

Received 1/27/26
3:13 PM Jodi Moore, ATC

Town of Durham
Charter Revision Commission
Wednesday, January 21, 2026
Community Center Meeting Room 1, and Remote via Zoom
Meeting Minutes

https://us02web.zoom.us/rec/share/TWaXgMfVYYVoLICZy1fUO-Go2tGER_vz9NtXrJmd8-eONpT99n-hPZjkMb9r77eQ.sZCPEvYxodFe_P0

Passcode: 7e+yzF@e

1. Call to order

Co-chair Martin Anderson called the Special Charter Revision Commission meeting of Wednesday, January 21, 2026 to order at 7:00 p.m.

Also present: Al DiVincentis, Matt LaFayette, Christian Godbout, John Bugai, Martin Anderson, Eileen Buckheit, and Nicole Charest: Town Clerk and Recording Secretary.

Absent:

Members of the public present: Richard Parmelee, Roger Kleeman, and Martin French: Tax Collector

2. Pledge of Allegiance

3. Approval of Agenda

a. **MOTION BY LAURA FRANCIS SECONDED BY MATT LAFAYETTE, TO APPROVE THE AGENDA AS PRESENTED. ALL AYE, MOTION PASSED.**

4. Approval of Minutes

a. January 7, 2026

i. **MOTION BY LAURA FRANCIS SECONDED BY CHRISTIAN GODBOUT TO APPROVE THE JANUARY 7, 2026 MEETING MINUTES AS PRESENTED. ALL AYE. MOTION PASSED**

5. Public Comment

a. Richard Parmelee expressed that changes to the charter should be made public and that Town meetings and the treasurer position should not be changed

6. Presentation or Guests

a. none

7. Correspondence

a. Mary Calorio called, she was unable to attend meeting presentation due to illness

8. Old Business

- a. Martin Anderson spoke to Marie Wilde, chair of Compensation Review Personnel Policy Board. Indicated he would compile her comments for the commission

9. New Business

- a. None

10. Commission Work Session

- a. **Chapter 3 - Town Meeting**
- b. **Section 3.3.1 Annual Budget Meeting**

i. **Current Language**

The Annual Budget Meeting shall be held at least thirty (30) days prior to the end of the fiscal year. Said date shall be set at the Annual Town Meeting of the prior year or at a special town meeting.

ii. **Proposed Language**

The Annual Budget Meeting shall be held no later than thirty (30) days before the end of the fiscal year. The date of the Annual Budget Meeting shall be set either at the Annual Town Meeting for the upcoming fiscal year, or by a Special Town Meeting called for that purpose.

The Board of Selectmen shall issue a call and warning for the Annual Budget Meeting in compliance with the General Statutes, stating the date, time, place, and specific items of business to be acted upon.

Only the business listed in the warning—specifically the consideration and adoption of the annual budget—may be taken up at the Annual Budget Meeting, except as otherwise required by this Charter or the General Statutes.

- iii. Laura Francis asked Eileen Buckheit for an opinion from Board of Finance on provisions for emergency appropriations. Eileen Buckheit listed a broken heater at the public works garage and an oil leak at the Library which were considered emergencies. Noted that the process to appropriate funds from reserve is cumbersome. Funds must go through the process twice to be approved, once to be put in reserve and once to be taken out. Using contingency funds is an easier process, which has a \$20,000 threshold and is not attached to a project. There is also only one special appropriation permitted per department per year. Other towns are working to increase threshold. Discussed process and noted that it is cumbersome for some departments such as public works who have many projects, while also acknowledging that any changes should not be a strategy to bypass the budget process
- iv. Discussed process for increasing or decreasing budget at Annual Budget Meeting, overall budget process and how the Board handles when the budget is voted down. Statutes state the town meeting has authority to reduce line items. The Commission decided to move forward with language which allows for decreases but not increases.

MOTION BY LAURA FRANCIS, SECONDED BY MARTIN ANDERSON TO APPROVE SECTION 3.3.1 ANNUAL BUDGET MEETING AS PROPOSED. ALL AYE, MOTION PASSED

c. **Section 3.4 – Special Appropriations**

i. **Current Language**

Per section 5.1.9 of this Charter, a special appropriation and a payment into or appropriation from the reserve fund for capital and nonrecurring expenditures, requiring town meeting approval, may be decreased by the town meeting but may not be increased. A town meeting may make no special appropriation or transfer of funds not recommended by the Board of Finance.

ii. **Proposed Language**

A Special Town Meeting may act on any special appropriation or any payment into, or appropriation from, the Reserve Fund for Capital and Nonrecurring Expenditures, when such action is authorized by this Charter.

