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2:55 PM Jodi Moore, ATC

Town of Durham
Charter Revision Commission
Wednesday, February 4, 2026
Community Center Meeting Room 1, and Remote via Zoom
Meeting Minutes

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1. Call to order

Co-chair Laura Francis called the Special Charter Revision Commission meeting of Wednesday, February 4, 2026 to order at 7:00 p.m.

Also present: Al DiVincentis, Matt LaFayette, Christian Godbout, John Bugai, Martin Anderson, Eileen Buckheit (arrived at 7:50), and Nicole Charest: Town Clerk and Recording Secretary.

Absent:

Members of the public present: Richard Parmelee, Roger Kleeman, and other members of the public

2. Pledge of Allegiance

3. Approval of Agenda

- a. **MOTION BY JOHN BUGAI SECONDED BY MARTIN ANDERSON, TO APPROVE THE AGENDA AS PRESENTED. ALL AYE, MOTION PASSED.**

4. Approval of Minutes

- a. January 21, 2026
i. **MOTION BY JOHN BUGAI SECONDED BY CHRISTIAN GODBOUT TO APPROVE THE JANUARY 21, 2026 MEETING MINUTES AS PRESENTED. ALL AYE. MOTION PASSED**

5. Public Comment

- a. Richard Parmelee made a public comment reiterating that the Compensation Review Board is not being utilized to its full potential and expressing that personnel should not be on boards that discuss wages if that person receives wages from the town. Reiterated his suggestion that changes to the charter be made public. Nicole Charest noted that all changes are listed in the minutes. Laura Francis indicated that a draft would be made public when it is completed, but currently the working document is continually being edited and revisited

6. Presentation or Guests

- a. none

7. Correspondence

- a. none

8. Old Business

- a. none

9. New Business

- a. none

10. Commission Work Session

a. **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:**

Sale, Purchase, or Disposition of Real Estate

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 description of the property by street address or assessor's map lot number;
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 the General Statutes.

MOTION BY MARTIN ANDERSON, SECONDED BY CHRISTIAN GODBOUT TO ACCEPT SECTION 3.6 WITH SUGGESTIONS FROM COUNSEL. ALL AYE, MOTION PASSED

b. 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. Temporary Utility Work Easements Agreements on Town Property or Rights of Way

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 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.

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.

- ii. **MOTION BY MARTIN ANDERSON, SECONDED BY CHRISTIAN GODBOUT TO ACCEPT SECTION 3.7 WITH SUGGESTIONS FROM COUNSEL. ALL AYE, MOTION PASSED**

c. **New Section 3.8 – Acceptance of Private Roads and Road Abandonment**

i. **Proposed Language**

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 Board of Selectmen Initiative
 - a. A request may be submitted by:
 - i. the property owners abutting the road, or
 - ii. the Board of Selectmen on its own initiative.
2. Inspections and Standards

The road must meet Town design, drainage, and safety standards. The Public Works Director or Town Engineer shall inspect and provide a written report.
3. Planning and Zoning Commission Referral

The proposal has been referred for an § 8-24 review at least 35-days before final approval.
4. Board of Selectmen Approval
5. The Board of Selectmen may recommend approval of the layout and acceptance of the road and call a Town Meeting to consider final approval.
6. Final Approval
7. Final approval shall be by Town Meeting
8. Filing
9. The Town Clerk shall record the road acceptance map on the land records.

B. Discontinuance of Town Roads

A Town road may be discontinued under the following process:

1. A vote of the Board of Selectmen to discontinue a town road or portion of a road, which decision must be in form of signed writing.
2. Following a vote to discontinue, a referral of the recommended discontinuance must be made CGS § 8-24 by the Planning and Zoning Commission;
3. Not sooner than 35 days after a referral is made under CGS § 8-25, a Town Meeting shall be held to consider approval of the discontinuation.
4. After Town Meeting approval is granted, the Board of Selectmen will hold a meeting to take final action on the discontinuance after providing written notice to abutting property owners as required by CGS § 13a-49.
5. Upon final approval, the Town Clerk shall record notice of the discontinuance on the land records.
6. 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. Briefly discussed confusion on whether town or residents are responsible for plowing of some roads

MOTION BY MARTIN ANDERSON, SECONDED BY CHRISTIAN GODBOUT TO ACCEPT SECTION 2.8 AS AMENDED. ALL AYE, MOTION PASSED

d. New Section Emergency Appropriations

i. Proposed Language

In the event of an emergency affecting public health, safety, welfare, or essential Town operations, the Board of Selectmen may request an emergency appropriation when funds are not otherwise available in the approved budget.

A. Request for Emergency Appropriation

The Board of Selectmen shall identify:

1. The nature of the emergency,
2. The amount of funding required,
3. The source of funds proposed, and
4. The reasons why the expenditure cannot wait for the next regular budget cycle.

