**REGULAR MEETING**

NOVEMBER 7, 2019

# The Board of Trustees held the Regular Meeting of November 7, 2019 at

# the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Ronald Stabak,Trustee Daniel Wright, Trustee Joan Stoddard and Trustee Victoria Ferguson. Also Present: Gay Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Deputy Mayor/Trustee Robert Mir

**ALSO** David Ohman (Delaware Engineering), Police Chief Scott Kinne, Tim Tedesco

**PRESENT:** and Herb Clark

**APPROVAL** Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING - October 17, 2019

**CORRES-** Mayor Stabak said the following correspondence has been received

**PONDENCE**:and is available in the Clerk’s Office.

Incoming

* E Mail from NYSDEC – Grossinger Site

**PUBLIC** Mayor Stabak opened the meeting to comments from the public.

**INPUT:**

Tim Tedesco – Water Account # 10-19900

Tim Tedesco (Parksville Water User) approached the Board regarding a house he purchased in May (2019) at 26 Main Street in Parksville. At the time the seller failed to disclose there was a $6,000 water bill on the property and he has since made payments of $1,200.00 on the bill. He said he was unable to keep up with the original agreement of paying $500.00 per month on the bill and the Water Department turned off the water to the residence. He asked the board for their consideration to allow him to pay $200.00 per month toward the delinquency as long as he stays current with his bill.

Agreement with Tim Tedesco – Water Account #10-19900

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to allow the owner (Tim Tedesco) of 26 Main Street in Parksville to pay $200 per month toward his delinquent water bill, while keeping the new usage at the property current. The delinquency will also carry an interest penalty (10%).

Herb Clark – 2 Delaware Avenue – Water/Sewer Account #5-19700

Herb Clark (2 Delaware Avenue) discussed a bill he received for an after-hours sewer call out. He said the men were not at his premises for the three hours recorded on the bill.

Mayor Stabak explained that their contract calls for a three hours minimum if called out after hours so that portion of the bill would have to stand.

Accounts Receivable Bill – Herb Clark – 2 Delaware Avenue

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to adjust the amount charged for the Jetter Vac to $100 and the Truck to $40 making the charge to Mr. Clark $345.32.

**ATTORNEY** Attorney Silver said his comments are all related to agenda items.

**COMMENTS:**

**TREAS.**  Treasurer Zurawski’s written report was as follows:

**REPORT:**

* List of Current Taxes and collections thru 10/31/2019 of which there is $426,227.56 outstanding. The current taxes are 90% collected.
* List of Delinquent Taxes, which as of 10/31/19 is $405,160.00 not collected.
* Starting and Ending Central Check Numbers for October 2019
* Starting October Central Check #15143.
* Financial comparison of General, Water, Sewer and Sanitation

Treasurer Zurawski said the B.A.N. for Columbia Street sewer issue has been renewed with Piper & Jaffray at a net interest of 1.6320%

Treasurer Zurawki reported that there is $17,586.09 left in the CHIPS funding that can be applied to the new Skid Steer.

Treasurer Zurawski said that DASNY Grant #15595 – Improvements to the Municipal Building currently has estimates of $86,480.96, which is $11,480.96 over the grant award of $75,000. She said the grant administrator is asking for assurance that the Village has the funding available to complete the improvements.

**TABLED UPDATE ON ENGINEERING PROJECTS - D. OHMAN/DELAWARE**

**BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Clarifier**

* Eastman Associates was onsite October 17 to repair the clarifier
* The new clarifier is back online

