

TOWN OF DURHAM



**Proposed Amendments to the Town Charter for Approval at
Town General Election
November 3, 2026**

**Brendan Rea, First Selectman
Rob Chadd, Selectman
Tom Hennick, Selectman**

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Language in Black

This language exists in the current Town Charter and there are no proposed changes.

Language in Red/Struck Out

This language exists in the current Town Charter and the town is proposing to remove it.

Language in Blue

This is NEW proposed language.

PREAMBLE

~~We, the electors of the Town of Durham, acting pursuant to the applicable statutes of the State of Connecticut relating to the adoption of town charters, in order to provide a basic organic law defining the powers, duties, rights and obligations of the citizens, officers, and administrative bodies of the Town of Durham, do hereby approve this Charter for the Town of Durham.~~

We, the electors of the Town of Durham (the "Town"), acting under the authority of the Constitution and General Statutes of the State of Connecticut, adopt this Charter as the fundamental law of our Town. Through this Charter we set forth the framework of local government, define the powers and responsibilities of our residents and public officials, and affirm our commitment to open, accountable, and effective self-government.

Definitions

When used in this Charter, the following terms shall have the meanings ascribed to them, except when context clearly indicates otherwise:

- **Agency, Board, Commission, or Committee:** Any permanent, standing, or special board, commission, authority, committee, or agency of the Town enumerated in this Charter or created pursuant to ordinance or resolution enacted under the authority of this Charter or General Statutes.
- **Biennially:** Occurring every second year.
- **Charter:** The organic and foundational legal document governing the administration of local affairs for the Town, enacted and revised in accordance with Chapter 99 of the General Statutes.
- **Chief Executive Officer (CEO):** The First Selectmen, who serves as the chief executive and administrative officer of the Town.
- **Days:** Calendar days, unless business days or working days are explicitly designated.
- **Department:** An administrative or operational division of the Town government.
- **Elector:** Any person possessing the qualifications prescribed by the Constitution of the State of Connecticut who is registered and entitled to exercise the privileges of an elector in the Town.
- **Fiscal Year:** The 12-month period commencing July 1 and ending June 30.
- **General Statutes:** The official General Statutes of the State of Connecticut, as revised and amended from time to time.

- **Holiday**: A Federal, State or local holiday.
- **Legislative Body**: The Town Meeting.
- **Minority Representation**: The statutory rule requiring that the maximum number of members of any municipal board, commission or committee from any single political party be limited as mandated by C.G.S. 9-167a.
- **Officer**: (i) an officer of the Town elected or appointed pursuant to the terms of the Charter, respectively, and (ii) any Selectman
- **Official**: All Officers and all members of Boards, Commissions and committees of the Town.
- **Ordinance**: A permanent local law, regulation, or municipal rule of general applicability enacted by the Legislative Body in accordance with this Charter and state law.
- **Person**: Any natural individual, corporation, partnership, limited liability company, firm, association, trust or other legally recognized entity.
- **Petition**: A formal written document requesting official municipal action or referendum, signed by a required number of Electors on forms prescribed by the Town in compliance with state law.
- **Political Party**: An organized political group active within the Town that is properly registered with the Town Clerk or Secretary of the State.
- **Public Hearing**: A formal proceeding conducted by a Town board, council, committee, or commission after due public notice, during which residents, Electors, and interested members of the public are provided an opportunity to offer comments and testimony.
- **Qualified Taxpayer**: A citizen of the United States of the age of eighteen years or more who is liable to the Town for taxes on property appearing on the Town's last-completed grand list, in an amount of not less than one thousand dollars.
- **Referendum**: The submission of a question or proposition to the qualified electors of the Town for approval or rejection, as required or authorized by this Charter or the General Statutes.
- **Special Act**: The legislation enacted by the State's General Assembly which applies to a specific situation or designated set of circumstances, rather than law having general application.

- **State:** The State of Connecticut.
- **Town:** The Town of Durham, Connecticut.
- **Voter:** A bona fide resident of the Town who is entitled to vote at Town Meetings.

CHAPTER 1: INCORPORATION AND GENERAL POWERS

Section 1.1 Incorporation

~~All the inhabitants dwelling within the territorial limits of the Town of Durham, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Durham," hereinafter in this Charter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the town and not inconsistent with the privileges herein conferred, and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut as amended, hereinafter called the "General Statutes."~~

The Town, as established under the laws of the State of Connecticut, shall continue to be a body politic and corporate under the name Town of Durham, with perpetual succession. The Town shall possess and may exercise all powers and privileges granted to towns by the Constitution and General Statutes of the State of Connecticut, as amended, and all powers fairly implied, or incident to those expressly granted, provided such powers are consistent with this Charter.

Section 1.2 Rights and Obligations

~~All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the town as of the date when this Charter shall take effect are continued in the town, and the town shall continue to be liable for all debts and obligations of every kind for which the town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of the town to collect any assessment, charge, debt, or lien. If any contract has been entered into by the town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the town which contains provisions that the same may be enforced by any office or agency therein named, which is hereby abolished, such contracts, bonds, or undertakings shall in no manner be impaired but shall continue in full force and effect, and the powers conferred and the duties imposed with reference to this same upon any such office or agency shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Board of Selectmen of the town.~~

All property, real and personal, and all rights, actions, and interests of every kind vested in or belonging to the Town as of the effective date of this Charter shall remain the property of the Town. The Town shall continue to be responsible for all debts, obligations, and liabilities existing as of that date, whether accrued or contingent. Nothing in this Charter shall impair the Town's right to collect any taxes, assessments, charges, or debts, or to enforce any liens.

All contracts, bonds, or other undertakings made by or in favor of the Town prior to the effective date of this Charter shall remain in full force and effect. Any powers or duties assigned by such agreements to an officer or agency that has been altered or abolished by this Charter shall, unless otherwise provided herein, be exercised and performed by the Board of Selectmen or by such successor officer or body as may be designated by ordinance

Section 1.3 General Grant of Powers

~~In addition to all powers granted to towns under the Constitution and General Statutes, the town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted herein and all other powers incident to the management of the property, government and affairs of the town, including the powers to enter into contracts with the United States, any federal agency, the State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the federal and state constitutions and General Statutes of the State of Connecticut. In the event that the functions of existing offices and/or agencies are transferred under such contract or agreement, such offices and/or agencies may, by ordinance, be abolished.~~

The Town shall have all powers and privileges granted to municipalities by the Constitution and General Statutes of the State of Connecticut, as amended, and by this Charter. The Town shall also have all powers fairly implied or incidental to those expressly granted, and all powers necessary to carry out the responsibilities of local government and to promote the general welfare of its residents, provided such powers are consistent with this Charter or with the Constitution or General Statutes.

Notwithstanding anything to the contrary in this Charter, the Town may enter into contracts and intergovernmental agreements with the United States, the State of Connecticut, any other entity created by the General Statutes or any of their political subdivisions or agencies, for the performance or procurement of services or the joint use of facilities, as permitted by law. When any municipal function is transferred or consolidated under such an agreement, the affected office or agency may be modified or abolished by ordinance, consistent with the terms of the agreement and applicable law.

Section 1.4 Hiring of Staff

~~All officers, boards, commissions, and other agencies of the town shall have the authority to engage, and may remove, clerical, professional, technical, or other staff as may be required. Expenditures for such staff may not exceed the limits of their individual appropriations. Except as specifically provided herein no office, board, agency or commission member shall receive compensation directly or indirectly for goods or services furnished to that office, board, agency or commission.~~

All officers, boards, commissions, and agencies of the Town may request clerical, professional, technical, or other staff support as necessary for the proper performance of their duties. Such personnel, including clerical, professional, technical or other staff, shall be hired, overseen, and may be removed by the First Selectman, in accordance with the Town's personnel policies and within the limits of the approved appropriations.

No officer, board, commission, or agency, nor any member thereof, shall independently employ or compensate any person for services rendered to the Town, except as expressly authorized by this Charter, by the General Statutes, or by ordinance. Except as

provided in this Charter, no member of any board, commission, or agency shall receive compensation, directly or indirectly, for goods or services provided to that entity.

Notwithstanding the foregoing, should hiring and/or removal authority be vested in others by the General Statutes, or other controlling law, the person so vested shall have such authority.

CHAPTER 2. OFFICERS AND ELECTIONS

Section 2.1 General Town Elections

A meeting of the electors of the town of Durham for the election of the municipal officers shall be held biennially on the Tuesday following the first Monday of November in the odd-numbered years. At such meeting the following shall be elected on voting machines, between hours to be set in accordance with General Statutes:

1. A Board of Selectmen consisting of a First Selectman and ~~two (2)~~ four (4) additional members; ~~a Town Clerk; a Tax Collector;~~ a Town Treasurer; and two (2) Registrars of Voters, all for terms of four (4) years each.
2. Two (2) members of the six-member Board of Finance for the term of six (6) years each.
3. One (1) member of the three-member Board of Assessment Appeals for the term of ~~six (6)~~ four (4) years each.
4. Two (2) or three (3) regular members and one (1) or two (2) alternate members of the five (5) member Zoning Board of Appeals for terms of four (4) years.
5. Four (4) or five (5) regular members and one (1) or two (2) alternate members of the nine (9) member Planning and Zoning commission, for terms of four (4) years.
6. Sufficient members to maintain a full delegation to represent the Town on the Regional District 13 Board of Education, for terms of four (4) years each.

The terms of all officers shall commence on the first Monday in December except the ~~Town Clerk and~~ Town Treasurer, whose terms shall begin on the first Monday in January. All elective officers presently holding office and to be elected hereunder, shall hold office until their successors are elected, have taken the oath of office and have otherwise qualified.

Section 2.2 State Election

~~Nomination and election of state and federal officers and other elective officers of the town, including two (2) registrars of voters shall be conducted in the manner prescribed in the Constitution of the United States and the General Statutes. The nomination or appointment of (18) Justices of the Peace shall also be conducted in this manner. The Registrars of Voters shall prepare lists of electors qualified to vote in accordance with said laws.~~

Nomination and election of state and federal officers and other elective officers of the Town, including two registrars of voters shall be conducted in the manner prescribed in the Constitution of the United States and the General Statutes. The nomination or appointment of 18 Justices of the Peace shall also be conducted in this manner. The Registrars of Voters shall prepare lists of electors qualified to vote in accordance with said laws.

