

TOWN OF CANAAN  
BOARD OF SELECTMEN'S REGULAR MEETING  
MONDAY, AUGUST 9, 2021 @ Immediately Following BOF Meeting;  
108 MAIN STREET, FALLS VILLAGE, CT

Attendees: Selectmen: Greg Marlowe and Dave Barger  
Other Attendees: Members of the public

Meeting called to order at 7:07pm

Public comments by the following:  
Denise Cohn, Jandi Hanna, Tracy Atwood, Colter Rule, Dan Shaw

Reports

Secretary Reports: **MOTION by Marlowe, seconded by Barger to approve the following meeting minutes, Regular Meeting of July 12<sup>th</sup>, 2021, unanimous.**

Tax Collector & Treasurer reports: No Treasurer reports available at this time. **MOTION by Barger, seconded by Marlowe to accept as presented the July Tax Collector report; unanimous.**

Communications:

- Michael Kelmmoms Letter, attached
- Town Attorney repost letter, attached
- Transfer station coordinator will be meeting with BOS in September to discuss Compost curbside pickup

OLD BUSINESS

- a. **Town Clerk Succession Plan – received resignation of Carla Galaise as Asst. Clerk. Town clerks term expires January 2022 – will be working with former Selectmen to develop in-depth job description, along with review from descriptions from other towns**
- b. **Review of Town Equity Statement remains the same**
- c. **Review Code of Conduct – Dave Barger updated to include virtual Zoom meetings**

NEW BUSINESS

- a. DOT report on Town Bridges(7/18/2021) - rating from poor(Cobble St bridge) to Good(Aimesville bridge)
- b. American rescue plan act 2021 workshop at the COG; Dave Barger will be attending
- c. First Commission request(5600) – invoice from Aquarion re: fire hydrants
- d. Tufts Health report – Barger will see if this is something that can be put on website
- e. Council of Small Towns Membership – will not be taking action

MOTION by Marlowe, seconded by Barger to add to the agenda, New Business: f. CPACE, g. Town Pool closing, h. Main street flags/banners Veterans, i. IHZ payment; unanimous.

- f. CPACE Agreement: **MOTION by Marlowe, seconded by Barger that the BOS review municipality CPACE Resolution from 2013 and renew with propose no changes; unanimous.**
- g. Town Pool Closing – last day will be August 16<sup>th</sup> as ;there will be no lifeguards; **MOTION BY Marlowe, seconded by Barger that the BOS agree with the recreation commission's recommendation from John Morrissey that Town will not allow "Swim at your own risk" due to the liability; unanimous.**
- h. Main Street flags/banners Veterans – **MOTION by Barger, seconded by Marlowe to invest in purchasing veteran banners for poles on Main St, honoring Veterans, displaying photos, dates and rotate, as we may not have enough poles, unanimous.**
- i. IHZ bill from TRC – no action/authorization by BOS necessary

Executive Session: **Motion BY Marlowe, seconded by Barger to remove Executive session off the agenda; unanimous.**

**MOTION by Marlowe, seconded by Barger, meeting adjourned; unanimous.**

Respectfully submitted, Rebecca Juchert-Derungs, recording secretary.

RECEIVED  
@  
AUG 11 2021  
11:00 AM  
TOWN OF CANAAN

## Canaan Selectmen

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**From:** fenbois@aol.com  
**Sent:** Sunday, July 25, 2021 1:06 PM  
**To:** Canaan Selectmen  
**Cc:** jharney@wpsir.com; jharney421@gmail.com; mctaylor@wpsir.com  
**Subject:** Addressing vent issue at 107

Dear Mr. Todd and Mr. Barger:

Thank you for meeting with me on Thursday (July 22nd) to review the problems caused by the exhaust fan venting from the kitchen of 107 Main Street.

I appreciate your commitment to re-routing the exhaust system above the roof line of 107 Main Street. Not only will that solve the problem of cooking fumes entering my building, but it will also eliminate the odor that is traveling down the alleyway and, at times, is quite noticeable on Main Street.

