## MUNICIPAL HOME RULE PROGRAM

## City/Town of Nitro, West Virginia

2023 PROGRESS REPORT

West Virginia Municipal Home Rule Board P. O. Box 11360 Charleston, WV 25339-1360 MunicipalHomeRule@wv.gov 304.558.3356

## West Virginia State Code §8-1-5a (m) provides:

"Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance."

The Municipal Home Rule Board has developed this standard format for Home Rule Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on the first business day of December, by emailing to WV Municipal Home Rule Board at <u>MunicipalHomeRule@wv.gov</u>.

A. General Information						
Name of Municipality: Nitro, West Virginia						
Certifying Official: Dave Casebolt	Title: Mayor					
Contact Person: John Montgomery Title: Legislative Liaison						
Address: 214 Brookhaven Drive						
City, State, Zip: Nitro, West Virginia 25143						
Telephone Number: 304-550-6038	Fax Number: n/a					
E-Mail Address: montysmob@suddenlink.net						
2010 Census Population: 7178						
B. Municipal Classification						
Class I Class II X Class I	II Class IV					
C. Attest						
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.						
	re of Certifying Official Date					

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Initiative: The City obtained authority to enact an ordinance that:

(1) creates an automatic lien that attaches to all real property immediately upon the imposition of all Nitro municipal fees respecting such property;

(2) authorizes Nitro to foreclose on said property, under applicable West Virginia law respecting foreclosure procedures, without the requirement of going to circuit court;

(3) requires closing agents, attorneys and others, to contact the City of Nitro prior to closing any real estate transaction involving real property within the City and that all such delinquent fees imposed on said property be paid in full from/at closing; and

(4) requires the transferee of real property located within the City to record the deed to the property with the clerk of the County in which the property is located, and that the deed be recorded within 12 months of the date the transfer occurs.

Was this non-tax initiative a part of your original plan application X or a plan amendment :

Has the ordinance(s) needed to implement this initiative been enacted? X Yes

If yes, when was the ordinance enacted? 2015

If no, please describe challenges faced in enacting the related ordinance(s).

**SUCCESSES** – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.

Municipal Service Fee collections initially increased but have since leveled off at that higher level. The City Attorney is still in the process of drafting the notice to be sent to all closing agents, attorneys, and others who will be involved in closing transactions. However, there has been a positive response from those parties as the municipal service fee collection requirement has become known.

FY 2018. The City currently has 34 liens on file for non-payment of the Municipal Service Fee. Additionally, the most recent review of the collections indicate that for the current calendar year, delinquent Municipal Service Fee collections have increased by an amount in excess of \$100,000.

FY 2019 The City collected delinquent Municipal Service Fees in the amount of \$81,631.00.

FY 2020 The City collected delinquent Municipal Service Fees in the amount of \$23,375.00. COVID raised restrictions that interfered with collection activities.

FY 2021 The City either collected or settled \$145,387 of delinquent Municipal Service Fees.

FY 2022 The City collected delinquent Municipal Service Fees in the amount of \$26,774.57.

FY 2023 The City collected delinquent Municipal Service Fees in the amount of \$21,759.75.

**LESSONS LEARNED** – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

While the City has moved forward in other activities, as demonstrated in other initiatives in this Progress Report, the City is demonstrably moving forward in this initiative as well.

**Initiative:** The City obtained authority to adopt a city administrative procedures ordinance pursuant to which it would be able to promulgate administrative regulations covering all aspects of the collection of its B & O tax, municipal service fee, business license tax and other taxes, fees and programs administered by the City.

Category of Issues Addressed (check all that apply)

□ Organization x Administration □ Personnel

Was this non-tax initiative a part of your original plan application x or a plan amendment  $\Box$ ?

□ Other

Has the ordinance(s) needed to implement this initiative been enacted? Yes x No

If yes, when was the ordinance enacted?

