

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:

Elizabeth Shapiro  
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 10:45 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 and Sarah Sportman. We  
21 have quorum.

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

1 of the property owner. As is Council's policy  
2 and to ensure sufficient time for all parties,  
3 this agenda is organized as follows:

4 Introduction of the matter by Todd Levine, SHPO  
5 staff liaison for endangered properties.

6 Presentation by Preservation Connecticut,  
7 presentation up to and not more than 20 minutes.

8 Council questions for 20 minutes, presentation by  
9 the owner's representative up to and no more than  
10 20 minutes. Council questions for 20 minutes.

11 And then members of the public will be invited to  
12 speak. Since we have 8 members that have signed  
13 up, they will be permitted 3 minutes each to  
14 speak.

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

21 If there are members of the public who  
22 have not submitted their information and who are  
23 late in coming to the process, you will be given  
24 a chance to speak after we have heard from  
25 everyone else whose name has signed up in

1 advance. We will ask for a show of hands via  
2 Zoom and we will then call on members of the  
3 public in the order in which we see them.

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

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

10 (Pause.)

11 CHAIR ELMORE: Very good.

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

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

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

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

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

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

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

22 For members of the public who wish to  
23 speak to the agenda item we ask that you identify  
24 yourself and your affiliation. The Historic  
25 Preservation Council takes statements from



1 members of the public but does not respond to  
2 questions.

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

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

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

23 A conflict of interest may occur when  
24 the public officials' participation in agency  
25 matters results in personal financial gain. You

1 have been provided with the Department of  
2 Economic and Community Development ethics  
3 statement governing State statutes.

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

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

16 (No response.)

17 CHAIR ELMORE: Okay, hearing none.

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

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

1                   We have been given a lot of information  
2                   on and about this matter before us this morning  
3                   and both sides of this matter will be presenting  
4                   to us. In the end we must decide whether to  
5                   refer this matter to the Attorney General's  
6                   Office.

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

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

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

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

8           Lastly, I want to remind everybody that  
9 this discussion and review is not a discussion  
10 about the historic merit of the structure.  
11 Deborah Chapel is a contributing resource in the  
12 Frog Hollow Historic District which was listed on  
13 the National Register of Historic Places on  
14 April 11, 1979.

15           Now for the motion in front of us. The  
16 Connecticut Historic Preservation Council votes  
17 to request the assistance of the Office of the  
18 Attorney General to prevent the unreasonable  
19 destruction of the historic property known as  
20 Deborah Chapel located within Beth Israel  
21 Cemetery at 159 Ward Street, Hartford,  
22 Connecticut pursuant to provisions of Section  
23 22a-19a of the Connecticut General Statutes.

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

1                   MARGUERITE CARNELL: Margarite Carnell,  
2                   so moved.

3                   CHAIR ELMORE: And a second?

4                   SARA NELSON: Sara Nelson, second.

5                   CHAIR ELMORE: Thank you.

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

8                   Todd, it's yours.

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

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

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

1           The current series of events that led  
2           us here today started back a little further.

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

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

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

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

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

22          The matter is further complicated  
23          because of the deed restriction. The land in  
24          which the structure sits was gifted to the  
25          Congregation in 1872 by the City of Hartford for

1 use for burial of the dead only, except for a  
2 portion part of the land allowing for the  
3 erection of the Deborah Chapel.

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

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

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

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

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

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

24 The first presentation is by  
25 Connecticut Preservation and led by Brad Schide.

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

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

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



1                   Our role today is to really talk about  
2 prudent and feasible alternatives which is a  
3 requirement of the CEPA law.

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

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

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

1           I do ask you guys to look at that in a very  
2 close way. It's extraordinary and we don't  
3 always get letters like that.

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

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

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

1 that dismissal. And right now Congregation Beth  
2 Israel does have the ability to demolish the  
3 property. I think there's a demo delay but  
4 nonetheless the point is that they do have the  
5 ability to demolish.

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

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

24 The other scenario is two residential  
25 units. I do want to be clear though and I think

1 if you're all weighing whether this should go to  
2 the Attorney General or not, keep in mind that  
3 one of the big issues we have to resolve here is  
4 I do know that we would need to subdivide out the  
5 site somehow from a cemetery use that's now for  
6 the whole site. How we would do that is unclear.  
7 Do we have to transfer title? That would be an  
8 open question.

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

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

23 Dave is identified as me, but Dave, you  
24 should probably introduce yourself.

25 DAVID GOSLIN: Thanks, Brad.

1 My name is Dave Goslin, I'm the  
2 Principal with Crosskey Architects here in  
3 Hartford. And we were brought into this project  
4 in the summer of 2021 by Preservation Connecticut  
5 to look at the building and determine if there is  
6 a prudent and feasible alternative for the reuse,  
7 repurposing of the building.

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

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

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

22 As Brad mentioned earlier we'd be  
23 looking to subdivide the parcel out and indicated  
24 by these lines here and create this as its own  
25 separate parcel. There is an existing driveway

1 that continues through here that's there and  
2 there's also access in from Affleck Street.

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

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

24 Moving on to the two options that Brad  
25 had mentioned, this is the plans for option

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

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

22 As you look at these plans the shaded  
23 walls would be new wall construction and the  
24 walls that are not shaded are existing walls. So  
25 with very minimal effort we can kind of create

1 this desirable unit on the upper floors.

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

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

18 The second scenario is very similar in  
19 which the second and third floors remain as in  
20 the previous scenario. The difference in this  
21 option is the first floor gets fitted out into a  
22 two-bedroom apartment in which there would be a  
23 bedroom where the back office is now and there  
24 would be a bedroom in this area here. And then  
25 we would use both the south entrance in from the



1 parking area as well as the chapel entry in from  
2 the driveway with an open kitchen living/dining  
3 concept here. So it's about 905 square feet  
4 which is pretty sizeable for a two-bedroom  
5 apartment and it could be very desirable if this  
6 is the direction it needs to go in.

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

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

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

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

1 condition.

2 I think if I can just read the  
3 conclusion of my report you can get an idea of  
4 what the conditions are in the building.

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

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

18 MARENA WISNIEWSKI: You have 5 minutes.

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

25 Number two, moisture infiltration into

1 the basement needs further investigation to  
2 determine the source of the moisture. It may  
3 require exterior runoff management in combination  
4 with a new basement slab with under slab drainage  
5 and a sump pump.

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

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

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

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

1 alterations.

2 BRAD SCHIDE: Marena -- Dave, can you  
3 unshare and Marena can you flash up a few photos?  
4 I mean I think everybody's seen the photos.

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

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

24 While it is subdivided it could be a  
25 long-term ground lease from the cemetery versus

1 transfer of title. So anyway, there's a lot of  
2 different options we can pursue but some of that  
3 would be in legal court and also what would  
4 attract financing. The building does need  
5 funding to actually do this. It is not a  
6 handyman special.

7 And I think with that we'll conclude  
8 our presentation.

9 CHAIR ELMORE: Great, Brad. Thank you.

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

14 Leah, are you still with us?

15 LEAH GLASER: Yes, yes.

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

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

25 CHAIR ELMORE: Yeah. I think as a

1 board member you probably don't have a conflict  
2 of interest but I think to keep the lines clean  
3 and clear here I would ask you to recuse.

4 LEAH GLASER: Okay. Should I -- so  
5 does that mean should I leave or should I --

6 CHAIR ELMORE: Yeah. You should leave.

7 LEAH GLASER: All right.

8 CHAIR ELMORE: All right. Thank you.

9 (**Leah** Glaser leaves the Zoom call.)

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

13 Questions from Council members?

14 VINCENCIA ADUSEI: I have a question.

15 CHAIR ELMORE: Okay. Go ahead, Vee.

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

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

1                   BRAD SCHIDE: No, we're not demoing the  
2 building. I think you will hear from them next  
3 and I think they will be pretty articulate on why  
4 they want to see it gone.

5                   VINCENCIA AUDESI: Okay. Then I'll  
6 wait. Thank you.

7                   CHAIR ELMORE: Thank you, Vee.

8                   Any other questions or comments from  
9 Council members?

10                  CHRISTINE NELSON: Christine.

11                  CHAIR ELMORE: Go ahead, Christine.

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

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

1 any portion of that cemetery use. That's to my  
2 knowledge anyway.