Shortly after you stopped by, in fact I think he was coming in to visit me just as you were leaving, was my friend Tony Robustelli who is on the Amenia Planning Board and knows Adam's wife (Sabrina) from their shared interest in restaurants. Tony has opened many restaurants, he has two on Rte. 22 in NY, and he also confirmed that venting in this situation would correctly be installed to vent above the roof lines of 107 Main Street/105 Main Street. He speculated that the installer may have cut corners and/or not followed the manufacturer's specifications. Whatever the case may be, I am most grateful that the Town has taken ownership of this problem with alacrity, and will rectify this situation within the next month or two.

Michael W. Klemens, PhD  
Owner, 105 Main Street, Falls Village, CT 06031

I believe that this money could come from the ARPA \$ as it would fall under economic development - allowing the sale (or facilitating the sale) to a commercial business.

AKW

Extended lease - discuss c

Michael W. Klemens, LLC  
Ecological Land Use Planning  
POB 432/105 Main Street  
Falls Village, CT 06031

July 21, 2021

Henry Todd

First Selectman/Town of Canaan (Falls Village)

Dear Henry:

I am writing to you with a **formal complaint and request** that the Town re-route the venting of the coffee shop/grill restaurant to above the roof line of 107 Main Street. The current configuration of the newly-installed exhaust fan is that it blows directly toward my building, and the cooking odors are seeping into my stairwells which are in the white clapboard addition to the rear of my building.

I tried to raise this several weeks ago before in anticipation of what would likely occur, and no one wants to own this issue, in fact the only person that has acknowledged that there are cooking odors blowing across the alleyway toward 105 Main Street is Adam, the owner of the coffee shop/restaurant. Adam and Sabrina are very courteous and industrious people and I wish them well in their endeavor. The fault is not theirs, but that of the Town. I don't want to hear "well that's not my problem" anymore, "or I was told it was OK." I'm tired of being pushed from person to person in the Town Hall to be told "oh you got to speak to someone else." Henry, in all due respect, as First Selectman and the driver of the economic revitalization in the downtown, the buck stops with you.

Euclidian zoning exists precisely to prevent noxious activities on one property affecting the abutting property owner's peaceful enjoyment of their property. The failure of the Town to properly apply its Code to this matter has resulted in this quandary. When I learned this afternoon that a potential sale of my building was jeopardized by this—I called Felicia (I was in Shelton at the time) and she informed me there was no odor and she pulled someone off the street to support her claim.

The odors were noted by me at 1 PM and by two realtors and a client at 3-4 PM. I also noted odors at 5:30 PM on my return from Shelton. This potential buyer looked at the building several months ago, but with the price reduction has come back and made an offer---which I hope will not be withdrawn.

When I told this to Felicia, she was very unsympathetic, as she was when Felicia, Adam, and I met several weeks ago. It's like I'm interfering with her economic development plans. She stated that the buyer must be looking for a way out of his contract....nothing could be further from the truth. As relayed to me the potential buyer who owns other properties in Falls Village said "What could they [the Town] have been thinking?" in regard to directing the odorous exhaust from a Town owned building toward a commercial property owner who pays taxes and has invested heavily in his building to save it from ruin.

Apart from the manner in which I have been treated, I believe that this exhaust fan may have violated setbacks and possibly State building codes —and while there are pre-existing non-conforming portions of 107 Main Street adjacent to my property, this would constitute an increase in non-conformity triggering a special permit.

I also maintain that the activities the Town has undertaken required a special permit, my reading of the regulations indicates that this was required because the building has at least three separate uses, and one of those is municipal which requires a special permit. Municipal uses and intensification of uses (especially non-conforming uses) require a special permit. Abutters are to be formally notified and a public hearing held and a dialogue established...which now has only occurred well after the fact but well within the three year period that would need to elapse to make it "legal" ..by default. As this has been now been formally brought to your attention, that three-year legalization by inaction has been nullified. Intensification of use is the creation of a coffee shop/restaurant, though I was told this was pre-existing (grandfathered) because Trish Walsh had a coffee pot in the back of her gift shop and sold a cup of coffee now and then--- certainly that use has been greatly intensified many orders of magnitude. Equating the coffee shop/restaurant to Trish Walsh's coffee urn begs credulity and is an insult to anyone's intelligence. Concerning 107 Main the Town needs to designate which is the principle use and what are the accessory uses and obtain necessary permits to do so in an open and transparent process as required by law and FOIA. Town-owned properties are not exempt from such procedures, in fact quite to the contrary, they must lead by example.

