

MEMORANDUM OF AGREEMENT  
Between the Towns of Orleans, Chatham, and Harwich  
TO ESTABLISH THE PLEASANT BAY RESOURCE MANAGEMENT ALLIANCE

Article I. Recitals

WHEREAS, the estuary known as Pleasant Bay lies within the municipal boundaries of Orleans, Chatham, Harwich and Brewster, and

WHEREAS, in 1995 the four towns entered into an agreement to develop a resource management plan (“plan”) to protect the vast natural resources of the Bay, and

WHEREAS, the agreement established as a goal of the plan to have the towns adopt uniform polices and regulations for the management of the Bay, and

WHEREAS, the plan developed in accordance with the agreement provides management recommendations concerning the towns’ policies and regulations relative to water quality, wetlands, wildlife, fisheries, boating, shorelines structures, and public access, and

WHEREAS, the Towns of Harwich, Orleans and Chatham have approved the plan and the five-year plan update;

NOW THEREFORE, the undersigned towns, in consideration of the mutual covenants contained herein, hereby agree as follows:

Article II. Policy and Purpose

1. This agreement establishes forms the Pleasant Bay Resource Management Alliance (“Alliance”). Through participation in the Alliance the undersigned towns agree to implement the plan recommendations, acting by and through their designated officers, employees or agents. The towns also agree to seek funding through Town Meeting for implementation of the plan in accordance with the terms of this agreement.
2. Each town participating in the Alliance shall retain authority over the resources and activities within its jurisdiction. The Alliance shall coordinate, and not duplicate or compete with, the functions of existing regulatory and planning organizations in each of the undersigned towns as they pertain to the Pleasant Bay Resource Management Plan.

Article III: Steering Committee

1. A Steering Committee shall be created, with one member appointed by the Board of Selectmen of each undersigned town.
2. The Board of Selectmen of each undersigned town may appoint an alternate Steering Committee member. Such alternate shall not have voting privileges unless authorized by the appointed Steering Committee member for the town to vote as proxy for said member.

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3. The members of the Steering Committee shall serve at the pleasure of the Board of Selectmen of the Town by whom they were appointed.
4. Provided there is a quorum of two-thirds members present, the Steering Committee shall act by majority vote.
5. The Steering Committee shall elect a Chairman, Vice-Chairman, and Treasurer/Secretary.
6. During any fiscal year for which a Town Meeting in one or more of the undersigned towns fails to appropriate funds in accordance with the provisions of Article IV of this agreement, the Steering Committee member from such town shall serve as an ex officio member and shall not vote.
7. The Steering Committee shall be authorized to expend funds, subject to the conditions contained herein, from the Pleasant Bay Resource Management Alliance Account. The Steering Committee shall have no authority to contract for services or expend funds in excess of the amount available in said account. All contracts shall be in writing and no contract shall be entered into without a certification of the Town of Chatham Director of Finance.
8. The Steering Committee shall have overall responsibility and accountability for coordinating with officers, employees or agents of the undersigned towns to implement the plan.

Article IV: Technical Resource Committee

1. A Technical Resource Committee shall be created, with four members from each of the undersigned towns. The Committee members may include the harbormaster, shellfish constable, conservation agent, and town planner, (or their equivalent as determined by the town's Board of Selectmen), of each undersigned town.
2. The members of the Technical Resource Committee representing each town shall be appointed annually by their respective Board of Selectmen. Appointments to the Technical Resource Committee by each of the Boards of Selectmen of the undersigned towns should be made by June 30<sup>th</sup> for the following fiscal year.
3. The Technical Resource Committee shall provide technical assistance, advice, and recommendations to the Steering Committee in the implementation of the plan.

Article V: Alliance Account

1. An account shall be established under the jurisdiction of the Town of Chatham Director of Finance to be known as the Pleasant Bay Resource Management Alliance Account ("Alliance Account").
2. The Alliance Account shall be the depository for all non-municipal funds and municipal appropriations made for the implementation of the plan.
3. Expenditures from the Alliance Account shall be authorized by a majority vote of the Steering Committee as provided herein. Any expenditures so authorized shall be subject to the customary and ordinary requirements for the expenditure of funds in the Town of Chatham.

4. The Steering Committee is authorized to release funds from the Alliance Account for consultant services, or other goods and services related to the Pleasant Bay Resource Management Plan's implementation.

#### Article VI: Budgeting and Reporting

1. The Steering Committee shall prepare a proposed annual budget and operating plan for the coming fiscal year.
2. The proposed annual budget and operating plan shall be presented to the Boards of Selectmen of the undersigned towns per each town annual budget schedule. ~~by no later than October 30<sup>th</sup> of the current fiscal year, unless otherwise specified by a Board of Selectmen for its respective town.~~
3. The proposed annual budget shall indicate the amount of funds requested from the Towns of Orleans, Chatham, and Harwich for the coming fiscal year, as well as the amount and source of all non-municipal funds. The total amount of funds requested from the Towns of Orleans, Chatham, and Harwich, shall be apportioned as follows: forty (40) percent to Orleans, forty (40) percent to Chatham, and twenty (20) percent to Harwich. In accord with current practice, all participating towns shall include their share of funds as a line item in their annual town budget.
4. The proposed annual budget shall present the expenditures planned for the coming year.
5. At the end of each fiscal year the Steering Committee shall submit a financial statement and a report of activities to the Boards of Selectmen of the undersigned towns to be publicized in annual town reports.
6. Funds in the Alliance Account not expended by the end of the current fiscal year shall remain in said account and applied toward approved expenditures related to the implementation of the Pleasant Bay Resource Management Plan in the following fiscal year.

#### Article V: Renewal and Termination

1. The approved plan shall be reviewed and updated as necessary every five years. Any proposed amendments to the approved plan shall be submitted to the Board of Selectmen in each of the undersigned towns for review and may be submitted to Town Meetings in the undersigned towns for approval.
2. This agreement shall expire five years from the date of signature unless prior to the ~~five-year~~five-year anniversary of the agreement the undersigned towns take action either to extend or terminate the agreement.
3. Upon termination of the Alliance, the assets remaining in the Alliance Account after all outstanding obligations have been paid shall be returned to the source of funds. If the source of funds is not discernible, then remaining funds shall be distributed among the undersigned towns in accordance with Article IV. Section 3 of this agreement.
4. This agreement shall be subject to the applicable provisions of General Laws, Chapter 40, Section 4A governing contracts between municipalities except such provisions of Chapter 40, Section 4A requiring Town Meeting approval in which case each town's process shall be governed by applicable provisions of that town's Home Rule Charter.

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Executed this    day of                    , ~~1998~~ 2003 by

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Chatham Board of Selectmen

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Harwich Board of Selectmen

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Orleans Board of Selectmen