

STATE HISTORIC PRESERVATION OFFICE  
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

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In Re Property at: :  
: :  
Deborah Chapel :  
Beth Israel Cemetery :  
151 Ward Street :  
Hartford, CT : December 7, 2022  
: :  
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HISTORIC PRESERVATION COUNCIL MEETING

(via Zoom Videoconference)

Held before Historic Preservation Council Members:

THOMAS ELMORE, Chair  
CHRISTINE NELSON, Vice Chair  
ELIZABETH ACLY  
MARGUERITE CARNELL  
VINCENCIA ADUSEI  
ELIZABETH BURGESS  
SARA O. NELSON  
PAUL BUTKUS  
DR. LEAH GLASER  
DR. SARAH SPORTMAN, State Archeologist

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APPEARANCES:

State Historic Preservation Council Staff:

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Jonathan Kinney  
Marena Wisniewski  
Todd Levine  
Erin Fink  
Julie Carmelich  
Jenny Scofield  
Catherine Labadia  
Cory Atkinson

Presenters:

Brad Schide, Preservation Connecticut  
David Goslin, Crosskey Architects  
James Grant, James K. Grant Associates

Representing the Applicant Congregation Beth Israel

Matthew Hoberman, Esq.

Public Comment:

Sandra Berinstitute  
Scott Lewis  
Raphel Podolsky  
Mary A. Falvey  
Elissa Sampson  
Nancy R. Savin  
Marcus Ordonez  
Susan A. Masino  
Cary shea  
Rhodee Gine  
Tracy Mozingo  
Elizabeth Rose

Also Present:

Jane Montanero  
Samuel Gruber  
Laral Iorio

Ken Gosselin  
John Russo  
Mel Diaz  
Priyanka Pajwani

Jill Aspenwall, Videographer

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(Proceedings commenced at 10:45 a.m.)

AGENDA

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CHAIR THOMAS ELMORE: Good morning everybody. My name is Thomas Elmore, Chair of the Connecticut Historic Preservation Council and I'm calling Part 2 of our December 7<sup>th</sup>, 2022 Historic Preservation Council Meeting to order for the purposes of considering Deborah Chapel located within Beth Israel Cemetery at 151 Ward Street, in Harford, Connecticut.

Part 2 of this meeting will run from 10:35 to approximately 12:30 and I'd like to ask Council members if they can stay until 1:00 o'clock if needed. Can people let me know if

1 they cannot stay 'til 1:00 o'clock so I can make  
2 a note?

3 LEAH GLASER: Tom, this is Leah. I  
4 cannot stay. I have a meeting at 12:15 actually.  
5 I was going to go late at 12:30 but --

6 CHAIR ELMORE: That's fine. Just let  
7 us know please when you leave so that I know.

8 CHRISTINE NELSON: Tom, Christine  
9 Nelson, I also have another meeting. I can't  
10 stay.

11 CHAIR ELMORE: Okay. Just let us know  
12 please, Christine. Thank you.

13 All right. There are 8 people from the  
14 public that have registered to speak to this  
15 agenda item.

16 Seated with me this morning are the  
17 following council members: Beth Acly, Vincencia  
18 Adusei, Beth Burgess, Paul Butkus, Margaret  
19 Carnell, myself, Leah Glaser, Christine Nelson,  
20 Vice Chair, Sara Nelson, Sarah Sportman. We have  
21 quorum.

22 Preservation Connecticut is a statutory  
23 partner and an interested party in these  
24 proceedings and will be given the same amount of  
25 time to speak as well representatives of the

1 property owner. As is Council's policy and to  
2 ensure sufficient time for all parties this  
3 agenda is organized as follows: Introduction of  
4 the matter by Todd Levine, SHPO staff liaison for  
5 endangered properties. Presentation by  
6 Preservation Connecticut, presentation up to and  
7 not more than 20 minutes. Council questions for  
8 20 minutes, presentation by the owner's  
9 representative up to and no more than 20 minutes.  
10 Council questions for 20 minutes. And then  
11 members of the public will be invited to speak.  
12 Since we have 8 members that have signed up they  
13 will be permitted 3 minutes each to speak.

14 If you have not already done so letters  
15 and/or statements can be submitted for the record  
16 via email by directing them to Marena Wisniewski  
17 at [marena.wisniewski@ct.gov](mailto:marena.wisniewski@ct.gov) who will be tracking  
18 all the letters and statements and making them  
19 available in for the record.

20 If there are members of the public who  
21 have not submitted their information and who are  
22 late in coming to the process you will be given a  
23 chance to speak after we have heard from everyone  
24 else whose name has signed up in advance. We  
25 will ask for a show of hands via Zoom and we will

1 then call on members of the public in the order  
2 in which we see them.

3 At approximately 12:30 we will close  
4 the public testimony to allow council 20 minutes  
5 for consideration of the motion.

6 May I ask Council members for a show of  
7 hands for having read the entire agenda packet in  
8 its entirety?

9 (Pause.)

10 CHAIR ELMORE: Very good.

11 We therefore have extensive knowledge  
12 of this material in our agenda packet. The  
13 Council is looking for succinct information  
14 directly related to the forwarded questions. To  
15 maintain our schedule and for the benefit of all  
16 Marena Wisniewski of SHPO staff is assisting the  
17 Council and will be our timekeeper.

18 Parties with 20-minute presentations  
19 will be given a 5-minute and a 1-minute warning  
20 as they approach the end of their time. Their  
21 presentations will be cut off at 20 minutes.

22 Parties with 3-minute presentations  
23 will be given a 30-second warning before the end  
24 of their time.

25 Council is interested in new

1 information with each presentation. In the  
2 interest of time and out of the fairness to all,  
3 if you are in agreement with points previously  
4 made please signal your agreement with those  
5 points made.

6 We ask that all parties identify  
7 themselves by name before speaking, including  
8 Council members, to aid our transcriptionist in  
9 recording the meeting.

10 I want to review the Department of  
11 Economic and Community Development, State  
12 Historic Preservation Office's public comment  
13 procedures.

14 Order of Presentations: I will read  
15 the motion and ask the motion to be moved and  
16 seconded. Presentations will be made to the  
17 Council. Council members will have an  
18 opportunity to ask questions. If called up on by  
19 staff a representative of the organization may  
20 offer statements or address Council's questions.

21 For member of the public who wish to  
22 speak to the agenda item we ask that you identify  
23 yourself and your affiliation. The Historic  
24 Preservation Council takes statements from  
25 members of the public but does not respond to

1 questions.

2 After all questions have been addressed  
3 and statements made a rollcall vote will be  
4 taken.

5 The following is the Historic  
6 Preservation Council's policy regarding conflict  
7 of interest. The Historic Preservation Council  
8 votes on matters which provide leadership,  
9 service and economic benefits to property owners  
10 and consultants, local governments and not-for-  
11 profit organizations. Given this responsibility  
12 and to maintain the highest professional  
13 standards in the discharge of our duties it is  
14 important to maintain a strong code of ethics for  
15 all Council members and department employees.

16 In order to avoid possible violations  
17 of the Department of Economic and Community  
18 Development ethics statement it is necessary for  
19 the Council to be aware of any situations in  
20 which there is a real potential or apparent  
21 conflict of interest involving anyone here.

22 A conflict of interest may occur when  
23 the public officials participation in agency  
24 matters results in personal financial gain. You  
25 have been provided with the Department of

1 Economic and Community Development ethics  
2 statement governing state statutes.

3 Having read them in today's agenda  
4 members of the Council and staff are now asked to  
5 disclose any affiliations with entities or  
6 projects that may create a conflict of interest  
7 as defined by agency policy and pursuant to  
8 Connecticut General Statute 1-79 through 1-89  
9 entitled Code of Ethics for Public Officials.  
10 Once disclosed the Council or staff member may  
11 recuse themselves from this agenda item.

12 Having read this statement are there  
13 any Council or staff members who wish to disclose  
14 a conflict of interest with this agenda item?

15 (No response.)

16 CHAIR ELMORE: Okay, hearing none.

17 Before I read the motion I'd like to  
18 give a brief background.

19 The Connecticut State Statute Section  
20 10-409.16B says the Historic Preservation Counsel  
21 shall request the assistance of the Attorney  
22 General to prevent the unreasonable destruction  
23 of historic properties pursuant to provisions of  
24 Section 22a-19a.

25 We have been given a lot of information

1 on or about this matter before us this morning  
2 and both sides of this matter will be presenting  
3 to us. In the end we must decide whether to  
4 refer this matter to the Attorney General's  
5 Office.

6 In addition to everything being  
7 presented today things for us to consider: Is  
8 the property on the National Register of Historic  
9 Places? Is the property a continuing feature or  
10 structure within the historic district listed on  
11 the National Register of Historic Places? Is the  
12 property threatened with unreasonable  
13 destruction? Do we feel that there is a feasible  
14 and prudent alternative to demolition?

15 Keep in mind that all the legal matters  
16 stated and described in the materials that were  
17 asked to review and may hear about this morning,  
18 they are beyond our purview as Historic  
19 Preservation Council members. This is a Historic  
20 Preservation Council meeting, not a legal case in  
21 a court of law.

22 A letter of invitation was extended to  
23 the property owner with an appended list of  
24 questions, materials helpful in documenting a  
25 lack of prudent and feasible alternatives to

1 demolition. The material that was forwarded to  
2 SHPO was place in Dropbox and was made available  
3 to all interested parties and so any information  
4 provided by the owner and/or their representative  
5 and by Preservation Connecticut was made  
6 available to all parties.

7 Lastly, I want to remind everybody that  
8 this discussion and review is not a discussion  
9 about the historic merit of the structure.

10 Deborah Chapel is a contributing resource in the  
11 Frog Hollow Historic District which was listed on  
12 the National Register of Historic Places on April  
13 11, 1979.

14 Now for the motion in front of us. The  
15 Connecticut Historic Preservation Council votes  
16 to request the assistance of the Office of the  
17 Attorney General to prevent the unreasonable  
18 destruction of the historic property known as  
19 Deborah Chapel located within Beth Israel  
20 Cemetery at 159 Ward Street, Hartford,  
21 Connecticut pursuant to provisions of Section  
22 22a-19a of the Connecticut General Statutes.

23 Is there a motion to move this to the  
24 table for discussion?

25 MARGUERITE CARNELL: Margarite Carnell,

1 so moved.

2 CHAIR ELMORE: And a second?

3 SARA NELSON: Sara Nelson, second.

4 CHAIR ELMORE: Thank you.

5 Now to get things started a  
6 presentation by staff member Todd Levine.

7 Todd, it's yours.

8 TODD LEVINE: Good morning, everyone.  
9 For the record my name is Todd Levine. I'm a  
10 liaison to the OAG from SHPO and DECD. And this  
11 is a recap of the executive summary of SHPO's  
12 investigation.

13 On March 14<sup>th</sup>, 2021 the State Historic  
14 Preservation Officer or SHPO was notified by our  
15 nonprofit partner, Hartford Preservation Alliance  
16 or HBA, that the Deborah Chapel located at 151  
17 Ward Street in Hartford, Connecticut was  
18 threatened with demolition by the owners,  
19 Congregation Beth Israel or Congregation.

20 The high Victorian Romanesque revival  
21 Deborah Chapel build in 1866 is located in the  
22 Congregation Beth Israel Cemetery which is in  
23 turn within the Frog Hollow National Register of  
24 Historic Places District listed in 1979.

25 The current series of events that led

1 us here today started back a little further.

2 On March 20<sup>th</sup>, 2019 the Congregation  
3 made an application to the City of Hartford to  
4 demolish the building.

5 On April 17<sup>th</sup>, 2019 the City of Hartford  
6 Historic Preservation Commission or Commission  
7 denied the application.

8 On May 28<sup>th</sup>, 2019 the Congregation took  
9 an appeal to the Superior Court.

10 On March 2<sup>nd</sup>, 2021 Connecticut Superior  
11 Court issued a ruling overturning the City of  
12 Hartford's Commission decision to deny the  
13 Congregation permission to demolish Deborah  
14 Chapel with instructions to grant the demolition  
15 permit within 60 days.

16 On March 22<sup>nd</sup>, 2021 the City of Hartford  
17 took the order to the Appellate Court and on  
18 November 1<sup>st</sup>, 2022 the Appellate Court appeal was  
19 dismissed which ultimately triggered today's  
20 meeting.

21 The matter is further complicated  
22 because of the deed restriction. The land in  
23 which the structure sits was gifted to the  
24 Congregation in 1872 by the City of Hartford for  
25 use for burial of the dead only, except for a

1           portion port of the land allowing for the  
2           erection of the Deborah Chapel.

3                       On September 1<sup>st</sup>, 2021 SHPO received  
4           clarification from the City of Hartford's  
5           Corporation Counsel that the site could not be  
6           subdivided without consent of the owner.

7                       On September 17, 2021 the State  
8           Historic Preservation Office or the State  
9           Historic Preservation Review Board voted  
10          unanimously that the site contributed to the  
11          National Register District.

12                      And on May 12, 2021 a petition to  
13          oppose the demolition of the structure and  
14          support the effort to save it was initiated by  
15          HBA.

16                      As of November 25<sup>th</sup>, 2022 there are 551  
17          signatures on the petition and SHPO has received  
18          30 letters of support for preservation and 8  
19          letters of support for demolition. Thank you.

20                      LEAH GLASER: Tom, we can't hear you.

21                      CHAIR ELMORE: Sorry, I muted because  
22          our dog was barking.

23                      The first presentation is by  
24          Connecticut Preservation and let by Brad Schide.

25                      BRAD SCHIDE: Good morning everybody.

1 I'm Brad Schide, circuit writer for Preservation  
2 Connecticut. On behalf of Preservation  
3 Connecticut, our Board of Directors and certainly  
4 everyone who wrote a letter, talked about this  
5 project, you know, we thank the Historic  
6 Commission for the opportunity, the Historic  
7 Council for the opportunity for us to discuss  
8 this really important project.

9 As it's already been noted the subject  
10 here is the Deborah Chapel. It's located at 151  
11 -- actually, there was some debate about that,  
12 but 151 Ward Street in Hartford. There was also  
13 debate whether it was on the National Register  
14 and that was wholly cleared up by SHPO. It is on  
15 the national register and as Tom has said is also  
16 a contributing resource to the National Register  
17 District.

