

From: Gayle Furman <townclerk@colchesterct.gov>

Sent: Tuesday, March 28, 2023 9:16 AM

To: townclerk@voluntown.gov; Jennifer Synnott <townclerk@ctsprague.org>; Betsy Barrett <bbarrett@cityofnorwich.org>; Linda Winzer <townclerk@townlyme.org>; Patricia A. Riley <town.clerk@ledyardct.org>; Moukawsher, Betsy <bmoukawsher@groton-ct.gov>; Lynne Skinner <bozrah.l.skinner1@snet.net>; Flugrad, Linda <linda.flugrad@salemct.gov>; townclerk@oldlyme-ct.gov; Antoinette Pancaro <apancaro@northstoningtonct.gov>; townclerk@lebanonct.gov; Karen Galbo <kgalbo@eltownhall.com>; David Campo <DCampo@waterfordct.org>; Town Clerk <townclerk@griswold-ct.org>; Jill Keith <townclerk@preston-ct.org>; Jonathan Ayala <jayla@newlondonct.org>; Lynda Feder-Craney <townclerk@franklinct.com>; Sally <sduplice@stonington-ct.gov>; Kharing@montville-ct.org; Mary Ellen Wiecezorek <mewieczorek@lebanonct.gov>; New London City Clerk (jayala@newlondonct.org) <jayala@newlondonct.org>; Edward Jacomee <jacomee@cityofgroton-ct.gov>; townclerk@lisbonct.com; lhopkins@lebanonct.gov
Subject: MERS etc

Good morning all. Can you let me know if you use the dollar fund or the MERS fund for your hotel at conferences and which you use if any please?

Gayle Furman CCTC, CMC

Town Clerk

127 Norwich Avenue

Colchester, CT 06415

(860)537-7215

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First Selectman

From: Gayle Furman
Sent: Monday, April 10, 2023 1:10 PM
To: Patty Riley;'townclerk@voluntown.gov';Valerie Pudvah;Linda Winzer;Jennifer Synnett;townclerk@lebanonct.gov;'Old Lyme Town Clerk's Office';David Campo
Subject: \$1.00fund

Good morning. Would any of you be willing to write an e-mail or a letter to me saying that you use the \$2.00 or MERS fund for lodging for conferences if you do?

Gayle Furman CCTC, CMC

Town Clerk
127 Norwich Avenue
Colchester, CT 06415
(860)537-7215



Vicki Urbowicz, CCTC

Town Clerk
Town of Old Lyme
52 Lyme Street,
Old Lyme, CT 06371
(860) 434-1605, ext. 220
townclerk@oldlyme-ct.gov

From: Patricia A. Riley <town.clerk@ledyardct.org>

Sent: Tuesday, March 28, 2023 9:23 AM

To: Gayle Furman <townclerk@colchesterct.gov>; townclerk@voluntown.gov; Jennifer Synnett <townclerk@ctsprague.org>; Betsy Barrett <bbarrett@cityofnorwich.org>; Linda Winzer <townclerk@townlyme.org>; Moukawsher, Betsy <bmoukawsher@groton-ct.gov>; Lynne Skinner <bozrah.l.skinner1@snet.net>; Flugrad, Linda <linda.flugrad@salemct.gov>; Vicki Urbowicz <townclerk@oldlyme-ct.gov>; Antoinette Pancaro <apancaro@northstoningtonct.gov>; townclerk@lebanonct.gov; Karen Galbo <kgalbo@eltownhall.com>; David Campo <DCampo@waterfordct.org>; Town Clerk <townclerk@griswold-ct.org>; Jill Keith <townclerk@preston-ct.org>; Jonathan Ayala <jayla@newlondonct.org>; Lynda Feder-Craney <townclerk@franklinct.com>; Sally <sduplice@stonington-ct.gov>; Kharing@montville-ct.org; Mary Ellen Wieczorek <mewieczorek@lebanonct.gov>; New London City Clerk (jayala@newlondonct.org) <jayala@newlondonct.org>; Edward Jacomee <jacomee@cityofgroton-ct.gov>; townclerk@lisbonct.com; lhopkins@lebanonct.gov

Subject: RE: MERS etc

Good morning Gayle,

I use the HDP dollar fund for the hotel portion but budget for the conference fee itself every year.

