

Village of La Grange



**PUBLIC HEARING
AND
VILLAGE BOARD MEETING**

MONDAY, APRIL 9, 2007

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
PUBLIC HEARING AND BOARD OF TRUSTEES REGULAR MEETING

Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

AGENDA

Monday, April 9, 2007 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL
*President Elizabeth Asperger
Trustee Richard Cremieux
Trustee Mike Horvath
Trustee Mark Langan
Trustee Tom Livingston
Trustee Nicholas Pann
Trustee Barb Wolf*
2. PUBLIC HEARING – FY 2007-08 Operating and Capital Improvements Budget:
Referred to President Asperger
3. PRESIDENT’S REPORT
This is an opportunity for the Village President to report on matters of interest or concern to the Village.
 - A. Proclamation – Tree City USA
4. PUBLIC COMMENTS REGARDING AGENDA ITEMS
This is the opportunity for members of the audience to speak about matters that are included on this Agenda.
5. OMNIBUS AGENDA AND VOTE
Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.
 - A. Approve and Authorize Village President and Village Clerk to Execute Village Manager Employment Agreement
 - B. Ordinance – Regulating Discharge of Hazardous Materials
 - C. Resolution – Comcast Settlement Agreement

- D. Award of Contract – Water System / High Lift Pump Replacement
- E. Advance Purchase – Police Department Squad Cars
- F. Contract – Group Health and Life Insurance Renewal
- G. Consolidated Voucher 070326
- H. Consolidated Voucher 070409
- I. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, March 12, 2007

6. CURRENT BUSINESS

This agenda item includes consideration of matters being presented to the Board of Trustees for action.

- A. Ordinance – Regulating Smoking in Public Places: *Referred to Trustee Cremieux*
- B. Contract Extension – Residential Solid Waste Collection and Disposal Services: *Referred to Trustee Wolf*
- C. Resolution – Approving the FY 2007-08 Operating and Capital Improvements Budget: *Referred to Trustee Horvath*

7. MANAGER’S REPORT

This is an opportunity for the Village Manager to report on behalf of the Village Staff about matters of interest to the Village.

8. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

This is an opportunity for members of the audience to speak about Village related matters that are not listed on this Agenda.

9. EXECUTIVE SESSION

The Board of Trustees may decide, by a roll call vote, to convene in executive session if there are matters to discuss confidentially, in accordance with the Open Meetings Act.

10. TRUSTEE COMMENTS

The Board of Trustees may wish to comment on any matters.

11. ADJOURNMENT

The Village of La Grange is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions, regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (708) 579-2315 promptly to allow the Village to make reasonable accommodations for those persons.

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees and
Village Attorney

FROM: Bob Pilipiszyn, Village Manager,
Lou Cipparrone, Finance Director

DATE: April 9, 2007

RE: **PUBLIC HEARING — FY 2007-08 OPERATING AND CAPITAL
IMPROVEMENTS BUDGET**

In accordance with State statute, the Village Board is scheduled to convene a Public Hearing on Monday, April 9, 2007 at 7:30 p.m. in the La Grange Village Hall Auditorium for purposes of receiving public comment regarding the proposed FY 2007-08 Operating and Capital Improvements Budget.

A notice of Public Hearing has been posted and published. In addition, copies of the proposed budget document have been made available for public inspection in the Village Hall and the La Grange Public Library since the end of February. The Village also published on its website a news item concerning the availability of the proposed budget and advising residents of the budget workshop on March 10th and the public hearing on April 9th, and posted the Village Manager's message which is an executive summary of the budget document. The public hearing represents the conclusion of the on-going process by which public input has been solicited throughout the development of the budget document. This process began in November, 2006 with consideration of the preliminary tax levy.

After all oral and written comments have been heard, it would be appropriate for the Village Board to adjourn the Public Hearing. Should any testimony received at the public hearing resonate with the Village Board, the Village Board has the legislative discretion to discuss and amend the Village budget when it is considered for adoption later on in the meeting agenda.

Village of La Grange



VILLAGE OF LA GRANGE
NOTICE OF PUBLIC HEARING

A public hearing will be held on the proposed Village of La Grange budget for the 2007-08 fiscal year ending April 30, 2008. The public hearing will be held on Monday, April 9, 2007, at 7:30 p.m. in the La Grange Village Hall, 53 S. La Grange Road, second floor auditorium.

All interested citizens attending the public hearing may provide written and oral comments and may ask questions regarding the entire budget for fiscal year 2007-08.

A copy of the entire budget for the Village of La Grange for the year ending April 30, 2008 is available for public inspection in the office of the Village Clerk, 53 S. La Grange Road, La Grange, Illinois, and the La Grange Public Library.

Robert N. Milne
Village Clerk
Village of La Grange

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PRESIDENT'S REPORT

VILLAGE OF LA GRANGE
Public Works Department

BOARD REPORT

TO: Village President, Village Clerk
Board of Trustees, and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Ken Watkins, Director of Public Works
Don Wachter, Village Forester

DATE: April 9, 2007

RE: **PROCLAMATION -- ARBOR DAY**

Attached for your consideration is a Proclamation declaring Friday, April 27, 2007 as Arbor Day in La Grange. It is appropriate for the Village Board to consider this measure for two reasons. First, the Village has been named a Tree City USA by the National Arbor Day Foundation for the 24th consecutive year. Official observance of Arbor Day is one of the criteria for receiving this award. Second, it honors the legacy of our founding father, Franklin Cossitt who planted our first urban forest.

This year, Arbor Day will be celebrated with the La Grange Garden Club. The La Grange Garden Club graciously offered to have an 8-foot Katsura Tree planted to compliment the beautifully landscaped plaza and grounds surrounding our Village Hall. The Arbor Day tree planting ceremony will take place on Friday, April 27th at 1:30 PM at the Village Plaza.

It is our recommendation that the Proclamation declaring April 27, 2007 as Arbor Day in La Grange be approved.

3-A

VILLAGE OF LA GRANGE

PROCLAMATION

“Arbor Day in La Grange, Friday, April 27, 2007”

WHEREAS, the Village of La Grange is characterized by its stately and tree-lined streets; and

WHEREAS, the Village makes a continual effort to preserve the aesthetic beauty and environmental benefit by appropriate Urban Forestry planning and reforestation; and

WHEREAS the Forestry and Tree Planting Program will continue to be integral parts of the services the Village of La Grange provides to its residents, businesses and schools; and

WHEREAS the Village of La Grange recognizes the interest in and desire for a healthy Urban Forest from the entire community,

NOW, THEREFORE, BE IT RESOLVED that the Village of La Grange does hereby proclaim Friday, April 27, 2007 as it's official Arbor Day Observation, and

THEREFORE, BE IT FURTHER RESOLVED that Arbor Day shall be marked with an Arbor Day tree planting ceremony at 1:30 P.M., Friday, April 27, 2007 at the Village Plaza, in recognition of the La Grange Garden Club's effort to improve our Urban Forest.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

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OMNIBUS VOTE

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village Clerk, Board of Trustees, and Village Attorney
FROM: Elizabeth M. Asperger, Village President
DATE: April 9, 2007
RE: **EMPLOYMENT AGREEMENT – VILLAGE MANAGER**

You have received under separate cover an employment agreement for Village Manager Robert Pilipiszyn, who has served as our Village Manager for the past 2½ years.

It was quite clear during the recently conducted evaluation process that each member of the Village Board is pleased with Bob's performance. The Board collectively expressed the view that Bob is considered a great asset to our community.

Bob has effectively facilitated the transition of a new Manager, Village President and Board. His sensitivity and responsiveness to Village Board members and to residents alike was noted, and his superior communication skills were applauded.

The employment agreement represents both the Village Board's satisfaction with Bob's performance, and its desire to remain competitive with the marketplace in order to retain him.

I seek your approval and authority to execute the agreement.

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5-A

VILLAGE OF LA GRANGE
Fire Department

BOARD REPORT

TO: Village President, Village Clerk, and Board of Trustees and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager and
David W. Fleege, Fire Chief

DATE: April 9, 2007

RE: **ORDINANCE – REGULATING DISCHARGE OF HAZARDOUS
MATERIALS**

From time to time, the Village is involved in the clean-up of a hazardous materials spill or fire that may pose a threat to public health, safety and welfare. Often, the use of specialized equipment, supplies and trained personnel is necessary to effectuate the clean-up of the material.

Whether intentional or unintentional, it is in the Village's best interest to hold the person or entity which owns or controls the hazardous material's container, vessel or facility at the time of discharge, liable to the Village for payment of all costs incurred by the Village as a result of the abatement and cleanup of the hazardous material.

While the Village does have some existing general code provisions regarding removal of obstructions, and has also cited state statutory provisions when circumstances are warranted, it has been recommended by counsel that we should have more specific and stringent hazardous material reimbursement language in our municipal code, commonly referred to as a "spiller pays" ordinance. Both the Village Attorney and Village Prosecutor have reviewed the draft language and concur it is appropriate.

We recommend adoption of the attached Ordinance relating to the discharge of hazardous materials.

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XIII
OF THE LA GRANGE CODE OF ORDINANCES
RELATING TO DISCHARGES OF HAZARDOUS MATERIAL

WHEREAS, the discharge of hazardous material, whether intentional or unintentional, anywhere in the Village of La Grange poses a threat to the orderly and proper maintenance of the Village and to the general public safety, health, and welfare; and

WHEREAS, the Village therefore has determined that it is necessary and in the best interests of the Village and its residents to hold any person or entity liable who causes hazardous material to be discharged for the cleanup and abatement of such discharge; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and in the best interests of the Village to amend the La Grange Code of Ordinances to add provisions relating to the discharge of hazardous material as provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as a finding of the President and Board of Trustees.

Section 2. Amendment of Title XIII of Code of Ordinances. Title XIII, titled "General Offenses," of the La Grange Code of Ordinances shall be, and it is hereby, amended by adding thereto a new Chapter 138, which new Chapter 138 shall hereafter be and read as follows:

CHAPTER 138: OFFENSES RELATED TO HAZARDOUS MATERIAL

Section

- 138.01 Definitions
- 138.02 Discharge of Hazardous Material Prohibited
- 138.03 Liability for Discharge of Hazardous Material
- 138.04 Defenses
- 138.05 Public Duty Immunity

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§ 138.01 DEFINITIONS

For purposes of this Chapter, the following terms and phrases shall have the following meanings ascribed to them respectively.

(1) **COSTS INCURRED BY THE VILLAGE** means all costs and expenses of the Village incurred in connection with the cleanup or abatement of the discharge of hazardous material or the extinguishment of a fire involving hazardous material and shall include, but shall not be limited to, all of the following: actual labor costs of Village personnel involved in the cleanup or abatement of the discharge of hazardous material or the extinguishment of a fire involving hazardous material (including without limitation workers' compensation benefits, fringe benefits, and administration overhead), costs of equipment and the operation of the equipment, value of all damage to Village property and any other damages or losses incurred by the Village (as determined by the Village's Finance Director), costs of materials obtained directly by the Village, costs of any contract labor or materials, and costs of any medical treatments or expenses incurred by the Village or its employees and agents.

(2) **DISCHARGE** means to leak, seep, spill, emit, or release, or leakage, seepage, spill, escape, emission, or other release, whether intentional or unintentional.

(3) **HAZARDOUS MATERIAL** means any substance or material that, due to its quantity, form, concentration, location, or other characteristic, is determined by the Village Fire Chief or his authorized representative to pose an unreasonable and imminent risk to the life, health, or safety of persons or property or to the ecological balance of the environment, including but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biological) agents, flammables, and corrosives, and any substance determined to be hazardous or toxic under any federal or State law, statute, or regulation, including without limitation any hazardous waste as defined in Subtitle C of the Resource Conservation and Recovery Act as amended or regulations promulgated pursuant thereto, or any hazardous substance as defined in the Comprehensive Environmental Response Compensation and Liability Act as amended or regulations promulgated pursuant thereto, and any substance that by law, regulation, or ordinance requires special handling in its collection, storage, treatment, or disposal.