In the event of an emergency affecting public health, safety, welfare, or essential Town operations, the Board of Selectmen may request an emergency appropriation when funds are not otherwise available in the approved budget.

The request shall be submitted to the Board of Finance, which shall review the request as required by the Connecticut General Statutes.

B. Approval of Emergency Appropriation

1. If the amount requested does not exceed the limits set by state law or this Charter, the Board of Finance may approve the appropriation directly, in accordance with CGS § 7-348 and any local fiscal policies.
2. If the amount exceeds those limits, or if state law requires voter approval, the Board of Finance shall forward the request to a Town Meeting (or referendum, if required) with its recommendation.
3. A Town Meeting may decrease the requested appropriation but may not increase it, consistent with state law.

C. Use of Reserve or Contingency Funds

Emergency appropriations may be funded from:

1. the General Fund,
2. the Contingency Fund, or
3. the Reserve Fund for Capital and Nonrecurring Expenditures, consistent with CGS § 7-360 and this Charter.

C. Documentation and Reporting

All emergency appropriations shall be:

1. Voted on in a public meeting,
2. Recorded in the minutes of both boards involved, and
3. Filed with the Town Clerk for public inspection.

The Board of Selectmen shall provide a written report describing the use of the emergency funds and the status of the emergency to the Board of Finance within 60 days of expenditure.

E. Limitations

Emergency appropriations shall be used only for immediate and unforeseen needs that cannot be reasonably addressed through the normal budget or special-appropriation process. They shall not be used to fund new programs or ongoing operating expenses unless it is necessary to respond to the emergency.

- ii. Noted conditions for emergency appropriations include: There must be a documented reason why the situation is an emergency, the funds must come

from the general fund, contingency fund, or reserve for capital and non-recurring expenditures. Section will be sent to counsel for review

e. **Chapter 5 – Finance and Taxation**

- i. Postponed

f. **Chapter 6 – Boards, Commissions, Committees – Part 1**

i. **Proposed Language**

A. Boards

A Board is a permanent body created by this Charter or by the Connecticut General Statutes and authorized to exercise decision-making authority on behalf of the Town.

Boards may include authority over:

- a. finance or fiscal matters,
- b. administration of Town services,
- c. appeals or adjudicatory functions, or
- d. other powers expressly granted by statute or this Charter.

Boards shall act only within the authority granted by law

B. Commissions

A Commission is a permanent body created by this Charter or by statute to exercise regulatory, planning, or quasi-judicial authority, including authority delegated by the Connecticut General Statutes.

Commissions shall:

- a. act independently within their statutory authority,
- b. conduct public hearings as required by law,
- c. make findings and decisions on the record where applicable

C. Committees

A Committee is an advisory or temporary body established to study issues, make recommendations, or assist Town officials or boards.

Committees:

- a. may be created by the Board of Selectmen, Town Meeting, or other authority as provided by this Charter;
- b. shall have no independent decision-making authority, unless expressly granted by statute or this Charter;
- c. may be standing or temporary; and
- d. shall dissolve automatically upon completion of their assigned task unless otherwise provided.

D. Creation and Dissolution

Permanent boards and commissions shall be created, modified, or dissolved only by Charter amendment or state statute, unless otherwise authorized by law.

Committees may be created or dissolved by resolution or ordinance, as appropriate.

E. Appointments and Terms

Appointments, elections, terms of office, vacancies, and removal of members of boards, commissions, and committees shall be governed by:

- a. this Charter,
- b. the Connecticut General Statutes, and
- c. applicable ordinances or bylaws.

Nothing in this section shall be construed to expand or limit the powers of any board or commission established by state statute.

F. Compliance with the Freedom of Information Act

All boards, commissions and committees shall comply with the Freedom of Information Act

- ii. Laura Francis noted that the charter does not define or differentiate between a board, commission, or committee. Discussed differences in definitions with relation to decision making capabilities.
- iii. Discussed changing quorum requirements to allow boards to conduct business with vacancies in membership. Discussed adding procedure for removing member for lack of attendance, will ask counsel for input. Noted that elected officials must be removed using other methods, commission will research further. Commission agreed to add definitions for board, commission, or committee. Emphasized that commissions are multi-member permanent bodies, while committees are advisory or temporary.
- iv. Matt Lafayette suggested adding one paragraph that states all sections must be in compliance with FOIA rather than repeating that requirement every bullet point

MOTION BY MARTIN ANDERSON, SECONDED BY AL DIVINCENTIS TO ACCEPT SECTION 6 AS AMENDED. ALL AYE, MOTION PASSED.

g. **Section 6.4 Planning and Zoning Commission**

i. **Current Language**

There shall be a Planning and Zoning Commission consisting of nine (9) regular members and three (3) alternates. Each regular member shall have a vote. Members shall be elected in accordance with Sections 2.1 and 2.3 of this Charter at General Town Elections, and shall serve for a term of four (4) years, beginning on the first Monday in December after said election. At the first regular meeting of the Commission occurring after said first Monday in December, the Commission shall elect a chairman, and vice chairman and a secretary. The chairman must receive a majority of the votes cast.