Patty

Patricia A. Riley, CCTC



Town Clerk, Town of Ledyard
Freedom of Information Officer
741 Colonel Ledyard Hwy.
Ledyard, CT 06339
(860) 464-3229
town.clerk@ledyardct.org

NOTICE* Effective June 11, 2018

Town Hall hours are 7:30AM-4:45PM Mon-Thurs
CLOSED FRIDAYS

First Selectman

From: Moukawsher, Betsy <BMoukawsher@groton-ct.gov>
Sent: Tuesday, March 28, 2023 11:08 AM
To: Vicki Urbowicz; Patricia A. Riley; Gayle Furman; townclerk@voluntown.gov; Jennifer Synnett; Betsy Barrett; Linda Winzer; Lynne Skinner; Flugrad, Linda; Antoinette Pancaro; townclerk@lebanonct.gov; Karen Galbo; David Campo; Town Clerk; Jill Keith; Jonathan Ayala; Lynda Feder-Craney; Sally; Kharing@montville-ct.org; Mary Ellen Wiczorek; New London City Clerk (jayala@newlondonct.org); Edward Jacomee; townclerk@lisbonct.com; lhopkins@lebanonct.gov
Subject: RE: MERS etc

I use the \$2 "dollar fund" for document preservation, as we are only supposed to use it for this purpose. (See CGS 11-8j) The \$10 that we retain from MERS can be used for anything reasonably considered as related to our profession. In other words, we can't use it for a vacation, but you can use it for CTCA conferences and other Clerk based conferences.

Betsy Moukawsher

Groton Town Clerk
 45 Fort Hill Road
 Groton, CT 06340
 860-441-6649

©Trying Times Need Caring Minds...



"Submarine Capital of the World"

From: Vicki Urbowicz <townclerk@oldlyme-ct.gov>
Sent: Tuesday, March 28, 2023 10:12 AM
To: Patricia A. Riley <town.clerk@ledyardct.org>; Gayle Furman <townclerk@colchesterct.gov>; townclerk@voluntown.gov; Jennifer Synnett <townclerk@ctsprague.org>; Betsy Barrett <bbarrett@cityofnorwich.org>; Linda Winzer <townclerk@townlyme.org>; Moukawsher, Betsy <BMoukawsher@groton-ct.gov>; Lynne Skinner <bozrah.l.skinner1@snet.net>; Flugrad, Linda <linda.flugrad@salemct.gov>; Antoinette Pancaro <apancaro@northstoningtonct.gov>; townclerk@lebanonct.gov; Karen Galbo <kgalbo@eltownhall.com>; David Campo <DCampo@waterfordct.org>; Town Clerk <townclerk@griswold-ct.org>; Jill Keith <townclerk@preston-ct.org>; Jonathan Ayala <jayla@newlondonct.org>; Lynda Feder-Craney <townclerk@franklinct.com>; Sally <sduplicate@stonington-ct.gov>; Kharing@montville-ct.org; Mary Ellen Wiczorek <mewiczorek@lebanonct.gov>; New London City Clerk (jayala@newlondonct.org) <jayala@newlondonct.org>; Edward Jacomee <jacomee@cityofgroton-ct.gov>; townclerk@lisbonct.com; lhopkins@lebanonct.gov
Subject: RE: MERS etc

I do the same.

RE: Use of the Town Clerk's \$2 fund - Historic Document Program

LeAnn Power <LeAnn.Power@ct.gov>

Mon 4/3/2023 3:19 PM

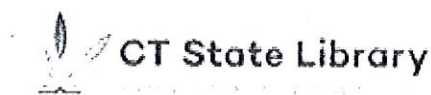
To: Gayle Furman <townclerk@colchesterct.gov>

Cc: Nicole Besseghir <Nicole.Besseghir@ct.gov>

Gayle,

Unfortunately our office does not have authority in how the use of the \$2 fund is spent—just that CGS 11-8j is followed. My only suggestion would be to reach out to the President of the Town Clerk's Association, Berlin Town Clerk Kate Wall. She may have some suggestions.

