

Town of Durham
Charter Revision Commission
Wednesday, November 19, 2025
Community Center, and Remote via Zoom
Meeting Minutes

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1. Call to order
Co-chair Martin Anderson called the Special Charter Revision Commission meeting of Wednesday, November 19, 2025 to order at 7:00 p.m. Also present: Al DiVincentis, Eileen Buckheit, Matt LaFayette, Christian Godbout, John Bugai, Laura Francis, and Nicole Charest, Town Clerk and Recording Secretary
2. Pledge of Allegiance
3. Approval of Agenda
 - a. **MOTION BY M. ANDERSON, SECONDED BY L. FRANCIS TO AMEND THE AGENDA BY ADDING CHAPTER 2 TO COMMISSION WORK SESSION. ALL AYE, MOTION PASSED.**
 - b. **MOTION BY M. ANDERSON, SECONDED BY L. FRANCIS, TO APPROVE THE AGENDA AS AMENDED. ALL AYE, MOTION PASSED.**
4. Approval of Minutes
 - a. November 5, 2025
 - i. **MOTION BY L. FRANCIS, SECONDED BY J. BUGAI TO APPROVE THE NOVEMBER 5, 2025 MEETING MINUTES AS PRESENTED. L. FRANCIS, M. ANDERSON, A. DIVINCENTIS, M. LAFAYETTE, C. GODBOUT, J. BUGAI: AYE. E. BUCKHEIT: ABSTAIN. MOTION PASSED**
5. Public Comment
 - a. Richard Parmelee made a public comment reiterating that the First Selectman should review all budget line items and answer questions during the budget and annual town meeting. Also expressed that all contracted workers should be required to be U.S. Citizens so that they are not taken advantage of
6. Presentation or Guests
 - a. None. L. Francis noted that December 17 is the tentative date for panelists
7. Correspondence
 - a. None
8. Old Business
 - a. Budget
 - i. L. Francis noted that the Board of Finance recommended \$35,500 in the current fiscal year. Board of Selectmen meets in December to call a special town meeting for transfer of the funds. Town meeting will likely be scheduled for January.

b. Other

- i. L. Francis stated that members absent for meetings are able to ask to revisit or reconsider items previously voted on

9. New Business

a. Other

- i. None

10. Commission Work Session

a. Chapter 7- Miscellaneous Provisions

i. **Section 7.1: Existing Laws and Ordinances**

1. Current Language:

All general laws applicable to the town, all enabling legislation adopted by the town, and all ordinances and bylaws of the town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter. All special acts or parts of special acts relating to the town that are not inconsistent with the provisions of this Charter continue in full force and effect.

2. Proposed Language

All general laws of the State of Connecticut applicable to the Town, all special acts relating to the Town, and all ordinances, bylaws, and resolutions in effect on the effective date of this Charter shall remain in full force and effect, except as specifically repealed or as inconsistent with the provisions of this Charter. All powers and duties established by such laws or acts shall continue to be exercised and performed unless otherwise modified by this Charter or by ordinance adopted pursuant to it.

3. Section makes it clear that all existing ordinances and laws remain in effect

MOTION BY C. GODBOUT, SECONDED BY A. DIVINCENTIS TO ADOPT PROPOSED LANGUAGE FOR SECTION 7.1. ALL AYE MOTION PASSED.

ii. **Section 7.2: Continuation in Office of Officers, Boards, and Commissions**

1. Current Language:

The members of existing boards and commissions, and officers in office, shall continue to hold office and to exercise the powers and duties conferred or imposed on them for the periods of their terms, or until their successors have been elected or appointed

2. Proposed Language:

All elected and appointed officers, and all members of boards and commissions holding office on the effective date of this Charter, shall continue to serve for the remainder of their terms and until their successors are duly elected or appointed and qualified, unless otherwise provided by this Charter. Each such officer, board, and commission shall continue to exercise the powers and perform the duties conferred upon them by law, ordinance, or this Charter.

