



# Hawkesbury City Council

## ordinary meeting minutes

date of meeting: 12 November 2019

location: council chambers

time: 6:30 p.m.



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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 12 November 2019, commencing at 6:34pm.

### Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

### ATTENDANCE

**PRESENT:** Councillor Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Amanda Kotlash, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer - Emma Galea, Deputy Chief Financial Officer - Vanessa Browning, Acting Manager Corporate Services and Governance - Linda Hewitt and Administrative Support Coordinator - Tracey Easterbrook.

### APOLOGIES AND LEAVE OF ABSENCE

Apologies for absence were received from Councillor Conolly, Councillor Garrow and Councillor Rasmussen.

### 252 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Reynolds that the apologies be accepted and that leave of absence from the meeting be granted.

Councillor Tree left the meeting at 8.28pm.

### DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 209.

Councillor Reynolds declared an interest on Item 204.

### Acknowledgement of Official Visitors to the Council

## **ORDINARY MEETING**

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### **PRESENTATION**

A verbal presentation was provided by Council's Auditor, Mr James Winter from Grant Thornton and Ms Somaiya Ahmed from the NSW Audit Office, in respect of Council's Audited 2018/2019 Financial Report.

### **SECTION 1 - Confirmation of Minutes**

#### **253 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Kotlash that the Minutes of the Ordinary held on the Tuesday, 29 October 2019, be confirmed.

## ORDINARY MEETING

Minutes: 12 November 2019

### SECTION 3 – Reports for Determination

#### GENERAL MANAGER

#### SUPPLEMENTARY REPORT

**Item: 204**                      **GM - Request for Modifications - Windsor Bridge Replacement Project - (80093, 79351)**

**Previous Item:**            270, Ordinary (29 October 2019)

**Directorate:**              General Manager

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Councillor Reynolds declared a pecuniary interest in this matter as the RMS has released a document which mentions his family home. He left the Chamber and did not take part in voting or discussion on the matter.

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Mr Harry Terry and Ms Sarah McRae, addressed Council speaking for the recommendation.

#### **MOTION:**

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Tree.

#### ***Refer to RESOLUTION***

That the report be received and noted.

#### **AMENDMENT:**

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. Write to David Gainsford highlighting that the traffic data was not available until the last day of the submission period and request that the submission period be reopened and extended.
2. Write a submission to the Department of Planning Industry and Environmental outlining its anger at the proposed modifications to Thompson Square, the manner in which the modification has been notified to the community and the very short consultation period, and the very poor outcomes being delivered to the community in terms of local traffic, traffic improvement, public amenity, open space, heavy vehicle traffic, noise and heritage.
3. Write a submission based on the Mayoral Minute from the Council Meeting on 29 October 2019 including the observations made by Mr Harry Terry at the Council Meeting on 12 November 2019, including clarification of the traffic study and the dates that RMS was aware of traffic conditions changed.

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**For the Amendment:** Councillors Calvert, Lyons-Buckett, Kotlash, Ross and Wheeler.

**Against the Amendment:** Councillors Richards, Tree and Zamprogno.

**Absent:** Councillors Conolly, Garrow, Rasmussen and Reynolds.

The amendment was carried.

### MOTION:

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Tree.

### *Refer to RESOLUTION*

### 254 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Tree.

That Council:

1. Write to David Gainsford highlighting that the traffic data was not available until the last day of the submission period and request that the submission period be reopened and extended.
2. Write a submission to the Department of Planning Industry and Environmental outlining its anger at the proposed modifications to Thompson Square, the manner in which the modification has been notified to the community and the very short consultation period, and the very poor outcomes being delivered to the community in terms of local traffic, traffic improvement, public amenity, open space, heavy vehicle traffic, noise and heritage.
3. Write a submission based on the Mayoral Minute from the Council Meeting on 29 October 2019 including the observations made by Mr Harry Terry at the Council Meeting on 12 November 2019, including clarification of the traffic study and the dates that RMS was aware of traffic conditions changed.