LeAnn



LeAnn R. Power, CRM | Public Records Administrator | Office of the Public Records Administrator | leann.power@ct.gov
 | Office: (860) 757 6543 | www.ctstatelibrary.org | CT State Library | 231 Capitol Ave Hartford CT 06106

From: Gayle Furman <townclerk@colchesterct.gov>**Sent:** Monday, April 3, 2023 3:12 PM**To:** LeAnn Power <LeAnn.Power@ct.gov>**Cc:** Nicole Besseghir <Nicole.Besseghir@ct.gov>**Subject:** Re: Use of the Town Clerk's \$2 fund - Historic Document Program

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I am still going to get flack about spending it on Hotels. Is there anyway that can be addressed?

Gayle Furman CCTC, CMC

Town Clerk

127 Norwich Avenue

Colchester, CT 06415

(860)537-7215

From: LeAnn Power <LeAnn.Power@ct.gov>**Sent:** Monday, April 3, 2023 3:08 PM**To:** Gayle Furman <townclerk@colchesterct.gov>**Cc:** Nicole Besseghir <Nicole.Besseghir@ct.gov>**Subject:** Use of the Town Clerk's \$2 fund - Historic Document Program

Gayle,

For your information, please see Section 7 of CGS 11-8j.

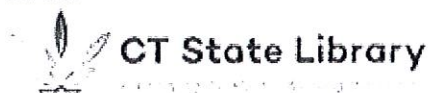
Sec. 11-8j. Preservation and management of historic documents: Definitions. As used in sections 11-8i to 11-8l, inclusive, "preservation and management of historic documents" means activities that include, but are not limited to, the following: (1) The restoration and conservation of land records, land record indexes, maps or other records; (2) the microfilming of land records, land record indexes, maps or other records; (3) the use of information technology to facilitate the performance of duties integral to the maintenance and tracking of historic documents; (4) providing public access to an electronic indexing system that combines the grantor index and the grantee index of a town's land records; (5) the assessment or upgrading of records retention facilities; (6) disaster recovery; and (7) the training of personnel to perform duties integral to the maintenance and tracking of historic documents.

As you know, the \$2 fund is the portion of the grant fund that is retained locally by the municipality. I support the use of the Historic Document \$2 fund for training purposes.

The Connecticut Town Clerk's Association Conference provides a wealth of information that is integral to a Town Clerk/Assistant Town Clerk's job responsibilities. This year, the Public Records office will be providing a session on Records Management and the Historic Document Preservation program.

Please let me know if you need any additional information.

LeAnn



LeAnn R. Power, CRM | Public Records Administrator | Office of the Public Records Administrator | leann.power@ct.gov
| Office: (860) 757 6543 | www.ctstatelibrary.org | CT State Library | 231 Capitol Ave Hartford CT 06106

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TownClerk

From: Linda Amerighi [sharontownclerk@yahoo.com]

Sent: Thursday, March 04, 2010 2:52 PM

To: TownClerk

Subject: \$1.00

I use the money for preservation only. I did at one point request that the money be used toward the New Recreation Facility the town was pursuing. This went to the Town Attorney and she said that it couldn't be done.

Linda
Sharon Town Clerk

TownClerk

From: Lisa Losee [llosee@townoflitchfield.org]

Sent: Thursday, March 04, 2010 2:45 PM

To: TownClerk

Subject: \$1 fund

Hi there.

