

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

~~MARCH 8, 2005~~ Postponed

MARCH 9, 2005

WAIVE RULE V of the Town Council Meeting Procedures

For the purpose of taking up two (2) actions with respect to the approval of a certification regarding the February 22, 2005 Council Meeting and an excerpt of Minutes regarding the June 8, 2004 Council Minutes.

MURTHA CULLINA LLP

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FACSIMILE TRANSMITTAL

Date: March 8, 2005 Client Code: 631550-0001
To: James M. Vumbaco, Chairman Facsimile Number: (203) 294-2073
Telephone Number: (203) 294-2070
From: Joseph P. Fasi, Esq. Telephone Number: (860) 240-6080

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MESSAGE:

Please see the attached.

Thank you.

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March 8, 2005

TO: James M. Vumbaco, Chairman
Wallingford Town Council
Members of the Wallingford
Town Council
Mayor William W. Dickinson, Jr
Mr. James M. Bowes, Comptroller
Kathryn F. Zandri, Town Clerk

FROM: Joseph P. Fazi, Bond Counsel 

RE: Action required by the Town Council at its meeting of March 8, 2005, with respect to approval of minutes of the Town Council

DATE: March 8, 2005

The Town has accepted bids on \$26,465,000 of General Obligation Bonds. The Bonds are to be delivered to the purchasers on March 15, 2005. The Bonds include \$8,465,000 of Refunding Bonds approved for issuance by the Council on February 22, 2005, and \$18,000,000 for Town-wide School improvements. The opinion delivered by Bond Counsel to the purchaser of the Bonds relies on duly certified Town Council minutes, as well as other documents, to evidence proper authorization of the Bonds. In order to complete the documentation evidencing authorization of the issuance of the Bonds, two outstanding items regarding minutes require Council action.

Due to the short time period between the February 22 Council meeting and tonight's March 8 meeting, which is the first meeting following the 22nd, it is not surprising that the meeting minutes for the 22nd are not available for Council approval. However, since this is the last Council meeting prior to March 15, the date the Bonds are to be delivered to the purchaser, evidence other than approved Council minutes will be required to support the legal conclusion that the Bonds are duly authorized. That other evidence consists of a Certificate to be signed by the Council Chair and the Town Clerk, and approved by the Council, stating that the Refunding Bond Resolution was adopted, has not been amended or repealed, and minutes establishing such will be approved by the Council in the future. The draft February 22 minutes

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attached to the Certificate do not purport to be the official minutes, but represent the substance of the Council's action regarding the subject resolutions.

With respect to the Town-wide School Improvement Bond ordinance, the June 8, 2004 Council meeting minutes, which include the increase in the bond authorization to \$67.17 million, have not been submitted to or approved by the Council. The portion of those minutes which concern the school project are now available and are submitted for approval tonight. The Council should approve resolutions with respect to the Refunding Bond Certificate and proposed minutes, and approve the excerpt of the June 8, 2004 minutes as they relate to the Town-wide school improvement bond ordinance.

The Town Clerk has prepared motions for the Council to move and adopt, which include waiving Rule V, and are attached.

**March 8, 2005
Council Action**

1. _____ moved to Waive Rule V of the Town Council meeting procedures for the purpose of taking up two (2) actions with respect to the approval of a certification regarding the February 22, 2005 Council Meeting, and an excerpt of Minutes regarding the June 8, 2004 Council Minutes. _____ seconded the motion.

VOTE to Waive Rule V:

_____ moved to Approve a certificate to be signed by Chairman James Vumbaco and Town Clerk Kathryn F. Zandri testifying to the fact that an attached excerpt from its meeting of February 22, 2005 accurately reflects the actions taken at said meeting by the Town Council with respect to the adoption of a Resolution pertaining to a \$9.5 million Refunding Bond authorization and to the adoption of a Resolution Repealing the Authorized and Unissued balance of \$6,500,000 Refunding Bond Resolution Approved November 12, 2003, and by a majority vote in the affirmative approving said certificate the Town Council acknowledges and ratifies the action of the Town Council Chairman and Town Clerk signing said certificate. _____ seconded the motion.

Roll Call Vote:

2. _____ moved to Approve an excerpt of the June 8, 2004 Town Council Meeting Item #11, entitled "To Conduct a Public Hearing and Consider and Act on an Ordinance Amending an Ordinance Appropriating \$44,531,377 for the Planning, Acquisition and Construction of Town-Wide School System Renovations and Authorizing the Issue of \$44, 531,377 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose".

_____ seconded the motion.

Roll Call Vote: