

RESOLUTION 99-6

TWIN RIVERS HOMEOWNERS' ASSOCIATION AS TRUSTEE FOR THE TWIN RIVERS COMMUNITY TRUST ANTENNA / SATELLITE DISH INSTALLATION

WHEREAS, the common elements and facilities contained in the Twin Rivers development are owned, administered, supervised and managed by the Twin Rivers Community Trust (the "Trust"); and

WHEREAS, pursuant to the Twin Rivers Indenture, it was the intention of the developers of the community to create a means to own, manage, operate and maintain the open space in the development known as Twin Rivers, located in the Township of East Windsor, County of Mercer and State of New Jersey; and

WHEREAS, the Design Review Committee is delegated the responsibility, pursuant to the Declaration of Restrictions and Reservation of Easements, to review and establish standards for the community; and

WHEREAS, pursuant to the Declaration of Restrictions and Reservation of Easements, which in addition to the Indenture, govern the community; and specifically require that any exterior alteration shall not be made to any structure unless such alteration shall have first been approved in writing by the Architectural Committee (the "Design Review Committee"); and

WHEREAS, the Communications Committee, acting on behalf of the Twin Rivers Community Trust and the Twin Rivers Homeowners' Association Board of Directors, have established a fully distributed telecommunications cable system providing home entertainment, information, local and specialty programming within the Twin Rivers Development; and

WHEREAS, the Declaration of Restrictions specifically provides that there shall be no outside television or radio antenna constructed, installed or maintained in the said real property; and

WHEREAS, in acknowledgment of Federal orders and decisions regarding the installation and placement of antenna/satellite dishes, in order to allow residents of common interest communities to install same pursuant to the Telecommunications Act of 1996; and

WHEREAS, the over-the-air-reception-devices (OTARD) ruling, which set forth prohibitions against restrictions impairing television broadcast signals, direct broadcast satellite (DBS) services, or multi-point distribution services (MDS) resulting from private covenants, homeowner association rules or similar restrictions affecting property "within the exclusive use or control of the reception device user where the user has a direct or indirect interest in the property..."; and

WHEREAS, the OTARD ruling permits certain limited restrictions, provided that the restrictions do not unreasonably delay or prevent the installation, maintenance or use, or reasonably increase the cost of installation, maintenance or use, or preclude the reception of an acceptable quality signal; and

WHEREAS, this Trust desires to set forth requirements regarding the installation of reception devices based upon the current status of the law, taking into account that the law is continuously evolving.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Twin Rivers Homeowners' Association as Trustee for the Twin Rivers Community Trust, in order to set forth requirements for the installation of reception devices on unit owner's property and limited common elements; adopt the following, subject to future modification and/or change as the law continues to evolve:

1. The reception device may not be installed within the common elements or common areas.
2. The Trust may require the user install the reception device in or upon a particular portion or area of unit owner property or limited common element, provided that acceptable signal reception not be impaired as a result, and the restriction will be stated in writing and conveyed in advance to members and residents.
3. The installation of an antenna/satellite dish shall not exceed one meter (39.37 inches) in diameter or diagonal measurement. The Trust may restrict an otherwise permitted antenna/satellite dish installation if it is necessary to accomplish a clearly defined, legitimate safety objective that is either stated in the text, preamble or legislative history of the restriction or described as applying to that restriction in a document that is readily available to the antenna/satellite dish users, and would be applied to the extent practicable in a nondiscriminatory manner to other appurtenances, devices, or fixtures that are comparable in size and weight and pose a similar or greater safety risk as these antennas/satellite dishes and to which local regulation would normally apply.
4. The Trust may require that the reception device be refinished in order to blend into its background, unless refinishing would impair signal reception.
5. The Trust may require that the reception device be screened, provided that the cost of same is reasonable and does not impair signal reception. Screening may include landscaping or placement in a less visible location.
6. The Trust may require the contractor of installation and/or service to provide proof of insurance covering personal injury or property damage.
7. The Trust may require the contractor of installation and/or service, including the programming provider, to furnish written verification of installation site broadcast quality and signal alignment to the Trust regarding reception device location.

8. The Trust may require that a unit owner or resident sign an indemnification agreement pursuant to the installation of any reception device, which shall state that the Trust, its Board of Directors, agents or employees shall be relieved from liability from, and for damage or injury to persons or property in any manner whatsoever or howsoever arising from the unit owner's installation, maintenance or use of said reception device.

9. The installation of any wires in conjunction with the reception device installation shall be concealed.

10. Each reception device installation shall be approved by the Trust.

BE IT FURTHER RESOLVED, that the printing of this resolution in its entirety in the community newsletter publication, *Twin Rivers Today*, or its successors or assigns, shall be deemed proper notice to all residents of the Twin Rivers development. The said resolution shall remain on record on the books of the Twin Rivers Community Trust.

ATTEST

Robert J. Hudak, Secretary/Treasurer

Duly approved by the TRHA
Board of Trustees at their meeting of:
December 9, 1999