



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 27, 2014

Hon. Ted Morton
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

RE: Operations of the New Stadium Working Group

Dear Legislator Morton,

I am in receipt of your letter, dated May 19th, noting your interest in the future of the Buffalo Bills.

In your letter you raise an issue regarding the operations of the New Stadium Working Group ("NSWG") and the applicability of the New York State Open Meetings Law to the NSWG. The Open Meetings Law is contained in Article 7 of the Public Officers Law ("POL"). Subdivision 2 of Section 102 of the POL contains a definition of "Public Body." Other sections of Article 7 of the POL contain requirements regarding notice of public meetings, when meetings can be closed by going into executive session and rules for the enforcement of such the law. All such provisions apply only to Public Bodies as such term is defined in the law.

The Erie County Attorney, Counsel to the Governor and the Executive Director of the New York State Committee on Open Meetings have all concluded that the NSWG is not a Public Body and thus the Open Meetings Law does not apply in any way to its activities.

However, I understand the intense interest that the work of the NSWG has generated and the very strong desire of the public to understand what is occurring. While we understand this interest, we are also mindful of our obligation to protect the public interest. Should likely stadium locations become public it is likely that land speculation would occur leading to an escalation of the price that the public might ultimately have to pay. In fact, the Open Meeting law itself recognizes this concern by allowing a public body to go into executive session to discuss the proposed acquisition, sale or lease of real property. See POL Section 105(h).

While there has been much media discussion on the NSWG, I think you may be interested to know that there has only been one meeting of the NSWG and that meeting has been reported in the media. A second meeting is not yet scheduled. There have been discussions among the Buffalo Bills, New York State and Erie County about announcing future

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meetings and allowing the public and media to attend at least some portions of the future meetings of the NSWG. Such actions would be voluntary by the NSWG and not because they are required by state law. A final decision about this approach will be made in advance of the next meeting of the NSWG.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz". The signature is fluid and cursive, with the first name "Mark" being particularly prominent.

Mark C. Poloncarz
Erie County Executive

MCP/rt

cc: Honorable Andrew Cuomo
Honorable Patrick Gallivan
Honorable Michael Kearns
Richard Tobe, Deputy County Executive, Erie County
Maria R. Whyte, Commissioner of Environment and Planning, Erie County
Kathleen Hochul, Vice President, M & T Bank Corporation
Michael Joseph, President, Clover Management, Inc.
Alphonso O'Neil-White, Retired President & CEO of HealthNow New York, Inc.
Clotilde Perez-Bode Dedecker, President, Community Foundation for Greater Buffalo