

# 27<sup>TH</sup> BOARD OF REPRESENTATIVES CITY OF STAMFORD

President  
*DAVID R. MARTIN*  
Clerk of the Board  
*ANNIE M. SUMMERVILLE*

Majority Leader  
*JOHN J. BOCCUZZI*  
Minority Leader  
*ROBERT "GABE" DELUCA*

## RESOLUTION NO. 3132 CLARIFYING INTENT OF THE BOARD OF REPRESENTATIVES IN ENACTING ORDINANCE 1044, AND PARTICULARLY THE PROSPECTIVE APPLICABILITY OF STAMFORD CODE §200-41

WHEREAS, in 2005, the Board of Representatives enacted ordinance 1044, making extensive changes to Chapter 200 of the Stamford Code of Ordinances; and

WHEREAS, in so doing, the Board prospectively changed the manner in which the levy of benefits assessments would be determined (§200-41); and

WHEREAS, at the time of the enactment of Ordinance 1044, the City already had commenced the sewer project designated the "Sweet Briar Project."

WHEREAS, in planning said project, the City and WPCA had represented to property owners who would be subject to assessment for that project that the benefit assessment would be determined under the then-existing formula/criteria; and

WHEREAS, it was not the intention of the Board, in enacting Ordinance 1044, to have the change in benefit assessment procedures applicable to any projects where representations had been made to the property owners that they would be subject to the then-existing formula;

WHEREAS; it would be inequitable to apply the new criteria/formula to property owners subject to assessment for said project, especially after they had been told that the prior criteria/formula would be applicable; and

WHEREAS, the WPCA has indicated that it agrees that the prior (i.e., pre-Ordinance 1044) criteria/formula should be applied to said project, as a matter of fairness and equity;

NOW THEREFORE, BE IT RESOLVED BY THE 27<sup>TH</sup> BOARD OF REPRESENTATIVES THAT:

It is and was the intention of the Board of Representatives in enacting Ordinance 1044 that such Ordinance was to be purely prospective and applicable only to future projects; and

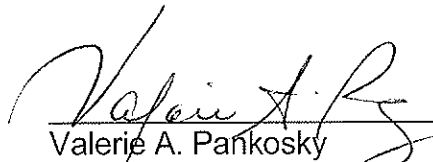
It was specifically not the intention of the Board that the change in benefit assessment criteria or the change in the benefit assessment formula, as set forth in Ordinance 1404, be applicable to any project where representations had been made to the property owners that they would be subject to the then-existing formula;.

This Resolution shall be effective as of the date of approval.

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This resolution was approved by unanimous voice vote at the regular monthly meeting of the 27<sup>th</sup> Board of Representatives held on Monday, March 5, 2007.

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Valerie A. Pankosky  
Administrative Assistant & Recording Secretary

cc: Mayor Dannel P. Malloy  
Benjamin Barnes, Director of Operations  
Sandra Dennies, Director of Administration  
Thomas M. Cassone, Director of Legal Affairs  
William Callion, Director of Public Safety, Health & Welfare  
Jeanette Brown, Executive Director - WPCA  
Donna Loglisci, City and Town Clerk