

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

ROBERT J. KVATSAK and)
ALICE JOAN KVATSAK (deceased),)
)
Complainant,)
)
v.) PCB 89-182
) (Enforcement)
)
ST. MICHAEL'S LUTHERAN CHURCH,)
)
Respondent.)

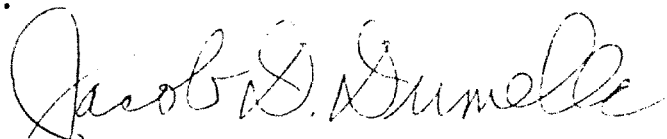
DISSENTING OPINION (by J.D. Dumelle):

One of the Complainants, Mrs. Alice Kvatsak, now deceased, was ill during the period from 1983 on when the chimes were played. She rested at noontime and the chimes disturbed her rest (R. 27-29). In additions, the sound interfered with her communication with her husband using the intercom when he was in the yard.

The Kvatsak's met with the pastor in 1983 and with the village manager and tried to solve the problem. But the church was unbending. Since the problem was most acute in the summer when the Kvatsak's storm windows were removed, the church at least should have lowered the volume of the chimes for that season. It never did (R. 63).

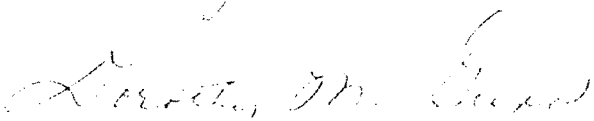
I would have found that the noise levels were excessive and unreasonable especially considering Mrs. Kvatsak's illness and her need for rest during the day.

For these reasons, I dissent.



Jacob D. Dumelle, P.E.
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Dissenting Opinion was submitted on the 4th day of September, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board