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**MINUTES  
SELECT BOARD  
HARWICH TOWN HALL  
MONDAY, OCTOBER 23, 2023  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL FOR REGULAR MEETING ONLY**

**SELECTMEN PARTICIPATING:** Mary Anderson, Julie Kavanagh, Michael MacAskill, and Jeffrey Handler

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER**

Ms. Anderson called the meeting to order at 6:00 p.m.

**PUBLIC COMMENT**

Harwich Chamber of Commerce Executive Director Cyndi Williams was present. Ms. Williams presented the new cover of the Harwich Magazine and highlighted some of the contents. Anyone is welcome to visit the Harwich Chamber of Commerce for more information.

Laurie Berkowitz was present to speak as a private resident regarding pickleball, which she stated is one of the fastest growing sports in the country. Ms. Berkowitz feels that it is a joyful sport that people not only get to exercise but meet other people as well. She and her family moved to Harwich in 2018 and appreciate that Harwich has both indoor and outdoor facilities for pickleball. They had signed up to play on the indoor courts at the 204 Sisson Road building and were first told that it was on hold for the floors to be refinished. Now they are being told that the program is on hold because the fees need to be revisited. Ms. Berkowitz stated that she is not sure what needs to be revisited, adding that everyone has paid, and they are ready to play and asked why residents and taxpayers cannot participate now, while the fee concerns are addressed. She wondered if fees for other activities and/or programs are being reviewed and if any other programs being put on hold due to the review. Ms. Berkowitz feels that this is negatively impacting the program participants.

Mr. Powers responded that as a point of public information, this topic will be addressed tomorrow night at the Recreation and Youth Commission meeting.

**CONSENT AGENDA**

A. Approve Select Board Meeting Minutes for October 2, 2023, and October 16, 2023

**Mr. Handler moved to approve the Select Board Meeting Minutes for October 2, 2023, and October 16, 2023, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

**NEW BUSINESS**

- A. Vote to affirm the appointment of Christine Flynn as the Director of Planning and Community Development

Mr. Powers asked the Select Board for their support of this appointment. He reviewed Ms. Flynn's strong professional background and noted that if appointed, we are very excited to have her join us in Harwich.

**Mr. Handler moved to affirm the appointment of Christine Flynn as the Director of Planning and Community Development, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- B. Approve event and one day entertainment permits for Harwich Chamber of Commerce, 1 Schoolhouse Road, events and entertainment to be held December 1, 2023, through December 3, 2023 in Harwich Port, Harwich Center and East Harwich

**Mr. Handler moved to approve the event and one day entertainment permits for Harwich Chamber of Commerce, 1 Schoolhouse Road, events and entertainment to be held December 1, 2023, through December 3, 2023, in Harwich Port, Harwich Center and East Harwich, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- C. Approve the updated committee charge for the Board of Health

Mr. MacAskill stated that this has been a collaborative effort.

Board of Health Chair Sharon Pflieger was present and asked to review a couple of minor changes that were missed between the draft charge and what was provided in the packet. The first paragraph should only reference Chapter 7, Section 4 (remove 7-4-1 and 7-4-2). In the second paragraph, staff should be listed as Health Director, Senior Health Agent, Executive Assistant, and Inspectors. Under the list of responsibilities, nuisance and investigation, investigation should be removed, as any investigation is done by Health Department staff, not the Board of Health members.

Ms. Pflieger stated that when this information is posted on the webpage, there will be a separate section for the Health Department and Board of Health. This will help website visitors see what the Health Department does noting that there is a lot of work that is done by the department that people are not aware of.

Ms. Pflieger asked if there is any update on where we stand with adding an alternate member(s) to the Board of Health. She hopes to have this straightened out and have an article on the May Town Meeting Warrant. Her assumption would be that if an alternate member is allowed, that they would be allowed to vote, adding that it would not make sense to just have a person sit there. Until we have confirmation from Town Counsel, this cannot be added to the charge. Mr. MacAskill responded that Administration is working with Town Counsel. For this exercise and tonight's vote, the membership will remain at 5 regular members, knowing that it can be brought back.

Mr. Powers noted that under Chapter 7 of the general bylaws, it reads that the Board of Health has 5 full members. Adopting alternates would be an amendment of Chapter 7 which would require a warrant article at Town Meeting. To the question of how alternates would operate, his understanding is that when the town updated the charter back in 2016 or 2017, the town, through the Attorney General's Office received commentary that the town should add structure around how you would want the alternates to work. With a lot of the regulatory boards, they would want to have standards where if an alternate is used, they would want to be held to the Mullin Rule. The discussions regarding the structure of alternates would involve Town Counsel. Mr. Powers confirmed that he has spoken to Town Counsel regarding the addition of alternate members, but no discussions were had regarding the structure of their position, as he was not aware of the comments from 2016 or 2017. We would be able to obtain, through the Town Clerk's Office, the prior year's commentary on the language regarding alternates and how they would vote.

Ms. Kavanagh added that for Zoning Board of Appeals and Planning Board, if an alternate is going to vote, then they would have needed to attend a certain number of meetings depending on how many times the case has come before the regulatory board. Ms. Pfleger asked if meeting attendance requirements could be brought up as part of the candidate's interview process. Mr. MacAskill noted that this is not part of the agenda and should not be discussed tonight. He will ask the Chair for an agenda item at a future meeting to vote to have a warrant article for direction and noted that the rest will involve Town Counsel.

Linda Cebula was present. The Bylaw Charter Review Committee has seen that in Section 7 of the Charter, that the various committees are all over the place in terms of their descriptions. The committee would like to put together some words that will clarify all the committees and add language on alternates and the number of alternates.

**Mr. MacAskill moved to approve the updated committee charge for the Board of Health as amended, 2<sup>nd</sup> by Mr. Handler and approved 4-0-0.**

Mr. MacAskill thanked the Town Clerk, Board of Health Chair, Health Director and Ms. Cebula for their work on this.

### **EXECUTIVE SESSION**

A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Police Chief and Town Administrator

### **ADJOURNMENT**

**Mr. Handler moved that the Select Board enter into Executive Session to discuss the item as listed above, and that the Select Board would not be returning to open session, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary