

Town of Hawley, Massachusetts
Minutes of a
Special Selectboard Meeting
In Person & via Zoom
December 8, 2023

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday
Wayne Lemoine, Chris Tirone, and (via Zoom) Lark Thwing

The meeting was called to order at 7:01 p.m.

- 1. The main topic of discussion was the looming deadline for the application for broadband funding and the question of whether the Hawley wanted to apply for a grant itself.** Will noted that he had received an email from Massachusetts Broadband Initiative director Michael Baldino saying that the state was committed to saving some funding for the April deadline and that additional funds would be available the following summer or fall under the federal BEAD (broadband equity, access, and deployment) program.

Will said that he was still waiting to hear from Whip City to obtain the information that would be needed for the Town to apply. He said he knew that there were both pros and cons to applying, especially cons, and that he could be convinced to hold off on the application in the light of the fact that two corporations were already applying to wire Hawley. He repeated this for the benefit of Lark Thwing, who had just joined the group via Zoom. Will noted that one of the pros to applying would be that Hawley would own the broadband infrastructure as it owned its roads, and that the broadband could eventually be an asset. The cons were clear, he said; the biggest was that the town would need to come up with matching funding. He said that if the two current applicants did not receive funding, Hawley might be able to apply later.

Hussain said he had a few thoughts. He saw some merits to municipal ownership, including price control and control over maintenance. Both of those entailed additional responsibility, however. He suggested that the second and third rounds of funding might be less competitive. If the Town were to apply within a few days, he had several concerns. An agreement might be able to be made with Plainfield or Charlemont, but not that quickly. The Town wouldn't know for sure what the subscriber base or cost would be. He observed that new technologies (for example, improved cell-phone internet) might affect the former. The future was unpredictable, he mused. In summary, he said that there were two applications on the table. If neither succeeded, the Town would have more incentive to apply. If the Town did apply now, (and somehow won out against the other entities, which was possible since the State would presume municipal support lay with the Town's own application), Hawley didn't really have enough information (or the assurance of a yes vote at Town Meeting for the matching funds) to proceed and might end up with no broadband at all. He suggested that the Town wait out the current deadline.

Hussain talked briefly as well about Charter Communications' recent presentation. He said he had been bothered by it, particularly by the company's refusal to commit to Net Neutrality, which was subject to the whims of the FCC and politicians. He said that was a huge problem for him. He also noted that Charter had avoided answering most of the Town's other questions.

Tinky said that the Selectboard had already given Charter a letter of support. There was a brief discussion of pricing and the disadvantages of corporate practices.

Will said he agreed with Hussain and thought the Town should wait out the current round of funding and hold off on any Town application until the second round, should the current applications not win approval from MBI. He said the contracts would be awarded early in the year, allowing Hawley time to work on an application or find another entity to apply.

Tinky said that the Town had lost some decision-making power and might have been able to ask WiValley and Charter to hold off by not sending letters of support. Hussain said he would have been reticent to do so; the Town hadn't endorsed either application, only standards. Wayne asked what would happen if either company got the contract and didn't wire 100 percent of Hawley. Will said the Town would have to hope that MBI would enforce that standard. Will and Hussain both noted that since the Town was not a party to the deal (or providing funding), the options in terms of intervening were limited. Will said that hooking up parts of East Hawley would be difficult but shouldn't be impossible. Wayne asked whether the Town could look at the companies' site plans; Tinky said those would be public record once they were filed. The group briefly discussed WiValley's idea of putting wires under dirt roads; Hussain said he would be unwilling to permit this in light of past telephone-company experience. Will deemed WiValley perhaps too optimistic but reiterated that the grant required that the winning bidder wire 100 percent of the Town, and that the Town would monitor progress carefully.

Hussain moved that the Town hold off on applying but continue to investigate the possibility of an application in April. Bob seconded, and all voted in favor.

Lark added that MBI's criterion was 100 percent coverage. He said that Dodge Corner COULD be reached, just not with wireless coverage. A fiber line could get there. The bottom line was that either company would have to indicate to MBI how it expected to cover 100 percent of Hawley. MBI would have to compare the costs of the proposals.

- 2. The group turned to the question of private flags being flown on Hawley's official flagpoles.** Will referred to a recent article in the *Greenfield Recorder* about individual-issue flags in municipal buildings. A few towns in Franklin County had been asked by a group to fly private flags at their buildings. He said he thought the Town flagpole should only fly the flag of the U.S., that of the Commonwealth, official military flags, and a Town flag should one be approved.

Hussain explained that the issue was the result of a decision by the City of Boston to allow private groups to fly its flag over City Hall. Boston had not been required to do this at the outset, but once it had welcomed some groups the Courts decided it could not be selective about specific groups and ideologies. This ruling had opened the floodgates, and at one point, even the Satanic Temple had asked to fly a flag. Hawley had not opened this door, but Hussain still felt it would be helpful to have a policy to clarify things. He suggested the following wording, which he put into a motion:

The Hawley flagpole shall be utilized exclusively for Town-owned flags representing the United States of America, the Commonwealth of Massachusetts, or the Town of Hawley – or any official entities or subdivisions thereof, military or civil.

Bob seconded the motion, and all voted in favor.

There being no other business, the meeting was adjourned at 7:37 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean