MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date:

October 8, 2018

Time:

7:30 P.M.

Location:

Municipal Building

1. Roll Call

Present:

Council Members Campbell, Consolmagno, Dixon, Gibbons

Hannan, Harrison, McLean, Moury, O'Brien and Mayor Allen

Absent:

Also Present:

Shawn Arbaugh, Manager;

Judith L. Miller, Assistant Manager;

Solicitor Robert L. McTiernan; Chief Timothy O'Connor;

Joseph Villella, Finance Director

2. <u>Pledge of Allegiance</u>

3. Chair Announcement

An Executive Session of Council was conducted on Monday, September 24, 2018 to discuss personnel and legal issues. An Executive Session of Council was conducted tonight Monday, October 8, 2018 to discuss personnel and legal issues.

Reports of Officials

4. <u>Library Director's Report</u>

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides services to explore, learn, create and connect.

Ms. McIntosh thanked everyone who participated in and volunteered at the first Annual BP Fantastic Four Charities Golf Event that was held on October 1 at Nemacolin Country Club. The event raised \$16,000 to be split by four charities: BP Community Foundation, BP Education Foundation, BP Historical Society and BP Library. Ms. McIntosh announced that next year the event will be held on Monday, July 29, 2019.

Ms. McIntosh announced a few upcoming classes and programs that the library will be hosting. The children's department is now hosting Second Saturdays where they will have story time programs for working families. Which will take place this Saturday, October 13.

They have Mother Goose on The Loose Story time at 9:30am for babies and toddlers, family story time at 11am for preschool – grade 1 and games and crafts at 2pm for all ages.

Ms. McIntosh stated that there is Essential Skills for Teens, were you will learn some basic skills that will help you survive in the real world. For grades 7 and up. There will be a writing class on Tuesday, October 16 at 7pm and a basic sewing class on Tuesday, October 23 at 7pm. There will be a Special Needs Trust Planning Seminar presented by David Frick who is a CPA of AXA Advisors. The seminar will be Tuesday, October 16 at 7pm. There will be a discussion of special needs trusts, who should have one and how they work. There will also be a discussion about the PA ABLE account for special needs individuals.

Ms. McIntosh announced that they are hosting a fun class called Talking about Bigfoot in Southwestern Pennsylvania. On Thursday October 18 at 6:30pm come, join the presentation hosted by Bigfoot Investigator Dwayne Pintoff who will discuss the local investigations and activity reports of Bigfoot sightings and encounters in Western PA. Part II will take place on November 11 at 6:30pm. On Saturday October 27 from 6-8pm the Library is hosting Halloween Hullabaloo, the whole family is invited to come in costume to our annual Halloween Party. There will be story time, games, prizes, crafts and more! There will also be a raffling of book character pumpkins, painted by your favorite Library staff members.

Ms. McIntosh announced that the Library has a 16x20 Sloth Print available for \$50 a piece. The library will close at 5pm on Wednesday, October 31 so that customers and staff may participate in Trick-or-Treat activities with their families.

5. Police Chief's Report

Chief O'Connor stated that it was nice seeing everyone especially the kids at Community Day.

Chief O'Connor announced that there has been a rash in theft from vehicles overnight. Chief stated to remove any items and valuables from your vehicle and make sure you keep it locked.

The next crime watch will be Monday, November 5 at 7p.m. at the Community Center, if you can't make it please follow the Bethel Park Police on Facebook and social media.

6. Fire Chief's Report

Assistant Chief Brent Kimberland stated there were 57 calls for the month of September. This brings the total for the year to 409 calls.

Assistant Chief Kimberland stated that the firehouse has pink lights outside this month for Breast Cancer Awareness Month. October is also Fire Prevention Month. This year their fire prevention motto is Look, Listen and Learn. Look where fires can start and help prevent those. Listen to fire alarms and if they go off leave the building. Learn, always know two ways out of a building.

Assistant Chief Kimberland announced that they are hosting an Open House on Sunday, October 14 from 11am-3pm at Birghtwood Fire Station. Sparky the fire dog will be there, Bethel Bakery will have free cookies and cupcakes, Evey Hardware will have a display there as well. There will be demonstrations given by the fire fighters.