If no, please describe challenges faced in enacting the related ordinance(s)

The City continues in in the process of drafting the ordinance. The problems are substantial in that the ordinance will need to include appropriate procedural references to other ordinances and Department policies, hearing procedures applicable to all revenue-raising activities, hearing procedures relevant to property maintenance activities, and hearing procedures relevant to planning and zoning actions. This will all need to fit within the required legal framework. This is a time-consuming, labor intensive activity and quite complex.

As part of this process, the City has adopted an ordinance that imposes 1.5% per month interest on delinquent taxes and fees. Additionally, a tax and fee settlement agreement has been developed so as to encourage delinquent taxpayers and fee payers to bring their respective accounts up to date.

The City recently adopted an ordinance to authorize the collection of attorney fees and court costs when the City takes a recalcitrant taxpayer or fee payer to court to collect delinquent taxes or fees.

SUCCESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.

There is no success to report on this issue because success will not be measurable until the ordinance is completed.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

As noted above, the City cannot measure success until the ordinance is completed. The lesson learned to this point is that it takes time to complete preparation for moving forward. Additionally, it appears the City may have "bit off more than it can chew." As a result, the City is moving forward through the approval of individual ordinances rather than one extremely lengthy ordinance covering many different fees and taxes.

**Initiative:** The City obtained authority to enact an ordinance providing for municipal oversight of the expenditure of public funds by all public, quasi-public and non-profit organizations affiliated with and located within the City.

Category of Issues Addressed (check all that apply)

C Organization	x Administration	Persor	nnel	Other	
Was this non-tax initiati	ive a part of your original plan a	pplication x	or	a plai	n amendment []?
Has the ordinance(s) ne	eded to implement this initiativ	ve been enacted	1?	Yes	x No

If yes, when was the ordinance enacted?

If no, please describe challenges faced in enacting the related ordinance(s)

Drafting of the necessary ordinance has commenced; however, considerable work remains.

SUCCESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.

There can be no success until the necessary ordinance is completed.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

Additional time is necessary before lessons may be learned.

Initiative: The City obtained authority to reduce speed limits on State highways going through the City, upon the basis of an engineering and traffic investigation, and to have such reductions become effective upon the effective date of an appropriate ordinance

Category of Issues Addr	essed (check all that apply)			
Organization	x Administration	Personnel		Other
Was this non-tax initiati	ve a part of your original plan a	pplication x or	a plan	amendment []?
Has the ordinance(s) ne	eded to implement this initiativ	e been enacted?	x Yes	🗆 No
If yes, when was the ord	linance enacted? June 16, 2015			
If no, please describe ch	allenges faced in enacting the n	elated ordinance(s)		

SUCCESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.

While the City Council has enacted an ordinance authorizing reduction of the speed limits in certain areas, the actual speed limits have not yet been reduced. The City has received considerable negative public comments relating to change of the proposed speed limits. However, a positive aspect is apparent in that it does appear that more attention to the legal speed limits is being paid by vehicle operators. Additionally, the Police Department is now located adjacent to one of the areas of concern, and that also appears to have a positive effect.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

The lesson to be learned is to not get too far ahead of the public when trying to accomplish certain actions.

**Initiative:** The City obtained authority to enact an ordinance to establish the procedure for selling City owned property valued at less than \$10,000 without going through the auction process.

Category of Issues Addre	essed (check all that apply)				
Organization	x Administration	Personnel		Other	
Was this non-tax initiative a part of your original plan application x or				a plar	amendment 🗆?
Has the ordinance(s) nee	eded to implement this initiativ	ve been enacted?		x Yes	🗆 No

If yes, when was the ordinance enacted? June 16, 2015

If no, please describe challenges faced in enacting the related ordinance(s)

SUCCESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.

The City followed the procedure provided in the ordinance. Five old (junk) City-owned vehicles were sold for a total amount of \$3,553.00. The City Council approved the respective sales. More revenue was obtained by the City than would have been obtained if the sales had gone through the auction procedure.

