

CHAPTER 3. AUTHORITIES, NON-DEPARTMENTAL

BOARDS AND COMMISSIONS

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## ARTICLE 1. BOARD OF HEALTH

(Note: For State Statutes regulating local Board of Health, See N. J. S. A. 26:3-3)

### 3-1. Composition.

The Board of Health of the Town shall be composed of five (5) members, all of whom shall be residents of the Town. (3-1-43 sl)

### 3-2. Appointment: Term.

The members of the Board shall be appointed by the Mayor and confirmed by the Common Council, and forthwith on the adoption of this Article, one (1) member shall be appointed for a term of five (5) years; one (1) member shall be appointed for a term of four (4) years; one (1) member shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year; and annually thereafter one (1) member shall be appointed for a term of five (5) years. Each member so appointed shall hold office for the term designated aforesaid, from January 1st of the year of their appointment.

## ARTICLE 2. ENVIRONMENTAL COMMISSION

### 3-5. Establishment.

Pursuant to the provisions of R. S. 40:56A-1, an Environmental Commission for the protection, development or use of natural resources, including the water resources located within the Town is hereby established.

### 3-6. Name; Members.

The commission shall be known as the Hackettstown Environmental Commission, and shall consist of five (5) members, appointed by the Mayor, one (1) of whom shall be a member of the Planning Board, and all of whom shall be residents of the municipality. The members shall serve without compensation.

The Town Engineer and the Town Attorney shall act as advisory members of the commission without the right to vote.

The Mayor shall designate one (1) of the members to serve as chairman of the commission.

### 3-7. Appointment; Terms.

The terms of office of the first commissioners shall be for one (1), two (2), or three (3) years, to be designated by the Mayor in making the appointments so that the terms of approximately one-third (1/3) of the members will expire each year, and their successors shall be appointed for terms of three (3) years and until the appointment and qualification of their successors.

### 3-8. Duties; Powers.

The commission appointed under this Article shall research into the use and possible use of the open land areas of the municipality and shall coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information of the proper use of such areas, and shall from time to time recommend to the Planning

Board plans and programs for inclusion in a municipal Master Plan and the development of use of such areas.

The commission may, subject to the approval of the Mayor and the Common Council, acquire real and personal property in the manner provided by R.S. 40:56A-3.

### 3-9. Records and Reports.

The commission shall keep records of its meetings and activities and shall make an annual report to the Mayor and Common Council. (4-12-71)

## ARTICLE 3. ECONOMIC AND INDUSTRIAL DEVELOPMENT COMMISSION

### 3-15. Establishment.

There is hereby established a commission to be known as the Hackettstown Economic and Industrial Development Commission.

### 3.16. Duties.

The Commission shall collect information on opportunities for commercial and industrial business and investment in the Town of Hackettstown. The Commission shall prepare and distribute pamphlets explaining opportunities in the Town and outlining Town regulations affecting businesses. The Commission shall perform the following duties and such other duties as are assigned to it by ordinance:

(a) To inquire into, survey and publicize the extent, advantages and utility of properties in the Town which can be economically developed.

(b) To categorize such properties according to their adaptability for the location thereon of various types of economic enterprises.

(c) To advertise the advantages of the Town and the availability of real estate within the Town for economic development and to encourage and accomplish such development.

(d) To solicit businesses or industry to purchase or lease property within the Town.

(e) To serve as an ombudsman for business and community organizations through engaging liaison with those organizations who are deemed essential to the success of the various programs, projects and policies of the Commission.

(f) To facilitate appropriate public and private agencies in focusing their resources on specific projects and programs under the Commission's jurisdiction in an effort to attain maximum leverage of public investment.

(g) To undertake research and to recommend economic development policies to the Mayor and Common Council and further, to effectuate projects and programs to implement said policies.

(h) To coordinate programs and projects aimed at the retention of existing business as well as at the attraction of new or expanded business opportunities within the Town.

(i) To survey and determine what businesses would be successful in the central business district and in other business districts, and encourage such businesses to locate within the Town.

(j) To encourage beautification of and improvement of the business districts of the Town, and to recommend improvements to the Town Council.