**For the Motion:** Councillors Calvert, Lyons-Buckett, Kotlash, Ross and Wheeler..

**Against the Motion:** Councillors Richards, Tree and Zamprogno.

**Absent:** Councillors Conolly, Garrow, Rasmussen and Reynolds.



## ORDINARY MEETING

Minutes: 12 November 2019

### CITY PLANNING

**Item: 205** CP - Annual Report 2018/2019 Incorporating Audited Financial Statements - (95498, 124414, 79351)

**Previous Item:** 270, Ordinary (13 November 2018)

**Directorate:** City Planning

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#### **MOTION:**

RESOLVED on the motion of Councillor Ross, seconded by Councillor Wheeler.

*Refer to RESOLUTION*

#### **255 RESOLUTION:**

RESOLVED on the motion of Councillor Ross, seconded by Councillor Wheeler.

That this matter be deferred for consideration at the Ordinary Council Meeting on Tuesday, 26 November 2019.

**For the Motion:** Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:** NIL.

**Absent:** Councillors Conolly, Garrow and Rasmussen.

## ORDINARY MEETING

Minutes: 12 November 2019

### SUPPORT SERVICES

**Item: 206**                      **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2019 - (95496, 96332)**

**Previous Item:**              181, Ordinary (24 September 2019)

**Division:**                      Support Services

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#### **MOTION:**

RESOLVED on the motion of Councillor Kotlash, seconded by Councillor Tree.

*Refer to RESOLUTION*

#### **256 RESOLUTION:**

RESOLVED on the motion of Councillor Kotlash, seconded by Councillor Tree.

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules, for the period ended 30 June 2019.
2. Note the NSW Audit Office report on the conduct of the Audit and expressing an unmodified audit opinion.
3. Thank the representatives from The NSW Audit Office and Grant Thornton, for their presentation in respect of Council's audited 2018/2019 Financial Statements.

**For the Motion:**              Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**        NIL.

**Absent:**                          Councillors Conolly, Garrow and Rasmussen.

## ORDINARY MEETING

Minutes: 12 November 2019

**Item: 207**                      **SS - Draft Dementia Friendly Hawkesbury Plan 2019-2021 - (95496, 96328)**

**Division:**                      Support Services

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### **MOTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

*Refer to RESOLUTION*

### **257 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

That:

1. Council place the Draft Hawkesbury Dementia Friendly Plan 2019–2021, attached as Attachment 1 to the report, on public exhibition for 28 days.
2. At the expiration of the public notification exhibition process, as outlined in Part 1 above, the following action be taken:
  - a) Should any submissions be received regarding the Draft Dementia Friendly Hawkesbury Plan 2019-2021, a further report be submitted to Council, or
  - b)
    - (i) Should no submissions be received, Council adopt the Draft Hawkesbury Dementia Friendly Plan 2019-2021, as attached as Attachment 1 to this report.
    - (ii) Council commission the Access and Inclusion Advisory Committee to establish a Dementia Working Group to oversee implementation of the Dementia Friendly Hawkesbury Plan 2019-2021.

**For the Motion:**                      Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**                      NIL.

**Absent:**                                  Councillors Conolly, Garrow and Rasmussen.

**ORDINARY MEETING**

**Minutes:** 12 November 2019

**Item: 208**                      **SS - Rating Exemption - Lot 2, SP 37044 - 2/101 Colonial Drive, Bligh Park - (96596, 96332)**

**Division:**                      Support Services

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**MOTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

***Refer to RESOLUTION***

**258 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

That:

1.        The Salvation Army NSW Property Trust be granted an exemption from rating from 1 July 2019, for the property known as 2/101 Colonial Drive, Bligh Park (Lot 2, SP 37044).
2.        An amount of \$738.57 be abandoned in respect of rates and stormwater charge for the period 1 July 2019 to 30 June 2020, for the property known as 2/101 Colonial Drive, Bligh Park (Lot 2, SP 37044).