FY 2018. The City is currently going through this procedure again. The vehicles involved are Nitro Regional Waste Water Department vehicles, an agency of the City, and the fire boat. We will provide information on this vehicle sales event in the 2019 Report.

FY 2019 There were no sales of City owned property.

FY 2020 There were no sales of City owned property.

FY 2021 There were no sales of City owned property.

FY 2022 There were no sales of City owned property subject to this ordinance.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

If fair and transparent procedures are established and then followed, the public benefits.

and a second s	authorized to enact an ordinar rages at 10:00 a.m. on Sundays		ABCA Class I Retailers o
Category of Issues Addre	essed (check all that apply)		
Organization	x Administration	Personnel	□ Other
Was this non-tax initiativ	ve a part of your original plan a	application or	a plan amendment x?
Has the ordinance(s) nee	eded to implement this initiativ	ve been enacted? x	Yes 🛛 No
If yes, when was the ord	inance enacted? November 1,	2016	
If no, please describe ch	allenges faced in enacting the	related ordinance(s)	
	ace below, please provide a tion of this initiative and any r		v
much in the way of pub	een in effect for a reasonal lic comment at the public he ble to retailers and while the arth-shattering.	arings or subsequentl	y. The authority unde
	the space below, please provid of this revenue initiative that w	-	
	is provided all of the neces be wrong, the public will be		ut an action otherwis

-						
<b>Initiative:</b> The City obtained authority to enact an ordinance that imposes a 1% municipal sales and service tax and a 1% municipal use tax that would be administered, collected and enforced by the State Tax Commissioner.						
Was this tax initiative a part of your original plan application X or a plan amendment $\Box$ or N/A $\Box$						
Has the ordinance(s) needed to implement this initiative been enacted? X Yes INO						
If yes, when was the ordinance enacted? January 6, 2015						
If no, please	e describe challenges faced	in enacting the related	ordinance(s)			
revenue cat	<ul> <li>In the space below, pleas tegories realized; revenue ar used to track performance.</li> </ul>	mounts and revenue ca		-		
For the Fiscal Year ending June 30, 2016, (the first year of the City's Municipal Sales Tax), the total sales tax revenue received was \$1,502,832. This is considerably more than the estimated amount approximating \$950,000.						
The City reduced by 50% the municipal B&O tax rate on the following classifications: Banking, Amusements, Manufacturing and Wholesale Sales. The City calculated that this will result in an annual reduction of \$50,956 in the municipal B&O tax revenues.						
Following i	s a table demonstrating th	ne net Sales Tax gair	n.			
	Sales Tax Received	B&O Tax	Net Sa	ales Tax		
	(Accrual Accounting)	Reduction	Reven	ue Gain		
FY 2016	\$1,502,832	\$50,956	\$1,451	,926		
FY 2017	1,768,057	38,333		9,724		
FY 2018	1,569,318	46,313		3,004		
FY 2019	1,807,800	47,487	1,759			
FY 2020	1,833,694	24,618	1,809	and the second se		
FY 2021	1,905,506	38,359	1,867			
FY 2022	2,118,261	96,874	2,021			
FY 2023 2,100,758 83,388 2,017,369						
As demons	strated in the following see	ction, the revenues a	re not going	to waste.		

The City Council is of one mind in moving forward with projects to correct long-ignored City needs. Following are problems addressed in FY 2016:

1. Made increased payments into the Fireman and Police pension funds.

2. Renovated the interior of the City Hall and installed all new windows and doors on the exterior.

3. Purchased equipment, including equipment to mill streets, and to repair and maintain City streets.

4. Purchased a street sweeper for use in the MS4 program.

5. Installed a needed new telephone system in City Hall.

6. Continued City beautification through Streetscape.

7. Commenced rebranding the City to support the City's designation as a "Living Memorial To WW I" which included purchasing life size replicas of Doughboy statutes that were placed at the Nitro/St. Albans Bridge entrance to the City, redesigning letterheads, and many other actions.

