December 14, 2015
Town of Albion Town Board Regular Meeting

Agenda:

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. FYI- Remind residents to sign attendance sheet
5. Roll Call
6. Public Comment
7. Motion to approve the agenda
8. Motion to approve the minutes of the November 9th and 17th meetings
9. Resolution to approve the vouchers
10. Motion to approve the MVP, CSEA and Univera health care bills in the amount of $7,468.67.
11. Motion to reappoint Jean Smith to the Planning Board – 5 yr term – 1-1-2016 – 12/31/2021.
12. Motion to reappoint Hugh Dudley to the Zoning Board of Appeals – 5 yr term – 1-1-2016 -12-31-2021.
13. Motion to reappoint Dan Strong as the representative to the Orleans County Board – 3 yr term- 1/1/2016 – 12/31/2019.
14. Motion to reappoint Kevin Parker as the alternate representative to the Orleans County Board – 3 yr term- 1/1/2016 – 12/31/2019.
15. Motion to schedule year end meeting – December 28, 2015 at 7:00 pm.
16. Motion to schedule organizational meeting – January 4, 2016 at 7:00 pm.
17. Resolution authorizing acceptance of the proposal from the Bonadio Group for the Town Clerk, Tax Collector and Court Clerk audits.
18. Resolution authorizing acceptance of proposal from the Bonadio Group for the water fund audit at a cost of $5,100.00.
19. Resolution 2016 Attorney Retainer
20. FYI: Water District #1 – BAN – $97,000.00 – Bank of Akron- 1.64%
21. Discussion of the Defibrillator – AED

December 14, 2015

Agenda continued:

22. Inter-Municipal Agreement with Town of Gaines – Code Enforcement
23. Discussion of Town website/emblem - Sarah
24. Executive Session

November 9, 2015

Town of Albion regular Town Board meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 7:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Daniel Poprawski, Councilperson Richard Remley, Supervisor Matthew Passarell, Councilperson Jake Olles and Councilperson Todd Sargent.

Supervisor Matthew Passarell: I need a motion to approve the agenda.

Motion was made by Councilperson Richard Remley and was seconded by Councilperson Jake Olles approving the agenda with the addition of a County resolution, joint meeting, supervisors report and defibrillator. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye **Councilperson Richard Remley, aye**
Supervisor Matthew Passarell, aye **Councilperson Jake Olles, aye**
Councilperson Todd Sargent, aye

Supervisor Matthew Passarell: I need a motion for the minutes.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Richard Remley approving the minutes of the October 5th, October 20th and November 2nd meetings as published and submitted. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye **Councilperson Richard Remley, aye**
Councilperson Jake Olles, aye **Councilperson Todd Sargent, aye**
Supervisor Matthew Passarell voted aye on the October 5th and November 2nd minutes and abstained on the October 20th minutes.

Supervisor Matthew Passarell: I need a resolution for the vouchers.

Resolution #70 Payment of Claims

Whereas, the following are against the Town:

General A & B #'s – 308 – 350	**$ 41,536.37**
Highway DA & DB #'s – 139 – 153	**$ 35,072.50**
Water Districts #'s – 62 – 69	**$ 43,125.31**
Sewer District #'s – 15 – 16	**$ 3,330.66**
For a grand total of	**$123,064.84**

Motion was made by Councilperson Richard Remley and was seconded by Councilperson Todd Sargent authorizing the payment of the above listed claims. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye **Councilperson Richard Remley, aye**
Supervisor Matthew Passarell, aye **Councilperson Jake Olles, aye**
Councilperson Todd Sargent, aye

Supervisor Matthew Passarell: I need a motion to pay the health care bills.

Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Richard Remley approving the payment of $7,438.67 for the health care bills. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye **Councilperson Richard Remley, aye**
Supervisor Matthew Passarell, aye **Councilperson Jake Olles, aye**
Councilperson Todd Sargent, aye

Supervisor Matthew Passarell: I need a resolution for the due from/due to's.

Resolution #71 Due To's/Due From's

Motion was made by Councilperson Richard Remley and was seconded by Councilperson Jake Olles authorizing the Due to's/Due from's as submitted by Baldwin Business Services. Said due to/due from listing in its entirety is hereby filed with and made a part of theses minutes. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Matthew Passarell, aye
Councilperson Todd Sargent, aye
Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Supervisor Matthew Passarell: I need a resolution for the inter fund transfer.