§ 138.02 DISCHARGE OF HAZARDOUS MATERIAL

No person shall cause, threaten or allow the discharge of hazardous material into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or federal agency having primary jurisdiction over the discharge and such discharge is in such place and manner as will not create a present or potential hazard to human health, property, or the environment.

§ 138.03 LIABILITY FOR DISCHARGE OF HAZARDOUS MATERIAL

(A) Subject only to the defenses set forth in Section 138.04 of this Chapter, any person or entity who intentionally, negligently, or otherwise causes a discharge of hazardous material and any person or entity who owns or controls the hazardous material's container, vessel, or facility at the time of the discharge shall be jointly or severally liable to the Village for payment of all costs incurred by the Village as a result of the cleanup or abatement of any discharge of hazardous material or the extinguishment of any fire involving hazardous material by the Village, subject to a minimum charge of \$100.00; provided, however, that the costs incurred by the Village shall not include costs of fire suppression services that are normally or customarily provided by the Village, unless the fire involves hazardous material.

(B) The Village shall send an invoice of the costs incurred by the Village in connection with the discharge of hazardous material to the persons and entities determined by the Village to be responsible for such discharge.

(C) In addition, any person or entity who violates any provision of this Chapter 138 shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense.

§ 138.04 DEFENSES

(A) There shall be no liability under Section 138.03 of this Chapter for a person or entity otherwise liable who can establish by a preponderance of the evidence that the discharge of hazardous material and the damages resulting therefrom were caused solely by an act of nature over which the person or entity had no control or by an act of war.

(B) There shall be no liability under this Chapter for any discharge permitted or authorized by State or federal law, but only to the extent that such discharge is made in accordance with applicable State and federal law, regulations, and permit requirements.

§ 138.05 PUBLIC DUTY IMMUNITY

The Village and its officers, agents, and employees shall not have any liability or responsibility for any claim, injury, or damage of any kind resulting from a discharge of hazardous material to which the Village or any of its officers, agents, or employees respond.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____ 2007.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____ 2007.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

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VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Andrianna Peterson, Assistant Village Manager

DATE: April 9, 2007

RE: **RESOLUTION – COMCAST SETTLEMENT AGREEMENT**

The Village of La Grange participates in the West Central Cable Agency along with the communities of La Grange Park, Riverside, Western Springs and Indian Head Park. The Agency is charged with overseeing our franchise agreement with our community's cable provider, which is currently Comcast.

Every year, Comcast is required to file a Federal Communications Commission (FCC) Form 1205 with the Village of La Grange. This form is used as a justification for the rate increases that Comcast can charge our residents, and it is also used nationwide with each and every local government in which Comcast operates. The form is fairly complex and usually requires the assistance of an auditor to review it.

In April 2006, Comcast filed its FCC Form 1205 relating to rates it would charge its customers from July 1, 2006, through June 30, 2007.

In 2006, the West Central Cable Agency participated in a national review of Comcast's 2006 Form 1205 filings that are being conducted by Ashpaugh & Sculco, CPAs, PLC in Winter Park, Florida and Front Range Consulting in Castle Rock, Colorado. This is similar to a review we conducted in 2005 which resulted in credits to cable subscribers. Because of the success of that analysis, we agreed to participate in the joint review this year because we wanted to continue to protect the interests of our residents.

The review found discrepancies in Comcast's calculations of equipment and installation services and prices. Comcast has offered a settlement of the issues that have been found in which Comcast will modify and reduce many of its charges related to installation and equipment. Comcast will reimburse its customers by issuing credits on future invoices.

A copy of the proposed settlement is attached for your review. Also attached for your review is a resolution prepared by the West Central Cable Agency's consultants that would approve the settlement.

5-C

Once the settlement agreement is finalized, Comcast will issue a refund plan. A credit, the amount of which has yet to be determined, will be posted on a future monthly bill for cable subscribers. Cable subscribers will also receive a notice from Comcast describing the nature and outcome of this settlement.

It is our recommendation that the resolution be approved.

5-C.1

Comcast Rate Settlement

The Village of La Grange through the West Central Cable Agency, is participating in a review of Comcast's 2006 FCC Form 1205 filing regarding equipment rates and installation charges with other local franchising authorities across the country. The national review is being conducted by financial consultants Ashpaugh & Sculco, CPAs, PLC and Front Range Consulting, Inc. (collectively the "Consultants") The Consultants conducted a similar review of Comcast's prior 2005 FCC Form 1205.

Comcast approached the Consultants in 2006 with the intent of working towards a mutual resolution of the Form 1205 issues encountered in 2006 filings. The Consultants and Comcast negotiated for several months resulting in a proposal sent to the WCCA in January, 2006.

The proposed Rate Settlement provides for:

- Equipment rate and installation activity charge refunds;
- An agreement by Comcast to improve the accuracy of the estimated installation times contained in the 2006 Form 1205 filing.

Comcast will be required to provide a refund plan to each Village 45 days after adoption of the proposed settlement. Our Consultants have identified the areas where the rate settlement will lower rates charged to Village subscribers. Some of those areas are:

Item	2006 Rate	Settlement Rate	Refund Potential
Hourly Service Charge	\$34.24	\$32.50	\$1.74
Unwired Installation	\$45.10	\$35.35	\$9.75
Pre-wired Installation	\$29.35	\$25.68	\$2.67
Same Trip Addtl Outlet	\$14.49	\$13.75	\$0.74
Sep Trip Addtl Outlet	\$24.25	\$22.42	\$1.83
Relocate Outlet	\$19.41	\$18.42	\$0.99
Upgrade	\$18.49	\$17.55	\$0.94
Downgrade	\$15.32	\$14.55	\$0.77
Change of Service	\$1.99	\$1.99	-
VCR/DVD (Same Trip)	\$7.29	\$6.92	\$0.37
VCR/DVD (Sep Trip)	\$15.83	\$15.02	\$0.81
Customer Trouble Call	\$25.34	\$24.06	\$1.28
Remote Control	\$0.23	\$0.22	\$0.01
Basic Only Converter	\$1.14	\$1.10	\$0.04
Analog/Digital Converter	\$4.01	\$3.80	\$0.21
HD/DVR/HD-DVR Conv	\$9.91	\$6.50	\$3.41

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Comcast will also be required to adjust its rates in January 2007 to be no higher than the settlement rates shown above.

5-C.3

Final Report

Regarding

the

2006 FCC Form 1205

filed by

Comcast Cable Communications, LLC

January, 2007

5-C.4



ASHPAUGH & SCULCO, CPAs, PLC
Certified Public Accountants and Consultants



Front Range Consulting, Inc.

Ashpaugh & Sculco, CPAs, PLC (“A&S”) and Front Range Consulting, Inc. (“FRC”) (collectively “Consultants”) are pleased to provide the 2006 Comcast Form 1205 Participating Communities¹ (“Participants”) this Final Report regarding the FCC Form 1205 rate filing made by Comcast Cable Communications, LLC (“Comcast”) during 2006.

I. REPORT SYNOPSIS

The Consultants recommend that each participant adopt the proposed resolution of the identified Form 1205 issues. During the review of the Comcast Form 1205, the Consultants have identified three major issues with the Form 1205 as filed by Comcast. Those issues are:

- Contract Labor;
- Asset Depreciation Expense and Reserve; and
- Installation Activities Outside the Customer Demarcation Point.

As the Consultants identified each of these issues, the Consultants informed Comcast as to the potential problems and requested that Comcast provide supporting information to support Comcast’s position. With respect to the Customer Demarcation Point issue, Comcast revised the installation times. For the other two issues, Comcast does not agree with the Consultants that these potential issues impact the Form 1205 as filed.

Based on the identification of these issues, Comcast began discussions with the Consultants to resolve these issues without having to have the participating LFA issue contested rate orders and facing a long appeal process before the FCC. Comcast has proposed to address these issues by reducing the Maximum Permitted Rates (MPR) for many of the installation and equipment categories. While Comcast specifically does not agree with these identified issues, the Consultants believe that resolving these issues in the manner set forth in Comcast’s proposal is reasonable and administratively efficient. The Consultants also anticipate that Comcast will attempt to address the concerns raised by the Consultants in their next filing but this proposed resolution does not require them to do so.

The proposed resolution requires Comcast to provide a refund plan and to reduce rates to each community on a community by community basis. Comcast is also agreeing to not appeal any Rate Order issued by a Participant that is consistent with the proposed resolution. A generic copy of the proposed Comcast resolution is attached to this Report.

¹ Arlington County, VA, Detroit, MI, Metropolitan Area Communications Commission, OR, Montgomery County, MD, Mountain View, CA, Renton, WA, and West Central Cable Agency, IL

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II. SCOPE OF REPORT

The Consultants were retained by the Participants to review the FCC Form 1205 submitted by Comcast to the Participants in 2006. As this is the third complete review of the national Comcast FCC Form 1205 by the Consultants, many of the issues that have been identified in the past review are also incorporated in this filing making the impact of the continued review of the filing cumulative. The Consultants based this review of the 2006 filing on Comcast's responses to data requests and numerous informal discussions with Comcast regarding the supporting documentation provided by Comcast. The Consultants appreciate Comcast's willingness to have these informal discussions in lieu of preparing numerous detailed follow-up data requests.

III. SUMMARY OF FORM 1205 FILING

The rates were:

Item	2005 MPR	2006 MPR	Settlement MPR	Change
INSTALLATION CHARGES				
Hourly Service Charge	\$37.14	\$34.24	\$32.50	(\$1.74)
Unwired Installation	\$51.34	\$45.10	\$35.35	(\$9.75)
Prewired Installation	\$32.72	\$29.35	\$26.68	(\$2.67)
Addition Outlet (Same Trip)	\$17.11	\$14.49	\$13.75	(\$0.74)
Addition Outlet (Separate Trip)	\$26.30	\$24.25	\$22.42	(\$1.83)
Relocate Outlet	\$17.11	\$19.41	\$18.42	(\$0.99)
Upgrade	\$18.27	\$18.49	\$17.55	(\$0.94)
Downgrade	\$14.37	\$15.32	\$14.55	(\$0.77)
Change of Service (Addressable)	\$1.99	\$1.99	\$1.99	-
VCR/DVD (Same Trip)	\$8.55	\$7.29	\$6.92	(\$0.37)
VCR/DVD (Separate Trip)	\$16.76	\$15.83	\$15.02	(\$0.81)
Customer Trouble Call	\$24.74	\$25.34	\$24.06	(\$1.28)
EQUIPMENT RENTAL				
Remote	\$0.28	\$0.23	\$0.22	(\$0.01)
Basic-only Converter	\$1.47	\$1.14	\$1.10	(\$0.04)
Converter (Digital/Analog)	\$4.83	\$4.01	\$3.80	(\$0.21)
HD/DVR/HD-DVR Converter	\$11.39	\$9.91	\$6.50	(\$3.41)

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ASHPAUGH & SCULCO, CPAs, PLC
Certified Public Accountants and Consultants



Front Range Consulting, Inc.

IV. FCC FORM 1205 ISSUES IDENTIFIED

The Consultants have identified three issues with the Comcast filing. The three issues are:

- Contract Labor;
- Asset Depreciation Expense and Reserve; and
- Installation Activities Outside the Customer Demarcation Point.

IV(A). CONTRACT LABOR

The Consultants investigated the actual contract labor invoices incurred by Comcast for the sample systems. The review of the invoices found that the number of specific installation activities included on the actual invoices differed significantly from the number of activities shown on the Form 1205 supporting materials supplied by Comcast. The Consultants were concerned that the number of installations performed and billed by the contractors was inconsistent with the number of installations contained in the operational data base. Comcast in preparing the Form 1205 used the internal operational data base as support for the number of contractor installation and not the amounts shown on the contractor invoices. Comcast did use the prices for the individual contractor installations from the actual invoices but applied its internal number of installations to the prices to determine the amount of contractor labor dollars to include in the Form 1205.

