

ORDINANCES INTRODUCED

39.82.17

ORDINANCE AUTHORIZING A RIGHTS-OF-WAY FRANCHISE  
WITH EXTENET SYSTEMS, INC. FOR INSTALLATION OF  
TELECOMMUNICATIONS EQUIPMENT

**Council Member** introduced the following:

**Ordinance Number 39.92.17**

**ORDINANCE AUTHORIZING A RIGHTS-OF-WAY FRANCHISE WITH EXTENET SYSTEMS, INC. FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT**

**WHEREAS** the State of New York issued an Approval effective December 2, 2005, granting ExteNet's predecessor ClearLinx Network Corporation a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider and reseller of telephone service with authority to operate throughout the State of New York to provide telecommunications services; and

**WHEREAS** federal law provides that the regulation of the placement, construction, and modification of personal wireless service facilities by any local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services, and shall not prohibit or have the effect of prohibiting the provision of personal wireless services; and

**WHEREAS** under federal law, a local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request; and

**WHEREAS** state and local law require franchise approval of the Common Council for the proposed use in City rights of way; and

**WHEREAS** ExteNet Systems, Inc. has filed a franchise request with the City of Albany and permit applications with the City of Albany Department of General Services on May 4, 2017; and

**WHEREAS** the jurisdictional boundaries of City include public rights-of-way and facilities that are used by, and useful to, telecommunications providers; and

**WHEREAS** City is authorized by State statutes, regulations and orders to recover just and reasonable costs for administering telecommunications providers' access to the public rights-of-way within City's jurisdictional boundaries.

**NOW THEREFORE**, that the Common Council of the City of Albany hereby authorizes the City Of Albany to enter into an agreement with ExteNet Systems, Inc., its successors and assigns, a franchise to construct, install, operate and maintain telecommunications equipment in the City of Albany for valuable consideration and upon such terms as this Council deems proper, as set forth in the written franchise agreement attached hereto.

**To:** Nala Woodard, City Clerk  
**From:** David A. González, First Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 8, 2017

**ORDINANCE NUMBER 39.92.17**  
**TITLE**

**ORDINANCE AUTHORIZING A RIGHTS-OF-WAY FRANCHISE WITH EXTENET SYSTEMS, INC. FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT\_**

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**GENERAL PURPOSE OF LEGISLATION**

authorizing the Mayor to enter into a franchise agreement between the City and ExteNet Systems, Inc.

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**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Pursuant to State law and City Code, the Council must authorize the use of City right-of-ways for franchises.

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**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

N/A

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**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

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**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

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**FISCAL IMPACT(S)**

Set forth by written franchise agreement.

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## **RESOLUTIONS INTRODUCED**

- 53.92.17R RESOLUTION OF THE COMMON COUNCIL RESOLVED, THE CITY OF ALBANY HEREBY CERTIFIES, PURSUANT TO NEW YORK STATE REAL PROPERTY LAW SECTION 1903, THE ATTACHED APPLICABLE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS OR ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR THE 2016 TAX YEAR
- 54.92.17R RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CITY'S PARTICIPATION ON THE CAPITAL DISTRICT URBAN / TECHNICAL SEARCH AND RESCUE TEAM ("UTSAR" TEAM).

Common Council Member

offered the following:

**Resolution Number 53.92.17R**

**RESOLUTION OF THE COMMON COUNCIL RESOLVED, THE CITY OF ALBANY HEREBY CERTIFIES, PURSUANT TO NEW YORK STATE REAL PROPERTY LAW SECTION 1903, THE ATTACHED APPLICABLE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS OR ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR THE 2016 TAX YEAR**

**WHEREAS**, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real Property Tax Law relating to the establishment and certification of the local adjustments to the adjusted base proportions of the homestead and non-homestead classes; and

**WHEREAS**, the homestead and non-homestead locally adjusted base proportion for the Albany City School District for the assessment roll of 2017-18 has been determined pursuant to Section 1903 of the Real Property Tax Law based on the attached rates provided by the New York State Office of Real Property Tax Services; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany does hereby certify the Albany City School District's local adjustments to the adjusted base proportions pursuant to Real Property Tax Law Section 1903.

**To:** Gerald Campbell, City Clerk  
**From:** Marisa Franchini, First Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 8, 2017

**RESOLUTION NUMBER 53.92.17R**

**TITLE**

A resolution of the Common Council certifying local adjustments to the adjusted base proportions of the homestead and non-homestead classes for the Albany City School District for school tax purposes pursuant to Article 19 of the Real Property Tax Law.

