

# Ordinary Meeting Minutes

Held on Tuesday 8 September 2009  
at the Council Chambers, Bega commencing at 2.49 pm

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**PRESENT** Councillor Allen (CHAIRPERSON) and Councillors Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

**IN ATTENDANCE** Ms Leanne Barnes - Acting General Manager, Mr Andrew Woodley - Group Manager Planning and Environment, Mr Wayne Sartori - Group Manager Infrastructure Waste and Water, Ms Tracy Hicks - Executive Manager Organisational Support and Ms Janelle Curtis - Minute Secretary

## 1. Confirmation of Minutes

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299/09 RESOLVED on the motion of Crs Campbell and Wykes

That the Minutes of the Ordinary Meeting of 18 August 2009, as circulated, be taken as read and confirmed.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## 2. Apologies

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300/09 RESOLVED on the motion of Crs Britten and Seckold

That the apologies received from Cr Sandrey and the General Manager be accepted for their inability to attend the meeting.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## 3. Declarations

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### **Pecuniary/Conflict of interest**

Cr Wykes declared a conflict of pecuniary interest regarding Item 3, Planning and Environment Committee, on the basis that he is the owner of a neighbouring property. A signed declaration form was tabled by Cr Wykes for inclusion in the Register.

#### **4. Deputations (by prior arrangement)**

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##### **SUSPENSION OF STANDING ORDERS**

301/09 RESOLVED on the Motion of Crs Campbell and Seckold

That standing orders be suspended to enable Mr Warren Page to address the Council regarding 3. DA No. 2008.0340: Commercial redevelopment of the Central Hotel – 90-94 Gipps Street, Bega

Mr Page addressed Council regarding Planning and Environment Report No. 3: DA No. 2008.0340: Commercial redevelopment of the Central Hotel – 90-94 Gipps Street, Bega and responded to questions from Councillors.

The Mayor thanked Mr Page for his address.

##### **RESUMPTION OF STANDING ORDERS**

#### **5. Petitions**

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There were no petitions tabled.

#### **6. Mayoral Minutes**

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There were no Mayoral Minutes.

#### **7. Adjournment into Standing Committees**

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302/09 RESOLVED on the motion of Crs Pincini and Hughes

That the Ordinary Meeting of the Council be adjourned for the purpose of dealing with staff reports to Standing Committees.

2.55 pm The Ordinary meeting adjourned and formed in the committee, reconvening at 4.36 pm.

## 8. Adoption of reports from Standing Committees

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### CORPORATE MANAGEMENT COMMITTEE

#### 1. Confirmation of Minutes

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##### RECOMMENDATION

That Council note that the Minutes of the Corporate Management Committee meeting held on 18 August 2009, as circulated, be taken as read and confirmed.

303/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 1 of the Corporate Management Committee as reported be adopted

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### 2. Apologies

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##### RECOMMENDATION

That Council note the apology received from Cr Sandrey and the General Manager.

304/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 2 of the Corporate Management Committee as reported be adopted

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### 3. Committee structure for Halls and Sportsgrounds

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##### RECOMMENDATION

1. That Council receive further management reports on Hall Committees and on Sportsgrounds Committees which apply the model outlined in the report to Council on 8 September 2009.
2. That the framework for the future management of Halls and Sportsgrounds be based on a peak advisory committee, constituted under section 355 of the NSW Local Government Act (1993) and individual community facility management

committees. The responsibilities of the peak advisory committee and individual community facility committees to be detailed in an 'Operations Manual' and Delegations resolved by Council and outlined in Council's Delegations Manual.

3. That a temporary Coordinator of Volunteers position be appointed as fixed term appointment for two years funded by the operational examination reserve and the proposed 10% charge on casual bookings of halls and sportsgrounds. The position to be reviewed and reported to Council at the conclusion of the period.

305/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 3 of the Corporate Management Committee as reported be adopted

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### 4. IRIS Community Survey

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##### RECOMMENDATION

1. That the IRIS Research 2009 Bega Valley Shire Local Government Community Survey Management Report be received, noted and made public both in hard copy and electronically on the Council's website.
2. That the opportunity analysis be utilised to inform the Asset Management Strategy scheduled for 2009/10 the Group Services Reviews and the Community Strategic Plan in 2010/11.
3. That the Community Survey form part, and inform the Community Engagement Strategy, scheduled for 2010.

306/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 4 of the Corporate Management Committee as reported be adopted

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### 5. SEATS Membership

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##### RECOMMENDATION

That Council not resume membership of SEATS

- 307/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 5 of the Corporate Management Committee as reported be adopted
- IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
- AGAINST: Nil
- ABSENT: Cr Sandrey

## **6. Report on the need for a South Eastern Regional Organisation of Councils (ROC) commissioned by H Division**

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### **RECOMMENDATION**

That the item be deferred to allow a further report to on the benefits and disadvantages to this Council being members of the proposed SEROC and similar organisations.