If the installation activities are taken from the contractor actual invoices, the number of installation activities would change dramatically and would generally reduce the number of installations and hours associated with installation activities. As a result, the Consultants believe that the installation rates as filed are overstated as it uses an inflated Hourly Service Charge.

In the proposed resolution, Comcast has agreed to lower the Hourly service Charge from \$34.24 to \$32.50 which should capture a large portion of the issue identified.

IV(B). ASSET DEPRECIATION EXPENSE AND RESERVE

The Consultants investigated the computations by Comcast of the asset depreciation expense and reserve calculation for Schedules A and C. The primary concerns were (1) continuation of calculating depreciation expense after the asset has been fully depreciated, (2) errors in the amount of depreciation and (3) errors in the amount of the reserve. Comcast disagrees with the identified concerns. The Consultants provided Comcast with a variety of examples of each of these issues. In a few cases, Comcast was able to show that asset retirements were causing the apparent conflicts. However, in other cases, Comcast was not able to provide sufficient details to support the depreciation expense and reserve included in the filing. For example, Comcast continued to record depreciation past the depreciable life of the asset and continued to show a net book value even though the depreciable life had expired.

The principal impact of these issues is related to the converter category of assets. Comcast has as part of this proposed resolution agreed to reduce the converter rate from \$4.01 to \$3.80 for the most common converter category. The Consultants believe that this reduction is reasonable.

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ASHPAUGH & SCULCO, CPAs, PLC
 Certified Public Accountants and Consultants



Front Range Consulting, Inc.

compromise and will cover most of the unexplained variations in the depreciation expense and reserve items identified.

**IV(C). INSTALLATION ACTIVITIES OUTSIDE THE CUSTOMER
 DEMARCAATION POINT**

The Consultants investigated the potential that Comcast has included installation times outside of the customer demarcation point. The FCC rules allow for a cable operator to only include installation costs associated with those activities from within twelve inches (12") from the point of connection of the cable to the residence. In reviewing the activities associated with the contract labor costs described above, it was very clear that the contractors routinely included activities related to a drop and drop replacement as part of the activities associated with an installation. The activities and associated costs outside of the 12" from the point of connection are part of the basic service rate and cannot be included in the installation rates unless all of the hours associated with that outside installations are included in the installation and maintenance hours. Comcast provided an analysis of the "outside" activities that it routinely prepares for another regulatory agency. This analysis showed the amount of time associated with these outside drop activities.

Comcast's resolution incorporates these revised installation hours. The revised hours are summarized below.

Item	2006 Filing	Settlement	Change
Unwired Installation	1.317	1.0877	(0.2293)
Prewired Installation	.8572	.79015	(0.06705)
Addition Outlet (Same Trip)	.4231	.4231	no change
Addition Outlet (Separate Trip)	.7082	.6898	(0.0184)
Relocate Outlet	.5669	.5669	no change
Upgrade	.5398	.5398	no change
Downgrade	.4474	.4474	no change
Change of Service (Addressable)	.5398	.5398	no change
VCR/DVD (Same Trip)	.213	.213	no change
VCR/DVD (Separate Trip)	.4623	.4623	no change
Customer Trouble Call	.7401	.7401	no change

In several of these categories, the Consultants do not believe that Comcast has reduced the times enough associated with these outside activities but at least Comcast in this resolution has agreed to remove these outside activities. The Consultant hope that Comcast will continue to review

5-C.8



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Front Range Consulting, Inc.

these installation times to ensure that all times associated with outside activities are eliminated from the filing.

V. POTENTIAL RATE IMPACTS

The potential rate impacts for the FCC Form 1205 issues identified above are difficult to quantify because the Consultants cannot estimate them without significantly more information from Comcast. The Consultants believe that the proposed resolution offered by Comcast at least addresses these identified issues and removes a reasonable amount of these issues from the resulting rates.

Comcast has agreed to provide refund plans to each participant an individual refund plan detailing the amount of refunds by category. Comcast has proposed to refund the total dollars to each cable subscriber as a one time bill credit. The Consultants believe that is reasonable.

VI. CONCLUSION

The Consultants recommend that the Participants issue a Rate Order consistent with the Settlement MPRs identified in Appendix B of the generic settlement letter attached to this Final Report.

Report Presented By:

Garth T. Ashpaugh, CPA
Ashpaugh & Sculco, CPAs, PLC
1133 Louisiana Avenue, Suite 106
Winter Park, FL 32789

Richard D. Treich
Front Range Consulting, Inc.
4152 Bell Mountain Drive
Castle Rock, CO 80104

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Comcast Cable
1500 Market Street
Philadelphia, PA 19102

Ardini

**FOR SETTLEMENT PURPOSES ONLY
INADMISSIBLE AS EVIDENCE**

January 26, 2007

JAN 29 2007

Robert Pilipszyn
Village Administrator
Village of LaGrange
53 S. LaGrange Road
LaGrange IL 60525

Re: RESOLUTION of COMCAST'S FCC FORM 1205 RATES for 2006

Dear Mr. Pilipszyn:

I am writing on behalf of Comcast Cable Communications, LLC, and its affiliates (collectively, "Comcast" or the "Company") to resolve issues related to Comcast's FCC Form 1205 for 2006 which have been identified by your consultants Ashpaugh & Sculco, CPAs, PLC and Front Range Consulting, Inc. (the "Consultants"). Comcast believes that its proposal as set forth herein, which reflects recent discussions between Comcast and the Consultants, if accepted, would minimize the substantial administrative burdens, uncertainty, and delay otherwise associated with the rate review process.

This proposal is being made to each of the franchise communities that participated in the consolidated review of Comcast's 2006 FCC Form 1205 conducted by the Consultants. The affected communities (the "Communities") are identified in Appendix A hereto.

TERMS OF AGREEMENT RE 2006 RATE REVIEW:

1. The maximum permitted equipment and installation rates for the applicable period of the 2006 FCC Form 1205 (based upon costs for the fiscal year ending December 31, 2005) will be those listed in Appendix B.
2. Based on Appendix B, if an actual rate in a particular Community exceeds a revised "maximum permitted" rate, Comcast shall lower that rate to the maximum permitted rate and issue credits to local customers without claiming the benefit of any potential refund "offsetting" in calculating the amount of refunds owed. Comcast will provide each Community a refund plan detailing the refund amounts

5-c.10

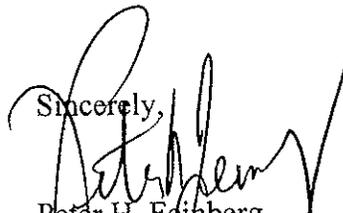
within 45 days of the acceptance of this proposed resolution by each Community. Rate changes and credits shall be issued within 60 days of the issuance of a rate order approving Comcast's FCC Form 1205 for 2006.

3. The credits will be paid in the form of a one-time bill credit, which will be identified on customer bills as "Rate Credit."

Conditions

1. Comcast shall issue the credits described above regardless of a finding of effective competition in any of the Communities subject to a rate order approving equipment and installation rates consistent with those listed on Appendix B.
2. By extending this proposal, Comcast does not admit any error in the Company's established approach to the FCC Form 1205, and this offer shall not be deemed to be an admission of any such error in any civil or administrative proceeding.
3. Comcast agrees to not appeal to the FCC any Communities Rate Order that is consistent with the Terms, Conditions and rates set forth in this proposed settlement.
4. Because the Communities pursued a consolidated 2006 rate review, Comcast must proceed on a consolidated basis in extending this proposal. The proposal is therefore contingent on 90% of the Communities (as measured by customer count) adopting rate orders within twelve (12) months from the filing of the Form 1205 ("Final Approval"). If more than 10% of the Communities (as measured by customer count) fail to adopt the rate orders, Comcast reserves its right to withdraw the proposal, notwithstanding any intervening approval action in any particular Community.

Sincerely,



Peter H. Feinberg
Associate General Counsel
Comcast Cable Communications, LCC

cc: Mr. Richard Treich
Mr. Garth Ashpaugh

5-c.11

Appendix A

Participating Communities

<u>Local Franchise Authority</u>	<u>Community Unit Identification Number</u>
Montgomery County, MD	MD0236
Arlington County, VA	VA0108
West Central Cable Agency, IL	IL0847, IL0848, IL0849, IL0666, IL0871
Mountain View, CA	CA0906
Renton, WA	WA0068
Metropolitan Area Communications Commission, OR	OR0325, OR0283, OR0318, OR0326, OR0289, OR0442, OR0290, OR0317, OR0064, OR0304, OR0341, OR0330, OR0288, OR0328, OR0333, OR0242

5-c.12

Appendix B

Maximum Permitted Rates for the Applicable Period Related to FCC Form 1205
for 2006 (based upon costs for the fiscal year ending December 31, 2005)

<u>Installation Activity</u>	<u>Maximum Permitted Rate</u>
Hourly Service Charge	\$32.50
Unwired	\$35.35
Prewired	\$25.68
Additional Outlet – Same Trip	\$13.75
Additional Outlet – Separate Trip	\$22.42
Relocate Outlet	\$18.42
Upgrade	\$17.55
Downgrade	\$14.55
Change of Service (Addressable)	\$1.99
VCR / DVD – Same Trip	\$6.92
VCR / DVD -- Separate Trip	\$15.02
Customer Trouble Call	\$24.06
<u>Equipment Rental</u>	<u>Maximum Permitted Rate</u>
Remote Control	\$0.22
Basic - Only Converter	\$1.10
HD / DVR / HD-DVR Converter	\$6.50
Converter (All Others)	\$3.80
CableCARD	\$1.89

5-C.13

RESOLUTION NO. _____

**REGARDING THE MAXIMUM PERMITTED EQUIPMENT AND INSTALLATION
RATES SET FORTH IN THE FEDERAL COMMUNICATIONS COMMISSION FORM
1205 FILED BY COMCAST CABLE COMMUNICATIONS, LLC ON OR ABOUT
APRIL 1, 2006**

WHEREAS, the Village of La Grange (hereinafter the "Village") is a municipal corporation organized pursuant to Illinois law; and

WHEREAS, Section 623 of the Cable Communications Policy Act of 1984, 47 U.S.C. § 543, as amended, authorizes local franchising authorities, such as the Village, to regulate rates for equipment and installations; and

WHEREAS, the Village is certified as a rate regulation authority pursuant to rules of the Federal Communications Commission (hereinafter "FCC"); and

WHEREAS, Comcast Cable Communications, LLC (hereinafter "Comcast") filed with the Village an FCC Form 1205 on or about April 1, 2006, to set forth and justify the rates it could charge to subscribers in the Village for equipment and installations for the period from July 1, 2006, through June 30, 2007, (hereinafter the "2006 FCC Form 1205"); and; and

WHEREAS, the 2006 FCC Form 1205 was based on aggregated data that was used nationwide; and

WHEREAS, the Village, through the West Central Cable Agency, retained Ashpaugh & Sculco, CPAs, PLC and Front Range Consulting, Inc. (hereinafter the "Consultants") to review the 2006 FCC Form 1205; and

WHEREAS, Comcast and the Consultants have discussed the 2006 FCC Form 1205 and have reached a settlement of outstanding issues; and

WHEREAS, Comcast has extended a settlement offer to the Village, which embodies Comcast's understandings with the Consultants; and

WHEREAS, the Village believes it is in the public interest to avoid the delay, uncertainty and costs associated with the continued review of the 2006 FCC Form 1205; and

WHEREAS, Comcast has proposed settling outstanding issues concerning the 2006 FCC Form 1205; and

WHEREAS, the terms of the settlement agreed to by the parties are attached in a January 22, 2007, letter from Comcast, which letter (including appendices) is attached hereto (the "Settlement Letter");

5-C.14

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

1. To the extent that there is "Final Approval" of the Settlement Letter, as that term is defined in the Settlement Letter, or the substantive proposal set forth in the Settlement Letter is otherwise offered to the Village in the event there is no Final Approval, the Village hereby adopts the Settlement Letter, and approves the settlement terms contained therein relative to the 2006 FCC Form 1205. The Settlement Letter is incorporated into this Resolution by reference. The Village reserves all of its rights and remedies with respect to issues and calculations not expressly addressed in the Settlement Letter.