7. Mayor's Report

Mayor Allen welcomed new council member Dr. Timothy Campbell.

Mayor Allen announced that fall cleanup day is scheduled for Saturday, October 20. This is an opportunity for willing volunteers to help clean the parks and roadways of Bethel Park and spruce up our community. If you are interested in volunteering, please contact Janet at 412-831-6800 ext 211 or email jdavin@bethelpark.net.

Mayor Allen stated that leaf collection starts on October 22 and will go through the week after Thanksgiving. There will be no collection the week of Thanksgiving. Please make sure you use brown paper leaf bags marked "Leaves", otherwise they will not be picked up. Plastic bags are not accepted.

Mayor Allen stated last Friday they had their 14th annual 90+ luncheon at the Community Center. Over sixty five or more residents over the age of 90 and two residents over the age of 100 attended. Mayor Allen stated that if you know anyone 90+ please call and let us know so we can include them.

Mayor Allen announced that the American Legion is working on a program called Love Letters. Tickets go on sale today.

At this time, Mayor Allen introduced Kim Alexander the spokesperson for Love Letters. Ms. Alexander gave a brief over view of the Love Letter show. The Love Letters show is on Sunday, October 14 doors open at 5pm and the concert is from 6pm-8pm. Tickets are available at the door.

Mayor Allen stated that part of the proceeds go to some Veterans organizations.

8. <u>Municipal Manager's Report</u>

Municipal Manager, Shawn Arbaugh announced that we would be adopting the new International Building Codes for 2015. The 2015 International building codes were recently adopted by the state. We are required to adopt those within six months and plan to adopt them in Bethel Park by January 1, 2019. The 2009 International Building Codes will be allowed until the end of the year.

Mr. Arbaugh announced that we have an app called Savvy Citizen that we use to communicate information to residents about garbage, road closures, park openings and important updates. Please go to our website to find our more information.

Mr. Arbaugh stated that we are having a Town Hall meeting next Monday, October 15 at 6pm. Topics include trash contract, containers, answer any questions you may have. Many other topics at 7:30pm there will be a Long Range Plan Discussion by Machin Engineering.

This will help us plan for what Bethel should look like in the next 10 years. Everyone is encouraged to attend and participate. There will be refreshments and snacks.

Mr. Arbaugh announced that there will be a grand opening for Simmons Park in the near future. You will be able to find out about it on Savvy Citizen app.

9. Approval of Minutes

Regular Council Meeting Minutes of September 10, 2018

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of September 10, 2018. Motion Carried 9–0.

10. Public Hearing – Proposed Zoning Ordinance Modification – Chickens to be raised in residential districts.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to Public Hearing Minutes of August 27, 2018, Proposed Zoning Ordinance Modification Chickens to be raised in residential districts. Motion Carried 9–0.

11. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #100818 in the amount of 4,301,028.72. Motion Carried 9–0.

12. Residents' Comments (non-agenda items only)

Richard Pahler, 1119 Logan Rd, Bethel Park stated that he wanted an update on the plans to stop the flooding at his home and on Logan Road.

Mr. O'Brien stated that he does not have an update at this time and he will have to meet with the engineer.

Beverly Thurner, 4802 Criss Rd, Bethel Park stated she has lived at her home for 54 years and she has lived on a cul-de-sac. Her children and grandchildren have played there for years. There was a fence on the property on Hilltop for over 40 years, now that the fence has been removed. Now they are coming down Criss Rd and driving thru the cul-de-sac using their property as a pass thru. There is a lot more traffic going through the cul-de-sac and it is dangerous, the children cannot play in the cul-de-sac any longer due to the amount of increased traffic. Resident also stated that her property value may suffer if this pass thru is allowed.

Jill Peters, 4790 Criss Rd, Bethel Park stated that she has lived in her home a long time. Raised three Bethel Park graduates. The entire time she has owned her house it has been a cul-de-sac now she has had the police called on her twice for parking in the cul-de-sac and blocking a driveway that does not exist. There are only three houses on the cul-de-sac. The resident presented pictures and a petition to council. She collected twenty-four signatures from residents who live on Criss Road. Resident stated there was an issue similar on Sarvas

that Council was able to resolve. Resident stated that she spoke to Todd Carter two years ago and he stated that the resident on Hilltop was not allowed to drive through the cul-desac onto their property.