A Town Meeting may decrease or delete any special appropriation or transfer placed before it, but it may not increase any such item or create a new appropriation that has not been recommended by the Board of Finance.

No special appropriation, transfer of funds, or reserve-fund action may be approved unless it has been recommended by the Board of Finance, as required by Section 5.1.9 of this Charter.

All special appropriations shall comply with the fiscal procedures in this Charter, unless prohibited by the General Statutes, or any Town ordinances adopted under their authority.

iii. Tabled for review by Board of Finance, noted that special appropriations should only be considered if there is an immediate danger to health, safety, or property

d. **Section 3.5 – Ordinances**

i. **Proposed Language**

A. Power to Adopt, Amend, or Repeal Ordinances

The Town Meeting may adopt, amend, or repeal ordinances in accordance with this Charter and the General Statutes, including CGS § 7-157 and § 7-157b.

An ordinance shall be adopted only after it is properly warned, presented in full text, and voted upon at a duly called Town Meeting.

B. Effective Date

Unless otherwise required by the General Statutes, any ordinance adopted by the Town Meeting shall become effective after publication in a newspaper having general circulation in Durham or by any other form of notice permitted by the General Statutes.

C. Recordkeeping

A copy of every adopted ordinance shall be filed with the Town Clerk, who shall maintain an official ordinance book and ensure digital posting on the Town website consistent with FOIA.

MOTION BY CHRISTIAN GODBOUT, SECONDED BY JOHN BUGAI TO ACCEPT SECTION 3.5 ORDINANCES AS PROPOSED

e. Section 3.5.1 - Petition for Enactment of Ordinances

i. Current Language

Not less than one hundred (100) electors, who are qualified to vote in a town meeting, may, at any time, petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the Town Clerk. The Selectmen shall call a special town meeting to be held within twenty-one (21) days from the date of filing. A call for such meeting shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. If a majority of the persons entitled to vote voting at such meeting shall vote "yes," then such ordinance shall take effect, after it has been published in a newspaper having a general circulation in the town.

ii. Proposed Language

Not fewer than one hundred (100) electors qualified to vote at Town Meeting may petition for the enactment of a proposed ordinance or amendment or repeal of an existing ordinance

Petition For Enactment, Repeal, or Amendment of Ordinances

1. Filing the Petition

- a. The petition shall be filed with the Town Clerk and must include the complete text of the proposed ordinance.
- b. The Town Clerk shall provide petition guidelines and ensure that petition pages comply with the requirements of CGS § 7-9.
- c. The Registrars of Voters shall verify signatures as required by the General Statutes.

2. Action by the Board of Selectmen

- a. Upon receipt of a valid petition, the Board of Selectmen shall call a Special Town Meeting to be held within twenty-one (21) days, in accordance with the notice requirements of General Statutes § 7-3.
- b. The call of the meeting shall contain the full text of the proposed ordinance and a "Yes/No" question for its adoption.

3. Vote and Effectiveness

- a. If a majority of those present and eligible to vote "Yes," the ordinance shall be deemed adopted.
- b. The new ordinance or the amended or repealed ordinance shall take effect upon publication, unless a later effective date is specified in the ordinance or required by the General statutes.

MOTION BY LAURA FRANCIS SECONDED BY CHRISTIAN GODBOUT TO APPROVE SECTION 3.5.1 PETITION FOR ENACTMENT OF ORDINANCES AS PROPOSED. ALL AYE, MOTION PASSED

f. Section 3.5.2 –Action on Ordinances

i. Current Language

When the Board of Selectmen submits a proposed ordinance in accordance with Section 4.5 of this Charter, by vote of the town meeting the proposed ordinance may be adopted, or amended and adopted, or rejected. If adopted, said ordinance shall become effective on a date set by the town meeting or thirty (30) days after adoption, but not before a notice of the ordinance has been published. Within ten (10) days after adoption of an ordinance, the Town Clerk shall cause to be published in a newspaper having general circulation in the town, a notice, which indicates that a copy of the ordinance is available at the Town Hall. The Town Clerk shall promptly record said ordinance in a book kept for that purpose.