8. Completed a major renovation of the library to support increased usage.

9. Completed renovation of the City museum which also supports the branding effort.

10. Moved and expanded the food pantry.

11. Assisted high school ball field repairs.

12. Through use of engineering consultants completed study with recommendations for correcting major storm drainage problems.

13. Removed several dilapidated structures.

14. Purchased a new financial accounting system.

15. Expanded both the street paving and street concrete work.

16. Made payments on new police cars.

Following are the problems addressed in 2017.

1. Continued making increased payments into the Fireman and Police pension funds.

2. Purchased a 2-story structure to be used for the Police Department, Municipal Court and City Council chambers. It is financed for a 20 year period with the monthly payments being approximately one-half of the monthly rent for the space previously used for those activities. 3. Started repair of the riverbank which has eroded to such an extent that the city park, and the high school football field and soccer field are being affected. The riverbank is being rapped, a walkway will be constructed, shrubs and grasses are being planted, and a covered stage area is being constructed for community entertainment events.

4. As a follow-up to the renovations to the interior of City Hall, the exterior of City Hall was renovated.

5. The Memorial Park was constructed. It incorporates a stage, brick walk-ways with Nitro veteran's names on the brick pavers, flags, a doughboy statute, shrubbery and grasses, and a large mural on the wall of an adjacent building.

6. Repairs at Ridenour Lake have started. The large sump pump has been repaired. The banks of the feeder creek are being rapped to reduce erosion.

7. Continued substantially increasing the amount expended on street repairs, street paving and street concrete work.

8. Entered into a contract for design and engineering for correcting major storm water drainage system repairs.

 Subsequent to obtaining bids, the City entered into a contract with an engineering firm to design a unified landscaping scheme for public ways throughout the City.
 More dilapidated structures were removed.

TO. More dilapidated structures were removed.

Following are the problems addressed in 2018.

1. Continued making additional payments (\$275,000) into the Fireman pension fund; this pension fund is only 16% funded while the police pension fund is better funded while the 2. Completed renovation of the new structure to be used as the police station, municipal court and City Council chambers.

3. Completed the river bank stabilization project at a cost of \$700,000.

4. Purchased a diagnostic machine to enable the city garage to make repairs and perform maintenance on large vehicles such as garbage trucks and fire engines. Otherwise, it was necessary to transport the vehicles elsewhere in the State which was a rather expensive action.

5. Continued providing additional funds for the repair and maintenance of City streets. This is an ongoing activity.

6. Purchased a new computer program to better manage the different accounts, including municipal fee collections.

7. While the City has received the engineering report and plans for the storm drainage system, the cost will be quite high and so the project is being studied to determine feasibility. 8. Obtained major repairs and performed substantial maintenance on the parking areas at Ridenour Lake.

9. City Council is reviewing the unified landscaping scheme for public ways throughout the City. It will be implemented during Calendar Year 2019.

10. The City has developed a plan where it purchases tax delinquent, dilapidated properties in the City, goes through the process, either statutory or directly with the property owner, of obtaining a deed, clean up the property, and then sell the properties to the highest bidders who can then build appropriate structures.

Following are the problems addressed in 2019.

1. Continued making additional payments ((\$450,000) into the Fireman pension fund, which according to the most recent actuarial report is only 16.7% funded while the police pension fund is better funded.

2. Constructed a new structure (\$90,000) at Public Works for the storage of equipment when not in use; e.g., such as snow plows during the summer months.

3. Continued providing additional funds (\$170,000) for the repair and maintenance of asphalt City streets. This continues to be an ongoing activity.

4. Continued providing additional funds (\$167,000) for the repair and maintenance of concrete City streets. This is considerably more than the \$50,000 normally spent for this activity.