Resolution #72 Inter fund Transfer

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Richard Remley authorizing the inter fund transfer from B9950.9 to DB5031 in the amount of $31,000.00. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Matthew Passarell, aye
Councilperson Todd Sargent, aye
Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Supervisor Matthew Passarell: I need a resolution for the water relevies.

Resolution #73 Water Relevies

Resolution of the Albion Town Board authorizing arrear water charges to be added to the 2016 County/Town tax bill.

Resolved that the following unpaid charges for public water usage be re-levied and added to the 2016 County/Town tax bill.

Further be it resolved, that pursuant to the Chapter 99, Article 1, Section 2 of the Water Use Laws of the Town of Albion an additional charge of $100.00 shall be included with the delinquent water charges and penalty.

Be it further resolved that the following accounts are delinquent and said listed arrears shall be added to the 2016 County/Town tax bill as follows:

1. **Water District #3**
   A. **John Famodimu - 13783 West Countyhouse Rd – SBL #83.-1-8.11 – Account #CH13783 - $177.40**
2. **Water District #4**
   A. **William A Skinner – 14444 East Lee Rd- SBL#84.-1-45.12- Account#EL14444 - $177.40**
   B. **Ann B Hess – 15071 East Lee Rd – SBL#85.-1-23 – Account#EL15071- $137.80**

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Richard Remley authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Matthew Passarell, aye
Councilperson Todd Sargent, aye
Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Supervisor Matthew Passarell: I need a resolution for the Americans with disabilities act.

Resolution #74 GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Albion. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Town of Albion.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Matthew Passarell
Town Supervisor
3665 Clarendon Rd
Albion, NY 14411

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Albion and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the Town of Albion for at least three (3) years.

Motion was made Councilperson Richard Remley and was seconded by Councilperson Todd Sargent authorizing the adoption of this resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye **Councilperson Richard Remley, aye**
Supervisor Matthew Passarell, aye **Councilperson Jake Olles, aye**
Councilperson Todd Sargent, aye

Supervisor Matthew Passarell: I need a resolution to adopt the budget.

Resolution #75 2016 Budget

The preliminary budget as adopted on October 20, 2015 is hereby adopted as the final budget for 2016. Said budget in its entirety is hereby filed with and made a part of these minutes. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye **Councilperson Richard Remley, aye**
Supervisor Matthew Passarell, aye **Councilperson Jake Olles, aye**
Councilperson Todd Sargent, aye

Supervisor Matthew Passarell: I need a motion for a five minute recess.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Richard Remley authorizing a five minute recess before execution session on ongoing litigation at 7:28 pm. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Matthew Passarell, aye
Councilperson Todd Sargent, aye
Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Town Meeting Minutes – November 9, 2015

At 7:32 p.m. Executive Session began

Items Discussed:

- Discussion of property on West County House Road
- Discussion held on The Pillars. Owners of The Pillars were contacted regarding inspection to occur on November 30, 2015.

At 8:00 p.m. ended Executive Session

At 8:01 p.m. Regular Session began

At 8:02 p.m. Regular Session ended

November 17, 2015

Town of Albion Town Board emergency meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 5:30 pm.

Present was Supervisor Matthew Passarell and Councilperson Richard Remley. Absent were Councilperson Daniel Poprawski, Councilperson Jake Olles and Councilperson Todd Sargent.

Supervisor Matthew Passarell: We do not have a quorum to hold the meeting.

Town of Albion

Proposal to Provide Professional Services

November 10, 2015

Submitted to:

Mr. Matthew Passarell
Supervisor
Town of Albion
3665 Clarendon Road
Albion, New York 14411

Submitted by:

Randall R. Shepard, Partner
Bonadio & Co., LLP
171 Sully's Trail, Suite 201
Pittsford, New York 14543
Phone: (585) 249-2873
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www.bonadio.com
rshepard@bonadio.com

Big firm capability. Small firm personality.