Our previous clerk had told me that that money was earmarked **only for the town clerk's use for the preservation of records.** However, when I first became town clerk the town's policy was that if I didn't use that money by the end of the fiscal year it went into the capitol fund and was spent wherever. I believe it was Kathy Makeover from the state library that set me straight, I don't really remember right now. I was told that by statute (I think it is 7-34a(d)?) **that money can only be used for the preservation and maintenance of the town clerk's records** and technically I could have gone back to the town and asked for that money back. Well, that didn't go over at all however since then our Finance Department has set up a special revenue account for me to put that money in. I can save it up for various projects and if it is not used during a fiscal period it rolls over and does not get turned over to the town. With the grants being cut back it has been very helpful. I would ask for support from the public library or public administrators office to help clarify that with your finance department if you have any trouble.

Lisa

Litchfield

TownClerk

From: Pat Crisanti [Pat.Crisanti@salemct.gov]
 Sent: Thursday, March 04, 2010 2:52 PM
 To: TownClerk
 Subject: [BULK] Fwd: a question about the Community Investment Act dollar that we collect with ea
 Importance: Low
 Attachments: Attach0.html

Derek

The CT ST Library website has a fact sheet about PA146. #3 reads: Is there to be a new fee assessed and who shall collect it?

Section 1 (d) creates an additional fee of three dollars "for each document recorded in the land records of the municipality" and makes town clerks responsible for collecting it. **The fee is intended for the "preservation and management of historic documents."**

#4 reads: What do town clerks do with the three dollars collected?

Section 1(d) provides that town clerks shall remit two dollars of each fee collected no later than the fifteenth day of the month following the month of collection to the State Library. **Clerks shall retain one dollar and use it for "the preservation and management of historic documents."**

Town Clerks should work with your finance directors to ensure the monies collected are used for the purpose intended by the law. (The funds go into a separate line item to be spent at the Town Clerk's discretion - funds are continuing and stay in the account. They are not turned over to the town at the end of the year, they just continue to accumulate.)

PA 05-228 Sec. 5 Section 7-34a of the general statutes is amended....

The town clerk shall retain one dollar of any fee paid pursuant to this subsection and three dollars of such fee shall become part of the general revenue of the municipality.....(This also goes into a separate line item different from the other, to be spent at the discretion of the Town Clerk.)

I simply give the bill to our Finance person and she pays it out of the designated line item.

At first I was told that I needed to submit a purchase order request. But

TownClerk

From: Debra Calamari [DebraCalamari@chesterct.org]

Sent: Thursday, March 04, 2010 11:45 AM

To: TownClerk

Subject: reply to your question

Hi Derek:

That is exactly right. I have used my money for historic preservation items and I have not been questioned at all by the Board of Selectmen or Board of Finance.

Deb Germini Calamari

Town of Chester

Derek Buckley

Easton
TownClerk

TownClerk@eastonct.gov

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TownClerk

From: Jeff Barske [jbarske@yahoo.com]
Sent: Thursday, March 04, 2010 1:55 PM
To: TownClerk
Subject: fund expense

I spend my money as I see fit but am 100% careful that there is no question as to what the funds are for and that it is in the true meaning of the law..Restoration; protection; digitising; proper storage etc. I don't ask for permission but I do file a PO so the Finance director has an early notice that I am going to be expending funds.

Jeff Barske
Thompson

TownClerk

From: Lisa A Valenti [townclerk@townofnorthbranfordct.com]

Sent: Thursday, March 04, 2010 11:46 AM

To: TownClerk

Subject: Community Investment Act

Hi Derek,

I concur with the opinion you received. The intent was to have Town Clerks control this fund. I do know some Town Clerks have experienced trouble with this and I hope they reply to your request. I have been lucky not to experience trouble – thus far. I do discuss projects with the Town Manager and seek his approval before I spend the funds. This has worked well for me. However, I now have a new Town Manager (and it is his first job as a Town Manager). So far, I have not approached the subject with him and am hoping once I do, no problems will occur. Let me also add I am a hired Town Clerk, not elected, so my situation may differ a bit from yours.