5. Acquired emergency response vehicles at a cost of \$99,000.

6. Expended \$17,000 for electronics for new police vehicles.

7. Acquired a replacement Public Works vehicle at a cost of \$38,000.

8. As noted in the 2018 portion of the report, the City developed a plan for the purchase of tax delinquent, dilapidated properties for the purpose of cleaning up the properties and selling them to the highest bidders. The City expended \$23,500 in FY 2019 for this purpose. 9. As noted in the 2018 portion of the report, the City developed with the assistance of a contract bidder a unified landscaping scheme for public ways throughout the City. The City expended \$30,000 for the development of this plan and it is moving forward.

10. The City made a final payment of \$160,000 for the riverbank stabilization project.

11. The City continues to study the problems to be corrected with the storm water drainage system.

12. The City is waiting for additional information from the State relative to necessary maintenance for the Ridenour Lake dam. This will be an extremely expensive project.

Following are the problems and projects addressed in 2020. It should here be noted that while the pandemic prevented the accomplishment of some projects, there were still several projects accomplished.

1. Continued payment increase to the Fireman Pension Fund (\$100,000) which continues to be substantially underfunded while the Police Pension Fund is currently better funded.

2. Completed installing necessary additions to the new structure at Public Works; this included installing garage doors, fences and gates, and the concrete floor for the entire structure (\$167,919).

3. Purchased West Sattes Elementary School structure to be used as a combined Senior Center and Community Center (\$302,500). A certain amount of renovation will be required so that the structure will be ready for use by Spring, 2021 (new roof, expand and reconstruct the outside basketball court, painting the interior, renovate rooms for use by the food pantry, etc.). This is estimated to cost approximately \$200,000.

4. Purchased the Antiques of the Avenue structure which will be torn down before it falls down (\$404,716). The property will be used for economic development purposes, and an announcement may be made by December 1, 2020 as to the future use of the property.

5. Continued providing additional funds for repair and maintenance of asphalt City streets (\$100,000). This continues to be an ongoing activity.

6. Continued providing additional funds (\$100.000) for the repair and maintenance of concrete City streets. This is more than the \$50,000 normally spent on this activity.

7. Made final payment (\$99,897) on a parcel of property in the downtown that was an eyesore and created an unsafe condition. The structure was demolished and underground gas tanks were removed.

8. Paid for architectural and grant writing services (\$11,055).

9. Purchased a dump truck for the Public Works Department (\$56,589).

10. Purchased three police cars and had necessary communications equipment installed (\$129,025). Purchased safety equipment for the Fire Department (\$17,598).

11. The City owns a piece of property adjacent to Interstate 64. In keeping with the City being "branded" as having been created by the United States War Department for the purpose of constructing a nitro cellulose manufacturing plant to be used in gun powder, and to entice visitors to the City to visit the City's museum, a large statute of a World War I doughboy will be installed on th0 e property. The cost of the land preparation and the statute will be \$28,800.

Following are the problems and projects addressed in 2021.

1. Repaired and turfed the repaired area on the football field and turfed two Little League fields (\$243,319).

2. Purchased and installed new shelters at Ridenour Lake (39,896)

3. Purchased new police vehicles and other City vehicles (\$242,761).

4, Made payments on vehicles purchased (\$86,894).

5. Made additional payments in to the Fireman Pension Fund (\$368,810).)

6. Purchased Haikel property around Ridenour Lake and made down payment (\$5,000)).

7. Installed new roof on the community center (\$65,340).

8. Continued providing additional funds (\$29,596) for the repair and maintenance of concrete City streets.

9. As indicated in the 2020 projects, the Antiques on the Avenue structure was purchased and subsequently torn down. Taco Bell purchased the property and constructed a new facility.

10. Purchased and installed security cameras for Ridenour Lake, City Park and most City buildings (\$11,323).

11. Renovated and enlarged an area at the community center for the food pantry and relocated the activity to that location (\$28,100).

12. Purchased new server for City computer system (\$71,956).

13. Purchased new dock for Ridenour Lake (56,299).

14. Repaired storm water drainage culvert (\$12,400).

15. Purchased wood chipper (\$32,226).

16. Purchased skid steerer (\$61,455).

17. Had engineering study completed for repair of a property slip on a city street (\$10,973).

18. Purchased property upon which dilapidated structures were situated for the purpose of tearing down the structures and selling the property for the construction of residential structures or commercial structures.

