



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



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## Town of Franklin Organizational Meeting

### January 2, 2006

The Town of Franklin Town Board held an Organizational Board Meeting on Tuesday, January 2, 2006 at 7:00 pm at the Franklin Town Hall in Vermontville, NY.

#### Board members present:

Supervisor Mary Ellen Keith  
Councilman Gene Goff  
Councilman Tim Goff  
Councilman Walt Kretser  
Councilwoman Janet Ordway

#### Others present:

Town Clerk Sandra J. Oliver  
Highway Superintendent James Rascoe  
Deputy Highway Superintendent Eric Merrill  
Valerie McGuiork and Elizabeth  
Mrs. Pamela Ebele

#### CALL TO ORDER

Supervisor Keith called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited; the Town Clerk called the roll and stated the full board was present.

#### OLD BUSINESS

1. Employee Manual. The Board having reviewed Draft No. 2 of the Employee Manual, accepted and approved it, acknowledging that it could be revised from time to time.

Motion for Resolution Accepting Employee Manual (G.Goff-W.Kretser m/s/p) ALL AYE.

**RESOLUTION NO. 1: EMPLOYEE MANUAL** WHEREAS, the Town has contracted with North Country Labor Relations for the development of an employee manual; and WHEREAS, the Town Board having reviewed the second draft of the employee manual and finding it acceptable; NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts and adopts Draft No. 2 of the Employee Manual.

Those voting aye:

Supervisor Mary Ellen Keith  
 Councilman Gene Goff  
 Councilman Tim Goff  
 Councilman Walter Kretser  
 Councilwoman Janet Ordway

Those Voting no:

None

## NEW BUSINESS

1. Contract for Legal Services. The Board having received and reviewed the contract for legal services of James E. Maher, Esq., accepted the contract.

Motion to accept contract with James E. Maher, Esq. (W.Kretser-T.Goff m/s/p) ALL AYE

**RESOLUTION NO. 2: ACCEPT CONTRACT FOR LEGAL SERVICES** WHEREAS, James E. Maher, Esq., has proffered a contract for legal services with the Town; and WHEREAS, the Town Board has reviewed said contract and found it acceptable; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby accepts the contract for legal services under the terms and conditions as drafted by James E. Maher, Esq.

Those voting aye:

Supervisor Mary Ellen Keith  
 Councilman Gene Goff  
 Councilman Tim Goff  
 Councilman Walter Kretser  
 Councilwoman Janet Ordway

Those Voting no:

None

2. **Purchase of Pickup Trucks.** Following the Town's procurement procedure and having consulted OGS, Coun. Gene Goff reviewed proposals from Albany Dodge for two (2) 2006 pickup trucks, one to be charged to the Highway Dept. and one to be charged to General Fund, both to cost less than \$23,190 each. Motion for resolution authorizing purchase of two pickup trucks (M.Keith-J.Ordway m/s/p) ALL AYE

**RESOLUTION NO. 3: AUTHORIZE PURCHASE OF TWO (2) 2006 DODGE PICKUP TRUCKS** WHEREAS, having followed the Town's Procurement Policy and having consulted the NYS Office of General Services prices, and having received quotes for same, NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby authorizes the purchase of two (2) 2006 pickup trucks, one for the Highway Dept., and one for the General Fund.

Those voting aye:

Supervisor Mary Ellen Keith  
 Councilman Gene Goff  
 Councilman Tim Goff  
 Councilman Walter Kretser  
 Councilwoman Janet Ordway

Those Voting no:

None

## 3. TOWN OF FRANKLIN 2006 BOARD APPOINTMENTS

**Deputy Supervisor** - Councilman Gene Goff has been appointed by Supervisor Keith as Deputy Supervisor with the powers and obligations accorded to him by law and will be paid \$500 per year as per budget. A1220.4  
**Deputy Highway Superintendent** - Eric Merrill has been appointed by Highway Superintendent James Rascoe and will be paid \$1,560. per year as per budget.

**Deputy Town Clerk** - Lauren LeFebvre Deputy Town Clerk/Tax Collector selected by Sandra J. Oliver, Town Clerk. There is no salary for the position.