18 The owner and the applicant -- and  
19 again as you heard who wished to demolish the  
20 property is Congregational Beth Israel. The  
21 building was built, constructed after they  
22 received permission to actually build the  
23 cemetery but the fact it still is considered on  
24 the National Register, the building itself.

25 Our role today is to really talk about

1 prudent and feasible alternatives which is a  
2 requirement of the CEFA law.

3           Joining me today is Dave Goslin and  
4 also Jim Grant who will follow me and describe in  
5 more detail about our proposals. Jim Grant will  
6 mostly focus on what we always see in all these  
7 deals is the building is structurally sound and  
8 Jim will kind of more convey that issue.

9           Before we start out since it looks like  
10 there's not a whole lot of testimony today I do  
11 want to make the Council and I'm sure you are  
12 aware of the enormous amount of letters,  
13 petitions, as well as the support letters and  
14 also I guess there were some that were supporting  
15 the destruction of the property as well.

16           I want to point out really three of  
17 those because I don't know if they'll all get a  
18 chance to testify for you today, but in your  
19 packet there was an extraordinary letter that was  
20 an open letter from 16 Jewish scholars who went  
21 in very extensive detail about the Jewish women  
22 who were a part of this really international  
23 movement to prepare Jewish individuals for  
24 burial. I do ask you guys to look at that in a  
25 very close way. It's extraordinary and we don't

1 always get letters like that.

2 The other real important letter or  
3 actually item that you need to understand too is  
4 the National Trust for Historic Preservation. We  
5 all know these guys. Let me tell you, to get on  
6 the 11 most endangered list is nearly impossible.  
7 It's a national listing and to actually be able  
8 to actually get the National Trust to designate  
9 you on that list it took a lot of effort. It  
10 also took a lot of research on the National  
11 Trust's time and efforts and they do not do this  
12 across the board.

13 So I do point that out to you and again  
14 their role is simply to preserve properties in  
15 the national historic interests.

16 Legally, I'm not going to go through  
17 all the legally. I think Todd went through it  
18 and suffice it to say that the City did a  
19 yeoman's job through their Historic Commission.  
20 They challenged the demolition all the way up to  
21 November 1<sup>st</sup> when the Appellate Court pretty much  
22 dismissed the case. So I do want the Council to  
23 understand the reason we're here is because of  
24 that dismissal and right now Congregation Beth  
25 Israel does have the ability to demolish the

1 property. I think there's a demo delay but  
2 nonetheless the point is that they do have the  
3 ability to demolish.

4 We're here today and we quickly put  
5 this together to, you know, basically appeal to  
6 the Council to get the AG involved as kind of  
7 almost a last resort here at this point.

8 So we'll talk a little bit about the  
9 building and I'll pull it over to Dave in a  
10 minute, but I do want to say a couple things. We  
11 came up with two scenarios which Dave will detail  
12 in more detail, but the one scenario that's  
13 probably more apropos here is probably the first  
14 one. Right how the building has a chapel on the  
15 lower level, they held religious ceremonies for  
16 the burials, the women did, and then the upper  
17 two floors was for a caretaker. They will  
18 explain the model but the model would be either  
19 -- it could be a commercial space as opposed to a  
20 chapel and then the above floor could still  
21 remain residential.

22 The other scenario is two residential  
23 units. I do want to be clear though and I think  
24 if you're all weighing whether this should go to  
25 the Attorney General or not, keep in mind that

1 one of the big issues we have to resolve here is  
2 I do know that we would need to subdivide out the  
3 site somehow from a cemetery use that's now for  
4 the whole site. How we would do that is unclear.  
5 Do we have to transfer title? That would be an  
6 open question.

7           So one of the things I've when an  
8 Attorney General is involved is it does force  
9 everyone to sit down and really look at the  
10 issue. I think Congregation Beth Israel has been  
11 very clear that they're not going to want to do  
12 any of these things. However, I think there are  
13 some creative models we can look at. There's a  
14 curatorship program that we can also look at  
15 here.

16           So anyway, there's a lot of different  
17 options we can look at but I think right now I'll  
18 turn it over to Dave right now to describe a  
19 little bit about the two scenarios, and then Jim  
20 Grant will follow.

21           Dave is identified as me but Dave, you  
22 should probably introduce yourself.

23           DAVID GOSLIN: Thanks, Brad.

24           My name is Dave Goslin, I'm the  
25 Principal with Cross Key Architects here in

1 Hartford. And we were brought into this project  
2 in the summer of 2021 by Preservation Connecticut  
3 to look at the building and determine if there is  
4 a prudent and feasible alternative for the reuse,  
5 repurposing of the building.

6 So we did meet with all the folks out  
7 on site and we did measure the building and draw  
8 it up. And Marena, I don't know if you can give  
9 me permission to share my screen.

10 MARENA WISNIEWSKI: You are co-host;  
11 you should be able to share.

12 DAVID GOSLIN: Okay. Let me just call  
13 up the plans here. Okay. If everybody can see  
14 that, this is the site plan of the chapel and  
15 just to orientate yourself, north is to the top  
16 of the page where Ward Street is. Affleck is on  
17 the eastern edge of the cemetery, and the chapel  
18 kind of sits a little bit in from the corner of  
19 that intersection.

20 As Brad mentioned earlier we'd be  
21 looking to subdivide the parcel out and indicated  
22 by these lines here and create this as its own  
23 separate parcel. There is an existing driveway  
24 that continues through here that's there and  
25 there's also access in from Affleck Street.

1           The driveway that comes off of Ward has  
2           since been -- the curb cuts have been filled in  
3           and the iron fence that encompasses the cemetery  
4           cuts across the driveway. So we'd be looking to  
5           reestablish the curb cut, reestablish an entry  
6           gate and allow this as an access drive for the  
7           potential reuse of this site. We'd put a couple  
8           of parking spaces to the south of the building  
9           here and we'd have to create some type of  
10          easement to allow the cemetery to continue to use  
11          and access the driveway and to access because  
12          people do come down here to park when they visit  
13          the plots. So we'd have to have some kind of  
14          easement established.

15                 We would also cut another entry gate  
16                 into the fence here to provide pedestrian access  
17                 in from Ward Street to the front door or the  
18                 north door of the building. And obviously we'd  
19                 want to put some landscaping in to screen the  
20                 parking and some trees. So that's kind of what  
21                 we came up with the site plan.

22                 Moving on to the two options that Brad  
23                 had mentioned, this is the plans for option  
24                 number one in which case the first floor we would  
25                 retain the existing chapel, office space, the

1 alter and the lavatory, and basically mothball  
2 this until there is a use, a feasible use that  
3 could come into it and then reuse it. So the  
4 idea is to kind of preserve it in place and then  
5 we would then focus our efforts in converting the  
6 upper two floors into a two-bedroom apartment.  
7 Now it could be home ownership, it could be  
8 purchased, the whole property could be purchased  
9 by a single person and this could be their place  
10 of residence.

11 So coming up the north stairs into the  
12 apartment there would be a kitchen, eat-in  
13 kitchen, a combined living/dining room and a  
14 bedroom to the front. We would reuse the  
15 existing stairs that provides access to a master  
16 bedroom suite which would be located under the  
17 hipped roof. There's dormers there so this could  
18 make for a very desirable master bedroom suite on  
19 the third floor.

20 As you look at these plans the shaded  
21 walls would be new wall construction and the  
22 walls that are not shaded are existing walls. So  
23 with very minimal effort we can kind of create  
24 this desirable unit on the upper floors.

25 Obviously the building itself is in

1 pretty rough condition and it probably would have  
2 to get all new mechanical systems. We'd need to  
3 gut it. From a building envelope standpoint the  
4 building is in need of a new roof, the masonry  
5 needs to be cleaned and repointed, both the brick  
6 and the brownstone. We feel that the windows can  
7 be restored. They're not to the point where  
8 they're beyond restoration, and as always we  
9 normally default to restoration before  
10 replacement. And the exterior doors are either  
11 missing or in pretty rough shape so we would be  
12 replacing those with period doors.

13 So this would be option one which is  
14 basically a single-family house with the lower  
15 floor kind of left for future use.

16 The second scenario is very similar in  
17 which the second and third floors remain as in  
18 the previous scenario. The difference in this  
19 option is the first floor gets fitted out into a  
20 two-bedroom apartment in which there would be a  
21 bedroom where the back office is now and there  
22 would be a bedroom in this area here. And then  
23 we would use both the south entrance in from the  
24 parking area as well as the chapel entry in from  
25 the driveway with an open kitchen living/dining

1           concept.  So it's about 905 square feet which is  
2           pretty sizeable for a two-bedroom apartment and  
3           it could be very desirable if this is the  
4           direction it needs to go in.

5                        So with that I think I'll turn it over  
6           to Jim to touch base on the structural  
7           components.

8                        JAMES GRANT:  Good morning everyone.  
9           I'm James Grant, owner of James K. Grant  
10          Associates, structural engineers.

11                      I've been involved with historic  
12          preservation assessments and rehabilitation  
13          projects over the last 35 years, worked on  
14          several hundred projects, most in the City of  
15          Hartford and many right there in the Frog Hollow  
16          neighborhood.

17                      On June 10<sup>th</sup> of this year I was asked by  
18          Preservation Connecticut to do an assessment, a  
19          structural assessment of the Deborah Chapel,  
20          which I did.  I spent about an hour in the  
21          building, looked at the interior and exterior  
22          conditions and submitted a report that basically  
23          said the building is in sound structural  
24          condition.

25                      I think if I can just read the

1 conclusion of my report you can get an idea of  
2 what the conditions are in the building.

3 Overall Deborah Chapel is in sound  
4 structural condition. There are no serious  
5 structural deficiencies that could be detected  
6 this this inspection but there are some deferred  
7 maintenance conditions that need to be addressed  
8 in order to preserve the building for long-term  
9 occupancy.

10 Number one, all exterior masonry should  
11 be repointed from top to bottom and any spalled  
12 or cracked bricks should be replaced. Continued  
13 water intrusion will open more joints and erode  
14 more mortar at an accelerating rate leading to a  
15 gradual --

16 MARENA WISNIEWSKI: You have 5 minutes.

17 DAVID GOSLIN: Oh, thank you -- leading  
18 to a gradual weakening of the walls. It is  
19 normally a slow moving process but can quickly  
20 become serious and most costly to repair if not  
21 attended to soon. All ivy and other vegetative  
22 growth should be removed from the walls.

23 Number two, moisture infiltration into  
24 the basement needs further investigation to  
25 determine the source of the moisture. It may

1 require exterior runoff management in combination  
2 with a new basement slab with under slab drainage  
3 and a sump pump.

4 Number three, the deteriorated brick  
5 piers in the basement need to be repaired and  
6 repointed where needed and protected from further  
7 rising damp exposure. Further investigation  
8 should be made when the existing slab is removed.

9 All rust and corrosion should be  
10 removed from the fire escape and be coated with a  
11 high performance exterior paint system. And  
12 finally the exterior, the (indiscernible) walls  
13 on the west entry steps should be reset and the  
14 joints sealed to prevent water intrusion.

15 The wood floor of the south entry porch  
16 needs rehabilitation or replacement and the wood  
17 columns, the single one wood column needs some  
18 rot repair in its base.

19 So basically the building is in sound  
20 condition, needs what's basically maintenance,  
21 fairly routine maintenance, and I think it will  
22 service the proposed uses outlined by Dave  
23 without any need for any significant structural  
24 alterations.

25 BRAD SCHIDE: Marena -- Dave, can you

1 unshare and Marena can you flash up a few photos?  
2 I mean I think everybody's seen the photos.

3           Yeah, so the only thing I want to add  
4 here in the closing moments is that Frog Hollow  
5 architecture is very significant. People have  
6 heard about the perfect six and some of it is  
7 very original to Harford, and the detail and  
8 architecture here is very similar, the roof  
9 angles, the windows at the ground level, all of  
10 this is very -- is very Frog Hollow-ish and it  
11 does have a very distinctive term. So I do want  
12 to add that.

13           But in conclusion, since we're running  
14 out of time here, so the building is structurally  
15 sound, there are at least two prudent  
16 alternatives to demolition. And there is money,  
17 I mentioned in my letter about a 203K mortgage  
18 insurance. There are ways to finance this but I  
19 think before we can really put the numbers down  
20 we have to just work through what exactly the  
21 structure is.

22           While it is subdivided it could be a  
23 long-term ground lease from the cemetery versus  
24 transfer of title. So anyway, there's a lot of  
25 different options we can pursue but some of that

1 would be in legal court and also what would  
2 attract financing. The building does need  
3 funding to actually do this. It is not a  
4 handyman special.

5 And I think with that we'll conclude  
6 our presentation.

7 CHAIR ELMORE: Great, Brad. Thankyou.

8 I just wanted to let Council and other  
9 participants know that during that discussion  
10 Leah Glaser mentioned to me a possible conflict  
11 of interest.

12 Leah, are you still with us?

13 LEAH GLASER: Yes, yes.

14 CHAIR ELMORE: Okay. Would you  
15 reiterate what you told me and then we'll follow  
16 through.

17 LEAH GLASER: I serve on the Board of  
18 Connecticut Preservation Action and they did send  
19 a letter in support of, you know, saving the  
20 chapel. So I just wanted to see if I should  
21 recuse or not vote or leave the meeting or not  
22 ask questions. I'm not sure.

23 CHAIR ELMORE: Yeah. I think as a  
24 board member you probably don't have a conflict  
25 of interest but I think to keep the lines clean

1 and clear here I would ask you to recuse.

2 LEAH GLASER: Okay. Should I -- so  
3 does that mean should I leave or should I --

4 CHAIR ELMORE: Yeah. You should leave.

5 LEAH GLASER: All right.

6 CHAIR ELMORE: All right. Thank you.

7 (Lea Glaser leaves the Zoom call.)

8 CHAIR ELMORE: And then with that we  
9 have about 18 or 19 minutes with Council members  
10 for questions for Brad and David and Jim.

11 Questions from Council members?

12 VINCENCIA ADUSEI: I have a question.

13 CHAIR ELMORE: Okay. Go ahead, Vee.

14 VINCENCIA ADUSEI: I think James  
15 answered by question. I was wondering the  
16 justification for the demolition. I thought  
17 maybe there was something wrong with the building  
18 structurally but according to James the building  
19 is sound, it's in sound condition. And Brad had  
20 proposed development. I'm wondering, why do we  
21 want to demo the building?

