

Franchise & Concession Review Committee Public Hearing
June 8, 2020

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REMOTE PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE

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June 8, 2020
2:35 p.m.

Remotely via
WebEx Conference Call

Julia M. Speros
Court Reporter

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A P P E A R A N C E S:

Mayor:
Bess Chiu

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
John Katsorhis

Borough President of the Bronx:
Mirtha Camille Sabio

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Queens:
Allan Swisher

Borough President of Staten Island:
Lashay Young

Department of Parks and Recreation:
Alexander Han

Clerk:
Gregg Alleyne

Alexandre Stamoulis (Alternate)

Members of the Public:
Frank Raffaele

1 PROCEEDINGS

2 THE CLERK: Hello. This is Gregg
3 Alleyne, the Clerk for the FCRC. Before
4 we get started with today's proceedings,
5 I'd like to confirm that everyone can
6 hear me clearly.

7 Can everyone hear me?

8 (All attendees responded "yes".)

9 THE CLERK: Okay. Today's hearing
10 is being held via WebEx conference call
11 and we ask that all attendees announce
12 their names for the record each time
13 they speak on the call for ease of
14 transcription. If you're not speaking,
15 we ask that you mute your microphone to
16 avoid background noises during the call.

17 Only one person should be speaking
18 at any given time. I will direct should
19 there be any conflict.

20 Chair, we're ready to begin.

21 MS. CHIU: Good afternoon and thank
22 you all for being here. My name is Bess
23 Chiu, Chair of the FCRC.

24 The Franchise and Concession Review
25 Committee Remote Public Hearing will now

1 come to order.

2 Will the Clerk please call the roll?

3 THE CLERK: Mayor.

4 MS. CHIU: Here.

5 THE CLERK: Office of the Mayor.

6 MR. FURNAS: Ben Furnas, here.

7 THE CLERK: Comptroller.

8 MR. KATSORHIS: John Katsorhis,
9 here.

10 THE CLERK: Corporation Counsel.

11 MS. CANTOR: Sharon Cantor, here.

12 THE CLERK: Office of Management and
13 Budget.

14 MS. QUINTIAN: Yvonne Quintian,
15 here.

16 THE CLERK: President, Borough of
17 the Bronx.

18 MS. SABIO: Martha Sabio, here.

19 THE CLERK: President, Borough of
20 Brooklyn.

21 MS. CANTLO-COCKFIELD: Tonya Cantlo,
22 here.

23 THE CLERK: President, Borough of
24 Manhattan.

25 (No response.)

1 THE CLERK: President, Borough of
2 Manhattan.

3 (No response.)

4 THE CLERK: Let the record reflect
5 that the President, Borough of Manhattan
6 is not present.

7 President, Borough of Queens.

8 MR. SWISHER: Allan Swisher, here.

9 THE CLERK: President, Borough of
10 Staten Island.

11 MS. YOUNG: Lashay Young, here.

12 THE CLERK: Representative from the
13 Department of Parks and Recreation.

14 MR. HAN: Alexander Han, here.

15 MS. CHIU: All right. Welcome to
16 this Remote Public Hearing of the
17 Franchise and Concession Review
18 Committee.

19 The hearing being conducted today
20 has been publicly advertised in
21 accordance with the New York City
22 Charter and the Concession Rules of the
23 City of New York.

24 We want to be sure that anyone
25 desiring to be heard has an opportunity

1 to do so. All persons wishing to speak
2 must provide their name, affiliation,
3 indicate which calendar item they wish
4 to testify on and whether they are for
5 or against said item to the Clerk at
6 this time.

7 MR. RAFFAELE: Hello. I would like
8 to testify, please.

9 THE CLERK: Hello. Please state
10 your name and affiliation for the
11 record.

12 MR. RAFFAELE: Sure. Frank
13 Raffaele, R-A-F-F-A-E-L-E, New York City
14 citizen -- resident. I'm testifying on
15 Calendar Item number 1, New York City
16 Parks LPQ Sailboat, against.