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**
  + The Village received a letter from NYSEFC letter on January 18, 2019, to inform the Village that the WIIA program grant award is being revised to $1,914,000 and Total Estimated Project Cost of $7,656,889.
* Project Financing
  + NYSEFC advised the Village that the Project Financing Agreement (PFA) closed on August 8, 2019
  + Village now able to submit for reimbursement of cost and costs going forward.
  + Delaware’s MWBE UP and waiver request was approved on October 28 by NYSESD.NYSEFC
  + The Village can now submit Delaware’s invoice for reimbursement.
  + It should be easier to take care of the MWBE on the upcoming engineering contract amendment to add the enhanced sludge processing since we have initial approval.
  + Once the engineering services contract amendment is in place we plan on submitting to NYSEFC identifying what (if any) MWBE subs plan to be added/increased. EFC’s MWBE department will then review and let us know if that’s acceptable or if they feel other areas could be reached out for MWBE participation.
* Professional Services Contract for Design through Construction:
* Design Phase:
* Continuing to Prepare design drawings and specs
* Communicating with equipment supplier and manufacturer’s representative regarding upgrade equipment
* Coordinating with MWBE Subcontractors
* Communicating with Village staff on project issues
* RAS pumps
* 3-pumps total, 1-broken, 1-at the end of its useful life, 1-in service. If the RAS pump currently in service fails, the WWTP would be relying on the RAS pump that is at the end of its useful life and there is no way to tell how long it will last.
* Contacted Flygt and confirmed that the pump is obsolete and spare replacement parts are no longer available.
* WWTP Staff provided information on a new style RAS pump, the same/similar to the one recently installed in the Days Inn pump station. These are smart pumps that cycle rotation to clear blockages/clogs on their own.
* The current project budgeted $75K for three new 25HP RAS pumps, plus piping.
* Flynt has provided a quote for Flynt Concerto NZ 6020.181, Vertical, Submersible, Dry pit Wastewater pump. 6” Discharge, 7.5 HP. 460v, 3 phase, 65’ of cable, Hard Iron adaptive Impeller, and wear ring. Included aluminum cooling jacket, and T Stand Kit. Includes stand, suction elbow and hardware for $17K each pump plus some

Electrical blocks to integrate plus installation.

* Pump duty pointy 1,000 gpm at 20’TDH @73%
* Delaware believes that pumps will fit in existing space with some minor piping changes; will confirm with Rebecca and check next week during a site visit.
* Contracting NYSEFC to see if one or all three of these pumps and appurtenances can be purchased by the Village and installed and covered by the project?
* Looking to see if we can direct purchase and have someone (E.g. TAM come in and install the pump and electrical components.
* We believe that the Village purchasing one pump and the needed electrical block from Flygt direct and then get a quote from TAM to do the installation.
* Do one pump and see how it works and also limit it to one pump to keep the overall cost <$35,000 cost that would require following municipal bid requests with plans and specs and public bidding.
* Plan Forward
* Confirm pump will fit and determine piping mods to accommodate it
* Confirm with NYSEFC that the Village can direct purchase the pump and electrical block, get a quote to install the items and it will be covered under the project for reimbursement.
* MWBE Subcontracts and Related Work:
* MSI reviewed and submitted the updated UP and waiver request with HVAC RFP and submitted to EFC for review.
* NYSESD/NYSEFC approved Delaware MWBE utilization plan and waiver request on October 28.
* Work on MSI is complete
* Delaware will work to complete preparation and execution of remain subcontractors (i.e. Atlantic Testing for Special Inspections/Geotech Evaluation/Construction phase materials testing ($15,000); Ramussen for site and as-built surveying ($15,000) with MWBE firms.
* Schedule
* Continuing with work
* End date will push due to ATAD; will have a revised schedule with the Engineering Report amendment.
* Other Design Related Items:
* Solids Handling and Disposal Options to Consider –
* At the October 17, 2019 meeting the Village Board resolved to move forward with the sludge digester process work and associated changes, the new project cost is estimated to go from $7.66 M to $11.6M. However, with 0% loan and 25% grant and less O & M, the rates are anticipated to increase by 27% over the current rates versus 32% that was associated with the original project when the Village moved it forward in 2017 before we had all grant and loan info defined.
* Septage Receiving – Village to consider:
* Currently the plant has capacity now for receiving septage because plant is operating at 50% flow capacity (ADF 1 MGD, Permit 2MGD)
* Septage receiving could be a source of revenue until such time as flow capacity is reached.
* Adding septage receiving to the project could increase the capital cost by between $400 - $800,000 depending on how much septage is received and where the system is located.
* See Figure with optional septage receiving station locations
* See attached technical information on septage receiving station
* Septage load may help plant biological treatment process and ATAD process
* Septage receiving can cause operational issues (i.e., added grit)
* Normal rates are around $0.10 per gallon
* Assume 5 – 2,500 gall loads per week, for 52 weeks/yr. at $0.10 gallon is $65,000 annually
* Some O & M costs associated with screening and pumping
* Operations staff advised that added septage receiving adds work at the plant without adding manpower
* Adding $0.8M to the project cost increases the projected rate increase by 2% or $15/yr./user
* Plan Forward
* Delaware to continue with base design
* Village to decide to do septage receiving or not?
* Delaware will prepare an amendment to the currently approved Engineering Report to add the enhanced sludge processing and associated changes.
* Delaware will prepare an amendment to the engineering services contract to reflect budgeted engineering costs in $11.6 budget/$12M w/septage receiving). We anticipate to have this prepared for review and consideration at the December meeting.
* The Village agreed to not adjust the financing until after bidding (e.g. bond resolution, modification of PFA)