22 CHAIR ELMORE: Who wants to demo --  
23 these guys don't want to demo the building.

24 BRAD SCHIDE: No, we're not demoing the  
25 building. I think you will hear from them next

1 and I think they will be pretty articulate on why  
2 to want to see it gone.

3 VINCENCIA AUDESI: Okay. Then I'll  
4 wait. Thank you.

5 CHAIR ELMORE: Thank you, Vee.

6 Any other questions or comments from  
7 Council members?

8 CHRISTINE NELSON: Christine.

9 CHAIR ELMORE: Go ahead, Christine.

10 CHRISTINE NELSON: I'd be interested to  
11 learn why the restrictive easement can't be  
12 modified without completely extinguishing the  
13 easement. Easements are often modified without,  
14 you know, completely extinguishing it. So I'd be  
15 curious to learn more about that angle.

16 BRAD SCHIDE: It's actually a deed  
17 restriction. Todd, jump in here. I don't  
18 believe it's an easement, I believe it is a deed  
19 restriction that is cemetery use only and there  
20 was a lot of back and forth whether the City who  
21 transferred that title to the cemetery could be  
22 done unilaterally and it cannot. Congregation  
23 Beth Israel would have to request release from  
24 any portion of that cemetery use. That's to my  
25 knowledge anyway.

1                   TODD LEVINE: Yeah. I mean, you know,  
2                   Scott or Matt, feel free to jump in to explain  
3                   that but my understanding is that you both have  
4                   to agree, both the City and the Congregation have  
5                   to agree to remove it and then it kind of opens  
6                   the door for the whole parcel to then have to  
7                   have a new deed restriction put on it other than  
8                   the parcel that would be taken off if that was  
9                   the case or it would open the door for potential  
10                  issues. Right?

11                  Scott, would you --

12                  SCOTT LEWIS: Yah, I can answer that.  
13                  I'm a real estate attorney and do real estate  
14                  litigation.

15                  CHAIR ELMORE: Scott, can you identify  
16                  your last name and your --

17                  SCOTT LEWIS: Oh, sorry. I am Scott  
18                  Lewis. I'm both an attorney but I'm also a co-  
19                  chair of the Congregation Cemetery Committee.  
20                  I'm a real estate lawyer and do real estate  
21                  litigation.

22                  This is a deed restriction that runs  
23                  with the land and it means it runs forever. It  
24                  cannot be modified. A deed restriction not only  
25                  runs on the land immediately underneath the

1 building but over a greater swath of the  
2 property. Any release of the deed restriction  
3 does two things. It converts cemetery land into  
4 non-cemetery land and by the deed restriction  
5 itself it transfers the property back to the  
6 synagogue -- excuse me, back to the City because  
7 of that transfer. The deed restriction cannot be  
8 lifted and the synagogue does not want it lifted  
9 nor does it want any part of its cemetery land  
10 affected because it plans to use this for future  
11 graves.

12 CHAIR ELMORE: Thank you, Scott.

13 I see two hands up. So Beth Acly, go  
14 ahead.

15 PAUL BUTKUS: You're muted, Beth.

16 BRADE SCHIDE: Beth, you're muted.

17 BETH ACLY: Okay. How that, better?

18 I have a question for the Preservation  
19 Connecticut team. Have you started exploring  
20 funding options at all? I mean obviously, pretty  
21 obviously I think grants could be applied in this  
22 case. But just curious if you've gone down that  
23 road at all.

24 BRAD SCHIDE: Yeah, there is -- I  
25 mentioned in my memo 203K is a federal mortgage

1 insurance program and it works in small  
2 properties like this. And also it usually  
3 doesn't cover the whole project so the gap funds  
4 would probably either come from the City of  
5 Hartford or from State Department of Housing.

6 The complication here is as Scott has  
7 stated, you can't keep -- you can't, in my  
8 opinion anyway, there's no way to bring in this  
9 kind of mortgage money from any source as a  
10 cemetery use. So somehow legally without  
11 disrupting the reset of the cemetery site that  
12 parcel has to be subdivided out.

13 And then the other question is what can  
14 Congregation Beth Israel continue to own. We  
15 could do this as a ground lease. Under that  
16 scenario they would maintain ownership, it had to  
17 be around 99 years or so, but the end user would  
18 have to have some kind of ownership over the four  
19 walls to get the money because they're not going  
20 to -- it's going to be just very hard to get  
21 financing if there's no ownership at all.

22 So that's why I said in my presentation  
23 it's hard -- first of all, Congregation Beth  
24 Israel as you hear, they're not open to any of  
25 this. But if we could get them open to it I

1 think that's the real large discussion.

2 But to answer your question there are  
3 funding -- there is funding out there that can be  
4 pursued but it can't be pursued now as a cemetery  
5 use.

6 BETH ACRY: Okay. Thanks, Brad.

7 CHAIR ELMORE: Marguerite.

8 MARGUERITE CARNELL: Hello. I question  
9 is also directed to the Preservation Connecticut  
10 team. So it seems that this building's problems  
11 really started back in 2006 when a caretaker, a  
12 cemetery caretaker moved out and the building  
13 from what I can see in the documentation provided  
14 there's been little or no maintenance of it since  
15 then. And it did appear during that time that  
16 Congregation looked into other options and then  
17 has, you know -- ran out of them at that time.

18 So the question that I have for the  
19 Preservation Connecticut team is if the  
20 Congregation would entertain the possibility of  
21 reusing that building as it was up until 2006  
22 with the caretaker apartment, could the first  
23 option that Cross Key Architects proposed, could  
24 it be used for such a scenario? That's my first  
25 question.

1                   And then the second question is related  
2                   to funding. If the Congregation were open to  
3                   entertaining this as a possibility is there state  
4                   funding available that could be used to preserve  
5                   the building such as an HRF grant?

6                   BRAD SCHIDE: Yes.

7                   CHAIR ELMORE: Go ahead, Brad.

8                   BRAD SCHIDE: Okay, go ahead. Yes to  
9                   both questions. Yes, an HRF grant could be used.  
10                  It could be a caretaker and I guess remain as a  
11                  chapel. Again, what we presented was not  
12                  necessarily a chapel on the ground level. I  
13                  don't know if that is needed. If the  
14                  Congregation determined that that was needed, to  
15                  answer your question broadly, yeah, I mean we  
16                  could certainly bring it back to the exact same  
17                  use.

18                  Now, in terms of funding we're still  
19                  back to that same question. It's a cemetery use.  
20                  If they as the owner, let's just for argument  
21                  say, hey, they're going to retain ownership and  
22                  they'll do their own funding. It's going to be  
23                  nearly impossible for them -- I mean outside of  
24                  just grants and -- the HRF grant is not enough to  
25                  rehab this property. It's been vacant for, I

1 don't know, 20 years or so and as Dave said it's  
2 more money than the HRF grant can provide, and so  
3 therefore they have to look at a lot of different  
4 ways.

5 But to answer your question broadly,  
6 yes. The Congregation could take this on and  
7 we'd all work in partnership to try to figure it  
8 out. There would still be some legal questions  
9 to solve though.

10 MARGUERITE CARNELL: Right. But just  
11 one follow-up point and that is but if there were  
12 an HRF grant or other such grants the project  
13 could be done in phases, could it not?

14 BRAD SCHIDE: Yeah, it could be. I'll  
15 defer to Dave on that but it's problematic. It's  
16 a very small building. We're only talking 2,500  
17 square feet. If we took the first option as Dave  
18 said we'd be mothballing the ground floor anyway  
19 so there would be very little cost to that. So  
20 in some ways, yeah, you could say we would only  
21 do the caretake upper two floors.

22 DAVID GOSLIN: And just to piggyback on  
23 to that they are separate in that they have  
24 separate entries So that separation of the  
25 entries will allow for this to be phased over one

1 or two projects if it comes to that.

2 MARGUERITE CARNELL: So the exterior  
3 envelope say could be done in one phase, the  
4 interior renovation of the first floor and/or the  
5 second floor could be done in the second phase.

6 DAVID GOSLIN: Yep.

7 MARGUERITE CARNELL: Okay. Thank you.

8 BRAD SCHIDE: Yeah, that actually was  
9 the City's viewpoint in all their briefs was the  
10 mothball of the project until we could all figure  
11 out a plan that would work, just so you know, and  
12 the court kind of rejected that as you'll hear in  
13 the next testimony.

14 CHAIR ELMORE: Beth, go ahead.

15 BETH ACLY: Just a follow-up question  
16 hearing about the City here. We know, we've  
17 heard that the Preservation Council or whatever  
18 the -- I can't remember the name of the City's  
19 preservation entity but is that the only entity  
20 within the City of Hartford that's been involved  
21 or are there -- I mean Hartford's obviously got a  
22 bit of a hand in this just due to the changeover  
23 in property ownership.

24 BRAD SCHIDE: Yeah, the Historic  
25 Preservation Commission and Mary's on and she can

1 jump in too but -- from HPA, but the Hartford  
2 Preservation Commission is a City entity, it  
3 represents the City and they were the ones  
4 through Corp Council, through the City of  
5 Hartford that was the Plaintiff, I guess, right?  
6 Yeah, Plaintiff in all the cases. I don't know  
7 if Mary wants to add anything to that, Mary  
8 Falvey, but --

9 MARY FALVEY: Right. Well, we've have  
10 had the Mayor's Office has been very much behind  
11 doing whatever the City can do to save the  
12 building and are still interested, including  
13 taking it all the way through appeals.

14 CHAIR ELMORE: Thank you, Mary.

15 BETH ACLY: Thank you.

16 CHAIR ELMORE: Paul, I see your hand is  
17 up.

18 PAUL BUTKUS: Yes. Couple of  
19 questions. One is whether or not the suggested  
20 subdivision of the property, is that a fully  
21 compliant lot meeting all subdivision  
22 requirements or is it a nonconforming lot?

23 BRAD SCHIDE: It would be  
24 nonconforming. Go ahead Dave. Do ahead.

25 DAVID GOSLIN: It would be a

1 nonconforming lot just because of the existing  
2 parameters that are -- preclude full compliance.

3 PAUL BUTKUS: And from the Historic  
4 Preservation perspective when we're always  
5 talking about context when we're carving out a  
6 building from a larger cemetery and separating it  
7 from that cemetery use and changing the use to  
8 residential and/or a combination of commercial  
9 for the first floor, doesn't that impact the  
10 reading of that context that we're trying to  
11 preserve?

12 We started out with a large cemetery  
13 parcel, the structure was built for religious  
14 uses, to carve it out and turn it over really it  
15 changes the read of what that was. So you'd  
16 still be relying on an interpretive plaque to say  
17 this is recognized in the history of the women  
18 that were doing the ritual, washing of the bodies  
19 for burial. So it really changes the perception  
20 of what's going on there.

21 CHAIR ELMORE: Thank you, Paul. Do you  
22 have any other questions or comments?

23 PAUL BUTKUS: I think that's it for the  
24 moment. Oh, if the building is structurally  
25 sound was a determination made as to the

1 feasibility of relocating the building offsite  
2 from a structural perspective?

3 BRAD SCHIDE: Todd, I forget where we  
4 came down on that. We did -- no, Jim was not  
5 asked to look at that. I think the issue there  
6 was trying to figure out where it would go and  
7 the distance where we could find a vacant parcel  
8 to do it. It would be far more costly and also I  
9 think from the historic perspective and Todd can  
10 correct me, but some of the historic designation  
11 would be lost by moving it as well.

12 So between those two things it is an  
13 option, it's always an option out there to move  
14 it offsite. Congregation might even be open to  
15 that. So I know we can --

16 TODD LEVINE: So the Congregation said  
17 they are open to it and we did look at it  
18 peripherally and it could be moved offsite.  
19 Obviously the farther away you move it the more  
20 costly it is when you have to remove power lines.  
21 That's a big cost when it comes to moving  
22 historic buildings, and there is the problem of  
23 it being still eligible for historic restoration  
24 grant funds which is problematic but not  
25 impossible to get through.

1 CHAIR ELMORE: Great. Thank you.

2 Marena, how much time do we have left  
3 for questions?

4 MARENA WISNIEWSKI: You are almost out  
5 of time.

6 CHAIR ELMORE: Okay. Are there any  
7 quick question from any other Council members?  
8 All right. Hearing none, we'll continue on with  
9 the presentations.

10 The next presentation is the owner's  
11 representative is Matthew Hoberman. Matthew, I  
12 hope I've pronounced your last name correctly.

13 MATTHEW HOBERMAN: Yes. Hello  
14 everyone. My name is Matthew Hoberman. I'm the  
15 attorney for Beth Israel in this matter. I  
16 handle real estate matters, disputes,  
17 transactions, and quite honestly I'm not very  
18 happy to be here today. I'll tell you what I'm  
19 going to talk about and you'll understand why I'm  
20 not so happy to be here.

21 First I'll review a little bit of the  
22 law in the case here. I know that Todd has given  
23 us a good presentation as to the history so you  
24 guys know what has happened but I'll go through  
25 it just a little bit. I'll talk about why we're

1 here today, whether this board has authority over  
2 this property. I'll talk about who Beth Israel  
3 is, the members that makes up its congregation,  
4 the organization itself and try to give you guys  
5 a better idea of who the property owner is in  
6 this case.

7 I'm going to address what the message  
8 is that you send if you send this on to the  
9 Attorney General's Office for approval for them  
10 to pursue this and stop the demolition of this  
11 property.

12 I'm going to clarify some of the record  
13 of materials because I did find some errors. I  
14 know, Todd, you did a very good job but there are  
15 just some things that I think the Committee  
16 should be aware of, and then I'll put my  
17 conclusion together.

18 My client has gone to the board, the  
19 Historic Preservation Council twice. The first  
20 time the board told them that they didn't do the  
21 right job, they didn't show what there's any  
22 alternative to demolition that may be economically  
23 feasible. They then went back to the board and  
24 they showed them those facts, there is no  
25 economically feasible alternative to demolition

1 of the situation.

2           Despite that the board denied the  
3 application. We then went to the Superior Court  
4 and the Superior Court agreed with us, that this  
5 board had nothing in the record to show that  
6 there was a feasible alternative to demolition.  
7 The judge also said that telling this property  
8 owner that it can't demolish a building and that  
9 it can't use the building would amount to a  
10 public confiscation of the property.

