

SPECIAL TOWN MEETING

Town of Bethany
September 27, 2023

The meeting was called to order at 7:23 p.m. by First Selectwoman Paula Cofrancesco. There were approximately 162 people in attendance. Everyone stood for the Pledge of Allegiance.

Paula Cofrancesco called for nominations from the floor for a moderator. A motion was made by Michael Kaloyanides, seconded by Elizabeth Appel, to nominate Steve Thornquist. Another motion was made by Donald Shea, seconded by John Garcia, to nominate Robert Brinton Jr. There were no further nominations. The First Selectwoman called for a vote on each candidate, but since the results were hard to determine, she asked for a division of the floor. A show of hands revealed that Thornquist received 63 votes and Brinton received 92 votes. Robert Brinton was elected moderator.

Town Attorney Vincent Marino formally advised that attendees should check in before voting on resolutions to ensure everyone present is qualified to vote at this town meeting.

The moderator introduced the first resolution.

Item (1) on call – BE IT RESOLVED: To accept the 2021-2022 Annual Report.

A motion was made by Steve Thornquist, seconded by Sally Huyser, to discuss the resolution.

There was no discussion. The moderator called for a vote on the resolution. Unanimously approved by a voice vote. **Passed.**

Item (2) on call – BE IT RESOLVED: To approve the ARPA funding requests from the Bethany Historical Society for: 2.a the purpose of reroofing the upper portion of the building at 512 Amity Road in an amount not to exceed \$26,000.00. 2.b the purpose of installation of air conditioning at 512 Amity Road in the amount of \$19,250.00. 2.c the paving in the amount of \$65,000.00 at 512 Amity Road. The moderator stated if there were no objections, these items would be voted on separately.

A motion was made by Steve Thornquist, seconded by Linda Wooster, to discuss item 2a.

Leslie Bacigalupi, Finance Director – The Board of Finance approved guidelines in July to allow non-profit organizations to apply for funding from the town’s ARPA account. These requests are presented to the Board of Finance and Board of Selectmen like any other town department. Smaller projects under \$19,500 can be approved administratively by these two boards, but requests over this amount must go to town meeting. The following funds were already granted: Library \$10,050 for “1000 Books Before Kindergarten” program; Land Trust \$9,175 for maps and appraisals; and Historical Society \$15,000 for exterior painting. The Historical Society was also allocated \$26,000 for the main roof replacement but had to be sent to town meeting for final approval since it was over the threshold.

Sharon Huxley, Board of Finance Chair – The Boards of Finance and Selectmen took no action on the requests for air conditioning and paving for the Historical Society and land acquisition assistance for the Land Trust other than refer to town meeting. Since both organizations already received ARPA monies, members wanted town meeting input. With these projects, ARPA funds will be exhausted.

Deanna Pico – How often are ARPA funds available?

Sharon Huxley – They will never be available again. American Rescue Plan Act (ARPA) due to Covid.

Connie Royster – Are there other projects that have been suggested?

Sharon Huxley – Yes, some suggestions were submitted for improvements at Lodge, but no numbers.

Elizabeth Thornquist – If not funded by ARPA, would these be likely to come up as capital requests?

Sharon Huxley – No, since they are non-profits. However, improvements at the Lodge could be eligible for other state grants.

James Stirling – How much ARPA money has the town received?

S.T.M. – September 27, 2023 – ARPA Projects & Fire Training Facility

Sharon Huxley – \$1.64 million. There is a handout on the table with ARPA expenditures to date.

Mary Sofair – Is there a time limit on the money?

Sharon Huxley – We have until December 2024 to encumber the funds.

There was no further discussion. The moderator called for a vote on item 2a. Unanimously approved by a voice vote. **Passed.**

Donald Shea made a motion, seconded by Fran Doba, to discuss item 2b.

There was no discussion. The moderator called for a vote on the resolution. Unanimously approved by a voice vote. **Passed.**

Ruth Beardsley made a motion, seconded by Katharine Oshlick, to discuss item 2c.

James Stirling – What is located at 512 Amity Road?