**For the Motion:**                      Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogo.

**Against the Motion:**                      NIL.

**Absent:**                                      Councillors Conolly, Garrow and Rasmussen.

## ORDINARY MEETING

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**Item: 209**                      **SS - Rating Exemption - Lot 21, DP 37044 - 18 Rose Street, Wilberforce - (95496, 96332)**

**Division:**                      Support Services

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Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is a member of Thomas and June Rose Family Society Inc by receiving newsletters and information. She has no decision making role and does not attend meetings and no further action is required.

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### **MOTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

***Refer to RESOLUTION***

### **259 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

That:

1. The Thomas and Jane Rose Family Society Inc. be granted an exemption from rating from 1 July 2019 for the property known as 18 Rose Street, Wilberforce (Lot 21, DP 829589).
2. An amount of \$1,955.41 be abandoned in respect of rates and stormwater charge for the period 1 July 2019 to 30 June 2020 for the property known as 18 Rose Street, Wilberforce (Lot 21, DP 829589).

**For the Motion:**                      Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogn.

**Against the Motion:**                      NIL.

**Absent:**                                      Councillors Conolly, Garrow and Rasmussen.

## ORDINARY MEETING

Minutes: 12 November 2019

### CONFIDENTIAL REPORTS

#### 260 RESOLUTION:

RESOLVED on the motion of Councillor Richards, seconded by Councillor Zamprogno.

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

**Item: 210 SS - Acquisition of Crown Land under Council's Management by Roads and Maritime Services - Park of Lot 7008 in DP1029964 (now Lot 71 in DP1238663) and Lot 345 in DP752061, Bridge Street, Windsor - (14893, 100920, 95496)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning ongoing Class 3 legal proceedings in the Land and Environment Court and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in, therefore, if considered an open meeting would, on balance, be contrary to the public interest.*

**Item: 211 SS - Proposal to Sale of Shares in Southern Cross Phone Company Limited - (95496, 96332)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to a proposal to sell shares in Southern Phone Company Limited and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting, would, on balance, be contrary to the public interest.*

**Item: 212 SS - Assignment of Lease From Datanetwork Services Australasian Holdings Pty Ltd to Ross Shaun Corporate Pty Ltd - Shop 7, Wilberforce Shopping Centre - (95496, 112106, 20367, 147403)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 213 SS – Lease to Mina Girgis and Fady Girgis – Shop 6, Wilberforce Shopping Centre – (112106, 95496, 117043, 117044)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

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The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

### **261 RESOLUTION:**

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Kotlash that open meeting be resumed.

## ORDINARY MEETING

Minutes: 12 November 2019

**Item: 210**                      **SS - Acquisition of Crown Land under Council's Management by Roads and Maritime Services - Park of Lot 7008 in DP1029964 (now Lot 71 in DP1238663) and Lot 345 in DP752061, Bridge Street, Windsor - (14893, 100920, 95496)**

**Previous Item:**            32, Ordinary (23 February, 2016)  
                                 302, Ordinary (11 December 2018)

**Directorate:**              Support Services

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### **MOTION:**

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Kotlash.

### ***Refer to RESOLUTION***

### **262 RESOLUTION:**

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Kotlash.

That:

1. Council note that RMS have not provided Council with a Draft Asset Transfer Agreement, as directed at Conference on 21 August 2019, and as such is not in a position to make an informed decision.
2. Council permit the General Manager to negotiate the terms of an Asset Transfer Agreement with RMS.
3. Subject to the terms of the Asset Transfer Agreement being acceptable to Council's solicitors, Pikes & Verekers Lawyers, and the General Manager:
  - (a) Council agree to accept the compensation as set out in this report, in relation to the compulsory acquisition of part of Lot 7008 DP 1029964 (now known as Lot 71 in DP 1238663) and Lot 345 DP 752061;
  - (b) Council grant delegation to the General Manager to execute the Asset Transfer Agreement as set out in this report, in relation to the works being carried out on Lot 7008 DP 1029964 (now known as Lot 71 in DP 1238663), Lot 345 DP 752061 and adjoining road reserves comprising the Windsor Bridge Replacement Project;
  - (c) Council discontinue the Class 3 Appeal in the Land and Environment Court subject to RMS paying Council's costs as agreed or assessed.
4. If the terms of the Asset Transfer Agreement are not acceptable to Council's solicitors, Pikes & Verekers Lawyers, and the General Manager:
  - (a) Council maintain the Class 3 Appeal in the Land and Environment Court;
  - (b) Council permit the General Manager to continue to negotiate the Asset Transfer Agreement with RMS, and if agreed terms are reached then the matter be reported to Council for further consideration.
5. The General Manager update Councillors as this matter progresses.



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**For the Motion:** Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Ross, Wheeler and Zamprogno.

**Against the Motion:** Councillor Richards.

**Absent:** Councillors Conolly, Garrow, Rasmussen and Tree.

**Item: 211**                      **SS - Proposal to Sale of Shares in Southern Phone Company Limited - (95496, 96332)**

**Previous Item:** 107, Ordinary (26 November 2002)

**Directorate:** Support Services

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### MOTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Kotlash, seconded by Councillor Lyons-Buckett.

### *Refer to RESOLUTION*

### 263 RESOLUTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Kotlash, seconded by Councillor Lyons-Buckett.

That Council:

1. In its capacity as shareholder, vote in favour of a special resolution to update the Southern Phone Company Limited's constitution, to permit non-council shareholders of the Company.
2. Sells its Southern Phone Shares to the value of \$2 as part of proposed acquisition of Southern Phone by AGL Energy Limited.
3. Delegate authority to the General Manager to sign all documentation associated with this matter.
4. Use the sale proceeds for a special purpose consistent with Council's Community Strategic Plan as determined through the budget process.

**For the Motion:** Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Wheeler and Zamprogno.

**Against the Motion:** NIL.

**Absent:** Councillors Conolly, Garrow, Rasmussen and Tree.

## ORDINARY MEETING

Minutes: 12 November 2019

**Item: 212**                    **SS - Assignment of Lease From Datanetwork Services Australasian Holdings Pty Ltd to Ross Shaun Corporation Pty Ltd - Shop 7, Wilberforce Shopping Centre - (95496, 112106, 20367, 147403)**

**Directorate:**                Support Services

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### **MOTION:**

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

### ***Refer to RESOLUTION***

### **264 RESOLUTION:**

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

That:

1. Council agree to the Assignment of Lease for Shop 7, Wilberforce Shopping Centre from Datanetwork Services Australasian Holdings Pty Ltd to Ross Shaun Corporation Pty Ltd, as outlined in this report.
2. Authority be given for the Assignment of Lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Assignor and proposed Assignee, together with the advice that Council, is not and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.

**For the Motion:**                Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**        NIL.

**Absent:**                        Councillors Conolly, Garrow and Rasmussen.

## ORDINARY MEETING

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**Item: 213**                      **SS - Lease to Mina Girgis and Fady Girgis - Shop 6, Wilberforce Shopping Centre - (112106, 95496, 117043, 117044)**

**Previous Item:**            59, Ordinary, 24 February 2015

**Directorate:**              Support Services

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### **MOTION:**

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprognio.

### ***Refer to RESOLUTION***

### **265 RESOLUTION:**

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprognio.

That:

1. Council agree to enter into a new lease with Mina Girgis and Fady Girgis for the property known as Shop 6, Wilberforce Shopping Centre, as outlined in the report.
2. Authority be given for the lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council, is not and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.

**For the Motion:**            Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprognio.

**Against the Motion:**      NIL.

**Absent:**                      Councillors Conolly, Garrow and Rasmussen.

The meeting terminated at 8:39pm.

Submitted to and confirmed at the Ordinary meeting held on 26 November 2019.

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Mayor