1. **NYSDOH Water System Inspection/Cross Connection Control Program**
   * Have a draft of the CCCP- hard copy submitted today to the Village (Mayor, Trustees, Judy, Ken, Gary Silver) for review.
   * Background below:
   * November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection and requested that the Village develop a Cross Connection Control Program
   * We worked with the Village to develop a program plan and response letter – which was submitted to NYSDOH Monticello Office on March 6
   * Glenn Illing – NYSDOH responded via email on March 6 accepting the proposed plan.
   * The letter is available for review
   * Upcoming Action Items

* Delaware to refine the draft CCCP document and submit the draft to the Village for review. Invoice work under General Services Agreement.

1. **Rail Trail Area Culvert Drainage/Blockage**

* Waiting for Grant announcement in December 2019
* More background information:
* Delaware prepared the Engineering Report – at no cost to the Village – with the project scope and cost of $749,900 and submitted to Mark Blauer on July 16, 2019.
* OCR CDBG Grant application package submitted by Mark Blauer on July 22, 2019 in advance of the July 26 submission deadline.
* Planned work includes:
  + Furnish and Install New Culvert
  + Install New Headwall, Wing-walls and Improve Culvert Approach
  + Furnish and install Bank Armoring Rip-Rap Stone Downstream of the Culvert (including 3’ Buried Below the Stream Bed)
  + Furnish and Install 8” Replacement Sewer Pipe (inside Existing Culvert, Plus Transitions at Both Ends) – Approximately 150 LF
  + Fill in existing Culvert (sand, Flowable Fill, or Other)
  + Furnish and Install New Riser Section for Existing 4’ Diameter Manhole Upstream of Culvert
  + Other required work

-Relocate Existing NYSEG Utility Pole

-Furnish, Install and Remove Temporary Construction Access

-Temporarily Remove, Store, and Replace Existing Guide Rail Posts

to Allow Access During Construction

-Clearance, Brushing, and Grubbing of Rail Trail for Construction

Access

-Furnish and Install ˜100 LF x 30’ Vertical of Steel Sheeting on

Each Side of the Culvert and Remove after Construction is

Complete

* Provide and Maintain Bypass Pumping Facilities (1 Week)

5. **DPW Garage Site Remediation**

* Still seeing values near garage indicting contamination remains
* NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
* The second quarter June 2019 groundwater monitoring report indicated that there was a contaminant increase at monitoring well VW-8 (212 ppb VOC’s). The other monitoring wells were within their historic values.
* September 2019 sample results showed levels in VW-8 returned to low/more historic levels.
* Still seems appropriate to consider getting the sampling to locate the limits of the remaining material sooner than later
* In addition, we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed.
  + Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
  + We can pursue this if desired by the Village.
* Also, right now it looks like there is more stuff to clean up out there
* Some plan forward options:
  + Continue with NYSDEC quarterly monitoring and no more cleanup – status quo
  + Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
  + Develop Village plan to investigate the extent of the remaining contamination? Any desire to do this?
  + One of the above and look at what is needed to be able to pump more water
* At May 2019 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
* Rough cost to do the investigation should be about $50,000 - $75,000. We will get something around to submit as a request into DASNY
* Tiger’s Den Monitoring Well Decommissioning
* We haven’t received a response from the DEC about the proposed monitoring well decommissioning. They may have lost interest in it for now? We’ll let you know if they get us answers.
* More Background:
  + NYSDEC has asked Aztech Environmental (AE) to look at the monitoring wells at the Tigers Den site and make a recommendation about which monitoring wells (for site contamination) to decommission.
  + A few of the wells are in the area between the Tiger’s Den site and the Village’s production well. The NYSDEC wanted AE to reach out to the Village and ask if the Village would like to have a few of these monitoring wells not decommissioned in case the Village may want to use them in the future.
  + The subject monitoring wells we are considering are MW-13s, MW-13D, MW-14 and MV-17. The well locations are depicted on a map.
* Questions asked by Delaware
  + If you don’t decommission these wells, would the Village have access to them? And if so, for how long?
  + Would the village assume any liability because they are still open?
  + Would the Village be responsible for closing them out?
* AE believes that it is likely the wells will be decommissioned if the Village determines they don’t have a need. AE emailed Keith Browne and Brian Weeks at the DEC to get affirmative answers to your questions. AE let Delaware/the Village know what they say.
* Does Village want to request that NYSDEC keep the wells (don’t decommission now) for possible future use by the Village?
* If we decide to pump at higher rates, would it may be prudent to monitor these wells to see if they are contributing? They would be down gradient of the well.