2. Subject to Final Approval of the Settlement Letter or the individual approval of the Settlement Letter by the Village and Comcast, Comcast's 2006 FCC Form 1205 is rejected in its entirety and maximum permitted rates for equipment and installations are hereby set in accordance with the rates calculated in Appendix B of the Settlement Letter. The rates set herein will govern Comcast's equipment and installation rates until Comcast lawfully implements a further rate change pursuant to applicable law. If the Settlement Letter does not receive Final Approval or is not individually approved by the Village and Comcast, the 2006 FCC Form 1205 shall not be rejected by operation of this Resolution and the Village continues to reserve all of its rights with respect to the 2006 FCC Form 1205.

3. Comcast shall file a refund plan with the Village within 45 days after Final Approval, as that term is defined in the Settlement Letter, or such other date as may be agreed upon in advance by Comcast and the Village, setting forth the refund amounts for the 2006 FCC Form 1205. The refund plan shall contain information sufficient to permit the Village to verify whether Comcast's refunds comply with the requirements of this Resolution, the Settlement Letter, and applicable laws and regulations.

4. Within 60 days after Final Approval, as that term is defined in the Settlement Letter, or such other date as may be agreed upon in advance by Comcast and the Village, Comcast shall make all rate reductions and refunds that are necessary based on the equipment and installation rates calculated in Appendix C of the Settlement Letter for the 2006 FCC Form 1205. Comcast shall refund all amounts charged to subscribers for equipment or installations that exceed the maximum permitted amounts specified in Appendix B of the Settlement Letter in accordance with 47 C.F.R. § 76.942(d).

5. Comcast shall file with the Village within 90 days after Final Approval, as that term is defined in the Settlement Letter, or such other date as may be agreed upon by Comcast and the Village, a certification, signed by an authorized representative of Comcast, stating whether Comcast has complied fully with all provisions of this Resolution and the Settlement Letter, describing in detail the measures taken to implement this Resolution and the Settlement Letter, and the total amount of the credits applied to subscribers' bills with respect to the 2006 FCC Form 1205.

5-C.15

6. Comcast may charge rates less than the maximum rates set herein equipment and installation, as long as such rates are consistent with applicable law and are applied in a uniform and nondiscriminatory way, pursuant to applicable federal, state, and local laws and regulations.

7. This Resolution constitutes the written decision required by 47 C.F.R. § 76.936(a).

8. This Resolution shall be released to the public and to Comcast, and a public notice shall be published stating that this Resolution has been issued and is available for review, pursuant to 47 C.F.R. § 76.936(b).

9. This Resolution shall be effective immediately upon adoption.

10. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED this ____ day of _____ 2007

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2007

Village President

ATTEST:

Village Clerk

5-c.16

VILLAGE OF LA GRANGE
Public Works Department

BOARD REPORT

TO: Village President, Village Clerk
Board of Trustees, and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Ken Watkins, Director of Public Works

DATE: April 9, 2007

RE: **AWARD OF CONTRACT – WATER SYSTEM/HIGH LIFT PUMP
REPLACEMENT**

The Fiscal Year 2006-07 Village budget provides for the replacement of a high lift water distribution pump. The East Avenue Pumping Station houses three high-lift pumps, which pump water throughout the Village's distribution system. The life expectancy of these pumps is approximately six years. Pump Number "2" was last replaced in 2000 and is in need of replacement before high demand begins this Summer.

Due to the specialized nature of this work, competitive quotes were solicited from five vendors known to us to be capable of removing the old pump and replacing it with a new, 1400 gallon per minute high lift pump. This equipment quoted meets or exceeds our specifications. The table below reflects the quotes received for this equipment.

VENDOR/LOCATION	QUOTE
Municipal Well & Pump/Waupum, WI	\$18,530
Illinois Pump, Inc/Arlington Heights, IL	\$18,986
Meadow Equipment Sales/Carol Stream, IL	\$21,257
Layne-Western/Aurora, IL	\$23,027
Omni-Pump Repairs	\$30,422
FY 2006-07 Water Fund/New Equipment	\$20,000

Although the low quote was submitted by Municipal Well & Pump in the amount of \$18,530, we are recommending accepting the second low quote submitted by Illinois Pump from Arlington Heights in the amount of \$18,986. In addition to the specified scope of work, Illinois Pump also proposed that they will recondition the pump head and sandblast prime and paint the inside and outside of the pump head and coat the column pipe using a food-grade product for priming and coating. Illinois Pump will also replace the wear rings on the

5-D

new pump with a better quality which will be more compatible with the stainless steel impellers. We were impressed with Illinois Pump's demonstrated knowledge and thoughtful response to enhance the operation of our system. These items are well-worth the additional \$456 and will reduce future maintenance needs and should extend the life-expectancy of the pump. All of the other vendors had equal opportunity to provide additional analysis, but did not take the initiative.

Also included in their proposal was a quote to repair and refurbish the pump motor including testing, replacing the seals, bearings and oil, cleaning, priming and painting. Illinois Pump proposes to complete this expanded scope of work for an additional \$1,900.

We have checked the references submitted by Illinois Pump and found this company capable of performing the work as specified. Warranties are one year for equipment and 90 days for labor.

It is our recommendation that the Village Board waive the competitive bidding process and authorize staff to enter into an agreement with Illinois Pump of Arlington Heights Illinois for replacement of Pump Number "2" in the amount of \$18,986. We also recommend accepting their quote in the amount of \$1,900 to refurbish the pump motor for a total quote of \$20,886. There are sufficient reserves in the Water Fund to cover the additional \$886 expenditure over what has been budgeted.

5-D.1

VILLAGE OF LA GRANGE
Police Department

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Michael Holub, Police Chief

DATE: April 9, 2007

RE: **ADVANCE PURCHASE – POLICE DEPARTMENT SQUAD CARS**

Within the proposed FY 2007-08 Village budget, the Police Department is scheduled to replace six squad cars for the Patrol Division and purchase one additional squad car for the Part-time Police Officer program.

Historically, we have purchased our police vehicles from Anderson Ford of Berwyn, Illinois based on their ability to match the price established by the West Central Municipal Conference (WCMC) Suburban Purchasing Cooperative. However this year the WCMC used the Master Contract of the State of Illinois, Department of Central Management for Ford Crown Victorias rather than seeking bids from area dealerships. That contract was awarded to Landmark Ford of Springfield, Illinois.

As in the past, not only has Anderson Ford matched the price offered by WCMC and the State of Illinois, we will also avoid the \$1,400 total delivery charge that would be assessed by Landmark Ford. Anderson Ford is our preferred vendor because they are conveniently located to the Village; they provide us with outstanding customer service; and repairs are performed quickly and with little or no recurrence of the mechanical problem.

Below is a cost summary of the vehicle purchases:

2007 Ford Crown Victoria Police Package:

Price Per Vehicle w/options:	\$ 20,334
X 7 Squads =	\$142,338
Less 6 trade-ins:	-\$ 29,700
TOTAL VEHICLE PURCHASE PACKAGE:	\$112,638

It is anticipated the purchase of equipment as well as the striping and changeover of all squads will cost an additional \$23,000. With \$136,000 available in the Equipment Replacement Fund (ERP), we are expecting to be within budget.

In order for us to receive the new squads in a timely manner and to avoid the risk of further delay due to production year changeover, it is our recommendation that the Village Board waive the competitive bidding process and authorize staff to purchase seven 2007 Ford Crown Victoria Police Interceptor vehicles from Anderson Ford of Berwyn, Illinois at a net total cost of \$112,638. It is further understood that our current six squads will be traded in at the time the new squads are delivered. Furthermore, we will not be invoiced until after May 1, 2007.

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5-E.1

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Andrianna Peterson, Assistant Village Manager

DATE: April 9, 2007

RE: **CONTRACT - GROUP HEALTH AND LIFE INSURANCE RENEWAL**

The Village provides group health insurance coverage as a benefit to its full-time employees. Coverage is provided under the Blue Advantage Entrepreneur (BAE) plan through Blue Cross/Blue Shield of Illinois. Our current health insurance contract with Blue Cross expires on April 30, 2007.

The Village experienced a period of stable health insurance premiums throughout a majority of the 1990's. Starting in 2000, the Village began to incur an upward trend in its health insurance costs consistent with other groups. In response, the Village implemented several plan design changes in 2001, 2002 and 2004 which had the result of mitigating, to some extent, the considerable premium increases which were experienced. The financial burden was shared with employees in the form of both new and increased co-payments.

Due to lower costs as a result of the plan design changes; general downward cost trend in the health care industry; and decreases in benefit utilization by employees, the Village enjoyed two consecutive years (2005 and 2006) without any increase in health insurance premiums.

The initial renewal proposal from Blue Cross for this year requested a 20.3% increase in premiums. The proposed increase was primarily due to increased program utilization; increased utilization of prescription drug benefits; and a change in how Blue Cross calculates covered lives. We charged our brokers Jim Relyea and Sandy Basak of Mercer Health and Benefits to analyze reports regarding our utilization and negotiate the best possible renewal for the Village. We also asked them to gauge the marketplace through a proposal process with other medical providers to ensure that the Village was receiving the most competitive rate.

As a result of those actions, Blue Cross/Blue Shield has agreed to a 15% renewal increase under the current program structure. Essentially, because there was no increase in premiums for the past two years, the net effect is a 5% increase each year over a 3 year period. Although changes to the current program structure and/or prescription drug program can result in a decrease to the renewal percentage, we are not recommending a program structure change at this time because significant program design changes were initiated as recently as 2004. The premium increase will result in an

5-F

approximate \$30,000 in additional expense to the General Fund and \$35,000 overall impact to the Village above what has been budgeted for FY 2007-08.

Our group life insurance is provided by Fort Dearborn Life through Blue Cross/Blue Shield. Because of continued good claims history, we have negotiated a one-year agreement with Fort Dearborn Life with no increase in premiums.

We recommend that the contract with Blue Cross/Blue Shield for group health insurance and Fort Dearborn for group life insurance, effective May 1, 2007 be approved and that the Village Manager be authorized to execute the contract documents.

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S-F.1

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

March 26, 2007

Consolidated Voucher 070326

<u>Fund No.</u>	<u>Fund Name</u>	<u>03/26/07 Voucher</u>	<u>03/23/07 Payroll</u>	<u>Total</u>
01	General	110,007.09	267,409.70	377,416.79
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax			0.00
23	TIF	26,428.09		26,428.09
24	ETSB	726.09		726.09
40	Capital Projects	1,001.06		1,001.06
50	Water	21,514.29	39,123.16	60,637.45
51	Parking	3,132.01	26,100.51	29,232.52
60	Equipment Replacement	611.75		611.75
70	Police Pension			0.00
75	Firefighters' Pension	995.00		995.00
80	Sewer		8,478.59	8,478.59
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>164,415.38</u>	<u>341,111.96</u>	<u>505,527.34</u>

We the undersigned Manager and Clerk of the Village of La Grange hereby certify that, to the best of our knowledge and belief, the foregoing items are true and proper charges against the Village and hereby approve their payment.

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

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VILLAGE OF LA GRANGE

Disbursement Approval by Fund

April 9, 2007

Consolidated Voucher 070409

<u>Fund No.</u>	<u>Fund Name</u>	<u>04/09/07 Voucher</u>	<u>04/05/07 Payroll</u>	<u>Total</u>
01	General	203,695.04	224,354.47	428,049.51
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax			0.00
23	TIF			0.00
24	ETSB	2,539.58		2,539.58
40	Capital Projects	151,338.40		151,338.40
50	Water	13,268.48	29,316.13	42,584.61
51	Parking	5,396.26	19,317.98	24,714.24
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension	750.00		750.00
80	Sewer	1,514.39	6,838.59	8,352.98
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269	49,509.53		49,509.53
94	SAA 270	16,598.58		16,598.58
		<u>444,610.26</u>	<u>279,827.17</u>	<u>724,437.43</u>

We the undersigned Manager and Clerk of the Village of La Grange hereby certify that, to the best of our knowledge and belief, the foregoing items are true and proper charges against the Village and hereby approve their payment.

