

**TOWNSHIP OF FREDON
RESOLUTION NO. 2022-43**

**RESOLUTION OF THE TOWNSHIP OF FREDON APPROVING A
MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP AND
PLANET NETWORKS, INC. FOR CORONAVIRUS STATE AND LOCAL
FISCAL RECOVERY FUNDS**

WHEREAS, on March 11, 2021, the President signed the “American Rescue Plan Act of 2021” P.L. 117-2 (“ARPA”) into law; and

WHEREAS, among other financial commitments, ARPA includes \$350 billion in emergency funding described as “Coronavirus State and Local Fiscal Recovery Funds” (“CSLFRF”) to help state, local, territorial, and tribal governments cover increased expenditures, replenish lost revenue, and mitigate economic harm from the COVID-19 Pandemic (“CSLFRF Program”); and

WHEREAS, CSLFRF monies (“CSLFRF Funds”) may be used to invest in broadband infrastructure; and

WHEREAS, the Township anticipates receiving a total allocation of \$330,752.63 in CSLFRF Funds which must be used in conformance with ARPA; and

WHEREAS, the CSLFRF Program requires that funds be used for costs incurred on or after March 3, 2021 and be obligated by December 31, 2024 and expended by December 31, 2026; and

WHEREAS, the Township Committee desires to invest the CSLFRF Funds in broadband infrastructure which has been shown to be critical for work, education, healthcare, and civic participation during public health emergencies; and

WHEREAS, the Township Committee has determined this use of CSLFRF Funds to be vital because the Township and its residents lack town-wide infrastructure needed to access reliable high-speed broadband connectivity and related services; and

WHEREAS, on January 27, 2022, the Township Committee approved an RFP, published on February 28, 2022, generally seeking proposals from companies capable of installing fiber optic cable to bring the potential of high-speed internet service to 100% of the homes and businesses located within the Township’s municipal boundary; and

WHEREAS, the Township received one timely submission from Planet Networks which indicated that it has the staff, knowledge, materials, equipment, and technical capabilities to install fiber optic cable township-wide, above ground and underground, to make it available for all homes and businesses within the Township; and

WHEREAS, Planet Networks has further indicated that its proposed broadband infrastructure meets the high-speed technical standards required under ARPA and the CSLFRF Program; and

WHEREAS, Planet Networks is authorized by the State of New Jersey, Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey; and

WHEREAS, in furtherance of its commitment to expand broadband infrastructure within the Township, the Township Committee desires to disburse its allocation of CSLFRF Funds to Planet Networks as an inducement for Planet Networks to install approximately 309,668 feet of fiber optic cable town-wide much sooner than it might otherwise; and

WHEREAS, funding and disbursements shall be undertaken in compliance with Federal, State, and local laws and regulations, as well as the requirements of ARPA, the CSLFRF Program, Executive Order No. 166 (Murphy 2020) (“EO 166”), 31 CFR Part 35 U.S. Treasury Coronavirus State and Local Fiscal Recovery Funds – Final Rule, and Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“2 CFR Part 200”); and

WHEREAS, it is in the Parties’ mutual interests, as well as in the public interest, to have the Parties’ respective responsibilities concerning this grant award and disbursement thereof memorialized in a written agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Fredon, County of Sussex, and State of New Jersey that the Mayor, Township Chief Financial Officer, and Township Clerk, be and hereby are, authorized to execute a Memorandum of Understanding in substantially the form attached hereto as Appendix A and incorporated herein, and related documents necessary to implement same.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clerk is hereby directed to transmit a copy of this Resolution and Memorandum of Understanding to Katharine Richards, Director, Coronavirus State and Local Fiscal Recovery Funds, Office of Recovery Programs, United States Department of the Treasury; the New Jersey Office of the State Comptroller; and the applicable state and federal grant administrators for the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Program.

CERTIFICATION

I, SUZANNE BOLAND, Municipal Clerk of the Township of Fredon, in the County of Sussex, and State of New Jersey do hereby certify that the foregoing is true and correct copy of the Resolution adopted by the Township of Fredon at a regular meeting held on Thursday, April 28, 2022.



Suzanne Boland, RMC