

SPECIAL TOWN MEETING & REFERENDUM - NOTICE AND WARNING

Town of Bethany

Special Town Meeting - SEPTEMBER 27, 2023, at 7:00 P.M. – IN PERSON

Special Town Meeting Referendum – OCTOBER 4, 2023, 6:00a.m. – 8:00p.m.

Bethany Town Hall, 40 Peck Road, Bethany, Connecticut

Notice is hereby given to the legal voters and those people qualified to vote in Town Meetings of the Town of Bethany, that a Special Town Meeting of said Town will be held on Wednesday, September 27, 2023, at 7:00 p.m. in the Bethany Town Hall Gym located at 40 Peck Road, Bethany, Conn., for the purpose of taking action at that time on the following matters:

- (1) To accept the 2021-2022 Annual Report.
- (2) 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 (This item was approved by both Board of Finance (BOF) and Board of Selectmen (BOS))
 - 2.b the purpose of installation of air conditioning in the amount of \$19,250.00 at 512 Amity Road. (This item moved by BOF and BOS for referral to the Special Town Meeting for approval); and
 - 2.c the paving in the amount of \$65,000.00 at 512 Amity Road. (This item moved by BOF and BOS for referral to the Special Town Meeting for approval)
- (3) 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." (This item moved by BOF and BOS for referral to Special Town Meeting for approval)
- (4) 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)
- (5) 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.
- (6) To discuss "SHALL THE TOWN OF BETHANY ENTER INTO A SECOND AMENDMENT TO THE LEASE DATED FEBRUARY 2013 BETWEEN THE TOWN OF BETHANY AND THE BETHANY VOLUNTEER FIREMEN'S ASSOCIATION, INC., TO PERMIT THE RELOCATION OF THE STRUCTURE SHOWN AS THE PROPOSED FUTURE TRAINING TOWER ON THAT CERTAIN MAP DATED OCTOBER 27, 2004, AS REVISED, AND ENTITLED "BETHANY VOLUNTEER FIRE DEPARTMENT HEADQUARTERS, 765 AMITY ROAD, BETHANY, CONNECTICUT," TO THE AREA SHOWN AS THE PROPOSED FIRE TRAINING FACILITY ON THAT CERTAIN MAP DATED FEBRUARY 27, 2023, AND ENTITLED "PROPOSED SITE PLAN, BETHANY VOLUNTEER FIRE DEPARTMENT, BETHANY AIRPORT PARCEL, 755 AMITY ROAD, BETHANY, CONNECTICUT"?"
 By virtue of Conn. Gen. Stat. §7-7 and action of the Board of Selectmen at a duly notice meeting held on September 5, 2023, item number 6 has been removed from this call and shall be voted on by machine ballot at an adjourned Special Town Meeting Referendum to be held on October 4, 2023, between the hours of 6:00a.m. and 8p.m. (E.D.T.) at 40 Peck Road, Bethany, Conn.
- (7) Motion to adjourn.

Informational Purposes Only (no action required): ARPA funds were used for:

- The extension and improvement of access to Land Trust property at the west end of Atwater Road in the amount of \$19,000.00.
- Removal of rocks and the installation of fencing at Carrington Cemetery along the road in the amount of \$6,000.00.
- Removal of rocks and the installation of fencing at Veteran's Memorial Park in the amount of \$19,500.00.

ARPA funds for Non-Profit Projects:

- Bethany Historical Society - \$15,000.00 for painting of the exterior of the building at 512 Amity Road.
- Bethany Land Trust - \$2,800.00 for funding the Whispering Pines mapping; \$2,000.00 for funding the Giovanelli Appraisal; and \$4,375.00 for funding the remaining balance of the Van Epps II survey.
- Clark Memorial Library - \$10,050.00 for funding the participation in a national program called 1000 Books Before Kindergarten.

Dated at Bethany, Connecticut this 15th day of September 2023.

Attest: _____
William Brinton
Bethany Town Clerk

Paula Cofrancesco

Donald R. Shea, Jr.

Elizabeth Appel
Selectmen, Town of Bethany



#5 FIRST AMENDMENT

PROPOSED

First Amendment to the Lease between the Town of Bethany and the Bethany Volunteer Fireman's Associations, Inc., dated February 2013.

This First Amendment to the Lease between the Town of Bethany and the Bethany Volunteer Fireman's Association, Inc. is made and entered into this ____ day of September 2023, by and between the Town of Bethany (the Town"), a municipal corporation organized and existing under the laws of the State of Connecticut, and the Bethany Volunteer Fireman's Association, Inc. ("BVFA"), a corporation organized and existing under the laws of the State of Connecticut and established for the purpose of providing emergency services and fire suppression within the limits of the Town of Bethany, concerning the lease of a portion of real property with the improvements thereon located at 765 Amity Road, Bethany, Connecticut (the "Leased Premises").

RECITALS

- A. The Town and BVFA entered into that certain lease agreement dated February 2013, concerning certain real property and the improvements thereon located at 765 Amity Road, Bethany, Connecticut (the "Lease")
- B. The Town and BVFA desire to amend the Lease to clarify and correct the description of the Leased Premises, as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, the Town and BVFA agree as follows:

1. Paragraph 1 of the Lease is amended as follows: Premises. The landlord hereby demises and leases to the lessee premises, with the 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 & Surveyors, 190 Fairwood Road, Bethany, Conn. 06524 (the "Map"). To remove all doubt and question, the Leased Premises does not include the areas marked by dotted lines as the Maintenance Facility, the Salt Shed, the Recycle Area, and the Tower Site (the cell tower). A true copy of the Map is attached hereto as Exhibit A.

2. The property description on Page 5 of the Lease following the signature lines bearing the title "Schedule A" is hereby deleted and removed from the Lease.

3. **Continuance of Purchase Agreement; Binding Effect; Governing Law.** All provisions of the Lease, as amended hereby, shall remain in full force and effect and unchanged, except as provided herein. If any provision of this Amendment conflicts with the Lease, the provisions of this Amendment shall control. This Amendment is binding upon and shall inure to the benefit of the Town and BVFA, and their respective successors and permitted assigns. This Amendment shall be governed by and construed in accordance with the laws of the State of Connecticut.

4. **Counterparts.** This Amendment may be executed in any number of counterparts (including execution by facsimile or other electronic transmission) with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same document. Signature pages may be detached from the counterparts and attached to a single copy of this consent to physically form one document.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

THE TOWN OF BETHANY

BETHANY VOLUNTEER
FIREMAN'S ASSOCIATION, INC.