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

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MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, March 12, 2007 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:33 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, the following were:

PRESENT: Trustees Cremieux (arrived 8:27 p.m.), Horvath, Livingston, Pann and Wolf with President Asperger presiding.

ABSENT: None

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Community Development Director Patrick Benjamin
Assistant Community Development Director Angela Mesaros
Finance Director Lou Cipparrone
Assistant Public Works Director Mike Bojovic
Police Chief Mike Holub
Fire Chief David Fleege
Doings Reporter Ken Knutson
Suburban Life Reporter Joe Sinopoli

2. PRESIDENT'S REPORT

President Asperger explained that although Cook County's smoking ban will take effect this week, the County has agreed not to enforce issues until the Village approves a local ordinance regulating the smoking ban for La Grange. Since the March 26 Village Board meeting will be canceled for lack of a quorum, the Village's proposed smoking ban ordinance will be presented on April 9. A draft of the ordinance will be made available on the Village's website for residents to review and comment.

A budget workshop was conducted last Saturday to discuss the Fiscal Year 2007-08 budget and copies are available at the Village Hall and La Grange Public

5-1

Library. The Village Manager's message, which summaries the various funds, is posted on the Village's website. A public hearing will be conducted on April 9 after which the budget will be presented to the Village Board for adoption.

The YMCA has relocated its temporary facility to La Grange Park. The Village is working closely with the YMCA to see that the former structure in La Grange is safely and swiftly demobilized.

Congratulations were extended to Palmer Place on its newly remodeled restaurant, which reinvigorates the Central Business District.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4. OMNIBUS AGENDA AND VOTE

A. Consolidated Voucher 070312 - \$725,104.84

B. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, February 26, 2007

It was moved by Trustee Langan to approve items A and B of the Omnibus, seconded by Trustee Pann. Approved by roll call vote.

Ayes: Trustees Horvath, Langan, Livingston, Pann, Wolf and President Asperger

Nays: None

Absent: Trustee Cremieux

5. CURRENT BUSINESS

A. Award of Contract – Central Business District Wayfinding Signage: Referred to Trustee Horvath (Budget Amendment Resolution #R-07-03)

Trustee Horvath described the process by which the Village determined the need for wayfinding signage and stated that Schrieber Anderson has been engaged to provide professional services to assist in a wayfinding signage system for the Central Business District. An advisory committee was compiled to guide the project. Based on the approved concept plan Schrieber Anderson, on behalf of the Village solicited competitive proposals with the low quote of \$178,191 coming from Poblocki Sign Company of West Allis, Wisconsin. Because this amount exceeded the amount allocated, the advisory committee reduced the number of proposed signs lowering the cost to \$154,596. Upon receipt of favorable references and inspection of prior work completed by Poblocki it is being

5-1.1

recommended to the Village Board that Poblocki be contracted for the production and installation of wayfinding signage. Trustee Horvath explained that it is also necessary for the Village to identify a source of supplying power for the illuminated signs. The advisory committee is recommending that Poblocki complete the electrical work under their contract in an amount not to exceed \$50,000. Although everyone involved attempted to work within the allotted budget, the increase in project cost of \$71,379 will require a budget amendment to transfer funds from the TIF fund balance into the FY2006-07 Operating and Capital Improvements budget. A Resolution and Budget Amendment would also need approval.

It was moved by Trustee Horvath that the Village Board authorize staff to negotiate a contract for the production and installation of Central Business District Wayfinding Signage with the Poblocki Sign Company of West Allis, Wisconsin in an amount not to exceed \$205,000, seconded by Trustee Pann. Approved by roll call vote.

Ayes: Trustees Horvath, Langan, Livingston, Pann and Wolf
Nays: None
Absent: Trustee Cremieux

It was moved by Trustee Horvath that the Village Board approve the resolution amending the FY 2006-07 Operating and Capital Improvements Budget in the amount of \$71,500 to reflect this expenditure, seconded by Trustee Livingston.

Trustee Wolf inquired if funds for the project are general funds or TIF funds and was informed that TIF funds are being utilized. Approved by roll call vote.

Ayes: Trustees Horvath, Langan, Livingston, and Wolf
Nays: None
Absent: Trustee Cremieux
Recuse: Trustee Pann

B. Continued Discussion of Proposed Zoning Code Amendments: Referred to President Asperger.

President Asperger gave a brief synopsis of the history and discussion of the proposed Zoning Code Amendments and thanked the public for their interest and participation in the process. Although it is difficult for the Board to move forward on this matter, President Asperger is confident the decision made would be in the best interest of the entire Village. President Asperger requested Village Manager Robert Pilipiszyn to share his recommendations which were previously directed to the Village Board.

5-I.2

Manager Pilipiszyn summarized his evaluation of past presentations, data and public discussions and although he has received numerous messages with opposing opinions regarding new construction and remodeling, believes there is a consensus on several items. Those items being maximum height; minimum interior side yard; limit side yard encroachment of window wells and their covers; roofs on non-conforming houses; limiting forward extension of front loading garages; changing treatment of eaves; and maximum curb cut for residential driveways. Mr. Pilipiszyn briefly elaborated on each of the items. Further study is necessary for maximum building coverage, maximum lot coverage, allowances for detached garages and front porches as well as consideration of an overlay district for the Historic area.

President Asperger opened the topic for Board discussion.

Trustee Wolf suggested each item be discussed individually.

Trustee Horvath feels that positive steps are being taken and believes limits should be set for surface coverage. Economic impact of property values is also a concern and he is in agreement to discuss the topics individually.

Trustee Pann believes the proposed amendments are a good starting point.

Maximum Height: Village Board discussion ensued regarding clarification of maximum height; overlay districts; concerns for multiple overlay districts; total height is related to pitch of roofs.

Interior Side Yards / Window Wells: (Trustee Cremieux arrived) Village Board discussion ensued regarding the impact on new construction; escape window wells; and safety concerns.

Front Loading Garages: Village Board discussion ensued regarding height limitations and not wanting to legislate or dictate design.

Maximum Curb Cuts: Village Board was in agreement with this item.

Treatment of Eaves: Village Board discussion ensued regarding counting eaves as lot coverage and treatment for existing homes.

Trustee Livingston feels the process is moving forward. Since each item impacts another it is important to achieve a comprehensive approval.

5-1-3

Trustee Cremieux is concerned with broad strokes. New construction creates issues that need to be controlled, yet he is concerned about reducing property values.

Trustee Langan noted the importance of seeing the evolution of this issue beginning when residents became concerned and objectionable with the bulk of housing being constructed and loss of green space. Review of the zoning code should occur every five years.

Trustee Pann noted the complexity of these amendments. Although safety, drainage and maximum lot coverage are more direct, subjective items such as design are more difficult to regulate.

Trustee Wolf believes the slow and steady process is a good approach and suggested others with more knowledge be consulted.

President Asperger believes it is the consensus of the Board to further gather thoughts. Discussion as a small group with some of the Trustees and the Village Attorney may be considered. The Board is not prepared to vote on this item and no action is anticipated until the latter part of April or early May.

Village President Asperger opened the floor to the audience requesting any new or non-repetitive concerns or comments.

1. Kurt Hoigard, 345 S. 6th Avenue expressed concerns for the Historic District and believes it should be considered separately. Mr. Hoigard noted that the greatest amount of tear downs is outside the Historic District and reminded the audience that the Comprehensive Plan recommends a distinction between the core district and the other parts of the Village.
2. Pastor Debra Williams of Davis Memorial Church expressed concerns about equal emphasis on want versus need. Pastor Williams hopes the Board makes decisions for the betterment of the entire community. Noting that bigger is not always better, Pastor Williams believes decisions should be made for environmental preservation, not self gain.
3. Ms. Kristufek, 120 N. Peck feels that younger families need and want larger homes and won't settle for less.
4. John Schmitt, 921 S Spring expressed concerns with regard to not receiving information about the proposed Zoning Code amendments and is in agreement that the market is for larger homes. President Asperger responded that the Village has aggressively communicated this information through the news media, via the Village's website, and cable television.

5-I.4

5. Jane Byczek, 445 S. Spring encourages the Board to look at an overlay district and feels that builders will not want to build in La Grange if limitations are in place.
6. Laurie Braun, 115 S. 6th commended the Village Board on their efforts to be good stewards of the land and is pleased with the methods of communication to residents.
7. Bob Reichel, 641 S. Waiola expressed his gratitude to the Village Manager and the Community Development Department for their efforts in making certain that property rights are respected. Mr. Reichel believes what happens to existing property is very important and urged the Board to move forward.
8. Joan Smothers, 201 S. Stone Avenue produced a petition that was signed by residents who request the Board delay any decisions until further research is compiled. Ms. Smothers does not believe that a majority of the community is concerned about teardowns and an overlay district would reduce property values.
9. Rose Naseef, 911 S. Stone reminded the Board and audience that the Plan Commission and Zoning Code Review Committee are comprised of professionals who have actively researched, analyzed, and proposed amendments relative to all of the issues brought to them. Ms. Naseef expressed her disappointment that environmental issues are being minimized and hopes the Board will listen and adhere to the recommendations of the Plan Commission and Zoning Code Review Committee.
10. Tom Beyer, 205 S. Catherine feels that the demand for bigger homes is clear. People moving into the area expect modern amenities or they will move elsewhere which he believes may cause property values to decline.
11. Jeanine McLaughlin, as a member of the Historical Society, urged the Village Board to establish an overlay district and to draft an ordinance for the preservation of the Historic District.

President Asperger recommended the discussion be continued until a future date.

6. MANAGER'S REPORT

None.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

None

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8. EXECUTIVE SESSION

A. Closed Session – Personnel Matters

It was moved by Trustee Langan and seconded by Trustee Cremieux to convene in the lower level conference room for Executive Session to discuss personnel matters. Approved by roll call vote.

Ayes: Trustees Cremieux, Horvath, Langan, Livingston, Pann and Wolf

Nays: None

Absent: None

9. TRUSTEE COMMENTS

10. ADJOURNMENT

At 9:45 p.m. the meeting was adjourned to the lower level conference room for closed session.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

5-I-6

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk, and Board of Trustees

FROM: Robert J. Pilipiszyn, Village Manager
Andrianna Peterson, Assistant Village Manager
Mark Burkland, Village Attorney

DATE: April 9, 2007

RE: ORDINANCE - REGULATING SMOKING IN PUBLIC PLACES

In March 2006, Cook County adopted a "Clean Indoor Air Ordinance" regulating smoking to *"protect the public health and welfare by prohibiting smoking in all public places and places of employment; and to guarantee the right of non smokers to breathe smoke-free air, which shall have priority over the desire to smoke."* The County ordinance took effect on March 15, 2007, effectively prohibiting smoking in "public places," "places of employment," and selected other places, including all restaurants, bars and bar areas of restaurants, and office buildings throughout the County, including La Grange.

The County ordinance defines a "public place" as any enclosed area to which the public is invited or in which the public is permitted, including banks, educational facilities, government buildings, health care facilities, museums, public transportation facilities, reception areas, restaurants, bars, retail stores, and sports arenas. That ordinance also defines "places of employment" to include all places that employees frequent during the course of their employment.

There are four exemptions to the County ordinance: (1) private residences unless they are used as a child care facility, an adult care facility, a health care facility, or a home-based business; (2) hotel and motel rooms but not more than 25 percent of the available rooms in any particular facility; (3) private and semi-private rooms in nursing homes and long-term care facilities under certain circumstances; and (4) private clubs or lodges that are at least three years old and have more than 50 bona fide dues-paying members.