17 THE CLERK: Today we will not be
18 taking testimony on Calendar Item number
19 1 as it is being held over.

20 MR. RAFFAELE: Understood. May I
21 ask why it's being held over, please?

22 THE CLERK: It was held over at the
23 request of the agency. You would have
24 to request -- take that up with the
25 agency.

1 MR. RAFFAELE: Okay. Thank you very
2 much. I appreciate it.

3 THE CLERK: You're welcome.

4 Does anyone else wish to testify?

5 (No response.)

6 THE CLERK: It appears that no one
7 else from the public wishes to testify
8 at this hearing.

9 MS. CHIU: So if there is anyone
10 else that does wish to testify, each
11 speaker will be allotted approximately
12 three minutes. When you testify, we ask
13 that you restate your name and
14 affiliation, if any.

15 You may also submit written
16 testimony to the Clerk, which will be
17 made part of the record. Any written
18 submissions must be given to the Clerk
19 before the close of the Remote Public
20 Hearing.

21 The email, which I will spell out,
22 is G-R-E-G-G dot A-L-L-E-Y-N-E at
23 M-O-C-S dot N-Y-C dot gov, and will be
24 provided to the Committee after the
25 hearing.

1 Will the Clerk please call the first
2 calendar item?

3 THE CLERK: New York City Department
4 of Parks and Recreation, Calendar Item
5 number 1, in the matter of the intent to
6 award a concession for the renovation,
7 operation and maintenance of an outdoor
8 cafe and snack bar at Conservatory
9 Water, Central Park, Manhattan for a
10 15-year term to LPQ Sailboat Pond, Inc.

11 Please be advised that at the
12 request of the agency, this item will be
13 held over to a subsequent FCRC Public
14 Hearing.

15 MS. CHIU: The hearing on the first
16 calendar item will be continued to a
17 subsequent FCRC Public Hearing.

18 Will the Clerk please call the
19 second calendar item?

20 THE CLERK: New York City Mayor's
21 Office of Contract Services, Calendar
22 Item number 2, in the matter of a public
23 hearing on Agency Annual Concession
24 Plans for Fiscal Year 2021, pursuant to
25 Section 1-10 of the Concession Rules of

1 the City of New York.

2 At this Public Hearing the Franchise
3 and Concession Review Committee will
4 solicit comments about the provisions of
5 the Concession Rules from the vendor
6 community, civic groups and the public
7 at large. The FCRC shall consider the
8 issues raised at the Public Hearing in
9 accordance with the procedures set forth
10 in the Charter under the City
11 Administrative Procedure Act.

12 MS. CHIU: We will take testimony
13 from the public, but first I'd like to
14 ask the members of the Committee if they
15 have any statements?

16 (No response.)

17 MS. CHIU: Hearing nothing, will the
18 Clerk please call the next person who
19 wishes to testify?

20 THE CLERK: We have now heard all
21 testimony on the calendar item.

22 MS. RAFFAELE: Hello -- sorry about
23 that -- I'm still here -- Frank
24 Raffaele. You mind if I say something
25 very quickly while I'm on the line; is

1 that okay or is it too late?

2 THE CLERK: Okay. So Mr. Raffaele,
3 please state your full -- your name and
4 affiliation for the record.

5 MR. RAFFAELE: Sure. Thanks so
6 much. My name is Frank Raffaele,
7 R-A-F-F-A-E-L-E, New York City member of
8 the public and a resident of New York
9 City.

10 So thank you very much -- yes, first
11 off, thank you to the FCRC for
12 presenting the calendar item and for the
13 work in the concessions for the City of
14 New York. I appreciate that and I
15 appreciate the support. These are
16 matters that are very important to the
17 City of New York.

18 I have been a former concessionaire
19 for New York City, in particular --
20 mainly for New York City Parks. I also
21 used to work in New York City Parks in
22 the 1990s under Commissioner Henry
23 Stern. So I'm familiar with
24 public/private partnerships.

25 One thing I would like to address,

1 please, very quickly is I believe there
2 has been a lack of clarity to the public
3 and to concessionaires about the Vendor
4 Responsibility Determination.