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

13 Scott, would you --

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

17 CHAIR ELMORE: Scott, can you identify  
18 your last name and your --

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

24 This is a deed restriction that runs  
25 with the land and it means it runs forever. It



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

14 CHAIR ELMORE: Thank you, Scott.

15 I see two hands up. So Beth Acly, go  
16 ahead.

17 PAUL BUTKUS: You're muted, Beth.

18 BRADE SCHIDE: Beth, you're muted.

19 BETH ACLY: Okay. How is that, better?

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

1                   BRAD SCHIDE: Yeah, there is -- I  
2 mentioned in my memo 203K is a federal mortgage  
3 insurance program and it works in small  
4 properties like this. And also it usually  
5 doesn't cover the whole project so the gap funds  
6 would probably either come from the City of  
7 Hartford or from State Department of Housing.

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

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

24                   So that's why I said in my presentation  
25 it's hard -- first of all, Congregation Beth

1 Israel as you hear, they're not open to any of  
2 this. But if we could get them open to it, I  
3 think that's the real large discussion.

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

8 BETH ACLY: Okay. Thanks, Brad.

9 CHAIR ELMORE: Marguerite.

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

21 So the question that I have for the  
22 Preservation Connecticut team is if the  
23 Congregation would entertain the possibility of  
24 reusing that building as it was up until 2006  
25 with the caretaker apartment, could the first

1 option that Crosskey Architects proposed, could  
2 it be used for such a scenario? That's my first  
3 question.

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

9 BRAD SCHIDE: Yes.

10 CHAIR ELMORE: Go ahead, Brad.

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

21 Now, in terms of funding we're still  
22 back to that same question. It's a cemetery use.  
23 If they as the owner, let's just for argument  
24 say, hey, they're going to retain ownership and  
25 they'll do their own funding. It's going to be

1 nearly impossible for them -- I mean outside of  
2 just grants and -- the HRF grant is not enough to  
3 rehab this property. It's been vacant for, I  
4 don't know, 20 years or so and as Dave said it's  
5 more money than the HRF grant can provide, and so  
6 therefore they have to look at a lot of different  
7 ways.

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

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

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

25                   DAVID GOSLIN: And just to piggyback on

1 to that, they are separate in that they have  
2 separate entries. So that separation of the  
3 entries will allow for this to be phased over one  
4 or two projects if it comes to that.

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

9 DAVID GOSLIN: Yep.

10 MARGUERITE CARNELL: Okay. Thank you.

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

17 CHAIR ELMORE: Beth, go ahead.

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

1 in property ownership.

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

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

17 CHAIR ELMORE: Thank you, Mary.

18 BETH ACLY: Thank you.

19 CHAIR ELMORE: Paul, I see your hand is  
20 up.

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

1                   BRAD SCHIDE: It would be  
2 nonconforming. Go ahead, Dave. Go ahead.

3                   DAVID GOSLIN: It would be a  
4 nonconforming lot just because of the existing  
5 parameters that are -- preclude full compliance.

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

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

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



1                   PAUL BUTKUS: I think that's it for the  
2 moment. Oh, if the building is structurally  
3 sound was a determination made as to the  
4 feasibility of relocating the building offsite  
5 from a structural perspective?

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

15                   So between those two things it is an  
16 option. It's always an option out there to move  
17 it offsite. Congregation might even be open to  
18 that. So I know we can --

19                   TODD LEVINE: So the Congregation said  
20 they are open to it and we did look at it  
21 peripherally and it could be moved offsite.  
22 Obviously the farther away you move it the more  
23 costly it is when you have to remove power lines.  
24 That's a big cost when it comes to moving  
25 historic buildings. And there is the problem of

1 it being still eligible for historic restoration  
2 grant funds which is problematic but not  
3 impossible to get through.

4 CHAIR ELMORE: Great. Thank you.

5 Marena, how much time do we have left  
6 for questions?

7 MARENA WISNIEWSKI: You are almost out  
8 of time.

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

13 The next presentation is the owner's  
14 representative is Matthew Hoberman. Matthew, I  
15 hope I've pronounced your last name correctly.

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

24 First I'll review a little bit of the  
25 law in the case here. I know that Todd has given

1 us a good presentation as to the history so you  
2 guys know what has happened, but I'll go through  
3 it just a little bit. I'll talk about why we're  
4 here today, whether this board has authority over  
5 this property. I'll talk about who Beth Israel  
6 is; the members that makes up its congregation,  
7 the organization itself and try to give you guys  
8 a better idea of who the property owner is in  
9 this case.

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

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

21 My client has gone to the board, the  
22 Historic Preservation Council twice. The first  
23 time the board told them that they didn't do the  
24 right job. They didn't show what there's any  
25 alternative to demolition that may be economically

1 feasible. They then went back to the board and  
2 they showed them those facts. There is no  
3 economically feasible alternative to demolition  
4 of the situation.

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

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

22           One of the other factors is what should  
23 the use of the building be? Courts in  
24 Connecticut have said that any use should not be  
25 deemed feasible but it should be related to the

1 purpose of the building. So I appreciate the  
2 time and effort that the committee has gone  
3 through to ask for those reports from Dave and  
4 from the people that he's worked with. But  
5 taking this building that was used for mortuary  
6 purposes or funeral purposes and telling the  
7 property owner that they should use it for an  
8 apartment building or for retail or for  
9 commercial is not reasonable.

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

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

23 There was a conclusory remark that this  
24 property is within the Frog Hollow district. I  
25 know there was a previous hearing on it, I did

1 attend it. I'm not going to spend a lot of time  
2 discussing that, but the statute governing  
3 whether or not this committee has authority or  
4 whether even the Attorney General has authority  
5 says that the property must be listed in the  
6 National Register. You can look at the National  
7 Register. This property located at 151 Ward  
8 Street is not in the Register, okay?

9 In 1979 it wasn't listed. Subsequently  
10 the cemetery was added. When the subsequent  
11 application to the Register was added there was  
12 no update to the running legal description. I'm  
13 told by a committee member that that is paramount  
14 to decide and determine what the historic  
15 district is comprised of.

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

25 I've looked at the hearing minutes from

1 the previous response and I've listened to you  
2 and the reasoning for this committee to claim  
3 that this is in the Historic District is just not  
4 substantiated in the record. There was an  
5 explanation that maybe there was a mistake, maybe  
6 it's 153, maybe it's the cemetery. The fact is  
7 the address, 151 Ward Street, is not listed in  
8 there.

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

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

25           A third developer, Corporation for

1 Independent Living, CIL, they were approached. I  
2 am very familiar with the work that they do.  
3 They do work throughout the state for group  
4 homes. They've renovated numerous historic  
5 properties including the Capewell factory. They  
6 were not interested in this property.

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

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



1                   They don't have an organization like  
2                   some other religions where they can simply ask  
3                   for funding to maintain its properties. If they  
4                   need to fix something, the administration, the  
5                   leadership, the rabbis, they have to go to the  
6                   members of the congregation and say, Even though  
7                   you've paid X dollars this year for dues, we need  
8                   more. Why do we need more? We need more because  
9                   there's a house on a cemetery that we own in  
10                  Hartford that needs work.

11                  They've done that in the past. In the  
12                  past three years they've spent over \$45,000 on  
13                  the different cemeteries they've had. They've  
14                  spent over \$85,000 on a fence that they've  
15                  installed in order to try to make this cemetery  
16                  safer for its congregants to go visit the plots  
17                  to visit their loved ones. They get there --  
18                  it's -- one of the letters I think that you have  
19                  in your packet describes that this person went to  
20                  a mausoleum for her family. Her family were the  
21                  developer's owners and operated G. Fox. They  
22                  have poured their time, money and heart into this  
23                  community. And I am disgusted that when one of  
24                  the family members goes to visit someone that is  
25                  not only -- was a loved one of theirs but was

1 vital to the development of our City and there's  
2 feces on the mausoleum and on the tombstones, it  
3 disgusts me.

4 Now, this property was located adjacent  
5 to a police substation. The police are right  
6 next door. They have difficulty keeping this  
7 area safe and one of the reasons is the  
8 sightlines of this house prevent them from  
9 observing what's going on and enforcing the laws.

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

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

1                   Connecticut, the Constitution state,  
2                   the constitution was passed in Connecticut in  
3                   1818. At that time, although religious freedom  
4                   was touted as free for everyone, it wasn't for  
5                   the Jews. It was about 25 years later by an  
6                   action from our legislator that allowed Jews  
7                   legally to meet, to congregate, to have places of  
8                   worship. Before that statute was passed they  
9                   weren't considered individuals with the right to  
10                  practice their religion.