John Shabatura, 1550 Lucille Dr, Bethel Park stated that the stop sign at Lucille and Valley does not make people stop. He stated that people coming down the north side of Lucille stop however, the people coming from Valley do not stop. There is going to be a bad accident. Resident stated even a sign stating traffic from right does not stop.

Conrad Dutcher, 4798 Criss Rd, Bethel Park stated he has lived in his home since 1965. The main reason he purchased the house was that it was on a cul-de-sac. He is not happy about the possibility of a thru street changing the value on his home. Someone driving through it makes it not safe and makes the children vulnerable to accidents.

GENERAL POLICY AND FINANCE

13. Citizens' Comments – General Policy and Finance Items

None

14. General Policy and Finance Items

Resolution No. R10-8-18A – Storm Water Plan Review Fee

Motion by Mr. McLean and seconded by Mrs. Gibbons to adopt Resolution No. R10-8-18A establishing Stormwater management plan review fees. Motion Carried 9–0.

15. Ordinance No. 10-8-18A – Property Purchase

Motion by Mr. McLean and seconded by Mrs.Gibbons to approve Ordinance No. 10-8-18A authorizing the purchase of property at 5110 W. Library Avenue in the Municipality of Bethel Park identified as parcel No. 0475-E-00221-0000-00. Motion Carried 9–0.

Mr. Moury stated that this property is adjacent to the Municipal Building and will be acquired June 2019 to extend the parking lot.

16. Ordinance No. 10-8-18B – Shade Tree Alternate

Motion by Mr. McLean and seconded by Mrs.Gibbons to approve Ordinance No. 10-8-18B amending chapter 13 of the code of the Municipality of Bethel Park by authorizing council to appoint alternate members of the Shade Tree Commission and establishing the roles and responsibilities of alternate members. Motion Carried 9–0.

Mr. McLean said:

"First Item I just wanted to mention again as we have for the last few months is at the upcoming election on November 6, we will have the four Home Rule Charter ballot questions being put to the voters so that they can vote on it. We have been over these each of the last several months that we have had a public meeting. One thing I wanted to point out to the electorate there is also a question from the county that will also be on the ballot.

So voters in Bethel Park when they go to the polls on November 6 will actually see five questions. One from the county and then the four proposed Home Rule Charter Amendments for the Bethel Park Home Rule Charter. As we have discussed in past months the four changes are: One there is a typographical error in the Charter and we are going to fix that with one of the proposed changes. Secondly we are proposing the language to be added to the Charter to clarify that it is gender neutral. When the Charter was originally adopted in the mid seventy's it was using the male pronouns and we are going to make clear that it is gender neutral and is intended to refer to the male and female gender. The two other changes both relate to the referendum provisions of the Home Rule Charter. Currently the Charter provides that if there is a referendum petition filed with respect to an ordinance adopting a tax millage, establishing a tax millage. That the effect of that referendum would be to suspend the entire ordinance. Even though what the petition would really intend to do is challenge if there is an increase or a decrease in the ordinance. So what the change will be is to make it clear that when a petition is filed with respect to an ordinance that either increases or decreases taxes. The suspension will only be while that process is going on as to the increase or decrease and the tax rate that was in place prior to that will remain in place. So that we can continue to function as a Municipality, while the referendum process is continuing. It allows the referendum process to exist. It still allows it to be used it just clarifies the effect with respect to what a portion of the ordinance is suspended. The last change is now the ordinance provides that if a petition is submitted which someone who wants to gather the signatures has sixty days to do. If you submit it to the manager and the manager determines that you don't have a sufficient petition. For example if you don't have sufficient signatures, right now the Charter says you can go back out and try again for another twenty days. Experience has shown that additional opportunity isn't necessary. The people either obtain the signatures or not, since it extends the time period, the proposed amendment is to remove what in effect we have called the second bite at the apple. You can still put together a petition, you can obtain the signatures, if you have enough it will be successful in putting it on the ballot, but if you don't then there is no further additional chance as to that particular ordinance to go out and get additional signatures. There is information relating to each of these proposed changes on the website which you can go to between now and election day. So that you can review the proposed changes but those are the four changes that will be on the ballot.