I would like to provide my buyer with assurances that the Town is going **to remedy this situation promptly** by rerouting the exhaust fan to either vent above the roofline—or direct the exhaust toward the back of the building or the Town Green. The Town spent considerable funds to provide an adequate septic system to accommodate the restaurant, and I would request that Town remedy this problem which is much less costly. Economic revitalization cannot be done at the expense of non-municipal property owners. While I am not a resident of Falls Village, I pay taxes, and have made a neglected historical structure much more attractive which benefits the streetscape of the downtown. I will be working in the building tomorrow morning and would appreciate an opportunity to discuss this with you and hopefully my realtor can also attend our meeting?

Thank-you



Dr. Michael Klemens

203 448 8068

Cc: John Harney, MC Taylor, Linda Paetz

RORABACK & RORABACK

ATTORNEYS AT LAW

CHARLES E. RORABACK  
MARGARET P. RORABACK

OF COUNSEL:  
CHARLES W. RORABACK

24 MASON STREET  
P.O. BOX 925  
TORRINGTON, CT 06790  
(860) 489-6880  
Fax (860) 489-5301

WILLARD A. RORABACK (1883-1928)  
CHARLES P. RORABACK (1923-1964)  
JAMES W. RORABACK (1927-1964)

July 21, 2021

Mr. Henry W. Todd  
First Selectman  
Town of Canaan  
108 Main Street  
P.O. Box 47  
Falls Village, CT 06031-0047

*Correction  
to  
Agenda*

✓ RE: Falls Village Housing Trust, Inc./State of Connecticut Department of Housing Affordable Housing Program Predevelopment Loan

Dear Henry:

We write in response to your request for our opinion regarding the liability of the Town of Canaan for repayment of the above -referenced loan.

For purposes of this opinion, we have reviewed Connecticut General Statutes §8-37pp and a Predevelopment Loan Assistance Agreement Between the State of Connecticut and Falls Village Housing Trust, Inc. (the "Trust") signed by the Trust on October 26, 2018 and by the State of Connecticut Department of Housing on November 1, 2018 (the "Loan Agreement"), including the Trust's Promissory Note dated October 26, 2018 attached thereto (the "Note").

The Town of Canaan is neither a party to the Loan Agreement nor an obligor on the Note. Additionally, there is no reference to the Town of Canaan in either the Loan Agreement or the Note.

Based on our review of C.G.S. §8-37pp, the Loan Agreement and the Note, we conclude that the Town of Canaan has no liability for repayment of the loan made to the Trust.

If you have any further questions regarding the issue addressed above please do not hesitate to contact me.

Sincerely,  
Roraback & Roraback

By: *Charles E. Roraback*  
Charles E. Roraback

## Code of Conduct and Procedures

### Board of Selectmen

### Canaan / Falls Village, CT

The Town of Canaan / Falls Village requires that the Board of Selectmen be independent, impartial, and responsible to the Town's citizens. The public judges its government, in part, by the way the Officials of this Board conduct themselves in the position for which they are elected. The people have the right to expect that the members of the Board of Selectmen will conduct themselves in a manner that will preserve the confidence and respect for the government which they represent.

This confidence and respect can be achieved and promoted if the members of the Board of selectmen adhere to the following:

- Treat all citizens with courtesy, impartiality, fairness and equality under the law;
- Avoid both actual and potential conflicts between their private self-interest and the interest of the public;
- Keep the community informed on Town affairs;
- Encourage communication;
- Seek to improve the quality and image of public service;
- Recognize that the function of local government is to serve the best interests of its community.

Such conduct is meant to preserve the rights of everyone and to assure cooperation. Such conduct requires common sense, good judgement, and acceptable interpersonal conduct.