~~Elections for state and federal officers, and for any other offices required by law including the Town's two (2) Registrars of Voters shall be conducted in accordance with the Constitution of the United States, the Constitution of the State of Connecticut, and the General Statutes.~~

~~The nomination and appointment of Justices of the Peace shall also follow the procedures established by State Statutes and Durham Code of Ordinances as amended.~~

~~The Registrars of Voters shall prepare and maintain the lists of electors qualified to vote in all elections, consistent with the requirements of state election law.~~

Section 2.3 Minority Representation

~~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.~~

The Town shall follow the 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:

<u>Total Membership</u>	<u>Maximum from One Party</u>
<u>3</u>	<u>2</u>
<u>4</u>	<u>3</u>
<u>5</u>	<u>4</u>
<u>6</u>	<u>4</u>
<u>7</u>	<u>5</u>
<u>8</u>	<u>5</u>
<u>9</u>	<u>6</u>
<u>More than 9</u>	<u>No more than two-thirds of the total membership</u>

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

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

Section 2.4 Breaking a Tie Votes

~~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.~~

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 General Statutes.

Section 2.5 Eligibility for Office

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.

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.

Section 2.6 Vacancies Other Than Expiration of Term

~~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.~~

Unless otherwise provided by this Charter or the 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 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 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.

Section 2.7 [New] Vacancies: Expiration of Terms

~~The Town Clerk shall maintain a list of appointed board and commission members including dates of expiration of their terms. The Town Clerk shall, at least two months prior to the expiration of any term, notify the Board of Selectmen. The appointing authority shall notify boards and commissions chairpersons of impending term expirations and shall publicize impending vacancies. All appointments shall be made prior to the expiration of the term.~~

The Town Clerk shall maintain an up-to-date list of all appointed board and commission members, including the expiration date of each term. At least two (2) months before any term expires, the Town Clerk shall notify the Board of Selectmen in writing. The appointing authority shall then notify the chairperson of the affected board or commission and publicize the upcoming vacancy to encourage qualified residents to apply.

All appointments or reappointments should be made before the expiration of the current term whenever possible, to ensure continuity of service and prevent any lapse in membership.

If an appointment or reappointment is not made before a term expires, the incumbent member may continue to serve until a successor is appointed and qualified, unless otherwise provided by the General Statutes or this Charter.

Notwithstanding the foregoing, if the filling of a vacancy is vested another person by the General Statutes, or other controlling law, the person so vested shall have such authority.

Section 2.8 Officers of Boards, Commissions and Committees

~~Except as otherwise specified in this Charter, every board shall elect from its members a chairman, a vice-chairman to act in the place of the chairman, and a secretary.~~

Unless otherwise provided by this Charter or by law, each board, commission, committee, or similar body shall, at its first meeting each year, elect from among its members the following officers:

1. Chairperson, who shall preside at meetings and serve as the official spokesperson of the board;
2. Vice-Chairperson, who shall act in the absence or disability of the Chairperson; and
3. Secretary, who shall ensure that accurate minutes and records of meetings are kept in accordance with the Connecticut Freedom of Information Act.

All officers shall serve until their successors are elected and qualified.

A board, commission, committee, or similar body may, with the approval of the First Selectman, designate a recording clerk and/or staff liaison to assist in preparing agendas, minutes, and correspondence. Such assistants shall not be a voting member of the body but shall perform clerical or administrative duties under the direction of the Secretary and in compliance with state law.

Section 2.9 General Powers ~~and~~ Duties ~~and~~ Remuneration

~~All elective town officers shall have powers and duties in accordance with the General Statutes and this Charter. Remuneration, if any, of town officials, whether elected or appointed, shall be set by vote of the Annual Budget Meeting upon the recommendation of the Board of Finance. Such salaries shall be listed separately for voting by being included as separate line items in the budget.~~

All elected Town officials shall have the powers and duties assigned to them by the General Statutes, this Charter, and any Town ordinances enacted under its authority.

Section 2.9.1 Compensation

The compensation or stipend, if any, for elected and appointed Town officials shall be determined through the annual budget process, upon recommendation of the Board of Finance and approval at the Annual Budget Meeting.

Each position receiving compensation shall be listed as a separate line item in the proposed budget to allow for clear public review.

No elected Town official or employee shall receive unapproved compensation for performing the regular duties of their office or position.

The Board of Selectmen may with the approval of the Board of Finance, which shall review only for financial feasibility, adjust the compensation or stipend of any elected or appointed Town official or employee between annual budget cycles, provided such adjustment is determined by the Board of Selectmen to be in the best interests of the Town, and then only as permitted by the General Statutes governing appropriations and budget amendments.

Any such change shall be made in a public meeting and recorded in the minutes of both boards.

Section 2.10 Meetings and Minutes of Boards, Commissions, and Committees

Meetings

~~All town boards and commissions shall keep and file copies of their minutes with the Town Clerk, in accordance with General Statutes and Freedom of Information Acts, as amended. Upon receipt of the minutes, the Town Clerk shall cause a copy of said minutes to be transmitted to the Board of Selectmen.~~

~~Meetings of all town boards and commissions shall be open to the public, excepting that, upon a majority vote of the members present, meetings may be closed to the public for executive session.~~

All meetings of Town boards, commissions, committees, and similar bodies shall be conducted in compliance with the Connecticut Freedom of Information Act.

Each body shall keep written minutes of every meeting and file a copy with the Town Clerk within the time required by the General Statutes. The Town Clerk shall make such minutes publicly available in accordance with the General Statutes.

Section 2.11 Referendum

~~Except as otherwise provided in this Charter, the provisions of the General Statutes shall prevail for all referenda.~~

Section ~~2.12~~ 2.11 Regional Districts

The ~~T~~own may enter into such regional districts and associations as are permitted by the General Statutes and this Charter.

CHAPTER 3. TOWN MEETING

Section 3.1.1 Legislative Powers

~~The legislative powers of the town shall be vested in the Town Meeting.~~

The legislative powers of the Town shall be vested in the Town Meeting in accordance with the General Statutes.

Where this Charter or the General Statutes delegates powers to another body, those delegations shall be exercised in a manner consistent with the authority of the Town Meeting and the General Statutes.

Section 3.1.2 Annual and Special Meetings

~~The Annual Town Meeting shall be held on the first Monday of October of each year unless changed by vote of a town meeting or by referendum. Special meetings may be called by the Board of Selectmen, in the manner provided by the General Statutes, whenever it deems it necessary, or on a petition of not less than one hundred (100) electors, qualified to vote at town meetings, such meetings to be held within twenty-one (21) days after such petition is received by the Selectmen. In order to expedite the petition process and ensure due representation, the Town Clerk shall provide the petitioner with guidelines.~~

1. Annual Town Meeting

The Annual Town Meeting shall be held on the first Monday in October each year, unless another date is established by vote of a Town Meeting or by referendum.

The Board of Selectmen shall issue a call and warning stating the date, time, place, and specific business to be considered. The warning shall be signed by the First Selectman and posted and published in accordance with the General Statutes. Only the business described in the call may be acted upon.

2. Special Town Meetings

- a. The Board of Selectmen may call a Special Town Meeting whenever it determines one is necessary, following the same notice requirements as for the Annual Town Meeting.
- b. A Special Town Meeting shall also be called upon the filing of a petition signed by at least one hundred (100) qualified electors of the Town.
 - i. The Town Clerk shall make available petition guidelines and forms to assist petitioners.
 - ii. The Registrars of Voters shall verify the validity of petition signatures as required by law.
 - a. After a valid petition is received, the Board of Selectmen shall call and hold the meeting within twenty-one (21) days and issue the statutory warning.

A Special Town Meeting may consider only the business set forth in its call.

3. Conduct of Meetings

Town Meetings shall be conducted in accordance with the General Statutes, including notice and open-meeting requirements of the Freedom of Information Act, and any additional procedures adopted by the Town consistent with this Charter.

Section 3.1.3 Call of Special Town Meetings by Petition

~~The matters which the petitioners for a special town meeting desire acted upon, if they are legally proper subjects for action at a town meeting as determined by Town Counsel (at the request of the Selectmen), shall be put in proper form for the call of a town meeting and for a town meeting resolution with the assistance of the Town Counsel, if or when necessary, and those matters shall come first in the call of the meeting. The Board of Selectmen, at its discretion, may add other matters to the call of the meeting.~~

When a Special Town Meeting is called based on a valid petition under this Charter and the General Statutes, the Board of Selectmen shall place on the call all items requested in the petition, provided they are legally proper subjects for Town Meeting action.

The Board of Selectmen may request a determination from the Town Counsel as to whether any petitioned item is lawful and suitable for Town Meeting action. If needed, Town Counsel may assist in drafting the wording of the call and any proposed resolutions to ensure they comply with the General Statutes.

The petitioned items shall appear first in the call of the meeting. The Board of Selectmen may add additional items to the call, provided those items are also proper subjects for Town Meeting action and are included in the warning in accordance with state law.

Section 3.1.4 Legal Notice and Warning of Town Meetings

~~Legal notice of all town meetings shall be placed in a newspaper having circulation in Durham, and a copy posted on the bulletin board at the Town Hall, at least five (5) days prior to date of meeting. Warnings for town meetings shall be keyboarded and printed and a copy shall be filed with the Town Clerk in the Town Meeting Record Book. Warnings must contain place, date, and hour of meeting and list all articles to be acted upon.~~

All Town Meetings shall be noticed, warned, and posted in accordance with the General Statutes, including CGS §§ 7-1, 7-3, and the Freedom of Information Act (CGS § 1-225).

1. Publication and Posting Requirements

A legal notice and warning of every Town Meeting shall:

- a. Be signed by the First Selectman;

- b. Be published in a newspaper published in such town or having a circulation therein, such posting and such publication to be at least five (5) days previous to holding the meeting, including the day that notice is given and any Saturday, Sunday and any legal holiday which may intervene between such posting and such publication and the day of holding such meeting, but not including the day of holding such meeting;
- c. Be posted at the Town Hall and any other public posting locations designated by the Board of Selectmen; and
- d. Be posted on the Town's website when practicable, to improve public access.

2. Filing with the Town Clerk

A copy of the warning shall be filed with the Town Clerk at the time it is issued. The Town Clerk shall maintain the warning in the official records of Town Meetings, in accordance with applicable records-retention statutes.