By: _____

Paula Cofrancesco
Its First Selectwoman
Email: pcofrancesco@bethany-ct.com

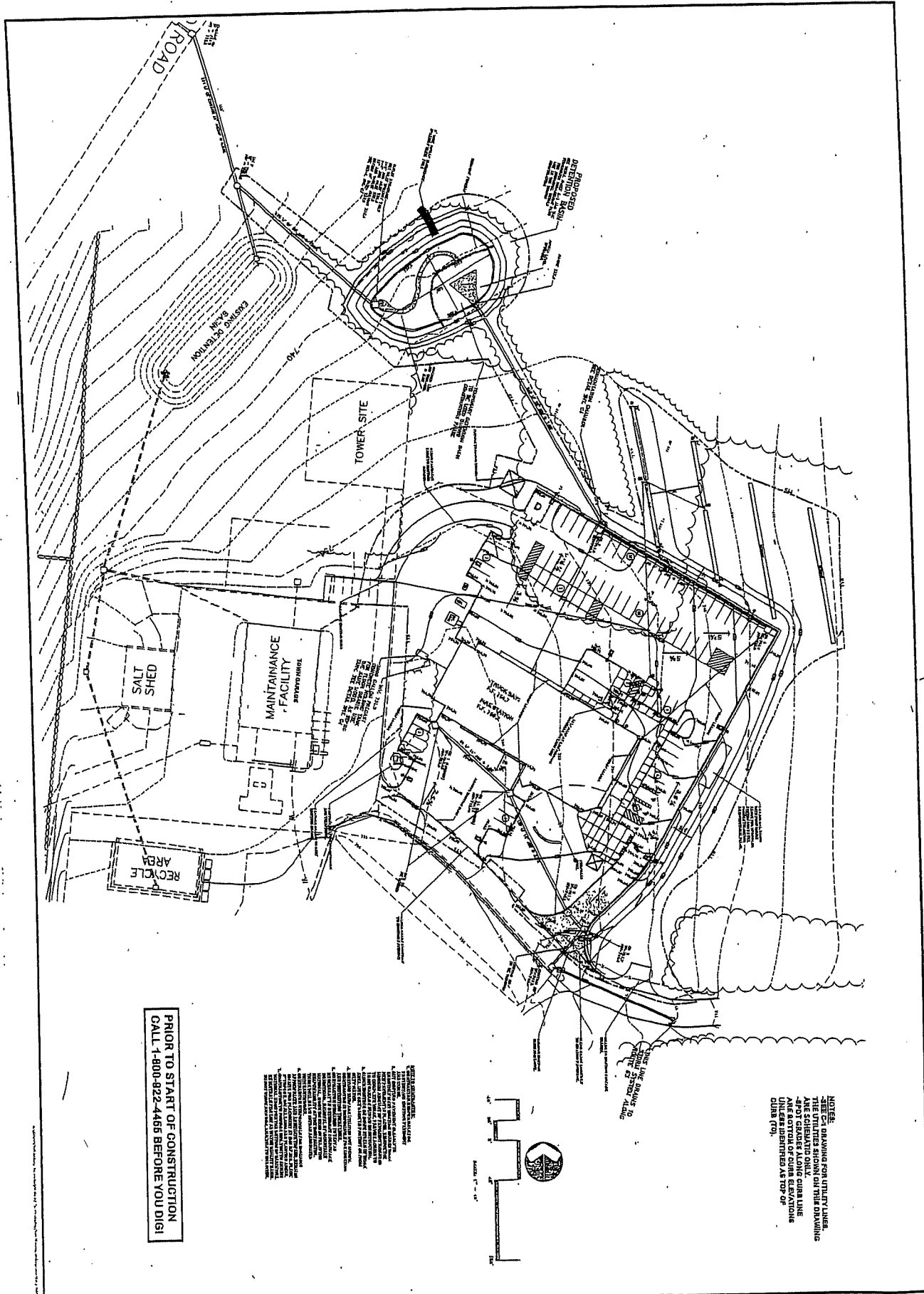
*Duly authorized by action of
a Special Town Meeting held on
September 27, 2023.*

By: _____

Richard Cogill
Its Fire Chief
Email: richcogill@actionmovingct.com

Duly authorized.

EXHIBIT A



PRIOR TO START OF CONSTRUCTION
CALL 1-800-922-4465 BEFORE YOU DIG!

NOTES:
1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND IDENTIFIED AS TOP OF CURB (T.O.C.).
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1-2

Site Design & Grading Plan

**BETHANY
VOLUNTEER FIRE DEPARTMENT
HEADQUARTERS**

765 ANITY ROAD
BETHANY, CONNECTICUT

Schoenhardt
Architecture + Interior Design

One Massaco Place
Tel: 860.668.4498
schoenhardt.com

LADA, P.C.
Land Planners

204 Walnut Street
New Britain, CT 06102
Tel: 860.452.2222
www.lada.com

JPGA
JOHN PAUL GARCIA & ASSOC.
ENGINEERS & SURVEYORS

110 FARMWOOD ROAD
BETHANY, CT 06751
OFFICE: 203-353-3306 FAX: 203-353-3741

#6 SECOND AMENDMENT

PROPOSED

Second Amendment to the Lease between the Town of Bethany and the Bethany Volunteer Fireman's Associations, Inc., dated February 2013.

This Second Amendment to the Lease between the Town of Bethany and the Bethany Volunteer Fireman's Association, Inc. is made and entered into this ___ day of September 2023, by and between the Town of Bethany (the "Town"), a municipal corporation organized and existing under the laws of the State of Connecticut, and the Bethany Volunteer Fireman's Association, Inc. ("BVFA"), a corporation organized and existing under the laws of the State of Connecticut and established for the purpose of providing emergency services and fire suppression within the limits of the Town of Bethany, concerning the lease of a portion of real property with the improvements thereon, located at 765 Amity Road, Bethany, Connecticut (the "Leased Premises").