MOTION BY LAURA FRANCIS, SECONDED BY TO APPROVE SECTION 3.5.2 ACTION ON ORDINANCES AS PRESENTED. ALL AYE, MOTION PASSED.

g. NEW SECTION - Petition for Amendment or Appeal of Ordinances

i. Proposed Language

1. See Section 3.5.1, sections were combined

ii. John Bugai noted that the language seems to allow anyone to repeal an ordinance with a petition with 100 signatures. Discussed petition process briefly. Laura Francis suggested consolidating sections into “Petition for Enactment, Amendment, or Repeal of an Ordinance.” Changed language of section 3.5.1 to include Amendment or Appeal of Ordinances. Discussed effective dates and generally agreed to motion that ordinances and repealed ordinances take effect upon publication unless a later effective date is specified in the ordinance or general statutes

MOTION BY LAURA FRANCIS, SECONDED BY JOHN BUGAI TO APPROVE SECTION 3.5.3 PETITION FOR AMENDMENT OR APPEAL OF ORDINANCES AS PROPOSED. MOTION FAILED

MOTION BY LAURA FRANCIS, SECONDED BY CHRISTIAN GODBOUT TO AMEND PROPOSED LANGUAGE TO INCLUDE EFFECTIVE DATES LANGUAGE. ALL AYE MOTION PASSED

h. NEW SECTION 3.5.3?- Emergency Ordinances

i. Proposed Language

1. Purpose.

a. In order to address imminent threats to public health, safety, or the orderly functioning of Town government, the Board of Selectman may adopt an emergency ordinance.

2. Declaration of Emergency.

a. The Board of Selectmen must include in the call of the Board of Selectman Meeting a statement of the emergency and the reasons an emergency ordinance is necessary.

3. Adoption.

- a. An emergency ordinance requires a two-thirds (2/3) vote of the Board of Selectman.
- 4. Duration.
 - a. Unless sooner amended or repealed, an emergency ordinance shall automatically expire ninety (90) days after adoption, unless re-adopted through the regular ordinance process.
- 5. Publication and Effective Date.
 - a. Emergency ordinances shall be published promptly after adoption and take effect immediately upon publication, unless a later effective date is specified.
- 6. Limitations.
 - a. Emergency ordinances may not:
 - i. Amend this Charter
 - ii. Authorize long-term bonding or debt
 - iii. Approve permanent fees, taxes, or land-use regulations
 - iv. Override the General Statutes
 - v. Emergency ordinances must comply with all applicable provisions of the General Statutes.
 - vi. Emergency ordinances may not infringe on the Constitution of the United States or the Connecticut State Constitution.
 - ii. Laura Francis noted that executive orders allowed the town to enact emergency ordinances during COVID. It was also noted that there must be an imminent threat to public health, safety, or orderly functioning of a town government, and that the emergency ordinance will automatically expire in 90 days unless re-adopted. Discussed language for allowing Board of Selectmen to vote on emergency ordinance and still allow town meeting to override. Added language which will require reasons for the emergency ordinance in the call. Also added that the emergency ordinance requires a 2/3 vote. Included that the emergency ordinance cannot amend the charter, uphold long-term bonding or debt, cannot create permanent use taxes or land use regulations, cannot override state statutes, and cannot infringe on the Constitution of the United States or the Constitution of the State of Connecticut.

MOTION BY JOHN BUGAI SECONDED BY CHRISTIAN GODBOUT TO APPROVE SECTION ON EMERGENCY ORDINANCES. ALL AYE, MOTION PASSED

- i. **Section 3.6 Sale or Purchase of Real Estate**
 - i. **Current Language**

Subject to the provisions of Section 3.7 of this Charter, the discontinuance of roads by the town, the sale or other disposition of real estate of the town used or reserved for town purposes, and except as provided in Section 4.6, the purchase or other acquisition of real estate for such purposes, shall require approval of a town meeting. The sale of real estate not used or reserved for town purposes shall be in accordance with an ordinance adopted by town meeting.
 - ii. **Proposed Language**

A. Town Meeting Approval Required

Except as otherwise provided in this Charter, the following actions involving Town-owned real property shall require approval at a Town Meeting:

1. The sale, lease, or other disposition of Town-owned real estate that is used or reserved for Town purposes;
2. The purchase, acquisition, or acceptance of real estate for Town purposes (except as authorized under Section 4.6 for small acquisitions);
3. The discontinuance or partial discontinuance of a Town road, in accordance with the Connecticut General Statutes.