3. Contents of the Warning

Each warning shall state clearly:

- a. The date, time, and place of the meeting); and
- b. A complete list of all items or articles to be considered or acted upon.

Only items included in the warning may be taken up at the meeting.

4. Accessibility and Transparency

The Town Clerk shall make posted warnings available for public inspection, both in person and electronically, and shall ensure compliance with the Freedom of Information Act, including requirements for timely posting of agendas and public access.

Section 3.2 Organization and Procedure

The First Selectman shall call the meeting to order at the advertised time and the meeting shall choose a moderator. The Town Clerk or Assistant Town Clerk shall serve as clerk. In their absence, the meeting shall choose a clerk.

Section 3.2.1 Organization, Procedure, and Voting Qualifications

~~Electors of the town and other persons qualified to vote in accordance with the General Statutes may vote at town meetings. Unless otherwise required by this Charter, substantive town meeting action shall be by majority vote of those present and voting. Town meetings shall be conducted in accordance with procedures as set forth in the General Statutes and in the manual entitled "The Connecticut Town Meeting."~~

A Town Meeting shall be organized and conducted as follows:

1. Call to Order

The First Selectman, or in their absence the Acting First Selectman, shall call the Town Meeting to order at the time and place stated in the legal notice and warning.

2. Election of Moderator

Immediately after the meeting is called to order, the electors present shall elect a Moderator to preside.

The Moderator shall:

- a. Maintain order and fairness;
- b. Recognize speakers;
- c. Ensure that only warned business is considered; and
- d. Rule on procedural questions, subject to override by a majority vote of those present.

3. Clerk of the Meeting

The Town Clerk shall serve as Clerk of the meeting. If unavailable, the Assistant Town Clerk shall serve; if neither is available, the meeting shall elect a Clerk pro tempore.

The Clerk shall:

- a. Keep accurate minutes;
- b. Record all votes;
- c. File minutes in accordance with the Freedom of Information Act (CGS § 1-225); and
- d. Certify all official actions requiring filing or transmission.

4. Voting Eligibility

Those entitled to vote at Town Meetings are:

- a. Electors of the Town of Durham, or
- b. Qualified Taxpayers, except for the election of Town officers.

Only individuals meeting these legal criteria may vote on Town Meeting business.

5. Voting Requirements and Methods

Unless otherwise required by this Charter or the General Statutes:

- a. Substantive Town Meeting actions shall be decided by a majority vote of those present and voting.

- b. Votes may be taken by voice vote, show of hands, or another lawful method, unless:
 - i. a statute or this Charter requires a different method, or
 - ii. A majority of voters present request a counted vote or paper ballot.

If the meeting votes to refer a question to a machine vote (referendum) under CGS § 7-7, the Moderator shall announce the date, time, and place of the referendum.

6. Rules of Procedure

Town Meetings shall be conducted in accordance with:

- a. The General Statutes;
- b. This Charter;
- c. The Freedom of Information Act; and
- d. Generally accepted rules of parliamentary procedure.

7. Order of Business

Only matters included in the call and warning may be considered. The order of items may be changed by a majority vote of those present.

8. Adjournment

A Town Meeting may adjourn to a date, time, and place certain by a majority vote, provided any adjournment complies with the notice requirements of the General Statutes.

Section 3.3 Annual Budget

~~Adoption of the annual budget shall be by majority vote of those qualified to vote at the Annual Budget Meeting. The meeting shall have the power to decrease or delete any appropriation or item in an appropriation, but it may not increase or add to any appropriation or item in an appropriation, or make any appropriation for a purpose not recommended by the Board of Finance.~~

The Annual Budget shall be adopted by a majority vote of the Electors and Qualified Taxpayers in attendance at the Annual Budget Meeting.

At the Annual Budget Meeting, the voters by majority vote may decrease or eliminate any appropriation or line item in the proposed budget.

They may not increase any appropriation, add new appropriations, or fund any purpose that has not been recommended by the Board of Finance.

The action of the Annual Budget Meeting shall constitute the Town's official appropriation for the ensuing fiscal year.

Section 3.3.1 Annual Budget Meeting

~~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.~~

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.

Section 3.4. Special Appropriations

~~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.~~

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.

Section 3.4.1 – Emergency Appropriations

Emergency expenditures may be made for the purposes of meeting a public emergency threatening the lives, health, safety, or property of Town residents, or related to the essential functions of Town government. Such expenditures may be made upon the recommendation of the First Selectman and approved by a majority vote of the Board of Selectmen. In the absence of sufficient general fund resources to meet such appropriation, additional means of financing shall be provided in such manner as is consistent with the General Statutes.

Section 3.4.2 Declaration of a Public Emergency

The First Selectman may declare a Public Emergency and take such action deemed advisable whenever a Public Emergency threatens the lives, health, safety, or property of residents of the Town, or materially impairs an essential function of Town government. Having declared a Public Emergency, the First Selectman will consult with Emergency Personnel on the appropriate course of action. Any such declaration shall automatically stand repealed at the end of five days, unless earlier terminated or extended by the Board of Selectmen. Expenditures to meet such costs as incurred in addressing the Public Emergency shall be made in accordance with Section 3.4.1 of this Charter.

Section 3.5 Ordinances

1. 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.

2. 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.

3. 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.

Section 3.5.1 Petition For Enactment, Repeal, or Amendment of Ordinances

~~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.~~

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

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.

Section 3.5.2 Action on Ordinances

When the Board of Selectmen submits a proposed ordinance in accordance with Section 4.5 of this Charter, by vote of the Town Mmeeting 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 Mmeeting 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.

Section 3.5.3 Emergency Ordinances

1. Purpose.

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

2. Declaration of Emergency.

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

3. Adoption.

An emergency ordinance requires a majority vote of the Board of Selectmen.

4. Duration.

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.

Emergency ordinances shall be published promptly after adoption and take effect immediately upon publication, unless a later effective date is specified.

6. Limitations.

Emergency ordinances may not:

- a. Amend this Charter
- b. Authorize long-term bonding or debt
- c. Approve permanent fees, taxes, or land-use regulations
- d. Override the General Statutes
- e. Emergency ordinances must comply with all applicable provisions of the General Statutes.
- f. Emergency ordinances may not infringe on the Constitution of the United States or the Connecticut State Constitution.

Section 3.6 Sale, ~~or~~ Purchase, or Disposition of Real Estate

~~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.~~

1. 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:

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

2. 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.

3. Required Process and Transparency

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

- a. A description of the property by street address or assessor’s map lot number;
- b. A statement of purpose for the action;
- c. A report or recommendation from the Board of Selectmen; and
- d. Any additional materials required by ordinance or the General Statutes.

Section 3.7 Easements, Rights-of-Way, and Temporary Construction Access

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.

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

The Town may grant or require any temporary or permanent easement, temporary or permanent right-of-way, or temporary construction access across Town-owned property upon approval of the Board of Selectmen, 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 General Statutes, including CGS § 7-148(c)(3).

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

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

- a. public improvements,
- b. infrastructure installation or repair,
- c. highway or sidewalk purposes,
- d. public utilities,
- e. stormwater management, or other municipal functions.

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

3. Temporary Utility Work Easements Agreements on Town Property or Rights of Way the Board of Selectmen may approve administrative or routine easements that:

- a. are temporary in nature,
- b. do not materially affect the use of Town property,
- c. do not convey exclusive or permanent rights, and
- d. 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.

4. 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.

5. Recording

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

Section 3.8 Acceptance of Private Roads and Road Discontinuance Procedures

1. Acceptance of Private Roads

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

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

b. 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.

c. Planning and Zoning Commission Referral

The proposal has been referred for an § 8-24 review at least 35-days before final approval.

d. Board of Selectmen Approval

The Board of Selectmen may recommend approval of the layout and acceptance of the road and call a Town Meeting to consider final approval.

e. Final Approval

Final approval shall be by Town Meeting.

f. Filing

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

2. Discontinuance of Town Roads

A Town road may be discontinued under the following process:

a. 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.

b. Following a vote to discontinue, a referral of the recommended discontinuance must be made pursuant to CGS § 8-24 to the Planning and Zoning Commission;

c. 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.

d. 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 § 13a49.

e. Upon final approval, the Town Clerk shall record notice of the discontinuance on the land record

3. 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.

Section 3.79 Actions Requiring Referendum

Any action of the Town requiring 1) a special appropriation or the borrowing of ~~one hundred thousand dollars (\$100,000.00)~~ ten percent (10%) or more of the Town's net budget, 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.

CHAPTER 4. BOARD OF SELECTMEN

Section 4.1 Board of Selectmen Number of Selectmen

~~There shall be a Board of Selectmen consisting of a First Selectman and two (2) additional Selectmen, hereinafter referred to as the Selectmen, who shall be compensated in such manner and amount as set by vote of the Annual Budget Meeting, upon recommendation of the Board of Finance.~~

~~The candidate receiving the largest number of votes for First Selectman at the General Town Election shall be declared elected to the office of First Selectman. The two (2) candidates receiving the next highest number of votes at the General Town Election shall be declared elected to the Board of Selectmen.~~

There shall be a Board of Selectmen consisting of a First Selectman and four Selectmen who shall be compensated in such manner and amount as set by vote of the Annual Budget Meeting, upon recommendation of the Board of Finance. The manner of election and the seating of office shall be in accordance with the General Statutes.

Section 4.2 Procedures

~~The newly elected Board of Selectmen shall hold a first organizational meeting within ten (10) days after taking office. At this meeting the Board of Selectmen, in accordance with the General Statutes and this Charter, shall fix the time and place of its regular meetings, provide a method for the calling of Special Meetings, and designate who shall act in the place of the First Selectman in the event of his or her absence or disability. It shall, by resolution, determine its own rules of procedure, except that each Selectman shall always retain the ability to make a motion or offer a proposal which shall be considered by the Board without the necessity of a second. All meetings of the Selectmen for the transaction of business shall be open to the public, subject to the provisions of Section 2.10. The votes of each member shall be recorded at the session at which they occur, in accordance with the General Statutes, and reported in the minutes of such meeting. Two members shall constitute a quorum, and no resolution or action shall be adopted by less than two affirmative votes.~~

The Board of Selectmen shall hold an organizational meeting within ten days after the commencement of each new term of office. At such meeting, the Board shall establish the time and place of its regular meetings, provide for the calling of special meetings, and designate a Selectman to act in the absence or disability of the First Selectman.