(k) To oversee such programs relating to economic development as directed by the Town Council.

### 3-17. Members, Appointments and Qualifications.

The Commission shall consist of seven (7) members including the Chairman, who shall be appointed by the Mayor with the advice and consent of the Council. The member shall serve for three (3) year terms provided that the members first appoint to the Commission shall serve for terms of: Two for one (1) year, two for two (2) years and three for three (3) years. The Mayor and the Community Development Director shall serve as non-voting ex-officio members.

To be eligible to serve on the Commission, a person must be eighteen (18) years of age or older and must reside in the Town, or have a place of business in the Town. The Chairman shall be elected by majority vote of the members of the Commission.

### 3-18. Expenses.

Members of the Commission shall receive no pay for their time, but they shall be reimbursed for any expenses authorized by the chairperson of the Commission.

### 3-19. Employees.

The Commission shall have such employees as are from time to time authorized to be hired by the Commission, said positions to be under the jurisdiction and supervision of the Commission.

#### ARTICLE 4. MUNICIPAL COURT

(Note: For State Statutes governing municipal courts, municipal judges and municipal court clerks, see R. S. 2A:8-1, et seq.)

##### 3-25. Court Established.

A municipal court for the Town is established as of January 1, 1949, pursuant to the provisions of Chapter 264 of the Laws of 1948, as amended and supplemented. (12-27-48 sl)

##### 3-26. Name.

The name of the municipal court shall be the "Municipal Court of the Town of Hackettstown."

##### 3-27. Seal.

The municipal court shall have a seal, which shall bear the impress of the name of the court.

##### 3-28. Judge, Appointment, Term, Compensation.

There shall be a municipal judge of the said municipal court who shall be appointed by the Mayor with the advice and consent of the Council, and who shall serve for a term of three (3) years from the date of their appointment and until their successor is appointed and qualified. Annual compensation shall be fixed and determined by ordinance adopted by the Common Council.

##### 3-29. Powers.

The said municipal court and the municipal judge thereof shall have, possess and exercise all the functions, powers, duties and jurisdiction conferred by the provisions of Chapter 264 of the Laws of 1948, as amended and supplemented, or by any other law. (12-27-48 s6)

##### 3-30. Prosecutor and Public Defender; Application Fee

(a) There shall be a municipal prosecutor and a municipal public defender who shall be appointed by the Common Council with the advice and consent of the Council, who shall serve for a term of one (1) year from the date of their appointment and until their successor is appointed and qualified. Annual compensation shall be fixed and determined by ordinance adopted by the Common Council.

(b) Any person applying for representation by the municipal public defender must pay an application fee of \$200.00.

ARTICLE 5. MUNICIPAL UTILITIES AUTHORITY

3-35. Establishment.

Pursuant to the provisions of the Municipal Utilities Authorities Law (P. L. 1957, C. 183) of New Jersey, particularly Section 4 thereof, there is hereby created a municipal authority as a body corporate and politic under the name and title of "The Town of Hackettstown Municipal Utilities Authority."

3-36. Powers.

The Municipal Utilities Authority shall have and exercise all of the powers and perform all of the duties provided for by said Municipal Utilities Authorities Law, and any other statutes heretofore and hereafter enacted and applicable thereto.

3-37. Compensation of Members.

Members of the Town of Hackettstown Municipal Utilities Authority may receive compensation for their services as members of the Authority, within the limitations hereby stated, that no member shall receive in excess of Five Hundred (\$500.00) Dollars per annum. (2-15-65)

ARTICLE 6. PARKING AUTHORITY

3-45. Establishment; Name.

A body corporate and politic be and is hereby created pursuant to and in conformity with Revised Statutes 40:11A-4 to be known as the "Parking Authority of the Town of Hackettstown". (9-30-57 s1)

3-46. Composition; Appointment; Term.

Said "Parking Authority of the Town of Hackettstown" shall consist of five (5) persons as commissioners of the Authority, which said persons shall be appointed by the Mayor with the advice and consent of the Common Council. The commissioners who are first appointed shall be designated to serve for the terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the date of their appointments, but thereafter commissioners shall be appointed as aforesaid for the term of five (5) years, except that all vacancies shall be filled for the unexpired term. (9-30-57 s2)

3-47. Eminent Domain; Powers Limited.