B. Property Not Currently Used for Town Purposes

The sale or disposition of Town-owned real estate not used or reserved for Town purposes shall be conducted in accordance with a Town Meeting-adopted ordinance establishing procedures for appraisal, notice, public hearing, and method of sale.

C. Required Process and Transparency

Any proposed sale, purchase, or disposition of Town real estate brought to Town Meeting shall include:

1. A public description of the property;
2. A statement of purpose for the action;
3. A report or recommendation from the Board of Selectmen; and
4. Any additional materials required by ordinance or state law.

D. Compliance with State Law

All actions concerning real estate shall comply with the Connecticut General Statutes, including requirements relating to road discontinuances, conveyances, environmental restrictions, notices, and public records.

iii. Laura Francis suggested seeking opinion on whether proposed language is consistent with ordinance

j. NEW SECTION 3.7 Easements, Rights of Way, and Temporary Construction Access

i. Proposed Language

The granting or acceptance of any easement, right-of-way, or temporary construction access by the Town of Durham shall follow the procedures below, unless otherwise required by state law or another provision of this Charter.

A. Granting Easements or Rights-of-Way on Town Property

The Town may grant an easement, right-of-way, or temporary construction access across Town-owned property upon approval of the Board of

Selectmen and the Town Meeting, except as provided in subsection C of this section.

Such conveyances shall be made in writing, describe the land affected, state the purpose and duration of the easement, and comply with all applicable requirements of the Connecticut General Statutes, including CGS § 7-148(c)(3).

B. Acceptance of Easements or Rights-of-Way for Town Use

The Town may accept easements, rights-of-way, or temporary construction access needed for:

1. public improvements,
2. Infrastructure installation or repair,
3. highway or sidewalk purposes,
4. public utilities,
5. stormwater management, or
6. other municipal functions.

Acceptance shall require approval by the Board of Selectmen, unless state law requires additional approval.

C. Administrative or Routine Access Agreements

The Board of Selectmen may approve administrative or routine easements that:

1. are temporary in nature,
2. do not materially affect the use of Town property,
3. do not convey exclusive or permanent rights, and
4. are necessary to complete construction, repair, or maintenance work by the Town or a utility provider.

Such agreements shall be reported to the Town Clerk and kept on file for public inspection.

D. Public Notice and Transparency

All proposed permanent easements or rights-of-way requiring Town Meeting approval shall be included in the call of the meeting, describing the affected property, purpose, and terms.

The Town Clerk shall make all related documents available for public review at least five (5) days prior to the meeting, in accordance with the Freedom of Information Act.

E. Recording

All easements, rights-of-way, or temporary construction access agreements granted to or by the Town shall be recorded in the land records by the Town Clerk.

New SECTION 3.8 Acceptance of Private Roads and Road Abandonment Procedures

A. Acceptance of Private Roads

The Town may accept a private road as a public Town road only after the following steps:

1. Petition or BOS Initiative

A request may be submitted by:

- a. the property owners abutting the road, or
- b. the Board of Selectmen on its own initiative.

2. Inspections and Standards

- a. The road must meet Town design, drainage, and safety standards.
- b. The Public Works Director or Town Engineer shall inspect and provide a written report.

3. Planning and Zoning Commission Referral

- a. The proposal shall be referred for an § 8-24 review.

4. Board of Selectmen Approval

- a. The BOS may approve the layout and acceptance of the road.

5. Final Approval

- a. Final approval shall be by Town Meeting, unless State law requires a referendum.

6. Filing

- a. The Town Clerk shall record the road acceptance map on the land records.

B. Abandonment of Town Roads

A Town road may be abandoned under the following process:

1. Review under CGS § 8-24 by the Planning and Zoning Commission;
2. Public hearing held by the Board of Selectmen;
3. Approval of the abandonment by the Board of Selectmen; and
4. Final approval by Town Meeting, unless state law specifies otherwise.