The Board of Selectmen shall adopt rules of procedure consistent with the General Statutes and this Charter. Each member shall have the right to make motions and participate fully in the proceedings of the Board.

The Board of Selectmen may provide for remote or hybrid meetings to the extent permitted by the General Statutes.

All meetings of the Board of Selectmen shall be conducted in accordance with the General Statutes, including the Freedom of Information Act.

The vote of each member on any question shall be recorded and entered into the minutes of the meeting.

A majority of the Board shall constitute a quorum. No action shall be taken without the affirmative vote of a majority of the members present and voting.

Section 4.3 General Powers and Duties

Section 4.3.1 Affairs of the Town

The Board of Selectmen shall be responsible for supervising the affairs of the **T**own, and shall guide all **T**own officers, boards, agencies, commissions, and committees toward accomplishing the objectives of the town's long-range comprehensive plans.

Section 4.3.2 Capital Expenditures

The Board of Selectmen shall be responsible for presenting to the Board of Finance the amount, purpose, and proposed method of financing projected capital expenditures. The Board of Selectmen may, in order to carry out its duties and responsibilities, require such information from, or joint meetings with, any **T**own officer, board, commission, or agency.

Section 4.3.3 Joint Meeting With Other Town Agencies

The Board of Selectmen shall be responsible for holding joint meetings at least two (2) times a year with one or more members of all boards, commissions, and agencies to coordinate the planning and action of such. The items discussed shall be appropriately recorded.

Section 4.3.4 Town Budget

All agencies shall submit to the Board of Selectmen for its review in recommending a general government budget to the Board of Finance, copies of the itemized estimate of the expenditures to be made by that agency, and all revenues, other than **T**own appropriations, to be received by it during the ensuing fiscal year; such itemized estimates along with supporting data to be submitted to the Board of Selectmen at such time as the Board of Finance, under Section 5.1.5 of this Charter, may require for the preparation of the annual budget.

Section 4.3.5 Financial Planning

The Board of Selectmen shall be responsible for reviewing the current and projected administrative and fiscal needs of the **T**own and shall develop, maintain and update

annually a long-range comprehensive financial plan. Said plan shall be filed with the Town Clerk.

Section 4.3.6 Town Procurement Policy

The Board of Selectmen shall be responsible for implementing a Town Procurement Policy and review such policy on an annual basis.

Section 4.4 Appointments

Unless otherwise specified in this Charter or in the General Statutes ~~as amended~~, the Board of Selectmen shall make all appointments ~~to the following town offices: 911 Coordinator, Animal Control Officer, Building Code Board of Appeals, Building Official, Burning Officials, Conservation Commission, Constables, Director of Emergency Management, Director of Health, Economic Development Commission, Fire Marshal and Deputy Fire Marshal, Fire Wardens, Historic District Commission, Inland Wetlands and Watercourses Agency, Municipal Agent for Elderly, Ordinances Committee, Public Safety Committee, Recreation Committee, Regional Planning Agency, Senior Citizen Board, Special Constables, Street Naming Committee, Tax Assessor, Town Counsel, Town Engineer, Town Sanitarian, Tree Warden, Water Commission,~~ to all boards, commissions and committees established by this Charter, by controlling General Statutes, by ordinance, or by the Board of Selectmen.

Section 4.5 Powers With Respect to Ordinances

The Board of Selectmen may propose to a Town Mmeeting duly called, ordinances consistent with the General Statutes and this Charter on any matter which the General Statutes or this Charter authorize to be legislated by ordinance, and which in general would serve to aid in the preservation of the good order, health, welfare and safety of the Town.

Section 4.6 Additional Powers and Duties of Board of Selectmen

Except for the powers committed to the Board of Finance by the General Statutes, the Selectmen shall have the power, subject to the provisions of the General Statutes and this Charter:

1. To incur indebtedness in the name of the Town, and to provide for the due execution of contracts and evidences of indebtedness issued by the Town;
2. To purchase, lease, sell, or convey real or personal property of or for the Town; and also with the approval of the Planning and Zoning Commission under General Statutes, or any successor statute of similar import, the Board of Selectmen may accept any of the following without Town meeting approval: new roads constructed to Town standards and interests in land reserved as open space or otherwise protected from development pursuant to a development plan approved by the Planning and Zoning Commission.
3. To institute, prosecute, defend, or negotiate any legal action or proceeding by or against the Town;

4. To enter into contractual arrangements with other municipalities to obtain needed services provided such arrangements meet with provisions set forth in Section 5.1.9 of this Charter;
5. To put out to public bid all contracts in amounts in excess of (\$5,000.00); in accordance with the Town Procurement Policy;
6. To pay all [Town](#) bills and record all [Town](#) expenditures against appropriations.

Section 4.7 Other Powers and Duties

The Selectmen shall have such other powers and duties as are provided by the General Statutes and this Charter.

Section 4.8. The First Selectman

The First Selectman shall be:

1. The chief executive and administrative officer of the [Town](#), and shall have the powers and duties of First Selectman conferred upon that office by the General Statutes and by this Charter;
2. An ex-officio member, without vote, of all [Town](#) boards, commissions, and committees. The First Selectman may attend all sessions, both public and executive, of said boards, commissions, and committees. In the event the First Selectman is unable to attend said sessions, he or she may, in writing, appoint a Selectman to be his or her representative at any of said sessions, also without vote. The First Selectman shall be given reasonable notice of all meetings of all boards, commissions, and committees;
3. Chief of Police of the [Town](#), supervising the duties and responsibilities of the constables and other police or/and public safety officers.

Section 4.9 [Powers, Duties and Responsibilities](#) of the First Selectman

The First Selectman shall be responsible for:

- (1) Executing and carrying out all ordinances, resolutions, policies and other action approved by the Board of Selectmen or a town meeting;
- (2) Coordinating administration of the agencies, boards, and commissions of the town, except those functions expressly reserved or delegated to such agencies by law;
- (3) Guiding the Board of Selectmen in the discharge of all the Board's duties and responsibilities;
- (4) Directing and supervising the activities of town employees, and where the First Selectman deems advisable, working with town employees, except employees of the Board of Education and employees whose employment is otherwise provided by law;
- (5) Keeping full and complete records of the activities of this office;

(6) Providing monthly written financial reports and analysis to the Board of Selectmen and the Board of Finance; such report shall be filed with the Town Clerk by the end of the following month;

(7) Keeping or causing to be kept complete books of account showing the financial transactions of the town, and all other accounts and records as may be prescribed by the Board of Selectmen, the General Statutes, this Charter, and a town meeting.

Section 4.10 Delegation of Duties

The First Selectman may ~~from time to time~~ assign and delegate his or her duties and powers to another Selectman, unless prohibited by the General Statutes.

CHAPTER 5. FINANCE AND TAXATION

Section 5.1 Board of Finance

There shall be a six-member Board of Finance which shall exercise the powers and duties granted to such Board under the General Statutes and this Charter. The members of the Board of Finance shall be elected in accordance with Sections 2.1 and 2.3 of this Charter. The Board of Finance shall serve as the Town's fiscal policy and oversight body, with the powers and duties provided by the General Statutes and this Charter. The Board of Finance shall review, modify, and recommend the annual budget in accordance with this Charter and applicable law. The Board of Finance shall monitor the financial condition of the Town and may establish financial policies, including policies governing budgeting, accounting, and the investment of Town funds, consistent with the General Statutes.

Section 5.1.1 Organization, Qualifications and Meetings of the Board of Finance

~~The Board of Finance, within ten (10) days following qualification of newly elected members, shall meet and elect from its membership a chairman, who shall preside over its meetings, a vice chairman, who shall preside in the chairman's absence, and shall appoint a clerk, who shall prepare the minutes and other records of each meeting.~~

~~The Board shall hold regular monthly meetings, and special meetings when needed, to perform its duties.~~

~~Each member of the Board of Finance must meet the following qualifications:~~

- ~~(1) Be an elector of the town;~~
- ~~(2) Be a taxpayer of the town;~~
- ~~(3) Be sworn to faithful performance of his or her duties;~~
- ~~(4) Hold no salaried town office.~~

~~Board members shall receive no compensation for services, but necessary expenses of the Board are to be paid by the town within the limits of the Board's appropriation.~~

1. Organization

Within ten (10) days after newly elected members have qualified and taken office, the Board of Finance shall hold an organizational meeting and shall:

- a. Elect a Chair, who shall preside over meetings;
- b. Elect a Vice Chair, who shall act in the absence of the Chair; and
- c. Elect a Secretary, who shall be responsible for preparing and maintaining the minutes and records of the Board in accordance with the Freedom of Information Act.

The Board of Finance may, subject to the approval of the First Selectman and within available budgetary appropriations, retain a recording secretary or similar administrative support to assist with the preparation of minutes and other records.

All officers and appointees shall serve until their successors are elected or appointed.

2. Meetings

The Board of Finance shall hold regular monthly meetings and such special meetings as may be necessary to carry out its duties.

All meetings shall be conducted in compliance with the General Statutes and the Freedom of Information Act.

3. Qualifications

Each member of the Board of Finance shall:

- a. Be an elector of the Town;
- b. Be a taxpayer of the Town;
- c. Be sworn to the faithful performance of the duties of the office; and
- d. Not hold any salaried Town office during service on the Board.

4. Compensation and Expenses

Members of the Board of Finance shall serve without compensation. The Town shall pay necessary and reasonable expenses incurred by the Board in the performance of its duties, including approved clerical or recording support, subject to the limits of the Board's approved appropriation

Section 5.1.2 Vacancies

Any vacancy occurring on the Board of Finance shall be filled by the Board of Selectmen, as provided for in Section 2.6 of this Charter.

Section 5.1.3 Quorum

Four members shall constitute a quorum to hold meetings and transact business at such meetings.

Section 5.1.4 Annual Audit

~~The Board of Finance shall annually designate an independent public accountant to audit the books of the town, in accordance with the General Statutes.~~

The accounts and financial records of the Town shall be audited annually by an independent certified public accountant, in accordance with the General Statutes and the Town's procurement policy.

The Board of Finance shall review the scope of the audit and recommend an auditor. The Board of Selectmen shall appoint and contract with the auditor in accordance with the Town's procurement policy.

The completed audit report shall be filed with the Town Clerk, presented to the Board of Finance and the Board of Selectmen, and made available for public inspection as required by law.