The second additional item that I wanted to address Mr. President is the budget for 2019. Council tonight had its first meeting with respect to the proposed 2019 budget and to give folks a preview and an overview. As we all know all to well. This past summer on June 20, we suffered pretty catastrophic event in Bethel Park. The reality is that as things stand today that has required the Municipality to incur costs of somewhere between eight hundred thousand and one million dollars. We think it will be close to a million dollars when we finish the projects that we have undertaken. Those are obviously unexpected costs that we did not plan for in our 2018 budget. What it also means is that we need to plan for how we are going to address some of these issues going forward. We have MS4 and stormwater management requirements that we are going to have to meet. We are intending to undertake engineering studies so that we can examine what happened and what can be done to improve it and then we will need obviously the funds available once projects are identified and we know what we are going to do, so we can proceed to get those done. The budget that was reviewed for the first time tonight by council which is a proposed budget at this point. Includes a proposed increase of \$600,000 dollars in revenue so that we can undertake those engineering studies and have the funds available for the projects that we decide on. That will if adopted result in a tax increase. To give you an idea of the magnitude, it would require a .25 mil increase on real estate taxes, which would equate to about twenty five dollars a year on an assessed value of one hundred thousand dollars on your home. As it stands right now this is a proposed budget, it will continue to be reviewed by council. What we are trying to do is undertake the work that we need to do on these projects without abandoning the other initiatives that we have undertaken and without for example obviously cutting back on the basic services that the Municipality provides. We will have a public hearing on the budget, two weeks from tonight, in this room, on October 22 at 7:45pm. Copies of the budget will be available if anyone wants to review it and correct me if I am wrong but it should be available in the Library as well. It will be available in the Library as well. That is the status as things stand right now.

Third item I have which is I am the councilman for the 7th ward and as folks who live in that area all to well know there is a bridge next to the old Drake Port Authority Line that is a pretty key access point in and out of the residential plan over there. It has been out of commission and Port Authority is responsible for the bridge. About six months ago they reduced it to one lane and about three months ago they closed it down all together. While I can tell folks that based on recent conversations we have had Port Authority, they are currently planning to start on October 20 to start the work they will need to do to fix the bridge. Its in bad shape it needs a lot of work. Once they start the work its going to take them a little more than three months, weather permitting to get it done. At least they will be getting it started. I just wanted to advise folks of that, there is a lot of nice folks that live over near this bridge and use it a lot so they will be very happy to find out that the work will be getting underway and hopefully completed soon."

Mr. Harrison said:

"Just one comment on what Mr. McLean mentioned and that is a possible increase of the real estate tax and we can discuss that when we have a public hearing. I am personally concerned about the increase being put on real estate as opposed between dividing it between real estate and earned income. The people that have earned income are better prepared to pay additional money that some of the older residents that can't hardly take care of their property now. It will be worse if we put all the increase on the property. As Mr. McLean mentioned that election day is November 6. That is before our next council meeting. Anyone who watched the circus associated with the appointment of the new supreme court associate justice recognizing that the choices of candidates that they have made for senate and house are critically to our nation. Bethel Park Home Rule Charter questions on the ballot require critical attention. The choice you make on these questions is relevant to the conduct of this government. At the June meeting council passed an ordinance to put the Home Rule Charter questions on the coming November ballot. This Home Rule Charter gyration resulted from council members yes vote a few years ago on an illegal ordinance for the dedicated tax for the Bethel Park Volunteer Fire Company. The ordinance was illegal because it did not comply with the timeline required by the Home Rule Charter. Which I call the Bethel Park Constitution and by the election bureau rules for placing the question on the upcoming primary ballot at that time. The ordinance specifically stated that a question was to be placed on the upcoming primary ballot at that time. The ordinance was illegal because the Home Rule Charter section 1107 says quote "the effective date of an ordinance shall be no sooner than thirty (30) days after its adoption". Before the vote on the ordinance, I reminded council members that a yes vote on the ordinance was a violation of the Home Rule Charter because the date that the ordinance would become effective was too late to get the question on the primary ballot based on the county election department rules.