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

19                  There are people out there that deny  
20                  the Holocaust, there are people out there that  
21                  are blatant antisemites, there are people out  
22                  there that are former president has endorsed as  
23                  being good people. There is a reason why these  
24                  people like Kanye West, like Kyrie Irving, like  
25                  Nick Fuentes who are all in the public light get

1 this attention because there are domestic violent  
2 groups that are antisemitic based. It persists  
3 in our country.

4 MARENA WISNIEWSKI: You have 5 minutes.

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

13 Your decision, while you may not think  
14 so, will be used and twisted by those people out  
15 there that are antisemitic. They will say that  
16 you are legitimizing what they believe in.

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

22 In 2021 there were antisemitic  
23 incidents of violence that reached an all-time  
24 high. There is an average of 7 antisemitic  
25 incidents a day. In Connecticut hate crimes

1 targeting Jews are up 40 percent. The FBI has  
2 stated the most significant national security  
3 threat currently facing the U.S. is domestic  
4 violence extremists, many of them driven by  
5 antisemitism. In the past four years we have  
6 witnessed four deadly attacks in our country.

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

15 I want you to remember about the Tree  
16 of Life Synagogue in Pittsburgh where there were  
17 11 deaths, 6 people injured in 2018. 2019 Chabad  
18 of Poway, 1 death, 3 people injured. 2019, JC  
19 Kosher Supermarket, 3 killed, 3 injured.

20 People, when these congregants at Beth  
21 Israel go to pray, they need security at the  
22 door. On the high holidays when everybody -- not  
23 everybody, but it's a more publicized holiday,  
24 they have to hire police to show a deterrent so  
25 people will not come in and attack them. I don't

1 know how religious you are, I don't know if you  
2 go to church, but next time you do see if there's  
3 police there because this is something that my  
4 clients and their congregation deal with on a  
5 daily basis.

6 So please don't dismiss what I'm  
7 bringing to your attention here. People will  
8 take the message that you send and twist it to  
9 legitimize what they want.

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

20 One of the letters of support that you  
21 have is --

22 MARENA WISNIEWSKI: You have one  
23 minute.

24 MATTHEW HOBERMAN: -- from Lisa  
25 Silvestri who was my opposing counsel in this

1 matter. Sara Bronin claims that Beth Israel,  
2 without any basis, was willfully negligent.  
3 Again, these people, my clients have spent  
4 \$45,000 in the past three years on the cemetery.  
5 They've spent \$85,000 on the fence. That's over  
6 \$100,000 in three years on a property the City  
7 has valued at \$50,000. That is not willful  
8 neglect.

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

17 MARENA WISNIEWSKI: You are out of  
18 time.

19 MATTHEW HOBERMAN: -- use this  
20 cemetery. I think I just heard I'm out of time.

21 THE VIDEOGRAPHER: I'm sorry to  
22 interrupt, Mr. Hoberman. You mentioned two names  
23 and I needed to get spelling for the  
24 transcripitor. Aaron Gil, can you spell that?

25 MATTHEW HOBERMAN: It's in your record

1 but I believe it's A-a-r-o-n, G-i-l.

2 THE VIDEOGRAPHER: Okay. And then Sara  
3 Bronin?

4 MATTHEW HOBERMAN: I believe it's  
5 S-a-r-a, B-r-o-n-i-n.

6 THE VIDEOGRAPHER: Very good. Thank  
7 you so much.

8 CHAIR ELMORE: Thank you, Matthew.  
9 Appreciate your comments and your education for  
10 us, for the Council members.

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

13 CHAIR ELMORE: Okay. Thank you,  
14 Christine.

15 (Chrstine Nelson leaves the Zoom call.)

16 CHAIR ELMORE: Are there any questions  
17 or comments from Council members? Yes,  
18 Marguerite. Marguerite, go ahead.

19 MARGUERITE CARNELL: Yes. I had a  
20 question related to the amount of money that has  
21 been spent on the cemetery in recent years. Mr.  
22 Lewis (sic) said 45,000 on the cemetery and  
23 85,000 on the cemetery fence. And my question is  
24 how much of that, if any -- excuse me, it was Mr.  
25 Hoberman -- how much was allocated to the



1 building versus the cemetery property?

2 MATTHEW HOBERMAN: I don't have those  
3 figures but I do have information that almost on  
4 a weekly basis work has to be done on the house  
5 that is being done. Many times people are going  
6 in ripping off plywood blockades so they can get  
7 into the house. So not only does the plywood  
8 have to be reinstalled but any damage that occurs  
9 has to be fixed.

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

1 you want them.

2 CHAIR ELMORE: Thank you.

3 Vee, you had a question?

4 VINCENCIA ADUSEI: Yes. Matthew, thank  
5 you for the clarification and I'm new to the  
6 Council a few months ago so I was not privileged  
7 to the prior information. So thank you for  
8 sharing the story, sharing the other side of the  
9 story.

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

21 MATTHEW HOBERMAN: Let me just -- let  
22 me change your perspective a little bit. This  
23 issue with the house didn't come up because of  
24 the house. The issue with the house came up  
25 because of the cemetery. My client's members

1 were going to the cemetery to try to respect  
2 their departed loved ones in a peaceful setting  
3 that people want in a cemetery. They want to be  
4 able to focus on the departed loved ones. They  
5 don't want to have to focus on the trash or the  
6 litter or the drug paraphernalia or the dead  
7 chickens or anything else when they go there.

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

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

24           Now, in the past they have concluded  
25 and I think rightly so that the house is one of

1 the attractive nuisances at this property. So if  
2 they do something with the house, it will help  
3 them with the problem of making the cemetery more  
4 safe. Discussions with the police have confirmed  
5 that. The lines of sight would be much easier  
6 for them to enforce and patrol the area. But it  
7 is a financial drain to continue to maintain a  
8 property that they don't -- a building that they  
9 don't need.

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

23 SCOTT LEWIS: Matt, can I just --

24 VINCENCIA ADUSEI: I think I understand  
25 now. Thank you, Matt.

1 MATTHEW HOBERMAN: Okay.

2 SCOTT LEWIS: This is Scott Lewis. To  
3 also answer your question, we want to use the  
4 land for future graves. We are planning to use  
5 this for religious purposes. And what I find  
6 interesting is that in your focus of the house  
7 you've turned your back on the acres of Jews and  
8 monuments that make up the cemetery. The space  
9 that is open is only open temporarily. The  
10 synagogue is going to continue to exist as long  
11 as we can, maybe another 180 years. We need the  
12 space for graves.

13 CHAIR ELMORE: Marguerite? I see your  
14 hand is up.

15 MARGUERITE CARNELL: Yeah, it's  
16 interesting the way the Congregation has referred  
17 to this building repeatedly as a house. And in  
18 other parts of this discussion has said, well,  
19 you know, we don't want to change the use of this  
20 building. Well, the most recent use of this  
21 building was as a caretaker for the cemetery.  
22 And the way I see this building is that it's part  
23 of a cultural landscape of the cemetery. It's  
24 part of the cemetery.

25 And it would seem to me that if the

1 Congregation was willing to entertain finding  
2 funding to rehabilitate this building as a  
3 caretaker's property, that would help to have  
4 some eyes and ears in the neighborhood and could  
5 that investment -- could at some point cut down  
6 on their cost of maintaining cemetery fences and  
7 so forth. So that's a point that I wanted to  
8 make.

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

17 So this is a building on its property  
18 and you guys are coming in and saying you can't  
19 take it down, you can't use your property the way  
20 you want to use it. So while that is a  
21 consideration, maybe having somebody there would  
22 make it easier. Financially it may not be  
23 viable. And from what the experience is with  
24 this, and their experience with the caretaker in  
25 the past -- and again, I believe it's been at

1           least 15, maybe 20 years since there's been a  
2           caretaker there, there aren't a lot of people  
3           that are professional caretakers.

4                       MARGUERITE CARNELL: That is all true  
5           but the past does not necessarily dictate the  
6           future and what we're here to consider is not a  
7           matter of property rights; it's a matter of once  
8           this building comes down, and it's been there  
9           longer than any of us have been alive, once it's  
10          gone, it's gone. And we've got a number of  
11          scholars who have opined on this national  
12          significance of this building. And so what we're  
13          here to do is to see are there any prudent and  
14          feasible alternatives to taking this building  
15          down.