Section 5.1.5 Preparation of the Budget

~~At such time and in such manner as the Board of Finance may require, but not later than January 15, every agency and office of the town supported wholly or in part by town revenues, or for which a specific town appropriation is or may be made, shall present to the Board of Selectmen and to the Board of Finance an itemized estimate of the expenditures to be made by that agency/office and all revenues other than town appropriations to be received by it for its use during the ensuing fiscal year. The estimates shall be accompanied by such other reports and data as the Board of Finance or the Board of Selectmen may require. Each agency/office may also be required to submit a statement of its program or programs showing services, activities, and work to be accomplished during the ensuing year. These data and reports will be compiled into a preliminary proposed general town budget.~~

~~At such time and in such a manner as the Board of Finance may by regulation require, but not less than forty-five (45) days prior to the annual budget meeting, the Board of Selectmen shall present the proposed preliminary budget, with its recommendations, to the Board of Finance for review and final preparation. After reviewing the budget as presented by the Board of Selectmen and Education, the Board of Finance shall prepare the final proposed town budget for presentation at a public hearing. The Board of Finance may require any agency or office, including the Board of Selectmen, to meet with it and explain the requests for funds. Any agency/office shall be entitled to be heard by the Board of Finance in respect to the estimates of proposed expenditures submitted by that agency or office.~~

At such time and in such manner as the Board of Finance may require, but not later than January 15, every agency, department, and office of the Town supported wholly or in part by Town revenues, or for which a specific Town appropriation is or may be made, shall present to the Board of Selectmen and to the Board of Finance an itemized estimate of the expenditures to be made by that agency, department, and/or office and all revenues other than Town appropriations to be received by that agency, department, or office for their use during the ensuing fiscal year. The estimates shall be accompanied by such other reports and data as the Board of Finance or the Board of Selectmen may require. Each agency, department, and office may also be required to submit a statement of its program or programs showing services, activities, and work to be accomplished during the ensuing year. This data and reports will be compiled into a preliminary proposed general Town budget.

At such time and in such a manner as the Board of Finance may by regulation require, but not less than 45 days prior to the annual budget meeting, the Board of Selectmen shall present the proposed preliminary budget, with its recommendations, to the Board of Finance for review and final preparation. After reviewing the budget as presented by the Board of Selectmen and the Board of Education, the Board of Finance shall prepare the

final proposed Town budget for presentation at a public hearing. The Board of Finance may require any agency, department, or office, including the Board of Selectmen, to meet with it and explain the requests for funds. Any agency, department, and office shall be entitled to be heard by the Board of Finance in respect to the estimates of proposed expenditures submitted by that agency, department, or office.

Section 5.1.6 Public Hearing on Proposed Budget

The Board of Finance shall hold one or more public hearings not later than fourteen (14) days before the Annual Budget Meeting. At these hearings, the Board of Finance shall present an itemized statement, by classification, with the following information:

1. Actual expenditure for the prior fiscal year;
2. Appropriation for current year;
3. Estimated expenditure for current year;
4. Appropriation requested -- ensuing year;
5. Appropriation proposed -- ensuing year;

In addition to the appropriation budget, estimated revenue for the current and ensuing years should be presented (for information only) showing:

1. Estimated cash surplus at beginning of each year;
2. Estimated grants and other revenue available - except local property tax;
3. Estimated local tax receipts required to balance budget.

After the hearings, the Board of Finance shall then revise the estimates as it deems desirable and shall prepare a recommended appropriation budget, as well as its estimate of anticipated revenue (except for local property taxes) available for the ensuing year.

Section 5.1.7 Annual Budget Meeting

~~The Annual Budget Meeting shall be held at least thirty (30) days prior to the end of the fiscal year, as provided for in Section 3.3.1 of this Charter. At the meeting the Board of Finance shall recommend its proposed budget to the town. Sufficient copies of the said annual budget shall be made available for general distribution in the office of the Town Clerk at least five (5) days prior to said budget meeting. The budget shall become official when approved by the Annual Budget Meeting, provided no appropriation shall be made exceeding that for the same purpose recommended by the Board of Finance, and no appropriation shall be made for any purpose not recommended. By a majority or more of the qualified voters present and voting at such meeting, an amount of money less than that recommended may be appropriated. The appropriations recommended by the Board of Finance and the amendments thereto, if any, shall be construed as having been appropriated when approved as herein above prescribed. An official copy of the budget, as finally approved, shall be filed with the Town Clerk.~~

At the Annual Budget Meeting, the Board of Finance shall present and recommend a proposed annual budget for consideration by Electors and Qualified Taxpayers.

A copy of the proposed budget shall be filed in the office of the Town Clerk and made available for public inspection, including by electronic posting on the Town's website, not less than five (5) days prior to the Annual Budget Meeting.

The budget, as recommended by the Board of Finance, may be reduced by a majority vote of those present and voting at the meeting. No appropriation shall exceed the amount recommended by the Board of Finance for any purpose, nor shall any appropriation be made for a purpose not included in the recommended budget.

The budget, including any reductions duly approved at the meeting, shall become the official budget upon approval at the Annual Budget Meeting.

A final, approved copy of the budget shall be filed with the Town Clerk and shall constitute the official record of appropriations for the fiscal year.

Section 5.1.8 ~~Laying Taxes~~ Setting the Tax Rate

~~After the Board of Assessment Appeals has finished its duties, and a Grand List has been completed, and after considering other estimated yearly income of the town, the Board of Finance shall meet to lay a tax on the Grand List sufficient to pay the expenses and appropriations of the town for the ensuing fiscal year, and to absorb any revenue deficit of the town at the end of the current fiscal year.~~

After the Board of Assessment Appeals has completed its work and the Grand List has been finalized, the Board of Finance shall meet to set the Town's tax rate.

In setting the tax rate, the Board of Finance shall consider:

1. the approved Town budget and appropriations for the upcoming fiscal year;
2. anticipated revenues and other sources of income; and 3. any revenue shortfall or surplus from the current fiscal year.

The tax rate shall be set at a level sufficient to fund all lawful expenditures and obligations of the Town for the ensuing fiscal year, in accordance with this Charter and the General Statutes.

The Board of Finance shall certify the tax rate to the Tax Collector in a manner within the time required by the General Statutes.

Section 5.1.9 Special Appropriations

~~The Board of Finance, on request by town agencies or officials, may make special appropriations from surplus revenue or from an approved contingency fund. Such a special appropriation in excess of \$20,000.00 shall require approval by a vote of town meeting. Not more than one special appropriation for any town agency, official, or any department may be made by the Board of Finance in each fiscal year, without approval of town meeting.~~

The Board of Finance may approve special appropriations during a fiscal year, upon request from a Town department, board, commission, or official, to meet unanticipated or non-recurring expenses.

1. Special appropriations may be funded only from:

- a. surplus revenue, or
- b. an approved contingency or reserve fund, as permitted by the General Statutes.

2. Town Meeting Approval Required

Any special appropriation in excess of forty thousand dollars \$40,000 shall require approval by a Town Meeting, following a recommendation by the Board of Finance.

3. Restrictions

A special appropriation may not:

- a. increase the total Town budget beyond amounts authorized by law,
- b. be used to fund ongoing operating expenses, or
- c. be made for any purpose not permitted under the General

Section 5.2 Tax Assessor

~~There shall be an Assessor with the powers and duties prescribed for assessors by the General Statutes. The Assessor shall be appointed by the Board of Selectmen on the basis of competitive state examinations.~~

There shall be a Certified Connecticut Municipal Assessor who shall have the powers and duties prescribed by the General Statutes.

1. Appointment and Qualifications

The Assessor shall be appointed by the Board of Selectmen and shall meet all certification, qualification, and continuing education requirements established by the State of Connecticut.

Nothing in this section shall limit the Town's authority to contract for professional assessment services.

2. Removal for Cause

The Assessor may be removed for cause by the Board of Selectmen. Cause may include, but is not limited to, neglect of duty, misconduct, incompetence, failure to maintain required certification, or violation of law or Town policy.

Before removal, the Assessor shall be provided:

- a. Written notice stating the reasons for the proposed removal, and
- b. A reasonable opportunity to be heard before the Board of Selectmen.

3. Shared or Regional Assessment Services

The Town may provide assessment services through shared, regional, or intermunicipal arrangements, including contracting with another municipality, a Council of Governments, or other governmental entity, as permitted by the General Statutes.

Any such arrangement shall be approved by the Board of Selectmen and shall ensure continued compliance with all statutory assessment requirements.

Section 5.3 Board of Assessment Appeals

~~The Board of Assessment Appeals shall function in accordance with the General Statutes and this Charter.~~

1. Establishment

There shall be a Board of Assessment Appeals, which shall exercise the powers and duties prescribed by the General Statutes and this Charter.

The Board of Assessment Appeals shall act as an independent, quasi-judicial body in hearing and deciding appeals of property assessments.

2. Composition and Election

The Board of Assessment Appeals shall consist of three (3) members, elected by the Voters of the Town at the regular municipal election, in accordance with the General Statutes.

Members shall serve four-year terms and shall hold office until their successors are elected and qualified.

The provisions of CGS § 9-167a (minority representation) shall apply.

3. Qualifications

Each member of the Board of Assessment Appeals shall:

- a. Be an elector of the Town;
- b. Be a taxpayer of the Town;
- c. Be sworn to the faithful performance of the duties of office; and
- d. Not hold any salaried Town office during service on the Board.

4. Organization and Meetings

The Board shall organize annually by electing a Chair and such other officers as it deems necessary.

The Board shall meet at the times required by the General Statutes to hear assessment appeals and may hold additional meetings as permitted by.

All meetings shall be conducted in accordance with the Freedom of Information Act.

5. Training Requirement

Each member of the Board of Assessment Appeals shall complete assessment law training as required or made available by the State of Connecticut, including training offered by the Office of Policy and Management or other state recognized providers. Training shall be completed within one year of taking office.

6. Conflict of Interest – Revaluation Services

No member of the Board of Assessment Appeals shall:

- a. Participate in, negotiate, or vote on any Town contract for property revaluation services; or
- b. Have any direct or indirect financial interest in a firm or individual providing revaluation or assessment-related services to the Town.

Any such conflict shall require recusal, and persistent or willful violation may constitute cause for removal in accordance with this Charter and state law.

7. Vacancies

Vacancies on the Board of Assessment Appeals shall be filled by the Board of Selectmen, in accordance with the General Statutes and this charter.