THE BONADIO GROUP
CPAs, Consultants & More

Bonadio & Co., LLP
Certified Public Accountants

November 10, 2015

Mr. Matthew Passarell
Supervisor
Town of Albion
3665 Clarendon Road
Albion, New York 14411

RE: Proposal to Provide Professional Auditing Services

Dear Mr. Passarell:

It is Bonadio & Co., LLP's ("Bonadio") pleasure to submit this proposal to provide professional services to the Town of Albion ("the Town") for the year ending December 31, 2015.

We have had the opportunity to gain a thorough understanding of the Town's specified needs and have assembled a team of professionals and developed an approach to meet those needs accordingly. While the attached proposal provides detail, we would like to highlight its key elements:

- **Government audit experience.** We serve more than 100 governments across NYS including five cities, 10+ towns, 25+ counties and nearly 50 school districts. We are government experts!

- **Dedicated Government Staff.** Our government team is just that – a team of professionals exclusively dedicated to government clients. There are no tax or other competing deadlines we have to meet that could take us away from serving you.

- **Information Technology.** In today's environment, information technology is an area of constant change, regulation, and risk. Bonadio has a department consisting of nine experts from many disciplines. Not only is this included as part of our standard audit process, we can also assist the Town with anything from software implementation and policy writing, to regulatory compliance and full-blown risk assessment consulting.

- **Quality Control.** Each and every report issued by us undergoes a thorough quality review prior to issuance. You can be assured that our reports are accurate and that all professional auditing and accounting standards have been met.

171 Sully's Trail, Suite 201
Pittsford, New York 14534
p (585) 381-1000
f (585) 381-3131

www.bonadio.com

If you have any questions regarding the information contained in the proposal or on any other matter, please contact Randy Shepard at (585) 249-2873. We are available, at your convenience, to meet with you or any representatives of the Town to discuss any questions and further demonstrate our interest in serving you.

Firm and Irrevocable Offer

Bonadio & Co., LLP agrees to all of the requirements and to provide all the services as outlined in your Request for Proposal.

Very truly yours,

THE BONADIO GROUP

by:
Randall R. Shepard, CPA
Partner

We are proposing to provide the following services to the Town of Albion, New York (the Town).

There are two options to completing the services relating to the Town's Justice Court, Town Clerk, and Tax Collector. Option 1 includes the procedures (listed below) we normally complete for our municipalities. Option 2 includes the procedures the Town has completed in the past and consists of the completion of the annual checklist from the New York State Office of the State Comptroller. This proposal describes both options.

Option 1

We propose to apply agreed-upon procedures as indicated below on the internal controls of the Town's Justice Court, Town Clerk, and Tax Collector functions (the functions) for the year ended December 31, 2015. This engagement is solely to assist the Town in evaluating the Justice Court, Town Clerk, and Tax Collector processes based on the New York State Office of the State Comptroller guidelines. Our engagement to apply agreed-upon-procedures will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parities specified in the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose. If, for any reason, we are unable to complete the procedures, we will describe any restrictions on the performance of the procedures in our report, or will not issue a report as a result of this engagement.

Specific steps to be taken for each department include:

Justice Court

1. Document our understanding of the internal accounting controls over the procedures for handling cash and recording transactions through discussions with the Court Clerk.

2. Obtain a judgmental sample of bank reconciliations for both Justice's bail and fine accounts and trace to supporting documentation for three months selected during the year ended December 31, 2015.

3. Obtain a judgmental sample of 10 receipts and 10 disbursements from both Justice's fine and bail accounts for the year ended December 31, 2015 and agree to supporting documentation.

4. Obtain the bail account balances of both Justices as of the year ended December 31, 2015 and trace to supporting documentation.

5. Complete the justice court checklist as prescribed by the New York State Office of the State Comptroller.

Town Clerk

1. For the cash receipts process, determine whether:
   a. The cash receipts journal is up to date and maintained in a manner that identifies the date received, payer, purpose and that the amounts received are referenced to subsidiary receipt records.
   b. Un-deposited cash receipts are kept safeguarded.
   c. Duplicate deposit slips are maintained.
   d. Deposit amounts per the bank statement agree with cash receipt amounts based on a random sample of 5 cash receipts.
   e. Deposits are taken to the bank and recorded timely, with timely defined as no later than the third business day after $250 has been collected, based on a random sample of 5 deposits.