11           The record shows in the materials that  
12 you have that were put together by Scott, who is  
13 the co-chair of the committee, shows the cost to  
14 rehabilitate this building is almost 10 times the  
15 current value of the property. While that may  
16 not be the only determining factor to see if it's  
17 economically feasible, it's one of the factors  
18 that should be important.

19           One of the other factors is what should  
20 the use of the building be? Courts in  
21 Connecticut have said that any use should not be  
22 deemed feasible but it should be related to the  
23 purpose of the building. So I appreciate the  
24 time and effort that the committee has gone  
25 through to ask for those reports from Dave and

1 from the people that he's worked with but taking  
2 this building that was used for mortuary purposes  
3 or funeral purposes and telling the property  
4 owner that they should use it for an apartment  
5 building or for retail or for commercial is not  
6 reasonable.

7 The courts have told us that in this  
8 context and what I hear is this commission thinks  
9 that they should be able to tell the property  
10 owner what to do with their property. Whether  
11 it's cut out from the rest of the religious  
12 cemetery or not, they think they have the right  
13 to do that.

14 Following the court's decision it did  
15 go up to the appellate level and the appellate  
16 level refused to hear it and they denied it. So  
17 we went to get the building permit, the building  
18 permits process began and now there's a hearing  
19 before this committee.

20 There was a conclusory remark that this  
21 property is within the Frog Hollow district. I  
22 know there was a previous hearing on it, I did  
23 attend it, I'm not going to spend a lot of time  
24 discussing that but the statute governing whether  
25 or not this committee has authority or whether

1 even the Attorney General has authority says that  
2 the property must be listed in the National  
3 Register. You can look at the National Register.  
4 This property located at 151 Ward Street is not  
5 in the Register, okay? In 1979 it wasn't listed,  
6 subsequently the cemetery was added. When the  
7 subsequent application to the Register was added  
8 there was no update to the running legal  
9 description. I'm told by a committee member that  
10 that is paramount to decide and determine what  
11 the historic district is comprised of.

12 One of the maps that was submitted to  
13 you in the materials has an overlay. I don't  
14 know who submitted it or where it came from, but  
15 that does not follow the current running legal  
16 description of the Historic District. That  
17 property includes Pope Park which I do not  
18 believe is part of the district, so I am just  
19 bringing to your attention that some of the  
20 materials that you have may not be fully  
21 accurate.

22 I've looked at the hearing minutes from  
23 the previous response and I've listened to you  
24 and the reasoning for this committee to claim  
25 that this is in the Historic District is just not

1 substantiated in the record. There was an  
2 explanation that maybe there was a mistake, maybe  
3 it's 153, maybe it's the cemetery, the fact is  
4 the address 151 Ward Street is not listed in  
5 there.

6           So we've been through this before.  
7 We're here again. The ideas and the concepts  
8 that you are talking about to reuse this property  
9 have been discussed. They've been discussed with  
10 development groups located in Hartford. SINA was  
11 approached. They have experience in dealing with  
12 public use, private use teams, combinations,  
13 works. I believe they were the impetus with the  
14 relationship with Trinity and they do great work  
15 and they've done great work. They were  
16 approached; they had no desire to engage in this  
17 project.

18           Another neighborhood group, NINA was  
19 approached. They had no desire. I'm not  
20 familiar with their work so I can't speak to  
21 them.

22           A third developer, Corporation for  
23 Independent Living, CIL, they were approached. I  
24 am very familiar with the work that they do.  
25 They do work throughout the state for group

1 homes. They've renovated numerous historic  
2 properties including the Capewell factory. They  
3 were not interested in this property.

4 So you can put the plans together, you  
5 can put the renderings together, you can put the  
6 structural reports together but no developer yet  
7 has come forward to say that they want to tackle  
8 this property. And mind you, this is not your  
9 property, this is not the City's property, this  
10 is not the State's property. This is Beth  
11 Israel's property.

12 And who is Beth Israel? Beth Israel is  
13 a longstanding Jewish congregation that's been in  
14 the area since before 1850. It's made up of its  
15 congregants. It's dues-paying organization where  
16 people pay on an annual basis as members of the  
17 congregation. They have a beautiful facility in  
18 West Hartford. They have a former facility that  
19 that's now the Charter Oak Cultural Center. So  
20 they understand people's desires to keep and  
21 maintain and have in this community beautiful  
22 structures.

23 They don't have an organization like  
24 some other religions where they can simply ask  
25 for funding to maintain its properties. If they

1           need to fix something the administration, the  
2           leadership, the rabbis, they have to go to the  
3           members of the congregation and say even though  
4           you've paid X dollars this year for dues, we need  
5           more. Why do we need more? We need more because  
6           there's a house on a cemetery that we own in  
7           Hartford that needs work. They've done that in  
8           the past. In the past three years they've spent  
9           over \$45,000 on the different cemeteries they've  
10          had. They've spent over \$85,000 on a fence that  
11          they've installed in order to try to make this  
12          cemetery safer for its congregants to go visit  
13          the plots to visit their loved ones. They get  
14          there -- it's -- one of the letters I think that  
15          you have in your packet describes that this  
16          person went to a mausoleum for her family. Her  
17          family were the developer's owners and operated  
18          G. Fox. They have poured their time, money and  
19          heart into this community. And I am disgusted  
20          that when one of the family members goes to visit  
21          someone that is not only -- was a loved one of  
22          theirs but was vital to the development of our  
23          City and there's feces on the mausoleum and on  
24          the tombstones, it disgusted me.

25                           Now, this property was located adjacent

1 to a police substation. The police are right  
2 next door. They have difficulty keeping this  
3 area safe and one of the reasons is the  
4 sightlines of this house prevent them from  
5 observing what's going on and enforcing the laws.

6 What I'm hearing from people today is  
7 that you like the building, you think it has  
8 historical significance, you think it's under  
9 your jurisdiction and you want to tell these  
10 people what to do with their property.

11 Being a real estate lawyer and being a  
12 lawyer generally there is something called the  
13 Constitution and so many of us are aware of our  
14 general constitutional rights. One of the  
15 biggest things that I remember learning about the  
16 constitution is the separation of church and  
17 state. So when the colonists came here they were  
18 allowed to pray. A lot of them left because they  
19 didn't like the religious treatment or the  
20 government intruding on their religious rights,  
21 so they came to this country. They formed it.

22 Connecticut, the Constitution state,  
23 the constitution was passed in Connecticut in  
24 1818. At that time, although religious freedom  
25 was touted as free for everyone, it wasn't for

1 the Jews. It was about 25 years later by an  
2 action from our legislator that allowed Jews  
3 legally to meet, to congregate, to have places of  
4 worship. Before that statute was passed they  
5 weren't considered individuals with the right to  
6 practice their religion.

7 Now, let that sit in. Freedom of  
8 religion that needs a statute to protect a  
9 constitutional right. I don't really think that  
10 our society, our country, treats all religions  
11 fairly. There are a protected class under the  
12 constitution for gender, for color, for race, for  
13 religion, and while legally the law may support  
14 that in our society it's just not the case.

15 There are people out there that deny  
16 the Holocaust, there are people out there that  
17 are blatant antisemites, there are people out  
18 there that are former president has endorsed as  
19 being good people. There is a reason why this  
20 people like Kanye West, like Kyrie Irving, like  
21 Nick Fuentes who are all in the public light get  
22 this attention because there are domestic violent  
23 groups that are antisemitic based. It persists  
24 in our country.

25 MARENA WISNIEWSKI: You have 5 minutes.

1                   MATTHEW HOBERMAN: It is endorsed by  
2                   some of our leaders. And while Donald Trump may  
3                   tell you he's not an antisemite, he sends a  
4                   message to everybody in this country that when he  
5                   sits down with Kanye West, that when he talks to  
6                   Kyrie Irving, that when he has dinner with Nick  
7                   Fuentes it's all right. The message that Donald  
8                   Trump delivers is antisemitism is legitimate.

9                   Your decision, while you may not think  
10                  so, will be used and twisted by those people out  
11                  there that are antisemitic. They will say that  
12                  you are legitimizing what they believe in.

13                 Let me just go through some facts here.  
14                 Jews represent about 2 to 3 percent of the  
15                 population in our country, however 50 to 60  
16                 percent of all religious-motivated hate crimes  
17                 are at Jews. That's inordinate.

18                 In 2021 there were antisemitic  
19                 incidents of violence that reached an all time  
20                 high. There is an average of 7 antisemitic  
21                 incidents a day. In Connecticut hate crimes  
22                 targeting Jews are up 40 percent. The FBI has  
23                 stated the most significant national security  
24                 threat currently facing the U.S. is domestic  
25                 violence extremists, many of them driven by

1 antisemitism. In the past four years we have  
2 witnessed four deadly attacks in our country.

3 People, antisemitism is alive and it's  
4 thriving. I am not saying you're antisemites,  
5 I'm saying you're going to legitimize the  
6 message. Antisemites will take the message and  
7 say, well, if this government entity says the  
8 Jews can't tear down the property, they can't own  
9 the property, they can't do what they want with  
10 the property we know that we are right too.

11 I want you to remember about the Tree  
12 of Life Synagogue in Pittsburgh where there were  
13 11 deaths, 6 people insured in 2018. 2019 Chabad  
14 of Poway, 1 death, 3 people injured. 2019, JC  
15 Kosher Supermarket, 3 killed, 3 injured.

16 People, when these congregants at Beth  
17 Israel go to pray they need security at the door.  
18 On the high holidays when everybody -- not  
19 everybody, but it's a more publicized holiday,  
20 they have to hire police to show a deterrent so  
21 people will not come in and attack them. I don't  
22 know how religious you are, I don't know if you  
23 go to church, but next time you do see if there's  
24 police there because this is something that my  
25 clients and their congregation deal with on a

1 daily basis.

2 So please don't dismiss what I'm  
3 bringing to your attention here. People will  
4 take the message that you send and twist it to  
5 legitimize what they want.

6 I do want to correct some of the  
7 information in the report that Todd had put  
8 together. The property was not gifted to Beth  
9 Israel. The Congregation purchased it for money  
10 just like you purchase your house. Aaron Gil,  
11 who's one of the neighborhood representatives has  
12 said he's not in favor of this. I just want to  
13 clarify that prior to our going to the Hartford  
14 Preservation Commission his organization did  
15 support the application.

16 One of the letters of support that you  
17 have is --

18 MARENA WISNIEWSKI: You have one  
19 minute.

20 MATTHEW HOBERMAN: -- from Lisa  
21 Silvestri who was my opposing counsel in this  
22 matter. Sara Bronin claims that Beth Israel,  
23 without any basis, was willfully negligent.  
24 Again, these people, my clients have spent  
25 \$45,000 in the past three years on the cemetery.

1 They've spent \$85,000 on the fence. That's over  
2 \$100,000 in three years on a property the City  
3 has valued at \$50,000. That is not willful  
4 neglect.

5 I'm running out of time but I want you  
6 to focus not on what you think this property  
7 should be done, but if you want to save this  
8 property do what Beth Israel has been doing,  
9 they've been trying to find someone to buy it.  
10 If the property is so valuable then someone will  
11 come up with the money to buy it and move it.  
12 These people want to --

13 MARENA WISNIEWSKI: You are out of  
14 time.

15 MATTHEW HOBBERMAN: -- use this  
16 cemetery. I think I just heard I'm out of time.

17 THE VIDEOGRAPHER: I'm sorry to  
18 interrupt, Mr. Hoberman. You mentioned two names  
19 and I needed to get spelling for the  
20 transcripitor. Aaron Gil, can you spell that?

21 MATTHEW HOBBERMAN: It's in your record  
22 but I believe it's A-a-r-o-n, G-i-l.

23 THE VIDEOGRAPHER: Okay. And then Sara  
24 Bronin?

25 MATTHEW HOBBERMAN: I believe it's

1 S-a-r-a, B-r-o-n-i-n.

2 THE VIDEOGRAPHER: Very good. Thank  
3 you so much.

4 CHAIR ELMORE: Thank you, Matthew.  
5 Appreciate your comments and your education for  
6 us, for the Council members.

7 CHRISTINE NELSON: Mr. Chairman, it's  
8 Christine Nelson. I have to leave.

9 CHAIR ELMORE: Okay. Thank you,  
10 Christine.

11 (Chrstine Nelson leaves the Zoom call.)

12 CHAIR ELMORE: Are there any questions  
13 or comments from Council members? Yes,  
14 Marguerite. Marguerite, go ahead.

15 MARGUERITE CARNELL: Yes. I had a  
16 question related to the amount of money that has  
17 been spent on the cemetery in recent years. Mr.  
18 Lewis (sic) said 45,000 on the cemetery and  
19 85,000 on the cemetery fence, and my question is  
20 how much of that, if any -- excuse me, it was Mr.  
21 Hoberman -- how much was allocated to the  
22 building versus the cemetery property?

23 MATTHEW HOBERMAN: I don't have those  
24 figures but I do have information that almost on  
25 a weekly basis work has to be done on the house

1 that is being done. Many times people are going  
2 in ripping off plywood blockades so they can get  
3 into the house. So not only does the plywood  
4 have to be reinstalled but any damage that occurs  
5 has to be fixed.

6 I think, you know, keep in mind this  
7 property is, what, 150 years old and it's still  
8 there. So it's not there just because when it  
9 was build it was built right, that's one of the  
10 factors, but the other factor is my client has  
11 been maintaining this property. Does it look  
12 like it's livable? I don't think that's the  
13 standard that they were aiming for. Does it keep  
14 people out of the property, out of the cemetery?  
15 Unfortunately, no, because that's an incipient  
16 task. They keep changing it, they keep putting  
17 plywood boards up. They fix the fences; they  
18 replace the fences and it's not working. But  
19 they are maintaining it. I don't have those  
20 numbers, but I can refer you to Scott Lewis who  
21 can get you those numbers after the meeting if  
22 you want them.

23 CHAIR ELMORE: Thank you.

24 Vee, you had a question?

25 VINCENCIA ADUSEI: Yes. Matthew, thank

1           you for the clarification and I'm new to the  
2           Council a few months ago so I was not privileged  
3           to the prior information. So thank you for  
4           sharing the story, sharing the other side of the  
5           story.