**Budget Officer** - Richard Meagher has been appointed Budget Officer and will be paid \$630. per year as per budget. A1340.4

**Town Bookkeeper** - Richard Meagher will contract with the Town of Franklin for the position of Town Bookkeeper in the amount of \$8,820. per year. A1320.4

**Town Historian** - Teresa Eshelman has been re-appointed Town Historian with a salary of \$750. per year. A7510.4  
**Registrar of Vital Statistics** - Sandra J. Oliver, Town Clerk, will be Registrar of Vital Statistics and will be paid \$360. as per budget. A4020.4

**Fixed Assets** - Sandra J. Oliver, Town Clerk, will be Fixed Asset Officer and will be paid \$360. per year. A1410.4

**Court Clerk** - Meredith Symonds has been re-appointed Court Clerk at an hourly rate of \$10.00. A1130.1

**Supervisor's Confidential Secretary** - Melissa Begor has been re-appointed Confidential Secretary to the Supervisor at an hourly rate of \$10.00.

**Codes Enforcement Officer** - Ed LaGree is Codes Enforcement Officer. The Town of Franklin has contracted with the Town of Santa Clara, renewed every 2 years. A3010.4

**Process Server** - Brian Manny will continue to serve as Process Server and will receive \$250. per year.

**Cemetery Custodian** - Vivian Manny will continue to serve as Cemetery Custodian and will receive \$600. per year. A8810.4

**Cemetery Worker** - The Town Custodian/Maintenance will maintain the Cemeteries. A8810.1

**Assessor** - Doug Tichenor will serve the sixth year of his 6-year term and will receive a salary of \$18,000. in the year 2006. A1355.1  
**Health Officer** - George Cook, M.D., will serve as Health Officer at a yearly salary of \$200. A4010.4

**Voting Machines Custodian** - Alan Oliver will receive an annual salary of \$450. A1450.4

**Assistant Voting Machines Custodian** - Carla Oliver will receive an annual salary of \$250. A1450.4

**Cooperative Liquid Assets Securities System** - CLASS has been approved for investing monies to improve interest income.

**Official Town Newspaper** - The Adirondack Daily Enterprise will be the Official Town Newspaper.

**Board Liaison Committees.** The Board Chair shall select non-Board committee members.

**Highway Committee** - Gene Goff, Walt Kretser

**Recreation Committee** - Tim Goff, Janet Ordway

**Assessor** - Mary Ellen Keith, Gene Goff

**Fire Protection** - Gene Goff, Walt Kretser

**Celebrations** - Mary Ellen Keith, Janet Ordway

**Cemetery Committee** - Tim Goff, Mary Ellen Keith

**Landfill Committee** - Gene Goff, Janet Ordway

**Adelphia Cable Renewal for 2005** - Mary Ellen Keith, Janet Ordway

**Citizens Building Committee** - Walt Kretser, Jean Baltzly, Janet Ordway, Roger Symonds, and Bob Hammond, Chair

**Salaries** - All salaries of elected and appointed officials are provided for in the 2006 budget.

**Medical Insurance** - The Town of Franklin will offer Health Insurance to the Highway Superintendent and the Town Custodian, non-union employees in the NYS Teamster's Health and

Hospital Fund Medical Insurance Plan, as defined in the Contract with the Teamsters Union.

**Pension Plan** - The Town of Franklin has joined the New York State Retirement System to establish a legal pension plan and is offered to all town employees. All new employees must join the NYS Retirement Plan. Part-time employee membership in the NYS Retirement Plan is optional.

**Official Depository** - Citizens Bank, Broadway, Saranac Lake, NY, is the Official Depository for the Town of Franklin. The Tax Collector has an account at the Tupper Lake National Bank.

**Petty Cash Fund** - The Town Clerk/Tax Collector Sandra J. Oliver and Supervisor Mary Ellen Keith have declined the option of a Petty Cash Fund.

