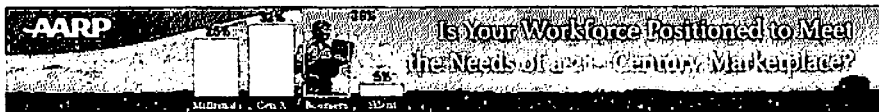


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### Politicians' risky games

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In their quest to secure half of the proceeds from the sale of Northeast Pennsylvania's professional baseball franchise, Luzerne County's commissioners have filed a lawsuit seeking a literal and limited judicial interpretation of a key contract.

At the same time, those commissioners have adopted a wildly expansive interpretation of their legitimate role in the matter. They can't have it both ways.



The Lackawanna County Multi-Purpose Stadium Authority, which owns the International League Triple-A baseball franchise now affiliated with the New York Yankees, agreed Tuesday to sell the franchise for \$14.6 million. The buyer is SWB Yankees LLC, a consortium of the New York Yankees and Mandalay Baseball Properties, which now manages the publicly owned franchise and PNC Field.

The franchise was purchased by the authority after Lackawanna and Luzerne counties agreed, in 1986, to contribute \$1 million each.

That agreement states, in part: "In the event that the professional baseball franchise . . . is sold, exchanged other than in a transaction that results in a reorganization of the International League, or otherwise disposed of in any manner which results in a distribution of any kind, LA (Lackawanna) and LU (Luzerne) shall share equally in the distribution of any such proceeds." (Read the agreement at [www.thetimes-tribune.com](http://www.thetimes-tribune.com).)

Based on that agreement, Luzerne County has filed a federal lawsuit seeking half of the sale proceeds. Lackawanna County has countersued, saying that the value of the franchise, hence the sale price, is partially derived from about \$22 million that Lackawanna County alone has contributed to the enterprise over 21 years. Therefore, it argues, Luzerne County is owed nothing but, rather, owes Lackawanna County more than \$10 million. Lackawanna County, meanwhile, will hold \$7.3 million of the sale price in reserve, apparently pending resolution of the issue, rather than using that money as part of its share of a \$40 million stadium reconstruction.

Remarkably, after suing and seeking a literal interpretation of the agreement, Luzerne County Commissioner Mary Ann Petrilla complained Tuesday that Lackawanna County had not included Luzerne County in the sale negotiations and that the stadium authority should have based the sale on an appraisal rather than a negotiation.

The very contract she seeks to enforce provides Luzerne County with absolutely no say in any matter regarding operation of the franchise. And the lawsuit she authorized does not even claim that Luzerne County has such authority.

One would think that neighboring counties with common interests would be able to negotiate a settlement but, according to Ms. Petrilla, she'll settle for \$7.3 million.

The Luzerne County commissioners seem not to have considered that they could lose their lawsuit. They should consider that possibility, along with the broader public interest, and agree to negotiate toward a settlement.

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