An appointee filling a vacancy shall serve until the next regular municipal election unless otherwise provided by law.

8. Annual Report

The Board of Assessment Appeals shall submit an annual written report to the Board of Finance summarizing:

- a. the number of appeals heard,
- b. general categories of issues addressed, and
- c. any recommendations regarding assessment procedures or public information.

The report shall be informational only and shall not limit the independence or decision-making authority of the Board.

9. Independence

In carrying out its duties, the Board of Assessment Appeals shall act independently and shall not be subject to the direction or control of any other Town officer, board, or commission, except as provided by law.

Section 5.4 Tax Collector

~~There shall be a Tax Collector who shall collect the taxes in accordance with the General Statutes and whose term of office shall be as set forth in Section 2.1 of this Charter.~~

The First Selectman shall appoint a Tax Collector who shall be an employee of the Town and be subject to the personnel and administrative policies of the Town.

The Tax Collector shall have the powers and perform the duties prescribed by the General Statutes and such additional duties as may be assigned by the First Selectman consistent with applicable law.

The Tax Collector shall possess the qualifications and experience necessary to serve in such position.

Section 5.5 Treasurer

~~The Treasurer shall receive all money belonging to the town, pay it out on the order of the proper authority, keep accurately the records required by law, and shall have such other powers and duties as are in accordance with the General Statutes. The Treasurer shall act as agent of the Town Deposit Fund. The procedures of the Treasurer's office shall conform to the regulations of the Board of Finance, adopted in conformance with this Charter. The Treasurer's term of office shall be as set forth in Section 2.1 of this Charter.~~

The Treasurer shall be the custodian of Town funds, shall disburse funds only upon lawful authorization, shall invest funds as authorized by law and by policies adopted by the Board of Finance, shall maintain custody of securities and investments, and shall perform such additional duties as prescribed by this Charter, ordinance, or the General Statutes. The Treasurer's term of office shall be as set forth in Section 2.1 of this Charter.

Section 5.6 Financial Management

Section 5.6.1

The Town shall manage its financial affairs in accordance with the General Statutes, this Charter, and applicable ordinances and policies. No money shall be expended or obligations incurred except in accordance with an appropriation duly made.

Section 5.6.2 Finance Director

1. Appointment.

The Finance Director shall be appointed by the First Selectman based on professional qualifications and experience, and shall serve in accordance with the General Statutes and applicable personnel policies.

2. Duties.

The Finance Director shall be responsible for the administration of the Town's financial affairs, including accounting, financial reporting, budget administration, and other such duties as may be delegated, in accordance with the General Statutes, this Charter, and applicable ordinances and policies.

3. Financial Controls.

The Finance Director shall establish and administer internal financial controls and procedures to ensure the proper management and safeguarding of Town funds.

Section 5.6.3 Appropriations and Expenditures

No payment shall be made or obligation incurred unless funds have been appropriated and are available for such purposes. The Finance Director shall ensure compliance with this requirement through appropriate financial controls.

Section 5.6.4 Contracts and Financial Obligations

Contracts and financial obligations shall be authorized and executed in accordance with this Charter. No contract involving the expenditure of Town funds shall be valid unless sufficient funds have been appropriated or otherwise made available.

Section 5.6.5 Delegation

The First Selectman may delegate administrative authority related to financial operations to the Finance Director or other officers or employees, consistent with this Charter and state law.

CHAPTER 6. BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, AND OTHER POSITIONS OFFICERS

Section 6.0 General

1. Boards

A Board is a multi-member body created by this Charter or by the 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 the General Statutes and this Charter.

2. Commissions and Agencies

A Commission is a multi-member body created by this Charter or by statute to exercise regulatory, planning, or quasi-judicial authority, including authority delegated by the 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, and
- d. comply with the General Statutes and this Charter.

3. Committees

A Committee is a multi-member advisory, standing 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.

4. Creation and Dissolution

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

Committees may be created or dissolved by resolution, ordinance or the Board of Selectmen, as appropriate.

5. 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 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 this Charter.

6. Compliance with the Freedom of Information Act

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

Section 6.1 Regional Board of Education

~~At each General Town Election there shall be elected sufficient members to maintain a full delegation to represent the town of Durham on the Regional District 13 Board of Education. Terms of office shall be four (4) years beginning on the first Monday in December following said election, in accordance with Section 2.1 of this Charter, except as provided in the following paragraph.~~

~~The transition and terms of office for the Durham members of the Regional District 13 Board of Education shall be accomplished as follows: Two (2) members, whose terms expire on June 30, 2007, shall have their terms extended until the General Town Election in November 2007. At that time two (2) members shall be elected for four-year terms. Three (3) members, whose terms expire on June 30, 2008, and one member, whose term expires on June 30, 2009, shall have their terms extended until the General Town Election in November 2009. At that time, three (3) members shall be elected for four-year terms and one (1) member shall be elected for a two-year term.~~

~~This method of election is contingent on the approval of a District referendum providing for a four-year term for the Regional Board of Education. Otherwise, the method will revert to the previous method of election by town meeting.~~

The Town shall continue to be a member of Regional School District 13. The Town shall elect its representatives to the Regional District 13 Board of Education at the regular municipal election held in November of odd-numbered years, in accordance with the

applicable provisions of the General Statutes and the regional district plan.

The Town shall elect the number of members necessary to maintain its full representation on the Regional Board, with terms of office of four (4) years beginning on the first Monday in December following the election, unless otherwise required by state law or by the regional district plan.

Vacancies shall be filled in the manner provided by the General Statutes and the regional district plan.

Section 6.2 ~~Regional Planning Agency~~ Representation on the Lower Connecticut River Valley Region Council of Governments

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

The Town of Durham may 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 Selectman 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.

Section 6.3 Durham-Middlefield Interlocal Agreement Advisory Board

~~The Durham-Middlefield Interlocal Agreement Advisory Board shall operate and be constituted as provided in the by-laws of said board.~~

The Town may participate in an interlocal advisory board with the Town of Middlefield pursuant to an interlocal agreement and enabling ordinance, as authorized by the General Statutes.

The Durham–Middlefield Interlocal Agreement Advisory Board, if established or continued by ordinance or agreement, shall be constituted and operate in accordance with the terms of such interlocal agreement, applicable ordinances, and its duly adopted bylaws, and not inconsistent with this Charter or the General Statutes.

Section 6.4 Planning and Zoning Commission

~~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.~~

1. 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 General Statutes.

2. 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 § 9167a.

3. 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.

4. 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.

5. Powers and Duties

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

6. 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.

7. 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 General Statutes. An alternate shall be appointed by the First Selectman.

Section 6.5 Zoning Board of Appeals

~~There shall be a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternate members. Each regular member shall have one (1) vote.~~

~~Regular members and alternates shall be elected in accordance with Sections 2.1 and 2.3 of this Charter at the General Town Election, and shall serve for a term of four (4) years, beginning on the first Monday of December following the election. The membership of the Board 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 regular members from among the alternate members. Said appointee shall serve until the next General Town Election.~~

~~No regular or alternate member of this Board may be a member of the Planning and Zoning Commission.~~

~~The Zoning Board of Appeals shall possess all of the powers and duties in accordance with the General Statutes that are not inconsistent with this Charter.~~

There shall be a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternate members.

Each regular member shall have one vote. Alternate members may vote only when seated in place of a regular member who is absent or disqualified, in accordance with the General Statutes.

Regular members and alternate members shall be elected at the General Town Election in accordance with Sections 2.1 and 2.3 of this Charter.

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

For purposes of minority representation under Section 2.3 of this Charter and the General Statutes, the regular members and alternate members shall be considered separately.

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

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

If a vacancy occurs among the alternate members, the Board of Selectmen shall fill the vacancy within thirty (30) days, and the appointee shall serve until the next General Town Election.

No regular or alternate member of the Zoning Board of Appeals may simultaneously serve as a member of the Planning and Zoning Commission.

The Zoning Board of Appeals shall exercise all powers and duties granted by the General Statutes, including the authority to hear and decide appeals, grant variances, and perform such other functions as provided by law, except as limited by this Charter.

Section 6.6 Director of Health Public Health Services

~~A Director of Health shall be appointed by the Board of Selectmen, with the approval of the State Public Health Council. The Director shall have all of the powers and duties in accordance with the General Statutes and shall serve for a period of four (4) years.~~

The Town shall obtain public health services and environmental health services through participation in a district health department in accordance with the General Statutes. The district health department shall exercise within the Town all powers and duties assigned by law to local directors of health and local health departments.

The Board of Selectmen is authorized to enter into and maintain agreements for participation in such district health department and to appoint representatives to the district board or governing body as provided by law.

Section 6.6.1 — Town Sanitarian

~~There shall be a Town Sanitarian appointed by the Board of Selectmen, advised by the Director of Health and having all of the powers and duties in accordance with the General Statutes.~~

Section 6.7 Town Clerk

~~There shall be a Town Clerk who shall perform all of the duties and functions in accordance with the General Statutes, and whose term of office shall be set forth in Section 2.1 of this Charter.~~

The First Selectman shall appoint a Town Clerk who shall be an employee of the Town and be subject to the personnel and administrative policies of the Town.

The Town Clerk shall have the powers and perform the duties prescribed by the General Statutes and such additional duties as may be assigned by the First Selectman consistent with applicable law.

The Town Clerk shall possess the qualifications and experience necessary to serve in such position.

Section 6.8 Town Counsel

~~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.~~

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, the Town's boards, commissions, and agencies 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.

Section 6.9.1 — Fire Department

~~The Durham Volunteer Fire Company, Inc. shall be the custodian of all Fire Department equipment and shall be responsible for its maintenance. It will be responsible for the prevention, control, and extinguishment of fires, and shall perform all functions usually associated with the town Fire Department.~~

Section 6.9.2 — Fire Trustees

There shall be a Board of Trustees consisting of three (3) ~~V~~oters of the ~~T~~own, and not members of the Durham Volunteer Fire Company, Inc., one (1) of whom shall be elected at each Annual Town Meeting for a term of three (3) years or until his replacement has been elected. These Trustees are to work with the three (3) Trustees elected by the Durham Volunteer Fire Company, Inc., in formulating rules governing the use of and maintenance of the Fire Department buildings.

In the event of a vacancy in the Board of Trustees for anyone elected at the Annual Town Meeting, the Board of Selectmen shall call a Special Town Meeting to elect a Trustee for the remaining term of the vacancy.