2. The cash receipts journal is totaled and summarized monthly.

3. For the cash disbursements process, determine whether:
   a. The cash disbursements journal is up to date and maintained in a manner that identifies amounts disbursed either individually or totals referenced to abstracts or payroll.
   b. Pre-numbered check stock is used for disbursements.
   c. Obtain a haphazard sample of 5 checks to ensure they are signed by the Town Clerk.
   d. Cancelled checks or check images are returned with bank statements and maintained on file.
   e. Unused checks are properly controlled (blank check stock).
   f. Checks are recorded in the disbursements journal and are up-to-date.

4. We will obtain a sample of bank accounts to identify if they are reconciled timely, with timely defined as within 5-7 business days of receipt of the statement, or 7-10 business days of month-end, and that reconciliations are documented, reviewed and agree with accounting records.

Tax Collector

1. We will obtain the Tax Collector's settlement statement and determine whether all issues/concerns have been adequately resolved.

2. We will obtain a sample of bank accounts to identify if they are reconciled timely, with timely defined as within 5-7 business days of receipt of the statement, or 7-10 business days of month-end, and that reconciliations are documented, reviewed and agree with accounting records.

Tax Collector (Continued)

3. For the cash receipts process, determine whether:
   a. The cash receipts journal is up to date and maintained in a manner that identifies
      the date received, payer, tax account number, tax amount, and interest amount.
   b. Duplicate deposit slips are maintained.
   c. Deposit amounts per the bank statement agree with cash receipt amounts based on a random sample of 5 cash receipts.
   d. Deposits are taken to the bank and recorded timely, with timely defined as within one business day of collection based on a random sample of 5 receipts.

4. For the cash disbursements process, determine whether:
   a. Pre-numbered check stock is used for disbursements other than petty cash.
   b. Obtain a sample of 5 checks to ensure they are signed by the Tax Collector.
   c. Cancelled checks or check images are returned with bank statements and maintained on file.
   d. Payments are made at least weekly to the Supervisor, when required.

Option 2

We propose to apply agreed-upon procedures consisting of inquiry of appropriate Town personnel regarding on the internal controls of the Town's Justice Court, Town Clerk, and Tax Collector functions (the functions) for the year ended December 31, 2015. This engagement is solely to assist the Town in completing the Office of State Comptroller's checklist for the Justice Court, Town Clerk, and Tax Collector. Our engagement to apply agreed-upon-procedures will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parities specified in the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose. If, for any reason, we are unable to complete the procedures, we will describe any restrictions on the performance of the procedures in our report, or will not issue a report as a result of this engagement.

Because the agreed-upon procedures listed above do not constitute an examination, we will not express an opinion on the cash receipts and disbursements practices of the Town Justice Court, Town Clerk, and Tax Collector. In addition, we have no obligation to perform any procedures beyond those listed above.

We will submit a report listing the procedures performed and our findings. This report is intended solely for the use of the Town, and should not be used by anyone other than these specified parties. Our report will contain a paragraph indicating that had we performed additional procedures, other matters might have come to our attention that would have been reported to you. We will meet with you and each of the department managers to discuss the results of our engagement, if applicable.

Fees

Option 1

We anticipate that these procedures would take approximately 30-35 hours to complete, including on-site time as well as completion of the written report therefore, we are proposing a fee of $4,500.

Option 2

To complete the New York State Office of the State Comptroller checklists for the Justice Court, Town Clerk and Tax Collector, we are proposing a fee of $1,500.

Bonadio & Co., LLP
Certified Public Accountants

November 10, 2015

Mr. Matthew Passarell, Town Supervisor
Town of Albion
3665 Clarendon Road
Albion, New York 14411

Dear Mr. Passarell:

It is The Bonadio Group's ("TBG") pleasure to submit this proposal to continue to provide professional services to the Town of Albion, New York ("The Town").

TBG founded in 1978 in Rochester, NY with two partners and one part-time employee, has grown to be the largest independent provider of accounting, business advisory and financial services in Upstate New York. TBG now currently employs over 600 personnel, including a governmental client service group consisting of twelve partners, eight principals, five managers, and numerous staff accountants. The Rochester office would be handling the Town's engagement. Firm wide, there are over 250 seniors and staff accountants available to serve our municipal client base.