- 308/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 6 of the Corporate Management Committee as reported be adopted
- IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
- AGAINST: Nil
- ABSENT: Cr Sandrey

## **7. Fourth Quarter review of the 2008/09 Operational Plan**

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### **RECOMMENDATION**

1. That the report circulated to Councillors on 25 August 2009 and considered at the Council meeting of 8 September 2009, on the extent to which programs, actions and performance targets set by the Operational Plan for the period ending 30 June have been achieved, be noted.
2. That Council approve the Management Plan as outlined in the report.

- 309/09 RESOLVED on the motion of Crs Hughes and Pincini that Item 7 of the Corporate Management Committee as reported be adopted
- IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes
- AGAINST: Nil
- ABSENT: Cr Sandrey

## COMMUNITY CULTURAL AND ECONOMIC DEVELOPMENT MANAGEMENT COMMITTEE

### 1. Confirmation of Minutes

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#### RECOMMENDATION

That Council note the Minutes of the Community, Cultural and Economic Development Committee meeting held on 18 August 2009, as circulated, be taken as read and confirmed.

310/09 RESOLVED on the motion of Crs Pincini and Britten that Item 1 of the Community, Cultural and Economic Development Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 2. Apologies

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#### RECOMMENDATION

That Council note the apology received from Cr Sandrey and the General Manager.

311/09 RESOLVED on the motion of Crs Pincini and Britten I that Item 2 of the Community, Cultural and Economic Development Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 3. Funding extension Brighter Futures

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#### RECOMMENDATION

That Council note the extension of funding for the Brighter Futures program for the period 2009-2012.

312/09 RESOLVED on the motion of Crs Pincini and Britten I that Item 3 of the Community, Cultural and Economic Development Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### **4. Options for a temporary library in Merimbula**

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##### **RECOMMENDATION**

That the item be deferred to the Closed Session

313/09 RESOLVED on the motion of Crs Pincini and Britten I that Item 4 of the Community, Cultural and Economic Development Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### **5. Twyford Hall - options of future management**

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##### **RECOMMENDATION**

1. That Council advertise for 28 days its intention to enter into a management agreement and with an incorporated body established for the purpose of managing and developing the Twyford Hall facility within the framework of a detailed plan of management for the site.
2. That following closing of the advertising period, a report be prepared for Council outlining the detail of the:
  - Incorporation process/management agreement
  - Plan for the site
  - Funding model for the new management group

314/09 RESOLVED on the motion of Crs Pincini and Britten I that Item 5 of the Community, Cultural and Economic Development Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## FINANCE & INFRASTRUCTURE COMMITTEE

### 1. Confirmation of Minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Finance and Infrastructure Committee meeting held on 18 August 2009, as circulated, be taken as read and confirmed.

315/09 RESOLVED on the motion of Crs Britten and Seckold that Item 1 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 2. Apologies

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#### RECOMMENDATION

That Council note the apology received from Cr Sandrey and the General Manager.

316/09 RESOLVED on the motion of Crs Britten and Seckold that Item 2 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 3. Independent Pricing & Regulatory Tribunal draft recommendations for Local Government Revenue

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#### RECOMMENDATION

That Council note the recommended options A and B for Local Government Revenue Setting in the IPART review.

317/09 RESOLVED on the motion of Crs Britten and Seckold that Item 3 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### **4. Pambula Village Community Garden Inc**

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##### **RECOMMENDATION**

1. That Council waive the rent for the occupation of the site for the Pambula Village Community Garden, as a donation that recognises the community benefit of this facility.
2. That the Mayor and General Manager be given authority to execute the relevant documents.

318/09 RESOLVED on the motion of Crs Britten and Seckold that Item 4 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### **5. Sapphire Aquatic Centre**

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##### **RECOMMENDATION**

That Council note the actions of the Evaluation Team and support the recommendation that PACI accept the quotation submitted by Facility Design Group for the detailed design of the Sapphire Aquatic Centre, at a total cost of \$71,225 (incl GST) excluding the provisional sums as this offer represents the best value for money.

319/09 RESOLVED on the motion of Crs Britten and Seckold that Item 5 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## 6. Variation of Funding Agreement – Bega to Yellow Pinch Pipeline

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### RECOMMENDATION

1. That this report be accepted as providing background information for the Variation of Funding Agreement between Bega Valley Shire Council and the Commonwealth of Australia.
2. That Council delegate the General Manager with authority to execute the Variation of Funding Agreement Deed on behalf of Council.

320/09 RESOLVED on the motion of Crs Britten and Seckold that Item 6 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## 7. Liquid Trade Waste Policy 2009

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### RECOMMENDATION

That the item be deferred to allow a workshop and further report to Council.