**Contracts** - The Town will contract as follows:

Fire Protection-Bloomingtondale Volunteer Fire Department  
 Rescue and Ambulance-Village of Saranac Lake, Saranac Lake Fire & Rescue Dept.  
 Basic and Advanced Life Support - FREMSA  
 North Country LifeFlight  
 Saranac Lake Civic Center  
 Franklin Snowmobilers, Inc.  
 Employee Assistance Service  
 Codes Enforcement - Town of Santa Clara  
 Association of Towns (NY)  
 Adirondack Association of Towns  
 Franklin County Self-Insurance  
 HARCO Leasing  
 Tri-Lakes Humane Society  
 Adirondack Regional Airport  
 Bloomingtondale Boosters

**Town of Franklin 55 Plus Club** - The Town will continue to sponsor the 55 Plus Club and the Saranac Lake Adult Center as per budget. A6772.4

**Election Inspectors** - To be appointed as needed at \$8.25 per hour. A1450.4

**Board of Assessment Review Members** - Jean Baltzly, Katrine Kretser, Roland LaPier, Lauren LeFebvre, and Mildred Vorrath will serve as members of the Board of Assessment Review. A1355.4

**Attorney for the Town** - James E. Maher, Esq., 82 Main Street, Saranac Lake, NY 12983, will serve as the Attorney for the Town at the rate of \$85.00 per hour, not to exceed \$3,060. per year. A1420.4

**Youth Program Director and Youth Program Assistant** - To be appointed by the Town Supervisor upon the recommendation of the Recreation Committee, minimum wage to be paid.

**Mileage Allowance** - Reimbursement for mileage will be .37 cents per mile.

## **RULES OF PROCEDURE**

The following Rules of Procedure will replace and suspend all prior town board rules of procedure:

### **REGULAR TOWN BOARD MEETINGS**

A regular town board meeting is one in which the town board meets once a month at a fixed time and place throughout the year to conduct town business. In the case of the Town of Franklin, regular town board meetings will be held once a month on the second Monday of the month at 7:00 P.M. The board will audit bills prior to the meeting - between 6:30 and 7:00 P.M.

Notice of Regular Town Board Meetings

After the town board establishes by resolution a regular fixed time and place for its meetings throughout the year, no other notice need be given to the members of the board. The Town Clerk is authorized by the Town Board to publish one Public Notice for the year stating the day, time and place for all regular Town of Franklin Board Meetings.

### **Rules of Conduct at a Regular Town Board Meeting**

1. The supervisor, when present, shall preside and act as chairperson. In his/her absence, his/her deputy shall act for him/her.

2. Members of the board are to be recognized by the chairperson before addressing the rest of the board or the public.
3. No member of the public shall be permitted to address the town board unless recognized by the chairperson. In that event, the person must identify himself /herself by clearly stating his/her full name and address and then stating the nature of his/her business.
4. The chairperson may set a limit on the time on each occasion which each member of the public addresses the board.
5. Persons speaking to the town board with the consent of the chairperson shall address their remarks to the town board, not to other members of the audience.
6. No such person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the chairperson, who may either answer them or refer the questions to a board member or the attorney for the town, if present. The answer may be deferred and subject to further review or study and answered at a later date.
7. No member of the public or board shall engage in any demonstration, booing, hand clapping, or otherwise disrupt the formality of a town board meeting. Town Board Resolutions The adoption of resolutions is the most frequent type of formal action taken by the town board in its legislative and administrative capacities. Resolutions are often confused with motions. The latter are the vehicle by which resolutions are brought before a town board for action. The two can be used interchangeably. Typical examples of actions that require resolutions are as follows:
  8. transferring money from one budget to another
  9. establishing a salary
10. designating depositories Town Board Voting at a Town Board Meeting The voting on every issue requiring a resolution, ordinance, or law shall be **ayes** and **nays** and the names of the members present and their votes shall be entered in the minutes of the town board.
11. The supervisor is a member of the board and therefore must vote. He/she may also move or second resolutions.
12. The town clerk or (in his/her absence) his/her deputy calls a roll of town board members on every issue in question before the town board.
13. The town clerk must take minutes and keep a record of all proceedings of the board meetings, even though he/she is not a board member and does not have a vote.