Good luck,

Lisa

Lisa A. Valenti, MMC
North Branford Town Clerk
909 Foxon Road
North Branford, CT 06471
Phone: 203-484-6015
Fax: 203-484-6025

TownClerk

From: Wieleba, Sandi [swieleba@easthamptonct.org]
Sent: Thursday, March 04, 2010 11:52 AM
To: TownClerk
Subject: FW: a question about the Community Investment Act dollar that we collect with each recording

From: Soltis, Carolyn [mailto:csoltis@cheshirect.org]
Sent: Thursday, March 04, 2010 11:40 AM
To: Wieleba, Sandi
Subject: RE: a question about the Community Investment Act dollar that we collect with each recording

Hi Derek,

I have been told by the Town Manager that , even though it is a Town Clerk fund, I have to get Town Council approval before I can use any of this money. I disagreed, since it is a stand-alone fund and not part of the town budget, but he insisted. I have gone to the Council a couple of times for approval and not had any problems, but it's just a pain to have to do so. I hope you'll post your responses to this question.

Thanks,
Carolyn Soltis
Cheshire

From: townclerk@easthamptonct.org [mailto:townclerk@easthamptonct.org]
Sent: Thursday, March 04, 2010 11:23 AM
To: Soltis, Carolyn
Subject: a question about the Community Investment Act dollar that we collect with each recording

Please respond to townclerk@eastonct.gov

When the legislation was passed, I had my elected rep in Hartford check for me who had authority to spend the money that accumulated in this fund. He went to the office of legislative research who reported back that the "legislative intent" was quite clear. The Town Clerk is the only person authorized to spend the money for the purposes intended. Approval of the Board of Finance or First Selectman or similar boards or officials is NOT required.

I wonder as follows:

1. Does all Town Clerk's agree with this or have a different interpretation
2. Has anybody exercised this right, in a friendly or adversarial environment, and if so how did it work out?
- 3..Are there any precedents for using this money in this way?
4. Has the right ever been challenged and if so what was the outcome?

3/4/2010

TownClerk

From: Wieleba, Sandi [swieleba@easthamptonct.org]
Sent: Thursday, March 04, 2010 2:08 PM
To: TownClerk
Subject: FW: a question about the Community Investment Act dollar that we collect with each recording

From: Catherine Nurmi [mailto:sterlingtc@ct.metrocast.net]
Sent: Thursday, March 04, 2010 1:58 PM
To: Wieleba, Sandi
Subject: RE: a question about the Community Investment Act dollar that we collect with each recording

Sterling places the funds received in a designated account and when I wish to expend some of these funds I inform the Selectmen's Admin. Assistant or the Town Treasurer and a check is cut to cover the cost. It has never been an issue. Those funds are controlled by this office and no attempt has been made to change that fact.

Cathy Nurmi

From: townclerk@easthamptonct.org [mailto:townclerk@easthamptonct.org]
Sent: Thursday, March 04, 2010 11:24 AM
To: sterlingtc@ct.metrocast.net
Subject: a question about the Community Investment Act dollar that we collect with each recording

Please respond to townclerk@eastonct.gov

When the legislation was passed, I had my elected rep in Hartford check for me who had authority to spend the money that accumulated in this fund. He went to the office of legislative research who reported back that the "legislative intent" was quite clear. The Town Clerk is the only person authorized to spend the money for the purposes intended. Approval of the Board of Finance or First Selectman or similar boards or officials is NOT required.

I wonder as follows:

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2. Has anybody exercised this right, in a friendly or adversarial environment, and if so how did it work out?
- 3..Are there any precedents for using this money in this way?
4. Has the right ever been challenged and if so what was the outcome?

Derek Buckley

3/4/2010

TownClerk

From: Sheila Bailey [SheilaB@egtownhall.com]

Sent: Friday, March 05, 2010 9:39 AM

To: TownClerk

Subject: doc fund

The original dollar fund from 2005 is the Town Clerk's for me to spend at my discretion **as long as the expenditures fit the guidelines for document preservation.** I do not need to get permission to spend it.

The second dollar fund is currently going into the general fund for the town. This is a disagreement between the town attorney and me as to the intent of the legislature.

I believe there is a survey on the Town Clerk's website that surveys various towns to see which town clerk offices were getting the second dollar.