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

18                      PAUL BUTKUS: Yes. Just from my  
19          limited understanding of how Jewish cemeteries  
20          operate, there are a number of rules and  
21          regulations of what you can do in a cemetery,  
22          when you can do them. I'm curious that the  
23          previous caretaker must have been subject to  
24          following Jewish law for what could be done  
25          within that residence. And if it was changed

1 over to a contemporary residential use you might  
2 not have the same abilities to regulate what  
3 happens there.

4 MATTHEW HOBERMAN: That's exactly  
5 right. And not only that but if the plan is for  
6 -- if your concept of an idea is to take this  
7 property that is surrounded by cemetery and  
8 subdivide it and allow someone else to own it,  
9 use it, rent it, what control does this  
10 Congregation have over that person? None.

11 So when there's a funeral on Sunday and  
12 this person is having a barbeque and they've got  
13 50 people from the neighborhood over, that's not  
14 a workable, feasible alternative. It's not  
15 ideal. It's not the conditions that any of the  
16 congregants of my client want to conduct a  
17 funeral in. It's insulting.

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

20 VINCENCIA ADUSEI: Have we discussed  
21 other possibilities such as a small museum with  
22 limited access so it isn't habitated, you can  
23 still utilize it. The structure of the building  
24 can still pertain as opposed to try -- I have to  
25 say that I do understand both sides. I think



1 that, you know, we all are on the Historic  
2 Preservation Council because we believe in  
3 preserving the historical buildings that has been  
4 there since we've all been alive.

5 I also do understand, Matthew, where  
6 you're coming from in regards to what you  
7 expressed during the meeting. So to that regard  
8 my question is has anyone ever thought about not  
9 making it as an apartment because as you  
10 mentioned you cannot control who is going to be  
11 there. But have you thought about potentially  
12 preserving some monuments that you have and  
13 making this anything other than an apartment or  
14 for a caretaker?

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

25 So those are considerations I think

1 that need to be accounted for. It's a very good  
2 idea, Vee, but I just don't know -- I don't -- my  
3 client, let me put it this way. My client has  
4 not told me that someone's come to them with this  
5 idea and they think it's worth pursuing.

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

8 CHAIR ELMORE: Any other questions or  
9 comments from Council members?

10 BETH ACLY: I have a quick one. It  
11 sounds like there were some developers that were  
12 approached in the past; is that right? Or there  
13 was some conversation with developers? Is that  
14 accurate?

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

1 roof in 15 years; where are you going to be for  
2 that money. So that was my conversation.

3 If you look at the materials in the  
4 staff report they contacted those three  
5 developers, NINA, SINA and CIL and all three of  
6 those groups said no.

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

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

23 MATTHEW HOBERMAN: I think that was  
24 part of the discussion but I don't think any  
25 decisions were made; and I think one of the road

1 blocks was what do you do in 5 years and 10  
2 years. I'm not just talking about the condition  
3 the property but if you rent it out to a tenant  
4 and they're not a good tenant but they pay,  
5 they're there.

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

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

15 MATTHEW HOBERMAN: So there are road  
16 blocks that we anticipated that were not -- that  
17 just did not fit in with the plans or those  
18 ideas.

19 BETH ACLY: So the developers were -- I  
20 mean were you exploring that they would  
21 essentially buy a certain -- that part, that you  
22 would parcel it off, was that the discussion? Or  
23 was it more that Beth Israel would retain the  
24 ownership. I'm just curious.

25 MATTHEW HOBERMAN: Yeah. No, in my

1 discussions with this person he was going to  
2 renovate the property, it was still going to be  
3 owned by Beth Israel, and the idea was he thought  
4 he could rent it out to someone to generate  
5 enough money to cover the taxes and the insurance  
6 and the minimum maintenance. But he didn't  
7 follow through further. I don't know if it's  
8 because he said, you know what, the money is not  
9 going to work or I don't know if he thought being  
10 neighbors with a cemetery is not going to work.  
11 I don't know what his final conclusion was for  
12 him to decide that he's not pursuing it.

13 BETH ACRY: Okay. Thank you.

14 CHAIR ELMORE: Vee, do you have another  
15 question?

16 VINCENCIA ADUSEI: No.

17 CHAIR ELMORE: Okay. Marguerite.

18 MARGUERITE CARNELL: Yeah, I do. I  
19 guess as I'm listening to the discussions, I'm  
20 actually not quite clear now whether or not the  
21 Congregation is open to having this building  
22 rehabilitated where they continue to own the  
23 property, maintain some control over it perhaps,  
24 you know, approving of the person who moves in  
25 and having some language in the lease in terms of

1 restrictions, you know, for flags hung and  
2 activities during funerals and the like.

3 I can't quite tell if the Congregation  
4 is actually open to that possibility or not, and  
5 I was just wondering if you could clarify that  
6 please.

7 MATTHEW HOBERMAN: I think they were  
8 and they've explored those options as far as  
9 someone living there as a residence and they have  
10 concluded that it is not a workable situation.

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

19 MARGUERITE CARNELL: But the two uses  
20 are not necessarily mutually exclusive. There  
21 could be some sort of a museum or commemorative  
22 space on the first floor and a caretaker's  
23 apartment above which would --

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

1 MARGUERITE CARNELL: All right.

2 CHAIR ELMORE: I'm sorry, Marena.

3 Marena, what did you say?

4 MARENA WISNIEWSKI: We are at 20  
5 minutes for discussion.

6 CHAIR ELMORE: All right. Thank you.

7 I see, Beth, you have your hand up.  
8 Can you hold your question until after the public  
9 has spoken? Thank you.

10 So now we're going to open it up for  
11 the public who has signed up to speak to the  
12 Council. And Marena, I'm going to let you call  
13 the individual people and control the time if you  
14 can do both please.

15 MARENA WISNIEWSKI: Sure.

16 CHAIR ELMORE: Thank you.

17 MARENA WISNEIWSKI: First person in the  
18 order that they registered to speak is Scott  
19 Lewis.

20 SCOTT LEWIS: It has been said -- I'm  
21 Scott Lewis. It has been said that the question  
22 before you today is whether or not you want the  
23 Connecticut Attorney General to take action to  
24 prevent demolition of the chapel. Such a  
25 question belies the fact that you are actually

1 being asked whether you want the Attorney General  
2 to sue a synagogue to prevent Jews from taking  
3 their own -- for taking care of their own sacred  
4 cemetery in a way that is consistent with their  
5 Jewish beliefs.

6 In actuality what is being asked is a  
7 veiled expression of antisemitism in the guise of  
8 supposed civic beautification, and such a request  
9 is violative of the First Amendment of the United  
10 States Constitution.

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

23 The Congregation did not abandon its  
24 building nor did it allow it to go to waste as  
25 some claim. There is and has been ongoing



1 vandalism and desecration. No matter what we do  
2 to secure the building nothing has stopped the  
3 intruders. The defiling continues to this day.

4 We of the Congregation spend a lot of  
5 time caring for our cemetery. We regularly  
6 remove tires, garbage, mattresses, hypodermic  
7 needles from the cemetery grounds and buildings  
8 and we clean up and remove human excrement  
9 because people treat our cemetery as a garbage  
10 dump or a sewer.

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

21 Of course, it's your choice.

22 MARENA WISNIEWSKI: 30 seconds.

23 CHAIR ELMORE: Thank you, Scott.

24 Marena, the next person?

25 MARENA WISNIEWSKI: Raphael Podolsky.

1                   RAPHAEL PODOLSKY. My name is Raphael  
2 Podolsky. I live -- resident of the City of  
3 Hartford. I wasn't going to say anything on the  
4 subject but I just -- on the particular subject  
5 the way it's come up. I will just say to you as  
6 a person who is Jewish, I believe it is a mistake  
7 for this building to be coming down and it's for  
8 me sort of a disappointment that it's been pushed  
9 very hard by Beth Israel for that.

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

24                   And that's my impression. I was  
25 actually on the Hartford Historic Preservation

1 Commission a decade ago when this issue first  
2 came up and it was very clear then that there was  
3 no serious interest in the solution that kept the  
4 building on site.