5 That is something, as you know, that
6 is an important Section of the New York
7 City Charter, of the Concession Rules,
8 in particular Section 1-07, where it
9 dictates and mandates that, I quote, "A
10 responsible concessionaire is one which
11 has the capability in all respects to
12 perform fully with the concession
13 requirements. Factors affecting a
14 prospective concessionaire's
15 responsibility may include financial
16 resources".

17 One thing I will say about that is
18 that those rules are pretty broad, and
19 in my experience, in particularly with
20 New York City Parks, I have found that
21 New York City Parks and Recreation --
22 I'm not sure if it translates to other
23 agencies -- seem to have a wide range of
24 latitude in making their responsibility
25 determinations that is not always in the

1 best interest in the City of New York.

2 That -- I believe, that if the
3 agencies received more clear guidance as
4 to what exactly mandates a responsible
5 vendor, it would be easier for the
6 agency to make such a determination and
7 would also be easier for someone who is
8 transacting business with the City of
9 New York.

10 As you know, these concessions are
11 very important for the City of New York,
12 for the public, for the agencies -- for
13 New York City government in general --
14 but they're also important for the
15 concessionaires and for the people doing
16 business with the City of New York.

17 The lack of clarity and guidance as
18 to what actually makes a responsible
19 determination has put members of -- have
20 put members in that group at a
21 disadvantage, which appears that the
22 agencies are able to make determinations
23 which at times seem arbitrary with too
24 much latitude given to the agencies.

25 So I believe if there was more clear

1 guidance given to the agencies, either
2 through a legislative change through the
3 City Council or potentially a refinement
4 of the guidance by -- directly through
5 MOCS -- Mayor's Office of Contract
6 Services -- or FCRC, I believe that
7 would be in the best interest of the
8 people of the City of New York, the
9 government of the City of New York, the
10 agencies of the City of New York, and
11 also the concessionaires of the City of
12 New York.

13 Thank you very much for allowing me
14 the time to make that point today.

15 THE CLERK: We have now heard all
16 testimony for this calendar item.

17 MS. CHIU: Thank you. If no one
18 else wishes to speak, that concludes
19 today's hearing.

20 We ask that the reporter make the
21 entire Remote Public Hearing agenda,
22 which was made publicly available at the
23 FCRC website, part of the final record
24 of the proceedings.

25 The hearing is now closed. Thank

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you.

(Time noted: 2:46 p.m.)

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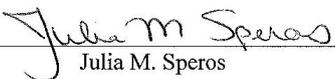
CERTIFICATION

I, JULIA M. SPEROS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of June, 2020.