No real property shall be acquired by the power of eminent domain without the consent of the Governing Body. (9-30-57 s3)

3-48. Bonds.

The Authority shall have the power to issue bonds from time to time in its discretion for any of its corporate purposes. Neither the commissioners of the Authority, nor any person executing the bonds, shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority (and such bonds and obligations shall so state on their face) shall not be a debt of the State nor of the Town and neither the State nor the Town shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said Authority. The Bonds shall not constitute an indebtedness within the meaning of any debt limitations or restrictions. Bonds of the Authority are declared to be issued for an essential public and government purpose and to be public instrumentalities, and together with interest thereon and income therefrom, shall be exempt from taxes. In order to secure the payment of such bonds or obligations, the Authority, in addition to its other powers, shall have power to pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence. (9-30-57 s4)

3-49. Statutory Powers.

The commissioners of such Parking Authority shall exercise all the powers and authority granted and be subject to all the provisions of Chapter 11A of Title 40 of the Revised Statutes and such other statutes now or hereafter enacted, applicable to said Parking Authority. (9-30-57 s5)

ARTICLE 7.

(Reserved)

## ARTICLE 8. RECREATION COMMISSION

(Note: For State Statutes regulating recreating commissions, see R.S. 40:12-1, et seq.)

### 3-65. Establishment; Members; Terms.

A Recreation Commission is hereby established pursuant to the Revised Statutes 40:12-1, et seq. The Mayor may appoint not less than three (3), nor more than seven (7) persons as commissioners who shall be citizens and residents of the Town serving without pay for such terms as required by Revised Statutes 40:12-1. Vacancies in such Commission occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term. (4-6-64)

### 3-66. Election of Chairman; by-laws.

The Commission shall elect a chairman and such other officers as may be necessary and shall have the power to adopt by-laws and Rules and regulations for the proper conduct of public recreation for the Town. (12-11-44 s2)

### 3-67. Powers.

The Recreation Commission shall have full control over and provide, conduct and supervise public playgrounds, playfields, indoor recreation centers and other recreation areas and facilities owned or controlled by the Town. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. It may conduct such activities on properties under its own control, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners. (12-11-44 s3)

### 3-68. Appointment of Superintendent.

The Recreation Commission shall have the power to appoint or delegate someone to act as Superintendent who is trained and properly qualified for the work, and such other personnel as the Commission deems proper. (12-11-44 s4)

### 3-69. Finances; Budget; Gifts.

Annually, the Recreation Commission shall submit a budget to the Common Council for its approval. The Commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes. (12-11-44 s5)

### 3-70. Annual Reports and Other Reports to Council.

The Recreation Commission shall make an annual report to the Common Council and such other reports as from time to time may be requested. (12-11-44 s5)

ARTICLE 9. SHADE TREE COMMISSION

(Note: For Statute regulating Shade Tree Commission, See R.S. 40:64-1, et seq.)

3-75. Establishment; Composition; Appointment; Compensation.

The regulation, planting, care and control of shade trees and shrubbery upon or in the streets, highways, public places, parks or parkways of this municipality shall be exercised by and be under the authority of a commission consisting of five (5) residents of this municipality, which commission shall be known as the "Shade Tree Commission of Hackettstown, New Jersey", the members of which shall be appointed by the Mayor and shall serve without compensation.

3-76. Term of Office.

The term of the members of said Commission, its organization, and its powers shall be fixed by the Statute of this State (R.S. 40:64-1, et seq.) in such case made and provided.

ARTICLE 10. EMERGENCY MANAGEMENT COUNCIL

3-90. Purpose.

A. It is the intent and purpose of this chapter to establish an emergency management council that will ensure the safe and efficient utilization of all the Town's facilities in the event of an emergency.

B. The Emergency Management Council will be the coordinating agency for all activity in connection with emergency management.

B. This chapter will not relieve any Town Department of the responsibilities or authority given to it under local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster.