5 It's interesting to me that you got a  
6 letter from Jewish scholars that talks about the  
7 importance of -- symbolic importance of the  
8 building staying. That to me is what this is  
9 ultimately about because it's clear there are  
10 alternatives, even ones that were suggested today  
11 like the use of it for museum-related purposes.

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

21 So I think you have to look at -- in  
22 terms of the legalities, for example, about  
23 drawing lines, property lines or what the deed  
24 restrictions are, that's actually to be me an  
25 argument for referring it to --

1 MARENA WISNIEWSKI: 30 seconds.

2 RAPHAEL PODOLSKY: -- for referring it  
3 to the Attorney General and let them do the legal  
4 work on that as to whether that is indeed  
5 feasible or infeasible.

6 But in terms of the structure of the  
7 building it seems to me that's feasible. Seems  
8 there are reasonable alternatives that have not  
9 been explored and that would again be a reason  
10 for moving forward on this. Thank you.

11 CHAIR ELMORE: Thank you, Raphael.

12 MARENA WISNIEWSKI: Mary Falvey.

13 MARY FALVEY: Good afternoon and thank  
14 you for this opportunity to speak. I'll be very  
15 brief.

16 I think that the Council today has  
17 received sufficient written and public testimony  
18 providing enough information for the Council  
19 under the guidelines of the Connecticut  
20 Environmental Protection Act to refer this to the  
21 Attorney General's Office; and also would like to  
22 clarify with my experience in Hartford and other  
23 cemeteries that the demolition of this building  
24 is not going to miraculously solve problems  
25 occurring within the cemetery proper, including

1 at the mausoleums. It's an ongoing problem with  
2 cemeteries whether urban or suburban and I don't  
3 think that's a reasonable argument for that.

4 Thank you.

5 CHAIR ELMORE: Thank you, Mary.

6 MARENA WISNIEWSKI: Susan Jafar?

7 CHAIR ELMORE: Susan, are you with us?

8 UNKNOWN SPEAKER: Susan couldn't make  
9 it today unfortunately.

10 MARENA WISNEIWSKI: Okay. Then Elissa  
11 Sampson?

12 CHAIR ELMORE: Elissa, are you with us?

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

1                   But I'm just going to take an aside to  
2                   respond to the question of antisemitism. Every  
3                   single one of us who signed that letter is  
4                   extraordinarily aware of antisemitism in the U.S.  
5                   and elsewhere. There is none of us who attends  
6                   synagogue who doesn't do so without armed guards.

7                   Congregation Beth Israel is hardly  
8                   unique in this regard but actually it's more  
9                   protected and is arguably in a suburban location  
10                  than those of us who are in urban locations which  
11                  have less funding. And as a practical matter,  
12                  invoking the specter of antisemitism and saying  
13                  that the Council would be party to it is  
14                  egregious. The implication is that if there's an  
15                  abiding civic interest in this as you've heard  
16                  from others, that in effect the Council is a  
17                  party to antisemitism, that implication should  
18                  not stand. And none of us who signed that letter  
19                  would want it to.

20                  Having said that, I'd like to just  
21                  briefly read to you something that was written by  
22                  two scholars of Hartford's Jewish community,  
23                  Daylin and Rosenbaum in 1997, one of whom was a  
24                  rabbi, and they describe the Deborah Society.

25                  Women in Beth Israel occupied the

1 stereotypical roles of their counterparts in the  
2 Christian community. But beyond their normally  
3 immense responsibilities at home, and we're  
4 talking about immigrant women here, they immersed  
5 themselves in the combination of ritual acts and  
6 more general good works than the synagogue both  
7 provided and required. So they founded their own  
8 society. These endeavors revolved predominantly  
9 around the Deborah Society, the first Jewish  
10 women's group in Hartford.

11 The Deborah Society was the --

12 MARENA WISNIEWSKI: 30 seconds.

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

24 MARENA WISNIEWSKI: You are out of  
25 time.

1 ELISSA SAMPSON: Thank you.

2 CHAIR ELMORE: Thank you, Elissa.

3 MARENA WISNIEWSKI: Nancy R. Savin.

4 NANCY SAVIN: Okay, thank you, Marena.

5 Oop, sorry.

6 CHAIR ELMORE: No, go ahead. I was  
7 checking to see if you were with us.

8 NANCY SAVIN: Thank you, Marena and  
9 hello to everyone. I was going to say good  
10 morning but now I have to say good afternoon.

11 This has been a marvelous convening of  
12 opinions and points of view, contradictory,  
13 complicated, and I think that everyone's  
14 contribution has been wonderful and sort of  
15 really laid out the landscape of what's involved  
16 in this issue.

17 Whatever I wrote has been tempered by  
18 what I've heard today and I think that I would  
19 indeed like to petition or ask the Council to  
20 refer this matter to the AG's Office with two  
21 suggestions.

22 Number one, that there be a delay for a  
23 year, a moratorium on the demolition of this  
24 building. And number two, more importantly, that  
25 somehow either the AG's Office or you or somebody



1 convenes an exploratory committee with all  
2 invested parties to pursue what would be what  
3 you'd call a reasonable and prudent what I call  
4 reuse for this building which is totally  
5 consistent with its historic purpose, which I  
6 think we all agree is profound.

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

23           MARENA WISNIEWSKI: 30 seconds.

24           NANCY SAVIN: 30 seconds? Okay. So  
25 this building encapsulates that pivotal point in

1 religious history in the State of Connecticut. I  
2 think it should become either a museum of Jewish  
3 history in Connecticut or maybe a museum -- maybe  
4 if Trinity College, which is nearby somehow could  
5 incorporate it, they have a Judaic program, they  
6 have academic and humanities programs in  
7 religion, some we I think have to --

8 MARENA WISNIEWSKI: You are out of  
9 time.

10 NANCY SAVIN: Thank you. Another use  
11 for this property. Thank you.

12 CHAIR ELMORE: Thank you, Nancy.

13 NANCY SAVIN: You're welcome.

14 MARENA WISNIEWSKI: Marcus Ordonez.

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

1 piece of Frog Hollow's history and Hartford's  
2 history that it is a unique structure that should  
3 be saved.

4 And I will also add that I have been in  
5 the neighborhood, you know, having visibility and  
6 a presence helps with areas of safety that I know  
7 as a concern for some folks and what I've learned  
8 myself is the more that you are present and  
9 around that helps temper some of the -- or keeps  
10 people away who you may not want around. And so  
11 having a presence is very important.

12 But I am in avid support of keeping the  
13 Deborah Chapel. Thank you.

14 CHAIR ELMORE: Thank you, Marcus.

15 MARENA WISNIEWSKI: Susan A. Masino.

16 CHAIR ELMORE: Susan, are you with us?

17 MARENA WISNIEWSKI: I do not see her.

18 CHAIR ELMORE: Okay.

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

23 CHAIR ELMORE: Yeah. How many do you  
24 have?

25 MARENA WISNIEWSKI: Three.

1 CHAIR ELMORE: Yes, I think that's fine  
2 considering we had 3 no-shows and there are other  
3 people on this list that weren't asked.

4 MARENA WISNIEWSKI: Sure. Carey Shea?

5 CAREY SHEA: Hi, I'm Carey Shea. I am  
6 the co-founder of Friends of Zion Hill Cemetery  
7 and I just wanted to mention a couple of things.  
8 Of course I am in support of saving this  
9 important building, but I also wanted to fill in  
10 a couple of blanks.

11 The attorney mentioned that there had  
12 been offers many years ago by various groups and  
13 that he spoke with them or reached out to them.  
14 Since that time there have been additional  
15 offers. My husband and I offered to purchase the  
16 building for \$75,000, pay for the entire  
17 renovation, move into the building, act as  
18 caretakers and sell it back to the owner at the  
19 appraised price, you know, years from now when we  
20 were gone.

21 We're both affordable housing and  
22 historic preservation experts and we had both the  
23 financial ability and expertise to renovate this  
24 building. I couldn't get the attorneys to return  
25 my calls. I finally got an attorney who was able

1 to reach out to the owner twice and make this  
2 offer and both times the offer was flatly  
3 rejected.

4 Before offering to buy the building  
5 myself I had partnered with a very respected  
6 developer in the area who -- and reached out in a  
7 letter to the owner of the property offering to  
8 help them fundraise, put together a redevelopment  
9 plan. I've been in community development for  
10 over 40 years. I've built hundreds of buildings,  
11 renovated dozens of historic buildings and worked  
12 for some of the largest philanthropies in the  
13 country and really wanted to be helpful.

