



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
Fax: 630.350.3438
www.bensenville.il.us

VILLAGE BOARD

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September 4, 2018

White Pines Community Alliance
Bensenville, Illinois 60106

Re: September 2, 2018 FOIA Request

Dear White Pines Community Alliance:

I am pleased to help you with your September 2, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on September 4, 2018. You requested copies of the items indicated below:

"Can we please get a copy of any recent court filings against the Village or any of its officers regarding the annexation of the White Pines subdivision or the subdivision's water supply."

After a search of Village files, the following documents are enclosed to fulfill your request:

- 1) DuPage County Summons – Circuit Court Case No. 2018CH001065. (4 pgs.)


These are all of the documents that can be discovered responsive to your request.

Section 7(1)(b) of FOIA provided that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when complied without possibility of attribution to any person." 5ILCS 140/2(c-5). Consequently, certain unique identifiers have been redacted from the records being provided.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, I am required to advise you that I, the undersigned Freedom of Information Officer, reviewed and made the foregoing determination to deny a portion of your FOIA Request as indicated. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this letter with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: publicaccess@atg.state.il.us. You may also have a right of judicial review of the denial under Section 11 of FOIA, 5 ILCS 140/11.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville

STATE OF ILLINOIS

UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

Gina Mellenthin

PLAINTIFF

2018CH001065

CASE NUMBER

vs
FRANK DESIMONE
ROSA CARMONA
ANN FRANZ
AGNIESZKA JAWORSKA
MELANE COMAR
NICK PANICOLA JR
ARMANDO PEREZ

DEFENDANT

SUMMONS
CIRCUIT COURT

File Stamp Here

ORIGINAL ALIAS

To each Defendant: FRANK DESIMONE, ROSA CARMONA, ANN FRANZ, AGNIESZKA JAWORSKA,
You are Summoned and Required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance in the office of the Clerk of the Circuit Court, 505 N. County Farm Road, Wheaton, Illinois, within 30 days after service of this summons not counting the day of service.

If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

To the Officer

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service and not less than three (3) days before the date of appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than thirty (30) days after its date.

DATE OF SERVICE

TO BE INSERTED BY OFFICER ON COPY LEFT WITH DEFENDANT OR OTHER PERSON

Name: Gina Mellenthin PRO SE

DuPage Attorney Number: _____

Attorney for: _____

Address: 4W 150 PINE GROVE

City/State/Zip: Bensenville IL 60006

Telephone Number: _____



WITNESS:

Electronically Issued
I, CHRIS KACHIROUBAS, Clerk of the Eighteenth Judicial Circuit, and the seal thereof, Wheaton, Illinois, do hereby certify that this summons was electronically filed with the Clerk of the Circuit Court on 08/27/2018 at 14:42:07.
Chris Kachirobas
CHRIS KACHIROUBAS, Clerk
Date
DAGGETT SANDRA
Deputy Clerk

4350888

NOTE:

The filing of an appearance or answer with the Circuit Court Clerk requires a statutory filing fee, payable at the time of filing.

If you need legal advice concerning your legal responsibility as a result of this summons being serviced upon you and you don't have a lawyer, you can call the DuPage Bar Association, Lawyer Referral Service at 630-653-9109.

CHRIS KACHIROUBAS, CLERK OF THE 18th JUDICIAL CIRCUIT COURT ©
WHEATON, ILLINOIS 60187-0707

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Cina Mellenthin

2018CH001065

CASE NUMBER

PAGE 1 OF 3



File Stamp Here

vs
*FRANCESCO DOMINONE
ROSA CARMONA
ANN FRANZ
ANNE SZKA JAWORSKA
MELANIE LOMAX
NICK PANICOLA JR.
ARMANDO PEREZ.*

Preliminary Injunction
Title

Preliminary State ment

The Village of Bensenville is voting to spend money that has been collected for sewer infrastructure for engineering that may not be applied. They don't know if the residents are going to have Bensenville do the system we need the time to explore our options before us.

Factual allegations

The village has applied for EPA loans in 2015 and the EPA found the application was less than truthful so the EPA took the funding back. The village has stated that they will be using pipes that exist and that would result in the EPA not giving the village a loan again. The funds have been collected over and above sewer bills since 1945 and put into a fund for new infrastructure.

Name: *Cina Mellenthin* Pro Se

DuPage Attorney Number: _____

Attorney for: _____

Address: *5/N150 Pine Grove Ave*

City/State/Zip: *Bensenville IL 60106*

Telephone Number: _____

Email: _____

Cina Mellenthin
(Signature)

Argument

Short Synopsis of the History of White Pines Subdivision

- From the year 1945 to 1985 each residence of White Pines paid double their water bill to the Village of Bensenville and that money was put in Bensenvilles' general fund.
- In 1985 the residents of White Pines complained and the Village created an ordinance called the Unincorporated Utility Fund.
- In 1991 an audit was conducted by the firm McGalgey and Pullen when discrepancies were found in our Utility Fund. They found that were being put back into the general fund and they advised that the practice of commingling funds was illegal and the funds were once again put back into a separate fund.
- The Village of Bensenville took money from the Utility fund and used the money to fight O'Hare expansion. This was money designated for our water infrastructure and should not have been used for other purposes.
- In 1999, Bensenville used money from the Utility Fund to put a main down to Massel Court. After the main was put in 7 of the 10 homes were incorporated into the Village. White Pines went to the Village to ask if we could recuperate some of the money and were told that we would have to sue them to get it back.
- We then went into the Village again and asked if there was a way where we could help ourselves and were told to go to the county and ask for funding. We did this, and we received a grant for \$1.7 million. The Village to this funding and spent it on homes that they incorporated.
- When Frank Soto was mayor, they came in with an offer to pay for half the system in return for incorporation into the Village. The residents of White Pines didn't want to incorporate and we turned the offer down. Village manager Mr. Cassidy stopped putting our money from water bills into our utility fund and it is going back into the general fund once again..
- The new mayor, Frank DeSimone has given us his offer that the people of White Pines who have already paid for $\frac{3}{4}$ of the system that we have in place pay for a brand new system. This is because when Bensenville applied for the EPA loan the last time there was misleading information when they filled out the paperwork. Bensenville perceived that they owned our system and when the EPA discovered that they don't own the system, they turned the loan down.
- Bensenville is now going for a new loan for a totally brand new system which they will own after we pay for it. They plan to abandon the system now in place. They will incorporate White Pines as part of the offer. This will include higher taxes for our residents as well as surcharge on your water bill to pay for system.

PAGE #2 OF 3

NAME Gina Mellenstirn CASE NUMBER _____

cont over and above water bills to put in new infrastructure.

Legal Standards

Plaintiff seeks a preliminary injunction from the money being spent until the residents have the right they choose to proceed with

1) Argument / see PAGE #2
The White Pines Residents are currently seeking the water system to be taken over by two other sources

1) Dupage County

2) Illinois American Water

We are working on offers for both and spending these funds would put increase financial pressure on a area that is full of seniors on a fixed income

2) Irreparable Harm

If the money is gone we will not able to go to the other sources and/or it will be much more costly

3) Inadequate Remedy / At Law

We ask for guidance from the law as for many years there have been many times the fund was depleted for other reasons other than water for Oak Area

4) A likelihood of Success on the merit

that the offer from the County or Illinois American Water will be able to provide water to the Area