3-91. Definitions.

The following definitions shall apply in the interpretation of this Article:

Coordinator – The Coordinator of the Hackettstown Office of Emergency Management, appointed as prescribed in this chapter.

Disaster – An unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of this Town and which is or may become too large in scope or unusual in type to be handled in its entirety by regular Town operating services.

Emergency – Includes “disaster” and “war emergency” as defined in this section.

Emergency Management Forces – The employees, equipment and Town facilities of all departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Emergency Management Volunteer – Any person duly registered, identified and appointed by the Coordinator of the Office of Emergency Management and assigned to participate in the emergency management activity.

Local Disaster Emergency – Includes any disaster, or the imminence thereof, resulting from natural or unnatural causes other than enemy attack and limited to the extent that action by the Governor under the New Jersey Emergency Management Disaster Control Act is not required.

Volunteer – Contributing a service, equipment or facilities to the emergency management organization without remuneration.

War Emergency – Includes any disaster occurring anywhere within the Town as the result of enemy attack or the imminent danger thereof.

3-92. Organization and Appointments.

A. Mayor shall appoint not more than fifteen (15) members to an Emergency Management Council. Members shall hold office at the will and pleasure of the Mayor. The Emergency Management Coordinator shall be a member and shall serve as Chairman of the Emergency Management Council. The Emergency Management Council shall assist the Town in supervising and coordinating the emergency management activities of the Town.

B. The Mayor shall appoint an Emergency Management Coordinator for a term of three (3) years who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from emergencies as defined in this Article.

C. The Coordinator is hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within this Town. The Coordinator, as executive head of the Hackettstown Office of Emergency Management, shall be responsible for its organization, administration and operations.

D. The organization shall consist of the following:

(1) An Office of Emergency Management will be designated by the Mayor. The Mayor shall appoint an executive head of the Office of Emergency Management who shall be known as the “Coordinator of the Office of Emergency Management” and such assistants and other employees as are deemed necessary for the proper functioning of the organization. On some occasions, the Coordinator may be referred to as the “Director, Office of Emergency Management.”

(2) The employees, equipment and facilities of all Town departments, boards, institutions, authorities and commissions will participate in emergency management activity when requested.

(3) Volunteer persons and agencies offering service to and accepted by the Town.

E. The Coordinator shall designate and appoint, with the approval of the Mayor, a Deputy Coordinator to assume the emergency duties of the Coordinator in the event of his absence or inability

to act, the intent being that there will always and at all times be a coordinator in charge of emergency management operations.

3-93. Powers and Duties of Coordinator.

A. The Coordinator of the Office of Emergency Management shall be responsible to the Mayor in regard to all phases of the emergency management activity. Under the supervision of the Mayor he shall be responsible for the planning, activation, coordination and operation of the emergency management activity in the Town. Under the supervision of the Mayor he shall maintain liaison with the county, state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the emergency management plan. His duties shall include but not be limited to the following:

(1) Personnel. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for emergency management purposes. The Coordinator may require emergency services of any Town officer or employees. If regular forces are determined to be inadequate, the Coordinator may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the ordinances for regular Town employees and other registered and identified emergency management workers.

(2) The Coordinator may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the Town for the fair value thereof.

(3) Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such buildings or other property for emergency management purposes.

(4) The Coordinator will cause to be prepared the Basic Plan herein referred to as the "Hackettstown Emergency Management Basic Plan."

(5) Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing

damage to persons and property; and protecting and restoring to usefulness the governmental services and public utilities necessary for the public health, safety and welfare.

(6) Through public information programs, educating civilian population as to actions necessary and required for the protection of their persons and property in case of emergency as defined herein, either impending or present.

(7) Conducting public practice alerts to ensure the efficient operation of the emergency management forces and to familiarize residents with regulations, procedures and operations.

(8) The Coordinator, with the approval of the Mayor, shall order emergency management forces to the aid of other communities when required only in accordance with the statutes of the state, and he may request the state, county (or a political subdivision of the state) to send aid to the Town of Hackettstown in case of disaster when conditions in the Town are beyond the control of the local emergency management organization and/or resources.