6. **Elm Street Well and Lead and Copper Compliance**

* Have $100,000 SAM grant for well improvements
* At this time the Village is not planning to pursue a WIIA grant (60% possible) for this work and wants to seek SAM grants for the DPW garage site remediation
* The Village plans to apply the $100,000 towards electrical improvements and a possible new generator
* We conducted a site visit in May and are developing a work and cost spreadsheet with possible upgrades ; Village decided to go with Option 1 - **upgrade the electrical service estimated to = $136,000.**
* **Judy submitted the cost summary to DASNY in October**
* DASNY requesting more information about the change in scope and cost from the Village; we will prepare a response to the DASNY questions and provide to Judy for return to DASNY.

7. Lily Pond Road Bridge/Waterline

* Need to discuss with SCDPW to keep the line on the bridge and generate an agreement.

**CONSIDER CONTRACT WITH ALLEES SIGN CO.**

Attorney Silver said he will draw up the contract that will include the $1,000 billboard rental in semi-annual payments of $500 each. He said he will then send it to the principals of Allees Sign Co. for review and the Board can consider the contract at the December meeting.

**DISCUSSION OF VILLAGE CODE – CHAPTER 35/SANITATION**

Trustee Ferguson and Trustee Stoddard said they would meet and go over the needed changes for the sanitation code. They said at that point one of them would meet with Mayor Stabak and discuss the proposed code revisions.

Mayor Stabak said he would give them the notes he had made on this matter.

**REAFFIRM BINGO LICENSE – LIBERTY ELKS BPOE #1545**

Trustee Ferguson entertained a motion on this agenda item.

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to approve the Bingo License for Liberty Elks BPOE #1545.

The license in question is for the period of November 3, 2019 to September 27, 2020.

This license was previously approved via an e-mail poll as it had been denied at the October 17, 2019 meeting due to the fact that the organization was not following code by not handling their paper work in a timely matter.

Trustee Stabak abstained from entertaining this motion as he disclosed that he is a member of the Liberty Elks. He also stated that he has resigned from volunteering with Bingo at the Elks organization.

**CONSIDER SURPLUS BIDS**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following surplus bids:

1988 John Deer Skid Steer

Michael Houghtaling - $600.00

Livingston Manor, NY

1988 Custom Trailer

Michael Hougtaling - $50.00

Livingston Manor, NY

1987 International Dump Truck

Michael Houghtaling - $100.00

Livingston Manor, NY

Eight Foot Fischer Plow

Michael Houghtaling - $ 25.00

Livingston Manor, NY

The only other bid received was as follows:

1988 John Deere Skid Steer

Ryan Lowe - $556.00

Jeffersonville, NY

**NEW CONSIDER TAXI LICENSE – ABC LIMOUSINE**

**BUSINESS:**

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously

**73-2019:** carried approving Resolution #73-2019.

WHEREAS, the applications for taxicab licenses (also known as Taxicab permits, such terms being intended to describe the license or permit described as a taxicab permit in the definitions provision in Article 1, Section 75-1 of Chapter 75 of the Village Code), having been submitted by the attached taxi company’s pursuant to the Village Code, such as Sections 75-1 75-1.1, and 75- 2 of the Village of Liberty Village Code; and

WHEREAS, the Village Code provides that the existing taxicab permits expire annually on May 31; and

WHEREAS, all permits for taxicab licenses are due to expire June 1, 2020;

WHEREAS, one medallion has been reviewed by the Village of Liberty Police and is now pending before the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty hereby issues a taxicab permit (also known as a Taxicab license) for the annexed applicants (said taxicab license not to be confused with the taxicab driver’s license issued under Article II of Chapter 75 of the Village Code); and be it further

RESOLVED, that for reference purposes, the one medallion is for:

ABC Limousine - #19

**CONSIDER CODE BOOK UPDATE – GENERAL CODE PUBLISHERS**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to discuss the Code Book update.

