



## THE ST. PAUL'S SENTINEL

*Honoring and preserving our community's heritage*

*A publication of the Committee to Save St. Paul's/St. Paul's Conservancy Corp.*

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### **BOARD OF TRUSTEES APPROVES MEMORANDUM OF UNDERSTANDING**

At last Thursday's Village Board meeting, the trustees voted 5-2 to approve the Memorandum of Understanding (MOU) between the Village and AvalonBay, as recommended by Trustee Mauk's Committee on St. Paul's. [Voting "for" were Bee, Mauk, Rothschild, Episcopia and Lundquist; Voting "against" were Lamberti and Watras; Trustee Brudie was absent.]

The MOU, as explained by Mayor Bee, sets out in broad terms the goals of each side as they approach negotiation of a proposed contract, but the details of the development still have not been finalized. The MOU does not address in any detail important issues such as the extent of historic preservation, the amount or location of community space, or the contours of planned additional "townhouse" construction. The MOU is available at Village Hall; however, if you wish to get a copy, be prepared to fill out a Freedom of Information form and pay 25-cents per page. The Village said that the document will also be available for review in the public library, and at least one resident requested that the Village post the document on its website.

In reviewing the document ourselves, the Committee to Save St. Paul's (CSSP) sees some disturbing signs regarding the direction that the Village and AvalonBay are heading. On the critically important issue of how the Village will be "measuring" public reaction to the planned development, the MOU simply states that

"Developer [AvalonBay] has agreed ... to engage in the following methods of obtaining ... feedback and input [from Community residents], at Developer's expense:  
... Conducting, or supporting the conduct by the Village, of one or more polls or other activities by a professional entity to measure the opinions and views of the residents of the Village regarding the Project ..."

According to comments made by Trustee Lamberti at the meeting, Trustee Mauk has been urging use of "a telephone poll" to gauge residents' sentiments. Trustee Lamberti, in explaining why he voted "no" on the MOU, stated that such a poll would be a disaster. CSSP agrees. At a minimum, residents deserve the opportunity to cast an up-or-down vote on any proposal to lease St. Paul's to a private developer, and such a vote must be undertaken in fair and neutral forum that is free of influence and manipulation by financially interested parties, like AvalonBay.

Trustee Lamberti also asked the important question of whether anyone had talked to Senator Hannon about how the Village should measure public sentiments. Evidently, no one has spoken to him. In comments made many times before, Senator Hannon has emphasized that the Village

needs to reach a consensus before he will entertain a request for State Legislative approval. Does the Village really believe that the results of a “one-sided poll” can be used to demonstrate “consensus”?

### **CSSP CHALLENGES MAUK’S CONTINUED LEADERSHIP**

It has become increasingly apparent to CSSP that the biggest obstacle to reaching a consensus on St. Paul’s lies in the composition of the Mayor’s Committee. In a statement read by Ed Keating on behalf of the Executive Committee of CSSP at the last Trustees’ meeting, some facts were revealed that raise substantial questions as to whether Trustee John Mauk should be leading the Mayor’s Committee on St. Paul’s. AvalonBay appears to be a reputable company with a fine track record for making money from upscale rental housing developments. But the fate of St. Paul’s is extremely important and will have a dramatic impact on the future of our community. Accordingly, it is critically important that negotiations with AvalonBay are conducted through representatives who have our long-term best interests at heart. Unfortunately, CSSP has real doubts about whether Mr. Mauk is up to the task.

#### **DO YOU KNOW THAT:**

--Mr. Mauk's employer, CB Richard Ellis, has a well-publicized history of brokering the sale of AvalonBay properties, typically several years after AvalonBay completes construction of a given development? [see, for example, "CB Richard Ellis Sells Avalon Pavilions in Manchester, CT for \$81.5M", <http://rebuz.com/transact/08-01-real-estate-transactions/northland-investment.htm>; sale was made by the same Tri-State Investment Team of CB Richard Ellis as brokered the sale of the Garden City Center complex near Roosevelt Field]. Is this something that could happen to an AvalonBay development at St. Paul’s after a few years? Will AvalonBay be able to generate a windfall profit by selling the remainder of its leasehold interest after getting a potential “sweetheart deal” from the Village? Could CB Richard Ellis potentially make millions brokering such a transaction?

#### **DO YOU KNOW THAT:**

--An affiliate of CB Richard Ellis, known as CB Richard Ellis Global Real Estate Securities, owns nearly 300,000 shares of AvalonBay stock - an investment valued at more than \$28 million? [see Form 18K filed by CB Richard Ellis Global Real Estate Securities, LLC, with SEC, for quarter ending 12/31/07].

--More than 200,000 of those shares were acquired throughout calendar year 2007 (during the very time period when the AvalonBay proposal has been under active consideration)? [see: information found at [www.ownershipanalyzer.com](http://www.ownershipanalyzer.com)] Is it just a coincidence that at the very same time Mr. Mauk has been pushing for an AvalonBay development, an affiliate of his employer has been buying AvalonBay shares by the bushel?

#### **DO YOU KNOW THAT:**

--AvalonBay filed an 8K statement with the SEC on February 6, 2008, claiming it had an option for "Development Rights" in Garden City for an "estimated" number of 160 homes? [see Form 8K filed by AvalonBay Communities, Inc. with SEC, dated February 6, 2008]. Do Mr. Mauk and AvalonBay know something we don't about the estimated size of the planned development?

Given these ties between AvalonBay and Mr. Mauk's employer and its affiliate, we really don't see how he can lead the Mayor's Committee on St. Paul's.

At the Board of Trustees meeting, The Committee to Save St. Paul's suggested it may be time to open up the committee to others who may have different views so that consensus to save the building can be reached. Several residents expanded on our lead, suggesting that,

--for the Mayor's Committee to be more effective, the Mayor should rethink the chair or rather reconstitute the committee and rethink its leadership.

--that the village should be continuing to think about other options should the project not work out with AvalonBay...perhaps revisiting the Canus proposal or another proposal, in order to keep other options burning.

--that, in light of Mauk's employment with CBRE, he should consider stepping down from the committee.

As always, we urge you to listen, ask questions and react! Write your opinions to the Editor of the *Garden City News*, as well as your Mayor and Trustees ([MayorPBee@gardencityny.net](mailto:MayorPBee@gardencityny.net)), and most especially, to Senator Kemp Hannon ([Hannon@senate.state.ny.us](mailto:Hannon@senate.state.ny.us)).

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