This preceding code is to serve as a guide and is not intended to be an all-inclusive list. This guide shall also be utilized when circumstances necessitate the utilization of 'virtual meetings'. It is hoped that other boards, commissions, public officials, and town employees would consider adopting this as a model.

FURTHERMORE

Under Connecticut General Statutes, the Town of Canaan / Falls Village legislative authority, including the power to adopt spending plans are vested in the Town Meeting.

Enforcement of and compliance to Town Meeting resolutions and Town ordinances, accountability for disbursement of drafts against the Town treasury, and administration of various municipal plans and operations are the responsibility of the three-person Canaan / Falls Village Board of Selectmen.

The Board's decisions, resolutions, and orders are adopted, following its deliberations and debates, by majority vote. Each Selectman has one vote; none has veto power.

The Board of Selectmen pledges its best effort to conduct its deliberations and debates with respect toward its members and will adhere to the principles of parliamentary debate.

The First Selectman, as agent of the Board of Selectmen, is duty-bound to carry out the Board's lawful orders and, in general, implement the will of the board.

Adopted by the Board of Selectmen

\_\_\_\_\_, First Selectman

\_\_\_\_\_, Selectman

\_\_\_\_\_, Selectman

Dated \_\_\_\_\_



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## Tonights Selectman's Mtg

2 messages

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**Felicia Jones** <felicia.jones07@gmail.com>

Mon, Aug 9, 2021 at 10:41

To: Greg Marlowe <dredge670@gmail.com>, David Barger <davidbarger77@gmail.com>

Cc: Henry W. Todd <hwtodd@hotmail.com>, Ruth Skovron <battlehill1995@gmail.com>

Hi,

May I get Review CSPACE Resolution added to the Agenda for tonight?

I need to have a statement in the Minutes that says, " We have reviewed the CSPACE resolution and no updates are needed" to submit with our Sustainable CT Certification because the resolution is more than 3 years old.

Thank you, Felicia

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**david barger** <davidbarger77@gmail.com>

Mon, Aug 9, 2021 at 10:42

To: Felicia Jones <felicia.jones07@gmail.com>

Cc: Greg Marlowe <dredge670@gmail.com>, Henry W. Todd <hwtodd@hotmail.com>, Ruth Skovron <battlehill1995@gmail.com>

Yes, will do.

[Quoted text hidden]



Town Meeting  
July 23, 2013 @ 7:00 PM  
Minutes

Meeting was called to order by First Selectman Patricia Mechare at 7 PM. First order of business was the election of a moderator. Greg Marlowe nominated Mark Burdick. E. Sinclair seconded. There being no further nominations, Mark Burdick was unanimously elected.

Town Clerk Mary Palmer read the Call.

Gale Toensing moved item 1: Shall the Town of Canaan approve a resolution to execute an agreement between the Town and Clean Energy Finance and Investment Authority to establish the Commercial Property Assessed Clean Energy (C-Pace) Program? Pat Mechare seconded. Carried. Unanimous.

Beckie Seney moved item 2: Shall the Town of Canaan grant an access and utility easement in favor of the Falls Village Volunteer Fire Department, Inc. over the +/- twenty (20) foot wide strip of land owned by the Town of Canaan located between U.S. Route 7 and the Falls Village Volunteer Fire Department parcel known as 188 Route 7 south, Canaan, Connecticut? Tim Paviol seconded. Carried. One abstention.

Greg Marlowe moved item 3: Shall the Town of Canaan act to adopt an ordinance concerning the recovery of expenses and application of same with respect to certain tax and delinquent tax expenses? Gale Toensing seconded. Carried.

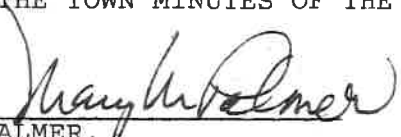
Andrea Downs moved to adjourn at 7:15 PM; Amy Wynn seconded. Carried. Unanimous.