Julia M. Speros

15year 8:10	allan 2:14 5:8	bar 8:8	can 3:5,7	7:3,6,16,18 8:1,3,18,20 9:18,20 10:2 13:15 (33)
1990s 10:22	alleyne 2:19 3:3 7:22	before 3:3 7:19	cantlo 4:21	close 7:19
8th 15:18	allotted 7:11	begin 3:20	cantlockfield 2:12 4:21	closed 13:25
able 12:22	allowing 13:13	being 3:10,22 5:19 6:19,21 (5)	cantor 2:6 4:11,11	come 4:1
about 9:4,22 11:3,17 (4)	also 7:15 10:20 12:7,14 13:11 (5)	believe 11:1 12:2,25 13:6 (4)	capability 11:11	comments 9:4
accordance 5:21 9:9	alternate 2:20	ben 4:6	central 8:9	commissioner 10:22
act 9:11	always 11:25	benjamin 2:5	certification 15:2	committee 1:5 3:25 5:18 7:24 9:3,14 (6)
action 15:14	am 15:12,15	bess 2:3 3:22	certify 15:6,12	community 9:6
actually 12:18	announce 3:11	best 12:1 13:7	chair 3:20,23	comptroller 2:9 4:7
address 10:25	annual 8:23	blood 15:14	change 13:2	concession 1:5 3:24 5:17,22 8:6,23,25 9:3,5 11:7,12 (11)
administrative 9:11	anyone 5:24 7:4,9	borough 2:10,12,13,15 4:16,19,23 5:1,5,7,9 (11)	charter 5:22 9:10 11:7	concessionaire 10:18 11:10
advertised 5:20	appears 7:6 12:21	broad 11:18	chiu 2:3 3:21,23 4:4 5:15 7:9 8:15 9:12,17 13:17 (10)	concessionaire's 11:14
advised 8:11	appreciate 7:2 10:14,15	bronx 2:10 4:17	citizen 6:14	concessionaires 11:3 12:15 13:11
affecting 11:13	approximately 7:11	brooklyn 2:12 4:20	city 5:21,23 6:13,15 8:3,20 9:1,10 10:7,9,13,1 7,19,20,21 11:7,20,21 12:1,8,11,13,16 13:3,8,9,10,11 (28)	concessions 10:13 12:10
affiliation 6:2,10 7:14 10:4 (4)	arbitrary 12:23	budget 2:7 4:13	civic 9:6	concludes 13:18
after 7:24	are 6:4 10:15,16 11:18 12:10,22 (6)	business 12:8,16	clarity 11:2 12:17	conducted 5:19
afternoon 3:21	ask 3:11,15 6:21 7:12 9:14 13:20 (6)	c 2:2	clear 12:3,25	conference 1:13 3:10
against 6:5,16	attendees 3:8,11	cafe 8:8	clearly 3:6	confirm 3:5
agencies 11:23 12:3,12,22,24 13:1,10 (7)	available 13:22	calendar 6:3,15,18 8:2,4,16,19,21 9:21 10:12 13:16 (11)	clerk 2:19 3:2,3,9 4:2,3,5,7,10,12,16, 19,23 5:1,4,9,12 6:5,9,17,22	conflict 3:19
agency 6:23,25 8:12,23 12:6 (5)	avoid 3:16	call 1:13 3:10,13,16 4:2 8:1,18 9:18 (8)		
agenda 13:21	award 8:6	camille 2:11		
alexander 2:17 5:14	background 3:16			
alexandre 2:20				

conservatory 8:8	ease 3:13	further 15:12	henry 10:22	june 1:11 15:18
consider 9:7	easier 12:5,7	general 12:13	here 3:22 4:4,6,9,11,15,18,22	katsorhis 2:9 4:8,8
continued 8:16	either 13:1	get 3:4	5:8,11,14 9:23 (12)	know 11:5 12:10
contract 8:21 13:5	else 7:4,7,10 13:18 (4)	given 3:18 7:18 12:24 13:1 15:10 (5)	hereby 15:6	lack 11:2 12:17
corporation 2:6 4:10	email 7:21	good 3:21	herein 15:8	large 9:7
council 13:3	entire 13:21	gov 7:23	hereunto 15:17	lashay 2:15 5:11
counsel 2:6 4:10	everyone 3:5,7	government 12:13 13:9	i'd 3:5 9:13	late 10:1
court 1:19	exactly 12:4	gregg 2:19 3:2 7:22	i'm 6:14 9:23,25 10:23 11:22 (5)	latitude 11:24 12:24
day 15:18	experience 11:19	group 12:20	important 10:16 11:6 12:11,14 (4)	legislative 13:2
department 2:16 5:13 8:3	factors 11:13	groups 9:6	inc 8:10	let 5:4
desiring 5:25	familiar 10:23	guidance 12:3,17 13:1,4 (4)	include 11:15	like 3:5 6:7 9:13 10:25 (4)
determination 11:4 12:6,19	fcrc 3:3,23 8:13,17 9:7 10:11 13:6,23 (8)	han 2:17 5:14,14	indicate 6:3	line 9:25
determinations 11:25 12:22	final 13:23	hand 15:18	intent 8:5	lpq 6:16 8:10
dictates 11:9	financial 11:15	has 5:20,25 11:2,11 12:19 (5)	interest 12:1 13:7	m 1:19 15:4
direct 3:18	first 8:1,15 9:13 10:10 (4)	hear 3:6,7	interested 15:15	made 7:17 13:22
directly 13:4	fiscal 8:24	heard 5:25 9:20 13:15	is 3:2,10,22 5:6 6:19 7:9,22 9:25 10:1,6 11:1,5,6,10,17,25 12:7 13:25 15:9 (19)	mainly 10:20
disadvantage 12:21	former 10:18	hearing 1:4 3:9,25 5:16,19 7:8,20,25 8:14,15,17,23 9:2,8,17 13:19,21,25 (18)	island 2:15 5:10	maintenance 8:7
does 7:4,10	forth 9:9 15:8	held 3:10 6:19,21,22 8:13 (5)	issues 9:8	make 12:6,22 13:14,20 (4)
doing 12:15	found 11:20	hello 3:2 6:7,9 9:22 (4)	item 6:3,5,15,18 8:2,4,12,16,19,22 9:21 10:12 13:16 (13)	makes 12:18
dot 7:22,23,23	franchise 1:5 3:24 5:17 9:2 (4)		john 2:9 4:8	making 11:24
duly 15:8	frank 2:23 6:12 9:23 10:6 (4)		julia 1:19 15:4	management 2:7 4:12
during 3:16	full 10:3			mandates 11:9 12:4
e 2:2,2	fully 11:12			manhattan 4:24 5:2,5 8:9 (4)
each 3:12 7:10	furnas 2:5 4:6,6			