All the council members present at the meeting voted yes for the ordinance except me. There were seven members present. The yes voters were Allen, Gibbons, Hannan, McLean, Moury and O'Brien and I claim they blatantly violated the Home Rule Charter because they were given notice they should have known, probably did know. I pointed out that a yes vote on that ordinance was a violation of the Home Rule Charter. I use the word blatantly advisedly because as stated above before the vote I reminded council members of the Home Rule Charter time line restriction. My fellow council members are law violators. Ask yourself the question - why would my fellow council members knowingly violate the law? Was there some illegal collusion with council members prior to the vote outside of my view? Mr. McTiernan, the solicitor who we pay to ensure that council actions comply with the law, sat mum at his table at the time of the illegal votes. Therefore, he was complicit in the violation of the law. Mr. McTiernan was further complicit in violation of the Home Rule Charter by hand delivering the ordinance to the election bureau three (3) days after its enactment by council. That was twenty seven (27) days prior to the effective date of the ordinance as mandated by the Home Rule Charter. If McTiernan had complied with Home Rule Charter and delivered the ordinance on or after its effective, the Bethel Park Volunteer Fire Company dedicated tax question would not have been on the primary ballot.

In an attempt to cover their butts, the council yes voters later declared that the Home Rule Charter is outdated and needs to be revised. It is obvious that present day changes to the Home Rule Charter do not validate the violation of the Home Rule Charter in the past. The questions mandated by this June ordinance will appear on the November ballot. I recommend you vote no on the changes. Why would I make this recommendation? The public yes votes on the November Home Rule Charter ballot questions will embolden council members to take future actions that violate the Home Rule Charter if they find it convenient because they pay no penalty. Lack of public oversight on governing body actions leads to the swamp we have at the national level and the local level. Fortunately, we have a national president that is draining the swamp at the national level. At the local level council members and the solicitor won't even acknowledge that they violated the law. Hopefully the public will send council and the solicitor a message that they expect them to comply with the law. The Home Rule Charter has served the municipality well since its effective date of January 2, 1978. No deleterious effect to the municipality will occur because the Home Rule Charter has served us very well. There has been six times that we have used the stipulations and challenges and acted as council. Every one those ended up favorable direction for the public. So I am simply saying that if you vote no on these changes council will have another opportunity to put the changes on the ballot next year and hopefully they will do it legally, thank you very much."

Mr. Moury said:

"I guess I'll say the only thing I agree is Mr. Harrison's comment about circus's is really what he is creating. I think when we look at what's going on in the state and the national level it crosses everybody. It's all the negative, it's all the bad things that get reported and really you need to think about how many times has Mr. Harrison ever spoke of anything positive? We have this conspiracy thing every month that goes on and on. I guess it is just disappointing that we are elected officials locally, the people look up to us, the youth of

Bethel Park look up and have to listen to this. I don't think we set a very good example. I am going to go back to something I said in 1996 is that ran to raise a level of professionalism of this council and hopefully have done that. Everybody is entitled to their opinion but I think you need to think about where its coming from and how many times you've really heard Mr. Harrison talk about an initiative or something positive that's going on in the community.

Having said that I would like to acknowledge we had the June 20 flooding event and most recently we sent out some letters because we were walking the streams. Twenty to thirty residents we asked them if they could clean up their stream there was some blockage that would prevent the stream to flow properly and a number of people just received letters saying be careful what you put along the stream. I am happy to report that a group of volunteers headed by the Bethel Park Black Hawk Family Relief Fund it was Syd, Courtney Sutton came out a few weeks ago to really help clean up the stream. We received requests from about eight or nine residents that needed some assistance and so the Black Hawk group headed it up. The Bethel Park Volunteer Fire Department has always stepped in Ed and Mark came and brought their equipment to help clean some of the streams for people that couldn't. Mark, Paul and Susie were also there, I would like to thank our Public Works who came and picked some of the debris up that wouldn't fit in the truck that we had because there was a lot of it. It really shows the good of the people, it really shows the positive things that people wanted to pitch in and help neighbors get things done. Hopefully in the future maybe eliminate some of the issues we may have.

