orsi, WNY Regional Dir., NYS Empire Development Corp.

Russ Brandon, President and CEO, Buffalo Bills, Inc.