#### **Regular Town Board Meeting Agendas**

14. A preliminary agenda will be developed by the supervisor and/or board members prior to the meeting and published via posting in public places, newsletter, and/or news media whenever practical.
15. Because urgent issues may not be presented to the board until shortly before a town board meeting, a final agenda may not be adopted by the supervisor until shortly before the meeting.
16. No additional matters are to be considered until each matter on the prepared agenda has been acted on by the town board.

Members of the public are invited to bring an issue, questions, or comments before the board in one of the following four ways:

1. by written request to be put on the formal agenda at least five business days before the scheduled regular town board meeting, or
  2. by addressing the board at a segment set aside at the end of the meeting specifically for that purpose. The supervisor reserves the right to limit each speaker to three minutes. The speaker may request that the board have a special meeting at a later date to consider that particular issue. At the end of this session, the board will decide if such a meeting is feasible and will set a date and time for it, or
  3. by addressing the board during the meeting regarding agenda items, or
  4. by addressing the board at the end of the meeting during a questions and answers segment.
17. Members of the news media may have ten minutes at the conclusion of the meeting to ask questions concerning matters that came up at the meeting.

#### **MINUTES OF REGULAR TOWN BOARD MEETINGS**

The town clerk, when present, will record minutes of the meetings proceedings as prescribed by law and shall make such minutes available within two weeks of the meeting. In the absence of the town clerk, his/her deputy or another person appointed by the board shall take his/her place.

### **TOWN BOARD WORK SESSIONS**

A town board work session is held to discuss and deliberate matters that are coming up at the next regular board meeting, special board meetings, or public hearing. No votes will be taken at work sessions. As with all public meetings, the public is free to attend these sessions but are not to participate or ask questions. Members of the board are expected to attend work sessions when called for by the supervisor.

### **PUBLIC HEARINGS BY THE TOWN BOARD**

A public hearing is a meeting of the board and the public regarding an important issue that may have a significant economic, environmental, or other serious impact on the town and its residents.

1. The purpose of a public hearing is to give the public an opportunity to express its views.
2. The public has the right to appear and give evidence and the right to hear and examine witnesses regarding the issue at hand.

### **Notice of Public Hearings**

The supervisor will give notice of public hearings in writing to the board and town clerk ten days before the hearing, when possible. The town clerk will then post a notice of the hearing in at least one public location and will give notice to the news media at least 72 hours prior to the hearing.

### **Preparation for Public Hearing**

A study or report should be prepared by an expert in the subject matter of the hearing, such person to be present to testify in favor of the proposal.

### **RULES OF CONDUCT AT PUBLIC HEARINGS**

#### **1. COMMENTS AND QUESTIONS**

Oral Comments. The Town Clerk will maintain a sign-in sheet at the public information desk for each person who wishes to make oral comments. Anyone who wants to do so must enter his/her full name and address on the sign-in sheet, in the spaces provided. ANYONE NOT SIGNING THE SIGN-IN SHEET WILL NOT BE PERMITTED

#### **TO ADDRESS COMMENTS TO THE TOWN BOARD.**

Questions. The Chairperson will entertain questions from the floor. Questions shall be for the sole purpose of obtaining information about the subject matter of the public hearing or clarifying its provisions. Questions shall not have the intent of provoking a debate between the questioner and the Town Board or any individual in the audience.

#### **Written Comments.**

The Town Board will accept written comments on the subject matter of the public hearing PROVIDED ALL WRITTEN COMMENTS ARE GIVEN TO THE CHAIRPERSON BY THE END OF THE PUBLIC HEARING.

**2. PRESENTATION OF COMMENTS AND QUESTIONS.** Presiding Officer. The Town Supervisor will preside over the public hearing, and act as Chairperson. In her absence, the Deputy Town Supervisor will act as the Chairperson.