The planning and zoning commission shall fill within thirty (30) days any vacancy which occurs among the regular members by appointing one of the three alternate members of the Commission. Said appointee shall serve until the next General Town Election when an election to fill the unexpired portion of the vacating member's term shall be held.

The membership of the Commission and the alternates shall be considered separately for the purposes of Section 2.3 of this Charter.

The Board of Selectmen shall fill, within thirty (30) days, any vacancy which occurs among the alternate positions. Said appointee shall serve until the

next General Town Election when an election to fill out the unexpired portion of said vacating members term will be held.

The Planning and Zoning Commission shall possess all of the powers and duties, not inconsistent with this Charter, in accordance with the General Statutes.

The Commission shall appoint a Zoning Enforcement Officer who will not be a member of said Commission, and who will enforce the zoning regulations of the town. The Commission may also appoint an Assistant Zoning Enforcement Officer if necessary. The Commission will define the scope of the duties of the Office and regulate the activities of said Officer(s), and will have the authority to discharge said Officer(s) for due cause.

The Commission shall appoint one representative who is a resident of the town to the Regional Planning Agency, in accordance with provisions of the General Statutes.

ii. **Proposed Language**

A. Establishment and Composition

There shall be a Planning and Zoning Commission consisting of nine (9) regular members and three (3) alternate members.

Each regular member shall have one vote. Alternate members shall vote only when seated in place of a regular member, in accordance with the Connecticut General Statutes.

B. Election and Terms

Members of the Planning and Zoning Commission, including alternates, shall be elected at the General Town Election in accordance with Sections 2.1 and 2.3 of this Charter and applicable state law.

Regular and alternate members shall serve four-year terms, beginning on the first Monday in December following their election, and shall continue to serve until their successors are elected and qualified.

The provisions of Section 2.3 of this Charter (minority representation) shall apply separately to regular members and alternate members, as required by CGS § 9-167a.

C. Organization

At its first regular meeting following the commencement of new terms, the Commission shall elect from among its regular members:

- a. a Chair,
- b. a Vice Chair, and
- c. a Secretary.

The Chair shall be elected by a majority vote of the members present and voting.

D. Vacancies

- a. Regular Members

If a vacancy occurs among the regular members, the Commission shall, within thirty (30) days, appoint one of the alternate members to fill the vacancy.

The appointee shall serve until the next General Town Election, at which time the unexpired portion of the term shall be filled by election.

b. Alternate Members

If a vacancy occurs among the alternate members, the Board of Selectmen shall fill the vacancy within thirty (30) days.

The appointee shall serve until the next General Town Election, when the unexpired portion of the term shall be filled by election.

E. Powers and Duties

The Planning and Zoning Commission shall exercise all powers and duties granted by the Connecticut General Statutes, including but not limited to planning, zoning, subdivision, and site plan authority, except as limited by this Charter.

F. Zoning Enforcement Officer

The Commission shall appoint, and may remove, a Zoning Enforcement Officer, who shall not be a member of the Commission, and who shall be responsible for the enforcement of the Town's zoning regulations.

The Commission may also appoint, and may remove, one or more Assistant Zoning Enforcement Officers as necessary.

The appointment shall be subject to budgetary approval and, if an employee of the Town, the personnel policies of the Town.

The Commission shall consult with the First Selectman prior to appointment or removal.

Day-to-day supervision shall be in accordance with the Town's administrative structure.

G. Regional Representation

The Commission shall designate one resident of the Town to serve as its representative to the Regional Planning Committee of the Lower River Valley Council of Governments (RiverCOG), in accordance with the Connecticut General Statutes. An alternate shall be appointed by the First Selectman.

- iii. Discussed Zoning Enforcement Officer position hiring and firing authority. Added that appointment of ZEO is subject to budgetary approval and personnel policies of the town and that the commission shall consult with the first selectman prior to appointments

MOTION BY AL DIVINCENTIS, SECONDED BY LAURA FRANCIS TO APPROVE SECTION 6.4 LANGUAGE AS AMENDED. ALL AYE, MOTION PASSED

- iv. Noted that Durham has recently joined a Health District and no longer has a sanitarian
- v. Briefly discussed appointment versus elected position. Reiterated points from previous discussion on professionalizing Town Hall
- vi. Laura Francis noted increase in skills and responsibilities required for elected roles over time. Discussed adding requirements to charter. Discussed at length elected positions and their qualifications and potential for professionalization

h. **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 18, 2026**

14. **Adjourn**

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

Meeting adjourned at 8:56 p.m.,
Respectfully submitted,
Nicole Charest