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“Inartful Drafting” Raises \$35 Million Question About Bass Pro Deal

By James Ostrowski

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The [Western New York Coalition for Progress](#) has issued a [report](#) on the murky Bass Pro proposal. I disagree with much of the report’s eight pages of analysis (excluding introductory material). For example, I don’t agree with its claim to have been “done objectively, with no preconceptions or prejudices.” Nor do I agree with the report’s suggestion that my own analysis of the Bass Pro agreement was not “objective,” an assertion for which they provide no evidence whatsoever.

The authors of this report are not identified nor are their credentials. However, one can glean from a variety of sources that Alan Bedenko, [Mark Poloncarz](#) and [Ellen Poch](#), all attorneys, were involved in the project. All three appear to be liberal Democrats, and at least two are heavily involved in partisan politics. The [Coalition’s radio program](#) has been [sponsored by organized labor](#), a group that could be expected to benefit from a large, publicly-funded project such as Bass Pro. The office of the Coalition is at the law firm of [Kavinoky and Cook](#), a large, powerful and politically-connected law firm.

In contrast, Free Buffalo has no ties or debts to the local political parties, organized labor or large corporate law firms.

The report does not explain why spending \$66 million in public money on this project is preferable to spending it on some other public project, or, as I have argued, returning it to the taxpayers. There is no reference, direct or indirect, to *opportunity cost*, one of the most fundamental economic concepts. That is, any economic choice to expend resources must be weighed against the loss of those resources for other purposes.

There is much irrelevant talk about what a nice company Bass Pro is. No one denies that; it's beside the point.

I do commend the Coalition for agreeing with my report insofar as they characterize the Memorandum of Understanding as "inartfully drafted." [My report](#) reads, first quoting the agreement:

"Bass Pro agrees to invest not less than \$57 million dollars inclusive of any enabling funding received from the parties as outlined herein to redevelop Memorial Auditorium....' Does this mean that this figure "includes" the \$21 million from the state and \$14 million from the locals? (Sources tell me the issue is unresolved.) Doesn't that mean Bass Pro is really investing \$22 million?"

The Coalition's report, while characterizing the agreement as "inarticulate at best," concludes, based in part on a phone call with a Bass Pro representative, that Bass Pro will indeed spend \$57 million of its own money on the Aud. However, neither the Coalition's report nor the statement of a Bass Pro representative to the Coalition, is legally binding.

Can we all agree that, before this project goes any further, this issue must be resolved in writing? Is there any reason it can't be resolved *immediately*? If Bass Pro truly intends to spend \$57 million, a quick exchange of faxes, publicly disclosed, will end the controversy.

That would, however, leave just one small issue: how in the world can we spend \$92 million on the *interior* of a structurally sound building? And why should we? What's all that money for and who's getting it?

These are the kinds of questions Free Buffalo is going to ask: the hard questions that no one else seems to want to ask.

With the opening of Free Buffalo's office on July 21st, it's a brave new world in Buffalo politics.