### **GROUND RULES FOR THE PRESENTATION OF COMMENTS**

The purpose of this public hearing is to gather public comment on (subject of Public Hearing). The Board encourages all in attendance to offer comments and ask questions. However, a successful public hearing requires that some simple ground rules be followed. These ground rules will ensure that all in attendance are treated in a respectful and courteous manner, and that all who desire to speak will have the opportunity to be heard:

18. No one may speak unless recognized by the Chairperson for that purpose. Upon recognition, the person must identify him/herself by clearly stating his/her full name and address.
19. Anyone choosing to speak must address his/her remarks to the Town Board, and not to other members of the audience. Any debate between those **for** and those **against** the proposal must be strictly avoided.
20. Oral comments can generally be delivered in five minutes. If there are a large number of persons wishing to speak, the Chairperson reserves the right, in its sole discretion, to strictly enforce the 5-minute rule, so

that all who wish to speak may have an opportunity to do so.

21. The Town Board is here to listen to the public's comments, and to answer questions about the Preliminary Budget. The Board is NOT here to express its own views or opinions thereon. The Board will NOT participate in a debate of the issues. We want your advice and assistance in coming to the proper conclusion on the issues involved. If you are in favor, simply tell us and give us your reasons why; and likewise, if you are opposed.
22. No person has the right to demand an answer to a specific question from a member of the Board. As noted earlier, questions should seek clarification and information and should not lead to a debate of the issues. All questions are to be directed to the chairperson, who may either answer them or refer them to a Board member or the Attorney for the Town. The answer may be deferred and subject to further review or study and answered at a later date.
23. No person may speak a second time until everyone who wants to speak has spoken.
24. No member of the public or Town Board shall engage in any demonstration, booing, handclapping, or otherwise disrupt the formality of the public hearing.

The Town Clerk will be responsible for ensuring that these rules are followed.

ANYONE VIOLATING ANY OF THESE GUIDELINES WILL BE ASKED TO REFRAIN FROM DOING SO, AND MAY, IN THE SOLE DISCRETION OF THE CHAIRPERSON, BE ASKED TO LEAVE THE PUBLIC HEARING.

### **SPECIAL TOWN BOARD MEETING**

Special town board meetings may be called by the supervisor at any time for urgent or lengthy issues or for any other important reason determined by the supervisor. Notice of special town board meetings and rules of conduct are the same as for public hearings.

### **EXECUTIVE SESSIONS**

Executive sessions may be held only after an open meeting is convened and a motion to hold an executive session, identifying the area or subject to be considered in such executive session, is adopted by the majority vote in the open meeting.

#### **Executive sessions matters are restricted to:**

25. A matter which will imperil the public safety if disclosed.
26. A matter which may disclose the identity of a law enforcement agent or informer.
27. Information with respect to investigation or prosecution of a criminal offense which would jeopardize effective law enforcement if disclosed.
28. Discussions relating to litigation.
29. Matters relating to collective negotiations under the Taylor Law.
30. Medical, financial, credit, or employment history of a particular person or corporation, re relating to appointment, promotion, demotion, discipline, or removal.
31. Preparation, grading, or administration of examinations.
32. Acquisition, lease, or sale of real property or securities when publicity would substantially affect the value.

Attendance is restricted to town board members and any other persons authorized by the board. **Minutes of executive session proceedings:**

Summary minutes must be made of any final determination taken by formal vote, including the date and the vote thereon; however, such summary should not include any matter which is not required to be made public under the Freedom of Information Law. Such summary minutes shall be available to the public within one week from the date of executive session. If no formal action was taken in an executive session, then no executive session minutes need to be taken.

### **ACCEPTANCE OF ORGANIZATIONAL ITEMS**

Motion for resolution accepting organizational items (T.Goff-M.Keith m/s/p) ALL AYE

**RESOLUTION NO. 1: ACCEPT ORGANIZATIONAL ITEMS** WHEREAS, the Town Board has reviewed the preceding organizational items and finds such items acceptable; NOW THEREFORE, BE IT RESOLVED, that the Franklin Town Board accepts the organizational items as set forth above.

