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ILLINOIS POLLUTION CONTROL BOARD

2

February 27, 2007

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YORK HIGH NEIGHBORHOOD)

COMMITTEE, JANET HODGE,)

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FRED HODGE, PATRICIA)

BENNETT, DAVID BENNETT,)

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SHEILA TRANT, MIKE TRANT,)

JOE VOSICKY, JEAN CONROY,)

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PETER CONROY, FRANK)

SOLDANO, JOSEPH REAMER,)

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ELIZABETH LALIBERTE, and)

CHARLES LALIBERTE,)

9

Complainants,)

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vs.)

PCB 05-03

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) (Citizens

ELMHURST PUBLIC SCHOOLS,)

Enforcement - Noise)

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DISTRICT 205,)

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Respondent.)

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Report of proceedings had at the hearing in

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the above-entitled cause, taken before Kathy A.

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O'Donnell, Registered Professional Reporter and

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Notary Public within and for the County of Cook and

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State of Illinois, at the James R. Thompson Center,

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100 West Randolph Street, Room 11-512, Chicago,

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Illinois, commencing at 11:00 a.m. on the 27th day

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of February, A.D., 2007.

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1 APPEARANCES:

2 Mr. Bradley P. Halloran (Hearing Officer)
3 (Illinois Pollution Control Board)
4 100 West Randolph Street
5 Suite 11-500
6 Chicago, Illinois 60601
7 Phone: (312) 814-8917

8 On behalf of the Illinois Pollution Control
9 Board;

10 Mr. Thomas J. Posey
11 (Franczek Sullivan, P.C.)
12 300 South Wacker Drive
13 Suite 3400
14 Chicago, Illinois 60606
15 Phone: (312) 986-0300

16 On behalf of the Respondent.

17 ALSO PRESENT: Mr. David E. Bennett (Complainant)
18 Mr. Joe Vosicky (Complainant)

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1 THE HEARING OFFICER: Good morning. My
2 name is Bradley Halloran. I'm the hearing officer
3 with the Illinois Pollution Control Board. I'm also
4 assigned to this matter entitled York High
5 Neighborhood Committee, et al., Complaints, vs.
6 Elmhurst Public Schools, District 205, Respondent,
7 PCB 5-93. It's a citizen enforcement matter
8 involving noise. Today's date is February 27,
9 2003 -- excuse me -- 2007. It's approximately
10 11:00 a.m.

11 Again, this matter is a citizen
12 enforcement matter alleging violations of
13 Section 901.102 and Section 901.106 of the Code and
14 Section 24 and 23 of the Act, the operation of air
15 conditioners. It is the parties' wish to proceed
16 under Section 103.301, 103.302, 103.304, and
17 Section 103.306 of the Board's procedural rules.
18 They anticipate filing a stipulation and proposal
19 for a settlement within the next several days,
20 possibly as early as March 2nd.

21 With that said, Mr. Bennett,
22 Mr. Vosicky, would you like to introduce yourselves,
23 please?

24 MR. BENNETT: My name is David Bennett. I

1 am one of the complainants in the matter.

2 MR. VOSICKY: My name is Joe Vosicky,
3 spelled V-O-S-I-C-K-Y. I am also one of the
4 complainants acting pro se.

5 MR. POSEY: Thomas Posey, P-O-S-E-Y, one of
6 the attorneys for the District.

7 THE HEARING OFFICER: With that said, we
8 talked a little bit before going on record, and it
9 appears the parties' wish is to do a little review
10 of the stipulations; is that correct? Or have we
11 decided not to? I'm sorry.

12 MR. POSEY: I don't think we need to review
13 it, actually. It's our understanding that just by
14 changing the title of the document we have now,
15 we'll be in compliance with the regulation. So the
16 only thing outstanding other than that change would
17 be to obtain the District's signature on the
18 document.

19 THE HEARING OFFICER: Okay. You're in
20 agreement, Mr. Bennett and Mr. Vosicky?

21 MR. VOSICKY: Yes.

22 MR. BENNETT: Yes. We have obtained all
23 the signatures of the complainants on the

24 stipulation settlement agreement, and we will work

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1 with Mr. Posey to submit it for -- or file it this
2 week.

3 THE HEARING OFFICER: Okay. Thank you so
4 much, sir. So no opening, no closing. All sides
5 rest, I assume, at this point. There are no members
6 of the public here. If there were, they would be
7 allowed to talk. However, by the procedural rules,
8 I'm required to set a public comment period. So
9 public comment, if any, is due on or before
10 March 16th, 2007.

11 I'm trying to see if I missed anything
12 here. As you know or may not know, but you will
13 after reviewing Section 103.306, once the
14 stipulation is filed, the Board will consider the
15 proposed settlement and stipulation agreement and
16 hearing of the record -- I mean, hearing record, if
17 any. The Board may accept, suggest revisions,
18 reject the proposed settlement and stipulation
19 agreement, or direct initial and further hearings as
20 it deems appropriate.

21 With that said, without further ado, I
22 don't see any other comments or any hands raised.

23 We'll conclude this hearing today. Thank you, so
24 much.

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1 Oh, Mr. Vosicky, we're still on the
2 record.

3 MR. VOSICKY: I just wanted to thank you
4 for your cooperation over the months in pushing the
5 matter along. The neighbors appreciate it.

6 THE HEARING OFFICER: Thank you for your
7 patience, all of you.

8 MR. BENNETT: I would like to join in
9 Mr. Vosicky's remarks too. Thank you.

10 THE HEARING OFFICER: And the civility has
11 been beyond reproach. Thank you very much.

12 (Which were all the proceedings
13 had in the above-entitled cause.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

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4 Kathy A. O'Donnell, being first duly sworn,
5 on oath says that she is a Registered Professional
6 Reporter doing business in the City of Chicago,
7 County of Cook and the State of Illinois;

8 That she reported in shorthand the
9 proceedings had at the foregoing hearing;

10 And that the foregoing is a true and
11 correct transcript of her shorthand notes so taken
12 as aforesaid and contains all the proceedings had at
13 the said hearing.

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KATHY A. O'DONNELL, RPR

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CSR No. 084-004466

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20 SUBSCRIBED AND SWORN TO
before me this_____day of

21 _____, A.D., 2007.

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24 _____
NOTARY PUBLIC

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