3. L. Francis noted that members will resign and not stay until a new member is appointed or elected. Discussed difficulty in finding volunteers for boards, minority rep. L. Francis suggested reducing number of members on board.
4. C. Godbout suggested emphasizing importance to members of remaining in office until a new member is appointed.
5. E. Buckheit discussed the required number of people on board and quorum requirements impact on ability to do business. Removal of quorum requirement would allow boards to do business without certain number of members present. Noted that some boards cannot meet due to lack of quorum
6. A. DiVincentis suggested reducing the quorum in the case of a resignation
7. Discussed adding a section on conflicts of law to account for when a topic is not covered in a charter, if the charter provision gives broader power than state statute, or if there is a conflict of law

MOTION BY A. DIVINCENTIS, SECONDED BY E. BUCKHEIT TO APPROVE THE PROPOSED NEW LANGUAGE FOR SECTION 7.2. ALL AYE, MOTION PASSED.

iii. Section 7.3: Amendment and Periodic Review of this Charter

1. Current Language
This Charter may be amended in accordance with the General Statutes in effect at the time of such amendment
2. Proposed Language
This Charter may be amended in the manner provided by the General Statutes of the State of Connecticut, as amended.
The Board of Selectmen shall review the Charter at least once every ten (10) years to determine whether revision or amendment is advisable. The Board of Selectmen may also initiate a Charter review or amendment process at any time, either on its own motion or upon petition of electors, in accordance with the procedures set forth in the General Statutes.
3. M. Anderson noted the language is adopted from surrounding communities. Previously not included because the process is cumbersome and costly
4. It was noted that the section was previously voted on and approved

iv. New Chapter- Meetings Using Electronic Equipment (Remote and Hybrid)

1. Noted that language is largely derived from statute. M. Anderson requested clarification on section X.3 which states: "for meetings conducted solely by electronic means, the agency shall, upon written request, at least 24 hours in advance, provide a physical location and necessary equipment for real-time attendance, and shall allow in-person attendance if a quorum participates from the same location"
 - a. The Commission generally agreed that this is intended to provide a physical location if anyone wanted to attend in person and to provide access for residents without computer access. The commission asked Nicole Charest, Town Clerk for input on remote access and translation services. Nicole

Charest responded that these services are available for a cost but there have not been any requests.

2. J. Bugai requested clarification on “if the quorum participates from that same location” when the statute is for meetings held entirely remotely
 - a. The commission discussed and generally agreed that the intent is that under any circumstance if there is a quorum of members in a room the public must also be allowed in that room. The Commission indicated they will send the language to the attorney to be further clarified

MOTION BY L. FRANCIS, SECONDED BY A. DIVINCENTIS TO FORWARD CHAPTER X AS PRESENTED TO TOWN COUNSEL FOR FULL REVIEW WITH SPECIAL EXCEPTION TO X.3. ALL AYE, MOTION PASSED

v. Section 6.1 Regional Board of Education

1. L Francis noted that the current language is transitional language from the last charter because the charter in and of itself could not make the change to a regional district. The district plan had to be amended for the language to go into effect. Transitional language must now be removed and replaced with new language. Noted there was public comment on this section on whether to continue referendum voting or use town meeting. It was noted that processes for regionalized districts are prescribed by state statute rather than charter

MOTION BY L. FRANCIS, SECONDED BY M. ANDERSON TO REFER SECTION 6.1 REGIONAL BOARD OF EDUCATION TO TOWN COUNSEL. ALL AYE, MOTION PASSED

vi. Section 6.8- Town Counsel

1. Current Language

The Board of Selectmen shall, by resolution at a meeting to be held not later than one (1) month after taking office, appoint a Town Counsel to serve for a term coterminous with the Board of Selectmen, or until a successor has been appointed.

The Town Counsel shall be an attorney at law admitted to practice law in Connecticut. Unless otherwise provided for by this Charter, he or she shall appear for and protect the rights of the town in all actions, suits, or proceedings brought by or against it or any of its officers, boards, commissions, or committees. He or she shall be a legal advisor to all town officers, boards, commissions, or committees, in all matters affecting the town, and will, upon written request, furnish them with a written opinion on any question of law involving their respective powers and duties, said written requests and replies to be forwarded through the Board of Selectmen. Upon written request, the Town Counsel will prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. He or she shall have the power, with approval of the Selectmen, to compromise or settle any claims by or against the town. In the event of a conflict of interest, the Town Counsel will report said conflict to the Board of Selectmen and disqualify him- or herself. The Board of Selectmen shall have the authority to retain other counsel.

vii. Proposed Language:

The Board of Selectmen shall, not later than one (1) month after taking office, appoint a Town Counsel, which may be an individual attorney or a law firm, admitted to practice law in the State of Connecticut. The Town Counsel shall serve for a term concurrent with the Board of Selectmen or until a successor is appointed and qualified.