6                         That being said, is it my understanding  
7           that the reason for wanting to move forward is  
8           because you don't have the -- the cost of the  
9           construction as you mentioned is 10 times the  
10          amount of the building and right now as it stands  
11          it's because you have not or the Historic  
12          Preservation have not identified ways of funding  
13          the redevelopment that perhaps Brad or James had  
14          mentioned, you want to bring the building down to  
15          avoid the destruction of outside people coming  
16          in. Is that correct?

17                        MATTHEW HOBERMAN: Let me just -- let  
18          me change your perspective a little bit. This  
19          issue with the house didn't come up because of  
20          the house. The issue with the house came up  
21          because of the cemetery. My client's members  
22          were going to cemetery to try to respect their  
23          departed loved ones in a peaceful setting that  
24          people want in a cemetery. They want to be able  
25          to focus on the departed loved ones. They don't

1 want to have to focus on the trash or the litter  
2 or the drug paraphernalia or the dead chickens or  
3 anything else when they go there.

4 So the whole genesis of where we are  
5 now is what can my client do to keep that area  
6 safe for people that can go -- and as paramount  
7 to the Jewish religion is to respect the dead,  
8 not only when they die and how they're treated,  
9 which is why the house was built as a mortuary  
10 because there were no mortuaries at the time for  
11 Jews, but now the situation is what can they do  
12 to keep the cemetery safe so they can enjoy the  
13 property that they own so that they can practice  
14 their religion.

15 There's no current need for this house  
16 as a mortuary. That need has been supplemented  
17 by the other funeral homes that have come into  
18 play after World War II. So that's the  
19 perspective we come at.

20 Now, in the past they have concluded  
21 and I think rightly so that the house is one of  
22 the attractive nuisances at this property. So if  
23 they do something with the house it will help  
24 them with the problem of making the cemetery more  
25 safe. Discussions with the police have confirmed

1 that. The lines of sight would be much easier  
2 for them to enforce and patrol the area. But it  
3 is a financial drain to continue to maintain a  
4 property that they don't -- a building that they  
5 don't need.

6 They take limited funds that they get  
7 from their congregants and with the budget that  
8 they have each year there are different things  
9 that have to happen for the synagogue. They have  
10 to maintain their own building. They have to pay  
11 security for when they have services. They need  
12 money for education for youth. They need to pay  
13 their rabbis. They host events. So there are  
14 other expenses associated with it and this is one  
15 expense in the budget item that they look at.  
16 They don't need the house. The house is there.  
17 They've tried to keep it safe, but the really  
18 want to keep the cemetery safe.

19 SCOTT LEWIS: Matt, and I just --

20 VINCENCIA ADUSEI: I think I understand  
21 now. Thank you, Matt.

22 MATTHEW HOBERMAN: Okay.

23 SCOTT LEWIS: This is Scott Lewis. To  
24 also answer your question, we want to use the  
25 land for future graves. We are planning to use

1 this for religious purposes, and what I find  
2 interesting is that in your focus of the house  
3 you've turned your back on the acres of Jews and  
4 monuments that make up the cemetery. The space  
5 that is open is only open temporarily. The  
6 synagogue is going to continue to exist as long  
7 as we can, maybe another 180 years. We need the  
8 space for graves.

9 CHAIR ELMORE: Marguerite? I see your  
10 hand is up.

11 MARGUERITE CARNELL: Yeah, it's  
12 interesting the way the Congregation has referred  
13 to this building repeatedly as a house. And in  
14 other parts of this discussion has said, well,  
15 you know, we don't want to change the use of this  
16 building. Well, the most recent use of this  
17 building was as a caretaker for the cemetery.  
18 And the way I see this building is that it's part  
19 of a cultural landscape of the cemetery, it's  
20 part of the cemetery. And it would seem to me  
21 that if the Congregation was willing to entertain  
22 finding funding to rehabilitate this building as  
23 a caretaker's property that would help to have  
24 some eyes and ears in the neighborhood and could  
25 that investment -- could at some point cut down

1 on their cost of maintaining cemetery fences and  
2 so forth. So that's a point that I wanted to  
3 make.

4 MATTHEW HOBERMAN: And just to respond  
5 to that, you're not wrong but who has the right  
6 to tell someone how to operate, own and maintain  
7 their property? I mean we have zoning laws, we  
8 have other laws where, you know, you have to keep  
9 your house free from vermin, that's what your  
10 town says. But your town is not telling you that  
11 you can't use your garage to put your skis in.

12 So this is a building on its property  
13 and you guys are coming in and saying you can't  
14 take it down, you can't use your property the way  
15 you want to use it. So while that is a  
16 consideration maybe having somebody there would  
17 make it easier, financially it may not be viable.  
18 And from what the experience is with this, and  
19 their experience with the caretaker in the past  
20 -- and again, I believe it's been at least 15,  
21 maybe 20 years since there's been a caretaker  
22 there, there aren't a lot of people that are  
23 professional caretakers.

24 MARGUERITE CARNELL: That is all true  
25 but the past does not necessarily dictate the

1 future and what we're here to consider is not a  
2 matter of property rights, it's a matter of once  
3 this building comes down, and it's been there  
4 longer than any of us have been alive, once it's  
5 gone, it's gone. And we've got a number of  
6 scholars who have opined on this national  
7 significance of this building. And so what we're  
8 here to do is to see are there any prudent and  
9 feasible alternatives to taking this building  
10 down.

11 CHAIR ELMORE: Thank you, Marguerite.

12 Paul, I see your hand is up.

13 PAUL BUTKUS: Yes. Just from my  
14 limited understanding of how Jewish cemeteries  
15 operate, there are a number of rules and  
16 regulations of what you can do in a cemetery,  
17 when you can do them. I'm curious that the  
18 previous caretaker must have been subject to  
19 following Jewish law for what could be done  
20 within that residence and if it was changed over  
21 to a contemporary residential use you might not  
22 have the same abilities to regulate what happens  
23 there.

24 MATTHEW HOBERMAN: That's exactly  
25 right. And not only that but if the plan is for

1 -- if your concept of an idea is to take this  
2 property that is surrounded by cemetery and  
3 subdivide it and allow someone else to own it,  
4 use it, rent it, what control does this  
5 Congregation have over that person? None. So  
6 when there's a funeral on Sunday and this person  
7 is having a barbeque and they've got 50 people  
8 from the neighborhood over, that's not a  
9 workable, feasible alternative. It's not ideal.  
10 It's not the conditions that any of the  
11 congregants of my client want to conduct a  
12 funeral in. It's insulting.

13 CHAIR ELMORE: Any other questions or  
14 comments from Council members? Yes, Vee.

15 VINCENCIA ADUSEI: Have we discussed  
16 other possibilities such as a small museum with  
17 limited access so it is in habit, you can still  
18 utilized it. The structure of the building can  
19 still pertain as opposed to try -- I have to say  
20 that I do understand both sides. I think that,  
21 you know, we all are on the Historic Preservation  
22 Council because we believe in preserving the  
23 historical buildings that has been there since  
24 we've all been alive.

25 I also do understand, Matthew, where

1           you're coming from in regards to what you  
2           expressed during the meeting. So to that regard  
3           my question is has anyone ever thought about not  
4           making it as an apartment because as you  
5           mentioned you cannot control who is going to be  
6           there, but have you thought about potentially  
7           preserving some monuments that you have and  
8           making this anything other than an apartment or  
9           for a caretaker?

10                         MATTHEW HOBERMAN: As far as I know  
11           that may have come up as an idea. I don't think  
12           there have been any fruitful discussions for  
13           that. And one of the things that would be a  
14           concern that I would tell my client about, and  
15           also this addresses some of the alternatives that  
16           you've come up with here, is renovating it and  
17           rehabilitating it is one thing. The continued  
18           necessary funding to maintain it is a whole  
19           separate matter that no one has talked about.

20                         So those are considerations I think  
21           that need to be accounted for. It's a very good  
22           idea, Vee, but I just don't know -- I don't -- my  
23           client, let me put it this way, my client has not  
24           told me that someone's come to them with this  
25           idea and they think it's worth pursuing.

1                   That being said, if it's a viable  
2                   option I'm sure they would consider it.

3                   CHAIR ELMORE: Any other questions or  
4                   comments from Council members?

5                   BETH ACLY: I have a quick question.  
6                   It sounds like there were some developers that  
7                   were approached in the past; is that right? Or  
8                   there was some conversation with developers? Is  
9                   that accurate?

10                  MATTHEW HOBERMAN: There were. There  
11                  were a number of conversations. I had one  
12                  conversation with someone from the area and  
13                  walked him through the property. He looked at --  
14                  and started putting proposals together to  
15                  renovate it and it was a pretty fruitful  
16                  conversation as I was walking through. And I  
17                  said, okay, Henry, that's great. He said and I'm  
18                  sure you can come up with the funding but how are  
19                  you going to pay and continually maintain it year  
20                  after year, and what happens when it needs a new  
21                  roof in 15 years, where are you going to be for  
22                  that money. So that was my conversation.

23                  If you look at the materials in the  
24                  staff report they contacted those three  
25                  developers, NINA, SINA and CIL and all three of

1 those groups said no.

2 SCOTT LEWIS: And Habitat for -- this  
3 is Scott Lewis speaking. And Habitat for  
4 Humanity went through the property, and where I  
5 worked with them for several years, walked away  
6 both in terms for the cost of the rehab but also  
7 because of the deed restriction. We don't want  
8 to get rid of the deed restriction. And we don't  
9 want to lose our cemetery land. We need that  
10 land for religious purposes.

11 BETH ACLY: So when you were imagining  
12 or exploring the idea of a developer renovating  
13 it, at that point were you thinking that would be  
14 a residential use at that point? I know there  
15 was a Habitat for Humanity conversation, but the  
16 other conversations what was the thinking around  
17 how the land would be used at that point?

18 MATTHEW HOBERMAN: I think that was  
19 part of the discussion but I don't think any  
20 decisions were made and I think one of the road  
21 blocks was what do you do in 5 years and 10  
22 years. I'm not just talking about the condition  
23 the property but if you rent it out to a tenant  
24 and they're not a good tenant but they pay,  
25 they're there.

1           So from a practical standpoint a house  
2 surrounded by a cemetery, they don't make good  
3 neighbors. Like I said, if someone needs to  
4 have, you know, a funeral on a Sunday and that  
5 person's there and they're not cooperative and  
6 they've got laundry hanging or they're having a  
7 barbeque or they're washing their car --

8           SCOTT LEWIS: Or they're white  
9 nationalists and want to hang out a Nazi flag.

10           MATTHEW HOBERMAN: So there are road  
11 blocks that we anticipated that were not -- that  
12 just did not fit in with the plans or those  
13 ideas.

14           BETH ACLY: So the developers were -- I  
15 mean were you exploring that they would  
16 essentially buy a certain -- that part, that you  
17 would parcel it off, was that the discussion? Or  
18 was it more that Beth Israel would retain the  
19 ownership. I'm just --

20           MATTHEW HOBERMAN: Yeah. No, in my  
21 discussions with this person he was going to  
22 renovate the property, it was still going to be  
23 owned by Beth Israel, and the idea was he thought  
24 he could rent it out to someone to generate  
25 enough money to cover the taxes and the insurance

1 and the minimum maintenance. But he didn't  
2 follow through further. I don't know if it's  
3 because he said, you know what, the money is not  
4 going to work or I don't know if he thought being  
5 neighbors with a cemetery is not going to work.  
6 I don't know what his final conclusion was for  
7 him to decide that he's not pursuing it.

8 BETH ACRY: Okay. Thank you.

9 CHAIR ELMORE: Vee, do you have another  
10 question?

11 VINCENCIA ADUSEI: No.

12 CHAIR ELMORE: Okay. Marguerite.

13 MARGUERITE CARNELL: Yeah, I do. I  
14 guess as I'm listening to the discussions I'm  
15 actually not quite clear now whether or not the  
16 Congregation is open to having this building  
17 rehabilitated where they continue to own the  
18 property, maintain some control over it perhaps,  
19 you know, approving of the person who moves in  
20 and having some language in the lease in terms of  
21 restrictions, you know, for flags hung and  
22 activities during funerals and the like.

23 I can't quite tell if the Congregation  
24 is actually open to that possibility or not, and  
25 I was just wondering if you could clarify that

1 please.

2 MATTHEW HOBERMAN: I think they were  
3 and they've explored those options as far as  
4 someone living there as a residence and they have  
5 concluded that it is not a workable situation.

6 I think what Vee's question was was  
7 different. Would they consider having a museum  
8 or some sort of curated building. I don't know  
9 if they've explored that. I think it would be my  
10 advice that it may be something worthwhile  
11 discussing but, you know, we still have and my  
12 client still has those same issues. What happens  
13 in 5 years, what happens in 10 years.

14 MARGUERITE CARNELL: But the uses are  
15 not necessarily mutually exclusive. There could  
16 be some sort of a museum or commemorative space  
17 on the first floor and a caretaker's apartment  
18 above which would --

19 MARENA WISNIEWSKI: Tom, we're at 20  
20 minutes for discussion.

21 MARGUERITE CARNELL: All right.

22 CHAIR ELMORE: I'm sorry, Marena.  
23 Marena, what did you say?

24 MARENA WISNIEWSKI: We are at 20  
25 minutes for discussion.

1 CHAIR ELMORE: All right. Thank you.

2 I see, Beth, you have your hand up.  
3 Can you hold your question until after the public  
4 has spoken? Thank you.

5 So now we're going to open it up for  
6 the public who has signed up to speak to the  
7 Council. And Marena, I'm going to let you call  
8 the individual people and control the time if you  
9 can do both please.

10 MARENA WISNIEWSKI: Sure.

11 CHAIR ELMORE: Thank you.

12 MARENA WISNEIWSKI: First person in the  
13 order that they registered to speak is Scott  
14 Lewis.

15 SCOTT LEWIS: It has been said -- I'm  
16 Scott Lewis. It has been said that the question  
17 before you today is whether or not you want the  
18 Connecticut Attorney General to take action to  
19 prevent demolition of the chapel. Such a  
20 question belies the fact that you are actually  
21 being asked whether you want the Attorney General  
22 to sue a synagogue to prevent Jews from taking  
23 their own -- for taking care of their own sacred  
24 cemetery in a way that is consistent with their  
25 Jewish beliefs.