19. Ordered a new fire truck.

Following are the problems and projects addressed in 2022.

1. Proceeded to the general design of the athletic complex and the welcome center. (\$7,250)

2. Completed the welcome sign at the entrance to the City from I-64. (\$25,581)

3. Purchased and had installed the electronics package for the police interceptor vehicle. (\$10,275)

4. Purchased and had installed the basketball hoops for the City park. (\$4,448)

5. Contributed funding to the Youth Foundation. (\$25,000)

6. Installed irrigation for the ball fields. (\$7,545)

7. Continued providing additional funds for the repair and maintenance of concrete City streets.(\$69,940)

8. Continued providing additional funds for the repair and maintenance of asphalt City streets. (\$222,789)

9. Repaired the fence at the dog park. (\$924)

10. Made the annual payment for the dump truck. (16,379)

11. Made the annual payment for the garbage truck. (\$19,605)

12. Made appropriate funding to statutory entities (Land Reuse Authority, Nitro Development Authority, etc.).(\$200,000)

13. Made necessary improvements to the Ridenour Lake playground. (\$84,188)

14. Completed the softball field. (\$36,000)

15. Completed the new kitchen for the Senior Center. (\$31,209)

16. Repaired the shelter at Ridenour Lake. (\$3,300)

17. Purchased a new police car. (\$33,250

18. Installed new turf for the ball fields. (\$70,000)

Following are the major problems and projects addressed in 2023.

1. The City undertook a \$6,500,000.00 15 year Sales Tax Revenue Bond to develop and pay for a new athletic complex that will include a swimming pool, splash pad, concession stand, changing area, pickle ball courts, tennis courts, and certain improvements to the baseball and softball fields.

2. Continued providing additional funds for the repair and maintenance of asphalt and concrete City streets. (\$276,413.00)

3. Purchased property upon which dilapidated structures were situated for the purpose of tearing down the structures and selling the property for the construction of residential structures or commercial structures. (\$287,240.00)

4. Purchased new equipment for and new vehicles: cameras and equipment for Police Department vehicles, 2 Jeep Patriots for Building Department, garbage truck, bucket truck

for Public Works, 2 Dodge Chargers for Police Department, install new equipment in police vehicles, and snowplow equipment. (\$556,152.00)

5. Purchased software and training for the municipal court. (\$33,873.00)

6. Repaired storm water drain on Easter Road. (\$14.849)

7. Repaired City sewer line and repaired turf at the football field. (\$177.000)

8. City liability insurance. (\$54,238)

9. State audit of Sales Tax. (\$18,160)

10. Engineering fees for work developing drain repair plans. )\$3,096)

11. City vehicle payments. (\$35,985)

12. Shipping of W.W.I era statute for placement next to Interstate. (\$23,700)

13. Welcome signs construction. (\$53,657)

14. Cross walk and lights in front of high school. (\$26,250)

15. Building repair & maintenance-Public Works (\$54,000)

16. Building repair & maintenance-Fire Department (\$23,026)

17. Building repair & maintenance-Police Department (\$54,249)

18. Purchased storage pods (\$10,0000)

19. Made annual payments to statutory entities (Nitro Regional Wastewater and Nitro Land Reuse Authority) (\$177,500)

20. New shelter at Ridenour Lake. (\$10,614)

21. Fencing at city park ball fields (\$14,060)

22. Playground equipment and fencing (\$66,065)

23. Principal and interest paid for Sales Tax Revenue Bond (\$55,684)

It should here be pointed out that a substantial amount of funds has been set aside for the repair and maintenance of the storm water drainage system. Estimates indicate the cost will be well in excess of \$1,000,000.

+There are some very substantial problems that will need to be addressed over the next few years.

This is part of the continuing 10-15 year City improvement program.

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