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

23 MARENA WISNIEWSKI: 30 seconds.

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

1           At a community meeting the other day  
2           the police stated openly that they haven't been  
3           called to the building for over a year or to the  
4           cemetery. They haven't received a single call  
5           about the cemetery for over a year. So the  
6           cemetery was in bad shape but the community got  
7           together and has made significant improvements  
8           and it's safer and cleaner and more visible than  
9           it has been --

10           MARENA WISNIEWSKI: You are out of  
11           time.

12           CHAIR ELMORE: Thank you, Carey.

13           CAREY SHEA: Thank you.

14           MARENA WISNIEWSKI: Craig Mergins?

15           CHAIR ELMORE: Caret, would you mute  
16           your mic please? Thank you.

17           MARENA WISNIEWSKI: Craig? Okay.

18           The last person who registered is  
19           Laurel Aorio (phonetic).

20           CHAIR ELMORE: Laurel, are you with us.

21           LAUREL AORIO: I am here but I have  
22           nothing to say.

23           CHAIR ELMORE: Okay. Thank you.

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

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

3 THE VIDEOGRAPHER: Thank you so much.

4 CHAIR ELMORE: Okay. Sorry, I got  
5 distracted. Marena, I see another hand up but  
6 I'm going to pull -- unless this person has  
7 contacted you to speak I'm going to end the  
8 public disclosure or public communications and  
9 open up the discussion for Council members.

10 MARENA WISNIEWSKI: Rhodee, did you  
11 register to speak?

12 RHODEE GINE: I believe I did. I at  
13 least attempted to.

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

16 CHAIR ELMORE: Sure.

17 RHODEE GINE: Thank you very much and  
18 please bear with me, there's a lot of things that  
19 have been said and so first of all -- so I have a  
20 lot in my head in trying to respond to a lot of  
21 it.

22 First of all, my name is Rhodee Gine.  
23 I am a resident and property owner in Frog  
24 Hollow. I am also a member of the Frog Hollow  
25 NRZ, and I'm in favor of moving this to the AG's

1 Office in an attempt to save this beautiful  
2 structure.

3 You know, the focus was stated early on  
4 that this was whether or not this is a reasonable  
5 destruction and I think, you know, it's been  
6 established that it's a contributing resource and  
7 I think that in this case the suggestion to  
8 destroy it is unreasonable.

9 There have been several feasible  
10 alternatives. Carey mentioned we've had  
11 individuals offer to purchase property, there's  
12 tons of different financing and grants that are  
13 available both as mentioned 203K which actually I  
14 have used before, but also with the state and  
15 whatnot.

16 We've also explored other possibilities  
17 of potentially seeing the Congregation fundraise  
18 for restoring the property and even source a  
19 philanthropist that offered -- originally offered  
20 to help with rehabilitation.

21 So from here, you know, clearly Beth  
22 Israel has abandoned this building and has no  
23 interest in exploring real alternatives. They  
24 haven't maintained the building over the course  
25 of the last 20 years. It's always been used as a



1 residence since the day it was built and, you  
2 know, despite the contention that they've  
3 explored these alternatives, they have not  
4 engaged with the community in finding solutions.

5 You know, the comment about the  
6 sightlines once again and protecting the  
7 property, I think Carey mentioned we have regular  
8 meetings with law enforcement and they said they  
9 haven't gotten called in over a year.

10 So, you know, I don't understand how  
11 destroying history equates to respecting the  
12 women who -- or destroying the building and the  
13 history equates to respecting the women who built  
14 the mortuary and, you know, while Frog Hollow is  
15 a largely poor black and brown community, it is  
16 not the violent, lawless place --

17 MARENA WISNIEWSKI: 30 seconds.

18 RHODEE GINE: -- it not the violent  
19 lawless place that the Congregation has continued  
20 to use as a stereotype.

21 The answer to blight is occupying  
22 buildings, bringing foot traffic and reliable  
23 ownership who would maintain the property. And  
24 as while I'm not Jewish, you know, I am Latino  
25 and come from an immigrant family and I can

1 appreciate the importance of preserving history  
2 of other immigrant communities that came before  
3 me. Thank you.

4 CHAIR ELMORE: Thank you, Rhodee.

5 All right. So now we'll end the public  
6 comment period and open it back up to Council  
7 members for final discussion, questions,  
8 comments.

9 Are there any questions or comments  
10 from Council members?

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

21 CHAIR ELMORE: Thank you, Beth.

22 Yes, Beth Acly.

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

25 You know, one of the things that I

1 wanted to just comment on as I observed the  
2 conversation over the last hour-plus evolve is  
3 that there hasn't -- there's been a little bit of  
4 regional or national conversation about the  
5 importance of the building, but it doesn't seem  
6 that all the possibilities have yet been explored  
7 for solutions from a, you know, regional point of  
8 view. You know, we did talk a little bit about  
9 it with -- as a subconversation from the  
10 suggestion about it becoming a museum, but  
11 there's clearly a value, an historic value here  
12 that's embraced by a lot of people. And so it  
13 seems to me that there are some unturned stones  
14 here to explore as far as, you know, yes,  
15 potentially housing but also something bigger to  
16 celebrate the historic significance of this  
17 building and cultural significance of this  
18 building.

19 CHAIR ELMORE: Great. Thank you, Beth.

20 Marguerite, I see your hand is up.

21 Marguerite, we can't hear you.

22 MARGUERITE CARNELL: Sorry. I give it  
23 to Beth Acly and Beth Burgess, you've basically  
24 took the words out of my mouth. I agree with  
25 what both you said that there are more avenues to

1 be explored.

2 I will also observe that having this  
3 property listed by the National Trust for  
4 Historic Preservation on their 11 most endangered  
5 properties does open up some possibilities.  
6 Another example of that was the Freeman houses in  
7 Bridgeport which also made that list and have  
8 found themselves with money that they are going  
9 to use to rehabilitate the building and it would  
10 have been very difficult to have raised without  
11 that.

12 So I think by referring this to the  
13 Attorney General, we buy some time for more  
14 discussion, more thought and the possibility of  
15 more resources to preserve the building.

16 CHAIR ELMORE: Thank you, Marguerite.  
17 Anyone else on the Council, questions or  
18 comments? Okay.

19 So I want to reiterate that the motion  
20 that's before us, the Historic Preservation  
21 Council votes to request the assistance of the  
22 Office of the Attorney General to prevent the  
23 unreasonable destruction of the historic property  
24 known as Deborah Chapel located within Beth  
25 Israel Cemetery at 151 Ward Street, Hartford,

1 Connecticut pursuant to the provisions of Section  
2 22a-19a of the Connecticut General Statutes.

3 Council members, having heard all the  
4 presentations, is there additional information  
5 that you would require in order to make an  
6 informed decision about this motion? Do you feel  
7 that there is a feasible and prudent alternative  
8 to demolition?

9 And what I'd like to do is take an  
10 informal vote to see where everybody sits on the  
11 issue and the question in front of us, and then  
12 talk to the parties at hand and then take a  
13 rollcall vote.

14 So the informal vote, do you feel there  
15 is a feasible and prudent alternative to  
16 demolition. Beth Acly?

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

19 CHAIR ELMORE: Vee Adusei?

20 VINCENCIA ADUSEI: For now, yes.

21 CHAIR ELMORE: Beth Burgess?

22 ELIZABETH BURGESS: I'm in agreement  
23 with that statement.

24 CHAIR ELMORE: Paul Butkus?

25 PAUL BUTKUS: I'm concerned about the

1 proposed options but there may be something else,  
2 either a partnership or relocation.

3 CHAIR ELMORE: So does that mean yes,  
4 no or abstain?

5 PAUL BUTKUS: I don't think the  
6 solutions proposed are sufficient or appropriate  
7 but there may be another.

8 CHAIR ELMORE: So the question is do  
9 you feel that there is a feasible and prudent  
10 alternative to demolition.

11 PAUL BUTKUS: There may be but not the  
12 ones that have been officially proposed as option  
13 one and two.

14 CHAIR ELMORE: Okay. Marguerite  
15 Carnell?

16 MARGUARITE CARNELL: I'm in agreement  
17 and, you know, we may not have identified the  
18 ideal solution but that's not what we need to do  
19 today. What we need to do today is agree whether  
20 or not there may be a feasible and prudent  
21 alternative and I believe that there is.