The Board asked about the Supplementation cost which would include access to eCode360.

Mayor Stabak suggested that one code book could be ordered and photocopied.

Treasurer Zurawski said she would research the options and get back to the board.

**UPDATE ON DOVE TRAIL**

Mayor Stabak said the plaque was picked up and he will see that it gets installed.

**CONSIDER CORRECTION OF ERRORS – LAND BANK PROPERTIES**

**RESOL #** Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously

**74-2019:** carried approving Resolution #74-2019:

WHEREAS**,** the Board of Trustees of the Village of Liberty approves the Correction of Error Applications for the Land Bank Properties:

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #104-2-24.1

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #106-3-9

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #108-3-3

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #108-6-20

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #108-6-23

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #109-1-11

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #109-2-14

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #112-4-30

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #114-2-24

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #114-3-11

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #114-3-14

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #115-1-3

SULLIVAN COUNTY LAND BANK CORP

TAX MAP #115-1-30

WHEREAS, a clerical error exists which created a Village tax bill for each of these properties;

WHEREAS, real property of a land bank and its income and operations are exempt from all taxation by the State of New York and by any of its political subdivisions;

NOW, THEREFORE BE IT RESOLVED, that each of the above tax bills will be adjusted to reflect a zero balance.

**CONSIDER ADOPTION OF VILLAGE WORKPLACE VIOLENCE POLICY**

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously

**75-2019:** carried approving Resolution #75-2019.

WHEREAS, in conjunction with 12 NYCRR Part 800.6(e) the Village must have a Workplace Violence Prevention Policy Statement in place;

WHEREAS, this Workplace Violence Prevention Policy Statement must describe employer’s workplace violence prevention policy, incident alert and notification procedures for employees to follow in the event of a Workplace Violence Incident;

WHEREAS, this Workplace Violence Prevention Policy must be displayed where notices to employees are normally posted in each workplace;

NOW, THEREFORE BE IT RESOLVED, the Village of Liberty hereby adopts the amended Workplace Violence Prevention Policy Statement.

**CONSIDER SEPTAGE RECEIVING - CWSRF Project #C3-5352-02-00**

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried to add septage receiving into the Clean Water State Revolving Fund Project #C3-5352-02-00.

**CONSIDER DASNY GRANT #15595 – MUNICIPAL BUILDING RENOVATIONS**

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried to allocate $11,480.96 from the General Fund Contingency – A1990.4 to cover the Municipal Building Renovations over and above the grant award of $75,000 – DASNY Grant #15595.

**CONSIDER DECEMBER MEETING SCHEDULE**

The Board of Trustees will hold their Regular Meeting on Thursday, December 5th.

The Worksession Meeting for December will be cancelled.

**TRUSTEE** Mayor Stabak opened the meeting to comments from the Board.

**COMMENTS:**

Mayor Stabak said he had items for Executive Session.

Trustee Wright – No Comment

Trustee Stoddard discussed the historic district within the Village limits. She discussed the significance and what the Village may be allowed to do in this area.

Trustee Ferguson said she would research the matter with Sullivan County Planning and let the board know what the outcome is.

Trustee Ferguson gave a brief update on the Land Bank.

**APPROVAL** **POST AUDIT VOUCHERS**

**OF BILLS**

**FOR PYMT:** Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving Post Audit Voucher #26-410 to Voucher #26-420 in the amount of $1,635,071.76.

BILLS FOR PAYMENT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Voucher #26-421 to Voucher #26-484 in the amount of $168,653.75.

Wastewater Treatment Plant Upgrade CWSRF Project C3-535-02-00

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving the following payment on the Wastewater Treatment Plant Upgrade CWSRF Project C3-535-02-00:

Delaware Engineering - $8,403.90

District Attorney Account

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving the following bills for payment from the District Attorney Account:

Tactical Medical Solutions, LLC - $ 126.62

Accredited Security - $2,396.00

**EXECUTIVE** Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously

**SESSION:** carried to go into Executive Session at 8:41 p.m. to discuss an employment

Matter in the D.P.W. and the Office.

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to leave Executive Session at 9:20 p.m.

**ADJOURN:** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:21 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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