  
Mary M. Palmer,  
Canaan Town Clerk

Attachments handed out at Town Meeting, and attached hereto:  
Memo from Falls Village Inn owners dated July 23 re CPACE benefits;  
CPACE information sheet;  
CPACE resolution;  
Access Easement - Falls Village Volunteer fire Department, Inc.;;  
Recovery of Delinquent DMV Expenses.

I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE TOWN MINUTES OF THE TOWN OF CANAAN DATED JULY 23, 2013.

DATED: AUGUST 4, 2020

  
MARY M. PALMER,  
CANAAN TOWN CLERK (SEAL)



**TOWN OF CANAAN**  
**RESOLUTION TO APPROVE**  
**COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY ("C-PACE") AGREEMENT**

**WHEREAS**, Section 157 of Public Act No. 12-2 of the June 12, 2012 Special Session of the Connecticut General Assembly (the "Act") established a program, known as the Commercial Property Assessed Clean Energy (C-PACE) program, to facilitate loan financing for clean energy improvements to commercial properties by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

**WHEREAS**, the Act authorizes the Clean Energy Finance and Investment Authority (the "Authority"), a public instrumentality and political subdivision of the State charged with implementing the C-PACE program on behalf of the State, to enter into a written agreement with participating municipalities pursuant to which the municipality may agree to assess, collect, remit and assign, benefit assessments to the Authority in return for energy improvements for benefited property owners within the municipality and for costs reasonably incurred by the municipality in performing such duties; and

**WHEREAS**, the Commercial Property Assessed Clean Energy ("C-PACE") Agreement (the "C-PACE Agreement") between the Town of CANAAN and the Authority, as attached hereto, constitutes the written agreement authorized by the Act.

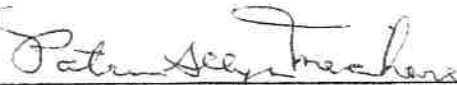
**NOW, THEREFORE, BE IT RESOLVED:**

(a) that we, the BOARD OF SELECTMEN OF THE TOWN OF, CANAAN, constituting the legislative body of the Town of CANAAN, hereby approves the C-PACE Agreement, and

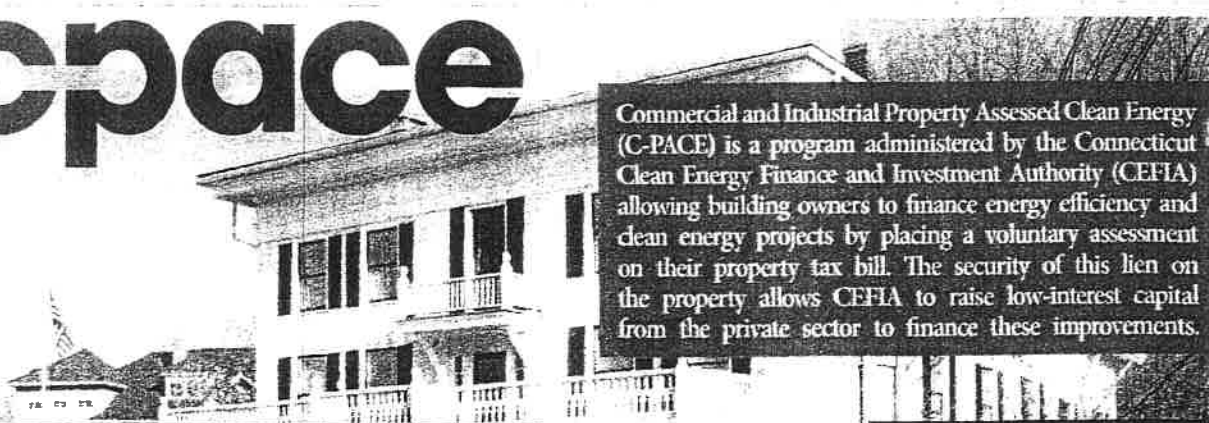
FIRST SELECTMAN PATRICIA ALLYN MECHARE

(b) that / \_\_\_\_\_ is hereby authorized and directed, on behalf of the Town, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he or she may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.