The Town Counsel shall serve as the legal advisor to the Town and shall represent and protect the Town's interests in all legal matters, including actions, claims, or proceedings involving the Town or any of its officers, boards, commissions, or committees.

Upon request, the Town Counsel shall provide written legal opinions, review or prepare contracts and legal instruments, and advise Town officials on questions concerning their legal authority and duties.

With the approval of the Board of Selectmen, the Town Counsel may compromise or settle any claim by or against the Town.

In the event of a conflict of interest or when specialized expertise is required, the Town Counsel shall promptly notify the Board of Selectmen. The Board of Selectmen may engage special counsel which may be another law firm or individual attorney to represent the Town in specific matters.

All legal services for the Town shall be obtained pursuant to a policy created by the First Selectman to ensure consistency and control of municipal legal affairs.

1. L. Francis stated she made changes to clarify that an individual attorney or law firm may be appointed. Also added language which speaks to how to engage a special council if needed
2. The commission discussed policy for requesting access to the town attorney, generally agreed that the First Selectman's office will create policy

MOTION BY A. DIVINCENTIS SECONDED BY C. GODBOUT TO APPROVE THE REVISED LANGUAGE FOR SECTION 6.8 TOWN COUNSEL. ALL AYE, MOTION PASSED

MOTION BY SECONDED BY TO AMEND THE PREVIOUS MOTION TO INCLUDE LANGUAGE WHICH INDICATES THAT SPECIAL COUNSEL MAY BE EITHER AN INDIVIDUAL ATTORNEY OR LAW FIRM. ALL AYE MOTION PASSED

3. It was noted that commission will need to discuss whether the language in the charter will be modified to be gender neutral

MOTION BY M. LAFAYETTE, SECONDED BY E. BUCKHEIT TO APPROVE SECTION 6.8 AS AMENDED. ALL AYE, MOTION PASSED

viii. **Section 6.21- Ethics Commission**

1. Current Language

There shall be an Ethics Commission that shall set forth standards of ethical conduct for public officials, employees, contractors, consultants, and members of boards and commissions in the performance of their duties. Such commission shall be established forthwith by Town Ordinance

2. Proposed Language:

The Town shall maintain an Ethics Commission, as established by ordinance pursuant to the Connecticut General Statutes and codified in the Durham Code of Ordinances, Chapter 4, Article II (§§4-30 et seq.), as amended.

The Ethics Commission is responsible for administering and enforcing the Town's Code of Ethics, which sets standards of ethical conduct for public officials, employees, contractors, consultants, and members of boards and commissions in the performance of their duties.

The powers, duties, membership, and procedures of the Ethics Commission shall be as provided in the Durham Code of Ordinances and in accordance with the Connecticut General Statutes.

- a. L. Francis noted the section is transitional language, the Town did not have an Ethics Commission, the charter states there shall be one. Addition of Ethics Commission was done by ordinance

MOTION BY C. GODBOUT, SECONDED BY A. DIVINCENTIS TO ACCEPT THE PROPOSED LANGUAGE FOR SECTION 6.21 ETHICS COMMISSION AS PRESENTED. ALL AYE, MOTION PASSED

b. Chapter 2 Officers and Elections

i. **Section 2.1 General Town Elections**

1. Discussed changing election of all town officers to ballot rather than town meeting. E. Buckheit suggested waiting for feedback from boards and commissions. M. Anderson noted that some boards are being combined. E. Buckheit indicated that West Haven combined Planning and Zoning with Inland Wetlands. Noted some boards in other towns are appointed rather than elected.

MOTION BY A. DIVINCENTIS, SECONDED BY E. BUCKHEIT TO TABLE SECTION 2.1. ALL AYE, MOTION PASSED

ii. **Section 2.2 State Elections**

1. M. Anderson noted that interviewees mentioned that federal elections are not included, however the language does mention federal elections. L. Francis noted comment from town attorney to include Justices of the Peace

MOTION BY L. FRANCIS, SECONDED BY AL DIVINCENTIS TO TABLE SECTION 2.2. ALL AYE, MOTION PASSED

iii. **Section 2.3 Minority Representation**

1. Current Language:

The maximum number of members of any board, commission, committee, or similar body of the state or any political subdivision thereof, whether elective or appointive, except any such board, commission, committee, or body whose members are elected on the basis of a geographical division of the state or such political subdivision, who may be members of the same political parties shall be as specified in the following table:

Total Membership	Maximum From One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6

More than 9 No more than two-thirds of total membership

All such elections and/or appointments shall be made in accordance with the General Statutes.