Pursuant to Section 15 of the County ordinance, the County regulations apply everywhere in the County except in those areas that are regulated by an ordinance of another governmental entity. The Village currently does not have its own smoking regulations that would preempt the County ordinance. As a result, the County

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ordinance will apply in the Village unless the Village amends its Code of Ordinances to add to its own regulations.

The Village regulates smoking in Section 96.45 of the Village Code only by incorporating by reference the Illinois Clean Indoor Air Act. The Illinois Clean Indoor Air Act also bans smoking in public places, except for those areas established for smoking using existing physical barriers, ventilation systems, and other physical elements.

Recently, the Illinois Senate passed a bill (SB 0500) by a comfortable margin that would repeal the Illinois Clean Indoor Air Act and replace it with a comprehensive set of no smoking regulations. The regulations proposed in the Senate bill are very similar to the regulations being considered by the Village, with a couple of notable exceptions. One is that the pending bill would ban smoking in all public places without any exception for separated areas with ventilation systems. Another is that the pending bill would not prohibit smoking in parks and on school grounds (although the Village could choose to do so). The new State regulations, if they become law, would preempt all existing local regulations to the extent that they are less restrictive than the State regulations.

The bill passed by the Senate is now being considered in the Illinois House. Unless a different effective date is inserted into the bill before it becomes law, the new State regulations would become effective January 1, 2008.

Many La Grange businesses have decided already to prohibit smoking in order to provide smoke-free environments for their customers. At the same time, however, some La Grange businesses (for example, restaurants with bar areas and tobacco dealers) have expressed concern about their ability to remain competitive and profitable if they are required to prohibit smoking completely.

In an effort to find a reasonable balance, staff has been working with the La Grange Business Association over the past several months on a draft ordinance which would regulate smoking in La Grange. The result of that collaboration is this proposed ordinance. The draft ordinance includes limited exemptions from the smoking regulations of the type commonly included in the many no smoking ordinances that have been enacted recently throughout the Chicago metropolitan area. The exemptions take into account existing circumstances in a manner that still defend the public's right to be protected against second-hand smoke and also recognize the importance of limited opportunities to allow smoking in certain restricted places in some existing businesses.

Attached for your consideration is a proposed ordinance which would regulate smoking in La Grange. More specifically, it amends, in its entirety, that section of the Village Code which adopts the Illinois Clean Indoor Air Act. This proposed ordinance is generally consistent with ordinances enacted in other municipalities and with the

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County ordinance. It is also generally consistent with the pending State bill. This draft, however, includes the following exemptions from the no smoking regulations, based on La Grange circumstances:

1. Bar areas of a restaurant when that bar area is partitioned from the remainder of the restaurant and equipped with separate ventilation systems;
2. Tobacco dealers;
3. The American Legion Hall;
4. Open air dining areas, not on a public sidewalk, that are physically partitioned from other areas.

If regulations like those in the proposed ordinance are adopted, the effects generally would be as follows:

1. The Village's no-smoking regulations would apply throughout the Village instead of the County ordinance, thereby protecting residents to an equal degree from the dangers of second-hand smoke and at the same time creating the exceptions noted above that we believe are appropriate for La Grange.
2. Smoking would be allowed in a limited number of existing bar areas of restaurants, but non-smoking patrons of those restaurants would be protected by partitions and separate ventilation systems from second-hand smoke, the result of which would be a better dining environment than exists today.
3. The recommended version of no-smoking regulations for La Grange are different from the County ordinance only in a narrow and limited set of circumstances. The exemptions involve only about 13 businesses (9 restaurants with a bar area; 2 restaurants with private, outdoor eating areas; the American Legion; and La Grange Tobacco). Thus, a preponderance of public places and places of employment in La Grange will be smoke-free.
4. Adoption of the Village's own ordinance would better protect the health and interests of Village residents and visitors through stricter requirements and easier enforcement regulations than the current Illinois Clean Indoor Air Act and at the same time would allow the limited businesses noted above to allow smoking under specific and regulated circumstances (not covered by the County ordinance).

The proposed ordinance includes an effective date of July 1, 2007, which would provide time for businesses that would need to make adjustments to comply with the ordinance (for example, by installing ventilation systems). If the Village Board adopts the proposed ordinance, then the Board certainly can revisit the regulations if any appropriate reason arises in the future.

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To further assist the Village Board in its deliberations on the proposed ordinance, we would like to provide you with the following additional information:

1. In response to President Asperger's announcement to the community on February 12 that the Village was considering a local ordinance that would regulate smoking in public places, the subsequent posting of this matter as a news item on the Village's website, and increased citizen awareness with the implementation of the County Ordinance, we have received about a dozen comments from Village residents. All of those residents except two prefer a complete ban on smoking.
2. Interestingly, our neighboring villages have taken different approaches to regulating smoking. Countryside has decided not to change its existing ordinance (similar to ours and from the early 1990's) which adopts the Illinois Clean Air Act by reference. Western Springs and Brookfield have decided to adopt by reference the current provisions of the Illinois Clean Air Act to affirm that the Cook County ordinance does not prevail within those villages. La Grange Park determined to let the Cook County ordinance take effect there.
3. Staff has discussed how to respond to complaints received regarding alleged violations of no-smoking regulations. During regular Village business hours, our Environmental Health Inspector will be responsible for addressing complaints. After hours, the Police Department will be responsible for enforcement with follow-up by the Community Development Department as appropriate. Additionally, we will revise our sidewalk café applications and approval letters to inform business owners that smoking is not allowed. The Village will be responsible for enforcement of no-smoking regulations under the Cook County ordinance, State statute, or its own regulations. We will also work cooperatively with our business community to educate them that they should be the first to handle and respond to customer complaints about second-hand smoke.
4. It appears likely that the State Legislature will pass a new "Smoke Free Illinois Act" before the end of this legislative session (most likely a form of SB 500 discussed above). It is possible that such a new State law would override any less restrictive provisions of the proposed Village ordinance, such as the provision allowing smoking in a properly protected bar area of a restaurant. In that case, businesses that would be exempted under the Village's proposed ordinance would be required to comply with the State law when it becomes effective (perhaps January 1, 2008). Until that time, and if the Village Board adopts the proposed ordinance, the Village's regulations would apply instead of the County ordinance. This would give effected businesses additional time to prepare for the potential change.

We recommend that the proposed ordinance be approved.

6-A.3

VILLAGE OF LA GRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 96.45
OF THE LA GRANGE CODE OF ORDINANCES
TO REGULATE SMOKING IN CERTAIN PLACES

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that smoking should be prohibited within the Village in certain public places, in places of employment, at the public entrances to such places, in and near open air dining areas, and at certain unenclosed public places including park and school grounds to protect the public health, safety, and welfare and to protect the right of nonsmokers to avoid breathing secondhand smoke;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein as the findings of the President and Board of Trustees.

Section 2. Amendment of Code of Ordinances. Section 96.45 titled "Illinois Indoor Clean Air Act Adopted By Reference," of the La Grange Code of Ordinances shall be, and it is hereby, amended in its entirety so that said Section 96.45 shall hereafter be as read as follows:

§ 96.45 SMOKE FREE AIR REGULATIONS:

(A) Background: Smoking creates serious hazards to the personal health and safety of people near the smoking and serious threats of damage to property that may result from the incendiary nature of smoking. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Smoking produces substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide, and formaldehyde. Secondhand smoke affects the health of the bystander, interferes with respiratory tract defenses, and often causes nonsmokers to have allergic or irritating reactions. Secondhand smoke is a known cause of lung cancer.

Because smoking has potentially harmful effects, material and direct, on the public health, safety, welfare, and comfort, and on property of residents of the Village, it is necessary and desirable to establish regulations that prohibit smoking in certain enclosed public places, in certain places of employment, near entrances to certain public places and places of employment, and within certain unenclosed public places including school grounds, park and recreation areas, and outdoor venues.

(B) Short Title; Purpose: This Section may be cited as the "La Grange Smoke Free Air Act," the purpose of which is to protect the public health and comfort and the environment by regulating smoking in enclosed public places, places of employment, and open air dining areas to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

(C) Illinois Clean Indoor Air Act: The provisions of the Illinois Clean Indoor Air Act, 410 ILCS 80/1 *et seq.*, shall apply within the Village to the extent, but only to the extent, that the provisions of this Section 96.45 are less restrictive than that Act.

(D) Definitions: For purposes of this Section, the following terms shall have the following meanings:

- AREA OF RESTRICTION: All areas within the Village classified in a Commercial, Office, or Institutional District pursuant to the La Grange Zoning Code and Zoning Map, and all multiple family residential buildings wherever located.
- BAR: A counter, and the area immediately adjacent to that counter, in a full service restaurant at which customers may be seated for the service of drinks, including without limitation alcoholic liquor, and the service of food.
- BAR AREA OF RESTAURANT: The area of a restaurant in which there is a bar and in which there may be a small area of floor space adjacent to the bar that may include tables with chairs. Food may be served in the bar area of a restaurant.
- BUSINESS: Any sole proprietorship, partnership, joint venture, corporation, association, or other business entity within the Village, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.
- CLUB: Any private not-for-profit association, corporation, or other entity comprised of persons who are bona fide members and that owns, leases, or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.
- DWELLING: Any building or portion of a building designed or used exclusively for residential occupancy by an owner or tenant, including single family dwellings, two family dwellings and multiple family dwellings, but not including hotels or motels.
- EMPLOYEE: Any person who is employed or retained by a business, including without limitation the owner or operator of a sole proprietorship or other similar business entity.
- EMPLOYER: Any business that employs one or more employees.

ENCLOSED AREA: All space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

OPEN AIR DINING AREA: A seating area open to the air and not on any right of way or public property that is accessory to a restaurant, hotel, cafeteria, club, or other public place engaged in purveying commercial food or beverage service where the public, members, or guests are invited to sit and receive food and beverage service for consideration.

OWNER: Any person, business, or club that, by reason of law or any written or oral arrangement or contract, exercises exclusive rights of possession, exclusion and control over any enclosed area or open air dining area.

When there is a landlord-tenant relationship, there shall be a rebuttable presumption that both the landlord and tenant shall be jointly and severally responsible for complying with the terms of this Section. An owner may rebut that presumption by demonstrating by clear and convincing evidence that the owner has taken reasonable steps to exercise all of its rights to compel the tenant to comply with this Section and the tenant has refused or failed to comply.

PLACE OF EMPLOYMENT: All areas under the control of a public or private employer within the Village that employees normally frequent during the course of employment, including without limitation common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, clubs, and the interior of a vehicle of public conveyance.

Place of employment also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees. Place of employment does not include that part of a private dwelling used as a home office if it is used by a single employee only who resides in that dwelling.

Place of employment includes a private dwelling used as a daycare facility.

PARK: A public park or recreation area that is open to and used by the general public.

PUBLIC ENTRANCE: The doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

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Public entrance also means a doorway or other entrance for pedestrian ingress and egress to a place of employment (1) that is open to and intended for use by the general public's or business invitee's ingress and egress to the place of employment and (2) where employees are required or permitted to enter or exit the place of employment.

Public entrance also means the area immediately above, below, or aside and adjacent to any window or other means, whether electronic, mechanical, or manual, by which a public place or place of employment may be ventilated for exposure to or gathering of ambient air.

PUBLIC PLACE: An area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

1. Vehicles of public conveyance; and
2. Common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators, and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family dwellings; and
3. Common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators, and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, healthcare facilities such as hospitals, clinics, and doctor's offices, museums, libraries, restaurants, polling places, government and Village owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments; and
4. Rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including without limitation any enclosed area under the control of the Village where there is in progress any public meeting.

Public place shall not include a private dwelling that does not meet the criteria for a place of employment or hotel or motel rooms designated as smoking, provided that no more than 15 percent of the available rooms for rent under common ownership or control shall be designated as smoking rooms.

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SCHOOL
GROUNDS: All public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

SMOKE
OR SMOKING: Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

VILLAGE: The Village of La Grange.