Read and approved:

  
\_\_\_\_\_  
PATRICIA ALLYN MECHARE,  
First Selectman Town of Canaan

# opace



Commercial and Industrial Property Assessed Clean Energy (C-PACE) is a program administered by the Connecticut Clean Energy Finance and Investment Authority (CEFIA) allowing building owners to finance energy efficiency and clean energy projects by placing a voluntary assessment on their property tax bill. The security of this lien on the property allows CEFIA to raise low-interest capital from the private sector to finance these improvements.

*Pictured: the recently reopened Falls Village Inn, eager to take advantage of C-PACE.*

## Benefits

It is a difficult decision today for a property owner to undertake energy improvements on a building. Property owners often lack the money for “non-core” expenditures like energy improvements, worry that projected energy savings will not materialize, or are simply unfamiliar with energy saving technologies. C-PACE removes these barriers by:

- providing *100% upfront, long-term financing* for qualified energy upgrades and the associated costs of construction, audits, and energy savings verification.
- structuring the financing of projects to be *cash-flow positive*. The repayment of the project must be more than offset by the savings in energy costs or the project will not be financed.
- reviewing all projects with a third party administrator to ensure that the energy upgrades pay for themselves in energy savings and will perform as promised.

## How do these benefits for property owners translate into benefits for the town itself?

- Energy upgrades reduce operating costs for buildings, *making a town more attractive for businesses* that are moving or looking to site a new office, and improve operating conditions for local businesses. CEFIA can provide marketing assistance for towns.
- Available financing for owners means more demand for building improvements and contracting and auditing services, with related *job creation and economic development benefits*.
- Lower energy usage means fewer greenhouse gases and other pollutants. This can help towns that are trying to *meet emissions reduction goals*.

## Limited downside risk to the municipality

- *Any added costs reasonably incurred in the collecting of the assessment will be reimbursed by CEFIA*, with costs typically amounting to \$500 for towns that have opted in so far. CEFIA will provide brochures and other marketing materials, and the town may participate as much or as little as it wishes in program promotion. CEFIA is also investigating and funding a C-PACE module for several popular tax softwares.
- In the event of deficient or delinquent assessment payments, *the municipality is not liable for covering the shortfall*; the municipality only makes payments to CEFIA that are actually paid by building owners. In the event of non-payment, CEFIA may, if the town wishes, take assignment of the lien and enforce collection.
- In the event of a C-PACE property entering bankruptcy, *municipal liens related to real property have first priority*, followed by any unpaid past-due C-PACE assessments, followed by non-real property liens, followed by the first mortgage holder. Again, *the municipality is not required to pay CEFIA if the property owner does not pay*. And finally, while it is important to consider downside risk, municipal officials should remember that C-PACE projects undergo rigorous financial and technical underwriting to ensure a building owner's operating income will increase as a result of the project.



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## FV Recreation Center Pool

1 message

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**John Morrissey** <john.morrissey170@gmail.com>

Mon, Aug 9, 2021 at 12:22

To: Henry W. Todd <selectmen@canaanfallsvillage.org>, Greg Marlow <gregm@bondedconcrete.com>, davidbarger77@gmail.com

Cc: Dan Carr <dcarr94@gmail.com>, Emily Wilson <ewilsonct@gmail.com>

Dear Selectmen, for your information, due to lifeguard staffing issues, the last day we will be able to have the pool open is this coming Monday, August 16th. Several FV residents have inquired if we could keep the pool open on a "swim at your own risk basis". While we on the Recreation Commission are strongly against this for the obvious safety and liability issues, we did not want to take any action without the input and direction of the Selectmen, Thank you, John

July 16, 2021

TO: Board of Selectmen and Board of Finance

FROM: Canaan/Falls Village Fire Commission

The Fire Commission received an unexpected increase from the Aquarion Water Company. We were not aware of this increase when we submitted our 2021 -2022 Budget.

When we checked with Aquarion the pricing for hydrants is regulated by PUR, and they cannot change the pricing. Due to this increase we are requesting an increase of \$5,600 in the line item #304 Hydrants and Water. Thank you for attention to this matter.

Respectfully,



Hazel K. McGuire, Secretary

APPROVE TO RECOMMEND TO BOF

PURA - state mandated  
fee