

Village of Bensenville
Board Room
12 South Center Street
Bensenville, Illinois 60106
Counties of DuPage and Cook

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

November 10, 2009

CALL TO ORDER: 1. President Soto called the meeting to order at 6:35 p.m.

ROLL CALL: 2. Upon roll call by Village Clerk, JoEllen Ridder, the following Board Members were present:

Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

ABSENT: None

A quorum was present.

**CONTINUED
PUBLIC
HEARING:**

President Soto opened the continued public hearing in regards to 3N784 Church Road, Churchville School at 6:37 p.m.

ROLL CALL: 3. Upon roll call by Village Clerk, JoEllen Ridder, the following Board Members were present:

Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

ABSENT: None

A quorum was present.

Director of Community Development, Scott Viger, gave a brief overview of the Churchville School house and recommendations made by the Community Development Commissioners and Staff.

**PUBLIC
COMMENT:**

Tom Marcucci - Former Mayor of Elmhurst

Mr. Marcucci shared with the Village Board the history of the Churchville School and the relationship with the City of Elmhurst. Mr. Marcucci supports the annexation to Bensenville.

Joanne Brundage – 455 Larch, Elmhurst

Ms. Brundage from the Elmhurst Historical Society shared her personal history with the Churchville School and is in support of the annexation to Bensenville.

Brian Bergheger – 309 N. Large, Elmhurst

Mr. Bergheger is the Historical Director of Elmhurst. Mr. Bergheger gave a brief over few of the designs for the Schoolhouse and plans once the project is completed. Mr. Bergheger is in support of the annexation to Bensenville.

Harlan Spiroff – 105 S York Road, Elmhurst

Mr. Spiroff is the attorney for the City of Elmhurst. Mr. Spiroff shared his personal interest in the annexation. He is in support of the annexation to Bensenville.

Mayor DiCianni – Elmhurst

Mayor DiCianni is in support of the annexation into Bensenville and is excited to work together with Bensenville in completing this project.

Terri Ryan – District 2, Bensenville

Ms. Ryan was present on behalf of District 2 Superintendent, William Jordon. Ms. Ryan read a letter into the record from Mr. Jordon and District 2 showing their support of the annexation.

Kim Smeja – Churchville Cemetery

Ms. Smeja shared her personal background with the property and is in full support of the annexation.

Paul DiMichael – 17W275 Red Oak

Mr. DiMichael read a resolution into the record that was adopted by the Bensenville Fire District #1. As a Bensenville citizen, Mr. DiMichael is opposed to the annexation.

Janice Arquette – 196 S. Mason

Mrs. Arquette is in support of the Schoolhouse annexation but does not want to see the building lose its true meaning. She would like to see the building remain as a true historic site and not be modified.

Motion: Trustee Wessler made a motion to close the public hearing.
Trustee Peconio seconded the motion.

ROLL CALL: AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wessler

NAYS: None

Motion carried.

President Soto closed the public hearing at 7:21p.m.

**PUBLIC
COMMENT:**

Allan Devitt – 16W603 Third Ave.

Mr. Devitt wanted to commend the Village Board on the mailing regarding the financial state of the Village.

Cathy Wassmann – 240 Minor Street

Mrs. Wassmann was representing the Bandits Football Program. The Bandits recently won the State Championship and have the opportunity to go to Indianapolis to continue the season. The Bandits are looking for donations to fund the trip. The Village Board and Manager will work with Mrs. Wassmann and other foundations to help support the team.

**APPROVAL OF
MINUTES:**

4. The October 27, 2009 Village Board Meeting minutes were presented.

Motion: Trustee Adamowski made a motion to approve the minutes as amended. Trustee Johnson seconded the motion.

All were in favor.

Motion carried.

WARRANT NO.

10/13: 5. President Soto presented **Warrant No. 10/13** in the amount of \$1,093,185.23

Motion: Trustee O'Connell made a motion to approve the warrant as presented. Trustee Johnson seconded the motion.

ROLL CALL: AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

NAYS: None

Motion carried.

Motion: 6. Trustee Johnson made a motion to approve the Consent Agenda as presented. Trustee Adamowski seconded the motion.

Trustee Peconio requested to pull agenda item number one. With no objections from the Village Board, President Soto removed action item number one and placed it at the end of the agenda.

ROLL CALL: AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

NAYS: None

Motion carried.

Resolution No.

R-162-2009: **A Resolution Approving an Amendment to an Agreement with Tyler Technologies, Inc. for Provision of Software and Malignance. (Consent Agenda)**

Resolution No.

R-163-2009: **A Resolution Amending the 2009 Schedule of Meetings of the Village of Bensenville, and Adopting a Schedule for the 2010 Calendar Year. (Consent Agenda)**

**Resolution No.
R-164-2009:**

A Resolution Deterring an Estimate of Real Property Taxes to be Levied by the Village of Bensenville, DuPage and Cook Counties, Illinois, for the Fiscal Year Commencing May 1, 2009, and Ending April 30, 2010, and Setting a Date Certain for Hearing Said Estimate Pursuant to the “Truth in Taxation” Law, 35 ILCS 200/18-55 ET SEQ. (Consent Agenda)

Motion:

A Motion Directing the Village Manager to Proceed with the Transition Plan for Changing from May 1 – April 30th to a Calendar Fiscal Year per the Schedule Provided and the Preparation of the Corresponding Ordinances to be Presented for Consideration in February 2010. (Consent Agenda)

**Resolution No.
R-165-2009:**

A Resolution Authorizing the Execution of the local Agency Agreement Amendment for Federal Participation for the Grand Avenue Sidewalk Project. (Consent Agenda)

**Resolution No.
R-166-2009:**

A Resolution Authorizing the Execution of a Purchase Order and Contract to Vian Construction for Residential Drainage Improvements. (Consent Agenda)

**Resolution No.
R-167-2009:**

A Resolution Authoring the Execution of a Purchase Order and Contract to Vian Construction for the 2009 Hydrant Replacement Project. (Consent Agenda)

Motion:

Trustee Wessler made a motion to approve the consent agenda as presented. Trustee Peconio seconded the motion.