Robert Brinton – It is the old town hall, headquarters of the Bethany Historical Society.

Emily Richard – Does anyone else use the parking lot?

Linda Wooster – Yes, it is used by many community groups: Episcopal Church for services, wedding and funerals; overflow for Congregational Church events; local concert series; chili to go; Rid Litter Day volunteers and Bethany Food Bank. The lot is in horrible condition right now. Bethany Library also uses as overflow parking for events.

Steve Thornquist – Is this town-owned property?

Robert Brinton – No, the town sold it years ago to the Episcopal Church, and they gave it to the historical society.

Connie Royster – Is the historical society a 501(c)(3) charity?

Linda Wooster – Yes.

There was no further discussion. The moderator called for a vote on the resolution. Unanimously approved by a voice vote. **Passed.**

Item (3) on call – BE IT RESOLVED: To approve the ARPA funding request from the Bethany Land Trust in the amount of \$20,000.00 to help the Bethany Land Trust in its acquisition of approximately 17 acres of real property located at 380 Beacon Road designated by the Bethany Land Trust as “Van Epps II.”

A motion was made by Donald Shea, seconded by Steve Thornquist, to discuss the resolution.

Chuck Oman – I am the Land Trust vice president and want to provide some context for the request. This is to purchase 17 acres on Beacon Road. It abuts current Land Trust property plus the Naugatuck State Forest. Other towns have received ARPA funds for land trusts both in Connecticut and around the country. Property is being sold under market value and a \$75,000 private donation was targeted towards this purchase. Requested funds would be used to make up the difference.

There was no further discussion. The moderator called for a vote on the resolution. Overwhelmingly approved by a voice vote. **Passed.**

Item (4) on call – BE IT RESOLVED: To approve the appointment of Brian Eitzer as the Bethany representative on the Regional Water Authority Policy Board. (Term 7/1/2023 – 6/30/2026)

A motion was made by Steve Thornquist, seconded by Fran Doba, to discuss the resolution.

There was no discussion. The moderator called for a vote on the resolution. Unanimously approved by a voice vote. **Passed.**

S.T.M. – September 27, 2023 – ARPA Projects & Fire Training Facility

Item (5) on call – BE IT RESOLVED: To consider and act on whether the Town of Bethany should enter into a first amendment to the lease dated February 2013 between the Town of Bethany and the Bethany Volunteer Firemen’s Association, Inc., to correct the description of the leased premises. A motion was made by Kristine Sullivan, seconded by Donald Shea, to discuss the resolution.

A motion was made by Kathryn Sylvester, seconded by Jean Pierre Fletcher, to vote by paper ballot.

Kathryn Sylvester – It should be a paper ballot. People will have more confidence in the results.

Linda Bates – Why weren’t we checked at the door?

Kathryn Sylvester – There were complaints about the vote last time.

Kimberly Brinton – We should have been checked in at the door.

Steve Thornquist – The assembly needs to agree to a paper ballot.

Edward Maher – Can you explain the paper ballot process?

Robert Brinton – Everyone will need to be checked off the voting list and given a ballot. After completed, ballots will be placed in box and then counted.

Kathryn Sylvester – Ballots are prepared and we are ready to go with lists.

Robert McSherry – This is shameful. Let’s put it to a vote.

Irma Nesson – I think we are being civil. In favor of paper ballot.

Lester Warner – Does everyone have to prove residency? What if people don’t have I.D.?

Steve Winter – This is a non-controversial item, I don’t think paper is necessary.

Susan Bradford – Have we done paper ballot before?

Robert Brinton – Yes.

Steve Thornquist – If someone is uncomfortable with public voting, we should use paper.

John Garcia made a motion, seconded by Donald Shea, to close debate and vote immediately on the use of paper ballots.