Upon abandonment, the Town Clerk shall record an abandonment notice on the land records consistent with CGS §§ 13a-49 and 13a-55.

C. No Acceptance by Use

No private road shall be deemed accepted as a Town road solely by public use or by the provision of limited or emergency maintenance.

- ii. Commission generally agreed to send new section for legal opinion

k. Existing Section 3.7 Actions Requiring Referendum

i. **Current Language**

Any action of the town requiring 1) a special appropriation or the borrowing of one hundred thousand dollars (\$100,000.00) or more, or 2) the acquisition or taking of any property through Eminent Domain proceedings shall be the subject of a referendum conducted according to the General Statutes.

ii. **Proposed Language**

Any action of the town requiring 1) a special appropriation or the borrowing of one million hundred thousand dollars (\$1,000,000.00) or more, or 2) the acquisition or taking of any property through Eminent Domain proceedings shall be the subject of a referendum conducted according to the General Statutes. All Eminent Domain proceedings shall be conducted in accordance with the General Statutes.

- iii. Discussed increasing bonding threshold to \$1 million to allow for more flexibility while still requiring referendums for larger purchases.
- iv. Clarified process for eminent domain proceedings, adding language which states that the acquisition or taking of any property through eminent domain shall be the subject of referendum and conducted in accordance with State Statutes

MOTION BY LAURA FRANCIS SECONDED BY EILEEN BUCKHEIT TO APPROVE SECTION 3.7 ACTIONS REQUIRING REFERENDUM AS AMENDED. ALL AYE, MOTION PASSED

l. Section 6.2 - Regional Planning Agency

i. **Current Language**

The town shall have representation on a Regional Planning Agency in accordance with the provisions of the General Statutes.

ii. **Proposed Language**

The Town of Durham shall be a member of the Lower Connecticut River Valley Regional Council of Governments (RIVERCOG), or any successor regional council established under the General Statutes. Membership shall be maintained in accordance with CGS §§ 4-124c through 4-124u and any other applicable state law.

The First Selectman shall serve as the Town's voting representative to the RIVERCOG, unless otherwise provided by the General Statutes and RIVERCOG Bylaws. The First Selectmen may designate an alternate representative to act in the absence or disability of the First Selectman.

The Town's representative and alternate shall make reasonable efforts to attend all meetings of the RIVERCOG and shall report periodically to the Board of Selectmen regarding regional initiatives and actions.

The Town may participate in all regional planning, transportation, housing, emergency management, environmental, economic development, shared services, procurement, purchasing, and intermunicipal initiatives undertaken by the RIVERCOG, and may enter into associated agreements as permitted by the General Statutes and this Charter.

All actions taken by the Town in connection with the RIVERCOG shall comply with the General Statutes, including the provisions governing regional planning, transportation planning, regional service sharing, and interlocal cooperation.

- iii. Briefly discussed Durham's membership with River Council of Governments. Added procurement and purchasing language, changed "Chief Executive" to "First Selectman," and added language which allows the Selectman to designate an alternate

MOTION BY LAURA FRANCIS SECONDED BY JOHN BUGAI TO APPROVE SECTION 6.2 REGIONAL PLANNING AGENCY AS AMENDED. ALL AYE, MOTION PASSED

m. **Chapter 5 - Finance and Taxation**

- i. Discussed appointed versus elected Employee positions including Town Clerk and Tax Collector. Laura Francis suggested reviewing the function of each board and commission to consolidate and professionalize as many positions as possible. Discussed at length the differences between appointing and electing positions, accounting for nonpartisanship, professionalism, and experience. Noted that who each board reports to and their duties must be clarified, and definitions of Board, Commission, and Committee should be reviewed. Continued discussion on hiring town administrator

n. **Timeline for Completion**

- i. Postponed

11. **Commissioner Reports**

- a. none

12. **Next Steps and Assignments**

- a. Updated language will be sent to legal counsel for review

13. **Next Meeting- February 4, 2026**

14. **Adjourn**

MOTION BY MARTIN ANDERSON SECONDED BY SEVERAL TO ADJOURN. ALL AYE

Meeting adjourned at 9:09 p.m.,
Respectfully submitted,
Nicole Charest