(E) Prohibition in Enclosed Public Places: Except as otherwise explicitly provided in this Section 96.45, it is unlawful to smoke in any enclosed area of any public place located in any area of restriction. Also, it is unlawful for the owner or other person in control of a public place located in any area of restriction to knowingly permit smoking in any enclosed area of that public place.

(F) Prohibition in Unenclosed Public Places and Outdoor Venues: Except as otherwise explicitly provided in this Section 96.45, it is unlawful to smoke in the following unenclosed public places:

- (1) The seating areas of all outdoor arenas, stadiums, and amphitheatres.
- (2) Public parks and recreation areas within 20 feet of any play area, any playground, or any scheduled activity group of any kind including but not limited to a game, show, party, event, or similar activity, but excluding parades and picnics.
- (3) School grounds.
- (4) Public sidewalks within 20 feet of a public entrance; provided, however, that this prohibition shall not apply to a person who is temporarily in such area for the purpose of walking or traversing through such area.
- (5) In, or within 20 feet of, an outdoor venue during the time that an outdoor event is taking place.

(G) Prohibition in Places of Employment: Except as otherwise explicitly provided in this Section 96.45, it is unlawful to smoke in any enclosed area of any place of employment. Also, it is unlawful for any employer or other person in control of a place of employment located in any area of restriction to knowingly permit smoking in any enclosed area of any place of employment.

(H) Prohibition in Open Air Dining Areas: Except as otherwise explicitly provided in this Section 96.45, it is unlawful to smoke in, or within 20 feet of, any open air dining area. Also, it shall be unlawful for the owner of an open air dining area to knowingly permit smoking in an area available for open air dining.

(I) Prohibition at Public Entrances: It is unlawful to smoke within 20 feet of a public entrance to a public place or place of employment in any area of restriction; provided, however, that this prohibition shall not apply to a person who is temporarily in

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such area for the purpose of walking or traversing through such area. Also, it is unlawful for any person or persons to gather or congregate within 20 feet of a public entrance for the purpose of smoking.

(J) Designation of Other No Smoking Areas: Nothing in this Section 96.45 shall be deemed to limit the owner or other person in control of a public place or a place of employment from further prohibiting smoking by designating outdoor areas not subject to the restrictions in this Section 96.45 as a place where smoking is prohibited, provided that the owner shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area. Violations of such privately designated non-smoking areas shall not be construed a violations of this Section 96.45.

(K) No Retaliation: No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Section 96.45 or exercises any rights afforded by this Section 96.45.

(L) No Smoking Signs:

(1) Signs in Public Places. Each owner or other person in control of a public place shall post conspicuous "No Smoking" signs, in a form provided by the Village, in the enclosed area of any public place where smoking is prohibited. It shall be unlawful for any person to remove, deface, or obscure any sign posted pursuant to the provisions of this Section 96.45.

(2) Signs in Parks, Recreation Areas, School Grounds. Each owner or other person in control of a public park, a public recreation area, or a school ground shall cause signs to be posted at appropriate locations advising persons where smoking is prohibited within the park, recreation area, or school ground.

(3) Signs in Outdoor Venues. Each owner, management company, or other person in control of an outdoor venue shall cause signs or notices to be posted at appropriate locations advising persons where smoking is prohibited within the outdoor venue during outdoor events.

(M) Exceptions: The prohibitions set forth in this Section 96-45 shall not apply to the following places or circumstances:

(1) Bar Area of Restaurant. The bar area of a restaurant when the owner or operator can demonstrate, to the satisfaction of the Village Manager, that such area (the "Bar Area") is partitioned from the remainder of the restaurant and has been equipped with separate air filtration or purification devices or similar technologies to effectively isolate secondhand smoke and its carcinogenic constituents from the remainder of the restaurant. Any doors or windows comprising any part of the partitions of the Bar Area shall remain closed at all times except, and only to the extent necessary, for use by the public or employees for immediate and active ingress and egress. The Bar Area should, to the fullest extent feasible, be situated within the restaurant so that customers of the dining areas of the restaurant do not have to move through the Bar Area to be seated. The owner or operator of any restaurant that has an approved Bar Area shall demonstrate compliance with the standards of this paragraph no less frequently than

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once each year. The Bar Area shall not include any portion of the dining area of the restaurant.

- (2) Tobacco Dealer. A public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.
- (3) American Legion Hall. The American Legion Hall existing as of January 1, 2007.
- (4) Portion of Open Air Dining Area. A designated area within an Open Air Dining Area not on a public sidewalk that is physically partitioned from other areas of the Open Air Dining Area. All locations within the Open Air Dining Area other than the designated smoking area shall be clearly marked as non-smoking with signs approved by the Village.

(N) Penalties for Smoking Violations: Any person who smokes in an area where smoking is prohibited under the provisions of this Section 96.45 shall be guilty of an offense punishable by:

- (1) First Violation. A fine of not less than \$25.00 for a first violation.
- (2) Second Violation. A fine of not less than \$50.00 for a second violation.
- (3) Third and Subsequent Violations. A fine of not less than \$100.00 and not more than \$500.00 for a third and each subsequent violation.
- (4) Payments to Avoid Prosecution. A person may avoid prosecution by making the payments indicated to the Village within the times indicated:

	<u>Within 30 days</u>	<u>31 days to 60 days</u>
First violation:	\$15.00	\$25.00
Second violation:	\$35.00	\$50.00
Third and subsequent violations:	75% of fine	100% of fine

(O) Penalties for Owners, Managers, Operators. Any person who owns, manages, operates, or otherwise controls a public place, a place of employment, or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Section 96.45 shall be guilty of an offense punishable by a fine of not less than \$100.00 and not more than \$1,000.00.

(P) Penalties for Failure to Post Signs. Any person who fails to post the signs required by this Section 96.45 shall be guilty of an offense punishable by fines as provided in Subsection (N) of this Section 96.45.

(Q) Each Day a Separate Offense. Each day that any violation of this Section 96.45 continues shall constitute a separate offense.

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(R) Severability: If any provision or part of this Section 96.45 or application hereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Section 96.45 and the application of the provision or part hereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

(S) Effective Date: The prohibitions stated in this Section 96.45 shall become and be effective on July 1, 2007. All premises affected by this Section 96.45 in existence on or before July 1, 2007, shall cause signs to be posted in a conspicuous location within the public place, place of employment, or open air dining area on or before July 1, 2007. All premises affected by this Chapter established subsequent to July 1, 2007, shall cause such signs to be so posted as a condition to obtaining applicable business licensing and certificates of occupancy, as appropriate.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this ____ day of _____ 2007.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2007.

Village President

ATTEST:

Village Clerk

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VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village President, Village Clerk, and Board of Trustees, Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Andrianna Peterson, Assistant Village Manager

DATE: April 9, 2007

RE: CONTRACT EXTENSION – RESIDENTIAL SOLID WASTE
COLLECTION AND DISPOSAL SERVICES

Historically, the Village has contracted for single-family solid waste collection and disposal services on behalf of its residents through a licensed hauler. When compared to other essential services such as electric, gas and telecommunications, the cost of solid waste collection and disposal is very low. Currently, an average home in La Grange generating one can of household refuse per week pays \$12.56 per month to dispose of its refuse.

The Village's five year single-family solid waste collection and disposal contract with Allied Waste Services expired on March 30, 2007; however, we are currently operating under a one month extension to the original contract until April 30.

After a competitive proposal process, the current agreement was negotiated, for the first time, as a joint contract with La Grange Park. Because of the Village's mutual satisfaction with the service provided by Allied Waste, we worked to renegotiate the terms and conditions of the renewal, in lieu of a competitive bid process.

Both Villages met with Allied Waste for several months to discuss the terms of the renewal. The discussions centered on challenges related to the current pure volume based (one sticker per bag) program and Allied's desire for the Villages to consider an alternative program structure. Data presented by Allied illustrate that volume-based programs are not generating enough revenue to meet expenses. As the cost of a sticker has increased annually to help cover escalating costs, the amount of stickers sold has correspondingly decreased (see Exhibit A).

When volume-based programs were first introduced in the early 1990's, the average number of containers set out for collection ranged between 1.5 – 2 cans per week. As consumers became more price conscious, they began to overfill containers. The

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average household now is only purchasing .75 stickers per week while the amount of tons disposed has increased (see Exhibit B). Coupled with dramatic increases in the cost of fuel, labor and insurance, it is becoming increasingly difficult to maintain a reasonable sticker price under the current program structure.

Concerns regarding the program structure appear to be industry-wide with some communities in the past several years changing their volume based program to a modified-volume based type system (where one can per garbage is allowed per week under a set billing structure and additional cans require a sticker); or a program that maintains the volume based sticker program but assesses a minimum billing fee to help stabilize costs. The use of totes has become increasingly popular as it provides a cleaner and more uniform curbside appearance and has become more competitively priced to incent municipalities away from volume-based programs.

Because a potential change in solid waste program structure is a major undertaking requiring substantial analysis and public input, staff has negotiated a proposed six month contract extension for the Village Board to consider. The primary reason for the extension is to provide a sufficient period of time for the Village to inform residents about the difficulty in maintaining a pure volume-based system and solicit their input on alternative program structures. Depending on the results of the survey, we will either go out to the marketplace for competitive proposals or negotiate a renewal with Allied Waste.

During the six month extension period, residents will still enjoy a relatively low monthly cost for the disposal of their household waste. Under the terms of the proposed extension, an average home in La Grange that disposes of one can of household waste per week will pay \$14.72.

The contract extension will include all of the provisions in the current contract except for the following negotiated amendments:

1. New rates will be effective May 1, 2007 until October 31, 2007.
2. Rate increase from \$2.90 per sticker to \$3.40 per sticker (both refuse and yard waste).
3. No rate increase for the toter service (\$26.25 per month).
4. In the event that refuse sticker sales fall below 82,500 at the conclusion of this six month period, the Village will offset the shortfall in an amount not to exceed \$25,000. We will have access to their records and independently verify sticker sales if necessary.