The moderator called for a vote. Motion to close debate approved by a majority voice vote. **Passed.**

The moderator then called for a vote on the main motion to use paper ballots. Since the results were inconclusive, he asked for a division of the floor. 70 voted YES and 91 voted NO. **Failed.**

A general discussion on Item 5 commenced:

Paula Cofrancesco – We are voting on an amendment to the lease. The original lease says, “1.) Premises. The landlord hereby demises and leases to the lessee the premises described above located in the town of Bethany, County of New Haven and State of Connecticut located at 765 Amity Rd., Bethany CT” and the last page says, “Schedule A. All that certain property known as 765 Amity Rd., Bethany, CT all the improvements thereon including Firehouse building, parking area and whatever portion of the land we claim the rights to use.” The 2013 lease gave the fire department control over the entire 140-acre property. We are trying to clarify the area they actually use. The town only controls the use of the property through the lease.

Paula Cofrancesco – The proposed amendment to Paragraph 1 is as follows: “Premises. The landlord hereby demises and leases to the lessee premises, with improvements thereon, located at 765 Amity Road, Bethany, Conn. 06524 and as depicted on that certain map dated October 27, 2004, and entitled “Bethany Volunteer Fire Department Headquarters, 765 Amity Road, Bethany, Connecticut,” prepared by John Paul Garcia & Associates, Engineers and Surveyors, 190 Fairwood Road, Bethany, Conn. 06524 (the “Map”). To remove all doubt and question, the Leased Premises does not include areas marked by

S.T.M. – September 27, 2023 – ARPA Projects & Fire Training Facility

dotted lines as the Maintenance Facility, the Salt Shed, the Recycle Area, and the Town Site (the cell tower). A true copy of the Map is attached hereto as Exhibit A.”

Connie Royster – Why are we doing this?

Paula Cofrancesco – Lease written in 2013 is flawed. We are trying to clean it up.

Kathryn Sylvester – Why aren’t we voting on this at the referendum?

Paula Cofrancesco – Just trying to clarify the area.

Donna Schlank – What is the end date to the lease?

Paula Cofrancesco – 2033.

Alex Hutchinson – This has nothing to do with the burn building?

Paula Cofrancesco – No, this is strictly about defining the leased area of the property. The project itself would go to the Planning and Zoning Commission for approval.

Sheila Wade – Do the selectmen have the ability to allow the town to have an up or down vote on the burn building?

Paula Cofrancesco – No, the project goes to Planning and Zoning Commission for approval. The town only controls the lease.

Sheila Wade – The town owns the property, but can’t vote on how to use it?

Vincent Marino, town attorney – The town meeting does not have the jurisdiction to approve a project, that’s a zoning function. The town can vote on the use of the land through the lease. If you are opposed to the project, you can vote no on the lease. If you are in favor, you can vote yes on the lease.

Patricia Winer – Paragraph one doesn’t exclude the rest of the property.

Paula Cofrancesco – It only talks about the area in the vicinity of 765 Amity.

Rose Tressel – If we make the change, I see carve outs. I’m sure everyone agrees that leasing the fire department the entire 140 acres wasn’t the original intent. Why are we carving out buildings instead of just clearly defining the particular boundaries?

Vincent Marino – The amendment references the map.

Rose Tressel – I’m interested in the areas not covered. What is the acreage in the new lease agreement?

Vincent Marino – Prior to the new firehouse, the entire property was known as 755 Amity Road. When the firehouse was built, that area was designated 765 Amity Road.

Rose Tressel – What is square footage of the leased area?

Vincent Marino – The proposed amendment clarifies it by attaching a map. There is a dotted line which surrounds the leased premises.

John Garcia – I am the engineer on the project. The area is approximately 5 acres. The map was prepared by an architect in 2004. I will provide a map, if the project is approved, with all the metes and bounds. They will only have rights to the area described on the map.

Rose Tressel – Then why are there carveouts for buildings not within leased area?

Vincent Marino – To avoid doubt, we excluded those buildings.

John Garcia – The lease line is shown clearly on the large-scale map.

[Mr. Garcia used a marker to outline the lease area on the map in front of the room.]

S.T.M. – September 27, 2023 – ARPA Projects & Fire Training Facility

James Stirling – The vote on item 5 is relatively benign. It narrows the area. However, the process is flawed. We should vote on the burn building first, then re-examine the lease. I think the appropriate vote for tonight is no. We should establish a committee to review the lease.