Sheila M. Bailey
Town Clerk
PO Box TC
East Granby, CT 06026
(860) 653-6528



CT State Library
Office of the Public Records Administrator

Shari Smith, Town Clerk
Town of Chaplin
495 Phoenixville Road
Chaplin, CT 06235

Dear Ms. Smith:

Public Act 00-146 established a fee to be collected by the town clerks on land record recordings for the express purpose of records preservation and management. All monies collected must be used for this purpose.

This Public Act has been codified into the Connecticut General Statutes. Two sections listed below are relevant to this issue:

Conn. Gen. Stat. § 7-34a (d): "One-fifth of the amount paid for fees pursuant to this subsection shall be retained by town clerks and used for the preservation and management of historic documents."

Conn. Gen. Stat. § 11-8k (b): "If the Public Records Administrator finds that any grant awarded pursuant to this section is being used for other purposes or to supplant a previous source of funds, the Public Records Administrator may require repayment."

The intent of this important legislation is that money collected be used for the "preservation and management of historic documents" as defined in **Conn. Gen. Stat. § 11-8j**. This money should not become part of the operating budget of the municipality. If money was not spent in previous years, it should still be available to the town clerk.

To deny access to these funds would be a violation of **Conn. Gen. Stat. § 7-34a** cited above.

Sincerely,

LeAnn Burbank, CRM
Public Records Administrator

From: Alfred E. Smith, Jr. [mailto:ASMITH@murthalaw.com]
Sent: Tuesday, May 10, 2016 4:35 PM
To: Jaskot, Jim
Cc: Milone, Michael
Subject: FW: Cheshire - Questions on Various Town Clerk Fees

Jim:

This follows up on our discussion from earlier today.

As you have noted, the statutes you cited provide for a distribution of fees collected by the Town Clerk between the town and the State. In addition, the statutes also allocate the municipal share between the Town Clerk's office and the Town's general revenue. Some of the funds going to the Town Clerk and the Town are designated for particular purposes.

Specifically:

7-34a(d)- \$1 from each recording fee is retained by the Town Clerk "for the preservation and management of historic documents"

7-34a(e)- \$1 is retained by the Town Clerk (no designated use), and \$3 goes to the Town's "general revenue" for "local capital improvement projects".

49-10(h)- \$10 to "town clerk fund" and \$39 to Town's "general revenue".

In addition 7-34b(b) requires that, in municipalities where the Clerk is paid a salary in lieu of retaining all fees, all fees shall be collected...and deposited...in accordance with such provisions of law as govern the deposit of moneys belonging to such town".

Reading all of these requirements together, the following is my interpretation of how the various funds are managed:

Town Clerk funds- except for the \$1 fee under 7-34a(d) dedicated for the preservation of historic document, the Town Clerk funds" are under the control of the town clerk used to run the clerk's office. This view is supported by the legislative history and confirmed by the Office of Legislative Research. That said, 7-34b(b) suggests that the \$ must still be appropriated to the Clerk's office by the Town Council, which does not have discretion in the matter.

Town General funds- \$3 pursuant to 7-34a(e) dedicated to local capital improvement projects. I understand that the Town puts this \$ in a capital non-recurring account, which his appropriate. The remaining \$ is not encumbered.

I hope that this is helpful. Please call with questions.

Alfred E. Smith, Jr.

Partner

asmith@murthalaw.com



Murtha Cullina LLP | Attorneys at Law | www.murthalaw.com
One Century Tower, 265 Church Street | New Haven | CT | 06510
Direct: 203-772-7722
Fax: 860-240-5722
Mobile: 203-671-6908

Hi Claudia,

Just getting your phone message. I've attached a basic statement regarding the dollar fund that we'd prepared a while ago to make available on the CTCA website.

If needed, I can also send a letter saying the same thing either addressed to you, or more commonly to a fiscal or other town official with a cc to you; just let me know. If to a specific town official, please include their name, mailing address and email address. We typically send it as an email attachment.