We serve municipalities that desire quality professional accounting advice at a reasonable cost, and who need personalized and timely services. TBG provides an environment where creative, people-oriented professionals practice accounting without some of the constraints inherent in very large firms. We believe that our size is a reflection of the outstanding service level we provide to all our clients. It is this combination that has made us successful and is responsible for our growth.

We provide highly technical and quality service commensurate with that of the largest certified public accounting firms. However, we are able to respond quickly and personally to the needs of our clients because we are structured to service our clients in this way. You will interact regularly with our most experienced personnel, i.e., partners, principals, and managers. This is in sharp contrast to the national accounting firms where involvement of their most experienced personnel is limited.

We have successfully served the Town in this capacity for years and we look forward to being able to continue to do so.

We will provide the Town an audit of the water fund financial statements, to satisfy the reporting requirements of the USDA Rural Development, in accordance with generally accepted auditing standards for financial statements set forth by the American Institute of Certified Public Accountants and the standards for financial audits set forth in *Government Auditing Standards*, as of and for the year ending December 31, 2015.

Our fee for the Water Fund audit will be $5,100.

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p (585) 381-1000
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www.bonadio.com

The opportunity to continue to serve as your independent advisors and auditors is important to TBG. We have demonstrated that TBG is a cost effective, high quality audit firm.

We want to work for you.

If you have any questions regarding the information contained in the proposal or on any other matter, please contact us at (585) 381-1000.

We are available, at your convenience, to meet with you or any representatives of the Town to discuss any questions you or they may have and to demonstrate our interest in serving you.

Very truly yours,

THE BONADIO GROUP

By:
Randall R. Shepard, CPA
Partner

cc: Sarah M. Basinait, Town Clerk

November 19, 2015

Albion Town Board
Town of Albion
3665 Clarendon Road
Albion, New York 14411-4411

Re: 2016 Appointment/Attorney for the Town of Albion
Retainer Letter

TO THE ALBION TOWN BOARD MEMBERS:

This communication is my request to be reappointed for the calendar year 2016 as the Attorney for the Town of Albion under the same terms and conditions as have been in place for 2014 and 2015.

My base salary/retainer for this position is to be $25,000.00 annually and I will, as I have done in 2015, submit a voucher on the week before the regularly scheduled monthly board meeting requesting payment for the previous month. By way of example, I will submit my voucher for payment of December 2015 at the end of December, the week before the first regularly scheduled board meeting in January 2016.

The above recited retainer fee is independent of and does not include litigation matters which I would bill separately at the rate of $175.00 per hour as such litigation matters occur. I do not do bonding work but I do all other litigation so as to alleviate consideration by the Board of contracting with other counsel in the event of litigation or anticipated litigation. In the event of litigation, I will voucher that particular matter separately.

It is my intent to attend all Albion Town Board meetings and workshops as scheduled. I do not consider this appointment to mandate my attendance at Albion Town Planning Board

meetings and/or Albion Town Zoning Board meetings but I want to make it clear that I would do so as asked on an as needed basis.

This appointment is for the calendar year 2016 and is not intended to designate me as an employee of or for the Town of Albion but rather as an independent contractor so to speak.

Thank you for allowing me the opportunity to serve the Town of Albion and the Albion Town Board.

Very truly yours,

JAMES D. BELL

JDB/kh
Original Mailed/Copy E-Mailed Only

WSM WEBSTER SCHUBEL & MEIER LLP

ATTORNEYS
NORRIS L. WEBSTER
(1936-2006)
DAVID O. SCHUBEL
ANDREW W. MEIER

December 1, 2015

Via Facsimile Only (585-589-0669)
James Bell, Esq.
PO Box 10
Brockport, New York 14420

Re: Code Enforcement Officer Agreement

Dear Jim:

It is my understanding that the Towns of Albion and Gaines are in agreement to extend the Intermunicipal Agreement for Code Enforcement Officer Services an additional year. I further understand that Albion would like additional language in the extended agreement relating to the split of mileage charges.

Please forward the revised language that Albion would like inserted. I would be happy to finalize the contract with your additional wording and circulate for review and comment.

Thank you for your assistance.

Very truly yours,

Andrew W. Meier

AWM/elw

cc: Carol Culhane

113 WEST CENTER STREET, SUITE 2 • PO BOX 606 • MEDINA, NEW YORK 14103
PHONE (585) 798-2250 FACSIMILE: (585) 798-0776
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