

Appendix B

MEMORANDUM OF AGREEMENT

Between

THE TOWNS OF CHATHAM, BREWSTER, HARWICH, AND ORLEANS

PLEASANT BAY

ARTICLE I - Recitals

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

WHEREAS all four Towns recognize the critical need to develop a joint resource management plan in order to protect the vast natural resources of the Bay, and

WHEREAS each Town has agreed to participate in the preparation of such a management plan acting by and through their designated officers, employees or agents;

NOW THEREFORE the Towns of Chatham, Brewster, Harwich, and Orleans, in consideration of the mutual covenants contained herein, hereby agree as follows:

ARTICLE II - Steering Committee

- 1) A Steering Committee of four members shall be created, with one member appointed by the Board of Selectmen of each of the four Towns.
- 2) The members of the Steering Committee shall serve at the pleasure of the Board of Selectmen of the Town by whom they were appointed.
- 3) The Steering Committee shall be responsible for the formulation of the Resource Management Plan for Pleasant Bay (RMP).
- 4) The Steering Committee shall act by majority vote and shall be authorized to expend funds, subject to the conditions contained herein, from the Pleasant Bay Resource Management Plan 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 Orleans Town Accountant that sufficient funds are available to fund same.

ARTICLE III - The Advisory Committee

- 1) An Advisory Committee consisting of sixteen members, four from each Town, shall be created. The Committee members shall include the Harbormaster, Shellfish Constable, Conservation Agent, and Town Planner (or their equivalent as determined by the Town's Board of Selectmen) from each Town.
- 2) The Advisory Committee shall provide technical assistance, advice, and recommendations to the Steering Committee in the formulation of the RMP.

ARTICLE IV - Resource Management Plan Account

- 1) An account shall be established under the jurisdiction of the Orleans Town Treasurer to be known as the Pleasant Bay Resource Management Plan Account (the "PB Account").
- 2) The PB Account shall be the depository for all private donations and municipal appropriations made for the purpose of the preparation of the RMP.
- 3) Expenditures from the PB Account shall be authorized by a majority vote of the Steering Committee as provided herein. However, any expenditures so authorized shall be subject to the customary and ordinary requirements for the expenditure of funds in the Town of Orleans. Financial Statements shall be provided to each Town's Board of Selectmen annually until termination of this Agreement and final disposition of all funds in the PB Account.
- 4) The Steering Committee is authorized to release funds from the PB Account to be used by the Cape Cod Commission or other entities so authorized in conjunction with other funds, such as a grant from Coastal Zone Management, for staff and other services related to this project.

- 5) Any staff or consultants for this project shall be subject to the approval of the Steering Committee prior to their engagement or hiring whether or not funds for the staff or consultants come from the PB Account.

ARTICLE V - Resource Management Plan (RMP)

- 1) The recommendations section of the RMP, upon completion by the Steering Committee, shall be the subject of a public hearing in each Town.
- 2) After the completion of the public hearings, the recommendations section of the RMP shall be reviewed by the Steering Committee in light of public comment and revisions shall be considered by the Steering Committee in response to public comment.
- 3) The recommendations section of the RMP, as revised by the Steering Committee, shall then be presented for approval in each Town by either Town Meeting or the Board of Selectmen.
- 4) The goal of the RMP will be to have the four Towns adopt uniform policies and regulations for the management of Pleasant Bay.

ARTICLE VI - Termination

- 1) Upon approval of the recommendations section of the RMP by each Town, the Steering Committee shall be dissolved and the provisions of this agreement shall become null and void.
- 2) Any funds remaining in the PB Account upon termination of this Agreement, not yet committed by contract, shall be managed or disbursed as determined by the Steering Committee prior to their dissolution, provided they are either returned to their sources in equitable amounts or used for implementing the recommendations of the RMP.
- 3) 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.

Executed this 20th day of November

1995 by

Harvey P. Huetter  
Chatham Board of Selectmen  
Chairman  
Voted & Signed Oct 24, 1995

Wm A. Orr  
Harwich Board of Selectmen  
Chairman  
voted & Signed Nov 14, 1995

George V. Fleming  
Brewster Board of Selectmen  
Chairman  
Voted & signed November 20, 1995

Mark K. ...  
Orleans Board of Selectmen  
Chairman  
Voted & Signed October 31, 1995