RECITALS

- A. The Town and BVFA entered into that certain lease agreement dated February 2013, concerning certain real property and the improvements thereon located at 765 Amity Road, Bethany, Connecticut (the "Lease").
- B. Under the Lease, the BVFA was permitted to construct, operate, and maintain a proposed training tower as shown on that certain map dated October 27, 2004, as revised, and entitled "Bethany Volunteer Fire Department Headquarters, 765 Amity Road, Bethany, Connecticut," prepared by John Paul Garcia & Associates, Engineers & Surveyors, 190 Fairwood Road, Bethany, Conn., 06524 (the "Approved Location") (the "Map"). A true copy of the Map is attached hereto as Exhibit A.
- C. The BVFA proposes to change the construction of its proposed training facility from a proposed training tower to a proposed two and a half story emergency services training facility.
- D. The BVFA has requested permission to relocate its proposed development from the Approved Location to the area shown proposed as the "fire training facility" on that certain map dated February 27, 2023, and entitled "Proposed Site Plan, Bethany Volunteer Fire Department, Bethany Airport Parcel, 755 Amity Road, Bethany, Connecticut" prepared by John Paul Garcia & Associates, Engineers & Surveyors, 190 Fairwood Road, Bethany, Conn. 06524 (the "Revised Map"). A true copy of the Updated Map is attached hereto as Exhibit B.
- E. The Town and BVFA desire to amend the Lease to clarify and correct the description of the Leased Premises, as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, the Town and BVFA agree as follows:

1. Paragraph 1 of the Lease is amended as follows: **Premises.** The landlord hereby demises and leases to the lessee the premises, with the improvements thereon, located at 765 Amity Road, Bethany, Conn. 06524, as depicted on the Revised Map. To remove all doubt and question, the Leased Premises does not include the areas depicted as the recycling center, the existing public works building, the existing road salt shed, and the existing cellular tower (lease site).
2. **Continuance of Purchase Agreement; Binding Effect; Governing Law.** All provisions of the Lease, as amended hereby, shall remain in full force and effect and unchanged, except as provided herein. If any provision of this Amendment conflicts with the Lease, the provisions of this Amendment shall control. This Amendment is binding upon and shall inure to the benefit of the Town and BVFA, and their respective successors and permitted assigns. This Amendment shall be governed by and construed in accordance with the laws of the State of Connecticut.
3. **Counterparts.** This Amendment may be executed in any number of counterparts (including execution by facsimile or other electronic transmission) with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same document. Signature pages may be detached from the counterparts and attached to a single copy of this consent to physically form one document.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

THE TOWN OF BETHANY

BETHANY VOLUNTEER
FIREMAN'S ASSOCIATION, INC.