2. Proposed Language:

The Town of Durham shall follow the Connecticut General Statutes governing minority representation on all elective and appointive boards, commissions, committees, or similar bodies of the Town.

No more than the following number of members of any one political party may serve on the same multi-member body:

Total Membership	Maximum From One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6

More than 9 No more than two-thirds of total membership

The Town's representation on any regional or multi-jurisdictional board shall comply, to the extent permitted by law, with the minority representation established in General Statutes, Section 9-167a.

All elections and appointments shall be made in accordance with the Connecticut General Statutes, including CGS § 9-167a, as amended.

3. L. Francis noted that the limits do not apply to boards with members elected from separate geographic districts, for example the Board of

Education. Commission discussed whether minority representation was important to include in the charter. E. Buckheit expressed that adding minority representation for regional boards may help stabilize them. L. Francis noted that the public is often confused by election results when minority rep causes candidates to be seated when they do not win the overall vote. Commission reiterated that it is difficult to find volunteers for boards and further restrictions would make it more difficult. Discussed potentially moving certain elected offices from town meeting to ballot

MOTION BY E. BUCKHEIT SECONDED BY C. GODBOUT TO APPROVE THE PROPOSED LANGUAGE FOR SECTION 2.3, MINUS THE REFERENCE TO SPECIFIC STATE STATUTE. ALL AYE, MOTION PASSED.

iv. Section 2.4 Breaking a Tie

1. Current Language:

When, as a result of any general, municipal, or special election conducted under the provisions of this Charter, it is necessary to break a tie, procedures in accordance with the General Statutes shall prevail

2. Proposed Language:

Section 2.4 Tie Votes

If a tie vote occurs in any general, municipal, or special election held under this Charter, the tie shall be resolved in the manner prescribed by the Connecticut General Statutes.

MOTION BY E. BUCKHEIT, SECONDED BY A. DIVINCENTIS TO APPROVE THE PROPOSED LANGUAGE FOR SECTION 2.4. ALL AYE, MOTION PASSED.

v. Section 2.5 Eligibility

1. Current Language:

No person will be eligible for election to any town office or appointment to any board or commission who is not at the time of his/her election or appointment an elector or resident of the town, and any person ceasing to be an elector or resident of the town will thereupon cease to hold elective office or appointive board or commission membership in the town.

2. Proposed Language:

Section 2.5 Eligibility for Office

To be eligible for election or appointment to any Town office, board, commission, or committee, a person must be an elector of the Town at the time of election or appointment, unless otherwise provided by state law.

Any person who ceases to be an elector or resident of the Town shall automatically vacate such office or position as of the date residency or elector status ends.

When it is determined that an office has been vacated under this section, the Board of Selectmen shall, within thirty (30) days, declare

the vacancy and fill it in the manner provided by this Charter or the General Statutes.

The Board of Selectmen may verify continued residency or elector status when necessary to ensure compliance with this section.

- a. L. Francis noted that the proposed language gives more guidance. Also briefly explained criteria for removing electors from voter registration list. Electors only removed once person registers in new town

MOTION BY A. DIVINCENTIS SECONDED BY E. BUCKHEIT TO APPROVE THE PROPOSED LANGUAGE FOR SECTION 2.5. ALL AYE, MOTION PASSED

vi. Section 2.6 Vacancies Other Than Expiration of Term

1. Current Language:

Unless otherwise specified in this Charter or the General Statutes, any vacancy, from whatever cause arising other than the expiration of term, in any elective or appointive town office, shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term or until the next scheduled election for that office, whichever shall be sooner.

Vacancies created by the demise or resignation of a board member shall be reported by the chairman or resigning board member, in writing, to the Town Clerk and to the Board of Selectmen as soon as such information becomes available and before the first meeting of the Board of Selectmen following the reporting of said vacancy.

Such impending or actual vacancies shall be publicized. The Board of Selectmen shall make such appointment no sooner than five (5) days nor later than thirty (30) days after the Board of Selectmen's meeting at which the vacancy is announced.