On the phone, you'd mentioned the CIA account. Anything other than the Historic Documents Preservation Program is outside the scope/authority of our office.

It may help to check the statutes for additional info; here are some of the statutory references for the CIA and other funds:

- CGS 7-34a(d) and (e) [*HDP and CIA fees*]: https://www.cga.ct.gov/current/pub/chap_092.htm#sec_7-34a
- CGS 49-10(h) [*MERS fees*]: https://www.cga.ct.gov/current/pub/chap_846.htm#sec_49-10
- CGS 11-8j [*Use of HDP funds*]: https://www.cga.ct.gov/current/pub/chap_188.htm#sec_11-8j

Thanks,

Kathy

Kathy Makover | Field Archivist | Office of the Public Records Administrator |
kathy.makover@ct.gov | Office: (860) 566-1100 ext. 303
www.ctstatelibrary.org | CT State Library | 231 Capitol Ave Hartford CT 06106 | Fax:
(860) 566-1118

8/2016

E. The Town Clerk's Dollar Fund

One-third of the three dollar fee (one dollar) is retained by the town clerk's office for "the preservation and management of historic documents," pursuant to CGS § 7-34a(d). This fund has become known informally as the "dollar fund."

A separate account should be established within the town for the dollar fund, and the money may not be made part of the operating budget of the municipality. Any balance in the account at the end of the town's fiscal year must remain in the account and be carried forward. If the town clerk experiences difficulty in establishing a separate account for this fund or maintaining access to these funds, the clerk should contact the Public Records Administrator for assistance.

As reviewed earlier, the clerk should use this fund for the "preservation and management of historic documents," specified in CGS § 11-8j as "activities that include, but are not limited to, the following:

- (1) The restoration and conservation of land records, land record indexes, maps or other records;
- (2) the microfilming of land records, land record indexes, maps or other records;
- (3) the use of information technology to facilitate the performance of duties integral to the maintenance and tracking of historic documents;
- (4) providing public access to an electronic indexing system that combines the grantor index and the grantee index of a town's land records;
- (5) the assessment or upgrading of records retention facilities;
- (6) disaster recovery; and
- (7) the training of personnel to perform duties integral to the maintenance and tracking of historic documents."

From: Makover, Kathy <Kathy.Makover@ct.gov>
Sent: Wednesday, March 11, 2020 4:14 PM
To: Armstrong, Bonnie <Bonnie.Armstrong@southwindsor.org>
Subject: His Docs fund; statutory references

Hi Bonnie,

Following up on our recent phone conversation, here's some info that relates to the His Docs "dollar fund" and some of the other Town Clerk funds, as requested. I have also attached our standard letter on the His Docs fund in case helpful.

The change from \$1 to \$2 to be retained by Town Clerks went into effect 12/1/17 under Public Act 17-2. The His Docs program and fee were first established under PA 00-146.

GGs Sec. 7-34a(d) specifies this portion of the fee to be retained by town clerks:

(d) In addition to the fees for recording a document under subsection (a) of this section, town clerks shall receive a fee of ten dollars for each document recorded in the land records of the municipality. Not later than the fifteenth day of each month, town clerks shall remit two-fifths of the fees paid pursuant to this subsection during the previous calendar month to the State Treasurer for deposit in the General Fund and two-fifths of the fees paid pursuant to this subsection during the previous calendar month to the State Librarian for deposit in a bank account of the State Treasurer and crediting to the historic documents preservation account established under section 11-8i. **One-fifth of the amount paid for fees pursuant to this subsection shall be retained by town clerks and used for the preservation and management of historic documents.** The provisions of this subsection shall not apply to any document recorded on the land records by an employee of the state or of a municipality in conjunction with the employee's official duties. As used in this section "municipality" includes each town, consolidated town and city, city, consolidated town and borough, borough, district, as defined in chapter 105 or chapter 105a, and each municipal board, commission and taxing district not previously mentioned. *[emphasis added]*

In addition to funds from the **His Docs** fees, we're aware of some other funds retained by the Town Clerk that relate to the **Community Investment and Documents with Nominees (MERS)** fees. While these do not fall within the scope of our office, they also are defined in statute.