I would also like to talk about something positive the Bethel Park Volunteer Fire Company who you heard earlier is having their open house on Sunday, October 14 from 11am – 3pm. The School House Arts and History Center is also having their second annual grand opening its going to be on Sunday, October 14 starting at 10am. There is going to be a small ceremony before we open the building up to everybody and we have a major announcement towards the project we are doing. If you are interested in learning more about the historical society you can be there at 10am on Sunday the 14th. Then you can walk over and check out the open house at the fire department. So let's talk about the positive and set examples for our friends and family and our youth today. Thank you."

PLANNING AND ZONING ITEMS

- 17. Citizens' Comments Planning and Zoning Items
- 18. Planning and Zoning Items

Ordinance No. 10-8-18C – Millennium Woods Development

Motion by Mr. Dixon and seconded by Mrs.Gibbons to approve Ordinance No. 10-8-18C in accordance with the Municipal Managers memo dated September 20, 2018. Motion Carried 9–0.

Mr. Moury stated that a resident brought this to the attention of council at the last meeting. The manager and Mr. Dixon met with the developer and residents. They were able to resolve everything.

19. Resolution No. R10-8-18B – Active Allegheny Grant Program (AAGP)- Brightwood/Lytle Station Trail Project

Motion by Mr. Dixon and seconded by Mrs.Gibbons to adopt Resolution No. R10-8-18B authorizing the Manager of the Municipality of Bethel Park to accept funds from the Active Allegheny Grant Program to fund the design of a trail connection from Brightwood Road through Municipal Property to the Lytle Station parking lot. Motion Carried 9–0.

HEALTH, SAFETY AND WELFARE ITEMS

- 20. Citizens' Comments Health, Safety and Welfare Items
- 21. Health, Safety and Welfare Items

Ordinance No. 10-8-18D – Traffic Changes

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to approve Ordinance No. 10-8-18D amending chapter 65 of ordinance No. 7-12-93A by restricting parking along the west side of Baptist Road from the intersection of Hamilton Road to Horning Road, Restricting a left hand turn from the southerly direction of Willis Road to Broughton Road between 0700 through 0900 and 1600 through 1800 Monday through Friday, and providing Law Enforcement services related to vehicle and traffic on all properties owned by Bethel Park School District in Accordance with Attachment A. Motion Carried 9–0.

Mr. O'Brien thanked everyone for attending Community Day, all the groups that came out. The day was moved to later in September and it turned out to be a wonderful day. The discussion of the day was garbage and the size of the garbage containers. The other discussion during the last month was chickens. "Community Day eggceded everyone's eggspectations."

Mr. O'Brien announced that a group of Scott Beynons friends decided to start a scholarship fund together for Vo-Tech in honor of Scott Beynon. There is a fundraiser on December 16, 2018 at the Library Fire Hall starts at 3pm. It is the Steelers vs. Patriots game. There will be food and door prizes. Tickets are \$50 dollars for adults and children are \$20 dollars. All proceeds will go to the scholarship fund, tickets are available through Councilman Mr. Consolmagno and Mr. O'Brien or Evey Hardware.

PUBLIC WORKS AND MAINTENANCE ITEMS

22. Citizens' Comments – Public Works and Maintenance Items

None

23. Public Works and Maintenance Items

Resolution No. R10-8-18C – Community Development Block Grant Concurring Resolution

Motion by Mrs. Gibbons and seconded by Mr. Hannan to approve Resolution No. R10-8-18C authorizing South Hills Area Council Of Governments to file all necessary documents on behalf of the Municipality of Bethel Park to obtain Community Development Block Grants in the amount of \$55,894.00 for the Second Alley Pervious Paving Project. Motion Carried 9–0.

Mr. Moury stated as Mr. McLean stated there will be five items on the ballot. The first one deals with Allegheny County, the other four deal with changes to the Home Rule Charter. Mr. Moury stated he recommends a yes vote to these four questions.

Mr. Hannan stated that if you are filing an absentee ballot you must turn it over because the fourth question pertaining to the Home Rule Charter changes is on the back.

Mr. O'Brien wished the Finance Director, Joe Villella a Happy Birthday.

24. Adjournment

Motion and second to adjourn at 8:35 P.M.

Manager

MUNICIPALITY OF BETHEL PARK REGULAR COUNCIL MEETING October 8, 2018

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