marriage 15:14	n 2:2	order 4:1	pond 8:10	4:14,14
martha 4:18	name 3:22 6:2,10 7:13 10:3,6 (6)	other 11:22	potentially 13:3	quote 11:9
matter 8:5,22 15:16	names 3:12	out 7:21	present 5:6	r 2:2
matters 10:16	new 5:21,23 6:13,15 8:3,20 9:1 10:7,8,14,17,19,20 ,21 11:6,20,21 12:1,9,11,13,16 13:8,9,10,12 15:5 (27)	outcome 15:15	presenting 10:12	raffaele 2:23 6:7,12,13,13,20 7:1 9:22,24 10:2,5,6,7 (13)
may 6:20 7:15 11:15		outdoor 8:7	president 2:10,12,13,15 4:16,19,23 5:1,5,7,9 (11)	raised 9:8
mayor 2:3,4 4:3,5 (4)		over 6:19,21,22 8:13 (4)	pretty 11:18	range 11:23
mayor's 8:20 13:5	next 9:18	p 2:2,2	procedure 9:11	ready 3:20
me 3:6,7 13:13 15:8 (4)	no 4:25 5:3 7:5,6 9:16 13:17 15:15 (7)	park 8:9	procedures 9:9	received 12:3
member 10:7	noises 3:16	parks 2:16 5:13 6:16 8:4 10:20,21 11:20,21 (8)	proceedings 3:1,4 13:24	record 3:12 5:4 6:11 7:17 10:4 13:23 15:10 (7)
members 2:22 9:14 12:19,20 (4)	notary 15:4	part 7:17 13:23	prospective 11:14	recreation 2:16 5:13 8:4 11:21 (4)
microphone 3:15	noted 14:2	particular 10:19 11:8	provide 6:2	refinement 13:3
mind 9:24	nothing 9:17	particularly 11:19	provided 7:24	reflect 5:4
minutes 7:12	now 3:25 9:20 13:15,25 (4)	parties 15:13	provisions 9:4	related 15:13
mirtha 2:11	number 6:15,18 8:5,22 (4)	partnerships 10:24	public 1:4 2:22 3:25 5:16 7:7,19 8:13,17,22 9:2,6,8,13 10:8 11:2 12:12 13:21 15:4 (18)	remote 1:4 3:25 5:16 7:19 13:21 (5)
mocs 7:23 13:5	nyc 7:23	people 12:15 13:8		remotely 1:12
more 12:3,25	off 10:11	perform 11:12	publicly 5:20 13:22	renovation 8:6
ms 3:21 4:4,11,14,18,21 5:11,15 7:9 8:15 9:12,17,22 13:17 (14)	office 2:4,7 4:5,12 8:21 13:5 (6)	person 3:17 9:18	publicprivate 10:24	reporter 1:19 13:20
much 7:2 10:6,10 12:24 13:13 (5)	one 3:17 7:6 10:25 11:10,17 13:17 (6)	persons 6:1	pursuant 8:24	representative 5:12
must 6:2 7:18	only 3:17	plans 8:24	put 12:19,20	request 6:23,24 8:12
mute 3:15	operation 8:7	please 4:2 6:8,9,21 8:1,11,18 9:18 10:3 11:1 (10)	queens 2:13 5:7	requirements 11:13
my 3:22 10:6 11:19 15:18 (4)	opportunity 5:25	pm 1:2 14:2	quickly 9:25 11:1	resident 6:14
		point 13:14	quintian 2:8	

