

**MARCUS ROSENBERG & DIAMOND LLP**

488 MADISON AVENUE  
NEW YORK, NEW YORK 10022

Telephone (212) 755-7500  
Telefax (212) 755-8713

Writer's Direct Number

August 23, 2004

Via Facsimile Transmission  
(212) 669-3380

Hon. C. Virginia Fields  
Manhattan Borough President  
Municipal Building, 19th Floor  
New York, New York 10007

Re: Manhattan Borough Board Meeting  
Scheduled for August 24, 2004,  
to Consider Proposed Sale of  
Two Columbus Circle; File No. 89628.002

Dear Borough President Fields:

On behalf of various civic and community groups, I previously raised with Your Honor the issue of whether a meeting to discuss the sale of Two Columbus Circle by the City of New York to the New York City Economic Development Corporation ("EDC") and then, by EDC, to the Museum of Art and Design ("MAD") should be considered by the Borough Board prior to the Labor Day holiday.

As Your Honor is aware, many New Yorkers leave town at this time of the year. This year, with the additional disruption of the Republic National Convention, even more residents are planning to be out of town during the last two weeks prior to Labor Day.

Please be advised that there is also a significant legal impediment to holding the Borough Board meeting at this time. From what I have been able to learn, the only notice of this meeting was publication in the New York City Record last week.

Pursuant to the New York State Open Meetings Law, Article 7 of the Public Officers Law, the legislature has declared:

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It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.

In furtherance of this important public policy, Section 104(1) of the Public Meetings Law provides:

Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

Unless such notice was given, any action taken by the Borough Board will be void and of no effect.

Moreover, copies of the agenda which I have obtained misdescribe the transaction which the Borough Board is required to review. It is not merely the sale of Two Columbus Circle by the EDC to MAD, but also the price, terms and purpose of the transfer to the EDC which the Board must consider.

To date, the City and the EDC have refused Freedom of Information Law requests for the terms of the two transactions and the terms of the approximately 30 other proposals which, it has been reported, the City received for Two Columbus Circle.

When, as here, the Mayor wishes to avoid normal open public bidding and avoid public scrutiny by passing property through the EDC, Section 384 of the City Charter requires review and approval by the Borough Board.

Thus, the Borough Board has a heavy responsibility to fully investigate the proposal and to entertain informed public comment before voting whether or not to approve the proposal.

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Without the opportunity to consider all of the facts and alternatives -- including proposals by other bidders wishing to preserve Edward Durrell Stone's landmark quality design -- the Borough Board will serve merely as a "rubber stamp" for the Mayor.

Under all of these circumstances, I strongly suggest that tomorrow's meeting be adjourned to a date after Labor Day when adequate notice may be provided and an accurate description of the issues to be consider may be presented in the agenda.

Very truly yours,



David Rosenberg

DR/pab

cc: Kate Wood, Executive Director  
Landmark West!