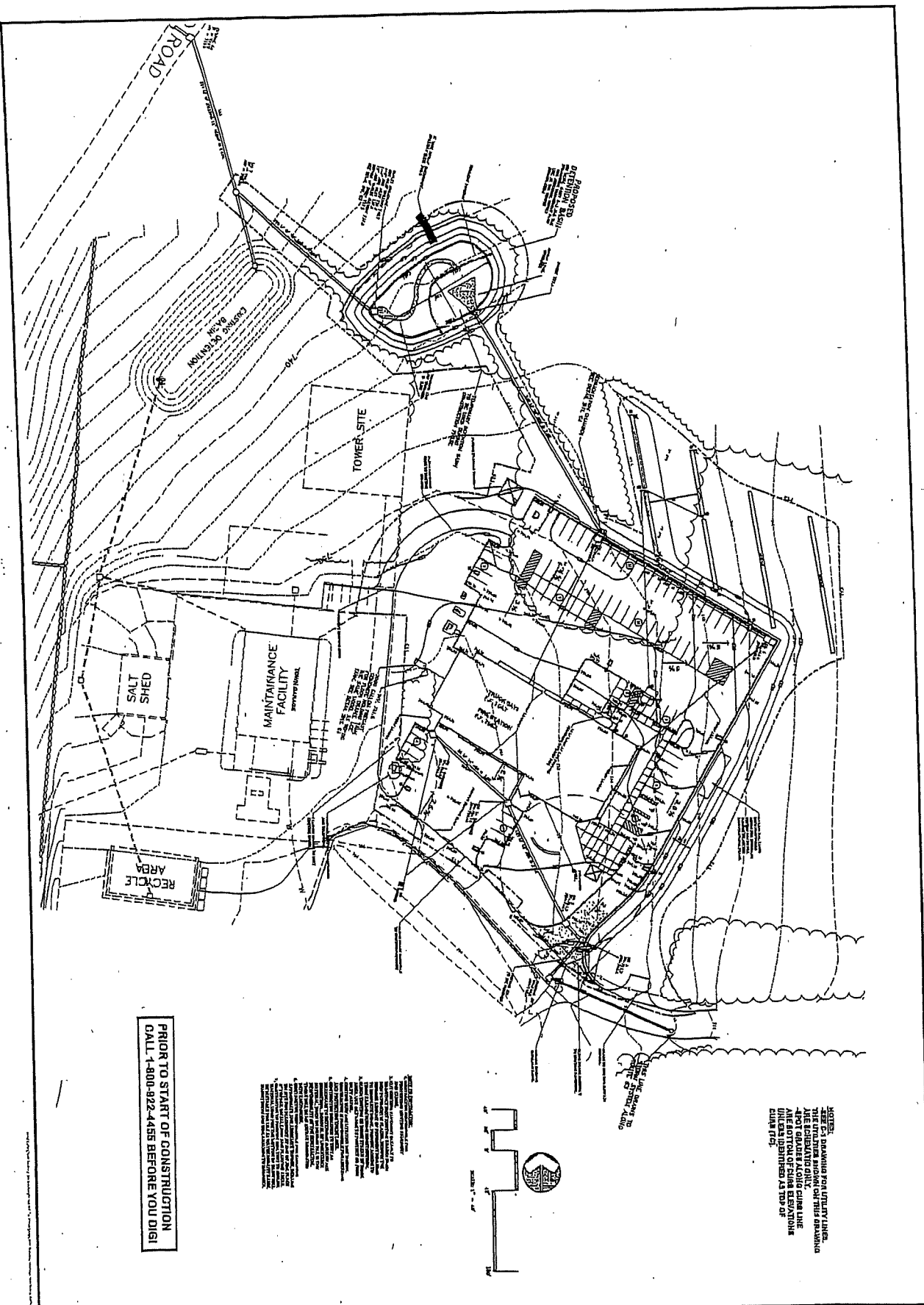
By: _____
Paula Cofrancesco
Its First Selectwoman
Email: pcofrancesco@bethany-ct.com

By: _____
Richard Cogill
Its Fire Chief
Email: chief@bethanyfirect.org

*Duly authorized by action of
a Special Town Meeting held on
September 27, 2023.*

Duly authorized.

EXHIBIT A



PRIOR TO START OF CONSTRUCTION
CALL 1-800-922-4455 BEFORE YOU DIG!

NOTES:
 1. SEE EXISTING UTILITY LINES.
 2. THE INDICATED ONLY ON THIS DRAWING
 3. 4-FOOT GRADE ALONG CURVE LINE
 4. ALL LOTTONS OF FOUR ELEVATIONS
 5. SHOWN AS 10' 0" 0"

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 1. SEE EXISTING UTILITY LINES.
 2. THE INDICATED ONLY ON THIS DRAWING
 3. 4-FOOT GRADE ALONG CURVE LINE
 4. ALL LOTTONS OF FOUR ELEVATIONS
 5. SHOWN AS 10' 0" 0"



Schoenhardt
 Architects + Interior Design
 One Mission Place
 1st Floor, Suite 4100
 Schoenhardt.com



LADA, P.C.
 Land Planners
 2000 Park Drive
 Suite 200
 Westborough, MA 01581
 (508) 853-2222

JPGA
 JOHN PAUL GARCIA & ASSOC.
 ENGINEERS & SURVEYORS
 1000 Main Street
 Bethany, CT 06757
 (860) 251-3333

**BETHANY
 VOLUNTEER FIRE DEPARTMENT
 HEADQUARTERS**
 100 ARMY ROAD
 BETHANY, CONNECTICUT

Project:	Bethany Volunteer Fire Department Headquarters
Client:	Bethany Volunteer Fire Department
Site:	100 Army Road, Bethany, CT
Scale:	1/8" = 1'-0"
Drawn by:	JPG
Checked by:	JPG
Date:	11-20-24

Site Drawing & Grading Plan

EXHIBIT B