1                   In actually what is being asked is a  
2                   veiled expression of antisemitism in the guise of  
3                   supposed civic beautification, and such a request  
4                   is violative of the First Amendment of the United  
5                   States Constitution.

6                   With the former president of the United  
7                   States breaking bread with an avowed antisemite  
8                   and lover of Adolf Hitler, a white nationalist  
9                   and Holocaust denier, and with neo-Nazis trolls  
10                  clamoring to get back on Twitter, antisemitism is  
11                  being normalized. Antisemitism is here with you.  
12                  You are being asked to be an active participant  
13                  by officially stating that the State of  
14                  Connecticut should exert control over the  
15                  practice of Judaism through governmental  
16                  oversight of a Jewish cemetery which is owned and  
17                  operated by a synagogue.

18                  The Congregation did not abandon its  
19                  building nor did it allow it to go to waste as  
20                  some claim. There is and has been ongoing  
21                  vandalism and desecration. No matter what we do  
22                  to secure the building nothing has stopped the  
23                  intruders. The defiling continues to this day.

24                  We of the Congregation spend a lot of  
25                  time caring for our cemetery. We regularly

1 remove tires, garbage, mattresses, hypodermic  
2 needles from the cemetery grounds and buildings  
3 and we clean up and remove human excrement  
4 because people treat our cemetery as a garbage  
5 dump or a sewer.

6           If you truly believe in preservation  
7 you should be in support of Congregation Beth  
8 Israel's demolition plan so it can preserve its  
9 Jewish cemetery as it deems fit. You should  
10 honor that the Congregation that which built the  
11 building for religious purposes, now need to take  
12 down for religious purposes. You should not be a  
13 part of the continuum of antisemitism and you  
14 should honor religious freedom granted under the  
15 United States Constitution.

16           Of course, it's your choice.

17           MARENA WISNIEWSKI: 30 seconds.

18           CHAIR ELMORE: Thank you, Scott.

19           Marena, the next person?

20           MARENA WISNIEWSKI: Raphael Podolsky.

21           RAPHAEL PODOLSKY. My name is Raphael  
22 Podolsky. I live -- resident of the City of  
23 Hartford. I wasn't going to say anything on the  
24 subject but I just -- on the particular subject  
25 the way it's come up. I will just say to you as

1 a person who is Jewish I believe it is a mistake  
2 for this building to be coming down and it's for  
3 me sort of a disappointment that it's been pushed  
4 very hard by Beth Israel for that.

5 In terms though this should not be what  
6 the merits of this issue is about. It seems to  
7 me the issue that you're looking at is what are  
8 the reasonable alternatives to demolition. I  
9 think it's fairly clear it's not about the --  
10 ultimately about the cost of bringing the  
11 building back up. I mean there's certainly  
12 evidence that it's not nearly the dollar amounts  
13 that have been talked about. But it's a question  
14 of is it reasonable -- do you draw a conclusion  
15 that there's no reasonable alternative when the  
16 owner of the property has been very adamant over  
17 an extended period of time to having any solution  
18 in which the building stays on the property.

19 And that's my impression. I was  
20 actually on the Hartford Historic Preservation  
21 Commission a decade ago when this issue first  
22 came up and it was very clear then that there was  
23 no serious interest in the solution that kept the  
24 building on site.

25 It's interesting to me that you got a

1 letter from Jewish scholars that talks about the  
2 importance of -- symbolic importance of the  
3 building staying. That to me is what this is  
4 ultimately about because it's clear there are  
5 alternatives, even ones that were suggested today  
6 like the use of it for museum-related purposes.

7           There has been no interest to my  
8 knowledge from Beth Israel in exploring seriously  
9 a solution that involves keeping the building in  
10 place. And I can't -- I would just be very  
11 surprised if that did not impact any entities  
12 that have been talked about as to whether they  
13 would want to do a rehabilitation of the building  
14 because I don't that the congregation -- I don't  
15 think the synagogue is interested in that.

16           So I think you have to look at -- in  
17 terms of the legalities, for example, about  
18 drawing lines, property lines or what the deed  
19 restrictions are, that's actually to be me an  
20 argument for referring it to --

21           MARENA WISNIEWSKI: 30 seconds.

22           RAPHAEL PODOLSKY: -- for referring it  
23 to the Attorney General and let them do the legal  
24 work on that as to whether that is indeed  
25 feasible or infeasible.

1                   But in terms of the structure of the  
2 building it seems to me that's feasible, seems  
3 there are reasonable alternatives that have not  
4 been explored and that would again be a reason  
5 for moving forward on this. Thank you.

6                   CHAIR ELMORE: Thank you, Raphael.

7                   MARENA WISNIEWSKI: Mary Falvey.

8                   MARY FALVEY: Good afternoon and thank  
9 you for this opportunity to speak. I'll be very  
10 brief.

11                   I think that the Council today has  
12 received sufficient written and public testimony  
13 providing enough information for the Council  
14 under the guidelines of the Connecticut  
15 Environmental Protection Act to refer this to the  
16 Attorney General's Office and also would like to  
17 clarify with my experience in Hartford and other  
18 cemeteries that the demolition of this building  
19 is not going to miraculously solve problems  
20 occurring within the cemetery proper, including  
21 at the mausoleums. It's an ongoing problem with  
22 cemeteries whether urban or suburban and I don't  
23 think that's a reasonable argument for that.  
24 Thank you.

25                   CHAIR ELMORE: Thank you, Mary.

1 MARENA WISNIEWSKI: Susan Jafar?

2 CHAIR ELMORE: Susan, are you with us?

3 UNKNOWN SPEAKER: Susan couldn't make  
4 it today unfortunately.

5 MARENA WISNEIWSKI: Okay. Then Elissa  
6 Sampson?

7 CHAIR ELMORE: Elissa, are you with us?

8 ELISSA SAMPSON: Here I am. My name is  
9 Elissa Sampson, Dr. Elissa Sampson and I am an  
10 urban geographer and I've worked in Historic  
11 Preservation for sacred sites among other  
12 buildings. And I'd like to start off by saying  
13 that I am one of the signatories of that letter  
14 from Jewish scholars, and that while the historic  
15 significance of the building has been established  
16 by SHPO and others, that it's social significance  
17 also is important and there's abiding civic  
18 interest in terms of the State of Connecticut and  
19 its citizens as well as the residents of Hartford  
20 in the preservation of this building.

21 But I'm just going to take an aside to  
22 respond to the question of antisemitism. Every  
23 single one of us who signed that letter is  
24 extraordinarily aware of antisemitism in the U.S.  
25 and elsewhere. There is none of us who attends

1           synagogue who doesn't do so without armed guards.  
2                       Congregation Beth Israel is hardly  
3           unique in this regard but actually it's more  
4           protected and is arguably in a suburban location  
5           than those of us who are in urban locations which  
6           have less funding. And as a practical matter  
7           invoking the specter of antisemitism and saying  
8           that the Council would be party to it is  
9           egregious. The implication is that if there's an  
10          abiding civic interest in this as you've heard  
11          from others, that in effect the Council is a  
12          party to antisemitism, that implication should  
13          not stand. And none of us who signed that letter  
14          would want it to.

15                       Having said that I'd like to just  
16          briefly read to you something that was written by  
17          two scholars of Hartford's Jewish community,  
18          Daylin and Rosenbaum in 1997, one of whom was a  
19          rabbi, and they describe the Deborah Society.

20                       Women in Beth Israel occupied the  
21          stereotypical roles of their counterparts in the  
22          Christian community. But beyond their normally  
23          immense responsibilities at home, and we're  
24          talking about immigrant women here, they immersed  
25          themselves in the combination of ritual acts and

1 more general good works than the synagogue both  
2 provided and required. So they founded their own  
3 society. These endeavors revolved predominantly  
4 about the Deborah Society, the first Jewish  
5 women's group in Hartford.

6 The Deborah Society was the --

7 MARENA WISNIEWSKI: 30 seconds.

8 ELISSA SAMPSON: Let me just finish  
9 with that quote, right? They were part of the  
10 (indiscernible) or holy society whose  
11 responsibilities traditionally included a  
12 community's most respected members and its  
13 responsibility was primarily for washing and  
14 enshrouding the bodies of the deceased and  
15 ensuring that a watcher stays with them. They  
16 also did charitable activities whether it was for  
17 the community itself or donating to a Catholic  
18 children's hospital.

19 MARENA WISNIEWSKI: You're out of time.

20 ELISSA SAMPSON: Thank you.

21 CHAIR ELMORE: Thank you, Elissa.

22 MARENA WISNIEWSKI: Nancy R. Savin.

23 NANCY SAVIN: Okay, thank you, Marena.

24 Oop, sorry.

25 CHAIR ELMORE: No, go ahead. I was

1 checking to see if you were with us.

2 NANCY SAVIN: Thank you, Marena and  
3 hello to everyone. I was going to say good  
4 morning but now I have to say good afternoon.

5 This has been a marvelous convening of  
6 opinions and points of view, contradictory,  
7 complicated, and I think that everyone's  
8 contribution has been wonderful and sort of  
9 really laid out the landscape of what's involved  
10 in this issue.

11 Whatever I wrote has been tempered by  
12 what I've heard today and I think that I would  
13 indeed like to petition or ask the Council to  
14 refer this matter to the AG's Office with two  
15 suggestions.

16 Number one, that there be a delay for a  
17 year, a moratorium on the demolition of this  
18 building. And number two, more importantly, that  
19 somehow either the AG's Office or you or somebody  
20 convenes an exploratory committee with all  
21 invested parties to pursue what would be what  
22 you'd call a reasonable and prudent reuse for  
23 this building which is totally consistent with  
24 its historic purpose, which I think we all agree  
25 is profound.

1                   And since I've been told by Scott Lewis  
2                   and I have heard today from Mr. Hoberman that the  
3                   Congregation is not adverse to having the  
4                   building moved and even though it is a  
5                   prohibitive undertaking, it's a possibility. I  
6                   would fashion that together with a concept that  
7                   is not totally distinct from what Vincencia is  
8                   suggesting and that was the building in order to  
9                   protect its fabulous heritage, what is its  
10                  heritage? Scott Hoberman (sic) referred to this.  
11                  When the German Jews came to Hartford, they came  
12                  to New York in the 1840s, yes, they were able to  
13                  gather together for public worship but it wasn't  
14                  legal. So it was this congregation that  
15                  petitioned the Connecticut State Legislature,  
16                  which then in 1843 said, okay, it's all right.

17                   MARENA WISNIEWSKI: 30 seconds.

18                   NANCY SAVIN: 30 seconds? Okay. So  
19                   this building encapsulates that pivotal point in  
20                   religious history in the State of Connecticut. I  
21                   think it should become either a museum of Jewish  
22                   history in Connecticut or maybe a museum -- maybe  
23                   if Trinity College which is nearby somehow could  
24                   incorporate it, they have a Judaic program, they  
25                   have academic and humanities programs in

1 religion, some we I think have to --

2 MARENA WISNIEWSKI: You are out of  
3 time.

4 NANCY SAVIN: Thank you. Another use  
5 for this property. Thank you.

6 CHAIR ELMORE: Thank you, Nancy.

7 NANCY SAVIN: You're welcome.

8 MARENA WISNIEWSKI: Marcus Ordonez.

9 MARCUS ORDONEZ: Hello. My name is  
10 Marcus Ordonez. I am a resident and property  
11 owner in Frog Hollow. And I'll be brief. I am  
12 in support of the Council recommending this to  
13 the AG. As someone who has lived in the  
14 neighborhood for a number of years one of the  
15 things I love about the neighborhood is its  
16 unique history and even though I am not Jewish  
17 myself, you know, being Latino, and I've grown up  
18 respecting history and where people come from and  
19 I feel that the Deborah Chapel is such a unique  
20 piece of Frog Hollow's history and Hartford's  
21 history that it is a unique structure that should  
22 be saved.

23 And I will also add that I have been in  
24 the neighborhood, you know, having visibility and  
25 a presence helps with areas of safety that I know

1 as a concern for some folks and what I've learned  
2 myself is the more that you are present and  
3 around that helps temper some of the -- or keeps  
4 people away who you may not want around. And so  
5 having a presence it's very important.

6 But I am in avid support of keeping the  
7 Deborah Chapel. Thank you.

8 CHAIR ELMORE: Thank you, Marcus.

9 MARENA WISNIEWSKI: Susan A. Masino.

10 CHAIR ELMORE: Susan, are you with us?

11 MARENA WISNIEWSKI: I do not see her.

12 CHAIR ELMORE: Okay.

13 MARENA WISNIEWSKI: Tom, at this point  
14 there were several people who registered to speak  
15 after the end of day yesterday. Would it be okay  
16 to call on them now?

17 CHAIR ELMORE: Yeah. How many do you  
18 have.

19 MARENA WISNIEWSKI: Three.

20 CHAIR ELMORE: Yes, I think that's fine  
21 considering we had 3 no-shows and there are other  
22 people on this list that weren't (indiscernible).

23 MARENA WISNIEWSKI: Sure. Carey Shea?

24 CAREY SHEA: Hi, I'm Carey Shea. I am  
25 the co-founder of Friends of Zion Hill Cemetery

1 and I just wanted to mention a couple of things.  
2 Of course I am in support of saving this  
3 important building, but I also wanted to fill in  
4 a couple of blanks.

5 The attorney mentioned that there had  
6 been offers many years ago by various groups and  
7 that he spoke with them or reached out to them.  
8 Since that time there have been additional  
9 offers. My husband and I offered to purchase the  
10 building for \$75,000, pay for the entire  
11 renovation, move into the building, act as  
12 caretakers and sell it back to the owner at the  
13 appraised price, you know, years from now when we  
14 were gone. We're both affordable housing and  
15 historic preservation experts and we had both the  
16 financial ability and expertise to renovate this  
17 building. I couldn't get the attorneys to return  
18 my calls. I finally got an attorney who was able  
19 to reach out to the owner twice and make this  
20 offer and both times the offer was flatly  
21 rejected.

22 Before offering to buy the building  
23 myself I had partnered with a very respected  
24 developer in the area who -- and reached out in a  
25 letter to the owner of the property offering to

1 help them fundraise, put together a redevelopment  
2 plan. I've been in community development for  
3 over 40 years. I've built hundreds of buildings,  
4 renovated dozens of historic buildings and worked  
5 for some of the largest philanthropies in the  
6 country and really wanted to be helpful.