Those voting aye:

Supervisor Mary Ellen Keith  
Councilman Gene Goff

Councilman Tim Goff  
 Councilman Walter Kretser  
 Councilwoman Janet Ordway

Those Voting no:

None

4. **OFFICIAL UNDERTAKING.** The Town Board has approved the procurement of a blanket undertaking from the LaBarge Agency, Inc., which is duly authorized corporate surety covering the officers, clerks, and employees of the town. Such approval assures that this blanket undertaking indemnifies against losses caused by the failure of officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

Motion to accept Official Undertaking (W.Kretser-T.Goff m/s/p) ALL AYE

**RESOLUTION NO. 5: ACCEPT OFFICIAL UNDERTAKING** WHEREAS, the Town Board has negotiated with LaBarge Agency, Inc. for procurement of a blanket undertaking, which is duly authorized corporate surety covering the officers, clerks, and employees of the town; NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Franklin approves the purchase of such blanket undertaking which assures that this Undertaking indemnifies against losses caused by the failure of officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts. This undertaking will be filed with the county clerk.

Those voting aye:

Supervisor Mary Ellen Keith  
 Councilman Gene Goff  
 Councilman Tim Goff  
 Councilman Walter Kretser  
 Councilwoman Janet Ordway

Those Voting no:

None

5. **CHANGES IN DOG LICENSING.** The Town Clerk reviewed changes to be made by NYS Dept. of Agriculture & Markets to the current dog licensing system. Dog owners will be able to renew the licenses of their animals from 1 to 3 years, depending on the expiration date of the rabies vaccination. In order to participate in the new system, the Town Board is asked to pass a resolution adopting such change. Motion to adopt new dog licensing program (J.Ordway-G.Goff m/s/p) ALL AYE

**RESOLUTION NO. 6: ACCEPT NYS AG&MKTS NEW DOG LICENSE PROGRAM** WHEREAS, the NYS Department of Agriculture & Markets will be changing its dog licensing system so as to allow dog owners to license their animals for up to 3 years, depending on the rabies vaccination expiration date; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin, County of Franklin hereby accepts and adopts the new dog licensing program.

Those voting aye:

Supervisor Mary Ellen Keith  
 Councilman Gene Goff  
 Councilman Tim Goff  
 Councilman Walter Kretser  
 Councilwoman Janet Ordway

Those Voting no:

None

6. **VERIZON CELL PHONE CONTRACT FOR HIGHWAY SUPT. AND DEPUTY HWY SUPT.** Highway Supt. James Rascoe reviewed proposed Verizon cell phone contract, which offers two (2) free cell phones, activation, cover, and hands-free set for \$30 per month. He requested that the Board approve the contract with Verizon. Motion for resolution approving contract with Verizon (J.Ordway-T.Goff m/s/p) ALL AYE

**RESOLUTION NO. 7: ACCEPT VERIZON CELL PHONE CONTRACT** WHEREAS, the Board has reviewed the terms and conditions of a favorable cell phone service contract with Verizon; and WHEREAS, the Highway Superintendent and Deputy Highway Superintendent have need of such cell phones; NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the Highway Superintendent to enter into such contract with Verizon.

Those voting aye:



Supervisor Mary Ellen Keith  
Councilman Gene Goff  
Councilman Tim Goff  
Councilman Walter Kretser  
Councilwoman Janet Ordway

Those Voting no:

None

## HIGHWAY REPORT

Highway Superintendent Rascoe gave the following report:

1. 2000 International Breakdown. After eleven M.A. Jerry mechanic hours, two M.A. Jerry engine computer misreads, and a two charge, Deputy Hwy. Supt. Eric Merrill suggested the problem might be a broken fuel pipe, which in fact it was. Highway Supt. Rascoe will negotiate a reduced repair price with M.A. Jerry.
2. Working with Town Board. Highway Supt. Rascoe opined he will work well with the Town Board. The Board concurred.

## QUESTIONS AND COMMENTS

Supervisor Keith thanked Highway Supt. Rascoe for his comments, and said it was a pleasure working with the new Highway Superintendent. The Board wholeheartedly concurred. Supervisor Keith also stated 2006 would be a very busy year with lots of projects and advised the Board would need to be ready to work hard. She indicated the Town should take a stand and not allow others to walk over it.

## ADJOURNMENT

There being no further business the meeting adjourned at 8:20 p.m.

(M.Keith-J.Ordway m/s/p) ALL AYE.

Respectfully submitted, Sandra J. Oliver, Deputy Town Clerk

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