321/09 RESOLVED on the motion of Crs Britten and Seckold that Item 7 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## 8. Federal Government Regional and Local Community Infrastructure Program Funding: Progress Report

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### RECOMMENDATION

That Council note the status report on the Regional Local Community Infrastructure Program projects.

322/09 RESOLVED on the motion of Crs Britten and Seckold that Item 8 of the Finance and Infrastructure Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

## PLANNING & ENVIRONMENT COMMITTEE

### 1. Confirmation of Minutes

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#### RECOMMENDATION

That Council note that the Minutes of the Planning and Environment Committee meeting held on 18 August 2009, as circulated, be taken as read and confirmed.

323/09 RESOLVED on the motion of Campbell and Britten that Item 1 of the Planning and Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 2. Apologies

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#### RECOMMENDATION

That Council note the apology received from Cr Sandrey and the General Manager.

324/09 RESOLVED on the motion of Crs Campbell and Britten that Item 2 of the Planning and Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 3. DA No. 2008.0340: Commercial redevelopment of the Central Hotel – 90-94 Gipps Street, Bega

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#### Pecuniary Interest

Cr Wykes declared a pecuniary interest on the basis that he is the owner of a neighbouring property, departed the meeting room, taking no part in debate or voting on this item.

#### RECOMMENDATION

1. That Development Application 2008.0340 for the development of Lot 146 DP623646, 90-94 Gipps Street and Lot 1 DP 999750 Carp Street, for the re-development of the Central Hotel site into commercial retail and office space be approved, subject to the conditions outlined in the attached Draft Development Consent, with the following amendment to Condition 47:

*Conditions to be satisfied prior to Engineering Construction Certificate*

*The following matters shall be completed prior to the endorsement of a Construction Certificate for any part of this development:*

- i) dedication as Public Road of such land as is necessary to contain the constructed road in use, and known as Clark Lane over the frontages of the development and to a point 10metres east of the development boundary. The dedication shall eliminate the step in the southern boundary of Clark Lane along the northern boundary of the subject land.*
- ii) The dedication as Public Road of splay corner 5 metres by 5 metres at south-western corner and that section of the north western corner required for delivery truck access into Clark Lane and including 1.2 metres for footpath purposes as identified on the approved development plan of the land currently occupied by the Salvation Army building*
- iii) A copy of the plan registered by the NSW Land Titles Office creating this road widening shall be provided to the Council to demonstrate compliance with this requirement.*

*(Reason: to ensure that legal access is available to the development.)*

2. That all parties who made a submission be advised of the determination.

325/09 RESOLVED on the motion of Crs Campbell and Britten that Item 3 of the Planning and Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini and Seckold

AGAINST: Nil

ABSENT: Crs Sandrey and Wykes

Cr Wykes returned to the meeting room.

#### **4. DA No. 2009.0145: Four lot subdivision (including a public reserve) – Lot 4 DP 508232, Fairhaven Point Way, Fairhaven**

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##### **RECOMMENDATION**

1. That Development Application No. 2009.0145 – Four lot subdivision (three Residential Allotments and a Reserve Lot), Lot 4 DP 508232, Fairhaven Point Way, Fairhaven Point be approved subject standard conditions of consent and special conditions outlined in Attachment C.
2. That Lot D be dedicated as a public reserve and that the Mayor and General Manager be authorised to execute any documentation including the company seal for any future Subdivision Certificate.

326/09 RESOLVED on the motion of Crs Campbell and Britten that Item 4 of the Planning and Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

#### **9. Rescission/alteration motions**

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There were no rescission/alteration motions.

#### **10. Notices of Motion**

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There were no Notices of Motion.

#### **11. Urgent business (not elsewhere included)**

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There were no items of urgent business.

## 12. Questions on notice

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**Question 1 - Cr Pincini** asked at the last Council meeting that Council ask the Rural Fire Service and National Parks for an update on the status of the hazard reduction program for the Bega Valley Shire and what it is planned for this year.

The Question was taken on notice by the Group Manager Infrastructure.

**Question 2 - Cr Campbell:** Asked the Group Manager Infrastructure Waste and Water the following Question on Notice:

“Has the engineering consultant’s report on the Tathra Ring Road been completed and received. If not, what is the timing now for its completion? If so, what is the next step to progress the construction of the Ring Road?”

The question was answered via memorandum to Councillors, in summary:

Engineering consultancy report for the Tathra Ring Road is not yet complete. Additional survey and geotechnical information was required, and has now been provided. It is anticipated that a draft report will be received by the end of September, or early October, with an options/costs report to Council thereafter.