22 CHAIR ELMORE: Thank you. I will  
23 abstain.

24 Sara Nelson?

25 SARA NELSON: Sorry, it took a moment

1 to unmute myself. With the presentations that  
2 were made today I feel in agreement with some of  
3 my colleagues what while there may not be the  
4 definition for exactly what is the best use but  
5 there certainly have been enough suggestions that  
6 there are other reasonable and prudent  
7 alternatives still available; that this  
8 consideration for this property needs the time to  
9 fully explore them.

10 CHAIR ELMORE: And Sarah Sportman.

11 SARAH SPORTMAN: I agree that there are  
12 possibilities yet to be explored.

13 CHAIR ELMORE: Okay. Thank you  
14 everyone.

15 Mr. Hoberman, hearing how the Council  
16 responded to that very informal response to my  
17 question, are you willing to work with SHPO staff  
18 to delay the demolition to see if an alternative,  
19 a feasible and prudent alternative could be  
20 determined and established?

21 MATTHEW HOBERMAN: So that decision is  
22 obviously not mine. I can talk to my clients.  
23 But the thing that concerns me in what I'm  
24 hearing is that people think that there's a  
25 reasonable alternative. And my client has been

1 at this to try to find something since 2012. So  
2 almost 10 years. Now, they may not be as well-  
3 versed in preservation as any of your members,  
4 but your members have been aware of what's going  
5 on here since the last SHPO meeting identified  
6 here. Some of the people involved, maybe not on  
7 your committee, have been aware of what's going  
8 on based on either the application of Hartford  
9 Preservation Commission, the suit to the Superior  
10 Court or the Appellate Court.

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

23 And I just want you and your members to  
24 understand that for an organization that is  
25 funded by dues by its congregants it is taxing.



1 They've got people to answer to. There's people  
2 that -- there are people in the congregation that  
3 don't want to see the house gone, but there are  
4 also people that do want to see it gone. So that  
5 not only do they have those factions, there's  
6 people that complain about the cost of the dues.  
7 So they have those factions.

8 So I just want you to understand that  
9 this is, you know, I can't make any promises but  
10 I can speak with them.

11 CHAIR ELMORE: However -- no, I  
12 appreciate that. Thank you very much. However  
13 it's my understanding that the clock is ticking  
14 and without a determination today, you could take  
15 that house down before we can reconvene.

16 So my question to you is would you be  
17 willing -- could we take a 5-minute recess here  
18 to have you make a phone call to see if your  
19 client would be willing to delay the demolition  
20 to work with SHPO? Otherwise, I'm going to ask  
21 the Council members to take a vote on whether or  
22 not to refer this to the Attorney General's  
23 Office.

24 MATTHEW HOBERMAN: I will, but let me  
25 ask you this procedurally, Mr. Elmore. Even if

1           you do refer this to the Attorney General's  
2           Office, then the Attorney General's Office has  
3           discretion on what to do, correct?

4                   CHAIR ELMORE: I don't know what the  
5           Attorney General's Office does. That's beyond  
6           our purview.

7                   MATTHEW HOBERMAN: Okay.

8                   CHAIR ELMORE: Our purview here is to  
9           refer or to not refer.

10                   MATTHEW HOBERMAN: And if you decide  
11           not to defer and we place some sort of voluntary  
12           moratorium on the demolition, what happens if we  
13           can't find, working with SHPO, a reasonable  
14           alternative to demolition?

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

17                   TODD LEVINE: Yeah, so I guess the  
18           question is what's the definition of reasonable.  
19           So I think, you know, what we would want to do,  
20           if there is a pause here, is to take a look at  
21           all these options that were brought up today,  
22           further options that have not been brought up  
23           that I know that have been floating around of  
24           what can be done to save the building. And we  
25           would have to go into that with open eyes and a

1 willingness to make compromise. That's the key  
2 here.

3 I mean right now you guys have been  
4 adamant that there is no prudent, feasible  
5 alternative, and I think you'd have to change  
6 your mind about that to be at least open minded  
7 to the possibility of some of these suggestions.  
8 And, you know, at the end of the day it's all  
9 about a compromise.

10 You know, generally when we work, even  
11 if it's referred or it's not referred, we find  
12 some compromise that serves both preservation and  
13 the owner's needs. So you'd have to be open to  
14 that. And I think we would have to be given a  
15 signed agreement by you representing your client,  
16 that they will not do anything to damage the  
17 building in the time that we do our investigation  
18 and work together to try to find a solution. And  
19 again, the intent here would be to find a  
20 solution, not to pause and then decide to demo.

21 MATTNEW HOBERMAN: I hear you. I guess  
22 what I didn't hear though is what's the procedure  
23 if we don't agree on a reasonable alternative?  
24 You have a meeting like this again to decide  
25 whether to refer it?

1                   TODD LEVINE: Correct.

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

6                   TODD LEVINE: Yeah, I think -- I'm  
7 sorry, if I may just interject one more time. I  
8 think you want to define the period of time that  
9 we would be requesting a moratorium, so I think a  
10 year would work.

11                  CHAIR ELMORE: Todd, is that directed  
12 to me or Mr. Hoberman?

13                  TODD LEVINE: It's directed to you,  
14 Tom, just to ask Matt to do so. Or I mean this  
15 is open discussion, Matt. I think that that's  
16 what I think would be enough time to go through  
17 all these options.

18                  CHAIR ELMORE: Todd, you know, I've  
19 reached out to Sara Nelson many, many times for  
20 help and guidance because she sat in this chair  
21 for so many years.

22                  So Sara, I'm going to put you on the  
23 spot and ask you for some help here and some  
24 thoughts.

25                  SARA NELSON: So Tom, one of the things

1 that we heard presented to the Council today was  
2 that there's potentially some offers that may not  
3 be fully explored and we want to be able to give  
4 the Congregation the time to adequately chase  
5 those down. And really as Todd said, really  
6 invest themselves in trying to see if there's  
7 something real there or not.

8 I think identifying a date certain that  
9 would allow for this exploration but to give a  
10 finite limit to the conversation is important and  
11 Mr. Hoberman would need to work with us to  
12 identify what a realistic timeframe would be.

13 And Mr. Hoberman, you know, in the  
14 meantime you are actually demonstrating through a  
15 letter to the Council that your client would be  
16 engaged in good faith and wouldn't tear the  
17 building down, and the office would try and  
18 support you through the exploration of all of  
19 these items.

20 If in fact you explore them all, you  
21 come back at date certain and you say, you know,  
22 we looked at A, B, C, D, E, F, here's are the  
23 numbers work, these are the issues, it doesn't  
24 work, then Council takes up this question again,  
25 do we refer or do we not refer. And what we may

1 hear from you is compelling that you have  
2 explored everything and that is one outcome. And  
3 the other outcome is still there's one avenue  
4 left unexplored.

5 But essentially what we're trying to do  
6 is to work with you to make sure that every  
7 avenue is explored given the sensitivity of the  
8 cultural history of this property to your  
9 community.

10 CHAIR ELMORE: Thank you, Sara.

11 So Mr. Hoberman, hearing what Todd said  
12 and hearing what Sara said, it sounds like you're  
13 at least open to giving your client a call which  
14 I very much appreciate and I know that Council  
15 does as well.

16 Do you think that a date that's, you  
17 know, that Sara referred to or Todd said, you  
18 know, a year, six months to a year would be  
19 sufficient? Would your client be open to that so  
20 long as staff and other parties are willing to  
21 work diligently and honestly and openly and with  
22 some, you know, give and take in the process for  
23 an outcome? And like Sara said, it may be  
24 determined that there is no prudent feasible  
25 alternative, but at least I'd like to keep the

1 door open that that be aggressively pursued with  
2 Council's push to staff to get that done.

3 MATTHEW HOBERMAN: Yeah, I'm happy to  
4 call them. You know, they have been at this a  
5 long time. But this is an old building so I  
6 understand, you know, days are a lot different  
7 than years. So let me discuss with them to see  
8 what their willingness is to impose a moratorium.  
9 I'll discuss one year and I'll see what they say.

10 Do you want to recess for 5 minutes, 10  
11 minutes?

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

17 MATTHEW HOBERMAN: Okay.

18 CHAIR ELMORE: Thank you.

19 (Todd Levine offline.)

20 CHAIR ELMORE: I'm going to take  
21 advantage of this break everybody. I'll be right  
22 back.

23 (Break.)