As mentioned on the phone, my impression looking at the statutes for those two funds is that they specify that the funds are to be retained by the town clerk's office, but do not seem to specify that they can only be used for particular purposes.

For your review, here are the direct links to some of the relevant statutes as posted on the CGA website; note the subsections:

- **Sec. 7-34a – subsection (d) [His Docs]:**

https://www.cga.ct.gov/current/pub/chap_092.htm#sec_7-34a

- **Sec. 11-8j [Definition of “Preservation and Management of Historic Documents”]:**

https://www.cga.ct.gov/current/pub/chap_188.htm#sec_11-8j

- **Sec. 7-34a – subsection (e) [Community Investment]:**

https://www.cga.ct.gov/current/pub/chap_092.htm#sec_7-34a

- **Sec. 49-10 – subsection (h) [MERS]:**

https://www.cga.ct.gov/current/pub/chap_846.htm#sec_49-10



MEMORANDUM

TOWN OF CHESHIRE
OFFICE OF THE TOWN CLERK
84 SOUTH MAIN STREET, CHESHIRE, CT 06410
(203) 271-6601

TO: Sean M. Kimball Town Manager

DATE:

FROM: Laura Brennan, Town Clerk

SUBJECT: Special Town Clerk Funds – 2021 Appropriation

Per State Statute, the Town of Cheshire receives funds from fees of documents recorded on the land records. Through the Historic Preservation Fund, the Town Clerk's office collects \$3; of which \$2 goes to the State to support The Historic Document Preservation Grant that towns apply for each year. The remaining \$1 goes to the Town Clerk Historic Document Fund, which must be used specifically for restoration purposes. Through the Community Investment Act Fund, the Town Clerk collects \$30 per document; of which \$26 goes to the State; \$3 goes to the Town's General Fund and the remaining \$1 goes to a Town Clerk Fund for administrative costs. The Town Clerk also collects \$159 for recorded documents associated with Mortgage Electronic Registration Systems Inc. of that fee, \$110 goes to the State; \$39 goes into the Town's General Fund and the Town Clerk MERS Fund receives \$10. The totals in each fund as of January 1, 2021 are:

Historic Document Preservation Fund:

45040-580-00510

Community Investment Fund:

45040-5800-01015

Mortgage Electronic Registration Inc. Fund (MERS):

45040-5800-01239

I am requesting the Town Council appropriate funds from each account in the amount as follows:

Historic Document Fund:

Community Investment Fund:

Mortgage Electronic Registration Inc. Fund (MERS):

These expenditures are intended to supplement the department's operating budget by funding the purchase of equipment, supplies and staffing not supported in the budget.

The amounts are based on vendor estimates. The attached explanation and spreadsheet indicate how the funds will directly support the different object codes within the operating budget.

The categories are:

Office Equipment:

\$8,000.00

Town records must be maintained and stored according to the guidelines of the Public Records Administrator. To accommodate commission books in the vault, three rolling shelves will be added. Commission agendas and minutes must be kept forever and are continually expanding. Funding for new shelving will keep our records in compliance with State requirements.

Six drawers will be added under the counter in the outer office. The new drawers will provide much needed storage space and will help keep our supplies organized and easily accessible.

Office Supplies

\$1,000.00

Supplies for the office that are not supported by the budget include furniture such as bookcases and file cabinets.

Contractual Services

\$18,000.00

Currently, digital images of land records can be searched on our system dating back to 1989. Converting these images back to 1980 will enable searchers to perform a full search online. (A full search must go back 40 years) Close to 100,000 images will be uploaded to our land records system and linked to the index.

Temporary PT Position

\$17,000.00

To supplement the staffing loss of 15 hours in FY19 and 35 hours in FY20. The loss of two positions has had an incredible impacted on the Clerk's office. Prioritizing and delaying duties is essential. A temporary staff person is needed to help keep the office up to date until a full-time position is restored.

Please feel free to contact me with any questions you may have.