

TOWN OF HURLEY

RESOLUTION NO. _____
DATED: MARCH 21, 2023

**RESOLUTION AUTHORIZING THE EXECUTION OF
BROADBAND FUNDING AND DEVELOPMENT AGREEMENT
WITH ARCHTOP FIBER LLC**

WHEREAS, the Town of Hurley (the “Town”) currently only has one internet service provider; and

WHEREAS, the Town seeks to provide broadband internet service to the Town and all the unserved/ underserved residents and businesses within the Town (“Project”); and,

WHEREAS, Archtop Fiber LLC (“Archtop”) and the Town agree on the objectives of the Project and desire to further make available broadband service (“Service”) to the unserved/underserved areas within the Town via the System (defined below); and,

WHEREAS, Archtop is willing to assist the Town’s efforts to secure public funding from all available sources for the Project if all funding which the Town derives from this joint effort is dedicated to the maximum extent legally permissible to support infrastructure within portions of the Town for Archtop to provide broadband internet service (“System”); and

WHEREAS, Town is willing to assist in such efforts as part of the Project and to enter into a nonexclusive Broadband Funding and Development Agreement (“Broadband Agreement”) with Archtop to identify and pursue public funding for the provision of broadband services to the Town; and

WHEREAS, the Town is willing to earmark public funds secured pursuant to this Broadband Agreement to support deployment of the System in pursuit of the Project as mutually determined by the Parties and to the maximum extent permissible under applicable law; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Hurley as follows:

1. The Broadband Funding and Development Agreement between the Town of Hurley and Archtop Fiber, LLC for the pursuit of funding and development of broadband services in the Town of Hurley is hereby approved.

2. The Town Supervisor is hereby authorized and directed to execute Broadband Funding and Development Agreement between the Town of Hurley and Archtop Fiber, LLC for the pursuit of funding and development of broadband services in the Town of Hurley

Motioned by: _____

Seconded by: _____

AYE

NAE

Melinda McKnight, Supervisor

Peter Humphries, Deputy Supervisor

Michael Boms, Councilperson

Jana Martin, Councilperson

Gregory Simpson, Councilperson