7 I live in the neighborhood just a  
8 couple blocks. I go to the cemetery 3, 4 times a  
9 week. All this mayhem that's been described is  
10 somewhat inaccurate. The owner put up a fence a  
11 couple years ago which really was terrific in  
12 helping to secure the property. They had left a  
13 bottom window open, you can see it in the  
14 photographs in the package, for many years. They  
15 finally had someone --

16 MARENA WISNIEWSKI: 30 seconds.

17 CAREY SHEA: -- (indiscernible) it up  
18 and that's done quite a bit to keep people out.

19 At a community meeting the other day  
20 the police stated openly that they haven't been  
21 called to the building for over a year or to the  
22 cemetery. They haven't received a single call  
23 about the cemetery for over a year. So the  
24 cemetery was in bad shape but the community got  
25 together and has made significant improvements

1 and it's safer and cleaner and more visible than  
2 it has been --

3 MARENA WISNIEWSKI: You are out of  
4 time.

5 CHAIR ELMORE: Thank you, Carey.

6 CAREY SHEA: Thank you.

7 MARENA WISNIEWSKI: Craig Mergins?

8 CHAIR ELMORE: Gary, would you mute  
9 your mic please? Thank you.

10 MARENA WISNIEWSKI: Craig? Okay.

11 The last person who registered is  
12 Laurel Aorio (phonetic).

13 CHAIR ELMORE: Laurel, are you with us.

14 LAUREL AORIO: I am here but I have  
15 nothing to say.

16 CHAIR ELMORE: Okay. Thank you.

17 THE VIDEOGRAPHER: May I get the  
18 spelling of Greg (sic) Mergins please?

19 MARENA WISNIEWSKI: Sure. It's  
20 C-r-a-i-g, M-e-r-g-i-n-s.

21 THE VIDEOGRAPHER: Thank you so much.

22 CHAIR ELMORE: Okay. Sorry, I got  
23 distracted. Marena, I see another hand up but  
24 I'm going to pull -- unless this person has  
25 contacted you to speak I'm going to end the

1 public disclosure or public communications and  
2 open up the discussion for Council members.

3 MARENA WISNIEWSKI: Rhodee, did you  
4 register to speak?

5 RHODEE GINE: I believe I did. I at  
6 least attempted to.

7 MARENA WISNIEWSKI: Okay. Tom, would  
8 it be all right for Rhodee to give his statement?

9 CHAIR ELMORE: Sure.

10 RHODEE GINE: Thankyou very much and  
11 please bear with me, there's a lot of things that  
12 have been said and so first of all -- so I have a  
13 lot in my head in trying to respond to a lot of  
14 it.

15 First of all, my name is Rhodee Gine.  
16 I am a resident and property owner in Frog  
17 Hollow. I am also a member of the Frog Hollow  
18 NRZ, and I'm in favor of moving this to the AG's  
19 Office in an attempt to save this beautiful  
20 structure.

21 You know, the focus was stated early on  
22 that this was whether or not this is a reasonable  
23 destruction and I think, you know, it's been  
24 established that it's a contributing resource and  
25 I think that in this case the suggestion to

1 destroy it is unreasonable.

2           There have been several feasible  
3 alternatives. Carey mentioned we've had  
4 individuals offer to purchase property, there's  
5 tons of different financing and grants that are  
6 available both as mentioned 203K which actually I  
7 have used for, but also with the state and  
8 whatnot.

9           We've also explored other possibilities  
10 of potentially seeing the Congregation fund raise  
11 for restoring the property and even source a  
12 philanthropist that offered -- originally offered  
13 to help with rehabilitation.

14           So from here, you know, clearly Beth  
15 Israel has abandoned this building and has no  
16 interest in exploring real alternatives. They  
17 haven't maintained the building over the course  
18 of the last 20 years. It's always been used as a  
19 residence since the day it was built and, you  
20 know, despite the contention that they've  
21 explored these alternatives they have not engaged  
22 with the community in finding solutions.

23           You know, the comment about the  
24 sightlines once again and protecting the  
25 property, I think Carey mentioned we have regular

1 meetings with law enforcement and they said they  
2 haven't gotten called in over a year.

3 So, you know, I don't understand how  
4 destroying history equates to respecting the  
5 women who -- or destroying the building and the  
6 history equates to respecting the women who built  
7 the mortuary and, you know, while Frog Hollow is  
8 a largely poor black and brown community, it is  
9 not the violent lawless place --

10 MARENA WISNIEWSKI: 30 seconds.

11 RHODEE GINE: -- it not the violent  
12 lawless place that the Congregation has continued  
13 to use as a stereotype.

14 The answer to blight is occupying  
15 buildings, bringing foot traffic and reliable  
16 ownership who would maintain the property. And  
17 as while I'm not Jewish, you know, I am Latino  
18 and come from an immigrant family and I can  
19 appreciate the importance of preserving history  
20 of other immigrant communities that came before  
21 me. Thank you.

22 CHAIR ELMORE: Thank you, Rhodee.

23 All right. So now we'll end the public  
24 comment period and open it back up to Council  
25 members for final discussion, questions,

1           comments.

2                       Are there any questions or comments  
3           from Council members?

4                       ELIZABETH BURGESS: Tom, this is Beth  
5           Burgess. I just have a comment, picking up with  
6           what Rhodee had just said. I think the main  
7           thing here, goal for the Historic Preservation  
8           Council is that our role is in fact preserving  
9           history, right? In preserving structures we are  
10          preserving history. And as we all know there's a  
11          lot tied to this building and nationally it is  
12          important that it is preserved and we look  
13          forward to bringing this to a happier conclusion.

14                      CHAIR ELMORE: Thank you, Beth.

15                      Yes, Beth Acly.

16                      BETH ACLY: Okay. Sorry, it took me a  
17          minute to toggle the mute there.

18                      You know, one of the things that I  
19          wanted to just comment on as I observed the  
20          conversation over the last hour-plus evolve is  
21          that there hasn't -- there's been a little bit of  
22          regional or national conversation about the  
23          importance of the building but it doesn't seem  
24          that all the possibilities have yet been explored  
25          for solutions from a, you know, regional point of

1 view. You know, we did talk a little bit about  
2 it with -- as a subconversation from the  
3 suggestion about it becoming a museum, but  
4 there's clearly a value, an historic value here  
5 that's embraced by a lot of people. And so it  
6 seems to me that there are some unturned stones  
7 here to explore as far as, you know, yes,  
8 potentially housing but also something bigger to  
9 celebrate the historic significance of this  
10 building and cultural significance of this  
11 building.

12 CHAIR ELMORE: Great. Thank you, Beth.  
13 Marguerite, I see your hand is up.  
14 Marguerite, we can't hear you.

15 MARGUERITE CARNELL: Sorry. I give it  
16 to Beth Acly and Beth Burgess, you've basically  
17 took the words out of my mouth. I agree with  
18 what both you said that there are more avenues to  
19 be explored.

20 I will also observe that having this  
21 property listed by the National Historic  
22 Preservation on their 11 most endangered  
23 properties does open up some possibilities.  
24 Another example of that was the Freeman houses in  
25 Bridgeport which also made that list and have

1 found themselves with money that they are going  
2 to use to rehabilitate the building and it would  
3 have been very difficult to have raised without  
4 that.

5 So I think by referring this to the  
6 Attorney General we buy some time for more  
7 discussion, more thought and the possibility of  
8 more resources to preserve the building.

9 CHAIR ELMORE: Thank you, Marguerite.  
10 Anyone else on the Council, questions or  
11 comments? Okay.

12 So I want to reiterate that the motion  
13 that's before us, the Historic Preservation  
14 Council votes to request the assistance of the  
15 Office of the Attorney General to prevent the  
16 unreasonable destruction of the historic property  
17 known as Deborah Chapel located within Beth  
18 Israel Cemetery at 151 Ward Street, Hartford,  
19 Connecticut pursuant to the provisions of Section  
20 22a-19a of the Connecticut General Statutes.

21 Council members, having heard all the  
22 presentations is there additional information  
23 that you would require in order to make an  
24 informed decision about this motion? Do you feel  
25 that there is a feasible and prudent alternative

1 to demolition?

2 And what I'd like to do is take an  
3 informal vote to see where everybody sits on the  
4 issue and the question in front of us, and then  
5 talk to the parties at hand and then take a  
6 rollcall vote.

7 So the informal vote with do you feel  
8 there is a feasible and prudent alternative to  
9 demolition. Beth Acly?

10 BETH ACLY: I do feel that there is a  
11 prudent and feasible alternative to demolition.

12 CHAIR ELMORE: Vee Adusei?

13 VINCENCIA ADUSEI: For now, yes.

14 CHAIR ELMORE: Beth Burgess?

15 ELIZABETH BURGESS: I'm in agreement  
16 with that statement.

17 CHAIR ELMORE: Paul Butkus?

18 PAUL BUTKUS: I'm concerned about the  
19 proposed options but there may be something else,  
20 either a partnership or relocation.

21 CHAIR ELMORE: So does that mean yes,  
22 no or abstain?

23 PAUL BUTKUS: I don't think the  
24 solutions proposed are sufficient or appropriate  
25 but there may be another.

1 CHAIR ELMORE: So the question is do  
2 you feel that there is a feasible and prudent  
3 alternative to demolition.

4 PAUL BUTKUS: There may be but not the  
5 ones that have been officially proposed as option  
6 one and two.

7 CHAIR ELMORE: Okay. Marguerite  
8 Carnell?

9 MARGUARITE CARNELL: I'm in agreement  
10 and, you know, we may not have identified the  
11 ideal solution but that's not what we need to do  
12 today. What we need to do today is agree whether  
13 or not there may be a feasible and prudent  
14 alternative and I believe that there is.

15 CHAIR ELMORE: Thank you. I will  
16 abstain.

17 Sara Nelson?

18 SARA NELSON: Sorry, it took a moment  
19 to unmute myself. With the presentations that  
20 were made today I feel in agreement with some of  
21 my colleagues what while there may not be the  
22 definition for exactly what is the best use but  
23 there certainly have been enough suggestions that  
24 there are other reasonable and prudent  
25 alternatives still available, that this

1 consideration for this property needs the time to  
2 fully explore them.

3 CHAIR ELMORE: And Sarah Sportman.

4 SARAH SPORTMAN: I agree that there are  
5 possibilities yet to be explored.

6 CHAIR ELMORE: Okay. Thank you  
7 everyone.

8 Mr. Hoberman, hearing how the Council  
9 responded to that very informal response to my  
10 question, are you willing to work with SHPO staff  
11 to delay the demolition to see if an alternative,  
12 a feasible and prudent alternative could be  
13 determined and established?

14 MATTHEW HOBERMAN: So that decision is  
15 obviously not mine. I can talk to my clients,  
16 but the thing that concerns me in what I'm  
17 hearing is that people think that there's a  
18 reasonable alternative. And my client has been  
19 at this to try to find something since 2012, so  
20 almost 10 years. Now, they may not be as well-  
21 versed in preservation as any of your members but  
22 your members have been aware of what's going on  
23 here since the last SHPO meeting identified here.  
24 Some of the people involved, maybe not on your  
25 committee, have been aware of what's going on

1 based on either the application of Hartford  
2 Preservation Commission, the suit to the Superior  
3 Court or the Appellate Court.

4 So I will talk to my client and find  
5 out if they can compromise. I will also point  
6 out that in the case law Judge Moukawsher did not  
7 find that there was an economically feasible  
8 alternative, which is roughly the same as the  
9 standard that's going to be used for the Attorney  
10 General's Office. So the law has already spoken  
11 on that but I hear what you're saying and I hear  
12 what your committee members are saying to  
13 preserve historic structures. I just haven't  
14 heard any reasonable, feasible or prudent use  
15 yet.

16 And I just want you and your members to  
17 understand that for an organization that is  
18 funded by dues by its congregants it is taxing.  
19 They've got people to answer to. There's people  
20 that -- there are people in the congregation that  
21 don't want to see the house gone, but there are  
22 also people that do want to see it gone. So that  
23 not only do they have those factions, there's  
24 people that complain about the cost of the dues.  
25 So they have those factions.

1           So I just want you to understand that  
2           this is, you know, I can't make any promises but  
3           I can speak with them.

4           CHAIR ELMORE:   However -- no, I  
5           appreciate that.  Thank you very much.  However  
6           it's my understanding that the clock is ticking  
7           and without a determination today you could take  
8           that house down before we can reconvene.  So my  
9           question to you is would you be willing -- could  
10          we take a 5-minute recess here to have you make a  
11          phone call to see if your client would be willing  
12          to delay the demolition to work with SHPO.  
13          Otherwise I'm going to ask the Council members to  
14          take a vote on whether or not to refer this to  
15          the Attorney General's Office.

16          MATTHEW HOBERMAN:  I will, but let me  
17          ask you this procedurally, Mr. Elmore.  Even if  
18          you do refer this to the Attorney General's  
19          Office, then the Attorney General's Office has  
20          discretion on what to do, correct?

21          CHAIR ELMORE:  I don't know what the  
22          Attorney General's Office does.  That's beyond  
23          our purview.

24          MATTHEW HOBERMAN:  Okay.

25          CHAIR ELMORE:  Our purview here is to

1 refer or to not refer.

2 MATTHEW HOBERMAN: And if you decide  
3 not to defer and we place some sort of voluntary  
4 moratorium on the demolition, what happens if we  
5 can't find working with SHPO a reasonable  
6 alternative to demolition?

7 CHAIR ELMORE: Todd, I'm going to need  
8 some help with that question.

9 TODD LEVINE: Yeah, so I guess the  
10 question is what's the definition of reasonable.  
11 So I think, you know, what we would want to do if  
12 there is a pause here is to take a look at all  
13 these options that were brought up today, further  
14 options that have not been brought up I know that  
15 have been floating around of what can be done to  
16 save the building. And we would have to go into  
17 that with open eyes and a willingness to make  
18 compromise. That's the key here.

19 I mean right now you guys have been  
20 adamant that there is no prudent feasible  
21 alternative, and I think you'd have to change  
22 your mind about that to be at least open minded  
23 to the possibility of some of these suggestions.  
24 And, you know, at the end of the day it's all  
25 about a compromise.