10:8	shall 9:7	subsequent 8:13,17	13:14 14:2 (5)	welcome 5:15 7:3
resources 11:16	sharon 2:6 4:11	such 12:6	times 12:23	what 12:4,18
respects 11:11	should 3:17,18	support 10:15	today 5:19 6:17 13:14	when 7:12
responded 3:8	signature 15:21	sure 5:24 6:12 10:5 11:22 (4)	today's 3:4,9 13:19	where 11:8
response 4:25 5:3 7:5 9:16 (4)	snack 8:8	swisher 2:14 5:8,8	tonya 2:12 4:21	whereof 15:17
responsibility 11:4,15,24	so 6:1 7:9 10:2,5,10,23 12:25 (7)	sworn 15:8	too 10:1 12:23	whether 6:4
responsible 11:10 12:4,18	solicit 9:4	take 6:24 9:12	transacting 12:8	which 6:3 7:16,21 11:10 12:21,23 13:22 (7)
restate 7:13	someone 12:7	taking 6:18	transcript 15:9	while 9:25
review 1:5 3:24 5:17 9:3 (4)	something 9:24 11:5	term 8:10	transcription 3:14	who 9:18 12:7
right 5:15	sorry 9:22	testify 6:4,8 7:4,7,10,12 9:19 (7)	translates 11:22	whose 15:7
roll 4:2	speak 3:13 6:1 13:18	testifying 6:14	true 15:9	why 6:21
rules 5:22 8:25 9:5 11:7,18 (5)	speaker 7:11	testimony 6:18 7:16 9:12,21 13:16 15:7,10 (7)	under 9:10 10:22	wide 11:23
s 2:2	speaking 3:14,17	thank 3:21 7:1 10:10,11 13:13,17,25 (7)	understood 6:20	will 3:18,25 4:2 6:17 7:11,16,21,23 8:1,12,16,18 9:3,12,17 11:17 (16)
sabio 2:11 4:18,18	spell 7:21	thanks 10:5	up 6:24	wish 6:3 7:4,10
said 6:5 15:10	speros 1:19 15:4	their 3:12 6:2 11:24	used 10:21	wishes 7:7 9:19 13:18
sailboat 6:16 8:10	stamoulis 2:20	these 10:15 12:10	vendor 9:5 11:3 12:5	wishing 6:1
say 9:24 11:17	started 3:4	they're 12:14	very 7:1 9:25 10:10,16 11:1 12:11 13:13 (7)	within 15:5,9
second 8:19	state 6:9 10:3 15:5	thing 10:25 11:17	via 1:12 3:10	witness 15:7,11,17
section 8:25 11:6,8	statements 9:15	those 11:18	want 5:24	work 10:13,21
seem 11:23 12:23	staten 2:15 5:10	three 7:12	water 8:9	would 6:7,23 10:25 12:5,7 13:7 (6)
services 8:21 13:6	stern 10:23	through 13:2,2,4	way 15:15	written 7:15,17
set 9:9 15:8,18	still 9:23	time 3:12,18 6:6	we're 3:20	x 1:2,7
	submit 7:15		webex 1:13 3:10	
			website 13:23	

<p>year 8:24</p> <p>yes 3:8 10:10</p> <p>york 5:21,23 6:13,15 8:3,20 9:1 10:7,8,14,17,19,20 ,21 11:6,20,21 12:1,9,11,13,16 13:8,9,10,12 15:5 (27)</p> <p>you're 3:14 7:3</p> <p>young 2:15 5:11,11</p> <p>your 3:15 6:10 7:13 10:3,3 (5)</p> <p>yvonne 2:8 4:14</p> <p>246 14:2</p> <p>2020 1:11 15:18</p> <p>2021 8:24</p>				
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