**Question 3 – Cr Campbell:** Asked the Group Manager Infrastructure Waste and Water the following Question on Notice:

“When is the Part 5 assessment of the Evans Park proposal for a sportsground likely to be completed? What is the next step after the assessment is completed and the likely timing thereof?”

The question was answered via memorandum to Councillors, in summary:

No further progress has been made on the Evans Park sportsground proposal. The next stage was to prepare a management plan for the facility which will include consolidation of existing documentation and consultation with user groups. At this stage resources will be unavailable to progress the plan of management and Part 5 assessment until the end of September 2009 when RLCIP projects are completed.

**Question 4 – Cr Campbell:** Asked the Group Manager Infrastructure Waste and Water the following Question on Notice:

“Is it anticipated that the landscaping works at John Taylor Reserve, Tathra, approved in the allocation of expenditure of Federal funds (Rudd money) will be completed within the required framework, namely end September this year.”

The question was answered via memorandum to Councillors, in summary:

Landscaping works at John Taylor Reserve, Tathra are approximately 50% complete and are scheduled to be finalised by the end of September.

### 13. Questions without notice

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**Question 1 - Cr Hede** asked if there opportunity, during the resealing of Beach Street, Merimbula, to kerb and gutter the southern side of the street for aesthetic and functional purposes? He noted that the northern side of the street has kerb and gutter.

Group Manager Infrastructure Waste and Water answered that the allocation of kerb and gutter funding has been used for this year and that Beach Street is not in need of kerb and guttering at this time.

**Question 2 - Cr Hede** asked what were the conditions for groups wishing to use Council's Logo?

Group Manager Community and Relationships advised that this requires an official request to Council and undertook to provide a copy of the process to Councillors.

**Question 3 - Cr Britten** asked staff to consider use of an Australian made product to assist in controlling the spread of cigarette butts and litter.

The question was taken on notice by the Group Manager Infrastructure Waste and Water.

Cr Hede noted that a previous investigation may still be on file.

**Question 4 - Cr Campbell** asked was the waste department aware of the availability of a compostable cellulose bag and can the uses be investigated?

The question was taken on notice by the Group Manager Infrastructure Waste and Water.

### 14. Confidential Business: Adjournment into Closed Session

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327/09 RESOLVED on the motion of Crs Britten and Hughes

1. That Council resolve to adjourn into Closed Session to discuss Items 4.1, 4.2 & 4.3 of the Closed Session Agenda, on the basis that the reports concern:-
  - personnel matters concerning particular individuals (other than councillors).
  - information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - commercial information of a confidential nature that would, if disclosed:
    - prejudice the commercial position of the person who supplied it, or

- o confer a commercial advantage on a competitor of the council, or
  - o reveal a trade secret.
2. That pursuant to Section 10A of the Local Government 1993, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Act as outlined above.
  3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public as required by the Local Government Act 1993, Section 11(2).

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

4.44 pm The Chairperson called for a brief adjournment, reconvening at 4.52 pm

4.52 pm The Ordinary meeting adjourned and formed in the Closed Session reconvening at 5.28 pm.

## 15. Adoption of reports from Closed Session

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### 1. General Manager's Performance Review 2008/09

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#### RECOMMENDATION

That the General Manager's Performance Review 2008/09 be noted.

328/09 RESOLVED on the motion of Crs Britten and Seckold that Item 1 of the Closed Session meeting as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Sandrey

### 2. Report on Senior Staff Performance

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#### RECOMMENDATION

That the report on senior staff contractual conditions and performance be noted.

329/09 RESOLVED on the motion of Crs Britten and Pincini that Item 2 of the Closed Session meeting as reported be adopted.  
IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes  
AGAINST: Nil  
ABSENT: Cr Sandrey

### 3. Options for a temporary library in Merimbula

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#### RECOMMENDATION

1. That service be continued in Merimbula.
2. That further negotiations be entered into with Auswide Projects (Option 1) with a lease for 5 years plus a five year option.
3. That a State government grant application be prepared for the fit out costs and if unsuccessful, \$200,000 be made available through Council budget.
4. That additional funds of \$7,000 pa (to a total of \$70,000) be identified to cover costs of the temporary re-location of Merimbula library.

330/09 RESOLVED on the motion of Crs Britten and Pincini that Item 3 of the Closed Session meeting as reported be adopted.  
IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Seckold and Wykes  
AGAINST: Nil  
ABSENT: Cr Sandrey

### 16. Resolutions to declassify reports considered in closed session

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There were no resolutions to declassify reports considered in previous closed sessions.

#### Closure

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There being no further business, the Chairperson closed the meeting at 5.30 pm.

CONFIRMED .....

CHAIRPERSON

Chairperson of the meeting of the Bega Valley Shire Council held on \_\_\_\_\_ at  
which meeting the signature hereon was subscribed.