Such vacancies shall be filled as follows:

(1) Selectman. Such vacancy shall be filled by appointment by the remaining Selectmen, and such appointee shall be a member of the same political party as the person vacating the office. Should the remaining Selectmen be unable to agree on the appointment within thirty (30) days after the office is vacated, the procedure prescribed in the General Statutes shall be followed.

(2) Office filled by General Town Election or Appointment. When a person vacating the office shall have been elected or appointed as a member of a political party, such vacancy shall be filled by appointment of a member of the same political party.

(3) Office filled by Election at Annual Town Meeting or Annual Budget Meeting. Such vacancy shall be filled by appointment not in conflict with Section 2.3 (minority representation) of this Charter and the General Statutes.

(4) The First Selectman or his/her appointed representative, shall provide each person appointed to a board, commission or other position, a copy of the ordinance, General Statute or other source clearly defining the appointee's duties..

2. Proposed Language:

Unless otherwise provided by this Charter or the Connecticut General Statutes, any vacancy in an elective or appointive Town office that occurs before the expiration of the term shall be filled by the Board of Selectmen. The appointee shall serve for the unexpired portion of the term or until the next regular election for that office, whichever occurs first, as provided by law.

When a vacancy occurs because of death, resignation, removal, or any other reason, the chairperson of the affected board or commission—or the resigning member—shall notify the Town Clerk and the Board of Selectmen in writing as soon as possible. The vacancy shall be announced at the next regular meeting of the Board of Selectmen and publicized to encourage qualified candidates to apply.

The Board of Selectmen shall make the appointment no sooner than five (5) days and no later than thirty (30) days after the meeting at which the vacancy is announced.

(1) Vacancy in the Board of Selectmen

A vacancy in the Board of Selectmen shall be filled by the remaining Selectmen. The appointee shall be a member of the same political party as the person vacating the office. If the remaining Selectmen cannot agree on an appointment within thirty (30) days after the vacancy occurs, the procedure prescribed by the Connecticut General Statutes shall apply.

(2) Vacancies in Other Elective or Appointed Offices

When the person vacating the office was elected or appointed as a member of a political party, the replacement shall also be a member of the same political party, consistent with the minority-representation requirements of Section 2.3 of this Charter and the Connecticut General Statutes.

(3) Notification of Duties

Upon appointment, the First Selectman or a designated representative shall provide each appointee with a copy of the ordinance, General Statute, or other legal authority that defines the appointee's duties and responsibilities.

- a. Discussed previous instance of First Selectman retiring and the replacement procedure and potential alternate methods. Noted potential for temporary absence or disability. Discussed process and noted that vacancies are announced first, then filled at a subsequent meeting, and that vacancies must be filled with a member of the same party

MOTION BY EILEEN BUCKHEIT, SECONDED BY TO APPROVE THE PROPOSED LANGUAGE FOR SECTION 2.6. ALL AYE, MOTION PASSED

11. Commissioner Reports

- a. M. Anderson reported that some of his scheduled interviews were not attended. He noted it is difficult to contact part time workers. He also created a Microsoft form which was sent to chairs of all boards and commissions, received 7 replies
- b. L. Francis reported that her interviewees have said that there are too many town meetings, suggested making processes more efficient. Suggested a process Madison follows which overrides decisions based on population percentage attending meeting. Expressed interest in modernizing charter while keeping organizational flexibility. Suggested adding language which allows for the addition or removal of boards and commissions or reducing the number of members on boards. Suggested adding process for removing board members after unexcused absences. Received suggestions from interviewees to remove Compensation Review Board and replace it with Human Resources. L. Francis discussed reviewing functions of boards and commissions and replacing them with professional positions where possible.
- c. Commission discussed confusion with Recreation Board and Recreation Director on who reports to whom. Generally agreed to review boards, committees, and positions to clarify roles, hierarchy, and responsibilities.
- d. M. Lafayette will be scheduling interviews with public safety over next several weeks

12. Next Steps and Assignments

13. Next Meeting- December 3, 2025

14. Adjourn

MOTION BY L. FRANCIS, SECONDED BY M. ANDERSON TO ADJOURN. ALL AYE

Meeting adjourned at 9:20 p.m.,

Respectfully submitted,

Nicole Charest