(9) Assuming such authority and conducting such activity as the Mayor may direct to promote and execute the Emergency Management Plan.

(10) The Coordinator shall be the Chairman of the Emergency Management Council.

B. The Coordinator may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in this Article. The judgment of the Coordinator shall be the sole criteria necessary to invoke emergency powers indicated in this Article, and other appropriate authorities. Nothing in this Article shall be construed as abridging or curtailing the powers of the Mayor and Council.

### 3-94. Basic Plan.

A. A comprehensive Emergency Management Basic Plan shall be maintained by the Coordinator. In the preparation of this plan as it pertains to Town organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies, including volunteer fire companies and first aid squads (said department agencies and companies hereinafter referred to as departments), shall be utilized to the fullest extent to protect the peace, health and safety of citizens. When approved, it shall be the duty of all municipal departments to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness

at all times The Basic Plan shall be considered supplementary to this Article and have the effect of law wherever a disaster, as defined in this ordinance, has been proclaimed. The plan shall be compatible with county and state plans.

B. The Coordinator shall prescribe in the Basic Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary.

C. Each department head and/or annex deputy assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned Town employees and volunteers. Each department head and/or annex deputy shall formulate a team operation plan for his service which, when approved, shall be an annex to and apart of the Basic Plan.

D. When a required competency or skill for a disaster function is not available within the Town government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the Town on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.

### 3-95. Violations and Penalties.

A. It shall be unlawful for any person to violate any of the provisions of this Article or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this Article or any regulation or plan issued thereunder.

B. Any person, firm or corporation violating any provisions of this ordinance, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution or imprisonment in the Warren County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

ARTICLE 11. Telecommunications Advisory Committee (1998)

3-100. Establishment, Name.

A committee named "Telecommunications Advisory Committee" shall be established in the Town of Hackettstown to provide guidance and support to the Mayor and Common Council in matters related to telecommunications policy in general and Television Cable Franchises in specific.

3-101. Membership.

The Telecommunications Advisory Committee will consist of the following nine (9) members:

- (1) All members of the Common Council's Printing, License, and Franchise Committee.
- (2) A representative of the Library Commission.
- (3) A representative of the Hackettstown Public School System.
- (4) Four members of the public at large.

The chair of the Common Council's Printing License and Franchise Committee will serve as the chair of the Telecommunications Advisory Committee.

3-102. Appointment, Terms.

Members of the Common Council's Printing, License, and Franchise Committee will serve on the Committee during the time that they are on the Common Council committee. Representatives of the Library Commission and the Hackettstown Public School System shall serve at the pleasure of their respective appointing boards.

Members of the public at large shall be appointed by the Mayor with the advise and consent of the Common Council. The first members appointed to the Committee will be appointed with terms of one (1), two (2), three (3) years. Thereafter, all appointments of members shall be for three year terms. All vacancies shall be filled for the unexpired terms.

All public members shall serve without remuneration.

3-103. Duties, Powers.

(1) It shall be the responsibility of the Telecommunications Advisory to seek public comment on telecommunications matters. The meetings shall include review of all correspondence received by the Committee or the New Jersey Board of Public Utilities related to telecommunication franchises granted by the Town.

- (2) Negotiate on behalf of the Town initial agreements for telecommunication franchises.

The recommendations of the Committee will then be forwarded to the Mayor and Common Council for revision and action as appropriate.

(3) Provide recommendations to the Mayor and Common Council appropriate actions related to telecommunications activities. These can include, but are not limited to recommendations on public access channels, broadcast of town activities and meetings, use of equipment provided through telecommunications franchise agreements, and actions for the mayor and Common Council as appropriate.

(4) Assure that any obligations within franchise agreements are accomplished or that notifications are sent as appropriate if actions are not completed per franchise agreements.

#### 3-104. Records, Reports.

The Telecommunications Advisory Committee shall provide an annual report to the Mayor and Common Council by January 30<sup>th</sup> of the following year. Ad hoc reports shall be provided as appropriate to the Common Council's Printing, License and Franchise Committee for their use. Other reports shall be provided to the Mayor and Common Council as from time to time may be requested.