**GENERAL PURPOSE OF LEGISLATION**

Certification of the School District's local adjustments to the adjusted base proportions of taxable value for the homestead and non-homestead classes for the 2017-18 school tax year based on the options provided for in law.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Compliance with Article 19 of the Real Property Tax Law requires the local legislative body in taxing jurisdictions that have split the assessment roll into homestead and non-homestead classes to certify the making of local adjustments to the adjusted base proportions of the two classes for School District tax purposes. The New York State Office of Real Property Services calculates the percentages and the Common Council is required to certify the District's participation in the adjustment option provided for by law.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

As soon as possible.

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

**FISCAL IMPACT(S)**

See attachments.

**Common Council Member**

**offered the following:**

**Resolution Number 54.92.17R**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CITY'S PARTICIPATION ON THE CAPITAL DISTRICT URBAN / TECHNICAL SEARCH AND RESCUE TEAM ("UTSAR" TEAM).**

**WHEREAS**, the City of Albany recognizes the need to prepare for natural and man-made disasters and recognizes the need for trained technical rescue specialists, and

**WHEREAS**, the New York State Department of State Office of Fire Prevention and Control provides for the coordination, funding, training and administrative support for the Capital District Urban/Technical Search and Rescue Team (UTSAR Team), and

**WHEREAS**, the UTSAR Team is an urban search and rescue team formed pursuant to General Municipal Law § 209-bb to provide qualified rescue specialists and specialized rescue equipment readily available for rapid assembly and deployment to the scene of an emergency, and

**WHEREAS**, the UTSAR Team members have received specialized training and equipment to respond to specialized technical rescue situations, and

**WHEREAS**, the City of Albany desires to continue its membership on the UTSAR Team and supports the participation of its employees in the training and deployment of the UTSAR Team.

**NOW THEREFORE BE IT RESOLVED**, that employees of the City of Albany are authorized to act on behalf of the City by participating as members of the UTSAR Team and to complete and maintain the necessary training deployment of the UTSAR Team under the coordination of the New York State Department of State Office of Fire Prevention and Control, and

**BE IT FURTHER RESOLVED**, that, in accordance with the applicable provisions of General Municipal Law § 209-bb, the City of Albany agrees to provide defense and indemnification coverage pursuant to Public Officers Law § 18 and Chapter 38 of the Code of the City of Albany together with Workers Compensation coverage pursuant to applicable provisions of the Workers Compensation Law for its said employees while participating on the UTSAR Team.

**To:** Gerald Campbell, City Clerk  
**From:** Marisa Franchini, First Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 8, 2017

**RESOLUTION NUMBER 54.92.17R**

**TITLE**

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CITY'S PARTICIPATION ON THE CAPITAL DISTRICT URBAN / TECHNICAL SEARCH AND RESCUE TEAM ("UTSAR" TEAM).

**GENERAL PURPOSE OF LEGISLATION**

GML §209-bb CREATION, BY RESOLUTION, OF "SPECIALIZED TEAMS AND THE PARTICIPATION BY COUNTIES, CITIES AND TOWNS. A CAPITAL DISTRICT URBAN / TECHNICAL SEARCH AND RESCUE TEAM (UTSAR TEAM) HAS BEEN CREATED BY THE STATE UN THE AUSPICES OF THE DEPARTMENT OF STATE OFFICE OF FIRE PREVENTION AND CONTROL. THE CITY WISHES TO MEMORIALIZE ITS MEMBERSHIP ON THIS TEAM AND SPECIFICALLY PROVIDED FOR THE DEFENSE, INDEMNIFICATION AND WORKERS COMPENSATION COVERAGE FOR CITY EMPLOYEES WHO MAY BE DEPLOYED TO THE SCEN OF AN EMERGENCY.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

THE ENABLING LEGISLATION REQUIRES THE ENACTMENT OF A RESOLUTION, AFTER PUBLIC HEARING, BY THE GOVERNING BODY OF EACH COUNTY, CITY OR TOWN PARTICIPATING ON THE TEAM.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

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**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

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**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

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**FISCAL IMPACT(S)**

ALTHOUGH THE CITY IS RESPONSIBLE FOR COSTS ASSOCIATED WITH TRAINING AND CERTIFICATION OF EMPLOYEES SERVING ON THE TEAM, THE STATE REIMBURSES THE MEMBER MUNICIPALITIES FOR THE COSTS OF ANY OVERTIME ASSOCIATED THEREWITH.

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