Patricia Ryan – Was “improvements thereon” in the original lease?

Paula Cofrancesco – There is another section in the lease that mentions improvements.

Edward Maher – What does deleting Schedule A mean to the lease?

Vincent Marino – Exhibit A will replace Schedule A.

Kathryn Sylvester made a motion, seconded by Connie Royster, to table the resolution.

The moderator called for a vote on the motion to table, but the voice vote was difficult to ascertain. A division of the floor revealed 77 YES votes and 82 NO votes. **Failed.**

Bart Piccirillo – Question for town attorney. Does the decision on item 5 have any impact on the ability to build the facility?

Vincent Marino – No. A friendly amendment could state the leased premises is defined by the CLL line shown on map that Mr. Garcia bolded.

Brendan Rieger – A lease is a contract and we already have one in place. To amend the lease, the Fire Department would have to agree with town. If we don’t reduce the size, could the fire department apply to zoning for a project anywhere on the property? We are shrinking area to around fire station, right?

Vincent Marino – Correct.

Steve Thornquist – Concern tonight is defining the lease area. The original map is not clear since some structures were excluded. John Garcia bolded a line on the map, which shows the lease boundaries.

Donald Shea made a motion, seconded by Steve Thornquist, to amend the resolution to limit the leased area on the map to within the CLL line.

Robert Brinton – There is an existing lease and any changes must be approved by the fire department.

Rose Tressel made a motion, seconded by Pua Ford, to amend the amendment to add the phrase “not to exceed 5 acres.”

John Garcia – The area may be more or less than 5 acres, that is only an estimate. To produce a Schedule A, metes and bounds are measured and placed on a map, then the area is computed. Detention pond should be off the lease area and maintained by the town.

Kerry Triffin – What number would Mr. Garcia be comfortable with as an upper limit for acreage?

John Garcia – Give me 5 minutes to measure the map.

Steve Thornquist – I agree with John Garcia. There is a pre-existing map with boundaries outlined that is already part of the existing lease. We should not put a limit on the acreage.

Rose Tressel – If the boundary on the 2004 map was clear, why are we trying to clarify it now?

Steve Thornquist – The boundary was there, but not clearly referenced in the lease.

Irma Nesson – We don’t want to rush this decision.

John Garcia – Five acres is a good number. Metes and bounds are the primary method of describing a leased area. Acreage is secondary.

Kathryn Sylvester – We are trying to agree to an inexact amount. Documents should be accurate.

S.T.M. – September 27, 2023 – ARPA Projects & Fire Training Facility

Edward Maher made a motion, seconded by Fran Doba, to close debate and vote immediately on the amendment to the amendment. The moderator called for a vote on the motion to close debate and it was approved by a majority voice vote. **Passed.**

The moderator then called for a vote on the motion to add the phrase, “not to exceed 5 acres.” Motion was defeated by a majority voice vote. **Failed.**

Robert Brinton – Now we are back to the amendment concerning the CLL line.

Vincent Marino – The amendment is to modify paragraph one of the lease to read as follows: “Premises. The landlord hereby demises and leases to the lessee the premises as depicted by a dotted line labeled as C.L.L. on that certain map dated October 27, 2004, and entitled “Bethany Volunteer Fire Department Headquarters, 765 Amity Road, Bethany, Connecticut,” prepared by John Paul Garcia & Associates, Engineers and Surveyors, 190 Fairwood Road, Bethany, Conn. 06524 (the “Map”).”

Robert Brinton – This amendment is to add the language read by the town attorney with the limitation of the CLL line.

Vincent Marino – Paragraph one in the lease will be substituted by what I just read.

Lisa Anderson – Why is this body voting on amendment to a lease which has two parties, the town and fire department?

Robert Brinton – The town meeting is the legislative body.

Vincent Marino – The Selectmen do not have the authority. Only the town meeting has the authority to control town land, through the lease.

[Mr. Marino read the full amendment again upon request.]

Vincent Marino – If you are in favor of modifying the original lease to say what I just read, then you vote yes, if opposed then you vote no. If amendment is defeated, we will go back to original question.