1                   You know, generally when we work even  
2                   if it's referred or it's not referred we find  
3                   some compromise that serves both preservation and  
4                   the owner's (indiscernible). So you'd have to be  
5                   open to that. And I think we would have to be  
6                   given a signed agreement by you representing your  
7                   client that they will not do anything to damage  
8                   the building in the time that we do our  
9                   investigation and work together to try to find a  
10                  solution. And again, the intent here would be to  
11                  find a solution, not to pause and then decide to  
12                  demo.

13                  MATTNEW HOBERMAN: I hear you. I guess  
14                  what I didn't hear though is what's the procedure  
15                  if we don't agree on a reasonable alternative?  
16                  You have a meeting like this again to decide  
17                  whether to refer it?

18                  TODD LEVINE: Correct.

19                  MATTHEW HOBERMAN: Okay. Let me try to  
20                  call my clients. Should we reset -- I mean if  
21                  you give me 5 minutes I think I should be able to  
22                  contact them and then get back to you.

23                  TODD LEVINE: Yeah, I think -- I'm  
24                  sorry, if I may just interject one more time. I  
25                  think you want to define the period of time that

1 we would be requesting a moratorium, so I think a  
2 year would work.

3 CHAIR ELMORE: Todd, is that directed  
4 to me or Mr. Hoberman?

5 TODD LEVINE: It's directed to you,  
6 Tom, just to ask Matt to do so. Or I mean this  
7 is open discussion, Matt. I think that that's  
8 what I think would be enough time to go through  
9 all these options.

10 CHAIR ELMORE: Todd, you know, I've  
11 reached out to Sara Nelson many, many times for  
12 help and guidance because she sat in this chair  
13 for so many years.

14 So Sara, I'm going to put you on the  
15 spot and ask you for some help here and some  
16 thoughts.

17 SARA NELSON: So Tom, one of the things  
18 that we heard presented to the Council today was  
19 that there's potentially some offers that may not  
20 be fully explored and we want to be able to give  
21 the Congregation the time to adequately chase  
22 those down. And really as Todd said, really  
23 invest themselves in trying to see if there's  
24 something real there or not.

25 I think identifying a date certain that

1 would allow for this exploration but to give a  
2 finite limit to the conversation is important and  
3 Mr. Hoberman would need to work with us to  
4 identify what a realistic timeframe would be.

5 And Mr. Hoberman, you know, in the  
6 meantime you are actually demonstrating through a  
7 letter to the Council that your client would be  
8 engaged in good faith and wouldn't tear the  
9 building down, and the office would try and  
10 support you through the exploration of all of  
11 these items.

12 If in fact you explore them all, you  
13 come back at date certain and you say, you know,  
14 we looked at A, B, C, D, E, F, here's are the  
15 numbers work, these are the issues, it doesn't  
16 work, then Council takes up this question again  
17 do we refer or do we not refer. And what we may  
18 hear for you is compelling that you have explored  
19 everything and that is one outcome. And the  
20 other outcome is still there's one avenue left  
21 unexplored.

22 But essentially what we're trying to do  
23 is to work with you to make sure that every  
24 avenue is explored given the sensitivity of the  
25 cultural history of this property to your

1 community.

2 CHAIR ELMORE: Thank you, Sara.

3 So Mr. Hoberman, hearing what Todd said  
4 and hearing what Sara said, it sounds like you're  
5 at least open to giving your client a call which  
6 I very much appreciate and I know that Council  
7 does as well.

8 Do you think that a date that's, you  
9 know, that Sara referred to or Todd said, you  
10 know, a year, six months to a year would be  
11 sufficient? Would your client be open to that so  
12 long as staff and other parties are willing to  
13 work diligently and honestly and openly and with  
14 some, you know, give and take in the process for  
15 an outcome? And like Sara said, it may be  
16 determined that there is no prudent feasible  
17 alternative, but at least I'd like to keep the  
18 door open that that be aggressively pursued with  
19 Council's push to staff to get that done.

20 MATTHEW HOBERMAN: Yeah, I'm happy to  
21 call them. You know, they have been at this a  
22 long time but this is an old building so I  
23 understand, you know, days are a lot different  
24 than years. So let me discuss with them to see  
25 what their willingness is to impose a moratorium.

1 I'll discuss one year and I'll see what they say.

2 Do you want to recess for 5 minutes, 10  
3 minutes?

4 CHAIR ELMORE: Why don't we do this.  
5 We'll stay on line, if you mute your mic and turn  
6 your video off and go in another room or do  
7 whatever you need to do and then come back when  
8 you're ready. That would be great.

9 MATTHEW HOBERMAN: Okay.

10 CHAIR ELMORE: Thank you.

11 (Todd Levine offline.)

12 CHAIR ELMORE: I'm going to take  
13 advantage of this break everybody. I'll be right  
14 back.

15 (Break.)

16 MATTHEW HOBERMAN: Chairman Elmore, can  
17 you hear me?

18 CHAIR ELMORE: Yes, I can.

19 MATTHEW HOBERMNA: Okay. Sorry for  
20 that delay. I had some technical difficulties  
21 getting back in with audio and video on the same  
22 wave.

23 So I discussed this with my client and  
24 right now they don't have the authority to enter  
25 into a moratorium due to the organizational

1 structure. They want to discuss it with some  
2 factions, make sure that procedurally they're  
3 doing anything they're supposed to do under the  
4 committee and their bylaws.

5 So that being said I think procedurally  
6 and you can check maybe with Todd or whoever  
7 handles your Roberts Rules, but we are in a  
8 situation where the public hearing is closed; is  
9 that correct?

10 CHAIR ELMORE: Yes, I believe it is  
11 correct.

12 MATTHEW HOBERMAN: Okay. Assuming  
13 that's the case I think what I would like to do  
14 is ask you to table this motion or recess for 30  
15 days if that's your next special meet -- if  
16 that's your next meeting so that will give my  
17 client time to see if they can get the authority  
18 to enter into a moratorium agreement. And I'm  
19 told that either the 60-day waiting period which  
20 is shortened from the 90-day waiting period for  
21 the demolition permit has not yet begun. But if  
22 I'm mistaken on that and it has run and it runs  
23 before your -- you know, if you decide to recess,  
24 I will make sure my clients don't start knocking  
25 the building down before your next meeting.

1 CHAIR ELMORE: Okay. Fair enough.

2 Todd, does that work for you? I know  
3 we're making a lot of decisions quickly here.

4 TODD LEVINE: Yeah, I have a little bit  
5 of a problem with that timeframe because I don't  
6 know that -- like I don't know where we are on  
7 the 60 or 90 day or even how the state of the  
8 City of Hartford is going to interpret that after  
9 the, you know, decisions by Superior Court.

10 Superior Court said, you know, you have  
11 to go back to the original 60-day delay, you  
12 know, a year ago. Has that expired yet or not.  
13 So there's a lot of questions here I don't know  
14 the answer to.

15 MATTHEW HOBERMAN: So Scott -- Todd,  
16 sorry, I'm telling you on the record that first  
17 the 60-day period from the judge, that was for  
18 the Commission to approve the application and  
19 then it's the Building Department that issues the  
20 building permit that sets the 90-day notice, and  
21 I think we've applied for a 60-day reduction but  
22 we haven't heard from the City on any of that.  
23 And if you're telling me your next meeting is in  
24 30 days or would it be the first Wednesday in  
25 January maybe? I will tell you that my clients

1 won't knock the building down on that notice.

2 TODD LEVINE: Right. The problem  
3 though is that then the Attorney General's Office  
4 if the vote goes then at that point, the Attorney  
5 General needs time to make their internal  
6 decision I would imagine. So, you know, we are  
7 now imposing a time constraint on them by doing  
8 this now. (Indiscernible) concerns, I mean  
9 there's way we could do it. We could probably  
10 structure something that gives it 60 days and I  
11 can have you sign it and the City of Hartford  
12 sign it. That would be probably the only thing I  
13 would be comfortable accepting.

14 MATTHEW HOBERMAN: But you're asking  
15 for a 60-day moratorium?

16 TODD LEVINE: At this point, yeah. I  
17 mean --

18 MATTHEW HOBERMAN: Yeah, I can't -- but  
19 as I was trying to explain to Commissioner  
20 Elmore, my client doesn't have the authority --

21 TODD LEVINE: The authority --

22 MATTHEW HOBERMAN: Yeah.

23 TODD LEVINE: Yeah. So I mean we can't  
24 just take your word for it frankly.

25 CHAIR ELMORE: Mr. Hoberman, would you

1 or your client be willing to withdraw the demo  
2 permit?

3 MATTHEW HOBERMAN: No, because it's --  
4 there's already -- it already in motion with the  
5 utilities so I don't think that's viable.

6 TODD LEVINE: Yeah, that would be the  
7 only other option is withdraw the demolition  
8 permit just because you don't want to force the  
9 Attorney General's Office to operate under at  
10 time constraint.

11 MATTHEW HOBERMAN: Okay. Well, I can't  
12 -- you know, I guess just to clarity, the request  
13 was to me whether my client would agree to a  
14 moratorium whether it's 60 days or one year, and  
15 my client doesn't have the authority to agree to  
16 that.

17 CHAIR ELMORE: Okay. Then I think then  
18 giving what I'm hearing both with you and with  
19 Todd then I think I'm going to -- because as it  
20 stands right now as I understand it, we don't --  
21 we, the Council, don't have a commitment, we have  
22 a verbal commitment but we know how verbal  
23 commitments are, we don't have a commitment that  
24 the building will be standing within the next 30  
25 days and therefore I think the only recourse --

1 the only avenue we have as a Council is to take a  
2 vote on whether or not to refer this to the  
3 Attorney General's Office and then you and your  
4 client and Todd and the Attorney General and  
5 others at staff have the opportunity to do what  
6 you need and can do. But, you know, I've got to  
7 continue moving on with what we've been given to  
8 do here to do today as the Council.

9 So with that I'll go back and ask  
10 Council members do you have any other questions  
11 or comments without getting into rehashing before  
12 I open this up to a rollcall vote on whether or  
13 not to refer this to the Attorney General's  
14 office?

15 VINCENCIA ADOSEI: No questions from  
16 me.

17 CHAIR ELMORE: Okay.

18 MARGUERITE CARNELL: No further  
19 questions.

20 CHAIR ELMORE: Okay. Then hearing that  
21 we'll take a rollcall vote to refer this matter  
22 to the Attorney General's Office to prevent the  
23 unreasonable destruction of the historic  
24 property.

25 Beth Acly?

1 BETH ACRY: Aye.

2 CHAIR ELMORE: Vee Adusei?

3 VICENCIA ADUSEI: Aye.

4 CHAIR ELMORE: Is Beth Burgess still  
5 with us? She had to leave. Okay.  
6 Paul Butkus?

7 PAUL BUTKUS: I will say no.

8 CHAIR ELMORE: Okay. Marguerite  
9 Carnell?

10 MARGUERITE CARNELL: Aye.

11 CHAIR ELMORE: I will abstain. Sara  
12 Nelson?

13 SARA NELSON: Aye.

14 CHAIR ELMORE: And Sarah Sportman?

15 SARAH SPORTMAN: Aye.

16 CHAIR ELMORE: 1, 2, 3, 4, 5. I think  
17 I'm going to change my abstain and vote yea, I  
18 vote yes on this. So that gives us 6 yeas and 1  
19 no, and 4 people who are not here to vote.

20 So this matter has been referred then  
21 to the Attorneys General Office.

22 Todd, will you please follow up with  
23 Mr. Hoberman and move this forward?

24 TODD LEVINE: I'll give you a call,  
25 Matt.

1 THE VIDEOGRAPHER: Sorry to interrupt.  
2 Mr. Hoberman, you mentioned Commissioner, I  
3 didn't get the last name. Okay.

4 CHAIR ELMORE: Okay. Then the last  
5 thing on our agenda --

6 MATTHEW HOBERMAN: I was just -- sorry,  
7 I think I was just asking for Commissioner Elmore  
8 to respond because that's all I was talking  
9 about, wasn't I, Jill?

10 THE VIDEOGRAPHER: You just mentioned  
11 Commissioner something and I didn't get the last  
12 name. I forget what you were referring to.

13 MATTHEW HOBERMAN: I was just trying to  
14 get Mr. Elmore's attention.

15 THE VIDEOGRAPHER: Oh, okay. Sorry.  
16 Thank you.

17 CHAIR ELMORE: So then the last course  
18 of business then is to ask for a motion to  
19 adjourn the meeting.

20 SARA NELSON: Sara Nelson, so moved.

21 CHAIR ELMORE: And a second?

22 MARGUERITE CARNELL: Marguerite,  
23 second.

24 CHAIR ELMORE: And sorry, one last  
25 rollcall vote. Beth Acly to adjourn the meeting.

1 BETH ACRY: Aye.

2 CHAIR ELMORE: Vee Adusei?

3 VICENCIA ADUSEI: Aye.

4 CHAIR ELMORE: Paul Butkus?

5 PAUL BUTKUS: Aye.

6 CHAIR ELMORE: Marguerite Carnell?

7 MARGUERITE CARNELL: Aye.

8 CHAIR ELMORE: I will vote yes.

9 Sara Nelson?

10 SARA NELSON: Aye.

11 CHAIR ELMORE: And Sarah Sportman?

12 SARAH SPORTMAN: Aye.

13 CHAIR ELMORE: Very good. Thank you

14 everybody.

15 Mr. Hoberman and others, thank you very

16 much for your input, your time and being part of

17 this meeting. Thank you everybody.

18 THE VIDEOGRAPHER: Okay. We are going

19 off record. The time is 1:38 p.m. Thank you.

20 (Proceedings concluded at 1:38 p.m.)

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CERTIFICATE

1  
2  
3 I hereby certify that the foregoing 111  
4 pages are a complete and accurate transcription  
5 to the best of my ability of the electronic  
6 recording of the HISTORIC PRESERVATION COUNCIL  
7 MEETING in re Deborah Chapel, Beth Israel  
8 Cemetery, 151 Ward Street, Hartford, Connecticut,  
9 held before Thomas Elmore, Chair, via Zoom  
10 Videoconference connection on December 7, 2022.  
11

*Suzanne Benoit*

12  
13 \_\_\_\_\_  
Suzanne Benoit, Transcriber

Date: 12/20/2022

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