In the event of a vacancy in the Board of Trustees for anyone elected by the Durham Volunteer Fire Company, Inc., the Durham Volunteer Fire Company, Inc. shall fill such vacancy forthwith in accordance with their rules

Section 6.10 Fire Marshal

~~The Board of Selectmen shall appoint a Fire Marshal and such deputies as may be necessary all in accordance with the General Statutes.~~

Section 6.11 Animal Control Officer

~~The Board of Selectmen shall appoint, for a term of two (2) years, an Animal Control Officer who shall have powers and duties in accordance with the General Statutes.~~

Section 6.120 Durham Conservation Commission

~~There shall be a Conservation Commission consisting of nine (9) members appointed by the Board of Selectmen. Terms of office shall be for a period of three (3) years, three (3) members being appointed each year. Each member's term shall begin on January 1.~~

~~The Conservation Commission shall function in accordance with the General Statutes.~~

~~In addition to the duties and responsibilities specified in the General Statutes, the Commission shall have overall authority to administer and regulate open space property acquired under the provisions of the General Statutes.~~

~~The Commission is authorized and empowered to negotiate any and all leases for the rental of such open space land, to develop and execute plans and programs for the conservation and use of such open space land, and to delegate responsibility for the intensive management of any part of these lands to other public and private organizations for the benefit of the public.~~

There shall be a Conservation Commission consisting of nine members who shall be residents of the Town appointed by the First Selectman. Terms of appointment shall be for a period of three years, three members being appointed each year. Each member's term shall begin on January 1. The Conservation Commission shall function in accordance with the General Statutes. The Conservation Commission shall possess only those powers and duties granted by the General Statutes and shall serve in an advisory and statutory capacity only. Except as otherwise provided by the General Statutes, the Conservation Commission shall not possess independent authority over Town-owned property, capital projects, expenditures, contracts, or Town assets.

Section 6.131 Recreation Committee

~~The Durham Recreation Committee shall be constituted and shall operate as provided in the Articles of Authority of the Durham Recreation Committee as recorded by the Town Clerk. The Committee shall be responsible to the Board of Selectmen.~~

There shall be a Recreation Committee. The Recreation Committee shall be constituted and shall operate in accordance with its Articles of Authority, as adopted, amended, or repealed by the Board of Selectmen from time to time and filed with the Town Clerk.

Section 6.142 Building Code Board of Appeals

~~There shall be a Building Code Board of Appeals which shall function in accordance with the General Statutes and the State Building Code, as amended.~~

There shall be a Building Code Board of Appeals established in accordance with the General Statutes and the State Building Code, as amended. Members of the Board shall be appointed by the Board of Selectmen. The Board shall exercise such powers and duties as are prescribed by the General Statutes and the State Building Code.

The Town may participate in a joint or regional building code board of appeals as permitted by the General Statutes

Section 6.153 Building Official

~~There shall be a Building Official appointed by the Board of Selectmen. The Building Official shall perform duties in accordance with the provisions of the State Building Code. The Board of Selectmen shall have the authority to discharge said Building Official for due cause.~~

There shall be a Building Official appointed by the Board of Selectmen in accordance with the General Statutes. The Building Official shall possess the qualifications required by law and shall exercise the powers and duties prescribed by the General Statutes and the State Building Code, as amended.

The Board of Selectmen may remove the Building Official for cause. The Town may enter into intermunicipal or regional agreements for building inspection services, which shall act as the Building Official, as permitted by the General Statutes.

Section 6.164 Economic Development Commission

~~There shall be an Economic Development Commission which shall operate in accordance with the General Statutes. The Commission shall consist of seven (7) electors of the town who shall be appointed by the Board of Selectmen. The term of office shall be for two (2) years. All terms shall begin on January 1.~~

There shall be an Economic Development Commission established in accordance with the General Statutes. The Commission shall consist of seven electors of the Town appointed by the Board of Selectmen. Members shall serve for two years beginning January 1 and until their successors have been appointed and qualified. The Commission shall exercise the powers and duties prescribed by the General Statutes.

The Commission may study, recommend, and advise the Board of Selectmen and other Town boards and commissions on policies, programs, and initiatives to promote economic development and the vitality of the Town's commercial and industrial areas.

Section 6.175 Board of The Library Board of Trustees Directors

~~The Board of Library Directors shall consist of nine members elected at the Annual Town Meeting for terms of three years. The Board shall have the responsibility for providing library services, library personnel, for setting hours of operation and for maintaining the buildings and grounds. The Board shall have the responsibility of acting as trustees of and administering the endowment funds established for the library.~~

The Library Board of Trustees shall consist of nine (9) members elected at the Annual Town Meeting for terms of three (3) years, three members being elected each year. In the event of a vacancy in the Library Board of Trustees, the Board of Selectmen shall call a special Town Meeting to elect a member of the Library Board of Trustees for the remainder of the term.

The Library Board of Trustees shall have powers and duties conferred by the Connecticut General Statutes, notwithstanding any other provision of this charter to the contrary. The powers and duties of the Library Board of Trustees include (i) providing library services, (ii) providing library personnel, including hiring, supervising, and evaluating the Library Director, who shall be the executive and administrative officer of the library, (iii) setting hours of operation, and (iv) maintaining and operating the library buildings and grounds. The Library Board of Trustees shall have the responsibility for the care, maintenance, and selection of library collections, materials, and other personal property acquired for library use. The Library Board of Trustees shall have the responsibility of acting as trustees of and administering the endowment funds established for the library. The Library Board of Trustees shall have exclusive control of any funding that it receives from outside of Town of Durham general operating appropriations, with the exception of grants that require application or administration by the Town of Durham.

Section 6.16 Compensation Review/Personnel Policy Commission

~~There shall be a Compensation Review/Personnel Policy Commission. This Commission shall provide continuing review of all compensation, including all monetary and non-monetary compensation and benefits, provided by the town to all public officials and employees. At the request of the Board of Finance or Board of Selectmen, this Commission shall also provide review and/or continuing review of compensation provided by the town to any other party, such as consultants, contractors, and service providers.~~

~~The Commission shall, at least annually, provide a written report of its doings to the Board of Finance and Board of Selectmen, and a copy of such report shall be filed with the Town Clerk at least 60 days prior to any hearing on the annual town budget.~~

~~No person whose compensation is subject to review by this Commission, and no person who is affiliated with any entity whose compensation is subject to review by this Commission, shall hold membership on this Commission.~~

~~The Commission may also advise the Board of Selectmen on personnel matters.
This Commission shall have five members, and members shall hold terms of five years.~~

~~The current membership of the Personnel Policy Board shall retain their seats, and shall serve their terms, as the same presently exist. Vacancies from whatever cause shall be filled by election at a Town Meeting, no contrary provision of this Charter withstanding.~~

Section 6.196 Inland Wetlands and Water-Courses Agency

~~There shall be an Inland Wetlands and Watercourses Agency consisting of seven (7) members whose powers, duties and terms of office are as set forth in an ordinance of the town dated August 27, 1973, and in the General Statutes as either may be amended from time to time.~~

There shall be an Inland Wetlands and Watercourses Agency established in accordance with the General Statutes. The Agency shall consist of seven (7) members appointed by the Board of Selectmen. The powers, duties, terms of office, and procedures of the Agency shall be provided by the General Statutes and by ordinance of the Town.

Section 6.2017 Historic District Commission

~~There shall be an Historic District Commission consisting of five (5) members and three (3) alternate members whose powers, duties and terms of office are as set forth in an ordinance of the town dated June 25, 1973, and in the General Statutes as either may be amended from time to time.~~

There shall be a Historic District Commission consisting of five members and three alternate members appointed by the Board of Selectmen. The powers, duties, terms of office, and procedures of the Commission shall be as prescribed by the General Statutes and by ordinance of the Town.

Section 6.2418 Ethics Commission

~~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.~~

The Town shall maintain an Ethics Commission, as established by ordinance pursuant to the 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 General Statutes.

Section 6.22 Department of Emergency Management

~~There shall be a department of Emergency Management and a Director of Emergency Management appointed by the Board of Selectmen and it shall function in accordance with Chapter 517 of the General Statutes.~~

Section 6.2319 Other Town Officials Offices, Departments, Boards, Commissions, Committee and Agencies

~~Except as otherwise provided in this Charter, the town shall have such other town officers, departments, boards, commissions, and agencies as now exist and as are provided by the General Statutes, special acts, or as provided by any ordinance adopted pursuant to law. All such officers, departments, boards, commissions, and agencies, shall be elected or appointed in accordance with the General Statutes or by Special Act, or as provided in this Charter, or by any ordinance adopted pursuant to law, and shall continue to have such powers and duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this Charter, ordinances, or regulations adopted pursuant to law, or amendments thereto.~~

The Town may establish such other offices, departments, boards, commissions, committees, and agencies as are authorized by the General Statutes, Special Acts, or by ordinance.

The Board of Selectmen may establish, consolidate, reorganize, or abolish offices, departments, boards, commissions, committees, and agencies of the Town by vote of the Board of Selectmen unless otherwise provided in this Charter.

Such persons and bodies shall be elected or appointed and shall exercise the powers and duties prescribed by the General Statutes, Special Acts, this Charter, or by ordinance or resolution adopted pursuant to law.

6.20 Registrar of Voters.

The Town shall have Registrars of Voters as required by the General Statutes. The election, term, qualifications, powers, duties, and filling of vacancies for the office of Registrar of Voters shall be governed by the General Statutes, as amended from time to time. Compensation for the Registrars of Voters shall be established through the annual municipal budget process or as otherwise provided by ordinance.

CHAPTER 7. MISCELLANEOUS PROVISIONS

Section 7.1 Existing Laws and Ordinances

~~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.~~

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.

Section 7.2 Continuation ~~in-Office~~ of Officers, Boards, Commissions, Committees and Agencies

~~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.~~

All elected and appointed officers, and all members of boards, commissions, committees, and agencies 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, commission, agency, and committee shall continue to exercise the powers and perform the duties conferred upon them by the General Statutes, ordinance, or this Charter.

Section 7.3 Amendment ~~of this Charter~~ and Periodic Review

~~This Charter may be amended in accordance with the General Statutes in effect at the time of such amendment.~~

This Charter may be amended in the manner provided by the General Statutes.

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.