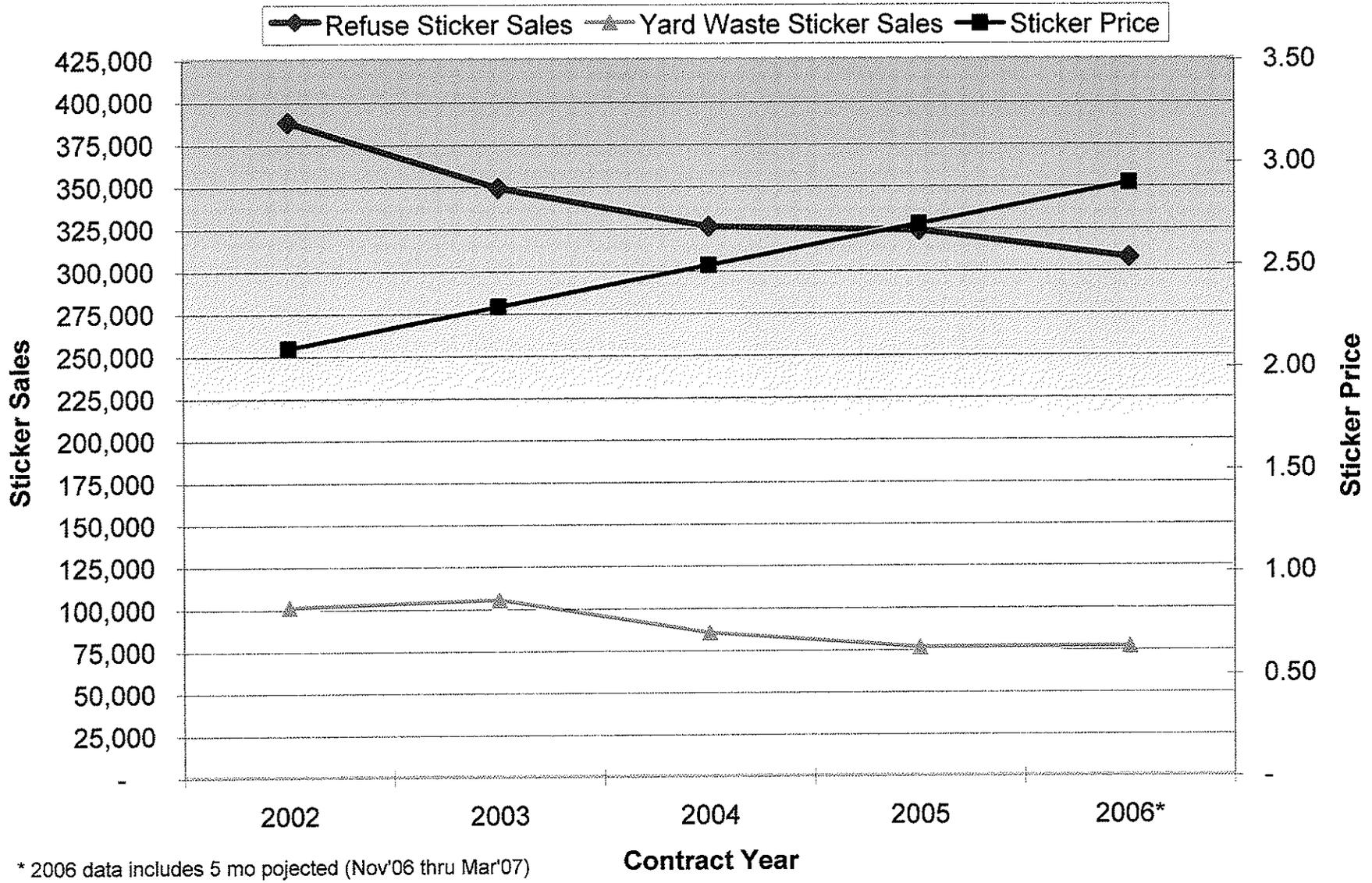
6-B.1

5. Existing stickers purchased by residents will be honored after May 1.
6. Agreement to include a “Change of Law” provision which protects both parties by providing the terms by which the Village will discuss how the hauler is economically impacted by certain legislative mandates and whether those costs should be reimbursable.
7. Extend the existing contract (which expired March 30) by one month to April 30 in order to provide sufficient time for Village Board approval, notify residents of price increase, change-out stickers, etc. Both parties to share in the cost of this extension – Village to waive \$5,000 commercial hauler license fee; BFI absorbing projected net revenue loss of \$11,989 (based on last year’s April actual sales) for operating one month at current rates (both refuse and yard waste).
8. La Grange Park has elected to pursue a separate process, the result of which may be different from our decided course of action. Therefore, the proposed extension is between Allied Waste Services and the Village of La Grange.

We recommend that the contract extension be approved, and that the Village Manager be authorized to execute the contract extension documents, subject to final review and approval by the Village Attorney.

6-13.2

Sticker Sales Trend Report



* 2006 data includes 5 mo projected (Nov'06 thru Mar'07)

Contract Year

6-13-3

Average Pounds of Refuse per Refuse Sticker Sold by Contract Year

<u>Contract Year</u>	<u>Price</u>	<u>Refuse Stickers Sold</u>	<u>Refuse Disposal Tons</u>	<u>Lbs/ Sticker</u>
2002	\$2.10	387,500	7,403	38.2
2003	\$2.30	348,500	7,693	44.1
2004	\$2.50	325,494	7,637	46.9
2005	\$2.70	323,000	7,396	45.8
2006	\$2.90	307,000	7,576	49.4

6-13.4

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees,
Village Attorney and Village Comptroller

FROM: Bob Pilipiszyn, Village Manager,
Lou Cipparrone, Finance Director,
Joe Munizza, Assistant Finance Director

DATE: April 9, 2007

RE: **RESOLUTION — APPROVING THE FY 2007-08 OPERATING
AND CAPITAL IMPROVEMENTS BUDGET**

Please find attached a resolution approving the Village of La Grange's annual Operating and Capital Improvements Budget for the fiscal year beginning May 1, 2007. Several workshops have been conducted over the past six months to develop this final FY 2007-08 Five-Year Operating and Capital Improvement Budget document. In addition, a public hearing was held earlier this evening to provide residents with the opportunity to comment on the proposed budget document.

The format for this budget document includes revenue, expenditure and fund balance projections, by fund and account, for each of the Village's 14 funds for the five-year period ending April 30, 2012. The budget document also includes a report on consolidated revenues and expenditures without interfund transfers and a schedule of anticipated property tax levies.

Capital expenditures of approximately \$3.2 million are budgeted in FY 2007-08. This total consists of \$1.3 million in street improvements, \$925,000 for water and sewer improvements, \$280,000 for the street light replacement program debt service, \$175,000 for Central Business District improvements, \$185,000 for parking structure improvements and over \$250,000 in sidewalk, gutter, pedestrian signals, streetlights, trees, signs and other improvements. Please note, these budget estimates reflect expenditures anticipated to occur within FY 2007-08 and do not necessarily reflect the total cost of the project.

Village revenues also deserve comment. The following are highlights from the proposed budget document:

- state shared revenues have exceeded budget projections indicating that the economic climate in Illinois continues to improve;

6-C

- new revenues in the form of the non-home rule sales tax, which was implemented July 1, 2006, are coming in slightly ahead of projections for the entire fiscal year indicating a strong economy in La Grange;
- beginning with FY 2007-08, new revenues come into the General Fund with the scheduled end of the Sales Tax TIF;
- sales tax revenues in the TIF have increased more than ten-fold over the last ten years, especially as a result of the Triangle Project;
- between FY 2004-05 through FY 2006-07, the Village has secured over \$8.3 million in grant funds which leveraged over \$18.5 million in capital improvements;
- in FY 2011-12, we estimate additional property tax revenues of \$350,000 when the TIF District ends after receipt of the 2009 tax levy; and
- we continue to maintain a healthy General Fund balance, and build up reserves in other funds where necessary, for initiatives, unforeseen expenditures and project estimates that are not fully developed such as MARS, future street reconstruction, and the like.

By exercising discipline and observing conservative financial management practices, as well as exploring alternative revenue options, the Village will remain faithful to its fiscal policies and strategic priorities to lessen the burden of property taxes on La Grange residents and businesses.

Please find attached a summary of revenue and expenditure adjustments which reconciles the preliminary FY 2007-08 budget to the final FY 2007-08 budget. Adjustments reflected in the reconciliation are as follows:

- 1) At the budget workshop, discussion ensued regarding the retainer for the Village Attorney. The Village has negotiated an updated agreement with the law firm of Holland & Knight which serves as the Village's legal counsel. The FY 2007-08 final budget has been amended to reflect the annual increased cost of legal services performed by the Village Attorney under the retainer agreement.
- 2) Community Development part-time salaries have been increased to reflect a new clerical position. This additional clerk will provide necessary support services and assist with routine economic development activities. FICA and Medicare expenditures have also been adjusted to reflect the increase in part-time salaries.
- 3) At the direction of the Village Board, TIF Fund expenditures in the amount of \$50,000 for the Central Business District Beautification Project were postponed to FY 2008-09.

6-C.1

Resolution-Approving FY 2007-08
Operating and Capital Improvements Budget
April 9, 2007 - Page 3

Only the FY 2007-08 budget is required to be adopted tonight. Subsequent fiscal year budgets through FY 2011-12 are presented for informational purposes. The five year projections provide a comprehensive planning tool for forecasting revenues and expenditures for future years, in order to maintain the Village's strong financial position over the long term.

We are pleased to recommend approval of the attached resolution, adopting the FY 2007-08 Operating and Capital Improvements Budget.

6-6-2

VILLAGE OF LA GRANGE
VILLAGE BUDGET ADJUSTMENTS
FY 2007-08 THROUGH FY 2011-12

SUMMARY OF ADJUSTMENTS (Excluding Public Library Fund)

	2006-07 EST ACT	2007-08 BUDGET	2008-09 BUDGET	2009-10 BUDGET	2010-11 BUDGET	2011-12 BUDGET
ALL FUNDS-REVENUES						
PROPOSED ALL FUNDS REVENUES	32,757,579	27,170,177	25,912,046	27,949,437	27,568,813	24,525,327
REVISED ALL FUNDS REVENUES	32,757,579	27,170,177	25,912,046	27,949,437	27,568,813	24,525,327
ALL FUNDS-REVENUE ADJUSTMENTS INCREASE (DECREASE)	-	-	-	-	-	-
ALL FUNDS-EXPENDITURES						
PROPOSED ALL FUNDS EXPENDITURES	29,969,025	24,478,186	22,906,250	24,295,708	24,459,329	23,430,265
REVISED ALL FUNDS EXPENDITURES	29,969,025	24,452,167	22,981,063	24,321,378	24,485,902	23,457,787
ALL FUNDS-EXPENDITURE ADJUSTMENTS INCREASE (DECREASE)	-	(26,019)	74,810	25,668	26,571	27,519

DETAIL OF ADJUSTMENTS

REVENUES - GENERAL FUND

FUND	ACCOUNT	DESCRIPTION	2006-07 EST ACT	2007-08 BUDGET	2008-09 BUDGET	2009-10 BUDGET	2010-11 BUDGET	2011-12 BUDGET
N/A	N/A	N/A	-	-	-	-	-	-
TOTAL GENERAL FUND REVENUE ADJUSTMENTS			-	-	-	-	-	-
REVENUES - OTHER FUNDS								
N/A	N/A	N/A	-	-	-	-	-	-
TOTAL OTHER FUNDS REVENUE ADJUSTMENTS			-	-	-	-	-	-
TOTAL ALL FUNDS REVENUE ADJUSTMENTS			-	-	-	-	-	-

EXPENDITURES - GENERAL FUND

FUND	ACCOUNT	DESCRIPTION	2006-07 EST ACT	2007-08 BUDGET	2008-09 BUDGET	2009-10 BUDGET	2010-11 BUDGET	2011-12 BUDGET
LEGAL	01-04-62-6239	VILLAGE ATTORNEY-RETAINER AGREEMENT	-	8,480	8,480	8,480	8,480	8,480
COM DEV	01-06-60-6001	P/T SALARIES - NEW CLERICAL POSITION	-	14,186	14,931	15,715	16,540	17,408
COM DEV	01-06-60-6004	IMRF CONTRIBUTIONS - P/T CLERK	-	230	257	270	285	299
COM DEV	01-06-60-6005	FICA/MEDICARE - P/T CLERK	-	1,085	1,142	1,203	1,266	1,332
TOTAL GENERAL FUND EXPENDITURE ADJUSTMENTS			-	23,981	24,810	25,668	26,571	27,519
EXPENDITURE - OTHER FUNDS								
TIF	23-00-66-6637	CBD BEAUTIFICATION PROJECT	-	(50,000)	50,000	-	-	-
TOTAL OTHER FUNDS EXPENDITURE ADJUSTMENTS			-	(50,000)	50,000	-	-	-
TOTAL ALL FUNDS EXPENDITURE ADJUSTMENTS			-	(26,019)	74,810	25,668	26,571	27,519

GENERAL FUND SURPLUS/(DEFICIT)

PROPOSED GENERAL FUND SURPLUS/(DEFICIT)	(2,357)	328,630	370,324	195,934	56,868	158,545
GENERAL FUND REVENUE ADJUSTMENTS	-	-	-	-	-	-
GENERAL FUND EXPENDITURE ADJUSTMENTS	-	(23,981)	(24,810)	(25,668)	(26,571)	(27,519)
REVISED GENERAL FUND SURPLUS/(DEFICIT)	(2,357)	304,649	345,514	170,266	30,298	131,025

filename:\users\finance\bud08\08budadjustments

6-C-3

RESOLUTION R-07-_____

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the FY 2007-08 Operating and Capital Improvements Budget as set forth in the budget documents as attached hereto and made a part hereof.

Adopted this 9th day of April, 2007, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this 9th day of April, 2007

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

6-C.4