24 MATTHEW HOBERMAN: Chairman Elmore, can  
25 you hear me?

1 CHAIR ELMORE: Yes, I can.

2 MATTHEW HOBERMNA: Okay. Sorry for  
3 that delay. I had some technical difficulties  
4 getting back in with audio and video on the same  
5 wave.

6 So I discussed this with my client and  
7 right now they don't have the authority to enter  
8 into a moratorium due to the organizational  
9 structure. They want to discuss it with some  
10 factions, make sure that procedurally they're  
11 doing everything they're supposed to do under the  
12 committee and their bylaws.

13 So that being said, I think  
14 procedurally and you can check maybe with Todd or  
15 whoever handles your Roberts Rules, but we are in  
16 a situation where the public hearing is closed;  
17 is that correct?

18 CHAIR ELMORE: Yes, I believe it is  
19 correct.

20 MATTHEW HOBERMAN: Okay. Assuming  
21 that's the case, I think what I would like to do  
22 is ask you to table this motion or recess for 30  
23 days if that's your next special meet -- if  
24 that's your next meeting so that will give my  
25 client time to see if they can get the authority



1 to enter into a moratorium agreement. And I'm  
2 told that either the 60-day waiting period which  
3 is shortened from the 90-day waiting period for  
4 the demolition permit has not yet begun. But if  
5 I'm mistaken on that and it has run and it runs  
6 before your -- you know, if you decide to recess,  
7 I will make sure my clients don't start knocking  
8 the building down before your next meeting.

9 CHAIR ELMORE: Okay. Fair enough.

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

12 TODD LEVINE: Yeah, I have a little bit  
13 of a problem with that timeframe because I don't  
14 know that -- like I don't know where we are on  
15 the 60 or 90-day or even how the State or the  
16 City of Hartford is going to interpret that after  
17 the, you know, decisions by Superior Court.

18 Superior Court said, you know, you have  
19 to go back to the original 60-day delay, you  
20 know, a year ago. Has that expired yet or not.  
21 So there's a lot of questions here I don't know  
22 the answer to.

23 MATTHEW HOBERMAN: So Scott -- Todd,  
24 sorry, I'm telling you on the record that first  
25 the 60-day period from the judge, that was for

1 the Commission to approve the application and  
2 then it's the Building Department that issues the  
3 building permit that sets the 90-day notice, and  
4 I think we've applied for a 60-day reduction but  
5 we haven't heard from the City on any of that.  
6 And if you're telling me your next meeting is in  
7 30 days or would it be the first Wednesday in  
8 January maybe? I will tell you that my clients  
9 won't knock the building down on that notice.

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

22 MATTHEW HOBERMAN: But you're asking  
23 for a 60-day moratorium?

24 TODD LEVINE: At this point, yeah. I  
25 mean --

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

4                   TODD LEVINE: The authority --

5                   MATTHEW HOBERMAN: Yeah.

6                   TODD LEVINE: Yeah. So I mean we can't  
7 just take your word for it, frankly.

8                   CHAIR ELMORE: Mr. Hoberman, would you  
9 or your client be willing to withdraw the demo  
10 permit?

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

14                   TODD LEVINE: Yeah, that would be the  
15 only other option is withdraw the demolition  
16 permit just because you don't want to force the  
17 Attorney General's Office to operate under a time  
18 constraint.

19                   MATTHEW HOBERMAN: Okay. Well, I can't  
20 -- you know, I guess just to clarity, the request  
21 was to me whether my client would agree to a  
22 moratorium, whether it's 60 days or one year, and  
23 my client doesn't have the authority to agree to  
24 that.

25                   CHAIR ELMORE: Okay. Then I think then

1 giving what I'm hearing both with you and with  
2 Todd, then I think I'm going to -- because as it  
3 stands right now as I understand it, we don't --  
4 we, the Council, don't have a commitment, we have  
5 a verbal commitment but we know how verbal  
6 commitments are, we don't have a commitment that  
7 the building will be standing within the next 30  
8 days and therefore I think the only recourse --  
9 the only avenue we have as a Council is to take a  
10 vote on whether or not to refer this to the  
11 Attorney General's Office. And then you and your  
12 client and Todd and the Attorney General and  
13 others at staff have the opportunity to do what  
14 you need and can do. But, you know, I've got to  
15 continue moving on with what we've been given to  
16 do here today as the Council.

17 So with that I'll go back and ask  
18 Council members do you have any other questions  
19 or comments without getting into rehashing before  
20 I open this up to a rollcall vote on whether or  
21 not to refer this to the Attorney General's  
22 office?

23 VINCENCIA ADUSEI: No questions from  
24 me.

25 CHAIR ELMORE: Okay.

1 MARGUERITE CARNELL: No further  
2 questions.

3 CHAIR ELMORE: Okay. Then hearing that  
4 we'll take a rollcall vote to refer this matter  
5 to the Attorney General's Office to prevent the  
6 unreasonable destruction of the historic  
7 property.

8 Beth Acly?

9 BETH ACLY: Aye.

10 CHAIR ELMORE: Vee Adusei?

11 VICENCIA ADUSEI: Aye.

12 CHAIR ELMORE: Is Beth Burgess still  
13 with us? She had to leave. Okay.

14 Paul Butkus?

15 PAUL BUTKUS: I will say no.

16 CHAIR ELMORE: Okay. Marguerite  
17 Carnell?

18 MARGUERITE CARNELL: Aye.

19 CHAIR ELMORE: I will abstain. Sara  
20 Nelson?

21 SARA NELSON: Aye.

22 CHAIR ELMORE: And Sarah Sportman?

23 SARAH SPORTMAN: Aye.

24 CHAIR ELMORE: 1, 2, 3, 4, 5. I think  
25 I'm going to change my abstain and vote yea. I

1 vote yes on this. So that gives us 6 yeas and 1  
2 no, and 4 people who are not here to vote.

3 So this matter has been referred then  
4 to the Attorney's General Office.

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

7 TODD LEVINE: I'll give you a call,  
8 Matt.

9 THE VIDEOGRAPHER: Sorry to interrupt.  
10 Mr. Hoberman, you mentioned Commissioner, I  
11 didn't get the last name. Okay.

12 CHAIR ELMORE: Okay. Then the last  
13 thing on our agenda --

14 MATTHEW HOBERMAN: I was just -- sorry,  
15 I think I was just asking for Commissioner Elmore  
16 to respond because that's all I was talking  
17 about, wasn't I, Jill?

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

21 MATTHEW HOBERMAN: I was just trying to  
22 get Mr. Elmore's attention.

23 THE VIDEOGRAPHER: Oh, okay. Sorry.  
24 Thank you.

25 CHAIR ELMORE: So then the last course

1 of business then is to ask for a motion to  
2 adjourn the meeting.

3 SARA NELSON: Sara Nelson, so moved.

4 CHAIR ELMORE: And a second?

5 MARGUERITE CARNELL: Marguerite,  
6 second.

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

9 BETH ACLY: Aye.

10 CHAIR ELMORE: Vee Adusei?

11 VICENCIA ADUSEI: Aye.

12 CHAIR ELMORE: Paul Butkus?

13 PAUL BUTKUS: Aye.

14 CHAIR ELMORE: Marguerite Carnell?

15 MARGUERITE CARNELL: Aye.

16 CHAIR ELMORE: I will vote yes.

17 Sara Nelson?

18 SARA NELSON: Aye.

19 CHAIR ELMORE: And Sarah Sportman?

20 SARAH SPORTMAN: Aye.

21 CHAIR ELMORE: Very good. Thank you  
22 everybody.

23 Mr. Hoberman and others, thank you very  
24 much for your input, your time and being part of  
25 this meeting. Thank you everybody.

1 THE VIDEOGRAPHER: Okay. We are going  
2 off record. The time is 1:38 p.m. Thank you.

3 (Proceedings concluded at 1:38 p.m.)  
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I hereby certify that the foregoing 112 pages are a complete and accurate transcription to the best of my ability of the electronic recording of the HISTORIC PRESERVATION COUNCIL MEETING in re Deborah Chapel, Beth Israel Cemetery, 151 Ward Street, Hartford, Connecticut, held before Thomas Elmore, Chair, via Zoom Videoconference connection on December 7, 2022.

*Suzanne Benoit*

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Suzanne Benoit, Transcriber

Date: 12/20/2022