Section 7.3.1 Removal ~~from Office (or recall) of~~ for Cause of Appointed Officials

~~The holder of any office or of any membership on a board (commission, committee, etc.), who is appointed by the Board of Selectmen, may be removed for cause by a majority vote of the members of the Board of Selectmen then in office. The appointee shall be entitled to a hearing before the Board of Selectmen and shall be furnished with a written notice, including a detailed statement of cause and of the day of the hearing, at least ten (10) days prior to the hearing date. The appointee may ask that the hearing be private, and may attend with counsel. The Board of Selectmen must determine its decision within twenty (20) days of the hearing, and a written order of removal must be filed with the Town Clerk immediately. If an unqualified written resignation of the appointee is received prior to the hearing, there shall be no hearing.~~

Any officer, board, commission, agency, or committee member appointed by the Board of Selectmen may be removed for cause by a majority vote of the members of the Board of Selectmen then in office, unless prohibited by the General Statutes.

Prior to removal, the appointee shall receive written notice stating the specific reasons for the proposed action and the date, time, and place of a hearing before the Board of Selectmen. Such notice shall be delivered at least ten (10) days prior to the hearing. The appointee shall have the right to appear personally, to be represented by counsel, and to present evidence in their defense. The appointee may request that the hearing be conducted in executive session in accordance with the Freedom of Information Act.

The Board of Selectmen shall render its decision within twenty (20) days after the close of the hearing and shall file any order of removal, including its findings and vote, with the Town Clerk. If a written resignation is received prior to the hearing, no further proceedings shall be required.

Section 7.3.2 — Salary or Compensation

~~In the event of a recall or removal from office, any salary or compensation for services shall be continued, or pro-rated, up to the day of decision by the Board of Selectmen.~~

~~Unless otherwise required by the General Statutes, in the event of removal from office, any salary or compensation for services shall be continued, or prorated, through the effective date of removal as determined by the decision of the Board of Selectmen. No salary or compensation shall accrue or be paid for any period after the effective date of removal.~~

Section 7.4 Saving Clause Severability

~~If any section of this Charter is held invalid by a court of competent jurisdiction, such holding will not affect the remainder of this Charter, nor the context on which such section so held may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and affect with the section or part of section to which such holding shall directly apply.~~

If any provision of this Charter is held invalid by a court of competent jurisdiction, or any other authority with jurisdiction, such decision shall not affect the validity of the remaining provisions of this Charter, which shall continue in full force and effect. It is the intent of the electors of the Town of Durham that the provisions of this Charter are severable, and that the invalidation of any part shall not invalidate the remainder.

Section 7.5 Effective Date

~~The effective date of this Charter will be upon adoption of it at public referendum.~~

Subject to the provisions of Chapter 10, this Charter, or any part hereof, shall take effect upon approval by the Electors of the Town of Durham at a duly warned public referendum and upon filing with the Secretary of the State of Connecticut, in accordance with the provisions of the General Statutes.

Section 7.6 Meetings Using Electronic Equipment (Remote & Hybrid)

7.6.1 Authority and Applicability

Public agencies of the Town of Durham may conduct meetings in person, remotely by electronic equipment, or in a hybrid format, as permitted by the Connecticut Freedom of Information Act (FOIA). This Chapter applies to all regular, special, and emergency meetings, except executive sessions which shall comply with FOIA. The Town Clerk shall provide statutory guidance at the beginning of each year concerning the conduct of remote meetings and shall provide updated guidance as necessary to conform to the General Statutes.

Section 7.7 Conflicts of Laws

The provisions of this Charter shall control over the general default provisions set forth in the General Statutes. In the event the General Statutes, or the Constitution of the State of Connecticut specifically preempt a provision of this Charter or render such provision null and void, then the General Statutes and/or the Constitution of the State of Connecticut shall control.

Section 7.8 Town Ownership and Control of Property

1. Unless otherwise provided by the General Statutes or this Charter, all real and personal property owned by the Town, including but not limited to buildings, facilities, land, equipment, vehicles, furnishings, infrastructure, and capital assets, shall remain under the custody and control of the Town.
2. Unless otherwise provided by the General Statutes or this Charter, or ordinance No board, commission, committee, trustees, department, or other subordinate entity shall possess independent ownership or capital authority over Town.
3. Unless otherwise provided by the General Statutes or this Charter, or ordinance The Town shall retain authority over capital improvements, major repairs,

maintenance, construction, renovation, acquisition, disposition, and management of Town property and assets regardless of the funding source.

4. Unless otherwise provided by the General Statutes or this Charter, or ordinance, operational authority granted to any board, commission, or trustees shall not be construed to include ownership or capital control of Town property unless.
5. The Town shall honor the intention of the grantor with respect to any legal gifts or donations to, and accepted by, the Town, any board, or entity.
6. Unless otherwise provided by the General Statutes or this Charter, or ordinance, the Town shall establish procedures for the identification, inventory, preservation, and disposition of historically significant, rare, donated, or otherwise valuable Town-owned personal property and artifacts. No such item shall be disposed of except in accordance with ordinances or policies adopted by the Town Meeting intended to protect the historical, cultural, educational, or monetary value of such property.

Section 7.9 Words in Headings; and Terms Denoting Number and Gender

The singular form of a word shall include the plural, and vice versa, as the context may require. Article, section, subsection and paragraph headings or captions appearing in this Charter are for convenience of reference only and are not intended to limit the meaning or effect of the text. All references in this Charter to a person, officeholder, employee, board member, or other individual shall be construed in a gender-neutral manner. Words importing one gender shall include all genders, and the use of gender-specific titles or pronouns shall not be interpreted to limit or exclude any individual on the basis of gender. The provisions of this Charter shall be interpreted and applied in a manner consistent with principles of equal opportunity, inclusiveness, and applicable Federal law and the General Statutes.

Section 7.10 - Existing Laws and Ordinances.

Resolutions and ordinances that have been enacted by the Town prior to the effective date of this Charter shall remain in full force and effect except to the extent that any such resolution or ordinance is inconsistent with or in conflict with the provisions of this Charter. In such case, any such inconsistent or conflicting resolution or ordinance is hereby rescinded. The rescission of any such inconsistent or conflicting resolution(s) or ordinance(s) shall be deemed to have taken place as of the effective date of this Charter and shall be duly noted in the Town's records regarding the resolutions and the ordinances that have been adopted by the Town.

CHAPTER 8. PUBLIC SAFETY

Section 8.1 Purpose and Authority

The Town shall provide for the protection of public health, safety, and welfare, including fire protection, emergency medical services, and other public safety functions, in accordance with the General Statutes.

Section 8.2 Fire Department.

The Durham Volunteer Fire Company, Inc. shall be the custodian of all Fire Department equipment and shall be responsible for its maintenance. It will be responsible for the prevention, control, and extinguishment of fires, and shall perform all functions usually associated with the town Fire Department.

Section 8.3 Fire Marshal

The Town shall have a Fire Marshal and such deputy fire marshal(s) as may be authorized, appointed and serving in accordance with the General Statutes.

Section 8.4 Emergency Management

The Town shall maintain an Emergency Management Organization for the purpose of protecting the lives and property of the residents of the Town and ensuring continuity of government in the event of natural or man-made disasters. The emergency management organization shall function in accordance with Chapter 517 of the General Statutes.

The First Selectman shall appoint an Emergency Management Director pursuant to section 28-7 of the General Statute, and such deputies as necessary. The Emergency Management Director will serve at the will of the First Selectman and may be removed by the First Selectman at any time for cause. The Emergency Management Director shall report directly to the First Selectman and will advise the First Selectman on matters pertaining to civil preparedness and disaster emergency operations.

The Emergency Management Director is authorized to prepare and maintain an Emergency Operations Plan consistent with state and federal requirements and to activate said plan during emergencies. In the event of a declared emergency, the Emergency Management Director may issue orders necessary to protect public health and safety, request mutual aid and expend funds as authorized by law. All emergency powers granted herein shall be exercised in accordance with the General Statutes and applicable federal law and shall cease upon termination of the emergency declaration

Section 8.5 Emergency Medical Services

The Town shall provide emergency medical services in accordance with the General Statutes and may do so directly or through agreements with other municipalities or qualified entities.

Section 8.6 Animal Control Services

The Town shall provide animal control services in accordance with the General Statutes.

CHAPTER 9 – TRANSITION PROVISIONS

Section 9.1. Purpose and Applicability

This Chapter establishes procedures for the orderly transition of governmental authority and administrative responsibilities in the event that proposed amendments to this Charter are approved by the voters at referendum in November 2026. The provisions of this Chapter shall apply only to the extent necessary to implement such amendments and shall supersede any inconsistent provisions of this Charter during the transition period.

Section 9.2. Continuity of Government

Except as expressly modified by this Chapter, all officers, boards, commissions, committees, and employees of the Town shall continue to exercise their duties and responsibilities as provided in this Charter and the General Statutes until such time as any approved Charter amendments take effect.

Section 9.3. Conflict with Other Provisions

In the event of any conflict between this Chapter and other provisions of this Charter, this Chapter shall control for the limited purpose of implementing the approved transition.

Section 9.4. Conversion from Elected to Appointed Offices

1. If approved by the voters at referendum in November 2026, the offices of Town Clerk and/or Tax Collector shall become appointed positions.
2. Such change shall take effect upon the expiration of the current term of the elected Town Clerk and/or Tax Collector in office at the time of approval.
3. Upon such expiration, the First Selectman shall appoint qualified individuals to serve in these positions in accordance with this Charter and applicable law.
4. Incumbents shall continue to serve for the remainder of their elected terms unless they resign or vacate office earlier.

Section 9.5. Increase in Membership of Board of Selectmen

1. If approved by the voters at referendum in November 2026, the Board of Selectmen shall be expanded from three (3) to five (5) members.
2. Such expansion shall take effect at the next regular municipal election following approval.
3. At such election:

Two additional Selectmen shall be elected for initial terms structured to preserve staggered terms as required by this Charter; The terms of the additional members may be adjusted as necessary (e.g., one two-year term and one four-year term) to establish the regular election cycle.

4. Thereafter, all members shall serve terms as provided in this Charter.

5. Until such election occurs, the Board of Selectmen shall continue to operate with its current membership.

Section 9.6 Effective Date of Other Provisions of Revised Charter Except as otherwise specified in this Chapter 9, all other revisions adopted by the voters at referendum in November 2026 shall become effective on January 1, 2027.