Patricia Ryan – Will revision still state “with improvements thereon”?

Vincent Marino – That’s not included in what I just read.

Fran Doba – The CLL area is approximately five acres?

John Garcia – Yes.

James Stirling – I recommend we vote no on this amendment. There is too much confusion.

Connie Royster – I am also confused. What is the endgame? Why are we doing this now?

Robert Brinton – We are considering this because someone here proposed the amendment.

Sally Huyser – If this is not approved, can the fire department still apply to zoning for the project?

Robert Brinton – Yes. Just talking about amending to add that language, then voting on main question.

Vincent Marino – We are trying to better define the premises.

Sally Huyser – The town can’t vote to approve or disapprove this project?

Vincent Marino – The town can control the use of the property through the lease. That will be addressed with the next question. If this item is defeated, the original lease premises description stays in place.

Sharon Huxley made a motion, seconded by Betsey Thornquist, to close debate and vote immediately on the original amendment to add the CLL line. The moderator called for a vote on the motion to close debate and it was approved by a majority voice vote. **Passed.**

S.T.M. – September 27, 2023 – ARPA Projects & Fire Training Facility

The moderator then called for a vote on the original amendment to add the CLL line. Motion was approved by a majority voice vote. **Passed.**

Robert Brinton – Now we are voting on the entire lease amendment, item 5, as amended by our vote.

Vincent Marino – If you vote in favor of this item, you are approving the amendment to paragraph one of the original lease, as amended from the floor, and deleting the original Schedule A.

Steve Thornquist – Can you read the amendment again?

[Robert Brinton repeated the amended version of paragraph one, as written above.]

Edward Maher – What is the Schedule A we are deleting?

[Paula Cofrancesco repeated the original Schedule A that is being deleted, as written above.]

The moderator called for vote on Item 5, as amended. Resolution was approved by a majority voice vote. **Passed.**

Item (6) on call – BE IT RESOLVED: To authorize to adjourn the September 27, 2023, Special Town Meeting to a Special Town Meeting Referendum vote on October 4, 2023.

Robert Brinton – We are now discussing Item 6. Residents can make comments about the project if they wish. Please come up to the microphone, sign in, and keep your remarks to 3 minutes.

Paula Cofrancesco – The referendum is next Wednesday, October 4, 6:00 am to 8:00 pm at Town Hall.

Steve Winter – The training facility is not a problem to townspeople, but people object to the burn component. Why isn't the burn part mentioned in the lease? This won't be a benefit to the town.

Nick Poulmas – We have a well-trained fire department, but most have no idea what it's like in a burning building. Good training could be the difference between life and death.

James Stirling – Very impressed by the Bethany Fire Department. Why Bethany and why now? Beacon Falls facility is not going forward, and we have a grant. We need burn facilities, but not in Bethany.

Brendan Rieger – In favor of the training center. There are concerns about economic development on Route 63, but those using facility would bring in business for restaurants. Smoke from a burn building is very small. Contact the fire department with any questions.

Connie Royster – Father was a volunteer fireman. Fire Department and EMTs are important to my family. Supports the Fire Department. Painful that issue has been so problematical in town. People are entitled to their opinions. Unhappy with the lease issue.

Rose Monaco – Daughter is a member of Fire Department and an EMT. In favor of training facility. They protect homes in town and should have proper training.

Mike Katzmark – Emergency Management Director in town. Volunteer fireman for 40 years. Facility is for more than just burns. Other training takes place there. Every second counts in an emergency.

Cathy Cole – Father was Red Cunningham, former fire marshal and volunteer fireman. Grew up watching firefighting. In favor of the project.

Kristine Sullivan – Lives very close to fire department. The land is in a commercial district. Fire training facility is multi-purpose, not just for burning. Two pallets and hay will not produce significant smoke.

A motion was made by Lester Warner, seconded by Donald Shea, to adjourn the meeting. The motion was passed unanimously, and the meeting adjourned at 9:43 p.m.

Respectfully submitted,

William L. Brinton

William L. Brinton,
Bethany Town Clerk