ROLL CALL:

AYES: Adamowski, Bartlett, Johnson, O’Connell, Peconio, Wessler

NAYS: None

Motion carried.

Motion: Trustee Peconio made a motion to remove the Churchville Schoolhouse items from the table. Trustee Wesseler seconded the motion.

ROLL CALL: AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler
NAYS: None
Motion carried.

**Ordinance No.
63-2009:**

7. Village President, Frank Soto, gave the summarization of the action contemplated in **Ordinance No. 63-2009** entitled **An Ordinance Authorizing the Execution of an Annexation Agreement for the Property Commonly know as the "Churchville Schoolhouse Property"**.

Motion: Trustee Wesseler made a motion to adopt the ordinance as presented. Trustee O'Connell seconded the motion.

ROLL CALL: AYES: Adamowski, Bartlett, O'Connell, Peconio, Wesseler, President Soto
NAYS: Johnson
Motion carried.

**Ordinance No.
64-2009:**

8. Village President, Frank Soto, gave the summarization of the action contemplated in **Ordinance No. 64-2009** entitled **An Ordinance Annexing Certain Property Commonly know as the "Churchville Schoolhouse Property" to the Village of Bensenville, DuPage and Cook Counties, Illinois.**

Motion: Trustee Wesseler made a motion to adopt the ordinance as presented. Trustee Peconio seconded the motion.

ROLL CALL: AYES: Adamowski, Bartlett, O'Connell, Peconio, Wesseler
NAYS: Johnson
Motion carried.

Ordinance No.
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9. Village President, Frank Soto, gave the summarization of the action contemplated in **Ordinance No. _____** entitled **An Ordinance Granting Variances for Lot Size, Lot Width, Side Yards, Rear Yard and Accessory Structures from Certain Requirements of the Bensenville Zoning Ordinance – For Property Commonly know as the Churchville Schoolhouse – 3N784 Church.**

Motion: Trustee Peconio made a motion to adopt the ordinance as presented. Trustee O'Connell seconded the motion.

ROLL CALL: AYES: O'Connell, Peconio
NAYS: Adamowski, Bartlett, Johnson, Wesseler
Motion failed.

PRESIDENT'S REPORT: President Soto had no Presidential remarks.

MANAGER'S REPORT: Village Manager, Michael Cassady, had no report.

NEW BUSINESS: Trustee Johnson requested that direction be given to the Village Manager to add an item to a future agenda regarding proper expected decorum for all board members and possible sanctioning if necessary. President Soto gave Mr. Cassady direction to put it on a future Committee Meeting Agenda.

**EXECUTIVE
SESSION:**

President Soto called for an Executive Session for the purpose of discussing pending, probable, or imminent litigation, acquisition of real estate property, personnel, and collective negotiating matters. Actions will take place as a result of the discussions.

Motion:

Trustee O'Connell made a motion to go into Executive Session. Trustee Bartlett seconded the motion.

All were in favor.

Motion carried.

President Soto recessed the meeting at 7:59 p.m.

President Soto called the meeting back to order at 9:40 p.m.

ROLL CALL:

Upon roll call by Village Clerk, JoEllen Ridder, the following Board Members were present:

Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

A quorum was present.

Motion:

Trustee Wesseler made a motion to reconsider the Ordinance entitled **An Ordinance Granting Variances for Lot Size, Lot Width, Side Yards, Rear Yard and Accessory Structures from Certain Requirements of the Bensenville Zoning Ordinance – For Property Commonly know as the Churchville Schoolhouse – 3N784 Church.** Trustee Peconio seconded the motion.

Motion:

Trustee Adamowski made a motion to table the ordinance until the November 24, 2009 Village Board Meeting. Trustee Johnson seconded the motion.

ROLL CALL:

AYES: Adamowski, Johnson

NAYS: Bartlett, O'Connell, Peconio, Wesseler

Motion fails.

ROLL CALL: AYES: O'Connell, Peconio, Wessler, President Soto

NAYS: Adamowski, Bartlett, Johnson

Motion Carried. The ordinance is back on the floor.

Ordinance No.

65-2009:

Village President, Frank Soto, gave the summarization of the action contemplated in **Ordinance No. 65-2009** entitled **An Ordinance Granting Variances for Lot Size, Lot Width, Side Yards, Rear Yard and Accessory Structures from Certain Requirements of the Bensenville Zoning Ordinance – For Property Commonly know as the Churchville Schoolhouse – 3N784 Church.**

Motion: Trustee Wessler made a motion to adopt the ordinance as presented. Trustee Peconio seconded the motion.

ROLL CALL: AYES: O'Connell, Peconio, Wessler, President Soto

NAYS: Adamowski, Bartlett, Johnson

Motion carried.

ADJOURNMENT: Trustee Wessler made a motion to adjourn the meeting. Trustee Peconio seconded the motion.

All were in favor.

Motion carried.

President Soto adjourned the meeting at 9:46 p.m.

JoEllen Ridder
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 24th day, November 2009